

**REPUBLIC OF RWANDA**



**MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES**

**SINGLE PROJECTS IMPLEMENTATION UNIT FOR MARSHLANDS AND HILLSIDES**

**IRRIGATION (SPIU-RSSP/LWH)**

**Land Husbandry, Water harvesting and Hillsides Irrigation**

**UPDATED RESETTLEMENT ACTION PLAN FOR THE CONSTRUCTION OF DAM AND IRRIGATION  
INFRASTRUCTURES AT KAYONZA 4 IN KAYONZA DISTRICT**

**October, 2015**

## **ACRONYMS**

<b>CIP</b>	:	Crop Intensification Program
<b>CBOs</b>	:	Community Based Organizations
<b>ESIA</b>	:	Environment and Social Impact Assessment
<b>ESMF</b>	:	Environment and Social Management Framework
<b>GoR</b>	:	Government of Rwanda
<b>HH</b>	:	Households
<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>RSSP</b>	:	Rural Sector Support Project
<b>SPIU</b>	:	Single Project Implementation Unit
<b>Frw</b>	:	Rwandan Francs
<b>WB</b>	:	World Bank

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## EXECUTIVE SUMMARY

During the planning stage, SPIU RSSP/LWH commissioned SMEC to carry out preliminary and detailed design studies of works related to the Dam Construction and Development of hillside Irrigation Infrastructures of Kayonza-4 site (340 ha) in Kayonza District of the Eastern Province, Rwanda. The construction of access roads (8 km) was also included in the activities planned for the site to link the command area to the main roads leading to the market. LWH project aims at modernization and commercialization of agriculture for strengthening the economic access of the rural communities to food for consumption and livelihoods improvement. To achieve this, the project is planning to build a dam and irrigation canals at Kayonza 4 site, in Kayonza District as well as access roads.

The construction of the dam and irrigation system as well as access roads 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 the development of Kayonza4 Irrigation scheme is owned by the Government of Rwanda and private people and is being used by different individuals for various land use types including livestock grazing and subsistence agriculture. In accordance with the World Bank Policy OP 4.12, a resettlement action/compensation plan must be developed and be submitted to World Bank for approval, and then implemented before commencement of works on the site.

Therefore, the project has duly prepared the Resettlement Action Plan (RAP) in line with all necessary requirements outlined in the Resettlement Policy Framework (RPF) for Land husbandry Water harvesting and Hillside Irrigation (LWH) project<sup>1</sup>. The main elements of the RAP are: public consultation, documentation of assets, disclosure of entitlement, preparing of alternatives, compensation and resettlement, addressing grievances, monitoring and reporting.

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<sup>1</sup>[http://amis.minagri.gov.rw/rw/content/lwh-resettlement-policy-framework for LWH project](http://amis.minagri.gov.rw/rw/content/lwh-resettlement-policy-framework%20for%20LWH%20project)

The census and valuation of assets indicate that the construction of Kayonza<sup>4</sup> Dam, irrigation canals and access roads will affect 596 households in seven villages Nyabugogo, Kazeneza, Kazeneza II Rugunga, Kanyetonga, Rwakavuna and Kibimba of Rubumba and Gitara cells in Kabare Sector. In total, 22.1 ha will be affected including 19.1ha owned by farmers (including 2.1 ha for the construction of access roads), 3 ha owned by Government. At Kayonza 4,8 houses will be affected and will be financially compensated. In addition to financial compensation, the PAPs losing their houses will be given land plot for house construction in a grouped settlement. The compensation in cash at market value will be used to compensate for both land and crops. The total cost of RAP implementation is estimated at 143,518,635 Rwandan Francs including compensation and monitoring.

During the implementation of the RAP, the project will provide money for the compensation for crops, trees, lands and other structures through the District and ensure provision of capacity building and technical support relating to maintenance of structures and crop production. The District will ensure that the eligible PAPs are compensated and resettlement site is provided. SPIU LWH-RSSP together with the District will be responsible for monitoring and reporting the implementation of the RAP.

Any aggrieved party may ask for justification of the decisions from the Resettlement and Compensation Committee, but should the answer still be unsatisfactory, they may appeal to the local leadership starting with the Cell, Sector and District leaders. If the grievances are not resolved in this way, local courts should be used. If the case is not resolved, it will proceed to the Land Commission and then to the Courts of Law. The project will ensure that all PAPs understand the complaints procedure and will ensure each party involved fulfils its duties to the PAPs ensuring just compensation.

