

**REPUBLIC OF RWANDA**



**MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES**

**LWH-RSSP Single Project Implementation Unit**

**Land Husbandry, Water Harvesting and Hillside Irrigation (LWH)**

**ABBREVIATED RESETTLEMENT ACTION PLAN FOR IRRIGATION SYSTEM AT  
GATSIBO -8. GATSIBO DISTRICT**

**February, 2014**

## ACRONYMS

<b>A-RAP:</b>	Abbreviated Resettlement Action Plan
<b>GoR:</b>	Government of Rwanda
<b>HH:</b>	Household
<b>LWH:</b>	Land Husbandry, Water Harvesting and Hillside Irrigation
<b>MINAGRI</b>	Ministry of agriculture and Animal Resources
<b>PAPs:</b>	Project Affected Persons
<b>RAP:</b>	Resettlement Action Plan
<b>RPF:</b>	Resettlement Policy Framework
<b>LWH:</b>	Rural Sector Support Project
<b>SPIU:</b>	Single project Implementation Unit
<b>rwf:</b>	Rwandan Francs
<b>WB:</b>	World Bank

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## **EXECUTIVE SUMMARY**

The Land Husbandry, Water Harvesting and Hillside Irrigation (LWH) Project with the support of the World Bank has identified for construction an irrigation scheme at Gatsibo -8 sites located in Gatsibo District in the Western Province.

Due to cancellation of proposed dams at Gatsibo-8 and their replacement with night storage reservoirs, river weirs and irrigation systems, the RAP was adapted to ensure it reflects the new dimensions of the revised project.

The construction of irrigation system implies a need for land and hence land acquisition that is expected to lead to physical and economic displacement of people and loss of access to the land that provides for economic resources. This therefore principally triggers World Bank Operational Policy OP4.12 on involuntary resettlement and Rwanda laws on expropriation and land ownership. The land identified for construction of water storage and irrigation canals is all owned by private people and is mostly used for subsistence agriculture. Since less than 200 people will be affected, 12 households, and in accordance with the World Bank Policy OP 4.12 an abbreviated Resettlement Action Plan should be prepared and implemented.

This is therefore the duly prepared Abbreviated Resettlement Action Plan (A-RAP) by the project in line with all the necessary requirements outlined in the Resettlement Policy Framework (RPF) document dated July, 2009. The main elements of the A- RAP are: An abbreviated plan covers the following minimum elements a census survey of displaced persons and valuation of assets; description of compensation and other resettlement assistance to be provided; consultations with displaced people about acceptable alternatives; institutional responsibility for implementation and procedures for grievance redress; arrangements for monitoring and implementation; and a timetable and budget.

The census and valuation of assets indicate that the construction of irrigation infrastructures at Gatsibo-8 will affect in total 12 households in three villages, Kayisha, Kabatsinda, of Mugeru Nyabiconda of Mugeru cell, Gatsibo sector, and Gatsibo district. The total amount to be compensated is one million ninety three thousand and four hundred thirty two Rwandan francs (1,093,208 rwf) for land and crops to be affected by irrigation canals and night water reservoir.

During the implementation of the A- RAP, the project will provide compensation for crops and land. District will ensure that the eligible PAPs are compensated and LWH-RSSP SPIU together with the District will be responsible for monitoring and reporting the implementation of the A\_RAP. Since PAPs will lose only few crops and small plots (less than 20% of their total land area), the compensation will be made in cash.

## 1. Scope of Gatsibo Abbreviated Resettlement Action Plan

The aim of the A-RAP report is to develop a simplified action plan for Gatsibo-8 irrigation system that ensures that the PAPs livelihoods and standards of living are improved or at least restored, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. At these two sites PAPs will be affected by construction of water reservoirs, water tanks and irrigation canals. Therefore, this Abbreviated Resettlement Action plan consists of:

- a census survey of displaced persons and valuation of assets;
- description of compensation and other resettlement assistance to be provided;
- consultations with displaced people about acceptable alternatives;
- institutional responsibility for implementation and procedures for grievance redress;
- arrangements for monitoring and implementation; and
- A timetable and budget.

## 2. LEGAL AND INSTITUTIONAL FRAMEWORK

This Abbreviated RAP was specifically prepared in accordance existing regulations related to Land and resettlement issues in Rwanda and World Bank involuntary Resettlement Policy.

