

REPUBLIC OF RWANDA



MINISTRY OF TRADE AND INDUSTRY

**GREAT LAKES TRADE FACILITATION PROJECT
(GLTFP):
ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK
(ESMF)**

FINAL REPORT

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EXECUTIVE SUMMARY

The Great Lakes Trade Facilitation Project (GLTFP) is a project that intends to deal with cross-boundary trade between countries in the Great Lakes Region. This is to be a part of a bigger program that will be implemented in 2 phases. In the first phase, DRC, Rwanda and Uganda will be involved. In the second phase, Burundi, Zambia and Tanzania will be involved. However, this Environmental and Social Management Framework (ESMF) only concerns GLTFP in Rwanda. The investments in Rwanda will include Border infrastructure and facilities in the border posts at Ruzizi I in Rwanda; Rehabilitation of Kamembe Airport in Rwanda¹; and Development of border markets and logistics platforms at Nyamasheke and Ruzizi in Rwanda. Of the total project cost of US\$ 79 million, US\$ 39 million will be allocated to Rwanda for the above projects.

GLTFP activities will be carried out on an area of about 20 ha. These activities will be geared towards the improvement of cross-border trade between Rwanda and Democratic Republic of Congo (DRC).

The Project development objective (PDO) is to facilitate cross-border trade between Rwanda and Democratic Republic of Congo by increasing the capacity for commerce and reducing the costs, time, and harassment faced by traders, especially small-scale and women traders, at targeted borderland locations in the Great Lakes region. Project Beneficiaries would primarily be vulnerable families in borderland areas, cross border traders, especially women, and air travellers. The project will also benefit youth by creating new opportunities for employment. The project will address both formal and informal small-scale trade with a strong focus on gender.

¹ GLTFP Sub-component 1.2: Some activities on rehabilitation of Kamembe Airport have already started; while those activities are not financed under this project an audit of them has been done.

The identified priority project interventions have been clustered into four 4 main components: infrastructure improvements, procedural reforms and capacity building, performance-based border management, and support for project implementation, communications and monitoring and evaluation. GLTFP Phase I will focus on Infrastructure Improvements, which will include the Border infrastructure and facilities in the border posts at Ruzizi I in Rwanda, rehabilitation of Kamembe Airport and development of border markets and logistics platforms at Nyamasheke and Ruzizi in Rwanda.

Although most project impacts are expected to be positive, some of the proposed activities, especially activities in Component 1 could create negative environmental and social impacts during their implementation, such as: increase in soil erosion during the construction phase of minor works, which could cause temporary increases in sediment loads into Lake Kivu and River Rusizi and other small water courses; loss of access (temporary or permanent) to natural resources; loss of land due to the construction of infrastructure; and temporary noise and air pollution nuisance due to construction works.

This environmental and social management framework (ESMF) has been prepared as a guide for the initial screening of the proposed project activities for any negative environmental and social impacts, which would require attention prior to project implementation. The framework outlines a number of strategies in undertaking the exercise. These include:

- An outline of a systematic screening process for identifying potential environmental and social impacts and their sources;
- A step-by-step procedure for addressing potential environmental and social impacts of the planned project activities;
- A typical environmental management plan for mitigating negative externalities in the course of project implementation and operations within the project sites;

- A monitoring system for the implementation of mitigation measures;
- An outline of recommended capacity-building measures for environmental planning and monitoring of the project activities.

The preparation of this ESMF is in line with the requirements of the National Organic Law (2005), the Environmental Impact Assessment Guidelines; and has bearing of relevant World Bank (WB) environmental and social safeguard policies. The WB safeguard policies that are triggered by the proposed GLTFP activities are: *OP/BP 4.01 (Environmental Assessment)*; *OP/BP 4.04 (Natural Habitats)*; and *OP/BP 4.12 (Involuntary Resettlement)*.

Proposed activities under GLTFP would be classified, through a process of environmental screening, under one of the following environmental impact categories: A, B or C, as defined in the World Bank safeguard policy for Environmental Assessment OP 4.01. Activities proposed under GLTFP are expected to be classified as Category B. This ESMF has been prepared to ensure that potential negative environmental and socio-economic impacts are identified during project implementation, prior to approval of individual components, and that appropriate measures to avoid, minimize, or mitigate such negative impacts are defined and executed in the course of project implementation.

The framework provides that activities being implemented in GLTFP area must have comprehensive environmental and social management plans. It also provides that LODA, RCAA, and RTDA should ensure that human activities that may lead to environmental and social problems are properly managed and monitored.

In addition, it is recognized that successful implementation of the ESMF requires the involvement and participation of local communities in the implementation of suggested mitigation measures. Specifically, the following is recommended:

- Using this framework prior to any activity of the GLTFP;
- Environmental and social awareness and education for the key stakeholders and affected communities;

- Regularly updating this ESMF to respond to changing local conditions and lessons learned during project implementation;
- Providing the necessary resources and equipment for the project implementers to be able to produce the necessary documentation and forms for the implementation of the ESMF,

Field visits and consultations that were conducted with stakeholders and people likely to be affected indicated that GLTFP is expected to have a lot of positive impacts on people in its sites. These include providing an example for waste/waste water management and treatment; replanting trees and re-vegetation; preventing water/air pollution and soil erosion; increasing social interactions between Rwandans and Congolese living near the border; easing border crossing mechanisms; improving the security of traders, especially in lower scale cross-border traders; creating permanent/temporary jobs; providing new infrastructure, etc.

However, it was also found out that construction works may have limited and local adverse effects on communities both physically (air and water pollution, nuisance and contamination, etc.); and socio-economically (land use, income generation, mobility and community association). This ESMF provides measures to address these impacts. Consulted people showed that they were eagerly waiting for such a project. They did not show a lot of issues but requested to be associated in all stages of project implementation and have access to all related information.

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ACRONYMS AND ABBREVIATIONS

CBD	Convention on Biological Diversity
CBO	Community Based Organization
CDF	Community Development Fund
DAO	District Agriculture Officer
DDP	Districts Development Plans
DEO	District Environment Officer
DNRM	District Natural Resource Management
EA	Environmental Assessment
EAC	East African Community
EDPRS	Economic Development and Poverty Reduction Strategy
EFP	Environmental Focal Person
EHS-MP	Environment, Health and Safety Management Plan
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FONERWA	Rwanda National Environment Fund
GoR	Government of Rwanda
HIMO	Haute Intensité de Main d'œuvre
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immuno Deficiency Syndrome
IL	Impact Level
ISAR	Institute for Research in Agronomic Sciences of Rwanda
KIST	Kigali Institute of Science and Technology
LG	Local Government
LODA	Rwanda Local Development Agency
M&E	Monitoring and Evaluation
MDG	Millennium Development Goals
MIGEPROFE	Ministère du Genre et de la Promotion Féminine
MINAGRI	Ministry of Agriculture & Animal Resources
MINALOC	Ministry of Local Government, Good Governance, Community Development and Social Affairs
MINECOFIN	Ministry of Finance and Economic Planning
MINICOM	Ministry of Trade and Industry
MINEDUC	Ministry of Education
MININFRA	Ministry of Infrastructure
MINIFOM	Ministry of Forestry and Mines
MINIRENA	Ministry of Natural Resources
MINISANTE	Ministry of Health

MIS	Management Information System
NAFA	National Forestry Authority
NGOs	Non-Governmental Organisations
NRM	National Resources Management
OGMR	Office de Geologie et des Mines du Rwanda
OP	Operational Policy
PDO	Project Development Objectives
PSC	Project Steering Committee
PSCF	Project Screening Criteria Form
RADA	Rwanda Agricultural Development Authority
RAP	Resettlement and Action Plan
RARDA	Rwanda Animal Resources Development
RBS	Rwanda Bureau of Standards
RCAA	Rwanda Civil Aviation Authority
RECO-	
RWASCO	Rwanda Electricity Corporation and Rwanda Water and sanitation Corporation
REMA	Rwanda Environment Management Authority
RPF	Resettlement Policy Framework
RTDA	Rwanda Transport Development Authority
WB	World Bank

1. INTRODUCTION

The economies of eastern DRC, Burundi, Rwanda, and western areas of Uganda, Tanzania and Zambia have been inextricably linked for centuries but the conflicts of recent years have taken a heavy toll on human life and disrupted the regional economy. However, despite conflicts in the Great Lakes Region (GLR), cross-border trade has continued to be an important source of goods, services and incomes for Rwandans and Congolese, although they are not benefiting maximally. Informal cross-border trade in the Great Lakes region is dominated by women.

Countries often rely on air transport to overcome difficulties of overland connectivity. For the DRC, air transport is the main form of long distance movement. However, poor air transport infrastructure and low availability of services makes it difficult to access such services. In fact, many residents in eastern DRC access air services in neighboring countries, especially in Rwanda, Uganda and Burundi. Poor access to such services in these countries hampers growth and minimizes the potential for trade in products, such as horticulture, that could be traded by air. Often travelers from DRC are forced to spend additional nights in transit and incur higher costs to clear their goods through the land border crossing points.

Tackling the challenges and constraints faced by cross border traders in the Great Lakes region requires that a bundle of interrelated constraints are tackled simultaneously. The main constraints are (i) dilapidated infrastructure at the border and at lake ports resulting in a poor environment for handling and processing goods and people (border posts are lacking in basic amenities such as water, sanitation and electricity as well as essential facilities such warehousing), (ii) harassment and violence against traders, especially women, and (iii) lack of transparency and knowledge of trade regimes and procedures. These constraints raise costs for traders and make for an insecure trading environment.

Facilitating trade across borders will be an important mechanism to improve access of consumers to basic food products and to increase the returns to farmers. There are also

considerable opportunities to increase trade in services, including professional services, logistics services, construction services and financial services. GLTFP therefore aims at facilitating cross-border trade in Great Lakes countries. This ESMF is, however, about GLTFP Rwanda which focuses on facilitating cross-border trade between Rwandans and Congolese. Although facilitating cross-border trade touches on various dimensions, this phase of GLTFP will focus on Infrastructure Improvement. It will look at Kamembe International Airport, Nyamasheke Cross-border Market and Rusizi Cross-border Market in the Western Province of Rwanda.

2. PROJECT BACKGROUND

2.1 Project Development Objectives (PDO)

The Development Objective of the project is to *facilitate cross-border trade by increasing the capacity for commerce and reducing the costs faced by traders, especially small-scale and women traders, at targeted locations in the borderlands*. Project Beneficiaries would primarily be vulnerable families in borderland areas, cross border traders, especially women, and air travellers. The project will also benefit youth by creating new opportunities for employment. The project will address both formal and informal small-scale trade with a strong focus on gender.

2.2 Project Components

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

This component includes improving border infrastructure and facilities in the border posts at Ruzizi I, rehabilitation of Kamembe Airport, and development of two border markets and logistics platforms at Nyamasheke and Rusizi districts. The proposed locations to build the cross-border markets are yet to be identified. .

2.2.1 Kamembe International Airport

Activities to rehabilitate Kamembe International Airport will include rehabilitating (and strengthening) the existing runway at Kamembe. This would give the pavement a lifespan of

20 years, based on the Q400 aircraft. It is envisaged to increase passenger volumes in future through increased frequencies, lighting, and night flights.

- As Rwanda Civil Aviation Authority (RCAA) has already commenced the works for resurfacing of the existing runway at Kamembe, no ESIA under this ESMF will be prepared for that activity but instead an

An Environmental Audit of those works has been done in parallel to the preparation of this ESMF. The findings and recommendations of the audit will be implemented by the RCAA.

Besides rehabilitation of existing runway, activities at Kamembe airport that may be included under the project are as follows: installation of navigational aids and weather equipment, aeronautical ground lighting, airport perimeter fencing and lighting and a transit cargo facility.

2.2.2 Nyamasheke Cross-Border Market

Nyamasheke Cross border market is one of the potential investments. Local people say that there used to be a very big market in the area that was accommodating all types of goods. That market was favorable to Congolese who were crossing over to Rwanda using Kivu Lake. Rwamiko people say that the place was booming and was using various types of currencies such as US Dollars, Congo and Rwanda Francs. It seems the market got closed when Interahamwe militia started using the place to cause insecurity to Rwanda and that it was therefore relocated to Birembo (for food items, clothes, small-scale livestock) and Bitaba (for cattle). The new market location turned out to be very far and difficult to reach for many people, especially Congolese, who started reducing or even stopping their travels to Rwanda through that post.

The Nyamasheke District in collaboration with MINICOM and private investors is now thinking of reviving a market in the area. However, the precise location of this market has not

yet been decided. The envisaged market would accommodate livestock, food items, restaurants, canteens, shops, stores, and all other equipment necessary for a cross-border market and it will be financed under GLTFP.

2.2.3 Rusizi Cross-border Market

Rusizi Cross-Border Market is another envisaged investment in order to promote cross-border trade between Rwanda and DRC. Decision on the location is also not made yet. Activities geared towards developing this cross-border market might get funded under GLTFP.

2.2.4 Rusizi Cross-Border Post

This potential investment is expected to help Rusizi I Border Post to render proper and quick services to cross-border traders. It would improve the processing of traders by improving the related facilities, such as for example a parking area and introducing an automated gate system (details remain to be determined). .

2.3 Institutional and Implementation Arrangements

The project will have cross-ministry and agency coordination and implementation mechanism. It will create an inter-ministerial project steering committee consisting of dedicated representatives from each of the following ministries and agencies: Ministry of Trade and Industry (MINICOM), which will function as the chair, Ministry of Finance and Economic Planning, Ministry of Infrastructure, Immigration Office, Ministry of Agriculture and Animal Resources, and Rwanda Revenue Authority. The project will be implemented under the overall coordination of the MINICOM, who will be responsible for the overall coordination, implementation, and supervision of the proposed project.

MINICOM will manage the day-to-day activities under the proposed project, in particular: procurement and monitoring activities; coordination with the other entities responsible for

project implementation; and preparation of annual work programs, budgets, and procurement plans, among others. However, given that the largest proportion of the financing of the project will go towards infrastructure improvements, the Ministry of Infrastructure will provide overall coordination of Component I which will support rehabilitation of the airport and the construction of border markets.

Within this, and consistent with their roles and experience, Rwanda Civil Aviation Authority (RCAA) will have specific responsibility for the works at Kamembe Airport, Rwanda Transport Development Agency (RTDA) will oversee the implementation of works at Rusizi I Border Post while Rwanda Local Development Agency (LODA) will oversee activities related to Cross-Border Markets (Rusizi and Nyamasheke). MINICOM will be responsible for implementing components 2, 3 and 4.

2.4 Social Impacts and Safeguards

The borders in Rwanda, especially in Rusizi are vibrant and busy places, there are no permanent markets and or allocated locations where vendors conduct their daily business, the specific locations for resting, waiting for immigration and conducting business changes on a daily basis, 86% of who are women. The preliminary study indicated improving facilities at Rusizi I Border Post will not have any adverse impacts but would rather provide the much needed markets for the traders and vendors, and hence these are included in the project to provide the much needed space for the traders and vendors. While the land on which the construction will take place belongs to the government, however, project interventions at Rusizi I Border Post, Rusizi Cross-Border Market, Nyamasheke Cross-Border Market as well as Kamembe International Airport may require temporary relocation of vendors and traders to an appropriate site closer to the border for the trading to continue and hence will trigger World Bank Operation Policies on *Environmental Assessment OP 4.01* and *Involuntary Resettlement OP 4.12*. In that case, a Resettlement Action Plan (RAP) for the border posts and markets will have to be prepared, that will include the relocation of the traders and vendors to a temporary location close to the borders in the short term and relocation to the newly

constructed markets at the respective borders in the long term. As for the works at Kemembe airport, these will likely include the replacement of the existing fencing, following the existing alignment. Nevertheless should KCAA decide to extend the fencing parameter a few families may lose access to RCAA land that they are presently cultivating. In such an event, a RAP shall be prepared in accordance with the Resettlement Policy Framework that has been prepared for the project, and implemented prior to the start of the works.