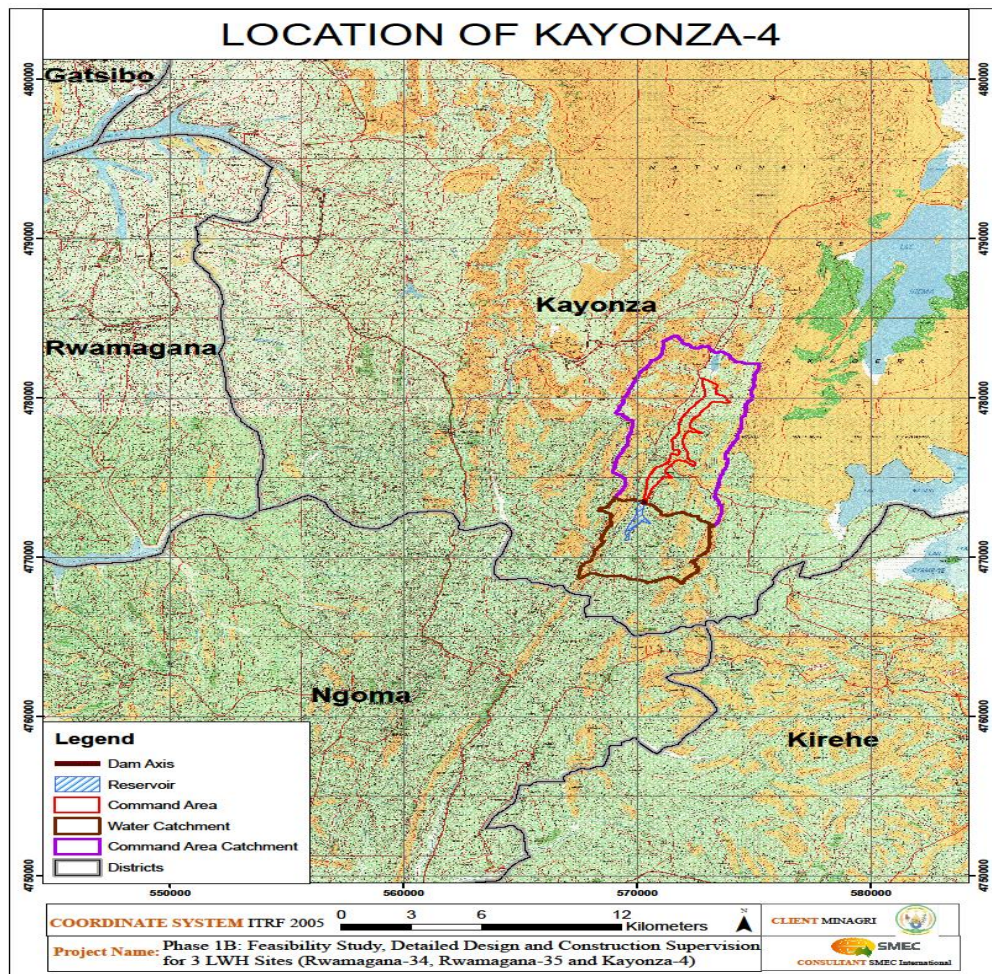
## **1. INTRODUCTION**

### **1.1. Description and location of the project**

The SPIU LWH/RSSP planned to develop irrigation infrastructures to enhance irrigated horticultural production in Kayonza-4 site of Kayonza District in Eastern Province. The construction of the upstream irrigation storage dam in Kayonza-4 site, irrigation and drainage networks, and execution of land husbandry works as well as the construction of access roads are the main activities.

The construction of the upstream irrigation storage dam in Kayonza-4 site will be implemented on one tributary flowing from the Cyarubare cell of Kabare sector, Kayonza District. The Kayonza 4 reservoir will be 9.5 m high, homogeneous earth fill dam with central impermeable clay and a 220 m long crest at elevation 1454.5m spread over a water surface of approximately 20 ha. The 340 ha command area will be developed using comprehensive land husbandry techniques. The irrigation and drainage infrastructures will also be provided to allow the irrigable hillside efficient, productive and sustainable. The construction of some critical access roads with a total length of 8 km is very important to connect the command area to the main roads leading to the market.

The Kayonza-4 RSSP/LWH project site is located in Cyarubare cell of Kabare Sector, Kayonza District in Eastern province of Rwanda at 1420 m.a.s.l. altitude. The study catchment area is located between eastings 567000 - 574000 and southings 4768000 - 4779000 UTM readings (co-ordinate system ITRF 2005). The area is located on rounded hillside slopes and on the valley bottoms of these hills and mountains. The command area of 420 ha is situated on relatively gentle slopes on both sides of the perennial stream called Cyinzange. The nearest road for Kayonza-4 is near the Kabarondo (Petrol Station), about 76 km from Kigali on the Kigali-Kayonza road. A graveled rough road leads to Cyarubare which is about 30 km from Kabarondo. The dam site is connected with Cyarubare through a 1.5 km long rough road.



**Figure 1: Location of Kayonza 4 Project Area**

## 1.2. Scope of the RAP

The aim of the RAP report is to develop an action plan 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.

The scope of work undertaken during the RAP preparation included:

- Project description;
- Analysis of the objective of resettlement programmes;
- Analysis of potential project impacts through identification of the PAPs, estimating their number and evaluating the impacts of the project on them;
- Conducting social-economic studies including census surveys, land tenure and transfer systems;
- Consultations with affected Project Affected Persons (PAPs)

- Analysis of the legal framework;
- Analysis of institutional framework covering the identification of agencies responsible for resettlement activities,
- Grievances redress mechanisms that evaluate availability of affordable and accessible procedures for third party settlement of disputes arising from resettlement.
- Organizational responsibilities for implementing resettling, including identification of agencies responsible for delivery of resettlement measure and provision of services
- RAP Implementation schedule covering all resettlement activities from preparation through implementation.
- Cost and budget shows itemized best cost for all activities;
- Monitoring and evaluation mechanisms-Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by World Bank.

