

**RWANDA ENVIRONMENTAL MANAGEMENT
AUTHORITY (REMA)**

**THE LANDSCAPE APPROACH TO FOREST RESTORATION AND
CONSERVATION (LAFREC) PROJECT IN RWANDA
(GISHWATI AND MUKURA FOREST RESERVES)**

RESETTLEMENT POLICY FRAMEWORK

THARCISSE MUSABYIMANA

Tel. +250 788640812

Email: mustother@yahoo.fr

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ACRONYMS AND ABBREVIATIONS

ARAP: Abbreviated Resettlement Plan

ENRSSP: Environment and Natural Resources Sector Strategic Plan

GEF: Global Environment Facility

GoR: Government of Rwanda

IMCE: Integrated Management of Critical Ecosystems

INECN: National Institute for the Environment and the Conservation of Nature

LAFREC: Landscape Approach to Forest Restoration and Conservation

LDCF: Least Developed Countries Fund

LVEMP: Lake Victoria Environmental Management Project

LWH: Land Husbandry, Water Harvesting and Hillside Irrigation

MINAGRI: Ministry of Agriculture

MINIRENA: Ministry of Natural Resources

NAPA: National Adaptation Plan of Action

NGO: Non-Governmental Organisation

O.P.: Operational Policy

PAPs: Project Affected Persons

PCT: Project Coordinating Team

PIF: Project Identification Form

PLO: Project Liaison Officer

RAB: Rwanda Agricultural Board

RAP: Resettlement Action Plan

REMA: Rwanda Environmental Management Authority

RNAPA: Rwanda's National Adaptation Plan of Action

RPF: Resettlement Policy Framework

SLM: Sustainable Land Management

SPIU: Single Project Implementation Unit (housed in REMA)

UNDP: United Nations Development Programme

UNEP: United Nations Environment Program United

EXECUTIVE SUMMARY

This Resettlement Policy Framework (RPF) responds to the Rwandan Landscape Approach to Forest Restoration and Conservation (LAFREC) Project which is being financed by Global Environment Facility (GEF). The Rwanda Environment Management Authority (REMA) will be responsible for implementing the LAFREC, including the provisions of this Resettlement Policy Framework (RPF).

This RPF is to be applied by REMA to ensure that the World Bank safeguard policy OP 4.12 for involuntary resettlement and national requirements for land acquisition and resettlement are adequately addressed. REMA will ensure that the relevant capacity and training needs are established in order for the recommended measures to be implemented effectively.

Socio-economic background of the project area

People around Mukura forest reserve mainly live on agriculture. Their livelihoods are directly linked to cultivation and cattle rearing. However, in addition to these main activities, people around Mukura live on mining, logging, bee keeping. Their crops include tea, potatoes (mainly Irish), maize, beans, etc. The mining, now more than artisanal, is mainly practised by young men and focuses on coltan, cassiterite, wolfram (minerals people prevail in that region).

Activities that spoil the environment are related to the following: firewood, charcoal, mining, logging, water sources, sand and calcareous soil quarrying, and fires, hunting and trap-laying. It is worth noting that hunting and trap-laying were done by a few Batwa communities that no longer live near the reserves. The fires were caused by people who wanted to expand the grazing land but the practice stopped.

People neighbouring Gishwati forest also live on agriculture. They cultivate tea, potatoes (mainly Irish), maize, beans, etc. Many of them are also cattle keepers. The activities that spoil the forest also include firewood, charcoal, mining, logging, water sources, sand and calcareous soil quarrying. The forest is also used for medicinal plants.

So far, the region that will serve as the corridor linking the Mukura and Gishwati reserves is a normal inhabited place, scattered with hills and valleys, with plantations of different crops and their homes. Crops in the area include tea, Irish potatoes, peas, artificial tree plantations mainly eucalyptus and pinus, grazing land for cows, sheep and goats, etc. The corridor also has some infrastructure and public facilities like schools, health centres, churches and small-scale shops and markets. The buffer zones, which should normally allow exploitation by the communities, but with certain restrictions, are not

physically demarcated. In some points, especially in Gishwati forest, people's settlements go up to the core forest without a visible demarcation.

People are aware of the importance of Gishwati and Mukura reserves. They also understand the importance of the Corridor and the buffer zones. Old people linked the reduction of the reserves to changes that people are facing in the area

According to District Development Plans (Rutsiro District Development Plan 2012, Ngororero District Development Plan 2012, Nyabihu District Development Plan 2012, and Rubavu District Development Plan 2012) the socioeconomic status of people living in these Districts is among the poorest places in the country, but has the most fertile land.

Though LAFREC does not envisage relocating people since it aims to support landscape approach to forest restoration and conservation for the improvement of ecosystem functions and services in the Gishwati and Mukura forest area, the Social Assessment has identified a number of specific issues linked to LAFREC components that need to be **thought of carefully** in order for the project to be a complete success. The SA realised that there might be some cases of relocation for people who are living in the buffer zones of Gishwati reserve and probably a few people who are living in the buffer for the would-be corridor.

In the corridor, LAFREC will simply encourage people to protect their land using proper methods and to also add more tree species (especially indigenous trees) which are friendly to other types of crops. Introduction of any new crop or trees is initially resisted by the community, especially by the older members of the households. Any new introduction of species will require sensitization efforts to guard against rejection of new technology or crop/tree species that might cause people's resistance to the objectives of the project.

The Social Assessment also identified several social groups in LAFREC area that are in a clearly disadvantaged or vulnerable position, and therefore need special attention in order for the project to succeed. They are categorized as follows:

- a) **People with disability**
- b) **Women and female headed households**; categorically those women without access to farm land, female heads of households with little land and big family size including those with enough land but with shortage of labour and women in illegal marriage with unclear property rights,
- c) **Youth** who are unemployed and landless,
- d) **Orphaned children** and children who become **child family heads** whose inheritance right is abused by their custodians, and

- e) Elderly people who may have enough land but lack a social support network and cannot access labour.
- f) Single parents

Suggestions to properly engage these disadvantaged categories are also detailed towards the end of this report.

Project Objective

The project development objective is to demonstrate landscape management for enhanced environmental services and climate resilient livelihoods, including via forest rehabilitation and sustainable land management investments in one priority landscape. The project beneficiaries will be rural residents of the Gishwati-Mukura landscape.

Project Description

LAFREC will support the application of the landscape approach to forest restoration and conservation for the improvement of ecosystem functions and services in the Gishwati forest area, and possibly adjacent parts of the Nile-Congo Crest. It aims to arrest and eventually reverse the ongoing land conversion in the area through forest restoration (to the extent feasible) and agro-forestry approaches in a manner that will maximize ecological connectivity and hydrological function in the landscape. The project will support the planned upgrading of the Gishwati core forest area (the remnant natural forest areas within the former Gishwati Forest Reserve) and the Mukura Forest Reserve to a single protected area. The 19 km stretch of hills between the two reserves is also densely populated and mainly occupied by agricultural land.

The boundaries of both forest reserves have been established, but do not yet include buffer zones. The location, extent, vegetation and use of the buffer zones will be discussed and agreed with local communities.

A management plan exists for Mukura, but it is out-dated. None exists yet for Gishwati. A plan will be developed for the management of both areas as a single reserve. The management plan will address on-going restoration and ecological management needs, a protection plan based on identification of the most critical biodiversity elements, and a strategy for eco-tourism development. Much of the plan, however, will address the management of needs of the local population, in particular provision of substitutes for resources which were previously accessed from the forest reserves, co-management and sustainable use arrangements for the buffer zone, and to the extent possible, benefit-sharing arrangements, including local participation in tourism development. Management plans will take into account the social analysis conducted during the preparation phase, and will be informed by the

Resettlement Policy Framework for resettlement and Process Framework for managed use of the buffer zones.

The project is expected to make investments in improving the sustainability of land management, protecting biodiversity resources, and reforesting fragile land. While each of these activities will have to be carried out with the requisite technical expertise so as to avoid unintended consequences, they are expected to provide substantial environmental benefits and cause no significant negative environmental impacts.

Potential Social Issues

The project is anticipated to result in increased empowerment of the people living in the Gishwati-Mukura landscape and the improvement of their livelihoods, through systematic adoption of participatory natural resources and environmental management approaches, and also implementation of livelihood improvement activities. Priority investments will be done in a participatory, transparent, and accountable manner. This implies active participation in decision-making by key actors, including civil society and affected communities. Similarly, gender and other concerns of most vulnerable groups, who are targeted for improved watershed management, shall be addressed through the same participatory processes.

Nonetheless, there is a small chance of physical resettlement and/or land acquisition related to project interventions as the buffer zones have not yet been demarcated. There is also a potential for limitations on access to natural resource use in or around protected areas. As such, OP 4.12, Involuntary Resettlement is triggered. Restoring a mixed use landscape involving agricultural, agroforestry, grazing, production forest and protection forest elements can potentially result in land taking and/or restriction to forest reserves.

Rationale of Resettlement Policy Framework

Owing to the nature of the project, the exact location, nature and magnitude of all the interventions to be financed by the project cannot yet be determined until full feasibility is undertaken and the buffer zones are mapped and demarcated. This Resettlement Policy Framework has been developed in line with (OP 4.12) to provide guidelines on how the projects will avoid, manage or mitigate potential risks and the process by which Resettlement Action Plans will be prepared and implemented if the occasion arises during the project implementation period.

The RPF presents the objectives, principles, organizational arrangements and funding mechanisms for any displacement and resettlement that may be necessary during implementation of LAFREC as per 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 project activities once their location and scope are known. Resettlement plans for specific activities causing displacement due to LAFREC will be prepared using this RPF and submitted to the World Bank for approval.

Legislative Framework

In 2005, the Organic Land Law was promulgated which recognized 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 new Expropriation Law (2007) outlines rights and compensation procedures for land expropriated for public interest, whilst the newly promulgated Valuation Law (2007) stipulates valuation methods to be applied to those assets expropriated. The 2007 Expropriation Law is now being updated and will be presented to the Parliament at the end of 2014. REMA will be required to update this RPF to allow for updated policies and procedures.

Other pertinent laws relating to land administration, ownership and expropriation in Rwanda include:

- The Rwandan Constitution, promulgated in 2003
- Presidential Order N° 54/01 of 12/10/2006 determining the structure, the responsibilities, the functioning and the composition of Land Commissions; and
- Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau.

Gap Analysis between Rwandan Laws and WB OP 4.12

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.

- **Avoid Resettlement:** according to OP4.12, resettlement should be avoided whenever possible, while national legislation states that 'expropriation of land will be done when deemed necessary for public purposes.
- **Notification period required:** national legislation requires that property must be handed over 90 days after financial compensation has been paid, while OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in place.
- **Meaningful and participative consultation:** the extent that Project Affected Persons are involved in meaningful participation required by Rwandan Law and OP4.12 is not as robust as

under OP 4.12.

- **Eligibility determination:** OP4.12 entitles those who have formal rights, those with claims to land and those with no recognizable legal right, to compensation, while national legislation entitles only those who are 'landholders' with legal possession of the land and who own property thereon.
- **Monitoring:** the level of monitoring required Rwandan law is not as robust as that required by OP4.12 requirements.
- **Fair and just compensation:** the Expropriation and Valuation Laws provide for fair and just compensation to expropriated peoples eligible for compensation, the definition of 'fair and just' is not clearly defined, and therefore there is a risk that Project Affected People's livelihoods may not be restored or improved after compensation and resettlement.

Institutional Implementation Arrangements

At the national level, the project will be implemented through MINIRENA. A Project Coordination Team responsible for day-to-day implementation will be based within the Single Project Implementation Unit (SPIU) housed in REMA, which coordinates all current donor projects under REMA (including LVEMP, and the earlier IMCE GEF project). The SPIU has a social safeguards/community development expert and will include dedicated staff and potentially seconded from key ministries and agencies including MINAGRI. Project staff will include technical advisors and administrative officers.

At sub-national level, the District authorities will play a critical role in supervising project related 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 district level 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 Project Liaison 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 valuers. Whilst fair and just compensation is stipulated to be market value for land and other assets, clarification of what this comprises is not made clear in the legislation (this is one of the issue that is being considered in the draft Expropriation Law). This RPF provides 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 of LAFREC.

Preparation and Implementation of RAP

The steps to be undertaken for each individual RAP include a screening process, a socio-economic 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. These steps will be the responsibility of the REMA/SPIU. The District Land Bureau will take the lead in electing the Resettlement and Compensation committee in the event of dislocation of communities and households in response to the project activities. This committee will not only coordinate the design and implementation of the RAPs but will contribute significantly since it will be created at sector level, thereby ensuring each RAP is appropriately tailored to local conditions. Throughout this process, consultation and public disclosure will take place with PAPs. Following approval of the area specific RAP, the process of implementation must take place. This will involve:

- Consultation (a continuation of the process entered into during the site selection screening and the RAP development process);
- Notification to affected parties;
- Agreement on asset identification, valuation process and compensation, including agreement and further development of rehabilitation measures; and
- Preparation of contracts, compensation payments and provision of assistance in resettlement.

Grievance redress mechanisms

The Grievance redress Mechanism will be established and announced as soon as the dislocation of PAPs is identified. This will allow the PAPs to express their grievance throughout the RAP preparation process. The grievance procedure will be simple, and will be administered as far as possible at the Sector/ Cell level by the Resettlement and Compensation Committee to facilitate access by PAPs. A representative of the Committee will act as Project Liaison Officer (PLO) and be the main project contact for all PAPs; it is recommended that the PLO works in collaboration with an independent agency/NGO or person to ensure objectivity in the grievance process. All grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the Project Liaison Officer and resolved in coordination with the District Administration and REMA SPIU.

Monitoring and Evaluation

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of LAFREC, which will fall under the overall responsibility of the REMA 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 of the sub project activities; economic rehabilitation measures have been implemented; and the PAPs have the same or higher standard of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively and qualitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. In addition, an independent audit will take place at the completion of the RAP implementation.

Estimated Budget

The 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, and the Government of Rwanda will make funds available for the implementation of the RAPs.

GLOSSARY OF TERMS

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

"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 the said PAP physically relocate.