On one hand, **Rwandan land law** (Organic Law 08/2005 Determining the Use and Management of Land in Rwanda) states that land may be expropriated for public interest projects through procedures provided by law and prior to appropriate compensation (Article 3).

Law 18/2007 Relating to Expropriation in the Public Interest sets out the rules for expropriation. It states that only the Government can undertake expropriation, and that the responsibility for doing so lies with District Land Commissions. Under Rwandan legislation, land owners (defined to include those with title and those with historic customary title) are compensated for land and property, crops, etc.; tenants/squatters are compensated for crops and structures. There is provision for landowners to choose between compensation in kind or in cash, although land shortage means that it is often not possible to provide land.

On the other hand, **the World Bank involuntary resettlement related policies** are also critical in preparation and implementation of this A-RAP. The main objectives of the World Bank Policy 4.12 Involuntary Resettlement include: Avoiding or minimizing involuntary resettlement where feasible, exploring all viable alternative project design; where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share in project benefits.

Displaced persons should be meaningfully consulted and have opportunities to participate in planning and implementing resettlement programs. Those displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to beginning of project implementation, whichever is higher.

### 3. POTENTIAL IMPACTS AND AFFECTED POPULATION

The proposed construction of irrigation system at Gatsibo- 8 will acquire land and the persons will lose their land and crops and this will affect livelihoods of those living in the project site or utilizing the land for their livelihood.

#### 3.1. Land Ownership

The identified site for night water reservoir and irrigation canals is owned by private individuals. Therefore, the project will provide compensation for affected land and all investimant made on land

#### 3.2. Land Use Type

The land to be acquired is being utilized in different ways that vary in nature and include:

- Agricultural activities

#### 3.3. Loss of land and crops.

The civil works activities will entail clearing of the vegetation inherent in the project site which includes fruit trees, trees, grass and crops that have been planted and or cultivated by the PAPs. Most of land to be used will permanently be lost to the project activities. The land to be permanently lost includes where the reservoirs, tanks and irrigation channels will be constructed. In total 1ha is required for water reservoir, intake and irrigation canals.

### 4. FINDINGS OF THE CENSUS

The main findings of the census were that 12 households in 3 villages of Mugeru cell, in Gatsibo Sector will be affected by the construction of this irrigation system. Affected households are engaged in agriculture as their main sources of income.

#### 4.1. Resettlement impacts

Item	Location	Number of PAPs	Amount of land (ha)	Cost (Rwf)
Lands	Nyakagezi	12	0.62ha	764,477
Crops	Nyakagezi	12	Different rops(cfr table)	328,731
<b>Total</b>				<b>1,093,208</b>

#### 4.2. Resettlement measures for each category of eligible PAPs

PAPs were categorized as shown in the table below:

**Table2. Categories of the PAPs**

Categories of affected people	Number house hold	Measures of resettlement
Losing <20% of land	12	Compensation in cash
Losing crops	12	Compensation in cash and/or in kind
Vulnerable	0	none

### 4.3. Records keeping

The information in this A-RAP were evaluated by the Sector leaders and PAPs and confirmed as true. Both LWH and the District will keep this information including the relevant records and copies.

### 4.4. Determination of Cut-off date

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project starts and therefore new cases of affected people were not considered. The cut off date was being determined through a meeting with the PAPs and the representatives of Gatsibo District and LWH before the census survey was carried out. The agreed cut off date was December 10<sup>th</sup>, 2013.

## 5. DESCRIPTION OF COMPENSATION AND OTHER RESETTLEMENT ASSISTANCE

### 5.1. ELIGIBILITY

Eligibility for compensation is enshrined under the Rwandan Constitution (Article 29), the Expropriation Law of Rwanda (No 18/2007 of 19/04/2007) and OP 4.12 of the World Bank. These documents regulate and give entitlement to those affected, whether or not they have written customary or formal tenure rights.

In the Rwandan Expropriation Law the person to be expropriated is clearly defined under article 2 (7) to mean “any person or a legally accepted association operating in the country who is to have his or her private property transferred due to public interest as well as legally accepted local administrative entities local administrative entities”.

### 5.2. Valuation of and compensation for losses

The magnitude and impact of the expected loss can be termed as less significant especially because all PAPs will only lose a small piece of land that is mainly utilized by the PAPs for cultivation of food crops. Only 1ha of land will be acquired during the construction of night water reservoir and irrigation canals and intakes at Gatsibo-8. In addition to that PAPs will lose some trees and crops evaluated at 1,159,208Rwandan francs.