### **1.3. Methodology**

The preparation of this resettlement action plan result of the combination of desk study and field surveys and census. The desk study involved review of previous study documents and analysis of the proposed project maps; and field surveys to establish the location of the proposed dam, irrigation canals and related infrastructure.

The field survey consisted on conducting household census of identified PAPs; conducting baseline socio-economic survey on the project area as well as census and measurement of lands and crops which are likely to be affected. Discussions with PAPs and key stakeholders including District Administration were also another tools used along the preparation of this RAP.

## **2. LEGAL AND INSTITUTIONAL FRAMEWORK**

The Legal and institutional framework evaluates the available laws, regulations, policies and institutions that guide the land acquisition and compensation, crop and assets compensation including mechanisms for conflict resolution and appeals. These legal frameworks provide applicable legal and administrative procedures including 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.

There are several enactments all governing land and transactions of land in the country. The laws and regulations relates to agencies responsible for implementing resettlement activities and guides on issues such as land, water and environment among others.

### **2.1. Legal 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 Organic 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.

The following list comprises the existing legislations that relate to Land and resettlement issues in Rwanda:

- Rwandan Constitution, promulgated in 2003;
- Organic Law N° 43/2013 of 16/06/2013 governing land in Rwanda
- Organic law determining legislation around environmental management and protection;
- Law No 17/2010 of 12/05/2010 establishing and organising the real property valuation profession in Rwanda;
- Land Expropriation Law promulgated No32/2015 of 11/06/2015;
- 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.
  - Ministerial Order No 002/16.01 of 2010 on Determining the Reference Land Price Outside Kigali City

## **2.2. Institutional framework**

It is for the benefit of both the project and the PAPs to devise a grievance redress mechanism through which complaints and disagreements can be resolved. The grievance framework recommended for this RAP is built on already existing structures within the laws of the Government of Rwanda (GoR) and affected community. The project is advised to develop organs involved in resettlement such as Resettlement Steering Committee (RSC) at the District level include the project representatives, the PAPs representatives, the District representative, and relevant key stakeholders.

## **2.3. World Bank Involuntary resettlement policy**

The World Bank involuntary resettlement related policies are also critical in preparation and implementation of this RAP. The main objectives of the World Bank Operational Policy 4.12 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, and providing compensation to people who have restricted access to resources (either permanent or temporary), due to the project activities.

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. Specifically, the production systems of a community are safeguarded to the extent that guarantees their livelihoods and that their skills base remain relevant regardless of the resettlement site. The policy objectives are also designed to minimize kinship group dislocation that might subject the affected persons to unfair competition when mutual help is diminished or lost.

The project consultant's met the objective of the WB by conducting public participation in the project area; evaluating project alternatives to enable minimize involuntary resettlement and developed an entitlement matrix to guide in calculation of resettlement

and replacement costs. Where there is contradiction between World Bank policies and National laws, the World Bank policies prevail.

**Table 1: Comparison between Rwanda regulations and World Bank OP4.12**

Principles	Rwanda Legislations	World Bank's involuntary Resettlement (OP 4.12)	Recommendations to fill the gaps
Valuation	Valuation is covered by the Expropriation Law and the Land Valuation Law and stipulates that the affected person receive fair and just compensation. However a ministerial order gives the value of land and crops	OP 4.12 prefers Replacement cost method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.	Where possible adopt replacement cost method of valuation
Compensation	Article 28 of the expropriation law No 32/2015 of 11/06/2015 entitles the landholder to compensation for the value of the land and properties incorporated thereon based on of their size, nature and location and prevailing market value.	OP 4.12 gives preference to land based resettlement strategies for displaced persons whose livelihoods are land-based as compared to monetary compensation	Adopt OP 4.12 mode of compensation by giving preference to land based resettlement as opposed to monetary compensation
Participation and consultation	The Rwandan organic law on Expropriation simply stipulates that affected people be fully informed of expropriation issues. The law also conflicts the very purpose of consultation and involvement by prohibit any opposition to the expropriation program if considered to be under the pretext of self-centered justification which might not be the case	WB OP 4.12 requires that persons to be displaced should actively be consulted and should have opportunity to participate in planning and design of resettlement programs	Adopt OP 4.12 methods of participation
Timeframe	Rwanda expropriation law No 32/2015 of 11/06/2015 stipulates a timeframe upon when the property to be expropriated must be handed over which is 120 days after compensation has been	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	A cut- off date should be applied. OP 4.12 states that, where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and