These people may have their:

- Standard of living adversely affected, whether or not the PAP must move to another location;
- Right, title, investment in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset temporarily or permanently possessed or adversely affected;
- Access to productive assets temporarily or permanently adversely affected; or
- Business, occupation, work or place of residence or habitat adversely affected.
- Cost of any registration and transfer taxes.

"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.

"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.

"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.

"Census" is a complete count of the population affected by a LAFREC activity including collation of demographic and property information. This will identify and determine the number of Project Affected Persons (PAP) and the nature and levels of impact.

"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.

"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. 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.

"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,

"Replacement cost for houses and other structures" means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) transporting building materials to the construction site; (b) any labour and contractors' fees; and (c) any registration costs.

"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.

"Economic 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 PAPs to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

"The Resettlement Policy Framework (RPF)" is an instrument to be used throughout the project implementation. The RPF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement, that may occur during implementation. The RPF guides the preparation of Resettlement Action Plans of individual sub-projects in order to meet the needs of the people who may be affected by the project. The Resettlement Action Plans (RAPs) for LAFREC will therefore be prepared in conformity with the provisions of this RPF.

"**Replacement cost**" means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on Market rate (commercial rate) according to Rwanda law for sale of land or property. In terms of land, this may be categorized as follows; (a) "Replacement cost for agricultural land" means the pre- LAFREC program or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.

1. INTRODUCTION

1.1 Background

GEF (Global Environment Facility) has approved the Project Identification Form (PIF) for the Landscape Approach to Forest Restoration and Conservation project (LAFREC) and has allocated funds to Rwanda through the World Bank to enable preparation and design of the project document.

The Landscape Approach to Forest Restoration and Conservation (LAFREC) project is developed around a landscape approach which will bring the forest ecosystems into better management and develop multiple benefits. This will be achieved through the conservation and sustainable use of biodiversity, increased forest cover, climate change adaptation efforts together with combating land degradation and provision of livelihood alternatives to the impacted communities.

This project has two components: (i) Forest-friendly and climate-resilient restoration of Gishwati-Mukura landscape, and (ii) Research, monitoring and management.

1.2 Description of the Project

The LAFREC project will demonstrate landscape management for enhanced environmental services and climate resilient livelihoods, including via forest rehabilitation and sustainable land management investments in one priority landscape. It aims to arrest and eventually reverse the ongoing land conversion in the area through forest restoration (to the extent feasible) and agro-forestry approaches in a manner that will maximize ecological connectivity and hydrological function in the landscape.

1.2.1 Project Outline

The project developed a concise background of the country situation that highlighted issues of land, water and biodiversity resources that is on its landscapes. The initial steps in the design of LAFREC included a review of a number of sectorial strategies to determine priority interventions. The strategies reviewed included the Environment and Natural Resources Sector Strategic Plan (ENRSSP, 2009), which includes programs of agricultural intensification through terracing and a comprehensive national land titling program. Rwanda's National Adaptation Plan of Action (NAPA, 2006) identifies the Northern and Western provinces in Rwanda as priority areas due to risks of floods and landslides, which led to the choice of the Gishwati forest area as the main focus for implementation of adaptation investments under the proposed project. There are also a number of recent and current projects in related sectors, including the World Bank-financed Land Husbandry, Water Harvesting and Hillside Irrigation Project (LWH) – which is investing in terracing), the Lake Victoria Environmental Management Project (LVEMP – which aims to improve the health of the Lake Victoria basin), and a UNEP / UNDP LDCF grant focused on enhancing community resilience to climate shocks in the Nile-Congo Crest area. The priority interventions identified have been conveniently streamlined into

components and sub components to facilitate a clear strategy and follow-up in the implementation of LAFREC.

1.2.2 Project Components

The project has been designed along two components and their corresponding sub-components. Those components are:

1.2.2.1 Component 1: Forest-friendly and climate-resilient restoration of Gishwati-Mukura landscape

The first component will finance technical assistance, workshops, goods, works, services and operational costs in support of the application of a landscape approach to forest restoration and conservation in the Gishwati-Mukura landscape, which is of exceptional national importance for both forest conservation and climate adaptation. It aims to reverse the processes of deforestation and land degradation that have occurred in this landscape over recent decades through forest restoration, agroforestry and land husbandry approaches that will enhance ecological connectivity and hydrological functions of the landscape.

In synergy with the land management interventions, the component will also enhance community resilience through promoting diversified and climate-smart livelihoods, and improving flood forecasting, early-warning and preparedness. This component will include the following sub-components: (i) Upgrading and sustainable management of Gishwati-Mukura Protected Area; (ii) Forest restoration and land husbandry in the Gishwati landscape; (iii) Sustainable and resilient livelihoods; and (iv) Flood forecasting and preparedness.

1.2.2.2 Component 2: Research, monitoring and management

The component will finance operational costs, services, equipment and technical assistance for the project's management and for applied research and impact monitoring that will significantly enhance the national knowledge base on forest and landscape restoration techniques and outcomes. It will also finance knowledge products and communication activities related to the dissemination of this knowledge base.

2. POTENTIAL SOCIAL IMPACTS

2.1 Overview

Overall, the project is expected to provide significant environmental and social benefits, both onsite and downstream. Nevertheless, some of its activities may have (i) localized and/or temporary small adverse environmental impacts on human populations or environmentally important areas - including wetlands, forests, grasslands, and other natural habitats; and/or (ii) involve some limited land acquisition, and/or restrict access to some natural resources. As the project is not likely to have significant adverse

environmental and social impacts that are sensitive, diverse, or unprecedented, the proposed project is classified as Category B.

The proposed project activities under Component I have substantive similarities with the on-going Lake Victoria Environmental Management Project (LVEMP II). Again, REMA has in place the Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF) and Integrated Pest Management Plan (IPMP) that were prepared for LVEMP II. These can serve as important reference in addressing potential environmental and social impacts from LAFREC's proposed project activities.

Given the fragile and the changing environment of the Gishwati Forest Reserve, Mukura Forest Reserve and the Gishwati-Mukura corridor, a social assessment (SA) to identify potential social impacts of the project interventions has been conducted.

2.2 Potential Social Issues

The project will be taking place in an area from which the GoR resettled some 1,500 households in 2007 from sites that were deemed to be highly vulnerable to natural disasters. A report on this resettlement indicates that due to the small size of land parcels in the resettlement sites the resettled households face a lack of economic opportunities to meet their livelihoods, and also have a sense of having lost their original homes. The project will include some of these resettled households that fall within the LAFREC area of operation, in the livelihood activities.

The project is anticipated to result in increased empowerment of the people living in the Gishwati-Mukura landscape and the improvement of their livelihoods, through systematic adoption of participatory natural resources and environmental management approaches, and also implementation of livelihood improvement activities. Priority investments will be done in a participatory, transparent, and accountable manner. This implies active participation in decision-making by key actors, including civil society and affected communities. Similarly, gender and other concerns of most vulnerable groups, who are targeted for improved watershed management, shall be addressed through the same participatory processes.

Nonetheless, there is a small chance of physical resettlement and/or land acquisition related to project interventions as the buffer zones have not yet been demarcated. There is also a potential for limitations on access to natural resource use in or around protected areas. As such, OP 4.12, Involuntary Resettlement is triggered. Restoring a mixed use landscape involving agricultural, agroforestry, grazing, production forest and protection forest elements can potentially result in land taking and/or restriction to forest reserves.

2.3 Rationale of Resettlement Policy Framework

Owing to the nature of the project, the exact location, nature and magnitude of all the interventions to be financed by the project cannot yet be determined until full feasibility is undertaken. This Resettlement Policy Framework has been developed in line with (OP 4.12) to provide guidelines on how the projects will avoid, manage or mitigate potential risks and the process by which Resettlement Action Plans will be prepared and implemented if the occasion arises during the project implementation period.

The RPF presents the objectives, principles, organizational arrangements and funding mechanisms for any displacement and resettlement that may be necessary during implementation of LAFREC as per 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 project activities once their location and scope are known. Resettlement plans for specific activities causing displacement due to LAFREC will be prepared using this RPF and submitted to the World Bank for approval.

2.4 Potential Involuntary Resettlement Impacts

The project description indicates the potential impacts of the sub-components of Component 1 of LAFREC that may trigger some level of displacement and resettlement of people affected. Though the likelihood of physical displacement is low, there is very high likelihood for economic and sociocultural displacement to occur. Small amounts of land acquisition may occur with respect to sub-projects that will be developed under component one. There is also the potential for limitations on the use of natural resources with respect to the consolidation of protected areas. Therefore, the following Resettlement Policy Framework (RPF) has been prepared for the purpose of establishing the principles and procedures to be applied in the event that involuntary resettlement, loss of land or other fixed assets, or natural resource limitations leading to physical, economic and sociocultural displacement would arise as a result of the project implementation. The RPF was drafted based on World Bank Operational Policy 4.12, the relevant Rwandan laws and regulations and the Social Assessment that was conducted, and will form the basis for resettlement planning.

2.5 Benefits of LAFREC

The Landscape Approach to Forest Restoration and Conservation (LAFREC) project seeks to promote landscape management for enhanced environmental services and climate resilient livelihoods, including via forest rehabilitation and sustainable land management investments in one target landscape in Rwanda. It focuses on Gishwati forest reserve, Mukura forest reserve, the corridor linking the two reserves and the buffer zones surrounding the two reserves.

LAFREC embraces a number of sub-projects which will improve and enhance the living standards of the communities neighbouring Gishwati forest reserve and Mukura forest reserve. The sub-projects will

promote sustainable use and increased resilience to increasing weather variability / frequency of extreme events and climate change of land, forests and other natural resources through targeted efforts of harmonizing national policies, laws, and regulations governing the sustainable utilisation of these key natural resources.

The implementation of LAFREC sub-projects is expected to have a widespread positive impact on overall socio-economic status and livelihoods of the people neighbouring Gishwati forest reserve and Mukura forest reserve. This report addresses the risks that might arise if a sub-project results into acquisition of land and hence disturbing the people's economic, sociocultural and/or physical aspects of life, or if the project performs actions that limit people's access to natural resources which are important for their livelihoods. This Resettlement Policy Framework (RPF) provides guidelines on how the sub-projects will avoid, manage or mitigate all these project-related displacement risks.

2.6 Purpose of the Resettlement Policy Framework

The purpose of this Resettlement Policy Framework (RPF) is to establish the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various sub-projects to be implemented under LAFREC. The project triggers Operational Policy (OP) 4.12 on Involuntary Resettlement because some of the activities may result in land acquisition or consolidation of legally established protected areas, and in those cases compensation and/or resettlement of the affected people may be necessary.

Whenever a project activity or sub-project results in involuntary resettlement, a Resettlement Action Plan (RAP), which is a detailed action plan for each subproject, will have to be formulated and approved by the District Land Bureaus, REMA and the Bank before the activity or sub-project can be implemented. The RPF presents the objectives, principles, organizational arrangements and funding mechanisms for any displacement and resettlements that may be necessary during implementation of LAFREC whose components must comply with the applicable Rwandan laws and regulations and the World Bank safeguard Policy on Involuntary Resettlement. The RPF provides the basis for preparing Resettlement Action Plans for individual sub-projects once their location and scope are known.

3. METHODOLOGY AND CONSULTATION

The study was conducted by the consultant using the following approaches and methodologies;

3.1 Detailed and in-depth literature review

Review on the existing baseline information and literature material was undertaken and helped in gaining a further and deeper understanding of the project. Among the documents that were reviewed in order to familiarise and deeply understand the project included:

- LVEMP II Resettlement Policy and Process Frameworks
- RSSP II Resettlement Policy Framework

- LHW Resettlement Policy Framework
- World Bank Involuntary Resettlement Operational Policy 4.12.
- Agricultural policies in Rwanda
- Organic Law N° 03/2013/OL of 16/06/2013 determining the use and management of land in Rwanda

3.2 Field Visits

In order to familiarize and get acquainted with the project types in terms of background issues (socio-economic and bio-physical) the consultants also made visits to the project areas and sites. The field sites visited included; Gishwati and Mukura reserves and the corridor between the two reserves.

3.3 Interactive Discussions

Interactive discussions were held with relevant stakeholders and implementing partners including Interested and Affected Parties (I&AP) who were identified during the stakeholder analysis process. These discussions are the basis for most of the measures contained in this RPF and were very useful and insightful in understanding the issues of concern.

4. PRINCIPLES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

4.1 RPF Principles

Under the OP 4.12, communities affected by resettlement are defined as those who are directly affected socially and economically by the involuntary taking of land and other assets resulting in:

- Dislocation or loss of shelter;
- Loss of assets or access to assets and services; or
- Loss of direct income sources or means of livelihood (i.e., income and livelihoods directly dependent on the affected areas), whether or not the affected persons must move to another location.

The RPF for LAFREC will 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 activities will be conceived and executed as sustainable development programmes, providing resources to give PAPs the opportunity to share project benefits.
- PAPs will be meaningfully consulted and will participate in planning and implementing both the resettlement and the agricultural development programmes funded under LAFREC.
- 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, to pre-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 interventions.

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 customary tenure is to be treated in the same manner as formal, legal titles.

Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children. The objective is to provide whatever additional assistance may be necessary to restore pre-project living standards.

Furthermore, the resettlement policy applies to other activities resulting in involuntary resettlement, that in the judgment of the World Bank are a) directly and significantly related to LAFREC interventions; b) necessary to achieve its objectives as set forth in the project documents; and c) carried out, or planned to be carried out, at the same time as the project.

The implementation of individual RAPs must be completed prior to the implementation of intervention activities causing resettlement, such as land acquisition.

The Bank Safeguard Policy OP 4.12 applies to all components under the programme, whether or not they are directly funded in whole or in part by the Bank.

4.2 RPF Implementation Arrangements

4.2.1 Overview

The overall coordination of the project will be provided by the Ministry of Natural Resources through the LAFREC project which will oversee all resettlement planning and coordinate all issues relating to the compensation. Given the importance of the activities under the various sub-components, LAFREC will collaborate with Local Authorities falling within the project area in coordination and implementation.