#### 5.2.1. Compensation for Land

The exchange of land for land is the preferred means of compensation. However, only small portion of the land will be taken, less that 20%. Thus, PAPs will be given cash and the district will assist in identifying vacant lands owned by private people in project areas and PAPs will be able to use compensation money to buy those lands.

The new land law on ownership, especially private land in terms of compensation and acquisition in Rwanda, provides for negotiations over the value of land during acquisition as a preferred means for arriving at a common agreement. In other words, PAPs are accorded room to negotiate for the suitable compensation. The value of land is calculated with reference to the ministerial order determining the land prices in all cells in Rwanda and is 122 rwf/m<sup>2</sup>.

### **5.2.2. Valuation for crops**

Based on results of census, crops were evaluated by field surveyors, local leaders and PAPs. The valuation of those crops was done using the current rates in Rwanda and the value of crops depends on its type and age (see annexe 1). The compensation will be in cash and/ or in kind.

### **5.2.3. Accessibility of jobs to PAPs during construction of canals and storage tanks**

During construction of the water storages and irrigation canals LWH and Gatsibo District will ensure that the PAPs get first priority during recruitment of manpower. This will facilitate additional income that will help and support these people in getting additional income.

## **6. CONSULTATION WITH PAPs ON ACCEPTABLE ALTERNATIVES**

Consultation meetings with PAPs began in September, 2013 to discuss issues related to resettlement and compensation. LWH held these meetings with the local communities at the site for Gatsibo in order to inform them about the planned projects. The local communities were fully involved in all the processes of the development of this RAP and are well informed about the construction of the storage tanks and canals.

### **6.1. Verification and disclosure of entitlements**

Upon identification of the households that would be affected by the project was completed, LWH social safeguards team, Gatsibo district and Local authorities organized meetings with PAPs to discuss compensation requirements and concerns.

After the completion of the valuation of assets, there have been two meetings for disclosure, one on January 18<sup>th</sup>, 2014 and another one on January 28<sup>th</sup>, 2014 where the project Social safeguards team and districts staffs presented the results of census and value of PAPs assets. Comments from the two meetings were incorporated in the Census results.

### **6.2. Agreement on compensation and preparation of contracts**

The District of Gatsibo has explained to the PAPs what will be compensated for whether in cash or in kind. This was done by listing all the assets and land to be compensated at the current value. After this, District of Gatsibo prepares an agreement for compensation and for payments of PAPs. Then PAPs who will get financial compensation provides bank account where their money is deposited.

## **7. GRIEVANCE REDRESS MECHANISM**

The District of Gatsibo is an acknowledged institution for which the PAPs have been made aware of as avenues for expressing discontent and disapproval to the resettlement and compensation process. Article 26 of the Expropriation Law N<sup>o</sup> 18/2007 of 19/04/2007 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that dissatisfied persons have a period of 30 days after project approval decision has been taken to appeal (Article 19).

According to Article 26 of the Expropriation Law N<sup>o</sup> 18/2007 of 19/04/2007, filing a case in courts of law does not stop expropriation process to be effected. Article 26 provides complaints procedures for individuals dissatisfied with the value of their compensation according to the law. It stipulates that dissatisfied persons have a period of 30 days after project approval decision has been taken to appeal (Article 19).

To ensure that the affected parties are fully aware and to reduce possible backlog of complaints, it should be noted in advance that most members of the rural communities take time to decide to complain within 30 day period required to file their complaints. As per international standards, grievances logged outside this timeframe may still be valid and legitimate. Customarily, the government expropriation authorities ensure that all affected people are fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people will be informed of the procedures before their assets are taken.

LWH will follow up the aggrieved PAP at each level to ensure that the grievances are resolved. Each sector should identify one PAP to work with LWH and the local leaders to ensure that the grievances are attended to in time. This is in addition to the existing Resettlement Committee.

## 8. DESCRIPTION OF ORGANISATIONAL RESPONSIBILITIES

The table below gives the summary of responsibility and roles that should be played by every institution during the preparation of RAP.