<b>Principles</b>	<b>Rwanda Legislations</b>	<b>World Bank's involuntary Resettlement (OP 4.12)</b>	<b>Recommendations to fill the gaps</b>
	paid (Article 36, paragraph 3).	rehabilitation however can and often do occur post displacement. WB OP 4.12 provides for a timeframe (cut-off date) upon which interested parties are entitled to respond	related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of escrow or other interest-bearing deposit acceptable to the Bank, and has provided a means satisfactory to the Bank for resolving the dispute concerning said offer of compensation in a timely and equitable manner.
Eligibility	Article 26 of the law requires the person who owns land intended for expropriation to provide land titles and documentary evidence that he/she is the owner of property incorporated on land and also provide civil status certificate and document evidencing his/her chosen matrimonial regime in case of a married person	OP 4.12 criteria for eligibility include even 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 the country or become recognized through a process identified in the resettlement plan and also those who have no recognizable legal right or claim to the land they are occupying	OP 4.12 will be more appropriate for determining eligibility due to the fact that many of those who farm the lands don't own it, although they may have depended on farming on such lands for their livelihood, and as such, should be assisted to at least maintain their pre-project level of welfare. (especially for assets)
	Expropriation law is silent on provision of alternative land and resettlement of those to the pre-displaced status	OP 4.12 requires and prefers resettlement of displaced persons.	Use World Bank OP 4.12 during the upgrading of the feeder road, some resettlement will be required.
Required Measures	Expropriation law does not provide for alternatives when undertaking compensation	OP 4.12 requires displaced persons to be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives	Use World Bank OP 4.12

### **3. POTENTIAL IMPACTS AND AFFECTED POPULATION**

The proposed construction of irrigation system at Kayonza4 Dam site will lead to the physical displacement of households living in the project site or utilizing the land for their livelihood. The expected resettlement impacts include loss of land, crops trees and houses, access roads and other structures.

#### **3.1. Loss of land and crops**

The identified site for the dam and borrow pit is owned by the Government and private people. About 20 ha of land will be required including 17ha owned by individuals who have the legal right over the different pieces of lands and 3 ha belonging to the Government. The total land lost for access road construction is 2.1 ha.

Most of the land to be used will permanently be lost to the project activities except the land for the borrow pit which will be reused by the owners after laterite extraction and rehabilitation. The land to be permanently lost includes the flooded area and the area where the irrigation and drainage channels and access roads will be constructed. The dam buffer zone (50 m from highest level of water in the dam) will still be used by the owners in a way that ensures erosion control. They will be trained on emergency safety procedures and all appropriate dam safety measures will be adopted to ensure their protection

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. These will be encouraged to harvest their produce before construction activities. In the event that crops and trees cannot be harvested, compensation for loss of crops and trees including value of fruit trees will be provided as follows.

- ✓ Provision of cash compensation for value of crops lost, as per the Rwandan expropriation law;
- ✓ Provision of good quality seeds or seedlings appropriate for the resettled areas; fruit tree materials inclusive;

#### **3.2. Loss of houses**

So far, 8 houses including one small house in the dam site, 4 houses in the irrigation canal area and 2 houses in the access road area were identified to be affected by the construction activities. These will be compensated and owners facilitated to get new shelters.

In Kayonza4, there are no farms for animal husbandry and only one small cow shed was observed.

The Size of land and crops expected to be acquired is presented below:

**Table 1: Resettlement impact**

<b>Item</b>	<b>Unit</b>
<b>Affected District</b>	<b>Kayonza District</b>
Affected Villages (Imidugudu)	Nyabugogo, Kazeneza, Rugunga, Kibimba, Kazeneza II, Kanyetonga and Rwakavuna
<b>A) Losing crops and shelters</b>	
Households losing cattle shed	1
Households losing houses	8
Households losing crops	465
<b>B) Losing Land</b>	
Households losing lands	462
Private land to be permanently lost	19.1 ha private land (17ha for dam & 2.1 ha for access road)
Government lands to be lost	3 ha of Government land

### **3.3. Loss of water points**

Two water points, currently poorly maintained, were identified in the silt trap zone of the dam under construction. They are being used by the community in the vicinity of the dam. They will be relocated and placed outside the dam buffer zone. Technical assessments are ongoing to identify the right place where they should be relocated.

#### 4. RESETTLEMENT MEASURES FOR EACH CATEGORY OF ELIGIBLE PAPS

PAPs were categorized as shown in the table below:

**Table 2. Entitlement matrix**

Category of PAP	Type of Loss	ENTITLEMENTS				
		Compensation for Loss of Structures	Compensation for Loss of land	Compensation for Loss of Income	Moving Allowance	Other Assistance
<i>Property Owners</i>	Loss of land	-----	Compensation in cash will be considered if the lost land is below 20% of total land		-----	None
	Temporal loss of land		The land will be rehabilitated after laterite extraction and reused by the owner	Rental allowances		
	Loss of structure/houses	Compensation at full replacement value not depreciated, taking into account market values for structures and materials.			Coverage of full cost for total transport expenses	
	Loss of crops			Crops at market cost in scarce season(the value of crops is considered at harvesting period)		
<i>Property lease holders/Tenant</i>	Loss of crops			Crops at market cost in scarce season(the value of crops is considered at harvesting period)		

## 5 FINDINGS OF THE CENSUS

Topographic works were done by the engineering team to delineate and confirm the project area. Before the census the project recruited and trained field surveyors and held meetings with PAPs to explain project activities and the importance of the RAP preparation. Then field surveyors were recruited, trained and presented to the PAPs and local leaders before they begin the census.