Preliminary assessment through field visits to the border posts at Rusizi and Nyamasheke as well as at Kamembe Airport indicated potential socioeconomic and environmental impacts. A Resettlement Policy Framework (RPF) and an Environmental and Social Management Framework (ESMF) were therefore required for the project.

2.4.1 Kamembe International Airport

For the Kamembe Airport activities included under this project to improve service at the airport include: installation of navigational aids and weather equipment, aeronautical ground lighting, airport perimeter fencing and lighting and a transit cargo facility. The transit cargo facility will be constructed on the RCAA land within the airport. As indicated earlier, resurfacing works were already initiated separately, and an audit has been carried out on those works.

3. STUDY METHODOLOGY

The study was conducted using the following methodology: Desk review, Document review, Field visits and Interactive discussion.

3.1 Desk review

Part of information that was used in preparing the EMSF was from existing literature. This included the following:

- Great Lakes Trade Facilitation Project Documents
- World Bank Website

- Project Appraisal Documents
- Related District Reports,
- Other government documents (studies), etc.

The consultant also undertook detailed review and analysis of the national relevant legislations, policies and guidelines including the World Bank Safeguards Policies, international conventions related to this project and other relevant documents.

3.2 Field Visits

The consultant made an extensive visit to the project sites (in Rusizi and Nyamasheke Districts) in order to identify the issues on the ground and appreciate possible impacts of the component activities on the Environment and communities.

The main issues outlined in all the consultative meetings with stakeholders included:

- Potential Land degradation
- Potential soil erosion
- Instances of pollution
- Deforestation
- Possible relocation and expropriation cases

3.3 Interactive Discussions

Various discussions were held with project focal people for project preparation in MINICOM, District officials, especially Trade Investment Promotion Officers as well as local leaders. It is worth mentioning that the consultant also consulted several stakeholders such as the Ministry of Finance and Economic Planning, the Ministry of Infrastructure, Rwanda Civil Aviation Authority (RCAA), Private Sector Federation, etc.

4. BASELINE DATA

4.1 Project Target Areas

GLTFP activities will be carried out within sites in the Western Province for the border post and border markets, and within Kamembe International Airport. Activities will follow environmental policies in place in Rwanda to avoid serious degradation of the environment and natural resources as well as adverse effects on neighboring communities. It is worth mentioning that where gaps or material differences between policies in Rwanda and World Bank policies are observed, World Bank policies will be applied.

4.2 Description of the Environment

An extensive visit has been done to the project areas in order to identify the issues on the ground and appreciate possible impacts of the project activities on the Environment.

The main issues outlined in all the consultative meetings with stakeholders included:

- Possible Land degradation
- Possible soil erosion
- Instances of pollution and nuisance
- Deforestation
- Possible cases of over-fishing (since one of the market will be at the shores of the lake with already fishing activities nearby)
- Poverty and dependency on natural resources

5. ADMINISTRATIVE, POLICY AND REGULATORY FRAMEWORK

This section of the ESMF outlines and reviews the existing legislations, policies and institutions and identifies requirements as well as gaps and conflicts of the relevant legal and institutional arrangements that would hinder or guide the development of the project in line with the national and international laws applicable to Great Lakes Facilitation Project. Rwanda being a signatory to various international conventions and laws, it is important that national projects are in line with these laws and as such some of the relevant international

conventions are reviewed in this section

5.1 Legal Framework

5.1.1 The constitution of the Republic of Rwanda

The constitution that was adopted by Rwandans on March 26, 2003 has several provisions related to GLTFP:

- Article 29: Each person has right to hold a private property, individual or collective. The private property, individual or collective is inviolable. No one can make prejudice on it unless there is a necessity of public interest, in the context and ways established by the law and in exchange of an equal and previous compensation.
- Article 30: The private property of soil and other real rights putting a strain to the soil granted by the government (state). An Act determines the acquisition, transfer and exploitation means.
- Article 31: The state property consists of the public sector and the private sector of the government together with the public sector and private sector of decentralized public communities. The properties of the public sector are inalienable except in case of their previous disuse in favor of the private concession of the government.
- Article 32: Each person is submitted to respect the public properties.
- Article 49: Each citizen has the right to healthy and satisfying environment.
Each person has the right to protect, to conserve and promote the environment. The government will take care of the environment protection. An Act defines the procedures of protecting, conserving and promoting the environment.
- Article 190: The treaties and international agreements regularly signed and approved have since their making public within the official magazine, an authority superior to that of the

organic laws and those of ordinary laws, under reserve, for each agreement or treaty of its execution by the other part.

The constitution is relevant for GLTFP since it restricts taking private properties of people. It also explains when somebody's property can be taken and how this can happen. It finally entitles citizens to healthy and satisfying environment which GLTFP is supposed to respect and safeguard.

5.1.2 Organic Law on Environment Protection and Management

The most relevant legislation for GLTFP is the Organic Law on Environmental Protection, Conservation and Management. This is the law that regulates the protection of environment in Rwanda. The law sets out the general legal framework for environment protection and management in Rwanda. It also constitutes environment as a one of the priority concerns of the Government of Rwanda. Under the fundamental principle on national environmental protection policy develops national strategies, plans and programs, aiming at ensuring the conservation and use of sustainable environmental resources.

The law gives right to every natural or legal person in Rwanda to live in a healthy and balanced environment. They also have the obligation to contribute individually or collectively to safeguard country's natural, historical and socio-cultural heritage.

The framework of the law on the protection and management of natural resources centers on avoiding and reducing the disastrous consequences on environment. Its measures result from an environmental evaluation of policies, programs and projects, aimed at preventing the consequences of such activities.

The principle of sustainability of environment and equity among generation emphasizes human beings at the core of sustainable development. They therefore, have a right to a healthy and productive life in harmony with nature so as to equitably meet the needs of the

present and future generation.

The protection and management of environment is currently registered in the environmental organic law that has been published in the Official Gazette in May 2005.

MINIRENA which is the ministry responsible for the environment under the article 65 put in place Rwanda Environment Management Authority (REMA) which is the institution now charged with the responsibility of ensuring environmental protection by demanding for EIA studies to be undertaken before projects are executed.

The present organic law has the following objectives:

- To protect human and natural environment;
- To establish fundamental principles of management and protection of environment against all forms of degradation so as to develop natural resources and to fight all kinds of pollutions and nuisances;
- To improve the living conditions of the population while preserving ecosystems and available resources;
- To ensure sustainable environment and resources as well as rational and sustainable use of resources, taking into account the equality between the present and future generations;
- To guarantee to all Rwandans an economically viable, ecologically rational and socially acceptable development;
- To establish the precaution principle in order to reduce the negative effects on
- Environment and ensure the rehabilitation of degraded areas.

Chapter IV of the Organic Law Article 65 clearly calls for the need to subject projects to mandatory Environmental Impact Assessment.

Article 3: States that every person has the duty to protect, safeguard and promote the

environment. The State shall protect, conserve and manage the environment.

Article 65: Further specifies that every project shall be subjected to environmental impact assessment prior to its commencement. It shall be the same for programs, plans and policies likely to affect the environment. Specific details of projects referred to in this Article shall be spelt out by the order of the Minister in charge of environment.

Article 66 states that Environmental Impact Assessment (EIA) shall include at least the following:

- A brief description of the project and its variants.
- Analysis of direct and indirect foreseeable consequences on the environment.
- Analysis of the initial state of the environment.
- Measures envisaged reducing, preventing or compensating for the consequences.
- Reasons for the choice.
- A summary of requisitions from clause 1 to 5 of this article;
- A definition of the evaluation and monitoring methods used regularly and environmental indicators before (initial state), during and after implementation of the project or, as the case may be, at the final evaluation stage of the project;
- A financial evaluation of measures recommended preventing, reducing or compensating for the negative effects of the project on the environment and measures for regular monitoring and control of relevant environmental indicators.

Article 67 states that the analysis and approval of environmental impact assessments is done by the Rwanda Environmental Protection Authority or any other person given a written authorization. The project promoter shall pay a levy which shall be assessed from the amount invested or to be invested, excluding the amount of operating cost. The assessment of this levy shall be fixed by law establishing the National Fund for the Environment. The impact study shall be done at the expense and under the responsibility of the promoter.

The Organic Law also puts in place the National Fund of the Environment in Rwanda

(FONERWA). The composition, the working and the assignments of these institutions will be determined by particular laws.

The article 66 of the Organic Law on the environment specifies that it has created, to the level of the Provinces, of the City of Kigali, of the Districts, the Cities, the Sectors and the Cells, Committees responsible for the conservation and the protection of the environment. The composition, the working and the assignments of these committees will be determined by Decree of the prime minister.

Title IV of Article 67 of the Organic Law requires that the execution of Policies, Plans and Projects must be subject to mandatory EIA studies to identify the potential adverse impacts they could have on the environment.

Further to this through the Ministerial Decree, a list of all the project that must be subjected to mandatory EIA has been put in place under article 68 of the Organic Law. Article 30 further stipulates that works of public or private construction as roads, dams etc., must be subjected to EIA studies.

Article 69 of the Organic Law further specifies that the EIA studies undertaken must be submitted to REMA for approval and the studies must be undertaken at the proponent's expense.

This organic law is relevant to GLTFP as it obliges GLTFP to safeguard natural and social environment. It entitles all Rwandans to healthy and balanced environment and provides guidelines that projects have to respect in order to avoid disastrous impacts to the environment.

5.1.3 Environmental Impact Assessment Regulations

REMA has now developed the EIA regulations which provide a guideline and requirements

for EIA in Rwanda. These are therefore very important for GLTFP because GLTFP will need to be cleared as a project which does not endanger the environment. Projects with identified adverse impacts on environment call for a full EIA process for mitigation measures and thus the Ministerial Order N°004/2008 of 15/08/2008 establishing the list of works, activities and projects that have to undertake an environmental impact assessment highlights some projects as follows; construction and repair of international and national roads, large bridges, industries, factories, hydro-dams and electrical lines, public dams for water conservation, rain water harvesting for agricultural activities and artificial lakes, large hotels public building which accommodate more than one hundred daily, extraction of mines and public land fills among others.

Sub Article 1) says that no environmental authorization shall be granted by the Authority for any project in Schedule I to these Regulations if no environmental impact assessment has been submitted to the Authority in accordance with the provisions of these Regulations.

Sub Article 2) states any project listed under Impact Level III of Schedule I to these Regulations shall require a full environmental impact assessment by the preparation of an environmental impact report, unless the Authority refuses permission.

The general EIA guidelines give the EIA process in Rwanda, which consists of the following phases:

1) **Project Brief Submission and Registration**: As a first step in the EIA process, a developer proposing to start a project shall notify Rwanda Development Board (RDB) in writing by submission of a Project Brief. The purpose of a Project Brief, which should be prepared as prescribed in this regulation, is to provide information on the proposed activity so as to enable RDB and Lead Agencies establish whether or not the activity is likely to have significant impact on the environment, and thus determine the level of EIA necessary. The project brief submitted to RDB by a developer will be registered as the formal application for an EIA.

2) **Screening**: Screening refers to the process by which RDB makes a decision as to whether an EIA is required or not, based on information in the Project Brief. An example of a project screening form that is used for this end is provided in annexes (Annex 2). It is through screening that RDB is able to classify proposed projects as either of impact level (IL) 1, 2 or 3. Note that **Impact Level (IL) 1, 2 or 3** are respectively equivalent to **category C, B or A**.

3) **Scoping and consideration of alternatives**: The responsibility for scoping shall be that of the developers (or their EIA experts) in consultation with Lead Agencies and all relevant stakeholders. Scoping is intended to establish important issues to be addressed in the environmental impact and eliminate the irrelevant ones. After scoping, RDB approves the terms of reference that would be used for carrying out the environmental impact study.

4) **Baseline data collection and Analysis of Initial State**: Baseline data describes status of existing environment at a location before intervention of the proposed project. Site-specific primary data on and around a proposed site should be collected by experts conducting the environmental impact study to form a basis for future environmental monitoring.

5) **Impact prediction and analysis of alternatives**: Impact prediction is a way of forecasting the environmental consequences of a project and its alternatives. This action is principally a responsibility of an EIA expert. For every project, possible alternatives should be identified and environmental attributes compared. Alternatives should cover both project location and process technologies. Alternatives should then be ranked for selection of the most optimum environmental and socio-economic benefits to the community. Once alternatives have been analyzed, a mitigation plan should be drawn up for the selected option and is supplemented with an Environmental Management Plan (EMP) to guide the developer in environmental conservation.

6) **EIA Report**: An environmental impact study culminates into preparation of a report by the EIA expert(s). An EIA report should provide clear information to the decision-maker on

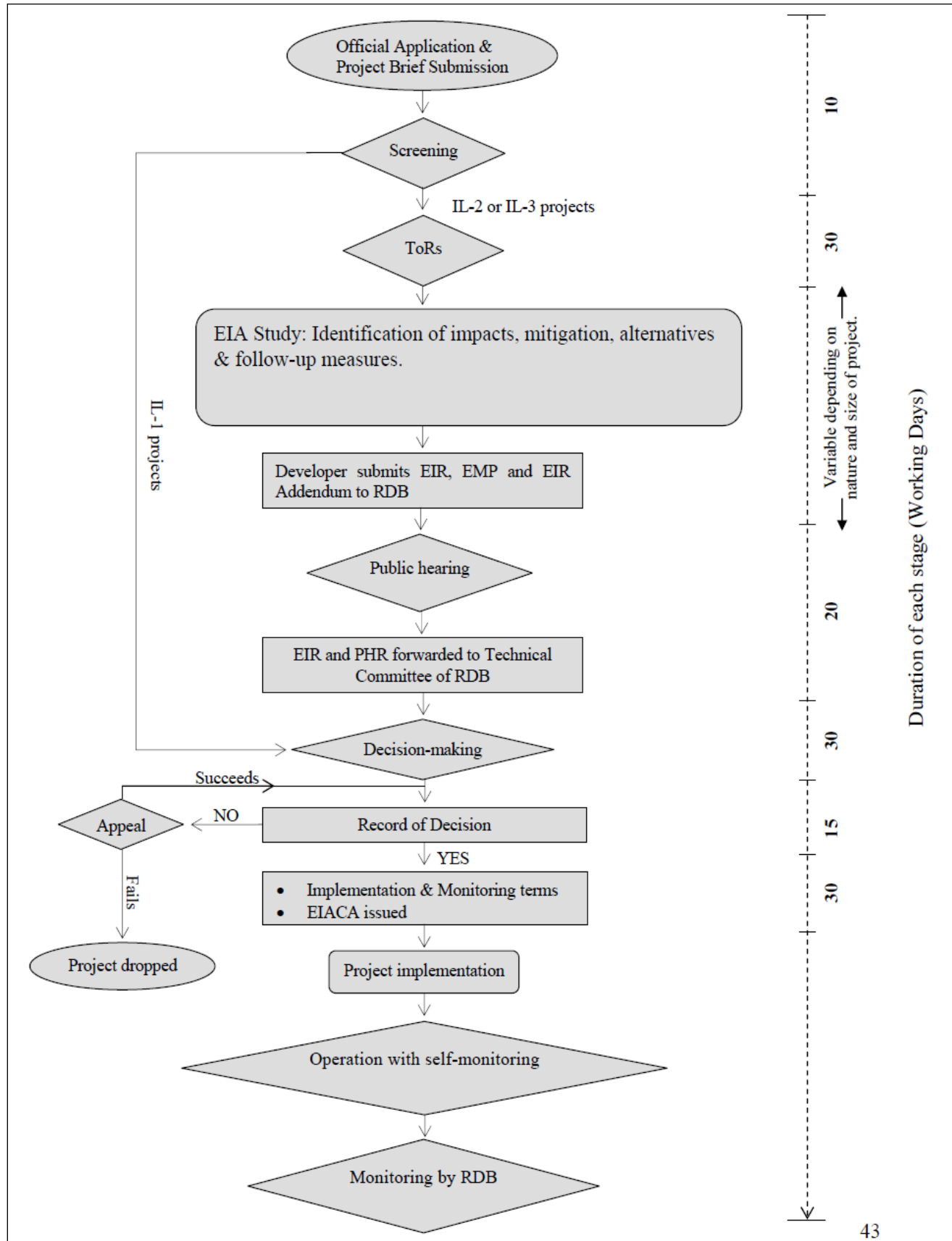
the different environmental scenarios without the project, with the project and with project alternatives. The developer is also required to produce an environment management plan (EMP). Any modifications made by a developer to the EIA report should be presented in form of an Environmental Impact Report Addendum. All these three documents should then be submitted to REMA by the developer.

