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REPUBLIC OF RWANDA



MINISTRY OF TRADE AND INDUSTRY

**GREAT LAKES TRADE FACILITATION PROJECT  
(GLTFP)**

**RESETTLEMENT POLICY FRAMEWORK  
(RPF)**

Public Disclosure Authorized

**FINAL REPORT**

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## **EXECUTIVE SUMMARY**

### **Project description**

This Resettlement Policy Framework (RPF) was prepared for the Great Lakes Trade Facilitation Project (GLTFP) to be funded by the World Bank. The Ministry of Trade and Industry (MINICOM) will be responsible for implementing GLTFP, including the provisions of this Resettlement Policy Framework (RPF).

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

GLTFP has basically 4 main components: infrastructure improvements, procedural reforms and capacity building, performance-based border management, and support for project implementation, communications and monitoring and evaluation. However, GLTFP Phase I, for which this RPF is more applicable, will focus on Infrastructure Improvements. This component includes the rehabilitation of Kamembe International Airport, the construction of Nyamasheke Cross-border Market and the construction of Rusizi Cross-border Market as well as improving Cross-Border facilities in Rusizi I. Therefore, Great Lakes Trade Facilitation Project in Rwanda, Phase I will work in 4 main sites: Kamembe International Airport (Rusizi District), Rusizi Cross-border Market (Rusizi District), Nyamasheke Cross-border Market, and Rusizi I Cross-Border facilities (Rusizi District).

### **Public consultations on the RPF**

Consultations were held with stakeholders in March 2015 providing an overall description of the Project, the purpose of the ESMF and RPF, potential outcomes of the frameworks and to obtain feedback on ways to improve implementation of the frameworks. The key stakeholders and institutions consulted include Ministry of Trade and Industry (chair), Ministry of Finance, Ministry of Infrastructure, Immigration Office, Ministry of Agriculture,

Rwanda Revenue Authority, and other related agencies, local authorities, communities within the project area and cross-border traders.

In order to ensure that key interests of the public at various levels of governance are addressed and incorporated into the design and implementation of the ESMF/ RPF safeguard tools, stakeholder consultations were carried out as part of the ESMF/RPF process. Consulted cross border traders and the border communities welcomed the proposed project, which they say will greatly improve their livelihoods. They indicated that it will provide opportunities for jobs.

People around the border between Rwanda and DRC associate the cross-border market with the end of poverty for them. People link it with the booming businesses they say were in the area in past when they had a market that would attract Congolese. They, say that the market got closed due to insecurity at the place and, as they said, this made them become very poor. Generally, people in Rusizi and Nyamasheke agree that their livelihood highly depends on their interactions and trading with Congolese. Congolese cross-border traders also say that they cannot live without trading with Rwandans.

### **Potential Land Acquisition and Affected Persons**

Activities of Component 1 of GLTFP may trigger some level of displacement and resettlement of people affected. In addition to the likelihood of physical displacement, there is also some likelihood for economic and sociocultural displacement to occur. Small amounts of land acquisition may occur with respect to activities that will be developed under component 1.

Therefore, the following Resettlement Policy Framework (RPF) has been prepared for the purpose of establishing the principles and procedures to be applied in the event that involuntary resettlement, loss of land or other fixed assets, or natural resource limitations leading to physical, economic and sociocultural displacement would arise as a result of the project implementation. The RPF was drafted based on World Bank Operational Policy 4.12, the relevant Rwandan laws and regulations and the Environmental and Social

Management Framework that was conducted in parallel to the RPF, and will form the basis for resettlement planning and includes provisions to compensate affected persons accordingly. Re-fencing of Kamembe International Airport is expected to follow the same alignment as the existing fence and not to displace the farmers who are currently using land around the airport on contract basis with the Civil Aviation Authority. Nevertheless, in the unexpected case that the fencing needs to be adjusted after all and would lead to displacement, this RPF will equally apply.

### **Legislative Framework**

In 2005, the Organic Land Law was promulgated which recognized private ownership, both customary and legal, of most of the hillside areas. Previously, all land belonged to the State, which meant it was illegal to buy and sell land, and any required expropriation would result in users of that land being compensated for assets lost at a fixed rate set in 1996. As a result, there have been serious shortcomings in the national processes associated with land expropriation, resettlement and associated compensation payments. The new Expropriation Law (2007) outlines rights and compensation procedures for land expropriated for public interest, whilst the newly promulgated Valuation Law (2007) stipulates valuation methods to be applied to those assets expropriated. Although the 2007 Expropriation Law is now being updated, it is still in effect since the updated version is not yet in effect. MINICOM will be required to update this RPF to allow for updated policies and procedures.

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

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

### **Gap Analysis between Rwandan Laws and WB OP 4.12**

There are a number of differences between the Rwandan legislation and the World Bank Policy OP 4.12. In such instances the rules in OP 4.12 shall prevail. The key differences relate to the general principles for resettlement including income restoration, eligibility criteria, and the notification period for expropriation and resettlement.

- **Avoid Resettlement:** according to OP4.12, resettlement should be avoided whenever possible, while national legislation states that 'expropriation of land will be done when deemed necessary for public purposes.
- **Notification period** required: national legislation requires that property must be handed over 90 days after financial compensation has been paid, while OP4.12 requires that displacement must not occur before all necessary measures for resettlement are in place.
- **Meaningful and participative consultation:** the extent that Project Affected Persons are involved in meaningful participation required by Rwandan Law is not as robust as under OP 4.12.
- **Eligibility determination:** OP4.12 entitles those who have formal rights, those with claims to land and those with no recognizable legal right, to compensation, while national legislation entitles only those who are 'landholders' with legal possession of the land and who own property thereon. In this regard, although a decision has not yet been taken about the exact places of cross-border markets, the preparation of the ESMF revealed that in one of the places likely to be used for the Cross-Border Market in Nyamasheke , there are people who built their houses within 50 meters from the lake. According to regulations in Rwanda, these should not be considered in resettlement and compensation plans because in Rwanda, it is illegal to carry out any activity within 50 meters from the Lake. However, should such people have to move because of the project, under OP 4.12, if that place were to be selected, these would also be considered.
- **Monitoring:** the level of monitoring required in Rwandan law is not as robust as that required by OP4.12.
- **Fair and just compensation:** the Expropriation and Valuation Laws provide for fair and just compensation to expropriated peoples eligible for compensation, the

definition of 'fair and just' is not clearly defined, and therefore there is a risk that Project Affected People's livelihoods may not be restored or improved after compensation and resettlement.

### **Valuation and Compensation**

As per the Valuation Law, all people affected by expropriation must receive fair and just compensation. The calculation of fair and just compensation is to be made by independent valuers. Whilst fair and just compensation is stipulated to be market value for land and other assets, clarification of what this comprises is not made clear in the legislation. This RPF provides methods, formulae and cost units that are currently applicable internationally and are equivalent to market value. In order to ensure that OP4.12 requirements are met for valuation, these valuation methods are to be adopted for all sub-projects/components of GLTFP.

### **Preparation and Implementation of RAP**

The steps to be undertaken for each individual RAP include a screening process, a census and socio-economic study and land asset inventory of the area and identification of Project Affected Parties (PAPs). This will be followed by the development of a Resettlement Action Plan (RAP), RAP review and approval, implementation of the RAP and monitoring of RAP implementation and success. These steps will be the responsibility of MINICOM. The District Land Bureau will take the lead in electing the Resettlement and Compensation committee in the event of dislocation of communities and households in response to the project activities, which will work closely with the Grievance and Redress Committee. This committee will not only coordinate the design and implementation of the RAPs but will contribute significantly since it will be created at sector level, thereby ensuring each RAP is appropriately tailored to local conditions.

Throughout this process, consultation and public disclosure will take place with PAPs (and receiving communities as the case may be). Following approval of the area specific RAP, the process of implementation must take place. This will involve:

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

### **Grievance redress mechanisms**

The Grievance Redress Mechanism will be established and announced as soon as the investments are identified and the social survey is conducted indicating potential dislocation of PAPs. This will allow the PAPs to express their grievance throughout the RAP preparation process. The grievance procedure will be simple, and will be administered up to the Sector/ Cell level by the Grievance Redress Committee to facilitate access by PAPs. A representative of the Committee will act as Project Liaison Officer (PLO) and be the main project contact for all PAPs. It is recommended that the PLO works in collaboration with representatives of PAPs to ensure objectivity in the grievance process. All grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the Project Liaison Officer and resolved in coordination with the District Administration and MINICOM SPIU.

### **Monitoring and Evaluation**

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of GLTFP, which will fall under the overall responsibility of the MINICOM SPIU. At the sub-project level, the District authorities will have responsibility for ensuring that monitoring is undertaken with the Resettlement and Compensation Committee coordinating efforts. Periodic evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the sub project activities; economic rehabilitation measures have been implemented; and the PAPs have the same or higher standard of living than before, measured

against the socio-economic baseline data that will be collected during the preparation of the RAP. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively and qualitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. In addition, an independent audit will take place at the completion of the RAP implementation.

### **Estimated Budget**

The unit prices, the number of people to be affected, and the scope of land acquisition underpinning the budget are estimates. The exact figures will not be known until the RAPs are prepared, and the Government of Rwanda will make funds available for the implementation of the RAPs.



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## ACRONYMS AND ABBREVIATIONS

<b>DRC</b>	Democratic Republic of Congo
<b>ESMF</b>	Environmental and Social Management Framework
<b>GLTFP</b>	Great Lakes Trade Facilitation Project
<b>GLR</b>	Great Lakes Region
<b>GoR</b>	Government of Rwanda
<b>LODA</b>	Rwanda Local Development Agency
<b>M&amp;E</b>	Monitoring and Evaluation
<b>MINAGRI</b>	Ministry of Agriculture & Animal Resources
<b>MINALOC</b>	Ministry of Local Government, Good Governance Community Development and Social Affairs
<b>MINECOFIN</b>	Ministry of Finance and Economic Planning
<b>MINICOM</b>	Ministry of Trade and Industry
<b>MININFRA</b>	Ministry of Infrastructure
<b>MINIFOM</b>	Ministry of Forestry and Mines
<b>MINIRENA</b>	Ministry of Natural Resources
<b>OP</b>	Operational Policy
<b>PAP</b>	Project Affected Person
<b>PCT</b>	Project Coordination Team
<b>PDO</b>	Project Development Objectives
<b>PSC</b>	Project Steering Committee
<b>RAP</b>	Resettlement and Action Plan
<b>RCAA</b>	Rwanda Civil Aviation Authority
<b>RPF</b>	Resettlement Policy Framework
<b>RTDA</b>	Rwanda Transport Development Authority
<b>WB</b>	World Bank

## 1. INTRODUCTION

### 1.1 Background

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 as 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 GL countries. This component, however, focuses on Rwanda and DRC and undertakes to facilitate 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.