### 5.1 Documentation of holding assets

Holdings and assets were inventoried by a team of field surveyors recruited and trained by the project and findings were recorded and presented to the PAPs during disclosure held at project site. After two disclosures, corrections were made and final lists are attached to the RAP.

The census was carried out on 596 households, including 287 access road affected households. The main findings of the census are presented in Table 3 below. The census and valuation of assets indicate that the construction of Kayonza 4 Dam, irrigation canals and access roads will affect 596 households located in seven villages namely Nyabugogo, Kazeneza, Kazeneza II, Rugunga, Kanyetonga, Rwakavuna and Kibimba of Rubumba and Gitara cells in Kabare sector. Affected households are engaged in agriculture and animal husbandry as their main sources of income. Their annual income varies from 567,272 Frw to 1,472,500 Frw with an average of 956,961 Frw. The table below summarizes the social economic situation of affected households.

**Table 3: Description of households in Kayonza4 Dam site**

Village	Number of House holds	Average H. hold size	% Children	% women	Occupation Head house Hold (%)		Average Annual income (Rwf)	Number of vulnerable persons	Access to finance institution (% of PAPs)
					Farmers	others			
Nyabugogo	64	4.9	57	53	97	7	1,028,390	5	88
Kazeneza	54	3.9	49.8	54	98	2	793,704	7	67
Rugunga	116	4.1	49.7	51	99	1	1,236,862	15	80
Kazeneza II	22	3	50	53	91	9	567,272	1	63
Kibimba	12	6	52.5	59	99	1	1,472,500	0	100
Kanyetonga	189	4.5	51.2	52	99	1	780,000	0	100
Rwakavuna	139	4.0	52.0	53	99	1	820,000	0	100
<b>Total/average</b>	<b>596</b>	<b>4.27</b>	<b>51.7</b>	<b>53.6</b>	<b>97</b>	<b>3</b>	<b>956,961</b>	<b>28</b>	<b>85.4</b>

## 5.2. Vulnerable groups/persons

The socio-economic survey identified vulnerable people among those losing crops and lands. All 28 Vulnerable people identified are old and disabled people (see socio-economic census). In addition to the compensation for their assets, vulnerable people will be given seeds and fertilizers for the first season and as other PAPs they will be trained in modern agriculture. If any other vulnerable people are identified in the course of the implementation of the RAP, special attention will be given to their needs and reported in the implementation progress Reports to this RAP.

## 5.3. Records keeping

The information in this 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.

## 5.4. 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 cutoff date was determined through a meeting with the PAPs and the representatives of Kayonza District and LWH-RSSP when the census and inventory was completed.

The agreed cutoff date was fixed on October 15<sup>th</sup>, 2013 for dam and irrigation canals construction and September 11<sup>th</sup>, 2015 for access road construction and people occupying the project area after the cutoff date are not eligible for compensation and/or resettlement assistance. In the same way, fixed assets (like built structures, crops, fruit trees and woodlots) that appear after this date will not be compensated.

## **6. DESCRIPTION OF COMPENSATION AND OTHER RESETTLEMENT ASSISTANCE**

### **6.1. Resettlement allowance**

The construction of Kayonza 4 Dam, irrigation infrastructure and access roads will affect land, crops and some buildings (houses). The project and the district will compensate the PAPs for crops, trees, houses and private lands that will be affected. Crops and trees will be compensated in cash. With regards to buildings, 8 households will get financial compensation for their shelters and will be assisted in construction of new houses in grouped village known as “Umudugudu”.

Concerning public infrastructure such as water points and access roads, their relocation was included in the dam construction contract. Technical assessment will help determine the new locations of the water points to ensure acceptability to the public.

### **6.2. Availability of input to the PAPs**

PAPs will get assistance in the form of seeds and fertilizer mainly through the cooperative, which is currently using land at the project site. PAPs will also benefit from training on new farming technologies. They will also be encouraged to join a cooperative to be formed in Kayonza 4 and start off-farm activities, such as fishing.

### **6.3. Availability of jobs to PAPs during construction activities**

During construction of the dam, irrigation canals and land husbandry works and, a high intensity of labor will be needed by the contractor. SPIU LWH/RSSP and Kayonza District will ensure that the PAPs get first priority during job allocation. This will facilitate additional income that will help and support them. This will facilitate additional temporary income that will help and support these people in their new location.

## **7. ELIGIBILITY**

Eligibility for compensation is enshrined under the Rwandan Constitution (Article 29), the Expropriation Law of Rwanda (No 32/2015 of 11/06/2015) 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”.

## **8. VALUATION OF AND COMPENSATION FOR LOSSES**

This section describes the methodologies that were used to value losses and determine replacement costs as well as the roles of the different institutions and PAPs during the determination of compensation process.

### **8.1 Compensation for Land**

The new Law N°43/2013 of 16/06/2013 governing land in Rwanda on ownership, especially private land in terms of compensation and acquisition in Rwanda, provides room for negotiations over the value of land during acquisition as a preferred means for reaching a common agreement. In other words, PAPs are accorded room to negotiate for the suitable compensation. The financial compensation will be the last option and the land value is calculated with reference to the ministerial order determining the land prices in all cells in Rwanda. In this context, the compensation in cash will be used to compensate for all PAPs who will lose their land for the dam, canal and access road construction.