7) **Public hearing:** After completion of EIA report the Organic Law requires that the public must be informed and consulted on a proposed development. REMA may, if it deems necessary, conduct a public hearing before EIA reports are appraised by its Technical Committee. Any stakeholders likely to be affected by the proposed project are entitled to have access to unclassified sections of the EIA report and make oral or written comments to RDB. RDB shall consider public views when deciding whether or not to approve a proposed project.

8) **Decision-making:** During the decision-making and authorization phase, EIA documents submitted to the Authority shall be reviewed by two decision- making committees: a Technical Committee and an Executive Committee constituted by RDB. If the project is approved, the developer will be issued with an EIA Certificate of Authorization, which permits implementation of the project in accordance with the mitigation measures in the EIA Report and any additional approval conditions.

9) **Environmental Monitoring:** Monitoring should be done during both construction and operation phases of a project. It is done not just to ensure that approval conditions are complied with but also to observe whether the predictions made in the EIA reports are correct or not. Where impacts exceed levels predicted in the environmental impact study, corrective action should be taken. Monitoring also enables RDB to review validity of predictions and conditions of implementation of the Environmental Management Plan (EMP). During implementation and operation of a project, monitoring is a responsibility of the developer and RDB.

Figure 1 below summarizes the EIA procedure in Rwanda and duration (working days) corresponding to each stage.



5.1.4 The Organic Law related to the Land policy in Rwanda N°08/2005 of 14/07/2005

This law determines the terms of use and management of land in Rwanda. It also fixes the principles to be applied to the recognized rights on the whole lands located along the national territory together with anything connected to it and which is incorporated to it, either naturally or artificially.

The Article 3 says that the land is involved (included) within the common inheritance of all the Rwandan people; the ancestors, the present and future generations. Notwithstanding the rights recognized to people, only the government (state) holds the distinguished rights related to the land's management along the national territory that it uses in the general interest of all in order to assure the rational economic and social development in a way defined by the law.

Related to this issue, only the government has power to grant the rights of occupation and use of the land, it also has the right to order the expropriation due to a public cause of public necessity, housing conditions and development (fixing up) of the national territory in the way defined by law against a fair and previous compensation.

The Article 4 mentions that any kind of discrimination, in particular the one focused on gender and to the use of land's rights is prohibited. The man and woman have the same rights related to the land's property.

This law is relevant for GLTFP, as it deals with resettlement, compensation and expropriation. Nevertheless, any resettlement under GLTPF will be managed through the Resettlement Policy Framework that has been prepared for this purpose.

5.1.5 The Act n°18/2007 dated 19/04/2007 related to expropriation due to a cause of public necessity

The Act takes into account:

- The constitution funds related to the request of expropriation (set price);
- The funds of assessment of expropriation's compensation;
- The funds of payment of a fair compensation.

The competent authority and the decision of expropriation due to a cause of public necessity are reserved to the Ministry that has land within its responsibilities (Ministry of Natural Resources).

The examination is undertaken to fulfill (complete) the act referring to the demand's tariff which will be published by ministerial decree and which will be revised periodically. A letter dated 27 October 2005 N° 2494/16.03/01.03 addressed to districts, towns and the city of Kigali proposes the alternative to proceed to the agreement between the expropriated and the expropriators according to the actual market (contract's) prices.

The article 16, says that after the publishing of the last decision related to the expropriation due to a cause of public necessity, the competent land commission elaborates (draws up) an exhaustive list of owners and the persons holding right to land and to the achieved work on the funds. That list is displayed within a place which is to be reached by the public at the Office of the District, area and quarter concerning the ground's location so that the concerned persons may become aware.

The expropriation process cannot extend a period of four (4) months starting from the date of decision making related to the expropriation by the targeted organs at the article 10 of the present act.

The article 17 stipulates that the works of measuring and calculation of expropriation compensation are carried on in presence of proprietors (owners) or persons holding right or their representatives and the representatives of the local authorities.

The article 24 mentions that the fair compensation determined by the land's commission is deposited within a due time which does not exceed one hundred and twenty days (120)

starting from the day of its determination, otherwise the expropriation is annulled and becomes without any effect.

5.2 Policy Framework

There are various policies that are connected with GLTFP activities, either directly or indirectly:

5.2.1 Land Policy

The most relevant chapter in the new land policy is chapter 5 on land policy guidelines. This chapter deals among other things with the use and management of hill lands and marshlands in Rwanda. The policy calls for rational use and sound management of national land resources and be based on master plans. The policy also provides development of land use plans based on suitability of the areas/lands thus distinguishing the different categories of land and their purpose.

The policy gives strategic direction options including the need for hills to be governed by the written law, and the obligation to develop that land should be imposed, specialization of agriculture in Rwanda taking into account the purpose of the land- use as shown in the various programs, plans and soil maps, including water and soil conservation measures in demarcating land for agriculture, incorporating agro-forestry as part of the agricultural landscape on the hills, given that it contributes to soil protection in particular and environmental protection in general, in the sense that it prevents desertification.

The policy also promotes irrigation areas that are more or less flat and semi-arid to support agricultural production while discouraging overgrazing and pasture burning. On the use and management of marshlands, the policy stipulates that marshlands meant for agriculture should not be cultivated except after adequate planning and environmental impact assessment.

To achieve the land policy objectives, the policy calls for the maintenance of marshlands in the state's private land and establishment of clear regulations for their sustainable use in order to avoid any disorderly farming with negative environmental consequences, undertaking an inventory of marshlands and clarification of their location and purpose and promoting specialization of marshland farmers and introduction of measures to avoid the division of land in smaller units.

The policy recognizes the importance of land tenure in the investment in land management and provides for land concession. However, the policy needs to be operationalized to establish minimum and maximum concession period for marshlands. The period will determine the rate of investment in these areas and provide for environmental management.

This policy is very important for GLTFP because it categorizes land types and their uses. It discusses land ownership and therefore guides resettlement, compensation and expropriation when necessary. Nevertheless, as mentioned earlier, any resettlement under the GLTFP in Rwanda will be managed through the Resettlement Policy Framework which has been developed for that purpose.

5.2.2 Rwanda Environmental Policy

The overall objective of the Environmental Policy is the improvement of man's well-being, the judicious utilization of natural resources and the protection and rational management of ecosystems for a sustainable and fair development. The policy seeks to achieve this through improved health and quality of life for every citizen and promotion of sustainable socio-economic development through a rational management and utilization of resources and environment, integrating environmental aspects into all the development policies, planning and in all activities carried out at the national, provincial and local level, with the full participation of the population, conservation, preserve and restoration of ecosystems and maintenance of ecological and systems functions, which are life supports, particularly the conservation of national biological diversity, optimum utilization of resources to attain a

sustainable level of resources consumption, awareness creation among the public to understand and appreciate the relationship between environment and development, ensuring participation of individuals and the community in the activities for the improvement of environment with special attention to women and the youth and ensuring the meeting of the basic needs of present population and those of future generations.

This policy is relevant to GLTFP as it guides on how to sustainably use natural resources. It also obliges the protection and rational management of ecosystems for a sustainable and fair development.

5.2.3 Water and Sanitation Policy

The sectoral policy on water and sanitation is based on vision 2020, millennium development goals and poverty reduction strategy. The policy provides for decentralization in line with the national decentralization policy, institutional aspects, integrated watershed management, monitoring and assessment and participatory approach to water and sanitation among other sectoral reforms in Rwanda.

The policy identifies the sub-sector constraints and proposes measures to achieve policy objectives of improving the living conditions of the population through optimal use of water resources and access of all to water and sanitation services. One of the programs of this policy is on water supply and sanitation program in rural area in order to achieve the millennium goals and the 2020 Vision, the Government of Rwanda launched 15 years water and sanitation program in rural area. This program aims to improve the population rate with access to water, presently at 44%, and increase the sanitation rate, presently at 8%, to 66% in 2010, to 80% in 2015 and 100% in 2020. In some component areas, marshlands are a source of domestic water and development of these areas could have a bearing in water and sanitation of the communities.

This policy is relevant for GLTFP because it talks about the management of water sources. Now, GLTFP sites being near water sources (Lake Kivu and River Rusizi), measures are

needed to avoid any possible pollution or other issues that might spoil the water sources or water ecosystem.

5.2.4 National Water Resources Management Policy

The water policy aims at fair and sustainable access to water, improvement of the management of water resources, etc. through reforestation on hillsides and water catchments areas. This policy would seem in conflict with other sector policies including agriculture and marshland development. While the water policy calls for improvement of water resources including marshlands, the agricultural policy calls for development of these ecosystems for agricultural production.

The policy also needs to adopt a holistic approach to the management of water resources and integrate other policies related to it including the forest, wetlands, agriculture and land. It is relevant to Great Lakes Trade Facilitation Project activities as most of the project activities will be undertaken in areas neighboring water resources.

5.3 International Conventions

Rwanda being a signatory to some international conventions that are relevant to the Great Lakes Trade Facilitation Project, it is imperative that proposed activities are screened in light of the commitments made under such conventions. These include but are not limited to United Nations Convention on Biological Convention; Convention on the Protection and Use of Transboundary Watercourses and International Lakes; EAC Protocol on Environment, etc.

5.4 World Bank Safeguard Policies

This ESMF has been designed so that all investment under the Great Lakes Trade Facilitation Project complies with the relevant laws of Rwanda and the Environmental and Social Safeguard Policies of the World Bank. In this section, the Bank's safeguard policies and their

applicability are discussed. The World Bank Safeguard Policies are:

1. *Environmental Assessment (OP/BP 4.01)*
2. *Natural Habitats (OP/BP 4.04)*
3. *Forests (OP/BP 4.36)*
4. *Pest Management (OP 4.09)*
5. *Physical Cultural Resources (OP/BP 4.11)*
6. *Indigenous Peoples (OP/BP 4.10)*
7. *Involuntary Resettlement (OP/BP 4.12)*
8. *Safety of Dams (OP/BP 4.37)*
9. *Projects on International Waters (OP/BP 7.50)*
10. *Projects in Disputed Areas (OP/BP 7.60)*

In preparing this ESMF, a consideration of the type of future investments planned vis-à-vis the baseline data and the requirements of the Bank Safeguard policies, has led to the determination that only the following Bank policies might be triggered.

1. Environmental Assessment (OP/BP 4.01)
2. Natural Habitats (OP/BP 4.04)
3. Involuntary Resettlement (OP/BP 4.12)

A complete description of the bank safeguards and their triggers for applicability can be found on the World Bank's official website www.worldbank.org and are summarized in this chapter, to be used as part of the Environmental and Social Management process.

5.4.1 Environmental Assessment (OP/BP 4.01)

This policy requires environmental assessment (EA) of projects proposed for Bank financing to help ensure that they are environmentally sound and sustainable, and thus to improve decision making. The EA is a process whose breadth, depth, and type of analysis depend on the nature, scale, and potential environmental impact of the proposed investments under

the project. The EA process takes into account the natural environment (air, water, and land); human health and safety; social aspects (involuntary resettlement, indigenous peoples, and cultural property) and trans-boundary and global environmental aspects.

The environmental and social impacts of Great Lakes Trade Facilitation Project will come from the proposed investment activities, especially in Component 1. This report will establish a mechanism to determine and assess future potential environmental and social impacts during implementation of Great Lakes Trade Facilitation Project activities, and then to set out mitigation, monitoring and institutional measures to be taken during operations of these activities, to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels.

Operational Policy 4.01 further requires that the ESMF report be disclosed as a separate and stand-alone document by the Government of Rwanda and the World Bank as a condition for bank appraisal of the Great Lakes Trade Facilitation Project. The disclosure should be both in Rwanda where it can be accessed by the general public and local communities and at the Info shop of the World Bank and the date for disclosure must precede the date for appraisal of the program.

The policy further calls for the Great Lakes Trade Facilitation Project as a whole to be environmentally screened to determine the extent and type of the EA process. As part of the EMF process, proposed projects and activities under the Great Lakes Trade Facilitation Project are to be designed at the local level to ensure that they are screened for potential impacts and that they comply with the requirements set out under World Bank safeguard policies. The World Bank system assigns a project to one of three project categories, as defined below:

Category "A" Projects

A full EIA is always required for projects that are in this category, and for which impacts are expected to be 'adverse, sensitive, irreversible and diverse with attributes such as pollutant discharges large enough to cause degradation of air, water, or soil; large-scale

physical disturbance of the site or surroundings; extraction, consumption or conversion of substantial amounts of forests and other natural resources; measurable modification of hydrological cycles; use of hazardous materials in more than incidental quantities; and significant involuntary displacement of people or other significant social disturbances.

Category "B" Projects

Although an EIA is not always required, some environmental analysis is necessary and some form of environmental management plan should be prepared. Category B projects have impacts that are 'less significant, not as sensitive, numerous, major or diverse. Few, if any, impacts are irreversible, and remedial measures can be more easily designed. Typical projects include rehabilitation, maintenance, or upgrades, rather than new construction.

Category "C" Projects

No EIA or other analysis is required. Category C projects result in negligible or minimal direct disturbance of the physical and biological environment. This ESMF sets out to establish the EA process to be undertaken for implementation of project activities in the proposed Great Lakes Trade Facilitation Project when they are being identified and implemented. This process requires that Great Lakes Trade Facilitation Project and its implementing partners screen their activities to identify their potential adverse impacts and thereby determine the corresponding mitigation measures to incorporate into their planned activities.

5.4.2 Natural Habitats (OP/BP 4.04)

The conservation of natural habitats, like other measures that protect and enhance the environment, is essential for long term sustainable development. The Bank therefore supports the protection, maintenance, and rehabilitation of natural habitats.

Natural Habitats are land and water areas where the ecosystems biological communities are formed largely by native plant and animal species, and human activity has

not essentially modified the area's primary ecological functions. All natural habitats have important biological, social, economic, and existence value. Important habitats may occur in tropical humid, dry, and cloud forest; temperate and boreal forest; Mediterranean-type shrub lands; natural arid and semi-arid lands, mangrove swamps, coastal marshes, and other wetlands; estuaries, sea grass beds, coral reefs, freshwater lakes and rivers; alpine and sub alpine environments, including herb fields, grasslands, and paramos; and tropical and temperate grasslands.

The policy is triggered because in a few cases the Great Lakes Trade Facilitation sub project activities may have some adverse impacts on Lake Kivu, some fresh waters, and vegetation which are located in the vicinity of the project sites. The natural ecosystems of the lakes, rivers and forests are known to support varying degrees of natural complexities of flora and fauna.

5.4.3 Involuntary Resettlement (OP/BP 4.12)

This policy covers direct economic and social impacts that both result from Bank- assisted investment projects, and are caused by (a) the involuntary taking of land resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets, or (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or (b) the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons. For project activities that impact people and livelihoods in this way, Great Lakes Trade Facilitation Project will have to comply with the requirements of the disclosed RPF to comply with this policy. This policy is triggered in situations involving involuntary taking of land and involuntary restrictions of access to legally designated parks and protected areas.

The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by the

involuntary taking of land resulting in relocation or loss of shelter, loss of assets or access to assets, or loss of income sources or means of livelihood. This applies whether or not the affected persons must move to another location; or the involuntary restriction of access to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons.

To address the impacts covered under this policy, the proponent prepares a resettlement plan or a resettlement policy framework. This framework covers the development of a resettlement plan or resettlement policy framework which must include measures to ensure that the displaced persons are informed about their options and rights pertaining to resettlement. The displaced persons are consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives and provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line, the landless, the elderly, women and children, indigenous peoples, ethnic minorities, or other displaced persons who may not be protected through national and compensation legislation.