## **1.2 Description of the Project**

### **1.2.1 Project Outline**

The GLTFP will facilitate cross-border trade in the Great Lakes Region, especially between Rwanda and Democratic Republic of Congo. Activities will include rehabilitating Kamembe International Airport and potentially building two cross-border markets (Nyamasheke Cross-border Market) and Rusizi Cross-Border Market. Although these activities might cause some people to be relocated and lose their assets and properties, GLTFP will ensure that the resettlement is properly done and the livelihoods of these people are properly taken care of.

### **1.2.2 Project Components**

GLTFP has basically 4 main components: infrastructure improvements, procedural reforms and capacity building, performance-based border management, and support for project implementation, communications and monitoring and evaluation. Component 1 of GLTFP will focus on Infrastructure Improvements. This component includes the rehabilitation of Kamembe International Airport, potentially the construction of Nyamasheke Cross-border Market and the construction of Rusizi Cross-border Market. Therefore, Great Lakes Trade Facilitation Project, component1 will work in 4 main sites: Kamembe International Airport,

(Rusizi Cross-border Market and Nyamasheke Cross-border Markets as well as Rusizi I Border Post (Rusizi District).

#### **2.2.2.1 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.

The project will finance the rehabilitation of existing runway, navigational aids and weather equipment, aeronautical ground lighting, airport perimeter fencing and lighting and a transit cargo facility. The Rwanda Civil Aviation Authority (RCAA) has already commenced resurfacing works, which will not be not financed as part of the current project.

#### **2.2.2.2 Nyamasheke Cross-Border Market**

Nyamasheke Cross border market is one of the potential investments. However, the precise location of this market has not yet been decided. . The envisaged market will 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.

#### **2.2.2.3 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.

#### **2.2.2.4 Rusizi I Cross-Border Post (Rusizi I, Rusizi District)**

This component is expected to help Rusizi I Border Post to render proper and quick services to cross-border traders. It will improve the processing of traders by improving the related facilities. These include focusing on paving the parking area and introducing an automated gate system. This activity is expected not to cause any serious issues as the land that is supposed to be used belongs to the Immigration Office.

## **2. POTENTIAL SOCIAL IMPACTS**

### **2.1 Overview**

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

### **2.2 Potential Social Issues**

The project is anticipated to result in improving and facilitating trade between Rwanda and DRC as well as improvement of the livelihoods of people in the project areas, through systematic adoption of participatory implementation of livelihood improvement activities. Priority investments will be done in a participatory, transparent, and accountable manner. This implies active participation in decision-making by key actors, including civil society and affected communities. Similarly, gender and other concerns of most vulnerable groups shall be addressed through the same participatory processes.



Nonetheless, there is a likelihood of physical resettlement and/or land acquisition related to project interventions. As such, OP 4.12, Involuntary Resettlement is triggered.

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 at 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 or change 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.

## **2.3 Rationale of Resettlement Policy Framework**

This Resettlement Policy Framework has been developed in line with (OP 4.12) to provide guidelines on how the projects will avoid, manage or mitigate potential risks and the process by which Resettlement Action Plans will be prepared and implemented if the occasion arises during the project implementation period.

The RPF presents the objectives, principles, organizational arrangements and funding mechanisms to prepare Resettlement Action Plans (RAPs) for properly managing any displacement and resettlement that may be necessary during implementation of GLTFP as per the applicable Rwanda laws and regulations and the World Bank safeguard Policy on Involuntary Resettlement (OP 4.12), provided that where the two differ, OP 4.12 shall prevail. Resettlement plans for specific activities causing displacement due to GLTFP will be prepared using this RPF and submitted to the World Bank for prior approval.

## **2.4 Potential Involuntary Resettlement Impacts**

The activities of Component 1 of GLTFP may trigger some level of displacement and resettlement of people affected. In addition to the likelihood of physical displacement, there is also high likelihood for economic and sociocultural displacement to occur. Small amounts of land acquisition may occur with respect to activities that will be developed under the project. Therefore, the following Resettlement Policy Framework (RPF) has been prepared for the purpose of establishing the principles and procedures to be applied in the event that involuntary resettlement, loss of land or other fixed assets, or natural resource limitations leading to physical, economic and sociocultural displacement would arise as a result of the project implementation. The RPF was drafted based on World Bank Operational Policy 4.12, the relevant Rwandan laws and regulations and the Environmental and Social Management Framework that was conducted in parallel, and will form the basis for resettlement planning.

## 2.5 Benefits of GLTFP

The Great Lakes Trade Facilitation Project (GLTFP) seeks to develop cross-border trade infrastructure for improved cross-border trade. GLTFP embraces a number of sub-projects which will improve and enhance the living standards of the communities neighboring the selected border points. The implementation of GLTFP sub-projects is expected to have a widespread positive impact on overall socio-economic status and livelihoods of the people neighboring Kamembe International Airport as well as Nyamasheke and Rusizi cross-border markets. This report addresses the risks that might arise if a sub-project results into acquisition of land and hence disturbing the people's economic, sociocultural and/or physical aspects of life, or if the project performs actions that limit people's access to natural resources which are important for their livelihoods. This Resettlement Policy Framework (RPF) provides guidelines on how the sub-projects will avoid, manage or mitigate all these project-related displacement risks.

## 3. METHODOLOGY AND CONSULTATION

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

### 3.1 Detailed and in-depth literature review

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

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

### **3.2 Field Visits**

In order to familiarize and get acquainted with the project types in terms of background issues (socio-economic and bio-physical) the consultant also made visits to the project areas and sites. The field sites visited included Kamembe International Airport, Nyamasheke Cross-Border Market and Rusizi Cross-Border Market.

### **3.3 Interactive Discussions**

Interactive discussions and consultations were held with relevant stakeholders such as leaders, traders, communities including Interested and Affected Parties (I&AP) who were identified during the stakeholder analysis process. These discussions are the basis for most of the measures contained in this RPF and were very useful and insightful in understanding the issues of concern (See Annex 2).

## **4. PRINCIPLES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION**

### **4.1 RPF Principles**

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

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

The RPF for GLTFP will adopt the following principles:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be eliminated.

- Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programs, providing resources to give PAPs the opportunity to share project benefits.
- PAPs will be meaningfully consulted and will participate in planning and implementing both the resettlement and the development programs funded under GLTFP.
- PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher. Impacts on the PAPs are measured by the quantity of land to be acquired/lost and residual land and its economic viability. Once the severity of impact has been considered an entitlement option is selected.

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

The policy applies to all PAPs regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles.

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

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

The implementation of individual RAPs must be completed prior to the implementation of intervention activities causing resettlement, and submitted to the World Bank for review and approval.

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

## **4.2 RPF Implementation Arrangements**

### **4.2.1 Overview**

The overall coordination of the project will be provided by the Ministry of Trade and Industry (MINICOM) through the GLTFP implementing agencies which will oversee all resettlement planning and coordinate all issues relating to the compensation. Given the importance of the activities under the various sub-components, GLTFP will collaborate with Local Authorities falling within the project area in coordination and implementation.

The implementation arrangements of the RPF build on:

- The implementation arrangements for the overall GLTFP including agencies at the site level – *[Rwanda Civil Aviation Authority (RCAA) will have specific responsibility for the works at Kamembe International 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 (Nyamasheke and Rusizi] ; and*

- The implementation arrangements for resettlement and compensation activities in line with the Rwandan legislation.

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

#### **4.2.2 Overall Outline of GLTFP Implementation Arrangements**

The administrative coordination will be with MINICOM's SPIU, with the support of key ministries such as MINIRENA, MININFRA, MINECOFIN, MINALOC, MINAGRI. At the project sites, GLTFP will be implemented by Rwanda Civil Aviation Authority (RCAA) with specific responsibility for the works at Kamembe International Airport, Rwanda Transport Development Agency (RTDA) responsible for the implementation of works at Rusizi I Border Post, and Rwanda Local Development Agency (LODA) charged with overseeing activities related to Cross-Border Markets (Nyamasheke and Rusizi).

#### **4.2.3 Institutional Roles in Resettlement and Compensation**

At the national level, the project will be implemented through MINICOM. A Project Coordination Team responsible for day-to-day implementation will be based within the Single Project Implementation Unit (SPIU) housed in MINICOM, which coordinates all donor projects under MINICOM. The team might include dedicated staff and potential supporters from key ministries such as MINIRENA, MININFRA, MINECOFIN, MINALOC, MINAGRI.

##### **4.2.3.2 District Level Implementing Agencies**

GLTFPP activities will be implemented by agencies such as LODA, RTD and RCAA. However, for the purpose of resettlement, the District authority in which sub-project sites are located will provide political and administrative support. It will also play a monitoring role in the RAPs.

#### **4.2.3.3 Local Implementing Agencies**

##### **4.2.3.3.1 Resettlement and Compensation Committees**

In keeping with Rwanda's decentralization policy, the responsibility for the development and implementation of the RAPs will be at Sector and Cell level. Once resettlement has been identified via the screening process in relation to a GLTFP intervention, District Land Bureau representatives will be responsible for electing members of a sub-project Resettlement and Compensation Committee. This committee does not currently exist, but is proposed as part of the RPF implementation arrangements, and will operate at sector/cell level. It is proposed to be coordinated by the District Land Bureau, due to the executive powers of the DLB. This committee will plan for, coordinate and monitor resettlement, compensation and relocation activities, as well as supervise compensation payments to the recipient project affected parties (PAPs). A large part of their responsibility will be consultation with potential PAPs. The local Resettlement and Compensation Committee would comprise the following:

- Representative from Sector or Cell Land Committee;
- Representative from the Land Adjudication Committee;
- Representative from any other key sector office involved in the resettlement process;
- Representatives of the PAPs; and
- GLTFP/ PCT/Implementing agencies (ideally the Rural Sociologist or Community Development expert)

The Resettlement and Compensation Committee would have responsibility for:

- Validating inventories of PAPs and affected assets;



- Allocating land, where required, to permanently affected households;
- Supervise the valuation process
- Monitor the disbursement of funds;
- Guide and monitor the implementation of relocation;
- Coordinate activities between the various organizations involved in relocation;
- Provide support and assistance to vulnerable groups.