The implementation arrangements of the RPF build on:

- The implementation arrangements for the overall LAFREC programme, including agencies at the National, District and Local levels; and
- The implementation arrangements for resettlement and compensation activities in line with the Rwandan legislation.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for LAFREC interventions. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each intervention. These are based on the institutional structure at the time of writing the RPF. Should these institutional structures change, this will need to be reflected in the arrangements outlined.

4.2.2 Overall Outline of LAFREC Project Implementation Arrangements

The administrative coordination will be with REMA's SPIU, that will hire additional staff for the project, such as a sector specialist / coordinator, procurement expert, a planning and M&E expert, community development expert (the latter two could potentially be shared with LVEMP), and an accountant. Field coordinators in collaboration with District teams will ensure implementation on the ground. Service providers may be hired to support community engagement, planning and capacity building. Coordination and guidance will involve the following structures:

- A project steering committee at permanent secretary level will provide strategic guidance, while a national technical advisory committee will provide technical guidance and coordination. To avoid duplication, the same committee as for LVEMP could be used.
- The committee for joint planning in Gishwati and Mukura, initially as a temporary structure, but one that could be regularized to reconvene as new land use decisions emerges in the area.

4.2.3 Institutional Roles in Resettlement and Compensation

4.2.3.1 National Level Implementing Agencies

4.2.3.1.1 Ministry of Natural Resources (MINIRENA)

At the national level, the project will be implemented through MINIRENA. A Project Coordination Team responsible for day-to-day implementation will be based within the Single Project Implementation Unit (SPIU) housed in REMA, which coordinates all current donor projects under REMA (including LVEMP, and the earlier IMCE GEF project). The team will include dedicated staff and potentially secondees from key ministries and agencies, including MINAGRI.

Project staff will include technical and administrative officers. In keeping with the decentralization and community participation processes underway in Rwanda, community participation will be central to

RAP preparation and implementation. LAFREC activities on the ground will result from joint planning between the Central Project Team within the SPIU, District representatives and local communities. Agreed activities will then be reflected in and implemented through District Action Plans, with the necessary technical assistance to support implementation being coordinated through REMA. LAFREC will benefit from the experience of other projects that use or have used this participatory approach, such as DEMP (Decentralized Environment Management Project) and LVEMP.

At the landscape level, a Landscape Restoration Implementation Task Force, coordinated by a Landscape Coordinator, including relevant District officers, (and possibly supported by administrative staff) is also proposed to coordinate the activities of the 4 Districts that compose the Gishwati and Mukura landscape.

MINIRENA governs the implementation and application of the Land Law and the Land Use Master Plan. Whilst they will govern 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. They do this by working directly with the Ministry/Institution developing the land on which resettlement is required. For instance the implementation of RPF/RAP for the LAFREC project will involve the LAFREC 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 LAFREC sub-projects.

4.2.3.1.2 Land Valuation Bureaus

The Land Valuation law was promulgated in 2007 and outlines the role of the Land Valuation Bureaus to provide independent 'fair and just' valuation of land and affected assets in the event of expropriation. Land valuation bureaus are free to be established all over the country, although to date only one has been established in Kigali. In the event that no Land Valuation Bureau exists in the locality of LAFREC project, independent valuers from the Kigali-based bureau will be used. All private Valuers are accredited by the GoR.

4.2.3.2 District Level Implementing Agencies

4.2.3.2.1 District Authorities

The District authority in which sub-project sites are located will be the coordinating body for the LAFREC at the District level using its existing structure, and will allocate the LAFREC funds. As well it will oversee, coordinate and facilitate the implementation process of LAFREC across local

governments under its jurisdiction. The District-level departments will provide a review and monitoring role, and provide political and administrative support for the implementation of the RAPs.

4.2.3.2.2 District Land Bureaus

The District Land Bureaus (DLBs) will be the executive bodies responsible for ensuring that activities undertaken comply with the National and District level Land Use Master Plans. DLBs are in the process of being set up as a part of the revised land legislation implementation process. 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 ARAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputes or grievances. Their activities will be monitored by the District authority. The District Land Bureaus will play a major role in RAP implementation by:

- Establishing the sub-project level Resettlement and Compensation Committees at Sector/ Cell level;
- 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.

4.2.3.2.3 Project Coordination Team (PCT)

The Project Coordination Team (PCT), especially 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 to determine whether resettlement and/or compensation will be required. The PCT will provide capacity building and technical support in all aspects of the project, including resettlement. It will work closely with the District authority to ensure that funds are allocated as per the approved RAP.

4.2.3.2.4 District Development Committee

This committee is represented by a member of each of the key departments and agencies at 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 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.

It is recommended that these committees (or a delegated sub-committee responsible for coordinating LAFREC project activities in their District would play a major role during RAP implementation by ensuring that appropriate compensation procedures are followed; and review and sign-off of all documentation (e.g., screening forms, completed RAPS, grievance forms, consultation plans) before submitting to PCT in Kigali.

4.2.3.3 Local Implementing Agencies

4.2.3.3.1 Resettlement and Compensation Committees

In keeping with Rwanda's decentralization policy, 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 LAFREC intervention, District Land Bureau representatives will be responsible for electing members of a sub-project Resettlement and Compensation Committee. This committee does not currently exist, but is proposed as part of the 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 Adjudication 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 representative from the implementing organization (Farmer cooperative, NGO);
- A representative PAP; and
- LAFREC/ PCT (ideally the Rural Sociologist or Community Development expert)

The Resettlement and Compensation Committee would have responsibility for:

- validating inventories of PAPs and affected assets;
- allocating land, where required, to permanently affected households;
- supervise the valuation process
- 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.

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 Project Liaison Officer who would act as the key contact with PAPs and therefore facilitate implementation of consultation, public participation and grievance mechanisms. These actors are described in greater detail below.

4.2.3.3.2 Sector/ Cell Land Committees

The Sector and Cell land committees, will be independently mandated as a part of the revised land legislation implementation. These committees are also a decentralization effort of the Government of Rwanda. They report to the District Land Bureau, and are responsible for monitoring the role of the District Land Bureau in their relevant Sector/Cell. In particular, they are responsible for providing field information to the District Land Commission and District Land Bureaus relating to land use, approving land expropriation, and approving all land use changes in their particular Sector/ Cell. They also ensure documentation of land tenure at these levels. The members of the Sector and cell land committees include:

- Representative of a farmers' cooperative;
- Representative of sector level local agricultural administration;
- Member of education services i.e., teacher;
- Representatives of individual farmers; and
- Vulnerable groups (preferably women, as according to the Constitution 30 per cent of each committee must be made up of women).

4.2.3.3.3 Land Adjudication Committees

The Land Adjudication Committee is responsible for coordinating individual land registration and ensuring appropriate compensation payment is made for individual land expropriated. It will ensure that compensation payments are included in the requests for funds, and that they are allocated accordingly. Land Adjudication committees are a traditional legal institution implemented only when there is conflict over land ownership. Only when disputes are referred to them will they have a role to play, in conflict and dispute resolution. A key role is the management of land ownership conflicts, part of which involves helping vulnerable people to appeal in case of grievances. The members of the Land Adjudication Committee include:

- Farmer elders;
- Representative of Cell agricultural department; and
- Representative of Sector/Cell Land committee.

4.2.3.3.4 Farmer Cooperatives

Some of the sub-projects will be managed and implemented by a local community-based organization, in the form of a farmer cooperative, a water user association or a NGO. Support will be provided by LAFREC (via the PCT specialists) to ensure they have the capacity to

undertake this implementation role effectively. They will have an important role to play in implementing resettlement activities, which will be specified by the Resettlement and Compensation Committee. Appropriate capacity building and support will be provided by the PCT where necessary.

4.2.3.3.5 Village Level Land Committees

At the Village/Umutugudu level, there are village-level mediators (*abunzi*) whose work is to hear disputes, especially land disputes. The *abunzi*, or mediation committees, have mandatory jurisdiction over land disputes involving amounts that are 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 RwF. The *abunzi* will be used in the LAFREC 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 ARAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances.

5. LEGAL AND REGULATORY FRAMEWORK

This section seeks to highlight major issues related to Rwandan land legislation with regards to resettlement. It provides a brief overview of the Rwandan Land Policy, the Rwandan Constitution provisions connected with land use, planning, management and tenure, the Land Law, Presidential and Ministerial orders and decrees connected with land and more specifically the legislation related with land expropriation, land valuation and land replacement. Strategically, the Rwandan legislation will be compared with the World Bank provisions on resettlement, gaps will be highlighted and recommendations will be drawn to fulfil gaps.

5.1 Overview of Rwandan Land Policy and Legislation with regards to Resettlement

The Rwandan Land Policy ensures equal right to land use for all Rwandan citizens (Politique Nationale Foncière 2004). In order to achieve the objective of the Land Policy, Rwanda underwent 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 promulgated to facilitate the implementation of the Rwandan Land Policy. They include the ones that are listed below.

5.2 Rwandan Legislation Related to Land Tenure, Land Use, Resettlement, Expropriation and Land Valuation

The following list comprises the existing legislation that relates to Land and resettlement issues in Rwanda:

- The Rwandan Constitution, promulgated in 2003;

- Organic Law N° 03/2013/OL of 16/06/2013 determining the use and management of land in Rwanda;
- Land Valuation Law promulgated in 2007;
- Land Expropriation Law promulgated N° 18/2007 of 19/04/2007;
- Presidential Order N° 54/01 of 12/10/2006 determining the structure, the responsibilities, the functioning and the composition of Land Commissions; and
- Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau

5.3 Categories of lands in Rwanda

The Organic Law N° 03/2013/OL of 16/06/2013 categorizes land via two criteria: (1) Land Use and (2) Land Ownership.

Land Use (Article 9) is split into two categories: urban lands and rural lands. 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 10 provides that individual land is comprised of land acquired through custom, written law. That land has been granted definitely by competent authorities or acquired by purchase, donation, inheritance, succession, ascending sharing, and exchange or through sharing.

Article 11 provides that public land consists of land in public and private domain of State, land belonging to public institutions and land that belongs to local authorities whether being in their public domain or in their private domain. It also states that the State may donate to any public institution or local authority its land reserved for public or private domain.

Article 12 states that State land in the public domain consists of all land meant to be used by the general public or land reserved for organs of State services as well as national land reserved for environmental protection.

5.4 Land tenure legal provisions in Rwanda

Although the Organic Land Law provides two types of formal land tenure: full ownership/ freehold and long term leasehold, all land in Rwanda belongs to public entities: the State, the Cities and the Districts. "Public land" is reserved for public use or for environmental protection. "Private land" can be allocated by its public owners (State, Cities and District) to natural or legal persons. It then becomes "individual land". It is leased through a lease contract and against payment of an annual lease fee. The lessee obtains an ownership certificate (Emphyteutic Lease Contract and Certificate or Full Ownership Title) (Ministry of Natural Resources, 2012). LAFREC might need compensation for individual land owned.

The Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts have been made to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights have been encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).

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.

5.5 Property laws in Rwanda

Laws on property are found in various legal texts of Rwanda including the Rwandan Constitution which recognizes every person's right to private property (Article 29). Consequently, private property, whether individually or collectively owned is inviolable. Exceptionally, the right to property may be overruled in the case of public interest. In these cases, circumstances and procedures are determined by the law and subject to fair and prior compensation (Article 29).

In addition, the present Organic Land Law sets a legal framework for property law under articles 5 and 6 which provides for full ownership of land and permits any person that owns land (either through custom or otherwise), to be in conformity with the provisions of this law. It is important to observe however that full ownership of land is only granted upon acquisition of a land title issued by the general land registrar authority. Once the efforts to provide proper land tenure documentation are completed, ownership of land without proper documents such as, land title, will not be deemed lawful land ownership and thus in event of circumstances like expropriation, one will not be able to benefit from a fair and just compensation package. Under these circumstances, OP 4.12 guidelines will be applied.

5.5.1 Eligibility under Rwanda Law

Eligibility for compensation is enshrined under the Rwandan constitution (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.

5.5.2 Compensation entitlement

In case an individual suffers any loss, Article 3 of the Expropriation Law stipulates that he or she should

receive just compensation for it, although it is not clear what comprises fair and just compensation, this being left to the judgment of independent valuers. 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.

5.5.3 Land Assets Classification and valuation

A land holder whose holding has been 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.

The valuation is made considering the size, nature and location of land as well as the prevailing market price. The amount of compensation for property is determined on the basis of the replacement cost of the property. Prior to the 2005 Organic Land Law, as all land was State owned, buying and selling of land was not permitted. Following the recent restructuring of Land legislation, people now have the right to claim ownership and trade in newly-privatized lands. However, the decrees supporting this aspect of the 2005 Organic Land Law are not yet fully implemented, and awareness is currently perceived to be low among the population such that appropriate market prices for land have yet to be established.

Under the new law it is not permitted for MINIRENA to provide any valuations for expropriated assets, as was the case previously. Instead, the entity responsible for undertaking valuation of assets is the Land Valuation Bureau. This entity is considered to be independent from the government, and provides independent valuation experts to value all assets affected by expropriation. However, it is not yet clear what the arrangements are for funding valuations by the Land Valuation Bureau, it is recommended that the related costs should be borne by the project.

MINIRENA will provide relevant land assessments and information on price differentials according to the location of land to be expropriated, which will form the basis upon which fair and just compensation is to be calculated. 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. For the time being, until proper market prices are established, prices are negotiated openly and freely by the buyer and the seller.

5.5.4 Procedures for Expropriation in Rwanda

The law 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 (from the Cell level to the National level) takes a decision to approve the project within a period of 15 days.

The application for expropriation should contain 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 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 should be referred to.

After the survey process is completed and approved by LAFREC /PCT, 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).

5.5.5 General Grievance Mechanisms in Rwanda

Grievance mechanisms provide a way to reduce risk for projects, provide an effective avenue for expressing concerns and achieving remedies for communities, and promote a mutually constructive relationship.

Grievance mechanisms are increasingly important for development projects where on-going risks or adverse impacts are anticipated. They serve as a way to meet requirements, prevent and address community concerns, reduce risk, and assist larger processes that create positive social change. Experience has shown that open dialogue and collaborative grievance resolution simply represent good business practice—both in managing for social and environmental risk and in furthering company and community development objectives.