The Great Lakes Trade Facilitation Project will make all possible efforts to avoid impacts on people, land, property, including people's access to natural and other economic resources, as far as possible. Notwithstanding, land acquisition, compensation and resettlement of people seem possible in projects that will require land acquisition. This social issue is of crucial concern to the Government of Rwanda, Great Lakes Trade Facilitation Project and the Bank, as its impact on poverty, if left unmitigated, is negative, immediate and widespread. Therefore, OP 4.12 will be triggered in those cases.

A separate Resettlement Policy Framework (RPF) was thus prepared and submitted for approval to the Bank in compliance with OP 4.12. The RPF sets the guidelines for the

Resettlement Action Plans (RAPs) that will be prepared if any activity inevitably involves involuntary resettlement. The RAPs will be prepared by GLTFP PCT through GLTFP implementing agencies and submitted to MINICOM and World Bank for prior approval.

5.4.4 Projects on International Waterways (OP/BP 7.50)

The Bank recognizes that the cooperation and good will of riparians is essential for the efficient utilization and protection of international waterways and attaches great importance to riparians making appropriate agreements or arrangement for the entire waterway or any part thereof. Projects that trigger this policy include hydroelectric, irrigation, flood control, navigation, drainage, water and sewerage, industrial, and similar projects that involve the use or potential pollution of international waterways. This policy will apply for the Great Lakes Trade Facilitation Project due to the premise that activities are done near Lake Kivu which is a shared ecosystem/water way among 2 countries namely, Rwanda and DRC.

This policy relates to the relations between the riparian states. Therefore, the Bank attaches great importance to the riparian making appropriate agreements or arrangements for the entire waterway, or parts thereof, and stands ready to assist in this regard. Even though this project may have investments in the vicinity of international waters, such as the Lake Kivu, these are expected to be minor construction-related impacts that will be managed through appropriate management measures. Therefore, the policy is not triggered.

Table 1: Summary of Triggered World Bank Safeguards Policies

Safeguard policy	Description
OP/BP 4.01 Environmental Assessment	EA to be conducted mainly for GLTFP Component 1.
OP/BP4.04 Natural Habitat	The conservation of natural habitat is essential for long-term sustainable development. The Bank supports, and expects borrowers to apply, a precautionary approach to natural resources management to ensure opportunities for environmentally sustainable development. The Bank does not support projects that involve the significant conservation or degradation of critical natural habitats.
OP/BP 4.12 Involuntary Resettlement	People who have to be moved or who lose their livelihood as a result of the project must be resettled, compensated for all of their losses and they must be provided with a situation that is at least as good as the one they had before the project.

5.4 Environmental Institutions

In Rwanda, the implementation of natural resources management policies and sectoral strategies involves several stakeholders, including government state institutions, NGOs, civil society, the private sector, decentralized entities and donors. These include the Ministry of Trade and Industry (MINICOM) also charged with integrating environment in trade and industrial policies and strategies including promotion of export trade of handcraft and tourism; promotion of cooperative and rural associations; Ministry of Infrastructure (MININFRA) responsible for setting policies related to energy; urbanization and settlements; road and communication infrastructure; Meteorology, Urban Water supply and planning for infrastructure; Ministry of Natural Resources (MINIRENA) charged with policies, laws and regulations related to Lands; Water and Sanitation; Forestry; Mines and Geology; and Environment, etc.

They also include institutions like Rwanda Environment Management Authority (REMA) tasked to coordinate different environmental protection activities undertaken by

environmental promotion agencies; to promote the integration of environmental issues in development policies, projects, plans and programs; to coordinate implementation of Government policies; Office de Géologie et des Mines du Rwanda (OGMR) charged with issues to do with geology and mines; National Lands Centre charged with land administration and management both at the national and decentralized level; Rwanda Electricity Company and Rwanda Water and Sanitation Company responsible for improving access and services with respect to safe water and sanitation in urban areas; RDB (Rwanda Development Board); responsible for Policies and strategies that promote tourism; Provincial, District and Lower level Environmental Committees responsible for environmental protection; NAFA (National Forestry Authority) in charge of supervision, following up and ensuring that issues relating to forestry receive attention in all national development plans

6. ESMF PROCEDURES AND REQUIREMENTS

6.1 Objectives of the ESMF

The objective of this ESMF is to provide an overall framework for environmental and social management of the planned activities under Great Lakes Trade Facilitation Project in Rwanda, and should be used as a practical tool during project implementation. It explicitly describes the steps to be undertaken in its implementation so that any identified potential negative environmental and socio-economic impacts can be properly managed.

The ESMF is to ensure that the implementation of the Great Lakes Trade Facilitation Project will be carried out in an environmentally and socially sustainable manner. It also provides a framework to enable communities/beneficiaries to screen project activities and institutional mechanisms and responsibilities to address adverse environmental and social impacts.

6.2 Specific Objectives of ESMF

The specific objectives of this ESMF are:

- 1) To establish clear procedures and methodologies for taking into consideration

environmental and social issues during the planning, review, approval and implementation of activities to be financed under the project;

- 2) To prescribe project arrangements for the preparation and implementation of activities in order to adequately address World Bank safeguard issues;
- 3) To assess the potential environmental and social impacts of envisaged activities.

6.3 Description of Project Phases for Environmental and Social Management

Typical project activities to be implemented under this Project might be divided into the following stages:

- Participatory planning with stakeholders/communities;
- Implementation of activities;
- Monitoring.

6.4 Potential Positive GLTFP Environmental and Social Impacts

Overall, the GLTFP is likely to have a positive impact on the local environment, both in the short, medium and long term, for the following reasons:

- GLTFP will provide an example for waste/waste water management and treatment
- Replanting trees and re-vegetation wherever tree cutting is to be done.
- Water/air pollution and soil erosion prevention
- Access to clean and safe water, access to improved health and sanitation will be improved.
- Increased capacity for sustainable planning and use of natural resources in region.

People at the border between Rwanda and Democratic Republic of Congo are highly sociable people. Their interactions are like the ones between brothers and sisters. Nowadays, in Nyamasheke, Congolese are not many because they only have to cross through the lake and the navigation is not favourable. People in the area say that when there still were cross-border markets in the area a lot of Congolese were doing their businesses there. Rusizi still has a lot of Congolese selling their goods and buying a lot of items in existing markets. Rwandans and

Congolese at the border have created a special environment that overlooks geographical boundaries.

Regardless of their nationality, people in the region can communicate in Kinyarwanda, Kiswahili and French. They say that their socio-economic status greatly depend on cross-border traffic. Rwandans want to freely and easily cross to DRC and do their business there, and Congolese say that they also owe their living to cross-border traffic since they always want to freely and easily cross to Rwanda and do their business.

The Great Lakes Trade Facilitation Project is expected to have positive socio-economic impacts by fostering cross-border trade between Rwandans and Congolese:

- It will increase social interactions between Rwandans and Congolese living near the border.
- It will ease border crossing mechanisms and will eradicate border crossing harassment that people, especially women have been facing.
- Cultural exchanges between Rwandans and Congolese will be promoted
- Security of traders, especially in lower scale cross-border traders will be improved
- Increase of taxes because of increase of cross-border traders
- It will create permanent/temporary jobs, and associated revenues, for the population living in the project zone (especially for women and other vulnerable categories) during the implementation of the project;
- Increase of rentable offices in the area
- Improved security due to better services such as lit-up areas
- New infrastructure will be raised

6.5 Adverse GLTFP Environmental and Social Concerns

Project activities could potentially generate negative environmental and social impacts during the implementation and operation phases. This is because:

. Construction works may have limited and local effects on communities both physically (air and water pollution, nuisance and contamination etc.); and socio-economically (land use, income generation, mobility and community association). Construction activities could also negatively impact drainage, if not well planned.

Table 2: Potential negative impacts and mitigation measures

Potential Impact	Specific issue for project activities	Mitigation Measures	Significance	Responsible Institution
Disturbance to the ecosystem and loss of natural habitat	Land rehabilitation works and small-scale construction could impact natural habitats	Rehabilitation works, replanting, re-vegetation will be applied to already degraded lands, proper handling of areas neighboring the lake to avoid the pollution of the Lake.	Low – there are few to no natural habitat areas destroyed. Possible minor pollution of the Lake needs to be addressed through appropriate management measures	GLTFP, with oversight from Field Environment Officers
Nuisance from construction works	Earthworks and construction activities can create disturbance to local populations from noise and dust	If dust becomes a problem, wetting can be used.	Negligible – works will be relatively small-scale, based on use of local labor rather than heavy equipment, and restricted to daylight working hours.	GLTFP, District teams, with oversight from Field Environment Officers
Soil erosion	Exposed land during construction of soil conservation structures may induce erosion	Works shall be conducted primarily in the dry season. Paths will be designed with appropriate erosion control measures, such as cross drains, if necessary.	Low – land rehabilitation works are specifically intended to reduce erosion and run-off, and newly constructed bunds / ditches will be stabilized with vegetation as soon as feasible.	GLTFP, District teams, with oversight from Field Environment Officers
Destruction of physical cultural resources	Earthworks could disturb hidden PCR items	Chance find procedure will be included in EMP and followed to identify and protect cultural property from theft and ensure proper management. Any finds will be reported to the project team in MINICOM, who will communicate with appropriate national authorities and ensure national requirements are observed.	Negligible – No PCR have been identified in the area so far - Almost all earthworks will be shallow and occur on agricultural land already subject to frequent disturbance	GLTFP, District teams, with oversight from Field Environment Officers
Drainage & related pollution	Construction activities and particularly earthworks could disrupt drainage patterns, threatening the integrity of the works	Rehabilitation and construction works will be designed to maintain existing drainage lines and protect them with vegetation and simple silt traps. New ones might also be built to better safeguard the environment.	Low – rehabilitation and construction will follow proper drainage system	District teams with oversight from Field Environment Officers
Construction materials	Construction materials could be unsustainably sourced, or include hazardous substances	Construction materials will be locally sourced and properly checked.	Low – Materials will be properly sourced and checked	GLTFP, District teams, with oversight from Field Environment Officers

Waste from Construction & related pollution	Construction waste may contain polluting or even hazardous substances and pose a safety risk	Construction materials will not be stored on bare land. At the end of construction, sites will be cleaned with proper disposal of wastes –any hazardous material (e.g. paint) will be identified and removed, inert materials (e.g. concrete) will be buried, organic materials will be burnt or composted.	Low – Local construction materials will be used and properly checked	GLTFP, District teams, with oversight from Field Environment Officers
Sanitation & related pollution	Construction of building should take into account and provide adequate sanitation facilities	Appropriately engineered simple sanitation facilities will be incorporated in the design	Low– construction will not take long, sanitation facilities will be in place, with limited occupancy	GLTFP, District teams, with oversight from Field Environment Officers
Safety	Construction activities can pose safety risks during construction and operation	Maintain clean and orderly worksites. Any high-rise work (e.g. construction of elevated observation platforms) should involve the use of harnesses Installation of any electrical systems should only be done by competent professionals	Low – Very limited electrification will be needed	GLTFP, District teams, with oversight from Field Environment Officers
Aesthetics	Construction of infrastructure should be appropriate to maintain the aesthetic values of the area	Designs will consider aesthetics, including landscaping	Low – This will be part of the designs	GLTFP, District teams, with oversight from Field Environment Officers RDB
Restricted access to resources	Resource access restrictions may result from increased enforcement of existing environmental regulations in reserves and the surrounding landscape	Impacted households will be identified and included within livelihood development programs.	Moderate – restrictions will be kept at a minimum and compensated	GLTFP, District teams, with oversight from Field Environment Officers
Land taking	Limited areas of land taking could be involved in cross-border construction	Any instances will be addressed in accordance with the Resettlement Policy Framework.	Moderate – activities are expected to be voluntary, with the possible exception of some possible resettlement cases which will be handled according to RPF	GLTFP, District teams, with oversight from Field Environment Officers

The previous table addresses environmental impacts pertaining to the construction phase. In the operational phase, the environmental impacts pertaining to the border posts and border markets will be the responsibility of MINICOM and its partner institutions. The environmental impacts are not expected to be significant and will be addressed through appropriate management measures, and a management plan will be prepared (see below). For the border posts, there will be a marginal increase in the water use, in the domestic wastewater / sewage generation and in the solid waste generation. The existing infrastructure will be sufficient to address these issues. For the border markets, wastewater / sewage and solid waste collection, treatment and disposal will be environmental impacts. The details will be analyzed in the Environmental and Social Impact Assessment (ESIA) and addressed in the Environmental and Social Management Plan (ESMP) that has to be prepared. In all the sub-projects, environmental issues pertaining to community health and safety (influx of workers, potential community impacts, traffic safety issues etc) are not expected to be significant. However, in conducting the ESIA and in preparing the ESMP, these will have to be duly considered.

6.5.1 Localized Impacts

Most of the activities planned under the GLTFP will vary from medium to small in scale. Consequently the significance of the direct negative environmental and social impacts is likely to be significant and small. All the activities planned under the project will have significant positive environmental impacts.

6.5.2 Ecological Impacts and Land Degradation

Land degradation (due to soil erosion, drainage, waste management and sanitation practices) may arise due to construction and rehabilitation activities. The environmental and social screening tools (see Annex 2) will be used to identify and mitigate the potential impacts as they relate to certain types of community investments.

6.5.3 Potential Sources of Pollution

All the potential pollution (water and air) under GLTFP might result from construction activities and waste/water management

6.6 Environmental and Social Screening Process

The section below illustrates the steps involved during environmental and social screening process leading to the review and approval of activities under the Great Lakes Trade Facilitation Project. The screening process intends to:

- Determine potential impacts of activities and their likelihood to cause negative environmental and social impacts;
- Determine appropriate mitigation measures for activities with adverse impacts;
- Incorporate mitigation measures into project design;

- Review and approve project proposals,
- Monitor environmental and social parameters during project implementation.

The classification of projects components under the appropriate environmental category will be based on the provisions of the World Bank Operational Policy on Environmental Assessment (OP 4.01). The environmental and social screening of each proposed components will result in its classification in one of the three categories - A, B or C, depending on the type, location, sensitivity and scale of the component and the nature and the magnitude of its potential environmental and social impact:

- **Category A**: Any project activity which is likely to have significant adverse environmental and social impacts that are sensitive, diverse or unprecedented. The impacts under this category affect broader area than the sites or facilities subject to physical works. This category is equivalent to **Impact Level 3 (IL3)** in Rwanda's General Guidelines for EIA (2006).
- **Category B**: Any project activity which is likely to have potential adverse environmental and social impacts, which are less adverse than those of category A projects, on human populations or environmentally important areas including wetlands, forests, grasslands and any other natural habitat. The impacts are usually site specific, few or none of them are irreversible, and most of them are mitigated more readily than impacts from category A activities. This category is equivalent to **Impact Level 2 (IL2)** in Rwanda's General Guidelines for EIA (2006). GLTFP Component 1 might fall under this category.
- **Category C**: Any project activity which is likely to have minimal or no adverse environmental and social impacts. Beyond screening no further EA action is required. This category is equivalent to **Impact Level 1 (IL1)** in Rwanda's General Guidelines for EIA (2006). GLTFP Component 2, 3&4 might fall under this category.

The extent of environmental work that is required prior to implementation will depend on the outcome of the screening process described below:

6.6.1. Screening of Project Activities and Sites

The initial environmental and social screening will be carried out through the use of the Project Screening Criteria Form (PSCF) used by REMA. This form (see Annex _2) will be completed by the District Environmental Officer (DEO) from REMA assisted by sector specific committees (already established at the District level and for particular sectors) as found necessary for the purposes of identifying the potential environmental and social impacts, determining their significance, assigning the appropriate environmental category, proposing appropriate environmental and social impact mitigation measures, and carrying out Environmental and Social Impact Assessments (ESIAs) if necessary.

The environmental screening procedure can lead to one of the following decisions:

- Elimination of category A activities from the approval process.
- For activities classified as category B, it will be required that the appropriate level of environmental and social impact assessment be carried out, and Environmental Management Plan be prepared. The ESIA and the ESMP will required to be approved by REMA. These will also be sent to the World Bank for prior approval. The generic terms of reference for ESIA are provided in annexes (Annex 3).
- For activities classified as category C, no further environmental and social assessment will be required.