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

#### **4.2.3.3.2 Sector/ Cell Land Committees**

These report to the District Land Bureau, and are responsible for monitoring land use, approving land expropriation, and approving all land use changes in their particular Sector/ Cell. They also ensure documentation of land tenure at these levels. The members of the Sector and cell land committees include:

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

#### **4.2.3.3.3 Land Adjudication Committees**

The Land Adjudication Committee is responsible for coordinating individual land registration and ensuring appropriate compensation payment is made for individual land expropriated. It will ensure that compensation payments are included in the requests for

funds, and that they are allocated accordingly. Land Adjudication committees are a traditional legal institution implemented only when there is conflict over land ownership. The members of the Land Adjudication Committee include:

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

#### **4.2.3.3.4 Village Level Land Committees**

At the Village/Umudugudu level, there are village-level mediators (*abunzi*) whose work is to hear disputes, especially land disputes. The *abunzi*, or mediation committees, have mandatory jurisdiction over land disputes involving amounts that are less than three million RwF, which means over most land disputes. The *Abunzi* also have mandatory jurisdiction over succession and boundary disputes involving less than three million RwF. The *abunzi* will be used in the GLTFP as the first stop for resolving disputes and grievances following land acquisition. They will be involved in the compensation process from the beginning to the end. They will also be used in the design of the RAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances.

## **5. LEGAL AND REGULATORY FRAMEWORK**

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

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

The Rwandan Land Policy ensures equal right to land use for all Rwandan citizens (Politique Nationale Foncière 2004). In order to achieve the objective of the Land Policy, Rwanda underwent a land reform process targeting three main objectives: (1) Use of the Land for economic growth and poverty reduction, (2) Ensuring equal rights to land for all Rwandans and (3) Protecting environment and land resources. A number of organic laws, decrees and orders have been promulgated to facilitate the implementation of the Rwandan Land Policy.

Existing legislation that relates to Land and resettlement issues in Rwanda comprise the following:

- The Rwandan Constitution, promulgated in 2003;
- Organic Law N° 03/2013/OL of 16/06/2013 determining the use and management of land in Rwanda;
- Land Valuation Law promulgated in 2007;
- Land Expropriation Law promulgated N° 18/2007 of 19/04/2007;
- Presidential Order N° 54/01 of 12/10/2006 determining the structure, the responsibilities, the functioning and the composition of Land Commissions; and
- Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau

### 5.1.1 Categories of lands in Rwanda

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

Land Use (Article 9) is split into two categories: urban lands and rural lands. Urban lands are defined as lands confined within the legal boundaries of towns and municipalities as well as lands in suburbs and collective settlements of towns and municipalities. Any other

land is rural land.

Land ownership is divided into the following categories: individual owned lands and State lands (whether urban or rural). Article 10 provides that individual land is comprised of land acquired through custom, written law. That land has been granted definitely by competent authorities or acquired by purchase, donation, inheritance, succession, ascending sharing, and exchange or through sharing.

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

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

### **5.1.2 Land tenure legal provisions in Rwanda**

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

The Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts have been made to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights have been

encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).

All types of land tenure must be in compliance with the designated land use and environmental protection measures as outlined in the Land Use Master Plan.

### **5.1.3 Property laws in Rwanda**

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

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

### **5.1.4 Eligibility under Rwanda Law**

Eligibility for compensation is enshrined under the Rwandan constitution (Article 29) and the Expropriation Law. The two laws regulate and give entitlement to those affected,

whether or not they have written customary or formal tenure rights. The person to be expropriated is defined under article 2 (7) of the Expropriation Law to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be legally entitled to payment of compensation.

#### **5.1.5 Compensation entitlement**

In case an individual suffers any loss, Article 3 of the Expropriation Law stipulates that he or she should receive just compensation for it, although it is not clear what comprises fair and just compensation, this being left to the judgment of independent valuers. Article 4 of this law also stipulates that any project which results in the need for expropriation for public interest shall provide for all just compensation in its budget. Through mutual arrangement, both parties can determine the mode of payment. Article 22 (2) of the Expropriation Law provides that through an agreement between the person to expropriate and the one to be expropriated, just compensation may either be monetary, alternative land or a building equivalent as long as either option equates to fair and just monetary compensation. In case the determination of 'just' compensation exceeds in value the alternative land given to the expropriated person, the difference will be paid to the expropriated person.

#### **5.1.6 Land Assets Classification and valuation**

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

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

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

MINIRENA will provide relevant land assessments and information on price differentials according to the location of land to be expropriated, which will form the basis upon which fair and just compensation is to be calculated. The law provides that the valuation for expropriated lands be based on its type, use, location and availability, building on this guidance provided by MINIRENA. For the time being, until proper market prices are established, prices are negotiated openly and freely by the buyer and the seller.

#### **5.1.7 Procedures for Expropriation in Rwanda**

The law provides for public sensitization on the importance of the project to be established and the need for expropriation. In addition to sensitization, the Expropriation Law requires

prior consultative meetings and examination of the project proposal involving expropriation, with a view to avoid eventual prejudice on the person or entity subject to expropriation. Normally, a consultative meeting is held within 30 days after receipt of the application for expropriation. Based on these consultations, the relevant Land Commission or Committee (from the Cell level to the National level) takes a decision to approve the project within a period of 15 days.

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

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

The final decision is normally communicated publicly to the population by the relevant Land Commission. The decision is also normally posted in the public offices where the land at issue is located as well as on radio Rwanda and in State newspapers. As such, this is intended to inform the concerned parties and it is normally done within 30 days after the decision has been made (article 13 of the Expropriation Law).

## **5.2 Comparison between Rwandan Legislation and OP 4.12**



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

The promulgation of the new Expropriation Law introduces a legal framework within which expropriation activities must be conducted, and above all, attempts to bring Rwandan legislation more in line with international best practice requirements. However, despite this, there are still some gaps between the national Rwandan legislation and the World Bank Policy OP4.12. These relate to the general principles for resettlement, eligibility criteria, the notification period for expropriation and resettlement, and the procedures required throughout the resettlement process.

The key differences are as follows:

- ❖ **Avoid Resettlement:** According to OP4.12, resettlement should be avoided whenever possible, while the Rwandan national legislation regards expropriation of land for public interest as inevitable (provided under article 6 of the Expropriation Law).
- ❖ **Notification period required:** The expropriation law No 18/2007 of 19/04/2007 (article 24 paragraphs 3) requires that property must be handed over in a period not exceeding 90 days after compensation has been paid. OP4.12 requires that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. Measures pertaining to provision of economic rehabilitation however can and often do occur post displacement.
- ❖ **Meaningful and participative consultation:** OP 4.12 requires that persons to be displaced should be meaningfully consulted and should have opportunity to participate in planning and design of resettlement programs. The Rwandan Expropriation Law simply stipulates that affected peoples be fully informed of expropriation issues and goes further to prohibit any opposition to the expropriation program if considered to be under the pretext of self-centered justification.

- ❖ **Eligibility determination:** Rwandan legislation only stipulates that compensation be due to land owners, rather than to ALL land users as stipulated by OP4.12. In determining eligibility, the World Bank OP4.12 allows a broader range of eligibility than the national policy. Thus OP4.12 will provide the framework for resettlement for GLTFP.
- ❖ **Fair and just compensation:** Furthermore, whilst the Expropriation and Valuation Laws provide for fair and just compensation to expropriated peoples eligible for compensation, the definition of 'fair and just' is not clear, and therefore there is a risk that World Bank OP4.12 standards may not be met in implementation. Equally, whilst OP4.12 stipulates a clear preference for non-cash compensation for land based livelihoods to be provided, this preference is not as evident in the Expropriation Law. Thus OP4.12 will provide the framework for resettlement for the GLTFP.
- ❖ **Monitoring:** Finally, whilst monitoring measures are provided for in Rwandan legislation, the focus is to ensure that contracted compensation has been provided in full. It does not require assessment as to whether the compensation provided was appropriate, and whether the PAPs livelihoods have been restored or improved as stipulated by OP4.12.

## 6. DEFINITIONS OF PROJECT AFFECTED PEOPLE (PAPs)

### 6.1 Definition of Project Affected People (PAPs)

This Resettlement Policy Framework considers project affected people as those who stand to lose as a consequence of the project, all or part of physical and non-physical assets, including homes, communities, productive lands, resources such as forests, fishing areas, commercial properties, tenancy, income-earning opportunities as well as social and cultural networks and activities. Such impacts may be permanent or temporary. It also includes people who do not legally own the land they use, or who may be using it illegally for example, those who have built their houses within 50 meters from Lake Kivu in Nyamasheke District. .

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

## **6.2 Categories of PAPs**

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

### **6.2.1 Affected individuals**

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

### **6.2.2 Affected households**

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

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

(e) Other vulnerable people who cannot participate, due to being physically challenged or for cultural reasons, in production, consumption, or co-residence.

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

### **6.2.3 Vulnerable Households**

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

## **6.3 Eligibility under the project**

### **6.3.1 Principles**

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

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

Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this RPF. Persons covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in this RPF. They will only qualify for the compensation if they occupied the project area prior to a cut-off date established by the Resettlement Committees in close consultation with the potential PAPs, local community leaders and the respective local Land Control Boards and acceptable to the World Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land.

It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. Persons who encroach the area after the cut-off date (i.e. the date of the start of the census)) are not eligible for compensation or any form of resettlement assistance.

### **6.3.2 Eligibility Criteria**

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

Land for land compensation will be applied to PAPs who might lose their land. All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or encroaching illegally on land, are eligible for some assistance if they occupied the land before the entitlement cut-off date. Persons who encroach on the area after that date are not eligible for compensation or any form of resettlement assistance. There will therefore be a

package of compensation and other resettlement measures to assist each category of eligible PAPs to achieve the objectives of the policy. The entitlement matrix in Annex 5 provides more detail on eligibility criteria and entitlements. that will be used for the GLTFP..

#### **6.3.2.1 Eligibility for Community Compensation**

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

#### **6.3.2.2 Loss of property**

This includes loss of houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market value, negotiated settlements, productivity valuation, material and labor valuation. In all cases (partial or entire loss of structure), PAPs will be allowed to salvage construction materials without a discount to the compensation they are entitled to. . Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the land not being economically viable then the property will be replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

#### **6.3.2.3 Loss of wages and income**

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

to the latter Businesses (including small vendors) should be compensated for loss of profit as the case may be. In addition, PAPs will be entitled to transitional assistance, which includes moving expenses, temporary residence (if necessary), and employment in the project while waiting for employment. In difficult cases, local administration shall be used to judge eligibility as well as village committees.

### **6.3.3 Methods to Determine Cut-Off dates**

Once the sub-project has been legally approved and a permit provided, a RAP will be prepared for the sub-project. As part of the preparation of a RAP, a census will be undertaken to identify all the PAPs and the related levels of impact. The date that the census begins is the cut-off date for eligibility for resettlement and compensation. It is key, therefore, that this date is fully communicated to all potential PAPs in the project affected area with sufficient time for these people to ensure their availability for the Census.

This communication will be done through the Sub-project Resettlement and Compensation Committees and in line with the consultation procedures. Community leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The potential PAPs will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

Once the census had been undertaken, the lists of will be verified physically with the use of passport size photographs and validated by the relevant authorities (the Sector/ Cell Land Committees and Community leaders). These lists will then be reviewed and approved by the District authority and finally by PCT. Once these lists have been approved, thereafter, no new cases of affected people will be considered.