5.5.5.1 Community Expectations When Grievances Arise

When local people present a grievance, they generally expect to receive one or more of the following:

- Acknowledgment of their problem
- An honest response to questions about company activities
- An apology
- Compensation
- Modification of the conduct that caused the grievance
- Some other fair remedy

In voicing their concerns, they also expect to be heard and taken seriously. Therefore, the company, contractors, or government officials must convince people that they can voice grievances and work to resolve them without retaliation.

To address these challenges, companies are being called upon to lead and work with their host communities to find non-judicial, dialogue-based approaches for preventing and addressing community grievances.

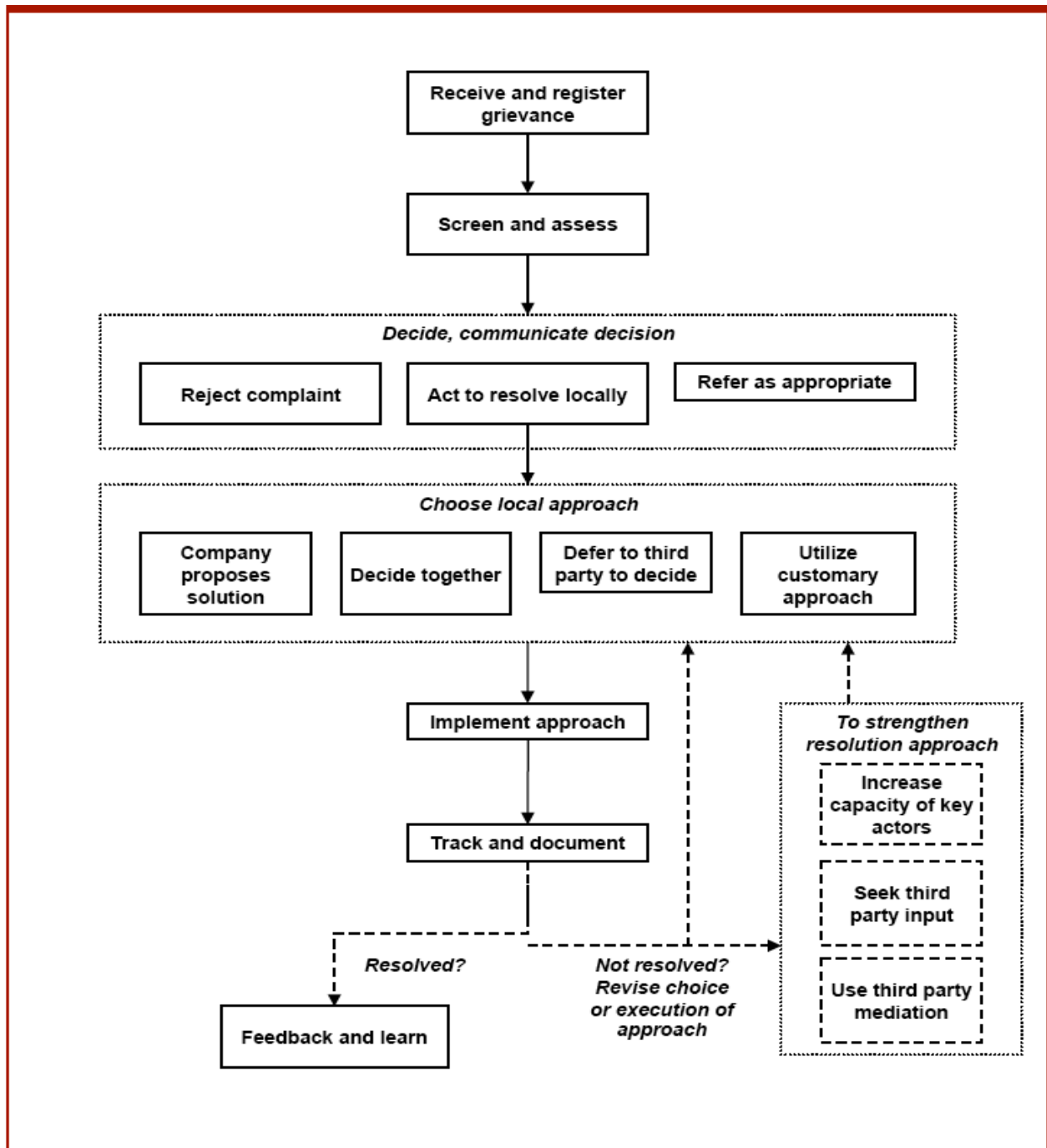
5.5.5.2 Developing and Implementing Effective Grievance Mechanisms

There is no ideal model or one-size-fits-all approach to grievance resolution. The best solutions to conflicts are generally achieved through localized mechanisms that take account of the specific issues, cultural context, local customs, and project conditions and scale.

In its simplest form, a grievance mechanism can be broken down into the following primary components:

- Receive and register a complaint.
- Screen and assess the complaint.
- Formulate a response.
- Select a resolution approach.
- Implement the approach.
- Settle the issues.
- Track and evaluate results.
- Learn from the experience and communicate back to all parties involved.

Figure 1: Grievance Mechanism with Multiple Local Approaches to Resolving Complaints



Source: REMA/LVEMP II, 2011, p.11

5.5.5.3 Grievance Resolution Approaches

The sub-projects to be implemented under LAFREC are smaller sub-projects in nature with relatively straight-forward issues. Therefore, simpler means of addressing complaints, such as through community meetings, community liaison personnel and suggestion boxes allowing for anonymity should be used.

The community meetings will be held with the LAFREC Watershed management Officer, who will play the role of Project liaison personnel at the implementation sites. Ninety per cent of complaints should be handled in face-to-face meetings.

The District Environmental Officer, will also handle issues not handled by the Watershed management Officer. If not satisfied, the complainant will have to appeal to the National Project Coordinator and, if need be to the Director General of REMA and the Minister of Land and Environment.

If the local process fails, the complaints should be channelled to:

www.rema.gov.rw, Tel: + 250 252 580 101, Fax: + 250 252 580 017; P.O. Box 436 Kigali, Rwanda, Inyota House, Boulevard Umuganda, Kacyiru, Kigali Rwanda. Email: dgoffice@rema.gov.rw

Four Grievance Resolution Approaches will be adopted:

1. The company proposes a solution.
2. The community and company decide together.
3. The company and community defer to a third party to decide.
4. The company and community utilize traditional or customary practices

5.5.5.4 Complaints Procedures and Redress about Expropriation in Rwanda

Article 26 of the Expropriation Law NO 18/2007 of 19/04/2007 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19). The first step of redress is to inform those to be expropriated of their rights during the expropriation process. Articles 17-20 of the Expropriation Law obliges the representative government authority (that which is implementing the project requiring expropriation) to inform affected people of their rights at each stage of the process.

According to article 26, all the grievances concerning non-compliance with the provisions of the contract, the value or timing of compensation or seizure of land assets without compensation shall be addressed to the Land Commission at the level at which the issue is based. The aggrieved party is provided with a legal expert in the matters of Land Law or any other survey expert with value verification skills, who will proceed to recalculate the value of compensation due. In the event that the new value is rejected by the Land Commission hearing the complaint, the aggrieved party may appeal to the immediate higher Land Commission within 15 working days which must then deliver its verdict within 30 days. If the aggrieved party is still dissatisfied with the decision, their final resort shall be to file the case to the competent Court of Law. According to article 26, filing a case in courts of law does not stop expropriation process to be effected.

To ensure that the affected parties are fully aware and to reduce possible backlog of complaints, it should be noted in advance that most members of the rural communities take time to decide to complain

when aggrieved and as a result, may miss the 30 days period required to file their complaints. As per international standards, grievances logged outside this timeframe may still be valid and legitimate. Customarily, the government expropriation authorities ensure that all affected people are fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people are informed of the procedures before their assets are taken.

Land expropriation grievances are encouraged to be resolved through Cell Land Adjudication Committees where possible, where systematic land registration is available and where the committees are currently in operation. If the grievance is not resolved in this way, local courts (ABUNZI) should be used.

5.5.5.5 Comparison between Rwandan Legislation and OP 4.12

This section compares the similarities and differences between the laws of Rwanda related to expropriation and the World Bank's safeguards on Involuntary Resettlement. In this project, where the local law differs with the Bank's OP 4.12 the latter will apply or take precedence.

The promulgation of the new Expropriation Law introduces a legal framework within which expropriation activities must be conducted, and above all, attempts to bring Rwandan legislation more in line with international best practice requirements.

Despite this, there are still some gaps between the national Rwandan legislation and the World Bank Policy OP4.12. These relate to the general principles for resettlement, eligibility criteria, the notification period for expropriation and resettlement, and the procedures required throughout the resettlement process.

The key differences are as follows:

Avoid Resettlement: According to OP4.12, resettlement should be avoided whenever possible, while the Rwandan national legislation regards expropriation of land for public interest as inevitable (provided under article 6 of the Expropriation Law).

Notification period required: The expropriation law No 18/2007 of 19/04/2007 (article 24 paragraphs 3) requires that property must be handed over in a period not exceeding 90 days after compensation has been paid. OP4.12 requires that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. Measures pertaining to provision of economic rehabilitation however can and often do occur post displacement.

Meaningful and participative consultation: OP 4.12 requires that persons to be displaced should be

meaningfully consulted and should have opportunity to participate in planning and design of resettlement programmes. The Rwandan Expropriation Law simply stipulates that affected peoples be fully informed of expropriation issues and goes further to prohibit any opposition to the expropriation programme if considered to be under the pretext of self-centred justification.

Eligibility determination: Rwandan legislation only stipulates that compensation be due to land owners, rather than to ALL land users as stipulated by OP4.12. In determining eligibility, the World Bank OP4.12 allows a broader range of eligibility than the national policy. Thus OP4.12 will provide the framework for resettlement for LAFREC.

Fair and just compensation: Furthermore, whilst the Expropriation and Valuation Laws provide for fair and just compensation to expropriated peoples eligible for compensation, the definition of 'fair and just' is not clear, and therefore there is a risk that World Bank OP4.12 standards may not be met in implementation. Equally, whilst OP4.12 stipulates a clear preference for non-cash compensation for land based livelihoods to be provided, this preference is not as evident in the Expropriation Law. Thus OP4.12 will provide the framework for resettlement for the LAFREC.

Monitoring: Finally, whilst monitoring measures are provided for in Rwandan legislation, the focus is to ensure that contracted compensation has been provided in full. It does not require assessment as to whether the compensation provided was appropriate, and whether the PAPs livelihoods have been restored or improved as stipulated by OP4.12.

6. DEFINITIONS OF PROJECT AFFECTED PEOPLE (PAPs)

6.1 Definition of Project Affected People (PAPs)

This Resettlement Policy Framework considers project affected people as those who stand to lose as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as forests, fishing areas, commercial properties, tenancy, income-earning opportunities as well as social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, using eminent domain or other regulatory measures, and include restricted or reduced access to legally designated forest reserve areas and buffer zones.

The RPF guidelines apply to all components under the project, whether or not they are directly funded in whole or in part by the World Bank. The policy framework applies to all economically and/or physically displaced persons regardless of the total number affected, the severity of impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the

landless, the elderly, women and children or other economically and/or physically displaced persons who may not be protected through Rwanda's land compensation legislation.

6.2 Categories of PAPs

Land acquisition for sub-projects may result in negative impacts to different categories of PAPs. Until the exact sub-project locations are determined it is not possible to estimate the likely number of people who may be affected. However, the likely displaced (economically or physically) persons can be categorized into three groups namely:

6.2.1 Affected individuals

These are individuals who risks losing assets, investments, land, property and/or access to natural and/or economic resources as a result of a sub-project.

6.2.2 Affected households

A household is affected if one or more of its members are affected by any sub-project. This includes:

- (a) Any member in the households, men, women, children, dependent relatives and friends, tenants;
- (b) Vulnerable individuals who may be too old or ill to farm along with the others;
- (c) Members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence;
- (d) Members of households who may not eat together but provide housekeeping or other activities critical to the family's maintenance; and
- (e) Other vulnerable people who cannot participate, due to being physically challenged or for cultural reasons, in production, consumption, or co-residence.

In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately. Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labour contributions are critical to the functioning of the "household".

6.2.3 Vulnerable Households

Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them. Vulnerable households include: ((i) vulnerable women; (ii) children, especially orphans; (iii) young persons; (iv) disabled persons; (v) the elderly; (vi) families affected and/or infected by HIV/AIDS, among others.

6.3 Approximate number of PAPs

It is not possible at this stage to determine the number of Project Affected People at this stage in the project as the sub-projects have not been determined. The purpose of this RPF is therefore to establish the mechanisms by which the appropriate tools, screening checklists and RAPs will be implemented to

mitigate potential resettlement impacts once sub-projects have been identified. The individual sub-projects of the Community Driven Development activities will be identified during project implementation by the local communities in a participatory process. Due to this, the location, nature and magnitude of these sub-projects cannot be determined before implementation. For each sub-project, which might require physical and/or economic resettlement, the number of PAPs will be established through a resettlement action plan which will be elaborated before project implementation.

6.4 Eligibility under the project

6.4.1 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. The Operational Policy on Involuntary Resettlement (OP 4.12) proposes the following three criteria for eligibility:

- (a) Those that have formal rights to land including customary/District 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; and
- (c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from, 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. They will only qualify for the compensation if they occupied the project area prior to a cut-off date established by the Resettlement Committees in close consultation with the potential PAPs, local community leaders and the respective local Land Control Boards 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. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

6.4.2 Eligibility Criteria

PAPs may be classified in one of the three groups listed above. The process will involve review of tenure documents owned by occupants, interviews with households and groups in the affected area. PAPs covered in (a) and (b) will be compensated for the land they lose, and other assistance ensuring that they are (i) informed about their options and rights pertaining to resettlement, (ii) consulted and provided with technically and economically feasible resettlement and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

Land for land compensation will be applied to PAPs who might lose their land. All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or encroaching illegally on land, are eligible for some assistance if they occupied the land before the entitlement cut-off date. Persons who encroach on the area after the socioeconomic study (census and valuation) are not eligible for compensation or any form of resettlement assistance. There will therefore be a package of compensation and other resettlement measures to assist each category of eligible PAPs to achieve the objectives of the policy. Eligibility criteria will also be determined by loss of property, loss of wages and cut-off date.