### **8.2. Valuation for crops**

As shown in the results of census, crops were valued by the resettlement committee put in place. The valuation of those crops was done using the current value of crops on the market, negotiation with population and Expropriation Law. The value of crops depends on their type and age.

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

The table below describes resettlement measures accepted for each PAPs category:

**Table 4: Resettlement measures for each category**

<b>Item</b>	<b>Affected Villages</b>	<b>Number of households</b>	<b>Compensation measures</b>	<b>Cost (Frw)</b>
Crops	7	456	Financial Compensation and compensation in kind	89,826,129
Losing lands	7	462	Financial Compensation	24,688,506
Losing cattle shed	1	1	Compensation and assistance in building a new cattle shed	500,000
Losing houses	5	8	Financial compensation and assistance in building new houses	20,000,000
Vulnerable people	5	28	Additional assistance –seeds and fertilizer	5,000,000
<b>Total</b>	<b>7</b>	<b>596</b>		<b>140,014,635</b>

**NB:** The five million for vulnerable people is an estimated cost based on past experience and will be confirmed after further discussion with vulnerable people and by considering their specific needs.

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

Consultation meetings with PAPs began in June 2013 for dam and canal construction and in August 2015 for access road construction to discuss issues related to resettlement and compensation. SPIU LWH-RSSP held these meetings with the local communities at the site in order to inform them about the planned projects. The local communities were fully involved in all processes of the development of this RAP and are well informed about the construction and potential impacts of the Dam, irrigation canal and access road construction at the project site.

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

Upon completion of the identification of the households that would be affected by the project activities in Kayonza 4 site, the SPIU LWH-RSSP social safeguards team and Kayonza District, (ie District, Sector and Cell represented) organized meetings with PAPs to discuss compensation requirements and concerns. The District also arranged meetings for the negotiations with the local communities to discuss the alternatives for resettlement and compensation. There has been two meeting for disclosure of assets affected by the dam and canal construction, one October, 28<sup>th</sup> and another on November 15<sup>th</sup>, 2013 where the project Social safeguards team and districts staff presented the results of census and value of PAPs assets. Comments from the two meeting were incorporated in the Census results. The disclosure of assets affected by the construction of access roads was done on October 6<sup>th</sup>, 2015.

### **9.2. Other meetings and consultations.**

There will be other meeting and consultations with Kayonza District and banks and PAPs to discuss how to proceed with the compensation and signing of the agreement and contract documents.

### **9.3. Main issues raised by the PAPs during the first meeting**

The following issues have been raised by the PAPs:

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

These issues raised by PAPs were responded as follows:

**Table 5: Issues of PAPs and responses given**

<b>S. No</b>	<b>Gender</b>	<b>Question/comment</b>	<b>Response and how addressed in RAP</b>
1	Female	How does this project help vulnerable people, people with disabilities?	The project will benefit all people and it needs people with a disability to work on the project as well.
2	Female	Priority for jobs should also consider women; women can do the same work.	Priority will include women, there will not be discriminated against women if they are able to accomplish specific task.
3	Male	Raised the issue of employment, he suggested that the local people should be the first ones to be employed project.	The consultant team explained that local people will be involved in the employment, especially those with skills. But those with no skills will be taken as manpower in the project implementation.
4	Female	How will be the expropriation? Will people have a choice on price for their crops or houses destroyed?	The laws of the country and the rules of the District will be followed and PAPs will be given different choices including compensation in kind and/or in cash.
5	Female	What benefits will there be for the population?	The productivity and production are to be increased and farmers will be provided with post harvest infrastructure, They will be also facilitate to access market
6	Female	The project is genuine and very good for us, but how about the loose of land, crops, houses, etc	All affected assets will be compensated with reference to existing laws and regulations, as described in the RAP.

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

The District of Kayonza will prepare an agreement for compensation and for payments to the PAPs. The District of Kayonza has explained to the PAPs how will be compensated affected assets. These were done by listing all the assets and land to be compensated at the current value. PAPs will provide Bank accounts where their money will be transferred.

## 10. GRIEVANCE REDRESS MECHANISM

The District of Kayonza is acknowledged institution for which the PAPs have been made aware of as avenues for expressing discontent and disapproval to the resettlement and compensation process. Article 33 and 34 of the Expropriation Law N0 32/2015 of 11/06/2015 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that dissatisfied persons have a period of 10days from the application for counter valuation by the person to be expropriated. This application should be done within 7 days after the approval of the valuation report by the expropriator (Article 33)..The first step of redress is to inform those to be expropriated of their rights during the expropriation process. In the event that any PAP rejects the value given by the expropriator, he/she can indicate in writing for his/her dissatisfaction with the valuation report and ask for a counter-assessment of the value. He will then engage the services of a valuer or a valuation firm recognized by the Institute of Real Property Valuers in Rwanda at his/her own expense. The counter-assessment report must be available within ten (10) days from the application for counter valuation by the person to be expropriated (Article 33).