GLTFP will ensure that World Bank safeguard policies standards are applied to all its activities.

6.6.2 Public Consultation and Disclosure

In line with transparency principles, the public will be consulted on the proposed activities. Public consultations will be held as part of the environmental and social screening process. The purpose of these consultations is to allow for the identification of the main issues

and how the concerns of all parties should be taken into account in deciding whether or not to issue a permit for the sub-project.

For category B (IL2) activities, during the EA process, project-affected groups and local non-governmental organizations (NGOs) will be consulted about the project's environmental aspects and their views are taken into account. Such consultations should be initiated as early as possible in the component elaboration stage. In addition, project implementers consult with such groups throughout project implementation as necessary to discuss the status of implementation of the project and identify and address any pending EA-related issues that may affect them.

The final EIA reports for category B activities will be disclosed to the public by presenting the findings and recommendations to the village assembly and disclosing the document at the offices of the concerned districts. NGO's and other civil society organizations in the village and the district will be informed of the meeting, and copies of the EIA report will be made available before the meeting, in a language that is understood by the recipients.

Once a draft EIA is ready, the NPCT must (a) circulate it for written comments from the various agencies and government agencies (b) notify the public of the place and time for its review and (c) solicit oral or written comments from those affected. REMA will decide whether or not the EIA review is to be conducted through public hearing.

Beneficiaries under Great Lakes Trade Facilitation sub projects or any affected interested party, have the right to appeal. If dissatisfied with the decision reached at any stage in the EIA process, the affected party has the right to bring their concerns to the NPCT, and also to appeal to the Minister responsible for Environment.

6.7 Monitoring Plan

6.7.1 Objective of Monitoring Plan

The objective of monitoring is:

- 1) To alert project authorities by providing timely information about the success or otherwise of the environmental management process outlined in this ESMF in such a manner that changes can be made as required to ensure continuous improvement to Great Lakes Trade Facilitation Project environmental management process (even beyond the project life).
- 2) To make a final evaluation in order to determine whether the mitigation measures incorporated in the technical designs and the ESMP have been successful in such a way that the pre-project environmental and social condition has been restored, improved upon or is worse than before and to determine what further mitigation measures may be required.

This section sets out requirements for the monitoring of the environmental and social impacts of the project. Monitoring of environmental and social indicators will be mainstreamed into the overall monitoring and evaluation system for the project. In addition, monitoring of the implementation of this ESMF will be carried out by MINIRENA, RCAA and RTDA as the key implementing institutions of Great Lakes Trade Facilitation Project.

6.7.2 Monitoring of Environmental and Social indicators

The GLTFP implementing agencies should consider the environmental and social criteria that require measurement. A list of initial proposals is given below. Using this list of criteria, a set of indicators can be integrated into the screening forms used in the project approval process in each district; this will ensure flexibility at the project design stage, integration of monitoring considerations throughout the project cycle, as well as a participatory approach to environmental and social monitoring.

6.7.2.1 Initial proposals

The key issues to be considered in the project include monitoring of water quality, water flow

patterns, biodiversity, forest cover, agricultural production, income generation, health, and population influx. The goals of monitoring are to measure the success rate of the project, determine whether interventions have resulted in dealing with negative impacts, whether further interventions are needed or monitoring is to be extended in some areas.

6.7.2.2 Monitoring of participation process

The following are indicators for monitoring of the participation process involved in the project activities.

Number and percentage of affected households consulted during the planning stage:

- Level of participation of affected people in decision-making;
- Level of understanding of project impacts and mitigation;
- Effectiveness of local authorities to make decisions;
- Frequency and quality of public meetings;
- Degree of involvement of women or disadvantaged groups in discussions.

6.7.2.3 Evaluation of Results

The evaluation of results of environmental and social mitigation can be carried out by comparing baseline data collected in the planning phase with targets and post- project situations.

6.7.2.4 Monitoring of ESMF Implementation

Along with the technical project progress reports required, an annual audit on ESMF implementation will be prepared by the NPCT and delivered to REMA. In addition, each activity that has been subject to an EIA study (or RAP, etc.) will also be required to produce an annual audit report for delivery to REMA. These audit reports – as relevant to the ESMF and GLTFP investments – will be forwarded to the World Bank to meet its due diligence requirements.

6.7.2.5. Monitoring Roles and Responsibilities

Ministry of Trade and Industry (MINICOM): MINICOM will play the leading oversight role of monitoring the activities of this project (through GLTFP implementing agencies). It will carry out this role by ensuring that the environmental management plans (EMPs) contained in the cleared design package is being implemented as specified therein. REMA will monitor the reports on a regular basis. They will rely on a bottom up feed-back system to them from the ground by going through the monitoring reports and making regular site visits to inspect and verify for themselves the nature and extent of the impacts and the success or lack of the mitigation measures.

MINICOM will prepare brief consolidated periodic monitoring reports for submission to the World Bank.

National Project Coordination Team (NPCT): NPCT will be primarily responsible for ensuring compliance to the monitoring framework. They will undertake review of the monitoring reports emanating from the implementing agencies and will then upon approval submit these monitoring reports to MINICOM and the World Bank.

Critical role of the NPCT will include data analysis, as well as maintenance of management information systems and all baseline data. Lastly other than preparation of periodic reports the NPCT will implement all the necessary modifications in the monitoring framework.

Great Lakes Trade Facilitation Project implementing partner institutions: All the Great Lakes Trade Facilitation Project implementing agencies identified under this project (MININFRA, RCAA, RTDA) will monitor the specific sub-components of the project that they are targeted to execute. They will be required to prepare periodic monitoring reports for submission to the NPCT and specifically to MINICOM.

Local Communities: Local communities will be useful agents in collection of data that will

be vital in monitoring and as such they will play a role in the monitoring framework. Local communities in the project intervention areas might receive some training for data collection to be done by the implementing agencies so as to equip them with the ability to collect data.

6.8 Grievance Redress Mechanism

Grievance redress mechanisms provide a way to provide an effective avenue for expressing concerns and achieving remedies for communities, promote a mutually constructive relationship and enhance the achievement of project development objectives.

Grievance redress mechanisms are increasingly important for development projects where on-going risks or adverse impacts are anticipated. They serve as a way to prevent and address community concerns, reduce risk, and assist larger processes that create positive social change.

It has been learned from many years of experience that open dialogue and collaborative grievance resolution simply represent good business practice—both in managing for social and environmental risk and in furthering project and community development objectives.

6.8.1 Situating a grievance redressing mechanism

People adversely affected (or about to be affected) by a development project will raise their grievances and dissatisfactions about actual or perceived impacts in order to find a satisfactory solution. These grievances, influenced by their physical, situational (e.g., employment), and/or social losses, can surface at different stages of the project cycle. Some grievances may arise during the project design and planning stage, while others may come up during project implementation. Not only should affected persons (APs) be able to raise their grievances and be given an adequate hearing, but also satisfactory solutions should be found that mutually benefit both the APs and the project. It is equally important that APs have access to legitimate, reliable, transparent, and efficient institutional mechanisms that are responsive to their complaints.

a) What is a Grievance Redress Mechanism?

Grievance redress mechanisms (GRMs) are institutions, instruments, methods, and processes by which a resolution to a grievance is sought and provided. A number of mechanisms are available to aggrieved parties to access redress. They can be complex and diverse. They may include institutions specific (internal) to a project and set up from its inception or others that have emerged over time in response to needs identified while the project evolved. Other institutions may be already established within a country's judicial, administrative, and/or political systems and exist outside a project. They include the government bureaucracy; judicial institutions; and political institutions such as District Councils, Provincial Councils Parliamentary Committees and Parliament. In addition, the funding agency itself sometimes provides a forum for grievance redress. GRMs can include avenues for resolving conflicts between APs or other stakeholders, and can provide information sought by the public on the project. An overview of the range of systems and institutions for grievance redress available to Rwanda citizens is given in the following figure.

b) Why Does a Project Need a Grievance Redress Mechanism?

A GRM provides a predictable, transparent, and credible process to all parties, resulting in outcomes that are seen as fair, effective, and lasting. A well-functioning GRM can provide benefits to both the project and the Affected Persons.

In the absence of a project-specific GRM, APs will seek solutions to their grievances through GRMs that exist outside the project such as the country's judicial system, public administration, or political institutions. The lack of effective GRMs could lead to a number of adverse consequences for both the APs and the project implementers, for example:

- It would probably absorb a relatively longer time and substantial resources, which are generally unaffordable to many APs. People need relatively quick solutions or relief for

their problems, particularly when projects are likely to cause property loss and displacement.

- Not all APs have equal access and the capacity to approach external GRMs. Thus they would be deprived of their rights to be heard and to find a fair and just solution. This could further push the APs into a state of high vulnerability, insecurity, and impoverishment.
- Depriving APs access to GRMs could induce them to develop hostility toward the project and sometimes to engage in violent behavior that might hamper the smooth implementation of the project and its related activities, and delay its overall accomplishments.
- Delays in project implementation will increase government expenditures such as compensation to contractors for loss of work, and staff maintenance. Delay can also affect the reputation of the national government.

c) Grievance Prevention

There are many ways to proactively solve issues before they even become grievances.

Implementers should be aware and accept that grievances do occur, that dealing with them is part of the work, and that they should be considered in a work plan. Implementers should do the following:

- Provide sufficient and timely information to communities. Many grievances arise because of misunderstandings; lack of information; or delayed, inconsistent, or insufficient information. Accurate and adequate information about a project and its activities, plus an approximate implementation schedule, should be communicated to the communities, especially APs, regularly. Appropriate communication channels and means of communication should be used.
- Conduct meaningful community consultations. Project implementers should continue the process of consultation and dialogue throughout the implementation of the project. Sharing information, reporting on project progress, providing community members with an opportunity to express their concerns, clarifying and responding to their issues, eliciting communities' views, and receiving feedback on interventions will benefit the communities and the project management
- Build capacity for project staff, particularly community facilitators and other field-level staff.

The community-level facilitators and field-level staff of the implementing agencies should be provided with adequate information on the project such as project design, activities, implementing schedules, and institutional arrangements as well as enhanced skills in effective communication, understanding community dynamics and processes, negotiation and conflict resolution, and empathizing with communities and their needs. Building trust and maintaining good rapport with the communities by providing relevant information on the project and responding effectively to the needs and concerns of the community members will help solve issues before they even become grievances. It is also important that community facilitators and field-level staff provide regular feedback on their interactions with the communities to the higher levels of the implementing agencies.

Overall, good management of a project will also contribute to minimizing complaints.

6.8.2 Types of Grievances Projects Typically Encounter

Type of grievance	Complainant(s)	Examples
Relatively minor and onetime problems related to project operations	An individual or family	A project truck damaging a community member's fence; a one-time disrespectful encounter between a project staff and a community member
Relatively minor but repetitive problems related to project operations	An individual or family or small group of people	Livestock getting loose because project staff fail to deviate rainwater from terracing sites
Relatively minor but repetitive and widespread problems	Multiple individuals, families, or larger groups	Project-related road traffic raising dust that settles on clothes hung out to dry
Significant and larger repetitive problems	Community groups, nongovernmental or community-based organizations, or local Governments	Project blasting allegedly causing structural and/or aesthetic damage to building

Major claims that project activities have resulted in significant adverse impacts on larger populations of people	Community groups, nongovernmental or community-based organizations, or local governments	Project operations adversely impacting a community's water supply, making it unsafe for drinking, livestock, and/or irrigation
Major claims over policy or procedural issues	Nongovernmental organizations, community groups or community-based organizations, or local governments	A project's noncompliance with the Government laws and/or the World Bank operational policies failure to follow guidelines for adequate consultation to achieve prior and informed consultation inadequate resettlement and compensation of affected populations

6.8.3 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 project, contractors, or government officials must convince people that they can voice grievances and the project will work to resolve them without retaliation.

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

6.8.4 Established procedures and time frame for Grievance Redress 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 into account 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 validate the complaint.
- Formulate a response.
- Select a resolution approach, based on consultation with affected person/group.
- Implement the approach.
- Settle the issues.
- Track and evaluate results.
- Learn from the experience and communicate back to all parties involved.

The Grievance Redress Committees of the Great Lakes Trade Facilitation Project are supposed to be held within a maximum of 3 weeks from the time of receiving the complaint.

Generally, all project staff, management staff of agencies involved in the project, and government administrators will take on grievance handling as a responsibility. The GRM members should be qualified, experienced, and competent personnel who can win the respect and confidence of the affected communities. It is also important to maintain a gender balance within the GRMs. Criteria for selecting members of GRMs could include the following:

- Knowledge of the project, its objectives, and outcomes;
- Technical knowledge and expertise, e.g., irrigation, engineering, geological, legal, to understand project design and requirements;
- Understanding of the social, economic, and cultural environments and the dynamics of the

communities;

- Capacity to absorb the issues dealt with and to contribute actively to decision-making processes;
- Social recognition and standing; and
- An equitable representation of males and females.

For the sake of Great Lakes Trade Facilitation Project, members of the Grievance Redress Committees might be put in place by District Land Commission and include the Vice Mayor in charge of finance, economy and development, the Vice Mayor in charge of social affairs, the District Land Commission, the chair of the community mediation board (Abunzi), a member of a recognized nongovernment organization, and a community representative. The GRC has the right to request the project technical staff, and officers from relevant state or non-state institutions to attend the meetings and provide information. A complainant has the right to appear in person, to be accompanied by a community member, and/or to request to be represented by a village elder.

GRCs should be established at the Cell/Sector level to assure accessibility for APs. They are mandated to deal with any other types of grievances arising at the community level. GRC meetings are held at the respective Cell/Sector secretariats, which are familiar and accessible to the APs.

6.8.5 Grievance Resolution Approaches

The channels of presenting complaints could include presentation of complaints via third parties (e.g., village elites, community-based organizations, lawyers, nongovernment organizations [NGOs], etc.); face-to-face meetings; facsimile, telephone, and email communications; written complaints; etc. The GRC will keep a written log of complaints received, when complaints were received, and how and when these were resolved, or not.

The activities to be implemented under GLTFP are small 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 GLTFP GRC and implementing agencies will work with existing administrative structures at the implementation sites. If the complainant is not satisfied, he/she will have to appeal to the NPCT and, if need be, the Minister of Trade and Industry. In case an agreement is not reached (though there is no such likelihood) competent courts might be resorted to.