6.4.2.1 Eligibility for Community Compensation

It is important to note that the eligibility may also be claimed collectively, e.g. as a community or religious group, when the assets lost are of communal property or use. Individuals or families can claim individual eligibility for loss of assets of a private nature to that individual or household. Communities on communal land that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, taxi parks, schools and health centres, or access to alternative source of natural resources to restore their livelihoods. The rationale for this is to ensure that the pre- project socio-economic status of communities where adversely impacted, is also restored.

6.4.2.2 Loss of property

This includes loss of houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market value, negotiated settlements, productivity valuation, material and labour valuation. In cases where the loss is partial, disposition of salvage material will be exercised. Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the PAPs not being economically viable then the property will be replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

6.4.2.3 Loss of wages and income

These are persons who will lose their income due to the project. Workers losing employment in the process of relocation should be entitled to transitional income support. Compensation equivalent to lost income required for the duration of impact should be paid to the latter. In addition, PAPs will be entitled

to transitional assistance, which includes moving expenses, temporary residence (if necessary), and employment in the project while waiting for employment. In difficult cases, local administration shall be used to judge eligibility as well as village committees.

6.4.3 Methods to Determine Cut-Off dates

Once the sub-project has been legally approved and a permit provided, a RAP will be prepared for the sub-project. As part of the RAP, a census will be undertaken 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 key, therefore, 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.

This communication will be done through the Sub-project Resettlement and Compensation Committees and in line with the consultation procedures. 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 and by verbal notification delivered in the presence of the community leaders or their representatives.

Once the census had been undertaken, the lists will be verified physically with the use of passport size photographs and validated by the relevant authorities (the Sector/ Cell Land Committees and Community leaders). These lists will then be reviewed and approved by the District authority and finally by PCT. 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 respective Land authorities (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 thereby posing a risk to the subproject. Therefore, establishment of a cut-off date is of critical importance. The PCT and sub-project Resettlement and Compensation Committees will play a crucial role in identifying users of land.

Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start, bearing also in mind that only after PAPs have been compensated and any

replacement structures built according to the requirements of this RPF, is likely to be anytime period from six months on, special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAP's, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders.

This date is subject to the approval of the Rwanda Environment Management Authority (REMA) and must also be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential PAP's and the surrounding local villages/communities. The local community leaders will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local authorities and leaders.

6.4.4 Potential relocation areas

The location for resettlement will be identified during development of individual subproject RAPs, which will involve consultation with relevant authorities, host community and the PAPs involved.

7. RPF IMPLEMENTATION ARRANGEMENTS

7.1 Overview

The overall coordination of the project will be provided by the Ministry of Environment and Lands through LAFREC project which will oversee all resettlement planning and coordinate all issues relating to the compensation. Given the importance of the activities under the various sub-components, LAFREC will collaborate with Local Authorities falling within the project area in coordination and implementation.

The implementation arrangements of the RPF will build on:

- The implementation arrangements for the overall LAFREC programme, including agencies at the National, District and Local levels; and
- The implementation arrangements for resettlement and compensation activities in line with the Rwandan legislation.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for LAFREC sub-projects. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each sub-project.

7.2 Institutional Roles in Resettlement and Compensation

NATIONAL LEVEL IMPLEMENTING AGENCIES

7.2.1 Ministry of Natural Resources (MINIRENA/REMA)

The main agency involved in implementation of the RPF will be the Ministry of Natural Resources.

MINIRENA/REMA, as executing agency, will have overall responsibility for implementation of LAFREC and will act as the central agency responsible for holding all information relevant to the RPF.

A Project Coordinating Team (PCT), working under the direction of REMA, will provide general guidance regarding the implementation of Project activities. In addition to REMA representatives, its members will include representatives from:

Ministry of Finance and Economic Planning (MINECOFIN);

Ministry of Local Government, Community Development and Social Affairs (MINALOC);

Ministry of Natural Resources (MINIRENA);

Ministry of Infrastructures (MININFRA);

Ministry of Agriculture (MINAGRI);

7.2.2 Project Coordination Team (PCT)

The PCT is the project-specific office that has been set up to run the LAFREC programme within REMA. Its role will be day-to-day coordination and implementation of the LAFREC project. They will play an important role in the implementation of RAPs and will ensure that the procedures and requirements set in this RPF 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 post implementation.

MINIRENA governs the implementation and application of the Organic Land law and the Land Use Master Plan. Whilst they will govern 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. They do this by working directly with the Ministry/Institution developing the land on which resettlement is required. For instance the implementation of RPF/RAP for the LAFREC project will involve the LAFREC team of REMA 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 LAFREC subprojects.

7.2.3 Land Valuation Bureaus

The Land Valuation law was promulgated in 2007 and outlines the role of the Land Valuation Bureaus to provide independent 'fair and just' valuation of land and affected assets in the event of expropriation. Land valuation bureaus are free to be established all over the country, although to date only one has been established in Kigali. In the event that no Land Valuation Bureau exists in the locality of LAFREC, independent valuers from the Kigali-based bureau will be used.

DISTRICT LEVEL IMPLEMENTING AGENCIES

7.2.4 District authorities

The District authority in which sub-project sites are located will be the coordinating body for the LAFREC at the district level using its existing structure, and will allocate the LAFREC funds. It will as well oversee, coordinate and facilitate the implementation process of LAFREC across local governments under its jurisdiction. The District-level departments will provide a review and monitoring role, and provide political and administrative support for the implementation of the RAPs.

7.2.5 District Land Bureaus

The District Land Bureaus (DLBs) will be the executive bodies responsible for ensuring that activities undertaken comply with the National and District level Land Use Master Plans. DLBs are in the process up being set up as a part of the revised land legislation implementation process. 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 ARAP 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 Bureaus will play a major role in RAP implementation by:

- Establishing the sub-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.

7.2.6 Project Coordination Team (PCT)

The PCT, especially 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 to determine whether resettlement and/or compensation will be required. The PCT will provide capacity building and technical support in all aspects of the project, including resettlement. It will work closely with the District authority to ensure that funds are allocated as per the approved RAP.

7.2.7 District Development Committee

This committee is represented by a member of each of the key departments and agencies at 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 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.

It is recommended that these committees play a major role during RAP implementation by ensuring that appropriate compensation procedures are followed; and by reviewing and signing-off all documentation (e.g., screening forms, completed RAPs, grievance forms, consultation plans) before submitting to PCT in Kigali.

LOCAL IMPLEMENTING AGENCIES

7.2.8 Resettlement and Compensation Committees

In keeping with Rwanda's decentralization policy, 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 LAFREC subproject, District Land Bureau representatives will be responsible for electing members of a sub-project Resettlement and Compensation Committee. This committee does not currently exist, but is proposed as part of the 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 Adjudication 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 representative from the implementing organization (Farmer cooperative, NGO);
- A representative PAP; and
- LAFREC PCT (ideally including the Rural Sociologist)

The Resettlement and Compensation Committee would have the responsibility to:

- 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.

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 Project Liaison Officer (PLO) who would act as the key contact with PAPs and therefore facilitate implementation of consultation, public participation and grievance mechanisms. The PLO should be someone from the district preferably the project site area with formal education (secondary) able to communicate in English, French and Kinyarwanda and experienced in community mobilisation, stakeholder engagement and conflict resolution.

7.2.9 Sector/Cell Land Committees

The Sector and Cell land committees, will be independently mandated as a part of the revised land legislation implementation. These committees are also a decentralization effort of the Government of Rwanda. They report to the District Land Bureau, and are responsible for monitoring the role of the District Land Bureau in their relevant Sector/Cell. In particular, they are responsible for providing field information to the District Land Commission and District Land Bureaus relating to land use, approving land expropriation, and approving all land use changes in their particular Sector/ Cell.

They also ensure documentation of land tenure at these levels. The members of the Sector and Cell land committees include:

- Representative of a farmers' cooperative;
- Representative of sector level local agricultural administration;
- Member of education services i.e., teacher;
- Representatives of individual farmers; and
- Vulnerable groups (preferably women, as according to the Constitution 30 per cent of each committee must be made up of women).

7.2.10 Land Adjudication Committees

The Land Adjudication Committee is responsible for coordinating individual land registration and ensuring appropriate compensation payment is made for individual land expropriated. It will ensure that compensation payments are included in the requests for funds, and that they are allocated accordingly. Land Adjudication committees are a traditional legal institution implemented only when

there is conflict over land ownership. Only when disputes are referred to them will they have a role to play, in conflict and dispute resolution. A key role is the management of land ownership conflicts, part of which involves helping vulnerable people to appeal in case of grievances. The members of the Land Adjudication Committee include:

- Farmer elders;
- Representative of Cell agricultural department; and
- Representative of Sector/Cell Land committee

7.2.11 Farmer Cooperative

Each sub-project will be managed and implemented by a local community-based organization, in the form of a farmer cooperative or a NGO. Support will be provided by LAFREC (via the PCT specialists) to ensure they have the capacity to undertake this implementation role effectively. They will have an important role to play in implementing resettlement activities, which will be specified by the Resettlement and Compensation Committee. Appropriate capacity building and support will be provided by the PCT where necessary. Table 3 below provides a brief summary of the roles and responsibilities of each administrative level.

7.2.12 Village Level Land Committees

At the Village/Umudugudu level, there are in place village-level 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 RwF. The *abunzi* will be used in the LAFREC 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.

Table 1: Overall institutional roles in RPF process

Organization	Roles and Responsibilities
PCT & REMA	<ul style="list-style-type: none"> ● Collation of information regarding the LAFREC 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 PCT and being advised by the Project steering committee;

	<ul style="list-style-type: none"> ● Overall monitoring and evaluation of resettlement implementation (i.e., annual audits and review of subproject level monitoring undertaken by District authorities), ensuring that RAPs are implemented in accordance with Rwandan laws and OP 4.12.
MINIRENA/REMA	<ul style="list-style-type: none"> ● Coordination and facilitation of the PCT , both of which have an advisory role ● Overseeing effective resettlement implementation as well as ensuring any revisions in legislation, policy and strategy are appropriately adjusted in the RPF.
MINIRENA	<ul style="list-style-type: none"> ● Will work with REMA (PCT) to facilitate the resettlement process and ensure it meets national legislation (PCT will ensure that requirements to meet OP4.12 are met). Whilst it will have a role in overseeing the resettlement and compensation process, it also has a legal role to review documentation and ensure it meets all legislative requirements.
PCT (Field Environmentalists)	<ul style="list-style-type: none"> ● 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.
District authorities (via District Development Committee)	<ul style="list-style-type: none"> ● Review and sign off of all documentation (e.g., Screening forms, completed RAPs, grievance forms, consultation plans) before submitting to PCT in Kigali; ● Overall responsibility for collation of data for monitoring purposes (integrate information requirements into existing databases and data systems).
Sector/Cell /Village Level Land Committees	<p>They will continue to interface with District Land Bureau as mandated by the revised Land Law. Roles relevant to the project include:</p> <ul style="list-style-type: none"> ● Approving land use changes at District/ Sector/ Cell level and ensuring alignment with the Land Use Master Plan; ● Approving land expropriation;

	<ul style="list-style-type: none"> ● Provision of information on current land use, land tenure, and PAPs; and ● Playing a role in ensuring effective grievance mechanisms are in place that meets legislative requirements (the Resettlement and Compensation Committees will be responsible for ensuring that these mechanisms meet the requirements of the RPF).
District Land Bureau	<ul style="list-style-type: none"> ● Coordinate and supervise design and implementation of resettlement measures for each sub-project and ensure alignment with RPF and consistency between subprojects where multiple projects exist; ● Establish sub-project level committees and rates for each subproject
Resettlement and Compensation Committees	<ul style="list-style-type: none"> ● Development and implementation of RAP, valuation of assets, distribution of compensation payments, identification of land for replacement, assistance during resettlement, consultation .effective at the sector level. ● 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.
Land Adjudication Committee	<ul style="list-style-type: none"> ● Management of land ownership conflicts and grievances relating to expropriation.
Land Valuation Bureau	<ul style="list-style-type: none"> ● Provision of independent valuers to undertake valuation of all land and assets in the event of expropriation. Will 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.
Cooperatives, CBO, and NGOs	<ul style="list-style-type: none"> ● Will be involved in monitoring of indicators, NGOs and CBOs will also be involved in implementation of the RAPs especially through representing the combined concerns of the PAPs , acting as observes during the RAP process, etc.

8. PROCESS FOR SCREENING, PREPARING AND APPROVING RAPs

Each sub-project will need to identify whether resettlement will occur, and, if it will, to define remedial action in a Resettlement Action Plan (RAP). This RPF provides a framework for the preparation of RAPs to address resettlement associated with the activities of the LAFREC sub-projects. Each of the proposed sub-projects will require the preparation of separate RAPs which will be submitted to the bank for review and approval.

8.1 When a RAP is required?

When a sub-project is expected to cause physical or economic resettlement, a RAP must be prepared by the sub-project Resettlement and Compensation Committee. This will be approved by the District Development Committee, and ultimately signed off by PCT. The PCT will also 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.

In order to ensure robustness and consistency of the process, the preparation, implementation and monitoring of the RAPs will often need to be closely supported by training and technical assistance. In advance, PCT must undertake an assessment of the relevant actors (namely the sub-project Resettlement and Compensation Committee, and the District Land Bureau) to identify training and technical needs. Such capacity building activities have been provided for in the RPF budget.

8.2 Overall process

In order to scope potential resettlement implications, the steps to be undertaken at the design stage of each individual sub-project include the following:

- A screening process;
- A socio-economic census and land asset inventory of the area; and
- Identification of Project Affected Parties (PAPs).

The census is done once it is known that land acquisition is required (i.e., once the subproject has received the necessary permit from MINIRENA). Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed. Throughout this process, consultation and public disclosure will take place with PAPs, ensuring that the affected persons are informed about the intentions to use the site for the LAFREC subproject. Consultation must ensure that affected persons are made aware of all aspects of the project, and their implications. They must also be aware of, and have access to, a grievance mechanism.