**Table 4. Roles and Responsibilities for each institution**

ORGANIZATION	ROLES AND RESPONSIBILITY
<b>SPIU LWH-RSSP Social safeguards team</b>	<ul style="list-style-type: none"> <li>• Screening of sub-projects to identify resettlement and compensation requirements;</li> <li>• Work with District of Gatsibo to elect representative of PAPs</li> <li>• Provision of capacity building and technical support relating to resettlement and compensation activities;</li> </ul>
<b>District authorities</b>	<ul style="list-style-type: none"> <li>• Review and sign off of all documentation</li> <li>• Participation in documentation of assets</li> <li>• Compensation of A- RAP</li> <li>• Responsible in monitoring and implementation</li> </ul>

<b>Resettlement and Compensation Committees</b>	<p>For each site a resettlement and compensation committee will be established with PAPs representative, local authority representative and NAEB representative. The committee will participate in:</p> <ul style="list-style-type: none"> <li>• Identification of land for replacement and effective consultation at the sector level, cell level, and at village level (Umudugudu)</li> <li>• Facilitate coordination of information collation activities (such as surveys, supervising documentation) for monitoring purposes, in accordance with procedures put in place by the District authorities.</li> <li>• Elect a representative of the Committee to act as Project Liaison Officer who has regular contact with PAPs and can lead consultation, public participation and grievance mechanisms.</li> </ul>
<b>PAPS</b>	<ul style="list-style-type: none"> <li>• Participation in documentation and measurement of assets of PAPs</li> </ul>

## 11. IMPLEMENTATION SCHEDULE

There will be 8 steps to be followed during the preparation and implementation RAP as shown in the table below

*Table 5. Implementation schedule*

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Timing</b>
<b>Public consultation</b>	Consultation meeting with the PAPs to inform them on scheduled activities and their roles to accomplish the RAP	-Gatsibo district -LWH	September 10, 2013
<b>Database</b>	Documentation of assets (crops) and land measurement	-Gatsibo district -LWH	December 10, 2013
<b>Disclosure of entitlement</b>	To display to the PAPs the results of the census.	-Gatsibo district -LWH	January 8, 2014
<b>Final disclosure</b>	To display to the PAPs final results of the census and the value of their assets.	Gatsibo district -LWH	January 19, 2014
<b>Compensation and other resettlement measures</b>	Compensation for crops	-Gatsibo District	March, 2014
	Compensation of lands	-Gatsibo District	March, 2014
<b>Monitoring and supervision</b>	Follow up of the implementation	-Gatsibo District -LWH	From march, 2014

## 12. ESTIMATED COST FOR RESETTLEMENT

*Table 6. Estimated cost for resettlement*

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Operating cost)</b>
<b>Public consultation</b>	Consultation meeting with the PAPs to inform them on	-Gatsibo District -LWH staffs	12,000

	scheduled activities and their roles to accomplish the RAP		
<b>Database</b>	Documentation of assets (crops) and Land measurement	-Gatsibo District LWH staffs	12,000
<b>Disclosure of entitlement</b>	Display to the PAPs the results of the census.	-Gatsibo District - LWH staffs	12,000
<b>Preparation of alternatives</b>	Comparison and choice of the best alternatives of compensation to the PAPs	-Gatsibo District LWH staffs	12,000
<b>Compensation and other resettlement measures</b>	Compensation for crops	-Gatsibo District	3,28731
	Compansation for land	-Gatsibo District	7,64477
<b>Follow up of PAPs</b>	Follow up and monitoring of PAPs livelihoods	Gatsibo District LWH staffs	18,000
<b>Total</b>			<b>1,159,208</b>

### 13. FRAMEWORK FOR MONITORING, EVALUATION AND REPORTING.

#### 13.1. Monitoring plan

The civil works for an irrigation schemes in Gatsibo marshland is planned to start in April, 2013. Monitoring of the RAP will be carried out during the whole process of land acquisition and the compensation to ensure that the objectives are met and successful implementation of the RAP occurs. The monitoring will be carried out by a committee composed of Gatsibo District representatives, representative at the Sector & cell level and LWH staffs, to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the RAP.

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

- Number and place of public consultation meetings held with PAPs and local authorities in preparation of, or during RAP implementation;
- Number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- Number of complaints:
  - Total received;
  - total justified;
  - total non justified.