7. PROJECT COORDINATION AND IMPLEMENTATION ARRANGEMENTS

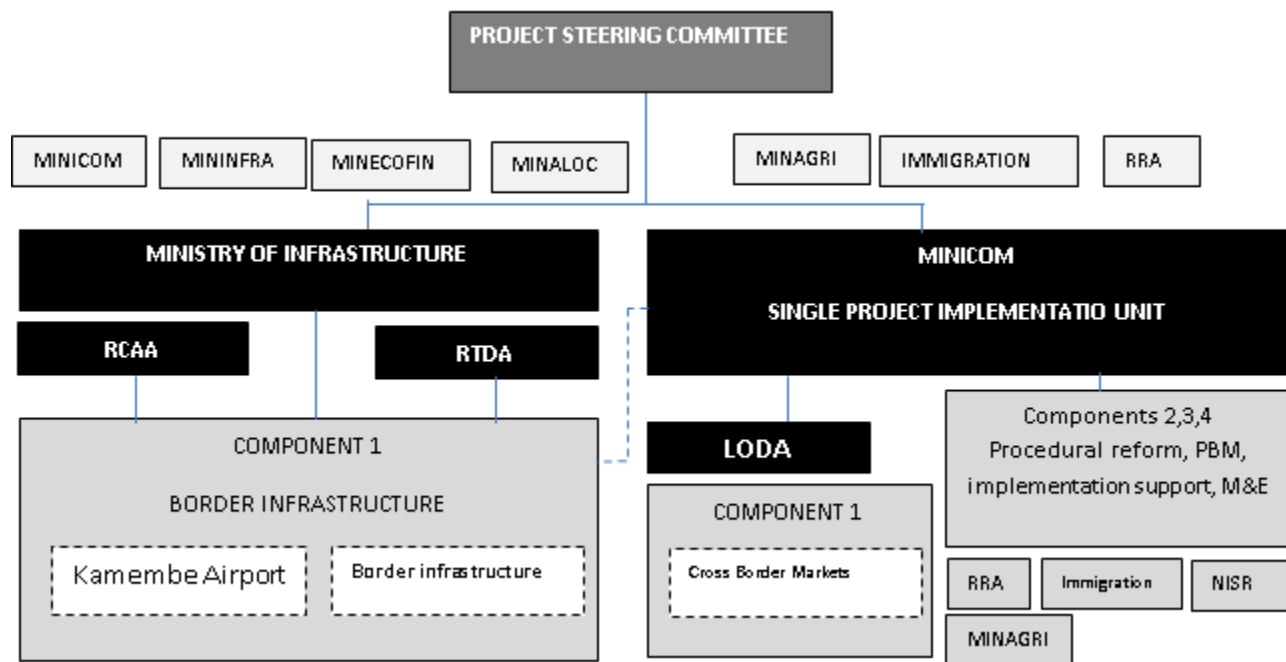
GLTFP touches on Rwanda, DRC, Uganda and Burundi. In each of the 4 countries GLTFP will be implemented within a framework covering both regional and national activities that will cut across many sectors and stakeholders. It will therefore have regional and national coordination. However, this component will mainly operate on the side of Rwanda. Its coordination will be at the national level as well as close sectoral supervision at the various implementing agencies/institutions.

7.1 Institutional Coordination

The Great Lakes Trade Facilitation Project (GLTFP) and the National Focal Point Ministries in each country (MINICOM in Rwanda) have coordinated regional and national GLTFP preparation activities targeting the sustainable socio-economic development interventions of regional/national scope. It is hoped that the interventions and their mode of application will appropriately address the existing and emerging challenges that threaten cross-border trade in the Great Lakes Region. Accomplishing these formidable challenges will require reliable implementation arrangements supported by regional, national and local institutional partnerships as outlined in the figure below:

Figure 2: *National Coordination and Management Arrangements for GLTFP in*

Rwanda



7.2 Implementation Plan and Strategy

To achieve the objectives of promoting socioeconomic development and conserving the natural resources and environment in GLTP area, local community support will be necessary to stimulate local actions and encourage generation of locally relevant empirical knowledge. Thus, investments will support projects in research and community based activities. This will require coherence in coordination and management arrangements at local, national and regional levels and participation of a multiple of partners.

7.3 Coordination and Management Arrangements

The overall coordination will be done by MINICOM. This will establish a National Project Coordination Team (NPCT), with responsibility for overall project coordination, administrative and financial management. A National Policy Steering Committee (NPSC) will be constituted to take charge of policy and mobilization aspects, initiating and communicating to Government and other stakeholders.

7.4 Compliance with ESMP Implementation

Monitoring of the compliance of activities' implementation with the mitigation measures set out in its ESMP and/or RAP will be required. Building blocks for a typical environmental & social management plan is provided in annexes (Annex 4). Environmental guidelines for contractors undertaking construction work is also provided in annexes (Annex 5)..

Rwanda Civil Aviation Authority (RCAA), Rwanda Transport Development Authority (RTDA) and the Rwanda Local Development Agency (LODA) will have responsibility for carrying out this monitoring by regularly visiting the activities' sites, and pursuing the following corrective measures as required.

Rwanda Civil Aviation Authority (RCAA) will have specific responsibility for the works at Kamembe Airport. It is worth mentioning that although this *GLTFP Sub-component 1.2:*

Rehabilitation of Kamembe Airport is included in this ESMF as it will be funded under GLTFP;; RCAA has already started resurfacing activities . Therefore, an Environmental Audit has been undertaken, and the recommendations from that audit will be implemented by RCAA

Rwanda Transport Development Agency (RTDA) will oversee the implementation of works at Rusizi I Border Post while Rwanda Local Development Agency (LODA) will oversee activities related to Cross-Border Markets (Rusizi and Nyamasheke). MINICOM will be responsible for implementing components 2, 3 and 4.

- If a violation of the ESMP or RAP is detected during a site visit, the project proponent will be notified of the violation, and the means of rectification. The project officer will discuss with the proponent a realistic deadline for rectifying the violation. It will be the proponent's duty to convey these discussions to any other parties involved, for example the construction contractor.
- If a violation is reported to the Project Officer by some other entity, he/she will conduct a site visit and, similarly, issue the verbal warning and deadline.
- The verbal warning will be confirmed in writing to the proponent within five working days.
- The Project Officer will return to the site on the deadline, and if the violation is still occurring, he/she will notify the contractor/operator in writing of the continuing violation, informing them of the disciplinary action to be taken. The Project Officer will inform MINICOM in writing of the situation, and copy correspondence to the NPCT.
- If after two months the violation has not been rectified, MINICOM will instigate disciplinary procedures.

8. CAPACITY BUILDING, TRAINING AND TECHNICAL ASSISTANCE FOR GLTFP

8.1 Introduction

Effective implementation of this Environment and Social Management Framework - ESMF will require technical capacity in the human resource base of implementing institutions (RCAA, RTDA and LODA as long as their contractors) as well as logistical facilitation. Implementers need to understand inherent social and environmental issues and values and be able to clearly identify indicators of these.

MINICOM will have an overall delegated key responsibility of ensuring that the project complies with Rwandan environmental and social laws, and that the project adheres to this ESMF. MINICOM will also be responsible for validating resettlement claims and ensuring that fairness in compensation is achieved where this arises, and will be responsible for providing evidence of this.

Sufficient understanding of the mechanisms for implementing the ESMF will need to be provided to the various stakeholders implementing GLTF activities. This will be important to support the teams appreciate their role in providing supervision, monitoring and evaluation including environmental reporting on the projects activities.

8.2 Human Resource Capacity Requirements

While adequacy in staffing requirements was found to be varied between the various stakeholders, there is very limited presence of directly trained and dedicated staff for environmental management purposes within institutions, in particular at the local levels.

In some cases, environment personnel are present but level of training and technical capacity on environmental principles and tools of management is not sufficient. Training and awareness creation will be undertaken at different levels of implementation.

These levels will entail NPCT, MINICOM – SPIU, RCAA, RTDA and LODA, contractors and grassroots stakeholders. The exercise will be customized according to each level's needs to ensure adequacy in implementation of the ESMF.

8.2.1 Technical Capacity Enhancement

Awareness creation, training and sensitization will be required for personnel of the following institutions.

- ❖ National Project Coordination Team (NPCT)
- ❖ GLTFP implementing agencies (RCAA, RTDA and LODA)
- ❖ Local government authorities
- ❖ Contractors
- ❖ Private Sector Environmental Compliance personnel
- ❖ Communities at grass root level

Training will include among others:

- ❖ Cross-border trade and market and their impact on communities' lives
- ❖ Community Awareness
- ❖ Stakeholder engagement, consultation and partnerships;
- ❖ Environmental management measures in the context of the natural habitats and the international waters.
- ❖ EIA law, relevant environmental policies;
- ❖ Waste minimization and management including wastewater from industrial and municipal sources,
- ❖ Soil and Water management strategies,
- ❖ ESMF

Table 3: Training influencing success of ESMF

Training Aspect	Target group
Cross-border trade and market and their impact on communities' lives	NPCT, Implementing agencies, Local officials, community members
Communities' rights and duties	NPCT, Implementing agencies , Government agency representatives including district-level officials, community members
Environmental management measures, in the context of the natural habitats and the international waters	NPCT, Implementing agencies, Government agency representatives including district-level officials, Extension staff, community members
Stakeholder engagement, consultation and partnerships;	NPCT, Implementing agencies , MINALOC, communities
EIA law, ESMF relevant environmental policies;	NPCT, Implementing agencies , Government agency representatives including district-level officials, NGOs, CBOs, community members
Relevant social laws and policies related to poverty alleviation,	NPCT, Implementing agencies , Government agency representatives including district-level officials, NGOs, CBOs, community members
Waste minimization and management including wastewater from industrial and municipal sources,	NPCT, Implementing agencies , Government agency representatives including district-level officials, NGOs, CBOs, community members
Soil erosion and pollution prevention	NPCT, Implementing agencies , Government agency representatives including district-level officials, NGOs, CBOs, community members

9. PUBLIC CONSULTATION AND INFORMATION DISCLOSURE

9.1 GLTFP - ESMF Disclosure

The World Bank disclosure policies require that project-related reports for components/activities are made available to project affected groups, local NGOs, and the public at large. Public disclosure of GLTFP documents is also a requirement. MINICOM in collaboration with GLTFP implementing agencies will make available copies of the ESMF and other necessary documents on the respective websites and offices of the ministries. Public notice in the media should be used to serve as information source to the public. However, they will have to be advertised in the local radios, especially community radios, newspapers. They will also be posted on MINICOM website and put in World Bank Info Shop.

9.2 Public Consultation

The implementation of each specific sub project investment under the WSCRП will require that public consultation and stakeholder engagement is carried out as a means of gathering information on public concerns, issues, perception, fears and suggestions on proposed investment. Public consultation will be conducted in line with the requirements of Environmental Management and Coordination Act (EMCA) which calls for utilization of all forms of consultation and stakeholder engagement and the Bank's requirements for public consultation. The consultations will be conducted through among others:

- ❖ *Key Informant Interviews*
- ❖ *Direct Interviews with Project Affected Persons*
- ❖ *Workshops and Meetings*
- ❖ *Public Hearings*
- ❖ *Advertisements' in print and electronic media*
- ❖ *Focus Group Discussions*
- ❖ *Internet and telephone interviews*

In line with GLTFP, the preliminary study revealed that interpersonal channels as well as Radio might be more appropriate in engaging more communities at the grass root level. However, given the status of ICTs in Rwanda, telephone communication can also engage more people including affected persons and communities at the grass root level.

Other mechanisms that provide a formal avenue for affected persons/groups or stakeholders to engage with the project implementers on issues of concern or unaddressed impacts include but are not limited to Grievance Redress Mechanism and Grievance Redress Committees.

9.3 Consultations that were held in preparing this ESMF

Consultations on the project were conducted via a series of interviews and meetings with officials and focus group discussions with local residents over the period from March 13, 2015 to March 27, 2015. In addition to local residents views from some relevant institutions were also gathered. These include Ministry of Trade and Industry (MINICOM), Ministry of Finance, Ministry of Infrastructure, Immigration Office, Ministry of Agriculture, Rwanda Revenue Authority, Rwanda Transport Development Agency (RTDA), Rwanda Local Development Agency (LODA) and Rwanda Civil Aviation Authority (RCAA).

These discussions involved an explanation of the project objectives and design, including anticipated environmental and social impacts and their mitigation. Feedback received showed eagerness of people to have the project started. Their questions were basically related to what the project will do, how it will benefit people and how it will affect them. They also wanted to know what is expected from them. However, participants did not focus on potential environmental impacts though they expressed that they hope that environmental issues will be taken into consideration.

Participants mentioned a few issues that they said should be taken into consideration such as air and water pollution, nuisance, noise and contamination, land use, income generation,

mobility and community association that they said they suspect might result from construction work. In addition, they expressed that given the terrain of the proposed locations for Cross-Border Market activities (sloping hills), there should be mechanisms to guard against Potential Land degradation, Potential soil erosion, Instances of pollution, minor cases of Deforestation and probably minor cases of over-fishing (since one of the market will be at the shores of the lake with already fishing activities nearby).

People took their time to show that they are seriously waiting for cross-border trade facilities since most of their livelihoods are centered on cross-border trade. Many participants noted the need for the project to ensure that any land-taking processes involve the affected people in determining appropriate compensation and payment of compensation before resettlement. Participants were assured that these were included within the project design. Participants promised their cooperation in project activities because they understand their importance. They however requested to be associated in all stages of GLTFP implementation.

10. CONCLUSION

This Environmental and Social Management Framework (ESMF) has been prepared in order to guide project planners, implementers and other stakeholders to identify and mitigate environmental and social impacts in Rwanda under the GLTFP. This framework will apply to any project activity within the GLTFP. It was found out that the project sites proposed for the GLTFP are prone to environmental and social impacts that may be generated from project activities. These impacts may affect the project locations for the GLTFP.

Successful implementation of this ESMF will depend to a large extent on the involvement and participation of the implementing agencies – RCAA, RTDA and LODA, and also the local communities. This ESMF should be regularly updated to respond to changing local conditions. It should be reviewed and approved through the national approval process and by the World Bank prior to project negotiations. It should also incorporate lessons learned

from implementing various Components of the project activities.

This ESMF will provide Rwanda - GLTFP implementers with the screening, planning and EIA processes that will enable them to identify, assess and mitigate potential negative environmental and social impacts and to ensure that proper mitigation measures are taken.

REFERENCES

The following documents were used in the preparation of the EIA report.

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- 10) World Bank, (1999). Manual of Environmental Assessment: Policies, Procedures and Sectoral Questions
- 11) World Bank, (2005), Environmental and Social Framework for World Bank Projects with Multiple Small-scale activities. Africa Region.

ANNEX-1: SUMMARY OF CONSULTATIONS

Consultations on the project were conducted via a series of interviews and meetings with officials and focus group discussions with local residents over the period from March 13, 2015 to March 27, 2015. These discussions involved an explanation of the project objectives and design, including anticipated environmental and social impacts and their mitigation.

Feedback received showed eagerness of people to have the project started. Their questions were basically related to what the project will do, how it will benefit people and how it will affect them. They also wanted to know what is expected from them. However, participants did not focus on potential environmental impacts though they expressed that they hope that environmental issues will be taken into consideration.

They mentioned a few issues that they said should be taken into consideration such as air and water pollution, nuisance, noise and contamination, land use, income generation, mobility and community association that they said they suspect might result from construction work. In addition, they expressed that given the terrain of the proposed locations for Cross-Border Market activities (sloping hills), there should be mechanisms to guard against Potential Land degradation, Potential soil erosion, Instances of pollution, minor cases of Deforestation and probably minor cases of over-fishing (since one of the market will be at the shores of the lake with already fishing activities nearby).

They took their time to show that they are seriously waiting for cross-border trade facilities since most of their livelihoods are centered on cross-border trade. Many participants noted the need for the project to ensure that any land-taking processes involve the affected people in determining appropriate compensation and payment of compensation before resettlement. Participants were assured that these were included within the project design. Participants promised their cooperation in project activities because they understand their importance. They however requested to be associated in all stages of implementation of the project.

A summary of comments is provided below, and following that, a list of the consultation meeting participants and dates.