8.3 RAP implementing agencies

A number of Government institutions will play a role in the implementation of the RPF and individual

RAPs, in line with the general LAFREC institutional arrangements and with national legislation. In keeping with Rwanda decentralization policy, the development and implementation of the RAPs will be the responsibility of the Local Authorities (including District Authority representatives) 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 LAFREC project monitoring.

8.4 Public consultation and participation

Consultation with, 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, there must be adequate consultation and involvement of the local communities and the affected persons. Grievance redress is very important to the success of implementation of resettlement action plans.

8.5 Sub-project screening

The first step in the process of preparing individual RAPs is the screening process 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 LAFREC, 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 LAFREC funding comply with the requirements of OP 4.12 and Rwandan Law according to the 2005 Organic Land Law and Land Use Master Plan.

Screening will be undertaken by the PCT with the use of the screening form. This screening form should be integrated with the screening mechanism proposed under the Environmental Management Framework, in order to streamline procedures. Screening will take place as early in the subproject process as possible, and it will identify land-take that will require resettlement. This process will be 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 PCT for review. Should the screening process show that resettlement will be required, the next step will be to conduct a socioeconomic 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.

8.6 Socio-economic census and asset inventory

An important aspect of preparing a RAP is to establish appropriate data to identify the persons and their assets who will be affected by the individual subproject, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

In essence, the census will achieve the following:

- provide initial information on the scale of resettlement to be undertaken;
- identifies gaps in information and gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and
- establishes indicators that can be measured at a later date during monitoring and evaluation.

The socio-economic census will be initiated by the relevant Districts responsible for managing the sub-project (via the sub-project Resettlement and Compensation Committees). It will be accompanied by a land asset inventory. An independent consultant might be needed to undertake the census, under close supervision of the sub-project Resettlement and Compensation Committees.

8.7 Development of the RAP

Following the socio-economic census and identification of affected parties and their assets, a RAP will be developed. This will be coordinated by the sub-project Resettlement and Compensation Committees and overseen by the District authorities. It is anticipated that the work will be undertaken by a private consultant or NGO/CBO commissioned for this particular task.

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. 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 Resettlement and Rehabilitation Guidebook.

Since for the LAFREC project an RPF has been prepared for purposes of approval of the credit, the individual site specific resettlement plans to be submitted as a condition for subproject financing will include the following:

- Baseline census and socio-economic survey information including cut-off date
- Valuation, specific compensation rates and standards.
- Entitlements related to all impacts identified in the census survey, i.e. all resettlement measures
- A description of resettlement sites where applicable and programs for improvement and restoration of livelihoods and standards of living.
- Implementation schedule for resettlement activities and detailed cost estimate.

8.8 Review and submission to project authorities

Following completion of the RAP for a sub-project, the sub-project Resettlement and Compensation Committee must submit the RAP to the District authorities (probably the District Development Committee) for approval. The RAP is also to be submitted to the LAFREC PCT office to ensure compliance with the RPF, and consistency in approach between sub-projects. All RAPs will be reviewed and approved by the World Bank 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 (specifically via the Sub-project Resettlement and Compensation Committee) as well as through District government. This will be through training and technical assistance to ensure that all stakeholders involved discharge their different responsibilities effectively.

9. METHODS OF VALUING AFFECTED ASSETS

This chapter sets out the detailed requirements for determining the value of affected assets.

9.1 Types of compensation payments

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

- Land;
- Residential buildings, structures and fixtures;
- Cultivated crops (both cash and food 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 (p. 76). A provisional guide on compensation values for land is provided in appendices. However, this is for guidance only it is essential that current market values are used to establish actual compensation. The District Land Bureaus and PCT are to establish these rates as part of the preparation of each subproject, using as a benchmark the rates prevailing for other government land acquisition schemes in that District.

Although the type of compensation will be the individual's choice, 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 and agreed upon by each recipient, in consultation with the Subproject Compensation and Resettlement Committees.

9.2 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. This RPF provides the basic principles for the valuation of assets. LAFREC project will need to determine appropriate unit cost rates for each location. During consultation with the PAPs, the Project Liaison Officer will outline the available options and their advantages to PAPs, to assist them to make informed decisions. Each district has their own specific costs/value assigned to crops, trees, fruits, and construction material and disturbance costs based on the market value. As the exact location of potential loss of assets and dislocation is not known, each district will assess compensation based on their approved valuation list.

9.3 Valuation procedure

The procedure to be followed during valuation of affected assets is as follows.

9.3.1 Use of Standard Valuation Tables

Due to the large number and the localized nature of the majority of sub-project interventions, it is anticipated that a relatively large number of small-scale asset valuations will need to be carried out during the course of the project. It would therefore be cumbersome and inefficient to deploy an individual valuation expert in each and every case. It is proposed that an evaluation expert is contracted by the PCT at the project outset to develop a standardized procedure for asset valuation, which can then be applied by a project representative at the local and/or district level. This standardized procedure would include a series of reference tables for estimating asset value by type according to the approximate size and condition of the existing asset. The tables would be developed using legally acceptable valuation procedures accepted by both the Government of Rwanda and World Bank for purposes of fairness and consistency. The approach will consider replacement costs and types and levels of compensation under the Rwanda law. Valuation of lost assets will be made at their replacement cost.

9.3.2 Preparation of Asset Inventory

In order to prepare an inventory of assets for a sub-project, a field team will visit the affected area to carry out an asset valuation survey. The team will be led by a project representative and will include the Local Authorities at the various levels, a representative of the PAPs, and LAFREC. During the survey, each asset will 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 will 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 indicate 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.

9.4 Methods of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance in the knowledge and presence of both man and wife and adult children where applicable. The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets. Table below describes the forms of compensation.

Table 2: Forms of compensation

FORMS OF COMPENSATION	
Cash Payments	Compensation will be calculated in Rwandese Francs. Rates will be adjusted for inflation.
In-kind Compensation	Compensation may include items such as land, houses, and other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Resettlement and Economic Rehabilitation	Assistance may include moving allowance, transportation and labour

Compensation payments raises issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressure on the cost of goods and services. Local inflation may still occur and thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The issue of security, especially for people who will be receiving cash compensation payments should to be addressed by the local administration. The time and place for in-kind compensation payments will be decided upon by each recipient in consultation with LAFREC and the District, local and traditional administrations. Monetary payments should be paid at a time in relation to the seasonal calendar.

Local Banks and micro-finance institutions should work closely with the local administration at this level to encourage the use of their facilities, which will positively impact the growth of the local economies.

9.5 Valuation methods

9.5.1 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 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. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

9.5.2 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.

9.5.3 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.

Schedule of rates from Ministry of Environment and Lands: The Construction Departments have a schedule of rates for preparing estimates for construction projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

9.6 Compensation Calculation 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.

9.6.1 Compensation for Community Assets

Compensation will be provided for community assets identified through the socioeconomic 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.

9.6.2 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 war memorial sites include but not restricted only to; museums, altars, initiation centres, 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/

chiefdoms the use of sacred sites for any project activity, is not permitted under this project.

10. IMPLEMENTATION SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

10.1 Overview

Before any 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. The 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.

10.2 Implementation schedule

The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a target date when the expected benefits for resettled persons and hosts would be achieved.

Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution. Environmental and Social Impact Assessments, if deemed necessary through the application of the ESMF, will be conducted parallel with the design of the subprojects, and will determine the number of PAPs and to assess demand of needs of the displaced persons which could be housing, water, health facilities and sanitation.

Target dates for achievement of expected benefits to resettled persons and hosts should be set and the various forms of assistance to the resettled persons should be disseminated to them. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every subproject identified to have adverse social impacts. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) settling institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan.

The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule.

When LAFREC present their resettlement and compensation plans to the REMA for approval, part of the screening process that REMA would use to approve RAPs would be to confirm that the resettlement plans 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 resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.

II. GRIEVANCES REDRESS MECHANISMS

Grievance procedures are 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 (i) the eligibility criteria,

(ii) community planning and resettlement measures, or (iii) actual implementation. This chapter sets out the measures to be used to manage grievances.

11.1 Overview

A key element of resettlement activities will be the development and implementation of a grievance mechanism. Grievances will be actively managed and tracked to ensure that appropriate resolution and actions are taken. A clear time schedule will be defined for resolving grievances, ensuring that they are addressed in an appropriate and timely manner, with corrective actions being implemented if appropriate and the complainant being informed of the outcome. The grievance procedure will be simple and will be administered as far as possible, at the subproject level by the Resettlement and Compensation Committee to facilitate access by PAPs.

The grievance procedure does not replace existing legal processes. Based on consensus, the procedures will seek to resolve issues quickly in order to expedite the receipt of entitlements, without resorting to expensive and time-consuming legal actions. If the grievance procedure fails to provide a result, complainants can still seek legal redress. 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.

11.2 Grievance redress process

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and homesteads will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

All the grievances will be channelled via the Resettlement and Compensation Committee for each subproject at the sector level. The composition of the Resettlement and Compensation Committee will be coordinated by the District Land Bureau. This committee upon receiving any grievances will first forward them to the village-level 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 existing structures in Rwanda for handling expropriation grievances are decentralized and include at the lowest level- Sector or Cell Level Land Committees. If grievances cannot be resolved at this level, then they are moved to the District Land Commission and District Land Bureau, then to the Provincial Land Commission/Bureau and finally National Land Commission/Bureau. If a PAP is not satisfied with the decisions of these institutions, then the High Court of Rwanda remains the ultimate institution for seeking redress.

The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time.

For this reason, handling grievances will begin with the local level institutions (Abunzi, Sector or cell level land committees) as the first stop before resorting to District Land Bureaus, Provincial Land Bureaus, National Land Bureaus and finally if not satisfied the Rwanda Courts of Law as the last resort. A grievance log will be established by the project and copies of the records kept with all the relevant land authorities at the district, sector and village level and will be used in monitoring of complaints.

LAFREC being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the local village/umudugudu/or village resettlement committee for resolution as described above.

At the village/cell level, all grievance will be heard by the already in place village-level 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 RwF. The *abunzi* will be used in the LAFREC 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.

If the verdict rendered by the village leaders is not acceptable to either the individual affected or to LAFREC, then the parties in their compensation contract would have agreed that the matter would be appealed to the District Land Bureau, whose decision would be final and binding on the parties.

Also, in the local cultures it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their the appropriate authority as described above, who will in turn inform and consult with LAFREC, REMA, MINIRENA, homestead/household representatives and leaders and other records to determine a claims validity.

If valid, the village/umudugudu leaders or the appropriate district authority will notify the complainant and s/he will be settled. If the complainants claim is rejected, then the matter will be brought before the law courts for settlement. The decision of the court (i.e. Magistrate or high court) would be final and all such decisions must be reached within a full growing season after the complaint is lodged. This is designed to ensure a speedy and affordable adjudication.

If a complaint pattern emerges, LAFREC, the district and regional administrations, with the local leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. LAFREC, the district and regional administrations and the traditional leaders and representatives will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

11.3 Management of Reported Grievances

The procedure for managing grievances should be as follows:

The affected 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 which will be elected by the District Land Bureau and constituting of persons or institutions. This committee does not currently exist, but is proposed as part of the 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. Once each proposed project site has been and approved by the District as an appropriate project by the District Executive Council and District Land Commission this committee will be immediately instituted.

The grievance note should be signed and dated by the aggrieved person. A selected member of the Committee will act as the Project Liaison Officer who will be the direct liaison with PAPs (this should be the Social representative from the PCT). The PLO 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 Project Liaison Officer will write the note on the aggrieved person's behalf.

Any informal grievances will also be documented by:

1. The Project Liaison officer. The note should be embossed with aggrieved person's thumbprint. A copy of this completed form should be submitted by the Project Liaison Officer to PCT.
2. The Project Liaison 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.
3. 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 Project Liaison Officer that his/her complaint is being considered.
4. If the complainant's claim is rejected by the Committee, the Project Liaison Officer will assist the aggrieved person to take the matter to the Cell Land Adjudication Committee, legally responsible for resolving formally lodged grievances. OR
5. 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 Cell Land Adjudication Committee or the relevant Municipal Administration (such as the District Land Bureau, also mandated to help resolve such matters). If requested, or deemed necessary by the sub-project Committee, the Project Liaison Officer will assist the aggrieved person in this matter.
6. The Cell Land Adjudication Committee or the relevant Municipal 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.
7. Where matters cannot be resolved through local routes, the grievance will be referred to higher authorities. 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.

11.4 Grievance Log

The Project Liaison officer will ensure that each complaint has an individual reference number, and is

appropriately tracked and recorded actions are completed. The log also contains a 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 uploaded 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.

11.5 Monitoring Complaints

The Project Liaison 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.

12. RPF IMPLEMENTATION FUNDING

In the case of LAFREC, any required physical resettlement will be financed through counterpart funds from the Government of Rwanda. The sub-project mitigation measures for the Process Framework would be financed by the project. At this stage, it is not possible 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 LAFREC. However, when these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RAP will be prepared.

13. MECHANISM FOR CONSULTATIONS AND PARTICIPATION OF DISPLACED PERSONS IN PLANNING, IMPLEMENTATION AND MONITORING

This section highlights the need for stakeholder consultation as a critical process in expropriation in order to listen to the views, ideas and concerns of potential PAPs in the proposed site. It further outlines the process for consultation including possible methods of engaging the stakeholders.

13.1 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 LAFREC. 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 line with the Bank policy on disclosure.

13.2 Data collecting phase

After familiarizing themselves with the project area through reading and consultations with the MINIRENA/REMA and LAFREC/PCT, 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 the 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.

13.3 Implementation operation

Before implementation, the PAPs will be informed about their rights and options, at which point they will air their views.

13.4 Monitoring and Evaluation phase

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.

14. ARRANGEMENTS FOR MONITORING AND EVALUATION

This chapter sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for all the sub projects.

14.1 Overview

It is important that the objective of the Policy on Involuntary Resettlement is achieved and therefore monitoring whether the project affected people have had their livelihoods restored to levels prior to project or improved is critical.