**Table 7. Plan for Monitoring, evaluating and reporting**

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Frequency of monitoring</b>
Public consultation	Consultation meeting with the PAPs	-Gatsibo District -LWH staffs	Twice

Database	Updating census results	-Gatsibo District - LWH staffs	When it's need
Disclosure of entitlement	Display to the PAPs the results of the census.	-Gatsibo District - LWH staffs	Twice
Preparation of alternatives	Follow up of implementation of proposed alternative	-Gatsibo District - LWH staffs	Once
Compensation and other resettlement measures	Follow up compensation process	- Gatsibo District - LWH staffs	twice
Follow up of PAPs	Follow up and monitoring of PAPs livelihoods	- Gatsibo District - LWH staffs	Once a week

### 13.2 Resettlement Implementation Completion report

A brief completion report of the entire resettlement process for this project will be prepared and will include when the compensation was undertaken and to whom these services were provided as well as to indicate that indeed all the compensation has been delivered.

This report will be prepared and submitted to the Bank 6 months after the end of compensation payment by the District of Gatsibo, together with LWH. The A\_RAP implementation report should include (but not be limited to) the following information:

- Background of the RAP preparation including a description of the project activities, scope of impacts, number of affected persons, and estimate budget.
- Update of its implementation with actual numbers of affected persons by segments, compensation paid, issues/complaints raised and solutions provided
- Complains status
- Total sum disbursed
- Lessons learned from the A-RAP implementation

Suggested annexes:

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

#### Annexes:

#### Annexe 1. Rates of Valuation of Crops

Type of Crop	Unity	Age	Value (rwf)
Inanasi Ananas Pineapple	Cluster		300
Ibinyomoro Prunier du japon Tree Tomato	Plant	0 to 1 year	1300
		1 to 3 years	2550
		3 to 5 years	2000
Umwembe	Plant	0 to 1 year	3450

Manguier Mango		1 to 3 years	7000
		3 to 5 years	9000
Ipera Goyavier Guava	Plant	0 to 2 years	3450
		2 to 4 years	7000
		≥ 4 years	9000
Ipapayi Papaye Papaya	Plant	0 to 1 year	1200
		1 to 3 years	9000
		≥ 3 years	10,700
Avocat Avocatier Avocado	Plant	0 to 1 year	4005
		1 to 3 years	13,020
		≥ 3 years	24,060
Moringa Moringa Moringa trees	Plant	0 to 1 year	1000
		1 to 3 years	4005
		3 to 5 years	5500
		≥ 5 years	7500
Ibindi biti Other fruit trees (not listed in the crop valuation document)	Plant	0 to 2 years	2100
		2 to 4 years	4500
		4 to 5 years	5500
Ibiti bitanga imiti (umuravumba, igicunshu, umwenya,...) Medicinal crops	Plant		2800
Urutoke Bananes Bananas	Mat/Souche	0 to 1 year	500
		≥ 1 year	2500
	Are	0 to 1 year	22,000
	Are	≥ 1 year	110,000
Urusenda Pilipili	Plant	0 to 6 months	150
	Plant	≥ 1 year	650
	Are	0 to 6 months	15,000
	Are	≥ 1 year	65,000
Urubingo Penissetum Elephant Grass	Are		10,000
Imiyenzi Euphorbes Spurges	Cluster	Young Age	105
		Average	525
		Aged	920
Imiyenzi nu rugo Enclos d'euphorbes Spurge enclosure	m	Young Age	270
		Average	420
		Aged	920
Imihate Dracaenas	Cluster	Young Aged	125
		Average Age	575
Imihate y'urugo Enclos de Dracaenas	m	Young Age	285
		Average Age	860
Umuvumu Ficus	Plant	Young Age	270
		Average	860

Ficus		Aged	2860 to 4290
Imiko	Plant	Young Age	270
		Average Age	450
Ibindi biti Other trees not specified	Plant	Young Age	105
		Average	270
		Aged	450
Ikibonobono Ricin Castor Oil Plant	Plant	Young Age	105
		Average	575
		Aged	715
Sipure – Cypres Gereveliya – Greveleia Gasiya – Acacia Pinusi – Pinus Umusave – Markhamia Sederela – Terminalia	Plant, are	Young	286/plant, 7150/are
		3 to 5 years	572 to 858/plant, 13,585/are
		5 to 10 years	1287 to 2145/plant, 22,880/are
		≥ 10 years	4290 to 5720/plant, 57,200/are
Pasiparumu Pasparum	m <sup>2</sup>		620
Ibishyimbo Haricots Beans	Are		2250
Amasaka Sorgho Sorghum	Are		3500
Amateke Colocases	Plant, are		80/plant, 20,000/are
Imyumbati Manioc Cassava	Plant, are		90/plant, 4050/are
Lands	m <sup>2</sup>		122/m <sup>2</sup>