Date	Consulted person	Number	Consultation type	Points raised	Suggestions	Measures to be taken by GLTFP
09/03/2015	MINICOM Officer	1	Personal interview	Issues of cross-border trade GLTFP Description	<ul style="list-style-type: none"> • Cross-border activities need to be supported if we are to help our people grow economically • GLTFP needs to build from existing initiatives • No intention to move people 	GLTFP will work with existing structures and wherever possible, it will employ local people. Involuntary resettlement will be done if unavoidable in line with RPF requirements
09/03/2015	MININFRA Officer	1	Personal interview	GLTFP will not cause a lot of impacts to the environment and society. Only one Component, Component 1 might result in minor issues	<ul style="list-style-type: none"> • People at the border seriously need proper cross-border trade infrastructure • This will have a lot of positive impacts on their lives • People need to be mobilized and associated to have all their issues addressed 	GLTFP will involve and consult local people and affected people in order to determine and address their needs on ongoing basis during implementation
10/03/2015	REMA Officer	1	Phone Personal Interview	GLTFP and environmental policies and guidelines	<ul style="list-style-type: none"> • GLTFP is a very beneficial project. Rwandans in general and people at Rwanda-DRC border in particular will benefit a lot. However, GLTFP needs to respect environmental policies and guidelines (Rwanda & World Bank) because any sustainable development initiative needs to be in keeping with the environment. 	GLTFP will respect environmental policies and guidelines (Rwanda & World Bank)

11/03/2015	RCAA Officer	1	Personal interview	GLTFP will support activities related to the rehabilitation of Kamembe , equipment, lighting and fencing)	<ul style="list-style-type: none"> • Transport is very important in cross-border trade development • Kamembe International Airport receives planes from DRC and Burundi but has a lot of challenges • Imagine an International Airport which cannot receive planes in the night, just because of lighting • This airport needs to be rehabilitated • Activities started but need to be supported. There are no intentions to move people but probably minors issues may occur in the process 	GLTFP will support already started initiatives, e.g. Kamembe resurfacing works. Further rehabilitation will be done taking into account the suggestions received, for example lighting for night landing
13/03/2015	Head, Kamembe International Airport	1	Personal interview	Not many people will be affected by the rehabilitation of Kamembe International Airport	<ul style="list-style-type: none"> • Just two runways, equipment, lighting and fencing • Given the importance of the Airport in cross-border trade in the Great Lakes Region, these activities merit to be supported 	GLTFP PCT and implementing agencies will plan taking into account people's needs
14/03/2015	Investment Officer (Cross-border trade) Nyamasheke District	1	Discussion on phone Personal	Nyamasheke Cross-border site Activities initiated but efforts limited	<ul style="list-style-type: none"> • There used to be a cross-border market but got closed due to insecurity • People very much eager to have it back • With the support of the District, a private investor started activities but efforts became limited • People are eager to have the market in place • They have ever tasted a similar market in the past that is why they are eagerly waiting for it 	GLTFP will be mindful of what happened in the past, e.g. how cross-border market functioned and draw lessons that will inform activities. GLTFP will aim to reestablish the market at the earliest
14/03/2015	Nyamasheke Residents	29	Group discussion	People seriously need the market Ready to cooperate in the implementation	<ul style="list-style-type: none"> • Activities should get started very soon • People should be involved in the process • They have some knowledge about safeguarding natural resources as they environ Lake Kivu but feel that while relocating, even people who are said to be in 50 meters to the lake should be thought about 	GLTFP needs to ensure that people are involved in the process and that the safeguards are properly followed

14/03/2015	Investment Officer (cross-border trade) Rusizi District	1	Personal interview	Rusizi Cross-border market place: District encouraged traders to put their efforts together Good neighborhood between Rwandans and Congolese	<ul style="list-style-type: none"> • There is a need to give GLTFP a priority because people in the region benefit a lot in cross-border activities • When people have to be relocated, they need to be consulted and be allowed to discuss compensation. • Efforts already used by traders need to be supported 	GLTFP will establish the cross-border market at the earliest
14/03/2015	Rusizi residents	7	Group discussion	Resettlement Policy: Readiness to be resettled	<ul style="list-style-type: none"> • Communication needs to be given a priority while approaching people. People should participate in determining the value of their properties. They should also participate in determining the needed compensation. • When projects move people they only concentrate on those that are moved and forget that there could be some people who are not moved but who were depending on the ones moved • They hope activities will be in keeping with the environment 	GLTFP will ensure proper communication of its activities to the population In cases where relocation is a must, it will be done in line with RPF
14/03/2015	Rusizi Cross-border traders	15	Group discussion	Traders need support for their efforts	<ul style="list-style-type: none"> • Activities should start very soon • People should not be told to move before they are compensated. • Environmental issues need to be properly thought about to avoid problems in the future since the proposed place is on a sloppy hill. • Considering the status of the possible locations (sloping hills), there should be mechanisms to guard against Potential Land degradation, Potential soil erosion, Instances of pollution, minor cases of Deforestation and probably minor cases of over-fishing (since one of the markets will be at the shores of the lake with already fishing activities nearby). 	GLTFP will ensure that RPF is properly followed

14/03/2015	Rusizi Commercial building owners	6	Group discussion	People ready to be resettled	<ul style="list-style-type: none"> • We need to be given alternatives. • We need lasting and fair solutions. In cases of relocation, there should be people to redress grievances who are not the ones in charge of relocating people 	GLTFP will ensure that RPF is properly followed
15/03/2015	Executive Secretary Kamashangi Cell	1	Personal Interview	People got told in the past that they will be relocated and they waited until they got tired	<ul style="list-style-type: none"> • There should be agreement, collaboration and consultation among institutions dealing with environment and natural resources. • Projects should think of long lasting impact. 	GLTFP will cooperate/consult existing institutions/structures in order to properly address issues that may arise
19/03/2015	Mucyamo Village Leader	1	Personal Interview	People are not yet clear about who will be concerned and who will not. There have been different sessions about leaders but not yet sure	<ul style="list-style-type: none"> • There is a need for clear communication and clear information. Sometimes, people are given wrong information and this might make them turn against project activities • People need to be associated in establishing the needs and how they can be met. 	GLTFP will ensure proper communication of its activities to the population
19/03/2015	Badura Village Leader	1	Personal Interview	Activities on Kamembe International Airport	<ul style="list-style-type: none"> • Local leaders, opinion leaders, traders, churches, schools, farmers, etc., need to be mobilized. This can help to avoid wrong impression that people might develop. For example some leaders came and made a list of people they said were to be moved but people waited but in vain • There is a need to first get people's trust 	GLTFP will cooperate/consult existing institutions/structures in order to properly address issues that may arise
23/03/2015	Farmers leasing Kamembe Airport Land	26	Focus Group Discussion	Some people live by farming Airport land	<ul style="list-style-type: none"> • Although people using land leased from the Airport do not claim any ownership over that land, they wish they could get other sources of livelihood since they were depending on that land 	GLTFP will ensure that activities that were done on Kamembe International Airport are in line with the RPF

List of participants in consultations:

During the development of GLTFP ESMF and RPF, the people that are listed below were consulted in two phases. The first phase was about collecting data to be used in ESMF and RPF and the second phase was about consultations on both ESMF and RPF. In addition to the people listed, the consultant consulted officers from institutions such as Ministry of Trade and Industry (MINICOM), Ministry of Finance, Ministry of Infrastructure, Immigration Office, Ministry of Agriculture, Rwanda Revenue Authority, Rwanda Transport Development Agency (RTDA), Rwanda Local Development Agency (LODA) and Rwanda Civil Aviation Authority (RCAA).

I. Kamembe International Airport (Rusizi District)

No.	Name	Function
1	Léon NKURUNZIZA	Head, Kamembe International Airport
2	Adidja KAVUMBI	Executive Secretary, Kamashangi Cell
3	Elias MACUMI	Leader, Mucyamo Village
4	Saidi UWIHOREYE	Leader, Badura Village

Note: The consultant also talked to a group of 26 farmers who were cultivating the land leased from Kamembe Airport. These did not want to reveal their names.

II. Nyamasheke Cross-border Market

No.	Name	Function
1	Fotide RUCAKATSI	District Officer in charge of investment promotion and cross-border trade
2	Pierre Celestin HABIYAREMYE	Executive Secretary, Nyamasheke District
3	Japhet MANIRARUTA	Nyamasheke Resident
4	Marguerite MUREKATETE	Nyamasheke Resident
5	Elias BIZIMUNGU	Nyamasheke Resident
6	Elias NTAMUBANO	Nyamasheke Resident
7	Innocent NSENGIYUMVA	Nyamasheke Resident
8	André SIBOMANA	Nyamasheke Resident
9	Edison NDAGIJIMANA	Nyamasheke Resident
10	Emmanuel AHISHAKIYE	Nyamasheke Resident
11	Innocent NGIRINSHUTI	Nyamasheke Resident
12	Thamar MUSABYIMANA	Nyamasheke Resident
13	Pierre MUNYAMPETA	Nyamasheke Resident
14	Faustin UGIRASHEBUJA	Nyamasheke Resident
15	Aphrodice SIKUBWABO	Nyamasheke Resident

16	Jonas KAREGEYA	Nyamasheke Resident
17	Vérédiane MUKANKUBANA	Nyamasheke Resident
18	Félicité MUKAMPAMIJE	Nyamasheke Resident
19	Eliab KAREKEZI	Nyamasheke Resident
20	Damascène SEBERA	Nyamasheke Resident
21	Agnes MUKANTAGWABIRA	Nyamasheke Resident
22	Jonathan MUSABYIMANA	Nyamasheke Resident
23	Agnes NYIRANSABIMANA	Nyamasheke Resident
24	Ezekiel NZIHONGA	Nyamasheke Resident
25	Vèrene NIYOYITA	Nyamasheke Resident
26	Simeon MUKERANKIKO	Nyamasheke Resident
27	Jonas KABANO	Nyamasheke Resident
28	Jonathan KAGEYO	Nyamasheke Resident
29	Béline NYIRANGIRUWONSANGA	Nyamasheke Resident

III. Rusizi Cross-border Market

No.	Name	Function
1	Jean Luc NSABAYEZU	District Cooperatives Officer
2	Innocent CYIZA	Rusizi Resident
3	NTABUDAKEBA	Rusizi Resident
4	Jean Bosco RWANGANO	Rusizi Resident
5	Laurence MUKABANA	Rusizi Resident
6	Benjamin MUDASUBIRA	Rusizi Resident
7	Annonciata NYIRANZEYIMANA	Rusizi Resident

Note: The consultant also talked to a group of **15 traders** who were selling some goods (mainly food items) in Rusizi. These did not allow recording their names.

ANNEX 2 - PROJECT SCREENING CRITERIA FORM (PSCF)

Once a Project Brief has been received and reviewed by the Authority, a proposed project is exempted from further compliance with EIA requirements if all of the following conditions are satisfied:

1. The project will not substantially use natural resources in a way that pre-empts use, or potential use of that resource for any other purpose.
2. Potential residual impacts on the environment are likely to be minor, of little significance and easily mitigated.
3. The type of project, its environmental impacts and mitigation measures are evident and well understood.
4. Reliable means exist for ensuring that impact management measures can and will be adequately planned and implemented.
5. The project will not displace significant number of people, families or communities.
6. The project is not located in, and will not affect, environmentally-sensitive areas such as:
 - (a) National parks
 - (b) Wetlands
 - (c) Productive agricultural land
 - (d) Important archaeological, historical and cultural sites
 - (e) Areas protected under legislation
 - (f) Areas containing rare or endangered flora or fauna
 - (g) Areas containing unique or outstanding scenery
 - (h) Mountains or developments on or near steep hill slopes
 - (i) Forests
 - (j) Lakes or their shores
 - (k) Areas important for vulnerable groups such as fishing communities
 - (l) Areas near high population concentrations or industrial activities where further development could create significant cumulative environmental problems
 - (m) Groundwater recharge areas or drainage basins
7. The project will not result in and/or:
 - (a) Policy initiatives which may affect the environment
 - (b) Major changes in land tenure
 - (c) Changes in water use through irrigation, drainage promotion or dams, changes in fishing practices.
8. The project will not cause:
 - (a) Adverse socioeconomic impact
 - (b) Land degradation
 - (c) Water pollution
 - (d) Air pollution
 - (e) Damage to wildlife and habitats
 - (f) Adverse impact on climate and hydrological cycle
 - (g) Creation of by-products, residual or waste materials which require handling and disposal in a manner that is not regulated by existing authorities.
9. The project will not cause significant public concern because of potential environmental changes. The following are guiding principles:
 - (a) Is the impact positive, or harmful?
 - (b) What is the scale of the impact in terms of area, numbers of people or wildlife affected?
 - (c) What is the intensity of the impact?
 - (d) What will be the duration of the impact?
 - (e) Will there be cumulative effects from the impact?
 - (f) Are the effects politically controversial?
 - (g) Have the main economic, ecological and social costs been quantified?
 - (h) Will the impact vary by social group or gender?
 - (i) Is there any international impact due to the proposed projects?
10. The project will not necessitate further development activity, which is likely to have a significant impact on the environment.

ANNEX 3 : GENERIC ESIA TERMS OF REFERENCE

1. Provide a full description of the nature of the project with respect to the name of the proponent, the postal and physical address, the spatial location of the potential site for the project, the estimated cost of the project, and size of land for the project site, including water reticulation, waste disposal and access roads.
2. Provide a site-specific map of the area (Scale 1:50,000) showing the proposed project site and existing establishments in the area and surrounding areas. A site plan for the project should also be provided.
3. Examine the existing conditions of the proposed site identifying and analyzing:
 - _ Geological and soil conditions of the area;
 - _ The scope of vegetative resources of the area;
 - _ Existing land uses within the area and within adjacent villages;
 - _ Ecologically important or sensitive habitats and resources e.g. water resources, biodiversity elements; and
 - _ Suitability of the site for the proposed development.
4. Describe the major activities to be undertaken for the construction and operation of infrastructure services. This should include the size and type of infrastructure, the type of equipment to be used, the method and duration of construction, nature and quantity of wastes to be generated, the facilities for appropriate disposal and management of waste, number of people to be employed and.
5. State the reasons for selecting the proposed site, the consequences of not undertaking the project at the proposed site and any alternative sites considered.
6. Predict the major short and long-term environmental impacts of the project. Examine both the positive and negative impacts as well as impacts on the biophysical, social, economic and cultural components of the environment. The potential impacts must include those related to:
 - project location (e.g. resettlement of people, loss of forest land, loss of agricultural land, impact on flora and fauna);
 - construction works (e.g. soil erosion, disposal of construction spoils, drainage and access roads)
 - project operation (e.g. solid waste disposal, sewage disposal)
7. Prescribe measures to eliminate, reduce or mitigate the negative effects identified and the measures to enhance the positive effects in 6.
8. Propose an Environmental Management Plan (EMP) in tabular form by which all of the mitigation/enhancement measures prescribed will be carried out,

specifying who will be responsible for implementing these measures and the schedule for implementation, cost of implementing the measures and the source of funding. An environmental monitoring plan should also be prepared including the indicators to be used for monitoring the impacts and responsible persons and institutions that will conduct the monitoring.

9. Undertake public consultations to ensure that all interested and affected parties are involved in the ESIA process and incorporate their views into the ESIA. Evidence of consultation should be provided in the report.

10. Provide an account of all statutory and regulatory licenses and approvals obtained for the project to ensure that they are in line with sound environmental management practices and are in compliance with all relevant existing legislation. Reference should be made, but not limited to the Environment Management Act and other relevant and other relevant legislation.

ANNEX 4 BUILDING BLOCKS FOR A TYPICAL ENVIRONMENTAL & SOCIAL MANAGEMENT PLAN

Management measures

The Environmental & Social Management Plan (ESMP) identifies feasible and cost-effective measures that may reduce potentially significant adverse environmental impacts to acceptable levels. The plan includes compensatory measures if mitigation measures are not feasible, cost-effective, or sufficient. Specifically, the ESMP (a) identifies and summarizes all anticipated significant adverse environmental impacts (including those involving indigenous people or involuntary resettlement); (b) describes--with technical details--each mitigation measure, including the type of impact to which it relates and the conditions under which it is required (e.g., continuously or in the event of contingencies), together with designs, equipment descriptions, and operating procedures, as appropriate; (c) estimates any potential environmental impacts of these measures; and (d) provides linkage with any other mitigation plans (e.g., for involuntary resettlement, indigenous peoples, or cultural property) required for the project.

Monitoring measures

Environmental monitoring during project implementation provides information about key environmental aspects of the project, particularly the environmental impacts of the project and the effectiveness of mitigation measures. Such information enables the Implementing Agency and the Bank to evaluate the success of mitigation as part of project supervision, and allows corrective action to be taken when needed. Therefore, the ESMP identifies monitoring objectives and specifies the type of monitoring, with linkages to the impacts assessed in the EA report and the mitigation measures described in the ESMP. Specifically, the monitoring section of the ESMP provides (a) a specific description, and technical details, of monitoring measures, including the parameters to be measured, methods to be used, sampling locations, frequency of measurements, detection limits (where appropriate), and definition of thresholds that will signal the need for corrective actions; and (b) monitoring and reporting procedures to (i) ensure early detection of conditions that necessitate particular mitigation measures, and (ii) furnish information on the progress and results of mitigation.