The arrangements for monitoring will fit the overall monitoring plan of the entire LAFREC, which will be through the Ministry of Environment and Lands and LAFREC. All RAPs will set major socio-economic goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre- project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts. In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The PCT will institute an administrative reporting system that will:

- Provide timely information about all resettlement arising as a result of LAFREC activities;
- Identify any grievances that have not been resolved at a local level and require resolution through the involvement of the PCT;
- Document the timely completion of project resettlement obligations for all permanent and temporary losses;
- Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- Alert project authorities to the necessity for land acquisition in LAFREC's planned activities

Consistent with the Environmental and Social Management Framework, LAFREC and REMA would be responsible for periodically transferring the information compiled "on the ground" to the MINIRENA/REMA and the respective line Departments of State, such as the Department of Lands at MINIRENA, etc, so that it is alerted in a timely manner to any difficulties arising at the local level.

The objective will be to make a final evaluation in order to determine:

- If affected people have been paid in full and before implementation of LAFREC's activity that is causing resettlement,
- If the people who were affected by LAFREC/the project activities 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 are they actually poorer than before.

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;
- The local communities remain supportive of the project.
- The absence or prevalence of conflicts

14.2 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.
- Specific indicators may include the following, which would indicate a change in:
 - yield/ produce quantity/quality from farming
 - Access/ distance/ quality of agricultural plots
 - Quality of, and access to, water
 - Yield/ produce quantity/quality from livestock
 - Number of people employed
 - Number of people with agricultural plots
 - Number of 'vulnerable' people
 - Source of income
 - Expenditure patterns (food for livestock, travel etc.)

Most of the information for these indicators will be gathered the farmer cooperative or information collated through survey. The information for these indicators should be collated at regular intervals (e.g., quarterly or half yearly depending on circumstances) and compared over time. The pre-project Census information should provide most, if not all of the required information to set a baseline against which performance can be tracked.

14.3 Indicators to Measure RAP Performance

In order to access 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 the implementation of 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;
- Agricultural productivity of new lands;
- Number of impacted locals employed by the civil works contractors;
- Seasonal or inter-annual fluctuation on key foodstuffs; and
- 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 PCT 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 PCT 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.
- LAFREC 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
- Pastoral and Agricultural productivity of new lands,
- Number of impacted locals employed by the LAFREC's civil works contractors,
- Seasonal or inter annual fluctuation on key foodstuffs,
- General relations between the project, LAFREC and the local communities,

14.4 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 PCT, 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 the nature of compensation (if in kind);
- (f) Number of people raising grievances in relation to each sub-project;
- (g) Number of unresolved grievances.

The PCT 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 MINIRENA/REMA, if there appears to be any discrepancies. The PCT will directly monitor compensation and loss of wages. Financial records will be maintained by the subprojects and the PCT, 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 following indicators will be used to monitor implementation of the RPF.

Verifiable indicators

Monitoring	Evaluation
Outstanding compensation contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts
Subprojects unable to settle compensation after two years	Outstanding compensation contracts
Grievances recognised as legitimate out of all complaints lodged	All legitimate grievances rectified
Pre project production and income (year before land used) versus present production and income of resettled persons, off farm-income trainees, and users of improved agricultural techniques	Affected individuals and/or households compensated PR resettled in first year who have maintained their previous standard of living at final evaluation
Pre project production versus present production(crops for crops, land for land)	Equal or improved production per effected household/homestead

Financial records will be maintained by LAFREC, the District and Regional Administrations and the MINIRENA/REMA, to permit calculation of the final cost of resettlement and compensation per individual or household.

14.4.1 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 PCT 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. LAFREC, REMA, District Administrations and REMA, 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 on 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 REMA, MINIRENA, the World Bank and LAFREC and become part of the official documents of the project.

14.4.2 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 process 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.

14.4.3 Socio-economic monitoring

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. During implementation of each sub-project 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.

ANNEX 1: ENTITLEMENT MATRIX¹

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Less than 10% of land holding affected	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value, taking into account market values for land
	Loss of livelihood from farm land	Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Greater than 20% of land holding lost Land is not economically viable.	Farmer/ Title holder	<p>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Preferably land for land.</p> <p>Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature)</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-</p>

¹ The new land law is being amended and will be approved at the end of 2014. Compensation will be based on the amended law.

ANNEX 1: ENTITLEMENT MATRIX¹

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			term crops mature)
		Tenant/Lease holder	<p>Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature)</p> <p>Relocation assistance (costs of shifting + allowance).</p>
Commercial Land	Land used for business partially affected	Title holder/ business owner	<p>Cash compensation for affected land</p> <p>Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</p>
	Limited loss	Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable

ANNEX 1: ENTITLEMENT MATRIX¹

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			business, or estimates where such records do not exist)
	<p>Assets used for business severely affected</p> <p>If partially affected, the remaining assets become insufficient for business purposes</p>	Title holder/business owner	<p>Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</p>
		Business person is lease holder	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance in rental/ lease of alternative land/ property (for a maximum of 6</p>

ANNEX 1: ENTITLEMENT MATRIX¹

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			months) to reestablish the business.
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	Cash compensation for affected land, taking into account market values
		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Title holder	<p>Land for land replacement or compensation in cash according to PAP's choice.</p> <p>Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p>

ANNEX 1: ENTITLEMENT MATRIX¹

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Relocation assistance (costs of shifting + allowance)
	<p>Land and assets used for residence severely affected</p> <p>Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</p>	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p> <p>Assistance in rental/ lease of alternative land/ property</p> <p>Relocation assistance (costs of shifting + allowance)</p>
Buildings and structures	<p>Structures are partially affected</p> <p>Remaining structures viable for continued use</p>	Owner	<p>Cash compensation for affected building and other fixed assets at replacement cost, taking into account market values for structures and materials</p> <p>Cash assistance to cover costs of restoration of the remaining structure</p>
		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant).</p> <p>Disturbance compensation equivalent to two months rental costs</p>
	Entire structures are affected or partially affected	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in

ANNEX 1: ENTITLEMENT MATRIX¹

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Remaining structures not suitable for continued use		<p>an available location which is acceptable to the PAP. Compensation at replacement cost, taking into account market values for structures and materials.</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant), taking into account market values for materials</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</p> <p>Assistance to help find alternative rental arrangements</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>

ANNEX 1: ENTITLEMENT MATRIX¹

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		Squatter/informal dweller	<p>Cash compensation for affected structure at replacement cost.</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</p> <p>Rehabilitation assistance if required assistance with job placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re- establish the business.</p>

ANNEX 1: ENTITLEMENT MATRIX¹

ANNEX 1: ENTITLEMENT MATRIX ¹			
Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)

ANNEX 2: STAKEHOLDER CONSULTATION AND SUMMARY OF COMMUNITY CONCERNS

	Consulted person	Number	Consultation type	Points raised	Suggestions
28/03/2014	Head, Conservation Division, RDB	1	Personal interview	<ul style="list-style-type: none"> • Law and policies on buffer zones will soon be out • Rwanda has initiated and is very supportive of initiatives geared towards forest conservation and restoration • LAFREC is a timely project 	<ul style="list-style-type: none"> • LAFREC needs to take into account existing initiatives
18/03/2014 28/03/2014	Rutsiro District Vice Mayor (economic affairs)	1	Personal interview	<ul style="list-style-type: none"> • LAFREC components and activities are generally compatible with the needs of vulnerable social groups in the target locations • People need projects of long lasting that benefit local people 	<ul style="list-style-type: none"> • People are willing to take up environmental friendly activities. However, there is a need to find for them alternative sources of income • Investment in infrastructure development like roads, electricity, schools and other supports of lasting interest make people cooperate and get a diversity of non-agricultural income generating activities
28/03/2014	Ngororero District Vice Mayor (economic affairs)	1	Discussion on phone Personal interview	<ul style="list-style-type: none"> • LAFREC components and activities are generally compatible with the needs of vulnerable social groups in the target locations • Part of Gishwati was given to people who returned from DRC. Some of them still live there • There is lack of enough income-generating activities that are not based on natural reserves 	<ul style="list-style-type: none"> • Efforts need to be put in income generating activities that are not based on natural reserves • LAFREC should think of activities of lasting impact, not the ones that will stop at the end of the project. This can only be reached through regular consultation of concerned local people
28/03/2014	Nyabihu District Vice Mayor (economic affairs)	1	Personal interview	<ul style="list-style-type: none"> • LAFREC components and activities are generally compatible with the needs of vulnerable social groups in the target locations • People live on agriculture and other activities that stress forest reserves 	<ul style="list-style-type: none"> • Though people have heard of buffer zones and corridor, there is a need to properly demarcate the buffer zones and corridor for the boundaries have not been clear enough for local people • People in the area basically live on agriculture and livestock. They spoil the reserves while looking for firewood, logging, mining, quarrying, etc. It would therefore be helpful if LAFREC encouraged energy and construction alternatives as well as other income generating activities that do not require people to spoil the reserves

28/03/2014	Rubavu District Vice Mayor (economic affairs)	1	Discussion on phone Personal interview	<ul style="list-style-type: none"> • LAFREC components and activities are generally compatible with the needs of vulnerable social groups in the target locations • There are however other initiatives that LAFREC can build from • People earn a living by spoiling the resources 	<ul style="list-style-type: none"> • There is a serious need to associate local leaders and local people for activities to run smoothly • LAFREC can quickly realise its objectives by building from already initiated endeavours and working with existing structures • Efforts should be put in finding income-generating activities that might occupy people and help them earn a living without using and spoiling natural reserves
18/03/2014	MUKURA Sector Agronomist	1	Personal interview	<ul style="list-style-type: none"> • LAFREC is a timely project • Many projects have been focussing on things which are not long lasting. We have had well-spelt out projects that are only felt during their timeframe but which are quickly forgotten about after their timeframe • There has been little assistance in infrastructure development • There has been a remarkable weakness in the way people communicate development initiatives. This, in the past resulted in leaders being beaten for they were forcing unprepared residents to move. • When relocating people, they are not consulted in determining compensation. Some people who got relocated have been complaining that they were imposed to get a certain amount of money whereas some of them wished to have other forms of compensation like another piece of land elsewhere 	<ul style="list-style-type: none"> • Projects should think of activities with long lasting impact at least in their area of operation. • Any assistance in infrastructure, roads, schools, electricity in LAFREC area would be more memorable and would facilitate the creation of other non-agricultural. For example milk processing initiatives are hindered by poor transport (bicycles or walking for long distances as roads are scarce) and lack of refrigeration possibility. • When people have to be relocated, they need to be consulted and sensitised of the reason of relocating them. They need to be allowed to discuss compensation. Some people are not comfortable with money and need other forms of compensation
17/04/2014	MUHANDA Sector Agronomist	1	Personal interview	<ul style="list-style-type: none"> • People exhibit practices that spoil the reserves mostly because they do not have other alternatives • Lack of roads and electricity make it difficult to have non-agricultural income generating activities 	<ul style="list-style-type: none"> • It is not enough to tell people to stop spoiling natural resources. There has to be a thorough analysis of why people spoil the resources. When alternative source of income are not found, initiatives might be futile.
20/03/2014	Bigogwe Sector Agronomist	1	Personal interview	<ul style="list-style-type: none"> • People are aware of the importance of the reserves but continue to stress them • Some people owe their living to the forests. 	<ul style="list-style-type: none"> • Communication and advocacy need to be given a priority while approaching the people. Some people are so tied to their ancestors' practices that they cannot easily change or

				Some say they can prefer dying instead of moving far from the forest	stop their practices. They need to be educated and provided with harmless and environmentally friendly alternatives
18/04/2014	Village leader (Bikingi, Ngondo)	2	Personal interview	<ul style="list-style-type: none"> • Projects in the domain of forest conservation and restoration are highly welcomed in the area • People easily forget about projects because they do not leave long-lasting impacts • Non-agricultural income generating activities are not possible without infrastructure 	<ul style="list-style-type: none"> • We need to be given alternatives. We need lasting occupations. If people have no alternative energy, if they cannot afford food or other basic needs, they will spoil reserves, not because they are not aware of their importance but because they do not have any other way to survive. • Lack of infrastructure like roads and electricity also limit the possibility of non-agricultural, environmentally friendly activities. Investment in this area would be a great help
19/03/2014	Local representatives	15	Focus Group Discussion	<ul style="list-style-type: none"> • People neighbouring Gishwati and Mukura are characterised by lack of enterprising culture, wastefulness and extravagant behaviours associated to customary practices, low saving habit, and absence of properly tailored Business Development Services. • People are aware of the importance of Gishwati and Mukura reserves, corridor and buffer zones • Practices spoiling Gishwati and Mukura reserves include logging, firewood and charcoal, mining, etc. • In cases of relocation, there have been cases of people who are moved before preparing them and having where to relocate them • Many people have not been getting sufficient compensation 	<ul style="list-style-type: none"> • Project operators should effectively work with existing structures. • In case of resettlement, places where people are supposed to be resettled need to be prepared in advance and have all needed infrastructure • Alternatives to activities like mining and logging (especially for people that were exploiting their own plots of land) should first be pondered over • People should participate in determining the value of their properties. They should also participate in determining the needed compensation. Here they gave examples of houses built for resettled people but which are almost empty because they are not the types of houses beneficiaries needed • People should not be told to move before they are compensated. On this issue people say that the law is clear, as they were told, that nobody can be told to move before he/she is compensated. However, there are cases of people who were told to move before compensation • There has been a tendency to think that everything can be expressed in monetary language. People should be allowed to state what they want as compensation. For example one might need a similar plot of land elsewhere instead of money • When projects move people they only concentrate on those that are moved and forget that there could be some