Where there are clearly no identified owners or users of land or assets, the respective Land authorities (Cell/Sector Land Committees and District Land Bureaus) will notify the

community leaders and representatives to help to identify and locate the land users.

Once land users have been identified, their details and eligibility will be submitted to the Sub-project Resettlement and Compensation Committee. Once they have been verified and validated by the District Land Bureau these new PAPs will be considered eligible for compensation.

Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start, bearing also in mind that only after PAPs have been compensated and any replacement structures built according to the requirements of this RPF, is likely to be anytime period from six months on, special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAP's, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders.

The start of the census (i.e. the cut-off date) is subject to the approval of MINICOM and must be communicated effectively to the potential PAP's and the surrounding local villages/communities. The local community leaders will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local authorities and leaders.

#### **6.3.4 Potential relocation areas**

The location of resettlement sites (in case of the need for physical relocation) will be identified during the development of activity RAPs, which will involve consultation with relevant authorities, host community and the PAPs involved.

### **7. PROCESS FOR SCREENING, PREPARING AND APPROVING RAPs**

For every project activity, project implementers will need to identify whether resettlement will occur, and, if it will, to define remedial action in a Resettlement Action Plan (RAP). This RPF



provides a framework for the preparation of RAPs to address resettlement associated with the activities of the GLTFP. Each of the proposed activities will require the preparation of separate RAPs which will be submitted to the World Bank for review and approval.

### **7.1 When is a RAP required?**

REMA, through the District Environmental Officer, will screen every project activity to determine whether a project activity is expected to cause physical or economic resettlement (see Annex 7 for the screening form). Whenever an activity may cause such resettlement, a RAP must be prepared by the Project Coordination Team (PCT) through the project implementing agencies (RCAA, RTDA and LODA). This will have to be approved by the District Development Committee, and ultimately signed off by PCT. The PCT will also monitor the implementation of the RAP and its supervision at a national level, while the relevant District Land Bureau will monitor at the local level. The RAP will need to be as detailed as possible in order to guide resettlement of each of the project activities. The overall responsibility of RAP preparation and implementation will remain with the PCT.

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

### **7.2 Overall process**

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

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

The census and socio-economic are done once it is known that land acquisition is required. The socio-economic study will provide a description of the social and economic baseline situation of the PAPs against which restoration of their livelihoods can be monitored. Once these steps are completed and there is evidence of resettlement issues, a Resettlement Action Plan (RAP) will be developed. Throughout this process, consultation and public disclosure will take place with PAPs, ensuring that the affected persons are informed about the intentions to use the site for the GLTFP activities. Consultation must ensure that affected persons are made aware of all aspects of the project, and their implications. They must also be aware of, and have access to, a grievance mechanism.

### **7.3 RAP implementing agencies**

A number of Government institutions will play a role in the implementation of the RPF and individual RAPs, in line with the general GLTFP institutional arrangements and with national legislation. In keeping with Rwanda decentralization policy, the development and implementation of the RAPs will be the responsibility of the Local Authorities (including District Authority representatives) in each activity location.

Implementation will be led by a Resettlement and Compensation Committee created for each activity where resettlement is an issue. This committee is elected by the District Land Bureau. The District authorities (via the District Development Committee) will have a review role of the Resettlement and Compensation committee.

The District Land Bureau will provide political and administrative support for the implementation of RAPs. National level institutions will ensure that there is compliance against the RPF and national legislation, and that information is available and consolidated in one place for overall GLTFP project monitoring.

### **7.4 Public consultation and participation**

Consultation with, and participation by, the affected communities and individuals is an

essential element of the land acquisition, compensation and resettlement process. GLTFP PCT and GLTFP implementing agencies will be responsible for the needed consultations. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of the local communities and the affected persons. Grievance redress is very important to the success of implementation of resettlement action plans.

## **7.5 Project Activity screening**

The first step in the process of preparing individual RAPs is the screening process to identify the land/ areas that may result in resettlement impacts. Activity screening is used to identify the types and nature of potential impacts related to the activities proposed under GLTFP, and to provide adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key activity selection criterion.

The screening process presented below will ensure that activities presented for GLTFP funding comply with the requirements of OP 4.12 and Rwandan Law according to the 2005 Organic Land Law and Land Use Master Plan.

The initial screening (project screening) will be done by the District Environmental Officer with the use of the screening form in Annex 7 to this RPF. This screening form should be integrated with the screening mechanism proposed under the Environmental & Social Management Framework, in order to streamline procedures. Screening will take place as early in the project process as possible, and it will identify land-take that will require resettlement. This process will be in consultation with the PAPs to ensure that it takes all considerations into account, and that all potential impacts are identified.

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

It is worth mentioning that MINICOM/SPIU will need to have a social specialist for GLTFP at SPIU and one in the field, who also understands related environmental issues, and who will follow-up and assist in social screening, compensation and resettlement issues. This specialist will be responsible for application of RPF for the preparation of ESIA and RAPs, aligning activities with OP4.12 and other related safeguards.

## **7.6 Census, socio-economic study and asset inventory**

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

In essence, the census will achieve the following:

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

The socio-economic census will be initiated by GLTFP PCT through GLTFP implementing agencies in consultation with the relevant Districts (via the Resettlement and Compensation Committees). It will be accompanied by a land asset inventory. An independent consultant might be needed to undertake the census, under close supervision of the Resettlement and Compensation Committee.

## **7.7 Development of the RAP**

Following the census and socio-economic study and identification of affected parties and their assets, a RAP will be developed. This will be coordinated by GLTFP PCT in consultation with the Resettlement and Compensation Committee and overseen by the District authorities. It is

anticipated that the work might be undertaken by a private consultant or NGO/CBO commissioned for this particular task.

It will be prepared in consultation with affected parties, particularly in relation to the cut-off date for eligibility, disturbances to livelihoods and income-earning activities, methods of valuation, compensation payments, potential assistance and timeframes. Each element of a RAP is described in this RPF, but more detailed guidelines for preparing a RAP are available on the World Bank's website ([www.worldbank.org](http://www.worldbank.org)) or in the World Bank's Resettlement and Rehabilitation Guidebook.

Under GLTFP, individual site specific resettlement plans to be submitted as a condition for activities' financing will include the following:

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

## **7.8 Review and submission to project authorities**

Following completion of the RAP for an activity, the Resettlement and Compensation Committee must submit the RAP to the District authorities (probably the District Development Committee) for approval. The RAP is also to be submitted to the GLTFP PCT office to ensure compliance with the RPF, and consistency in approach between activities. All RAPs will be reviewed and approved by the World Bank to ensure compliance with OP4.12 and any other relevant policies/ procedures. Capacity for RAP review and approval will be built at Local Authority level (specifically via the Resettlement and Compensation Committee) as well as through District government. This will be through training and technical assistance

to ensure that all stakeholders involved discharge their different responsibilities effectively.

## **8. METHODS OF VALUING AFFECTED ASSETS**

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

### **8.1 Types of compensation payments**

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

- Land;
- Residential buildings, structures and fixtures;
- Cultivated crops (both cash and food crops) and trees; and
- Loss of businesses or employment.
- Other assets
- Utilities and services

It is essential that current market values are used to establish actual compensation. The District Land Bureaus and PCT are to establish these rates as part of the preparation of each project activity, using as a benchmark the rates prevailing – updated periodically - for other government land acquisition schemes in that District.

Although the type of compensation will be the individual's choice, compensation in kind is preferred as cash payments raises issues regarding inflation and security. In addition, provision of cash does not ensure that the PAP's income will be restored. For payment of compensation in-kind, the timing and alternative locations will have to be decided and agreed upon by each recipient, in consultation with the Compensation and Resettlement Committee.

### **8.2 Valuation of Assets and National Law**

According to Rwandan Expropriation Law, any expropriated assets are to be 'justly' compensated with valuation undertaken by an independent valuator. Given the immaturity of the land and property markets, there is a likelihood of some inconsistencies in determining 'just' compensation. This RPF provides the basic principles for the valuation of assets as well

as compensation entitlements. GLTFP project will need to determine appropriate unit cost rates for each location. During consultation with the PAPs, the Project Liaison Officer (the District Officer in charge of cross-border trade might play this role) will outline the available options and their advantages to PAPs, to assist them to make informed decisions. Each district has their own specific costs/value assigned to crops, trees, fruits, and construction material and disturbance costs based on the market value. As the exact location of potential loss of assets and dislocation is not known, each district will assess compensation based on their approved valuation list.

### **8.3 Valuation procedure**

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

#### **8.3.1 Use of Standard Valuation Tables**

It is anticipated that a relatively large number of small-scale asset valuations will need to be carried out during the course of the project. It would therefore be cumbersome and inefficient to deploy an individual valuation expert in each and every case. A legally recognized evaluation expert will be contracted by the PCT at the project outset to develop a standardized procedure for asset valuation, which can then be applied by a project representative at the local and/or district level. This will include crops, trees, fruits, and construction material and disturbance costs based on the market value. This standardized procedure would include a series of reference tables for estimating asset value by type according to the approximate size and condition of the existing asset. The tables would be developed using legally acceptable valuation procedures accepted by both the Government of Rwanda and World Bank for purposes of fairness and consistency. The approach will consider replacement costs and types and levels of compensation under the Rwanda law; provided however, that in case of inconsistency with World Bank OP 4.12 the latter will prevail. Valuation of lost assets will be made at their replacement cost without depreciation.

#### **8.3.2 Preparation of Asset Inventory**

In order to prepare an inventory of assets for a sub-project, a field team will visit the affected area to carry out an asset valuation survey. The team will be led by a project representative and will include the Local Authorities at the various levels, and a representative of the PAPs. During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person. The document will indicate when the affected person will be notified, and that the inventory will not be official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

#### 8.4 Methods of Compensation

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

*Table 2: Forms of compensation*

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



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

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

## **8.5 Valuation methods**

### **8.5.1 Replacement Cost Approach**

The replacement cost approach is based on the costs of replacing assets without depreciation.. These costs are taken as a minimum estimate of the value of measures that will be needed to replace assets based on current market values. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

### **8.5.2 Gross Current Replacement Cost**

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

### **8.5.3 Other methods**

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

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

## **8.6 Compensation Calculation for Assets**

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

### **8.6.1 Compensation for Community Assets**

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

### **8.6.2 Compensation for Sacred Sites**

This policy does not permit the use of land that is defined to be cultural property by the Bank's Safeguards OP 4.11. This includes sacred and genocide memorial sites including but not restricted only to; museums, altars, initiation centers, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. There has not been any land of this type

in GLTFP sites

## **9. IMPLEMENTATION SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS**

### **9.1 Overview**

Before any project activity is implemented, PAPs will need to be compensated in accordance with the Resettlement Action Plan (RAP), prepared pursuant to this Resettlement Policy Framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. The taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

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

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before

compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review, approval and disclosure.