Capacity Development and Training

To support timely and effective implementation of environmental project components and mitigation measures, the ESMP draws on the ESIA's assessment of the existence, role, and capability of environmental units on site or at the agency and ministry level. If necessary, the EMP recommends the establishment or expansion of such units, and the training of staff, to allow implementation of EA recommendations. Specifically, the ESMP provides a specific description of institutional arrangements - which is responsible for carrying out the mitigation and monitoring measures (e.g., for operation, supervision, enforcement, monitoring of implementation, remedial action, financing, reporting, and staff training). To strengthen environmental management capability in the agencies responsible for implementation, most ESMPs cover one or more of the following additional topics: (a) technical assistance programs, (b) procurement of equipment and supplies, and (c) organizational changes.

Implementation Schedule and Cost Estimates

For all three aspects (mitigation, monitoring, and capacity development), the ESMP provides (a) an implementation schedule for measures that must be carried out as part of the project, showing phasing and coordination with overall project implementation plans; and (b) the capital and recurrent cost estimates and sources of funds for implementing the ESMP. These figures are also integrated into the total project cost tables.

Integration of ESMP with Project

The Implementing Agency's decision to proceed with a project, and the Bank's decision to support it, is predicated in part on the expectation that the ESMP will be executed effectively. Consequently, the ESMP is to be specific in its description of the individual mitigation and monitoring measures and its assignment of institutional responsibilities, and it must be integrated into the project's overall planning, design, budget, and implementation. With the

contractor, the relevant aspects of the ESMP should be integrated with the contract / bid documents, and the supervision of these should be the responsibility of the Implementing

ANNEX 5: EXAMPLE OF ENVIRONMENTAL GUIDELINES FOR CONTRACTORS UNDERTAKING CONSTRUCTION WORK

General Environmental Management Conditions

1. [In addition to these general conditions], the Contractor shall comply with any specific Environmental Management Plan (EMP) for the works he is responsible for. The Contractor shall inform himself about such an EMP, and prepare his work strategy and plan to fully take into account relevant provisions of that EMP. If the Contractor fails to implement the approved EMP after written instruction by the Supervising Agency to fulfill the obligation within the requested time, the Owner reserves the right to arrange through the Supervising Agency for execution of the missing action by a third party on account of the Contractor.
2. Notwithstanding the Contractor's obligation under the above clause, the Contractor shall implement all measures necessary to avoid undesirable adverse environmental and social impacts wherever possible, restore work sites to acceptable standards, and abide by any environmental performance Requirements specified in an EMP. In general these measures shall include but not be limited to:
 - (a) Minimize the effect of dust on the surrounding environment resulting from earth mixing sites, vibrating equipment, temporary access roads, etc. to ensure safety, health and the protection of workers and communities living in the vicinity dust producing activities.
 - (b) Ensure that noise levels emanating from machinery, vehicles and noisy construction activities (e.g. excavation, blasting) are kept at a minimum for the safety, health and protection of workers within the vicinity of high noise levels and nearby communities.
 - (c) Ensure that existing water flow regimes in rivers, streams and other natural or irrigation channels is maintained and/or re-established where they are disrupted due to works being carried out.
 - (d) Prevent bitumen, oils, lubricants and waste water used or produced during the execution of works from entering into rivers, streams, irrigation channels and other natural water bodies/reservoirs, and also ensure that stagnant water in uncovered borrow pits is treated in the best way to avoid creating possible breeding grounds for mosquitoes.
 - (e) Prevent and minimize the impacts of quarrying, earth borrowing, piling and building of temporary construction camps and access roads on the biophysical environment including

protected areas and arable lands; local communities and their settlements. In as much as possible restore/rehabilitate all sites to acceptable standards.

(f) Upon discovery of ancient heritage, relics or anything that might or believed to be of archeological or historical importance during the execution of works, immediately report such findings to the Watershed Management Officer so that the appropriate authorities may be expeditiously contacted for fulfillment of the measures aimed at protecting such historical or archaeological resources.

(g) Discourage construction workers from engaging in the exploitation of natural resources such as hunting, fishing, and collection of forest products or any other activity that might have a negative impact on the social and economic welfare of the local communities.

(h) Implement soil erosion control measures in order to avoid surface run off and prevents siltation, etc.

(i) Ensure that garbage, sanitation and drinking water facilities are provided in construction workers camps.

(j) Ensure that, in as much as possible, local materials are used to avoid importation of foreign material and long distance transportation.

(k) Ensure public safety, and meet traffic safety requirements for the operation of work to avoid accidents.

3. The Contractor shall indicate the period within which he/she shall maintain status on site after completion of civil works to ensure that significant adverse impacts arising from such works have been appropriately addressed.

4. The Contractor shall adhere to the proposed activity implementation schedule and the monitoring plan/strategy to ensure effective feedback of monitoring information to project management so that Impact management can be implemented properly, and if necessary, adapt to changing and unforeseen conditions.

5. Besides the regular inspection of the sites by the Supervising Agency for adherence to the Contract conditions and specifications, the Owner may appoint an Inspector to oversee the compliance with these environmental conditions and any proposed mitigation measures. State environmental authorities may carry out similar inspection duties. In all cases, as directed by the Supervising Agency, the Contractor shall comply with directives from such inspectors to implement measures required to ensure the adequacy rehabilitation measures

carried out on the bio-physical environment and compensation for socio-economic disruption resulting from implementation of any works.

Work site/Campsite Waste Management

6. All vessels (drums, containers, bags, etc.) containing oil/fuel/surfacing materials and other hazardous chemicals shall be bonded in order to contain spillage. All waste containers, litter and any other waste generated during the construction shall be collected and disposed of at designated disposal sites in line with applicable government waste management regulations.
7. All drainage and effluent from storage areas, workshops and camp sites shall be captured and treated before being discharged into the drainage system in line with applicable government water pollution control regulations.
8. Used oil from maintenance shall be collected and disposed of appropriately at designated sites or be re-used or sold for re-use locally.
9. Entry of runoff to the site shall be restricted by constructing diversion channels or holding structures such as banks, drains, dams, etc. to reduce the potential of soil erosion and water pollution.
10. Construction waste shall not be left in stockpiles along the road, but removed and reused or disposed of on a daily basis.
11. If disposal sites for clean spoil are necessary, they shall be located in areas, approved by the Supervising Agency, of low land use value and where they will not result in material being easily washed into drainage channels. Whenever possible, spoil materials should be placed in low-lying areas and should be compacted and planted with species indigenous to the locality.

Material Excavation and Deposit

12. The Contractor shall obtain appropriate licenses/permits from relevant authorities to operate quarries or borrow areas.
13. The location of quarries and borrow areas shall be subject to approval by relevant local and national authorities, including traditional authorities if the land on which the quarry or borrow areas fall in traditional land.
14. New extraction sites:

- a) Shall not be located in the vicinity of settlement areas, cultural sites, wetlands or any other valued ecosystem component, or on high or steep ground or in areas of high scenic value, and shall not be located less than 1km from such areas.
- b) Shall not be located adjacent to stream channels wherever possible to avoid siltation of river channels. Where they are located near water sources, borrow pits and perimeter drains shall surround quarry sites.
- c) Shall not be located in archaeological areas. Excavations in the vicinity of such areas shall proceed with great care and shall be done in the presence of government authorities having a mandate for their protection.
- d) Shall not be located in forest reserves. However, where there are no other alternatives, permission shall be obtained from the appropriate authorities and an environmental impact study shall be conducted.
- e) Shall be easily rehabilitated. Areas with minimal vegetation cover such as flat and bare ground, or areas covered with grass only or covered with shrubs less than 1.5m in height, are preferred.
- f) Shall have clearly demarcated and marked boundaries to minimize vegetation clearing.

15. Vegetation clearing shall be restricted to the area required for safe operation of construction work. Vegetation clearing shall not be done more than two months in advance of operations.

16. Stockpile areas shall be located in areas where trees can act as buffers to prevent dust pollution. Perimeter drains shall be built around stockpile areas. Sediment and other pollutant traps shall be located at drainage exits from workings.

17. The Contractor shall deposit any excess material in accordance with the principles of these general conditions, and any applicable EMP, in areas approved by local authorities and/or the Supervising Agency.

18. Areas for depositing hazardous materials such as contaminated liquid and solid materials shall be approved by the Supervising Agency and appropriate local and/or national authorities before the commencement of work. Use of existing, approved sites shall be preferred over the establishment of new sites.

Rehabilitation and Soil Erosion Prevention

19. To the extent practicable, the Contractor shall rehabilitate the site

progressively so that the rate of rehabilitation is similar to the rate of construction.

20. Always remove and retain topsoil for subsequent rehabilitation. Soils shall not be stripped when they are wet as this can lead to soil compaction and loss of structure.

21. Topsoil shall not be stored in large heaps. Low mounds of no more than 1 to 2m high are recommended.

22. Revegetate stockpiles to protect the soil from erosion, discourage weeds and maintain an active population of beneficial soil microbes.

23. Locate stockpiles where they will not be disturbed by future construction activities.

24. To the extent practicable, reinstate natural drainage patterns where they have been altered or impaired.

25. Remove toxic materials and dispose of them in designated sites. Backfill excavated areas with soils or overburden that is free of foreign material that could pollute groundwater and soil.

26. Identify potentially toxic overburden and screen with suitable material to prevent mobilization of toxins.

27. Ensure reshaped land is formed so as to be inherently stable, adequately drained and suitable for the desired long-term land use, and allow natural regeneration of vegetation.

28. Minimize the long-term visual impact by creating landforms that are compatible with the adjacent landscape.

29. Minimize erosion by wind and water both during and after the process of reinstatement.

30. Compacted surfaces shall be deep ripped to relieve compaction unless subsurface conditions dictate otherwise.

31. Revegetate with plant species that will control erosion, provide vegetative diversity and, through succession, contribute to a resilient ecosystem. The choice of plant species for rehabilitation shall be done in consultation with local research institutions, forest department and the local people.

Water Resources Management

32. The Contractor shall at all costs avoid conflicting with water demands of local communities.

33. Abstraction of both surface and underground water shall only be done with the consultation of the local community and after obtaining a permit from the relevant Water Authority.
34. Abstraction of water from wetlands shall be avoided. Where necessary, authority has to be obtained from relevant authorities.
35. Temporary damming of streams and rivers shall be done in such a way that it avoids disrupting water supplies to communities downstream, and maintains the ecological balance of the river system.
36. No construction water containing spoils or site effluent, especially cement and oil, shall be allowed to flow into natural water drainage courses.
37. Wash water from washing out of equipment shall not be discharged into water courses or road drains.
38. Site spoils and temporary stockpiles shall be located away from the drainage system, and surface run off shall be directed away from stockpiles to prevent erosion.

Traffic Management

39. Location of access roads/detours shall be done in consultation with the local community especially in important or sensitive environments. Access roads shall not traverse wetland areas.
40. Upon the completion of civil works, all access roads shall be ripped and rehabilitated.
41. Access roads shall be sprinkled with water at least five times a day in settled areas, and three times in unsettled areas, to suppress dust emissions.

Blasting

42. Blasting activities shall not take place in less than 2km from settlement areas, cultural sites, or wetlands without the permission of the Supervising Agency.
43. Blasting activities shall be done during working hours, and local communities shall be consulted on the proposed blasting times.
44. Noise levels reaching the communities from blasting activities shall not exceed 90 decibels.

Disposal of Unusable Elements

45. Unusable materials and construction elements such as electro-mechanical equipment, cables accessories and demolished structures will be disposed of in a manner approved by the Supervising Agency. The Contractor has to agree with the Supervising Agency which elements are to be surrendered to the Client's premises, which will be recycled or reused, and which will be disposed of at approved landfill sites.

46. As far as possible, abandoned pipelines shall remain in place. Where for any reason no alternative alignment for the new pipeline is possible, the old pipes shall be safely removed and stored at a safe place to be agreed upon with the Supervising Agency and the local authorities concerned.

47. AC-pipes as well as broken parts thereof have to be treated as hazardous material and disposed of as specified above.

48. Unsuitable and demolished elements shall be dismantled to a size fitting on ordinary trucks for transport.

Health and Safety

49. In advance of the construction work, the Contractor shall mount an awareness and hygiene campaign. Workers and local residents shall be sensitized on health risks particularly of AIDS.

50. Adequate road signs to warn pedestrians and motorists of construction activities, diversions, etc. shall be provided at appropriate points.

51. Construction vehicles shall not exceed maximum speed limit of 40km per hour.

Repair of Private Property

52. Should the Contractor, deliberately or accidentally, damage private property?

He shall repair the property to the owner's satisfaction and at his own cost. For each repair, the Contractor shall obtain from the owner a certificate that the damage has been made good satisfactorily in order to indemnify the Client from subsequent claims.

53. In cases where compensation for inconveniences, damage of crops etc. are claimed by the owner, the Client has to be informed by the Contractor through the Watershed Management Officer. This compensation is in general settled under the responsibility of the Client before signing the Contract. In unforeseeable cases, the respective administrative entities of the Client will take care of compensation.

Contractor's Environment, Health and Safety Management Plan (EHS-MP)

54. Within 6 weeks of signing the Contract, the Contractor shall prepare an EHS- MP to ensure the adequate management of the health, safety, environmental and social aspects of the works, including implementation of the requirements of these general conditions and any specific requirements of an EMP for the works. The Contractor's EHS-MP will serve two main purposes:

- For the Contractor, for internal purposes, to ensure that all measures are in place for adequate EHS management, and as an operational manual for his staff.
- For the Client, supported where necessary by a Supervising Agency, to ensure that the Contractor is fully prepared for the adequate management of the EHS aspects of the project, and as a basis for monitoring of the Contractor's EHS performance.

55. The Contractor's EHS-MP shall provide at least:

- a description of procedures and methods for complying with these general environmental management conditions, and any specific conditions specified in an EMP;
- a description of specific mitigation measures that will be implemented in order to minimize adverse impacts;
- a description of all planned monitoring activities (e.g. sediment discharges from borrow areas) and the reporting thereof; and
- The internal organizational, management and reporting mechanisms put in place for such.

56. The Contractor's EHS-MP will be reviewed and approved by the Client before start of the works. This review should demonstrate if the Contractor's EHS-MP covers all of the identified impacts, and has defined appropriate measures to counteract any potential impacts.

EHS Reporting

57. The Contractor shall prepare bi-weekly progress reports to the Supervising Agency on compliance with these general conditions, the project EMP if any, and his own EHS-MP. It is expected that the Contractor's reports will include information on:

- EHS management actions/measures taken, including approvals sought from local or national authorities;

- Problems encountered in relation to EHS aspects (incidents, including delays, cost consequences, etc. as a result thereof);
- Lack of compliance with contract requirements on the part of the Contractor;
- Changes of assumptions, conditions, measures, designs and actual works in relation to EHS aspects; and
- Observations, concerns raised and/or decisions taken with regard to EHS management during site meetings.

58. It is advisable that reporting of significant EHS incidents be done “as soon as practicable”. Such incident reporting shall therefore be done individually. Also, it is advisable that the Contractor keep his own records on health, safety and welfare of persons, and damage to property. It is advisable to include such records, as well as copies of incident reports, as appendixes to the bi-weekly reports. Example formats for an incident notification and detailed report are given below.

Training of Contractor’s Personnel

59. The Contractor shall provide sufficient training to his own personnel to ensure that they are all aware of the relevant aspects of these general conditions, any project EMP, and his own EHS-MP, and are able to fulfill their expected roles and functions. Specific training should be provided to those employees that have particular responsibilities associated with the implementation of the EHS-MP.

General topics should be:

- EHS in general (working procedures);
- Emergency procedures; and
- Social and cultural aspects (awareness rising on social issues).

Cost of Compliance

60. It is expected that compliance with these conditions is already part of standard good workmanship and state of art as generally required under this Contract. The item “Compliance with Environmental Management Conditions” in the Bill of Quantities covers these costs. No other payments will be made to the Contractor for compliance with any request to avoid and/or mitigate an avoidable EHS impact.

Agency and the Supervision / Project Management Consultants, if they are engaged.