If the counter-assessment report is not accepted by expropriator, the minutes shall be taken thereof and indicate the points of disagreements. Once the person to be expropriated is not satisfied with the decision, he/she can refer the matter to the competent court within 15 days from the day he/she appends his/her signature to the minutes indicating the points of disagreements (Article 34). 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.

SPIU LWH-RSSP 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 SPIU LWH-RSSP and the local leaders to ensure that the grievances are attended to in time. This will be established in addition to the existing Resettlement Committee.

## 11. 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 6. Roles and Responsibilities for each institution**

<b>ORGANIZATION</b>	<b>ROLES AND RESPONSIBILITY</b>
<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>• Preparation and implementation of RAP</li> <li>• Work with District of Kayonza to create Resettlement and Compensation Committee;</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 (e.g. completed RAPs, grievance forms, consultation plans).</li> <li>• Participation in documentation of assets</li> <li>• Payment of Compensation as described in the RAP</li> <li>• Responsible in monitoring and implementation</li> </ul>
<b>PAPs</b>	<ul style="list-style-type: none"> <li>• Participation in documentation and measurement of assets of PAPs</li> </ul>
<b>Resettlement and Compensation Committees</b>	<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>• Representation of PAPs</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> <li>• Responsible for ensuring that grievance mechanisms meet the requirements of the LWH RPF and RAP for Kayonza 4 subproject.</li> </ul>

### 11. 1 Roles of SPIU LWH-RSSP during Land and assets measurements

SPIU LWH-RSSP played an oversight role in monitoring and ensuring that the process of surveying the land was done in an open and transparent manner and in the presence of all the PAPs.

SPIU LWH-RSSP has informed the PAPs in advance and within adequate time on the dates when the survey and measurements were done and insist upon the presence of the PAPs in all meetings and documentation of assets. The project will also:

1. Ensure that the RAP process is implemented successfully.
2. Transferring money to the District for payment of compensation;
3. Working together with the District to ensure that complaints are dealt with and that the RAP is implemented;
4. Follow up the improvement of PAPs livelihoods.

### **11.2 Roles of the PAPs**

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

### **11.3 Roles of Kayonza District**

The authorities of Kayonza District played an important role during survey and valuation of land targeted for the construction of Kayonza4 Dam.

1. Ensure that all the money sent to the districts for RAP implementation is given to the affected people on time.
2. Working with LWH-RSSP to ensure the satisfactory implementation of RAP activities.
3. Ensure that all the complaints concerning the RAP are addressed.

## 12. IMPLEMENTATION SCHEDULE

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

**Table 7. Implementation schedule**

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Timing</b>
<b>1.Public consultation</b>	Consultation meeting with the PAPs to inform them on scheduled activities and their roles to accomplish the RAP and Compensation	- Kayonza District LWH-RSSP staffs	10 <sup>th</sup> august, 2013; August 25 <sup>th</sup> , 2015
<b>2.Database entry</b>	Documentation of assets (crops) and land measurement	Kayonza District - LWH-RSSP staffs	September1-15, 2013; August 31 -September 2 <sup>nd</sup> , 2015
<b>3. Disclosure of entitlement</b>	To display to the PAPs the results of the census.	Kayonza District - LWH-RSSP staffs	October28, 2013; September 3 <sup>rd</sup> , 2015
<b>4. Final disclosure</b>	To display to the PAPs final results of the census and the value of their assets.	Kayonza District - LWH-RSSP staffs	November, 15,2013; September 15 <sup>th</sup> , 2015
<b>5.Grant agreement</b>	Preparation and negotiation of grant agreement for compensation payment	Kayonza District - LWH-RSSP staffs	February 10,2014
<b>6.Compensation and other resettlement measures</b>	Compensation	Kayonza District - LWH-RSSP staffs	February 20, 2014; September 30 <sup>th</sup> , 2015
<b>7.Monitoring and supervision</b>	Follow up of the implementation	Kayonza District - LWH-RSSP staffs	From March, 2014 to January 2016

### 13. ESTIMATED COST FOR RESETTLEMENT

*Table 8: Estimated cost for resettlement*

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Budget (Frw)</b>
<b>Public consultation</b>	Consultation meeting with the PAPs to inform them on scheduled activities and their roles to accomplish the RAP	-Kayonza district LWH-RSSP staffs	72,000
<b>Database</b>	Documentation of assets (crops) and Land measurement	Kayonza District -SPIU LWH-RSSP staffs	3,000,000
<b>Disclosure of entitlement</b>	Display to the PAPs the results of the census.	- Kayonza District -SPIU LWH-RSSP staffs	72,000
<b>Preparation of alternatives</b>	Comparison and choice of the best alternatives of compensation to the PAPs	- Kayonza District -SPIU LWH-RSSP staff	72,000
<b>Compensation and other resettlement measures</b>	Compensation for crops	-Kayonza District	89,826,129
	Compensation for land	-Kayonza District	24,688,506
	Compensation of cattle shed located in dam sites	Kayonza District	500,000
	Compensation of houses	Kayonza District	20,000,000
<b>Follow up of PAPs</b>	Follow up and monitoring of PAPs livelihoods	Kayonza District -LWH-RSSP staff	288,000
	Assistance to vulnerable people	Kayonza District -LWH-RSSP staff	5,000,000
<b>Total</b>			<b>143,518,635</b>

## 14. FRAMEWORK FOR MONITORING, EVALUATION AND REPORTING

### 14.1. Monitoring plan

The civil works for an irrigation scheme in Kayonza<sup>4</sup> were planned to start on July 9<sup>th</sup>, 2014 and end by December 9<sup>th</sup>, 2015. 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 Kayonza District representatives, and SPIU LWH-RSSP 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.