## **9.2 Implementation schedule**

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

Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution. Environmental and Social Impact Assessments, if deemed necessary through the application of the ESMF, will be conducted parallel with the design of the activities, and will assess the number of PAPs and to assess demand of needs of the displaced persons which could be housing, water, health facilities and sanitation. Furthermore, once it becomes clear that land will have to be taken, a census and socio-economic study will be undertaken, to form the basis for the preparation of the RAP.

Target dates for achievement of expected benefits to resettled persons and hosts should be set and the various forms of assistance to the resettled persons should be disseminated to them. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every activity identified to have adverse social impacts. The workshops will focus on (i) taking stock of the

legal framework for compensation, (ii) settling institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan.

The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule. When GLTFP implementing agencies present their resettlement and compensation plans to the PCT for approval, part of the screening process that PCT would use to approve RAPs would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.

## **10. GRIEVANCES REDRESS MECHANISMS**

Grievance procedures are required to ensure that PAPs are able to lodge complaints or concerns, without cost, and with the assurance of a timely and satisfactory resolution of the issue. The procedures also ensure that the entitlements are effectively transferred to the intended beneficiaries. Stakeholders will be informed of the intention to implement the grievance mechanism, and the procedure will be communicated at the time that the RAPs are finalized.

Grievances may arise from members of communities who are dissatisfied with (i) the eligibility criteria, (ii) community planning and resettlement measures, or (iii) actual implementation. This chapter sets out the measures to be used to manage grievances.

## 10.1 Overview

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

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

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

## 10.2 Grievance redress process

At the time that the individual resettlement plans are approved and individual compensation

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

All the grievances will be channeled via the Grievance and Redress Committee and Compensation Committee for each activity at the sector level. The composition of the Grievance and Redress Committee will be coordinated by the District Land Commission (probably District Officer in charge of cross-border trade might be associated) in agreement with District Development Committee. This committee upon receiving any grievances will first forward them to the village-level mediators (*abunzi*) whose work is to hear disputes, especially land disputes. The *abunzi*, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than three million RwF, which means over most land disputes.

Those seeking redress and wishing to state grievances would do so by notifying their the appropriate authority as described above, who will in turn inform and consult with GLTFP implementing agencies, MINICOM, homestead/household representatives and leaders and other records to determine a claims validity. Handling grievances will begin with the local level institutions (Abunzi, Sector or cell level land committees) as the first stop before resorting to District Grievance and Redress Committee, PCT, and finally if not satisfied the Rwanda Courts of Law as the last resort.

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

### **10.3 Management of Reported Grievances**

The affected person should file his/ her grievance, relating to any issue associated with the resettlement process or compensation, in writing to the lower level leader/ Village leader and or mediators. These will first seek remediation with GLTFP implementing agencies and refer to Grievance and Redress Committee when necessary.

The Grievance Redress Committee will also follow-up and check all grievances including valid but unreported grievance cases.

### **10.4 Grievance Log**

The Project implementing agencies will record all grievance cases. They will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log also contains a record of the person responsible for an individual complaint, and records dates for the following events:

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

### **10.5 Monitoring Complaints**

The Project implementing agencies will be responsible for:

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

## **11. RPF IMPLEMENTATION FUNDING**

In the case of GLTFP, any required physical and/or economic resettlement will be financed



through counterpart funds from the Government of Rwanda. At this stage, it is not possible to estimate the exact number of people who may be affected since the related final decisions have not yet reached. It is therefore not possible to provide an precise budget for the total cost of resettlement that may be associated with implementation of GLTFP. However, after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budget for each RAP will be prepared.

## **12. MECHANISM FOR CONSULTATIONS AND PARTICIPATION OF AFFECTED PERSONS IN PLANNING, IMPLEMENTATION AND MONITORING**

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

### **12.1 Overview**

The involvement of involuntary resettled persons and hosts in planning prior to the move is critical and initial resistance to the idea of involuntary resettlement is expected. To obtain cooperation, participation and feedback, the resettled persons and hosts will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. They will also be able to choose from a number of acceptable resettlement alternatives. Particular attention will be given to vulnerable groups such as the landless, and women to ensure that they are represented adequately in such arrangements.

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

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

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

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

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

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

### **12.3 Implementation operation**

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

### **12.4 Monitoring and Evaluation phase**

The PAPs representatives will participate in the project completion workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other activities. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

## **13. ARRANGEMENTS FOR MONITORING AND EVALUATION**

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

### **13.1 Overview**

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

The arrangements for monitoring will fit the overall monitoring plan of the entire GLTFP, which will be through the Ministry of Trade and Industry and GLTFP. All RAPs will set major socio-economic goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre- project standard

of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts. In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The PCT will institute an administrative reporting system that will:

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

Consistent with the Environmental and Social Management Framework, GLTFP and MINICOM together with GLTFP implementing agencies would be responsible for periodically transferring the information compiled "on the ground" to the MINICOM and other concerned institutions so that they are alerted in a timely manner to any difficulties arising at the local level.

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

- If affected people have been paid in full and before implementation of GLTFP's activity that is causing resettlement,
- If the people who were affected by GLTFP/project activities have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or are they actually poorer than before.

A number of indicators would be used in order to determine the status of affected people

(land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc.). Therefore, the resettlement and compensation plans will set socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their Pre-project standard of living, and even improve on it;
- The local communities remain supportive of the project.
- The absence or prevalence of conflicts

### **13.2 Indicators to Determine the Status of Affected People**

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc.). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the project.
- Specific indicators may include the following, which would indicate a change in:
  - yield/ produce quantity/quality from farming
  - Access/ distance/ quality of agricultural plots
  - Quality of, and access to, water
  - Yield/ produce quantity/quality from livestock
  - Number of people employed
  - Number of people with agricultural plots
  - Number of 'vulnerable' people
  - Source of income
  - Expenditure patterns (food for livestock, travel etc.)

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

### **13.3 Indicators to Measure RAP Performance**

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

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

- Percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- The number of contentious cases as a percentage of the total cases;
- The number of grievances and time and quality of resolution;
- The ability of individuals and families to re-establish their pre- displacement activities land and crops or other alternative incomes;
- Agricultural productivity of new lands;
- Number of impacted locals employed by the civil works contractors;
- Seasonal or inter-annual fluctuation on key foodstuffs; and
- General relations between the project and the local communities.

These will be determined through the following activities:

- Questionnaire data will be entered into a database for comparative analysis at all levels

of local government;

- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- The District authorities will maintain a complete database on every individual impacted by the sub-project land use requirements including
- Relocation/resettlement and compensation, land impacts or damages; and the PCT should prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports

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

The Resettlement and Compensation Committee will facilitate coordination of information collation activities (such as surveys, supervising documentation) in accordance with procedures put in place. The PCT will provide training, technical support and funding to ensure that this happens.

In order to assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans' performance:

- Questionnaire data will be entered into a database for comparative analysis at all levels of Government,
- Each individual will have a compensation signed dossier recording his or her initial situation, all subsequent program use of assets/improvements, and compensation agreed upon and received.
- GLTFP will maintain a complete database on every individual impacted by the project

land use requirements including relocation/resettlement and compensation, land impacts or damages

- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- Proposed use of payments,
- The number of contention cases out of the total cases,
- The number of grievances and time and quality of resolution,
- Ability of individuals and families to re-establish their pre- displacement activities, land and crops or other alternative incomes
- Pastoral and Agricultural productivity of new lands,
- Number of impacted locals employed by the GLTFP's civil works contractors,
- Seasonal or inter annual fluctuation on key foodstuffs,
- General relations between the project, GLTFP and the local communities,

### **13.4 Monitoring of RPF Implementation**

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

- (a) Number of project activities requiring preparation of a RAP;
- (b) Number of households and individuals physically or economically displaced by each sub-project;
- (c) Length of time from activities' identification to payment of compensation to PAPs;
- (d) Timing of compensation in relation to commencement of physical works;
- (e) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- (f) Number of people raising grievances in relation to each project activity;
- (g) Number of unresolved grievances.

The PCT will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the



Project Coordinator, and the MINICOM, if there appears to be any discrepancies. The PCT will directly monitor compensation and loss of wages. Financial records will be maintained by implementing agencies and the PCT, to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis. The following indicators will be used to monitor implementation of the RPF.

*Verifiable indicators*

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

Financial records will be maintained by GLTFP, the District and local leaders and the MINICOM, to permit calculation of the final cost of resettlement and compensation per individual or household.

#### **13.4.1 Storage of PAPs Details**

Each PAP household will be provided with a signed report recording his or her initial situation, all subsequent project use of assets and compensation agreed upon and received. At the same time, before compensation all household heads representing the PAPs will be required to provide passport size photographs. The Local Authority and PCT will maintain

a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages.

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

Each time land is used by a sub-project; the report will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives. These reports will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle. GLTFP, MINICOM, and District Administration will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project (PIM or Project Implementation Manual), which will require feedback on indicators monitored by the local governments to determine whether goals are being met, and a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

This framework is suggesting that MINICOM is responsible for the whole M&E component of the project. This would take the form of giving the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. The report would then be sent to the MINICOM, MINIRENA, the World Bank and GLTFP and become part of the official documents of the project.

### **13.4.2 Annual Audit**

The annual audit of RPF implementation will include (i) a summary of the performance of each sub-project vis-à-vis its RAP, (ii) a summary of compliance and progress in implementation of the process and (iii) a presentation of compliance and progress in the implementation of the RPF. The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced. The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank.

### **13.4.3 Socio-economic monitoring**

The purpose of socio-economic monitoring is to ensure that PAPs are compensated on time and their livelihoods are restored and improved. During implementation of each activity RAP; an assessment will be undertaken on payment of compensation, restoration of incomes, and delivery of resettlement objectives. Monitoring of living standards will continue following resettlement. A number of indicators will be used to determine the status of affected people and appropriate parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance. For each activity with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP.

## REFERENCES

1. Environmental and Social Management Framework (ESMF), Great Lakes Trade Facilitation Project (GLTFP)
2. Government of Rwanda, 2004, National Land Policy, MINITERE.
3. Great Lakes Trade Facilitation Project (GLTFP Documents
4. Organic Law N° 03/2013/OL of 16/06/2013 determining the use and management of land in Rwanda
5. World Bank Involuntary Resettlement Operational Policy OP 4.12
6. World Bank, (2005), Environmental and Social Framework for World Bank Projects with Multiple Small-scale subprojects. Africa Region.

## ANNEX 1: GLOSSARY OF TERMS

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

**"Project affected persons" (PAPs)** means persons who, for reasons of the involuntary taking of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said PAP physically relocate.