					<p>people who are not moved but who were depending on the ones moved</p> <ul style="list-style-type: none"> • There should be agreement, collaboration and consultation among institutions dealing with environment and natural resources. Participants reported cases of officers in charge of mining who allowed mining activities without consulting REMA officials • District officers pertaining to environment need to be empowered and facilitated to meet people. People said they rarely see them. There is no budget about forests and natural resources in Districts. • Projects should think of long lasting impact.
25/04/2014	Local people around the high risk zones of GISHWATI	4	Focus Group Discussion	<ul style="list-style-type: none"> • Land is fertile • Enough grazing land • Lack of non-agricultural activities • People experience problems linked with land degradation and climate change: deadly floods, severe landslides, etc. 	<ul style="list-style-type: none"> • People need to be associated in establishing the needs and how they can be met. They are supposed to be sensitised, educated, and facilitated to accommodate change. • They should be approached using various means and channels to ensure their cooperation. • Local leaders, opinion leaders, clubs, traders, churches, schools, health centres, farmers need to be mobilized
17/03/2014	People relocated from Gishwati (Grouped in Bikindi Village)	14	Focus Group Discussion	<ul style="list-style-type: none"> • Resettled people are not happy with the way they got relocated • People were not sufficiently involved in the resettlement process • Compensation was not fair • Not enough non-agricultural activities are • Some people feel that their land can never be replaced • Some people are not comfortable with the monetary value imposed to them as compensation 	<ul style="list-style-type: none"> • Participants believe that much as people think they are compensated when relocated, relevant projects should think of other accompanying advantages that can help people's full resettlement. • The following examples were given: <ul style="list-style-type: none"> ✓ Setting up sustainable businesses that can employ some of them ✓ Putting up infrastructure (like road, water and electricity) that can help develop other types of employment ✓ Paying school fees for a certain period of time ✓ Scholastic equipment and materials (e.g., note books bearing scripts and pictures about natural resources and Mukura-Gishwati conservation; T-shirts and pullovers bearing the same, etc.) ✓ Motivating children, e.g. rewarding best performers ✓ Paying health insurance for a certain period of time ✓ Supporting initiatives of vulnerable people (people

					<ul style="list-style-type: none"> with disability, orphans, widow (er)s, elders, etc.) ✓ Giving them agricultural seeds for a certain period ✓ Etc.
31/03/2014	Vulnerable Community members (female headed HH, landless, small holders)	2	Focus Group Discussion	<ul style="list-style-type: none"> • Aware of the importance of forest reserves • Reserves are disappearing • People are spoiling the forests • There are not enough non-agricultural income generating activities 	<ul style="list-style-type: none"> • Vulnerable groups should be identified first and their interests should be considered. When people are taken holistically, vulnerable people suffer most • People should be heard first instead of being imposed to get little money and forced to move • People should be put in places where they can at least get the same basic needs
02/04/2014	Farmers (Ngororero)	32	Focus Group Discussion	<ul style="list-style-type: none"> • So far, the place that might serve as the corridor is a normal inhabited place scattered with hills and valleys. It has people's plantations of different crops and their houses • People are aware that there will be buffer zones but have no idea about the corridor • People are aware of the importance of natural reserves. 	<ul style="list-style-type: none"> • Alternatives to activities like mining and logging (especially for people that were exploiting their own plots of land) should first be pondered over • People should participate in determining the value of their properties. They should also participate in determining the needed compensation. Here they gave examples of houses built for resettled people but which are almost empty because they are not the types of houses beneficiaries needed • Projects should think of long lasting impact. They said that for some projects, there is not even a road leading to their actions. They said that projects utilise a lot of money but operate with Sectors with leaking roofs, very bad roads, shaky schools, etc. For them, this is why people easily forget about projects.
21/04/2014	Farmers (Rubavu)	25	Focus Group Discussion	<p>g) People neighbouring Gishwati forest live on agriculture. They cultivate tea, potatoes (mainly Irish), maize, beans, etc. Many of them are also cattle keepers. The activities that spoil the forest also include firewood, charcoal, mining, logging, water sources, sand and calcareous soil quarrying. The forest is also used for medicinal plants.</p> <p>h) Vulnerable groups include People with disability, Women, female headed households; unemployed and landless</p>	<ul style="list-style-type: none"> • Alternatives to activities like mining and logging (especially for people that were exploiting their own plots of land) should first be pondered over • Vulnerable groups should be properly identified and given special consideration • People should participate in determining the value of their properties. They should also participate in determining the needed compensation. • Projects should think of long lasting impact. They said that for some projects, there is not even a road leading to their actions. They said that projects utilise a lot of money

				youth, Orphaned children, child family heads, Elderly people. They also include Single parents, Farmers who depend on communal land that might be gazetted or restricted for certain uses, any other person (miner, logger, quarrier, etc.) who directly depends on the gazetted place/resource, people who are solely cattle keepers who might find themselves in cultivation –devoted areas as well as cultivators who might find themselves in livestock-prone areas	but operate with Sectors with leaking roofs, very bad roads, shaky schools, etc. For them, this is why people easily forget about projects
18/03/2014	Farmers (Rutsiro)	10	Focus Group Discussion	<ul style="list-style-type: none"> • People around Mukura forest reserve mainly live on agriculture. Their livelihood is directly linked to cultivation and cattle rearing. However, in addition to these main activities, people on Mukura live on mining, logging, bee keeping. Their crops include tea, potatoes (mainly Irish), maize, beans, etc. The mining, now more than artisanal, is mainly practised by young men and focuses on coltan, cassiterite, wolfram (minerals people prevail in that region). • Activities that spoil the environment are related to firewood, charcoal, mining, logging, water sources, sand and calcareous soil quarrying, fires, etc. The fires were caused by people who wanted to expand the grazing land but the practice stopped. 	<ul style="list-style-type: none"> • Alternatives to activities like mining and logging (especially for people that were exploiting their own plots of land) should first be pondered over • Vulnerable groups should be properly identified and given special consideration • People should participate in determining the value of their properties. They should also participate in determining the needed compensation. • Projects should think of long lasting impact • They should think of investing in infrastructure
16/04/2014	Farmers (Nyabihu)	15	Focus Group Discussion	<ul style="list-style-type: none"> • The land near Gishwati is very fertile • The area is also rich in minerals • Some people cannot leave the place • People who got relocated from Gishwati are not happy with their new place. They have very small land which is not as fertile 	<ul style="list-style-type: none"> • Alternatives to activities like mining and logging (especially for people that were exploiting their own plots of land) should first be pondered over • There is a need to find more non-agricultural activities • Vulnerable groups should be properly identified and given special consideration

				<p>as the one they had in Gishwati</p> <ul style="list-style-type: none"> • People near Gishwati also experience problems linked with land degradation and climate change: deadly floods, severe landslides, etc. 	<ul style="list-style-type: none"> • People should participate in determining the value of their properties. They should also participate in determining the needed compensation. • Projects should think of long lasting impact. • For some projects, there is not even a road leading to their actions. • Projects utilise a lot of money but operate with Sectors with leaking roofs, very bad roads, shaky schools, etc. For them, this is why people easily forget about projects
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ANNEX 3: LIST OF PARTICIPANTS IN THE CONSULTATIONS

Participants in Rutsiro District

	Full Name	Sector	Responsibility
1.	Jean Pierre NDAYAMBAJE	MUKURA Sector	Sector Agronomist Officer
2.	Lambert MUHIRE	MUKURA Sector	Teacher, Rwingogo Secondary School
3.	Pierre Claver NDAYAMBAJE	MUKURA Sector	Teacher, Rwingogo Secondary School
4.	Furaha MUKAMUDENGE	MUKURA Sector	Teacher, Rwingogo Secondary School
5.	Vianney USABYIMANA	MUKURA Sector	Teacher, Rwingogo Secondary School
6.	Immaculée DUSABIMANA	MUKURA Sector	Teacher, Rwingogo Secondary School
7.	Marie Jeanne YANDEREYE	MUKURA Sector	Teacher, Rwingogo Secondary School
8.	Espérance MUKANTWARI	MUKURA Sector	Teacher, Rwingogo Secondary School
9.	Laurent NIYOMUGABO	MUKURA Sector	Teacher, Rwingogo Secondary School
10.	Perpetue DUSHIMIRUMUCUNGUZI	MUKURA Sector	Teacher, Rwingogo Secondary School
11.	Clément NDAHAYO	MUKURA Sector	Deputy Director in charge of studies
12.	Emmanuel KANANI	MUKURA Sector	Teacher, Rwingogo Secondary School
13.	Claudette MUKUNDENTE	MUKURA Sector	Teacher, Rwingogo Secondary School
14.	Jacqueline MUSHIMIYIMANA	MUKURA Sector	Teacher, Rwingogo Secondary School
15.	Anne Marie NYIRABAGIRIMPUHWE	MUKURA Sector	Teacher, Rwingogo Secondary School
16.	Séraphine URIMUBENSHI	MUKURA Sector	Teacher, Rwingogo Secondary School

Participants in Nyabihu District

	Full Name	Sector	Responsibility
1.	Innocent HABUMUREMYI	BIGOGWE	BIKINGI Village Leader
2.	Innocent HAKIZIMANA	BIGOGWE	BIGOGWE Sector Agronomist Officer
3.	Innocent KAJONJORI	BIGOGWE	Farmer
4.	Jacqueline NYIRAKAMANZA	BIGOGWE	Farmer, one of the people relocated from Gishwati forest
5.	Josephine MUHAWENIMANA	BIGOGWE	Farmer
6.	Gashabuka HITIMANA	BIGOGWE	Farmer, relocated from Gishwati forest

Participants still living in the former Gishwati reserve

	Full Name	District	Responsibility
1.	Pacifique NSENGIMANA	NYABIHU	Still living in part of former Gishwati reserve (legally)
2.	Paul SIBOMANA	NYABIHU	Still living in part of former Gishwati reserve (legally)
3.	Hassan NSABIMANA	NYABIHU	Still living in part of former Gishwati reserve (legally)
4.	Salima NIYONKURU	NYABIHU	Still living in part of former Gishwati reserve (legally)

Participants relocated from former Gishwati reserve (Grouped in Bikindi Village, Kijote Cell, Bigogwe Sector, and Nyabihu District)

	Full Name	Cell	Responsibility
1.	Ephreim SETAKO	Kijote	Farmer
2.	Pascal KABASHA	Kijote	Farmer
3.	Thomas RUZINDANA	Kijote	Farmer
4.	Gapira MUNYANGORORE	Kijote	Farmer
5.	Soteri RUBANZAMBUGA	Kijote	Farmer
6.	Jonas BARINDA	Kijote	Farmer
7.	Karekezi NGARUJE	Kijote	Farmer
8.	Kabera NDINDAGIHE	Kijote	Farmer
9.	Marie NYIRANTIBIBUKA	Kijote	Farmer
10.	Jeannette NYIRAHABIMANA	Kijote	Farmer

11.	Consolée NYIRAMATABARO	Kijote	Farmer
12.	Justin Gashegu KARIWABO	Kijote	Farmer

Participants in Ngororero District

	Full Name	Sector	Responsibility
1.	Emmanuel MAZIMPAKA		Vice-Mayor Economic Affairs
2.	Felix HAKIZURIMWIJURU	MUHANDA	Sector Agronomist
3.	Solange	MUHANDA	Executive Secretary, Bugarura Cell
4.	Elisaphane NTAKIRUTINKA	MUHANDA	Village leader, Ngondo Village
5.	Edouard MAGERA	MUHANDA	Farmer
6.	Rabani RUKERA	MUHANDA	Farmer
7.	Eustache MBAYIHA	MUHANDA	Farmer
8.	Alphonse NDADIJIMANA	MUHANDA	Farmer
9.	Innocent HITIYAREMYE	MUHANDA	Farmer
10.	Jean Damascene NKINAMUBANZI	MUHANDA	Farmer
11.	Francois HAKIZIMANA	MUHANDA	Farmer
12.	Gilbert HATEGEKIMANA	MUHANDA	Farmer
13.	Etienne MUNYENSANGA	MUHANDA	Farmer
14.	Theogene HAKUZIMANA	MUHANDA	Farmer
15.	Vincent CYIZA	MUHANDA	Farmer
16.	Aloys ZIGIRANYIRAZO	MUHANDA	Farmer
17.	Evariste KARONKANO	MUHANDA	Farmer
18.	Silver SEGATASHYA	MUHANDA	Farmer
19.	Christine AYINGENEYE	MUHANDA	Farmer
20.	Jean Damascene MANIRIHO	MUHANDA	Farmer
21.	Jeannette MUHAWENIMANA	MUHANDA	Farmer
22.	Pierre MBONABARYI	MUHANDA	Farmer
23.	Vestine TUYIZERE	MUHANDA	Farmer
24.	Francois NSENGUMUKIZA	MUHANDA	Farmer
25.	Amiel HAKIZIMANA	MUHANDA	Farmer
26.	Pierre NTABANGANYIMANA	MUHANDA	Farmer
27.	Augustin HABUMUREMYI	MUHANDA	Farmer
28.	Emmanuel BARANYERETSE	MUHANDA	Farmer
29.	André HAKIZIMANA	MUHANDA	Farmer
30.	Jean Claude BIZIMUNGU	MUHANDA	Farmer
31.	Claude NIYTEGEKA	MUHANDA	Farmer
32.	Léonidas NGENDAHAYO	MUHANDA	Farmer
33.	Callixte UWIRINGIYIMANA	MUHANDA	Farmer

34.	Paul BITEGA	MUHANDA	Farmer
35.	Jean UWIRINGIYIMANA	MUHANDA	Farmer

NOTE: 25 participants in RUBAVU Districts; 10 participants in RUTSIRO Districts and 15 participants in NYABIHU Districts declined to give their personal details including their names for, as they said, their own personal reasons.

REFERENCES

1. Environmental and Social Management Framework (ESMF), Resettlement Policy Framework (RPF) and Integrated Pest Management Plan (IPMP) that were prepared for LVEMP II
2. Land Husbandry, Water Harvesting and Hillside Irrigation (LWH) (2009) Resettlement Policy Framework
3. Organic Law N° 03/2013/OL of 16/06/2013 determining the use and management of land in Rwanda
4. Rwanda Environment Management Authority (REMA) Landscape Approach to Forest Restoration and Conservation (LAFREC) project (2014)
5. Rwanda Environment Management Authority (REMA) Lake Victoria Environmental Management Project (LVEMP) Phase II (2011) Environmental and Social Management Framework (ESMF) for Rwanda under LVEMP II
6. Rwanda Environment Management Authority (REMA) Lake Victoria Environmental Management Project (LVEMP) Phase II (2011) Resettlement Policy and Process Frameworks
7. World Bank Involuntary Resettlement Operational Policy OP 4.12