These people may have their:

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

**"Involuntary resettlement"** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:

- a) Loss of benefits from use of such land;
- b) Relocation or loss of shelter;
- c) Loss of assets or access to assets; or
- d) Loss of income sources or means of livelihood, whether or not the PAP has moved to another location.

**"Cut-off date"** is the date of commencement of the census of PAPs within the project area boundaries (including unidentified owners). Beyond this date, any person not included in the census who lays claim to land or assets affected by the project (which they did not own before the cut-off date) will not be eligible for compensation.

**"Compensation"** means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.

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

**"Involuntary Land Acquisition"** is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

**"Resettlement Action Plan (RAP)"** is a resettlement instrument (document) to be prepared when subproject locations are identified. Land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

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

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

**"Land"** refers to agricultural and/or non-agricultural land whether temporary or permanent and which may be required for the Project.

**"Land acquisition"** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project under eminent domain.

**"Economic Rehabilitation Assistance"** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job

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

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

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

## ANNEX 2: 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.

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 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
09/03/2015	MINICOM Officer	1	Personal Interview	Issues of cross-border trade GLTFP Description	<ul style="list-style-type: none"> <li>• Cross-border activities need to be supported if we are to help our people grow economically</li> <li>• GLTFP needs to build from existing initiatives</li> <li>• No intention to move people</li> </ul>
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"> <li>• People at the border seriously need proper cross-border trade infrastructure</li> <li>• This will have a lot of positive impacts on their lives</li> <li>• People need to be mobilised and associated to have all their issues addressed</li> </ul>
10/03/2015	REMA Officer	1	Phone Personal Interview	GLTFP and environmental policies and guidelines	<ul style="list-style-type: none"> <li>• 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 &amp; World Bank) because any sustainable development initiative needs to be in keeping with the environment.</li> </ul>
11/03/2015	RCAA Officer	1	Personal interview	GLTFP will support activities related to the rehabilitation of Kamembe Airport (enlargement, equipment, lighting and fencing)	<ul style="list-style-type: none"> <li>• Transport is very important in cross-border trade development</li> <li>• Kamembe International Airport receives planes from DRC and Burundi but has a lot of challenges</li> <li>• Imagine an International Airport which cannot receive planes in the night, just because of lighting</li> <li>• This airport needs to be rehabilitated</li> <li>• Activities started but need to be supported. There are no intentions to move people but probably minors issues may occur in the process</li> </ul>
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"> <li>• Just two runways, equipment, lighting and fencing</li> <li>• Given the importance of the Airport in cross-border trade in the Great Lakes Region, these activities merit to be supported</li> </ul>

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"> <li>• There used to be a cross-border market but got closed due to insecurity</li> <li>• People very much eager to have it back</li> <li>• With the support of the District, a private investor started activities but efforts became limited</li> <li>• People are eager to have the market in place</li> <li>• They have ever tasted a similar market in the past that is why they are eagerly waiting for it</li> </ul>
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"> <li>• Activities should get started very soon</li> <li>• People should be involved in the process</li> <li>• 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</li> <li>• Project should think of activities with long lasting impact at least in their area of operation</li> </ul>
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 neighbourhood between Rwandans and Congolese	<ul style="list-style-type: none"> <li>• There is a need to give GLTFP a priority because people in the region benefit a lot in cross-border activities</li> <li>• When people have to be relocated, they need to be consulted and be allowed to discuss compensation.</li> <li>• Efforts already used by traders need to be supported</li> </ul>
14/03/2015	Rusizi residents	7	Group discussion	Resettlement Policy: Readiness to be resettled	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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</li> <li>• They hope activities will be in keeping with the environment</li> </ul>
14/03/2015	Rusizi Cross-border traders	15	Group discussion	Traders need support for their efforts	<ul style="list-style-type: none"> <li>• Activities should start very soon</li> <li>• People should not be told to move before they are compensated.</li> <li>• Environmental issues need to be properly thought about to avoid problems in the future since the proposed place is on a sloping hill.</li> </ul>
14/03/2015	Rusizi Commercial building owners	6	Group discussion	People ready to be resettled	<ul style="list-style-type: none"> <li>• We need to be given alternatives.</li> <li>• 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</li> </ul>

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"> <li>• There should be agreement, collaboration and consultation among institutions dealing with environment and natural resources.</li> <li>• Projects should think of long lasting impact.</li> </ul>
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"> <li>• 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</li> <li>• People need to be associated in establishing the needs and how they can be met.</li> </ul>
19/03/2015	Badura Village Leader	1	Personal Interview	Activities on Kamembe International Airport	<ul style="list-style-type: none"> <li>• 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</li> <li>• There is a need to first get people's trust</li> </ul>
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"> <li>• 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</li> </ul>

### **List of participants in consultations:**

#### **I. Kamembe International Airport (Rusizi District)**

<b>No.</b>	<b>Name</b>	<b>Function</b>
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**

<b>No.</b>	<b>Name</b>	<b>Function</b>
1	Fotide RUCAKATSI	District Officer in charge of investment promotion and cross-border trade
2	Pierre Celestin HABİYAREMYE	Executive Secretary, Nyamasheke District
3	Japhet MANIRARUTA	Rwamiko Resident
4	Marguerite MUREKATETE	Rwamiko Resident
5	Elias BIZIMUNGU	Rwamiko Resident
6	Elias NTAMUBANO	Rwamiko Resident
7	Innocent NSENGIYUMVA	Rwamiko Resident
8	André SIBOMANA	Rwamiko Resident
9	Edison NDAGIJIMANA	Rwamiko Resident
10	Emmanuel AHISHAKIYE	Rwamiko Resident
11	Innocent NGIRINSHUTI	Rwamiko Resident
12	Thamar MUSABYIMANA	Rwamiko Resident
13	Pierre MUNYAMPETA	Rwamiko Resident
14	Faustin UGIRASHEBUJA	Rwamiko Resident
15	Aphrodice SIKUBWABO	Rwamiko Resident
16	Jonas KAREGEYA	Rwamiko Resident
17	Vérédiane MUKANKUBANA	Rwamiko Resident
18	Félicité MUKAMPAMIJE	Rwamiko Resident
19	Eliab KAREKEZI	Rwamiko Resident
20	Damascène SEBERA	Rwamiko Resident
21	Agnes MUKANTAGWABIRA	Rwamiko Resident
22	Jonathan MUSABYIMANA	Rwamiko Resident
23	Agnes NYIRANSABIMANA	Rwamiko Resident
24	Ezekiel NZIHONGA	Rwamiko Resident
25	Vérène NIYOYITA	Rwamiko Resident
26	Simeon MUKERANKIKO	Rwamiko Resident
27	Jonas KABANO	Rwamiko Resident

28	Jonathan KAGEYO	Rwamiko Resident
29	Béline NYIRANGIRUWONSANGA	Rwamiko 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	Binjamin 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 part of the market (outside existing commercial houses). These did not allow recording their names.

IV. In addition to the people on the above list, 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), and Rwanda Civil Aviation Authority (RCAA).

## ANNEX 3: WORLD BANK RESETTLEMENT POLICY FRAMEWORK

[Excerpt from the World Bank OP4.12 Involuntary Resettlement, Revised April 2004]

*These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by [OP / BP 6.00](#), Bank Financing - that is, those in countries with [approved country financing parameters](#). Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects.*

*Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.*

### Resettlement Policy Framework

For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see [Annex A](#), paragraphs 23-25). The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs.

For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see [Annex A](#), paragraphs 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects (See Annex A, paragraph [26](#)) that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see [Annex A](#), paragraphs 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

For each subproject included in a project described in paragraphs 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

For projects described in paragraphs 26-28 above, the Bank may agree, in writing, that sub-projects resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

## ANNEX 4: RELEVANT LAWS

<b>Property Rights and Land Rights</b>	<b>Law / Regulation</b>
All Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.	Rwanda Constitution 2003
Every person has a right to private property whether personal or owned in association with others. The private property, whether individually or collectively owned is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.	Rwanda Constitution 2003
Land is part of the public domain of all Rwandans; ancestors, present and future generations.  Any discrimination either based on sex or origin in matters relating to ownership or possession of rights over the land is prohibited. The wife and the husband have equal rights over the land	Organic Land Law No 08/2005 of 14/7/2005
With exceptions of the rights given to people, the state has supreme powers to manage all the national land.  State that guarantees the right to own and use the land	Organic Land Law No 08/2005 of 14/7/2005
Any person or association with legal personality has the right over the land and to freely exploit it as provided for by this organic law in Articles 5 and 6	Organic Land Law No 08/2005 of 14/7/2005
The rights over the land acquired from custom and the rights acquired from written law are equally protected. All owners of land acquired from custom are (persons who inherited the land from their parents), those who acquired it from competent authorities or those who acquired it through any other means recognized by national custom whether purchase, gift or exchange have rights over the land.	Organic Land Law No 08/2005 of 14/7/2005
<b>Land Acquisition</b>	<b>Law/Regulation</b>
Expropriation can only be carried out by Government and only in the public interest and with prior and just compensation	Expropriation Law No. 18/2007 of 19/04/2007
The person to be expropriated is defined to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be	Rwandan Constitution 2003



legally entitled to payment of compensation	
<b>Compensation</b>	<b>Law/Regulation</b>
A project whose implementation shall entail expropriation is required to make financial provision for the expropriation process in terms of funds for inventory of assets of the person whose property is to be expropriated; and for just compensation on its budget.  Compensation is only payable to persons who have a legally recognized interest in the real property in issue.	Expropriation Law No. 18/2007 of 19/04/2007
The properties to be valued for just compensation due to expropriation include land and activities that were carried out on the land including different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity.	Expropriation Law No. 18/2007 of 19/04/2007
Through agreement between the person to expropriate and the one to be expropriated, the just compensation may be monetary or an alternative land and a building equivalent to the determination of just monetary compensation.	Expropriation Law No. 18/2007 of 19/04/2007
<b>Grievance Resolution Mechanism</b>	<b>Law/Regulation</b>
Parties with a dispute have the right to take that dispute to the mediation committee.	Ministerial Order No. 002/2008 of 2008

## ANNEX 5 – ENTITLEMENT MATRIX

The following table outlines the entitlements of people affected by the project, in and will be the basis for preparing Resettlement Action Plans and compensation under the Project.

Agricultural land	<b>No displacement:</b> Cash compensation for affected land equivalent to market Value  Less than 20% of land holding affected, and the remaining land remains economically viable.	Farmer/holder title	Cash compensation for affected land
		Tenant/lease holder	Cash compensation for the harvest equivalent to average market value market value of the crop for the tenancy/ lease agreement, whichever
	<b>Displacement:</b> More than 20% of land holding lost or less than 20% of land holding lost but remaining land not economically viable.	Farmer/holder Title	Land for land replacement v compensation in cash for the according to PAP's choice.  Land for land replacement will be parcel of land of equivalent size and secure tenure status at an available acceptable to the PAP. Transfer of shall be free of taxes, registration &  Relocation assistance (costs of shifting establishing economic trees + a maximum of 12 months while short-  Relocation assistance (costs of shifting establishing economic trees + a maximum of 12 months while short-
		Tenant/Lease holder	Cash compensation equivalent to average market value for the mature and market value of the crop for the tenancy/ lease agreement, whichever  Relocation assistance (costs of shifting establishing economic trees + a maximum of 12 months while short-  Relocation assistance (costs of shifting establishing economic trees + a maximum of 12 months while short-

			Relocation assistance (costs of shifting)
Commercial Land	<b>No displacement:</b> Land used for business partially affected, limited loss	Title holder/ business owner	Cash compensation for affected land  Opportunity cost compensation equivalent to annual income based on tax records or tax records from comparable business where such records do not exist).
		Business owner is lease holder	Opportunity cost compensation equivalent to annual income based on tax records or tax records from comparable business where such records do not exist)
	<b>Displacement:</b> Premise used for business severely affected, remaining area insufficient for continued use	Title holder/business owner	Land for land replacement or compensation according to PAP's choice. Land for replacement will be provided in terms of a new equivalent size and market potential, tenure status at an available location to the PAP.  Transfer of the land to the PAP shall include registration & other costs.  Relocation assistance (costs of shifting)  Opportunity cost compensation equivalent to net income based on tax records for business or records from comparable business, or relocation allowance, whichever is higher.
		Business person is lease holder	Opportunity cost compensation equivalent to net income based on tax records for business or records from comparable business, or relocation allowance, whichever is higher.  Relocation assistance (costs of shifting)  Assistance in rental/ lease of alternative premises (for a maximum of 6 months) to business.
Residential Land	No displacement: Land used for residence partially affected, limited loss, and the remaining land remains viable for present use.	Title holder	Cash compensation for affected land
		Rental/lease holder	Cash compensation equivalent to 10 months for the remaining period of rental (written or verbal)
		Title holder	Land for land replacement or compensation according to PAP's choice.  Land for land replacement shall be of acceptable size under the zoning equivalent size, whichever is larger.

			<p>community or a nearby resettlement physical and social infrastructure secured tenure status.</p> <p>When the affected holding is large plot, cash compensation to cover the</p> <p>Transfer of the land to the PAP sh registration &amp; other costs.</p> <p>Relocation assistance (costs of shifting)</p>
	Displacement: Premise used for residence severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	<p>Refund of any lease/ rental fees paid date of removal</p> <p>Cash compensation equivalent to rental fee</p> <p>Assistance in rental/ lease of alternative</p> <p>Relocation assistance (costs of shifting)</p>
Buildings and structures	No displacement: Structure partially affected but the remaining structure remains viable for continued use	Owner	<p>Cash compensation for affected built assets</p> <p>Cash assistance to cover costs of remaining structure</p>
		Rental/lease holder	<p>Cash compensation for affected improvements to the property by the Disturbance compensation equivalent rental costs</p>
	<b>Displacement:</b> Entire structure affected or structure partially affected but the remaining structure is not suitable for continued use	Owner	<p>Cash compensation for entire structure assets without depreciation, or alternative equal or better size and quality in a which is acceptable to the PAP.</p> <p>Right to salvage materials without compensation</p> <p>Relocation assistance (costs of shifting)</p> <p>Rehabilitation assistance if required placement, skills training)</p>
		Rental/lease holder	<p>Cash compensation for affected improvements to the property by the</p> <p>Relocation assistance (costs of shifting equivalent to four months rental cost)</p> <p>Assistance to help find alternative re</p> <p>Rehabilitation assistance if required</p>

			placement, skills training)
		Squatter/informal dweller	<p>Cash compensation for affected depreciation</p> <p>Right to salvage materials with compensation</p> <p>Relocation assistance (costs of shift find alternative secure accommodation community of residence through project</p> <p>Alternatively, assistance to find accommodation housing or in a squatter settlement so</p> <p>Rehabilitation assistance if required placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<p>Opportunity cost compensation equivalent net income based on tax records for records from comparable business, relocation allowance, whichever is h</p> <p>Relocation assistance (costs of shifting</p> <p>Assistance to obtain alternative site business.</p>
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average market value for the mature and harvest
Trees	Trees lost	Title holder	Cash compensation based on type, value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets boundary wall demolished, trees removed

## **ANNEX 6: TEMPLATE FOR THE DESIGN OF RESETTLEMENT ACTION PLANS**

The basis for preparing RAPs is provided by this Resettlement Policy Framework (RPF), which guides and governs the project as activities/sub-projects are selected. In the case of the GLTFP it is the responsibility of The Government of Rwanda through the [Ministry of Trade and Industry (MINICOM)] to prepare any RAPs that may be needed for the project. The RAP document must be accepted and discussed publicly before the Bank appraises a project.

RAP studies can be undertaken as part of or parallel to the Environmental and Social Impact Assessment (ESIA) studies but traditionally they are finalized as supplement documents to ESIA reports.

This section of the RPF provides a template for description of the contents of individual RAPs for sub-projects, which are likely to trigger resettlement. It takes cognizance of the scope of RPF and includes the minimum information, which is required to complement what is contained in the RPF.

A resettlement action plan should address potential adverse impacts of the project and at the same time make provisions for improving the socio-economic conditions of the affected populations. To address the impacts, the plan should have the following attributes:

The resettlement plan includes measures aimed at ensuring that the displaced persons are (i) informed about their options and rights pertaining to resettlement, (ii) consulted over choices and given technically and economically feasible resettlement alternatives; and (iii) provided with prompt and effective compensation at full replacement cost for losses of assets due to the project.

In case the impacts include physical relocation, the resettlement plan includes measures to ensure that the displaced persons are (i) given assistance (such as moving allowance) during relocations; and (ii) provided with residential housing or housing sites or, as required, agricultural sites for which a combination of productive potential, location advantages and other factors is at least equivalent to the advantages of the old site.

Where necessary, to realize the objectives of the Resettlement Policy, the plan also includes measures to ensure that displaced persons are (i) offered support after displacement for a transition period which is likely to be needed to restore their livelihood and standards of living and (ii) provided with development assistance in addition to compensation measures. Such assistance includes land preparation, credit facilities, training and/or job opportunities.

The content and level of detail of a RAP will vary depending on circumstances such as the magnitude of resettlement. However, a satisfactory Resettlement Action Plan should include the following elements:-

### **(a) Description of the project (sub-project), project area and area of influence**

Information presented in this section includes description of the project area showing location, sitting of plants, structures, lands, affected dwellings etc; projects objectives and strategy; policy and legal framework; timeframe; geographical coverage; project strategic context and rationale.

**(b) Potential Impacts**

Description of project components or activities which would trigger resettlement; the cultural, social, economic and environmental impacts envisioned; and the alternatives considered to avoid or minimize resettlement

**(c) Organizational Responsibility**

The institutional arrangement within the implementing agency, provision of adequate resources to the agency and inter-agency coordination should be described. The capacity and commitment of the institution to implement the RAP should be assessed. Strengthening of the institutions should be considered if necessary and the steps that will be taken together with a timetable and budget should be described at the time of preparing the project. Involvement of the local people and NGOs in planning, implementation and monitoring resettlement should be highlighted.

**(d) Community Participation**

This sub-section includes:-

- Description of the consultation and participation of the displaced and host communities in the design and implementation of resettlement activities including a summary of the views expressed and how these views were incorporated during the preparation of the resettlement plan.
- A review of the resettlement alternatives identified and choices made by the displaced people, including choices related to forms of compensation and resettlement assistance, relocating as individual families or as part of pre-existing families and to retaining access to cultural property (e.g. cemeteries, places of worship etc)
- Description of procedures for redress of grievances by affected people throughout the planning and implementation period.
- Description of measures aimed at sensitizing and educating the affected and host communities on matters of resettlement

**(e) Integration with host communities**

- Arrangements for consultation with host communities and for prompt payment to the host for land and other assets should be provided to the resettled persons
- Arrangements for resolving conflicts which may arise between the resettled persons
- Arrangements for resolving conflicts which may arise between the resettled persons and host communities should be put in place
- Appropriate measures should be formulated to augment public services such as education, water, health in host communities in order to avoid disparities between resettled persons and the host communities should be put in place.
- Resettled persons should be integrated economically and socially into host communities so that adverse impacts to host communities are minimized

**(f) Socio-economic Studies**

- Population census of the project area including a description of production systems, household organization, baseline information on livelihoods and standards of living of the displaced population (and host communities)
- An inventory of assets of displaced households; the magnitude of the expected loss (total or partial for individual or group assets); and extent of physical and economic displacement.
- Information on disadvantaged/vulnerable groups or persons for whom special provisions may have to be made. Such groups and persons include those living below the poverty line, the landless, the elderly, women, children, traditionally marginalized groups, and displaced persons who are not protected through national land compensation legislation. Resettlement involving vulnerable/disadvantaged groups/persons should be preceded by a social preparation phase to build their capacity to deal with issues of resettlement.
- Provisions for updating information on the livelihood of displaced people and their standards of living at regular intervals.
- Description of land tenure systems including common property and non-title based land ownership or allocation recognized locally and related issues.
- Public infrastructure and social services that will be affected and
- Social and cultural characteristics of displaced and host communities. Appropriate patterns of social organization should be promoted and the existing social and cultural institutions of resettled persons and their host should be retained, supported and used to the extent possible.

**(g) Legal framework including mechanisms for conflict resolution and appeals**

- The applicable legal and administrative procedures including a description of remedies available to displaced persons in the judicial process and the normal time frame for such procedures and available alternative dispute resolution mechanisms that may be relevant to the project
- Laws and regulations relating to the agencies responsible for implementing resettlement activities. In reference to land, water, land acquisition, environment and other laws which are force.
- Any legal steps that are necessary for ensuring the effective implementation of resettlement activities including a process for recognizing claims to legal rights over land ( including claims that derive from customary and traditional law and usage)

**(h) Institutional Framework**

This will involve the identification of agencies which are responsible for resettlement activities and NGOs that may have a role to play in project implementation and assessment of the institutional capacity of such agencies and NGOs. In the case of LVEMP II, the agency which is responsible for resettlement activities is the Ministry responsible for Lands and Settlement.

**(i) Eligibility**

Definition of displaced persons and criteria for compensation and other resettlement assistance including relevant cut off dates. The assurance should be given that lack of legal title should not bar affected persons from being compensated (**Note** see Annex 5 of this RPF for entitlements).



**(j) Valuation and Compensation for losses**

- The methodology to be employed for valuing losses in order to determine their replacement cost. This is a description of the levels of compensation under the local laws and supplementary measures aimed at determining replacement of cost for lost assets and.
- A description of the packages of compensation and other resettlement measures that will ensure that each category of eligible displaced persons get their fair compensation. In conformity with the World Bank Operational Policy (OP.4.12 of Dec 2001), displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them to pre-displacement levels or to levels prevailing prior to the start of project implementation whichever is higher.

**(k) Identification of alternative sites, selection of resettlement site(s), site preparation and relocation**

- Institutional and technical arrangements for identifying and preparing relocation sites for which a combination of productive potential, location advantages and other factors, should be at least comparable to ancillary resources.
- Procedures for physical relocation including timetable for site preparation and land title transfer and description of resettlements sites.
- Measures to prevent the influx of ineligible person (encroachers and squatters) into the selected sites such as the identification and recording of affected people at the project identification stages.
- Legal arrangements for regularizing tenure and transferring titles to resettled persons.

**(l) Shelter, infrastructure and social services**

This sub-section provides details regarding plans to provide or finance housing, infrastructure (e.g. roads, water supply etc) and social services (schools, health services) and plans aimed at ensuring that services and any necessary site development to host communities are comparable to those provided to resettled persons.

**(m) Environmental protection**

An assessment of the possible environmental impacts of the proposed resettlement and measures to mitigate and manage the impacts. Reference will be made to the existing Environmental laws.

**(n) Implementation Schedules**

An implementation schedule covering all resettlement activities from project preparation through implementation to monitoring and evaluation indicating dates for achievement of expected benefits to resettled persons and hosts and dates for terminating the various forms of assistance

**(o) Costs and Budget**

The breakdown of cost estimates for all resettlement activities including allowances for inflation and other contingencies, timetable for expenditures, sources of funds and arrangements for timely disbursement of funds.

**(p) Monitoring and evaluation**

Under this sub-section, information regarding arrangements for monitoring of resettlement activities by the implementing agency is presented. When appropriate, independent monitors will supplement the role of the implementing agency to ensure objectivity and completeness of information. Performance indicators for measuring inputs, outputs and outcomes of resettlement activities and for evaluating impacts for a reasonable period of time after the resettlement activities have been completed are also presented.

**(q) Commitment to follow RPF guidelines and requirement**

A statement of assurance that the implementing agency will follow the guidelines and requirement of the RPF should be included in the RAP.

**(r) Description of programmes for improvement and restoration of livelihoods and standards of living of the affected people.**

Programmes aimed at improving and restoring the livelihoods and standards of living of the affected people in line with the Resettlement Policy should be described and the magnitude of their funding should be indicated.

## **ANNEX 7 – PROJECT SCREENING FORM**

Please type or print clearly, completing this form in its entirety. You may provide additional information on a separate sheet of paper if necessary.

### **SECTION 1: INFORMATION ON THE CONTACT PERSON**

Name:-----

Address-----

Telephone -----

### **SECTION 2: INFORMATION ON THE PROJECT ACTIVITY**

#### **A. SUMMARY DESCRIPTION OF THE PROPOSED ACTIVITY**

Name of Proposed Activity -----

Date expected to start construction -----

Proposed location of activity ----- (Attach a map or maps, covering the proposed site and Surrounding 5 km radius)

Land Area ----- (Approximate land area and of proposed location)

Current Land use (Describe how the land is being used at present)

-----

Describe any Possible Alternative Site(s) -----

Describe other types of facilities (including health centers and schools) which are located within 100 meters of the site, or are proposed to be located near the proposed facility. Indicate the proximity of the proposed site to residential areas, national parks or areas of ecological, historical or cultural importance.

-----

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Indicate whether adequate infrastructure exists at the proposed location, or whether new building, roads, electricity and water lines, or drainage systems will need to be constructed as a part of the proposed program.

---

## **B. LAND USE**

1. Describe existing land uses on and around the proposed location of the project activity (e.g., community facilities, agriculture, tourism, private property, or hunting areas, commercial activity):
2. Are there any land use plans on or near the proposed location, which will be negatively affected by sub- program implementation? YES\_ NO\_
3. Are there any areas on or near the location, which are densely populated which could be affected by the sub-program? YES\_ NO\_
4. Are there sensitive land uses near the proposed location (e.g., hospitals, schools)? YES\_ NO\_
5. Will there be a loss of livelihoods among the population? YES\_ NO\_
6. Will the activity affect any resources that local people take from the natural environment? YES\_ NO\_
7. Will there be additional demands on local water supplies or other local resources? YES\_ NO\_
8. Will the activity restrict people's access to land or natural resources? YES\_ NO\_
9. Will the activity require resettlement and/or compensation of any residents, including squatters? YES\_NO\_
10. Will the activity result in construction workers or other people moving into or having access to the area (for a long time period and in large numbers compared to permanent residents)? YES\_ NO\_
11. Who is/are the present owner(s)/users of resources/infrastructures the area proposed for the project activity?

## **C. LOSS OF CROPS, FRUIT TREES< AND INFRASTRUCTURE**

Will the sub-program result in the permanent or temporary loss of:

1. Crops? YES\_NO\_
2. Fruit trees / coconut palms? YES\_NO\_
3. Infrastructure? YES\_NO\_
4. Any other assets/resources? YES\_NO

5. Based on available sources, consultation with local authorities, local knowledge and/or observations, could the sub-program affect: Graves, or sacred locations (e.g., fetish trees or stones) or require excavations near the same? YES\_\_NO\_\_

N.B. For all affirmative answers (YES) Provide description, possible alternatives reviewed and/or appropriate mitigating measures.

#### **D. CONCLUSION**

Based on the above screening results, the following recommendations are made:

In the event that a project activity requires permanent or temporary land acquisition, resulting in

(i) relocation or loss of shelter; or

(ii) lost 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<sup>9</sup> to legally designated parks and protected areas resulting in adverse impacts on the livelihoods of the displaced persons

please prepare and implement a Resettlement Action Plan (RAP) consistent with the provisions of this Resettlement Policy Framework.

Please note that civil works cannot commence until the provisions of the RAP have been implemented to the satisfaction of the World Bank and the affected persons.

---

Name of Interviewer		Signature
ID Code		
Name of Supervisor		After verification of interview
ID Code		

Village Name	
ID Code	
Number of concessions in village	
GPS Coordinates	

Name of Head of Extended Family:	
Number of nuclear families in extended residential groups	

[illegible]

7.													
8.													
9.													

Relation to head of Family: 1. HOH, 2. Spouse of HOH, 3. Child of HOH, 4. Spouse of child of HOH, 5. Grand child of HOH, 6. Parent of HOH, 7. Others: Specify, 0. No answer.

Marital Status: 1. Married, 2. Widowed, 3. Divorced, 4. Unmarried, 0. No answer.

Residential Status: 1. Permanent Resident, 2. Absentee Resident, 3. Member of non-resident HH, 4. Visitor, 5. Others (Specify, 0. No answer

Occupation: 1. Farmer, 2. Shepherd, 3. Household, 4. Merchant, 5. Religious leader, 6. Artisan, 7. Transporter, 8. Unemployed, 9. Others (Specify), 0. No answer

Education Level: 1. Illiterate, 2. Primary School, 3. Secondary School, 4. Technical, 5. Others

Religion: 1. Muslim, 2. Christian (Specify denomination), 3. Others (Specify), 0. No answer

## ANNEX 9: SAMPLE ASSET VALUATION SURVEY FORM

### Land Asset Inventory for Project Affected People

Province: \_\_\_\_\_

Date: \_\_\_\_\_

Village: \_\_\_\_\_

Survey No.	Name of Head of HH	No. of persons in HH	Total HH Land holding (M <sup>2</sup> )	Land to be acquired (M <sup>2</sup> )	Land use Type	% Loss of land	Loss of assets	Loss of assets			Loss of crops			Loss of other assets	Other losses		
								Permanent Structures (M <sup>2</sup> )	Temporary Structures ((M <sup>2</sup> )	Area of residential land lost (Ha)	Fruit trees lost (Type and No.	Agricultural land lost (Ha)	Other (specify)	(Specify)	Residence (rented)	Business lost	Income loss

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

1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_ 4. \_\_\_\_\_

### Entitlements of Project Affected People



Province:.....

Date:.....

Village:.....

[illegible]

## ANNEX 10 – GRIEVANCE REDRESS - SAMPLE FORMS

### A - GRIEVANCES CLOSE OUT FORM

Grievance close out  
Number:.....

Define immediate action  
required:.....

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

**Compensation Required:**

☐ Yes

☐ No

**Verification of corrective action and sign off**

Corrective action steps to carry out	Due date
1	
2	
3	
4	
5	
6	
7	

**Responsible Party**

### COMPENSATION ACTION AND SIGN OFF

**Notes:** This part will be filled in and signed by the complainant when he/she receives the compensation or file is closed out

Complainant:..... Representative of Responsible  
Party:.....

Name and Signature:..... Title, Name and  
Signature:.....

Date: ..... Date:.....

### B -- Sample Grievance Procedure Form

#### GRIEVANCE FORM

Grievance Number.....

Name of the Recorder.....

Province/ Commune/Settlement.....

Date.....

#### Copies to forward to:

White (Original) – Receiver Party

Blue (Copy) – Responsible Party

Green (Copy) – GLTFP for database

**INFORMATION ABOUT GRIEVANCE***Define the grievance***INFORMATION ABOUT THE COMPLAINANT****Method of passing information**

Name.....

☐ Telephone

Telephone Number.....

☐ Meetings

Address.....

☐ Mail

Village / Settlement.....

☐ InformalProvincial /  
Province.....☐ Other (Specify)Signature of  
complainant.....**DETAILS OF GRIEVANCE****1. Access to land and resources**

- \* Fishing ground
- \* Land
- \* Pasture land
- \* Houses
- \* Commercial sites
- \* Others (specify)

**2. Damage to:**

- \* Houses
- \* Land
- \* Livestock
- \* Means of livelihood
- \* Others (specify)

**3. Damage to infrastructure or community assets**

- \* Roads
- \* Railways
- \* Bridges
- \* Power lines
- \* Telephone lines
- \* Water sources (specify type)
- \* Sewerage system
- \* Others (specify)

**4. Decrease or loss of livelihood**

- \* Agriculture
- \* Animal husbandry
- \* Bee keeping
- \* Small scale trade
- \* Others (specify)

**5. Traffic accident**

- \* Injury
- \* Damage to property
- \* Damage to livestock
- \* Others (specify)

**6. Incidents on expropriation and compensation (specify)****7. Resettlement process (specify)****8. Employment and recruitment (specify)****9. Construction camps and village relations**

- \* Nuisance from dust
- \* Nuisance from noise
- \* Vibration due to explosion
- \* Project personnel

**10. Others (specify)**

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indiscipline

\* Complaints  
follow up

\* Others  
(specify)

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