This should include the subject matter for all complaints; an explanation for non justified complaints;

- ✓ Total resolved at various levels including the type of agreement reached;
- ✓ Total referred to the legal system/ Courts of Law, including a clarification on who initiated (local leaders, PAP or LWHRSSP) the referral and the subject matter.

Suggested performance/evaluation indicators include:

Total nature and level of all complaints received, resolved;

Completion of payment within, or after 2 months of estimated completion date indicated in the RAP implementation plan;

- Revival of affected farming activities within 4 months after the compensation payment;
- Submission of monitoring reports at the frequency indicated in the M/E of the RAP implementation report or quarterly.

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

**Table 9. 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	-Kayonza District -LWH-RSSP staffs	Twice a month
Database	Updating census results	-Kayonza District – - LWH-RSSP staffs	When it's need
Disclosure of entitlement	Display to the PAPs the results of the census.	-Kayonza District – - LWH-RSSP staffs	After census and assets valuation
Preparation of alternatives	Follow up of implementation of proposed alternative	-Kayonza District - LWH-RSSP staffs	Once a week
Compensation and other resettlement measures	Follow up compensation process	- Kayonza District - LWH-RSSP staffs	Once a week
Follow up of PAPs livelihoods	Follow up and monitoring of PAPs livelihoods	- Kayonza District - LWH-RSSP staffs	Once a week

#### **14.2 Resettlement Implementation Completion report**

A completion report of the entire resettlement process for this project will be prepared and will include a hand over certificate which will ostensibly provide a verification of when the compensation and assistance were undertaken and to whom these services were provided as well as to indicate that indeed all the compensation has been delivered. This report will be prepared and submitted to the Bank 6 months after the end of compensation payment by the District of Kayonza, together with LWH-RSSP or before the Implementation Completion Report by the Bank for LWH-RSSP, whichever comes first. The 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 displaced persons by segments, compensation paid, issues/complaints raised and solutions provided
- Complains status
- Early assessment of the impacts of resettlement and compensation on affected categories at the time of the report production.
- Total sum disbursed
- Lessons learned from the RAP implementation

## **15 CONCLUSION AND RECOMMENDATIONS**

### **15.1 Conclusion**

Based on Project description and Socio-economic Baseline Data and findings of the RAP, 596 households, including 309 for the dam and irrigation construction and 287 for the road access construction will be affected by project activities in Kayonza 4 sites. All PAPs from 7 villages of Kabare Sector will be compensated. The users of the reservoir area will only be compensated for their crops since land lost belongs to Government.

The total cost for the implementation of the RAP is 143,518,635 Frw and regular internal monitoring shall be carried out by the project proponent to ensure the successful implementation of the RAP.

In view of the RAP findings, it could be concluded that project will bring benefit to the people of the area. The resettlement impacts are within the manageable limits and can be mitigated with the proposed resettlement management plans and payment of compensation.

### **15.2 Recommendations**

The stakeholders including the PAPs are positive for the development of the project in Kayonza 4 site. For the successful implementation of planned development activities, the timely implementation of proposed resettlement measures is required since the project is in the public interest.

## Annexes:

### Annex: 1: Rates of Valuation of Crops and Trees

Type of Crop and Tree	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 Manguier Mango	Plant	0 to 1 year	3450
		1 to 3 years	7000
		3 to 5 years	9000
Ipera Goyavier Goyava	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 Bananés	Mat/Souche	0 to 1 year	500
		≥ 1 year	2500

Bananas	Are	0 to 1 year	22,000
	Are	≥ 1 year	110,000
Urusenda Pilipili Pepper	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 Euphorbia	Cluster	Young Age	105
		Average	525
		Aged	920
Imiyenzi n'urugo Enclos d'euphorbes Euphorbiafence	m	Young Age	270
		Average	420
		Aged	920
Imihati Dracaenas	Cluster	Young Aged	125
		Average Age	575
Imihati y'urugo Enclos de Dracaenas Dracaena fence	m	Young Age	285
		Average Age	860
Umuvumu Ficus Ficus	Plant	Young Age	270
		Average	860
		Aged	2860 to 4290
Imiko Erythrine Erythrina	Plant	Young Age	270
		Average Age	450
Ibindi biti Other trees not specified	Plant	Young Age	105
		Average	270
		Aged	450
Ikibonobono Ricin	Plant	Young Age	105
		Average	575

Castor Oil Plant		Aged	715
Sipure – Cypres Gereveliya – Greveleia Gasiya – Acacia Pinusi – Pinus Umusave – Markhamia Sederela – Cedrela 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 Haricot Bean	Are		2250
Amasaka Sorgho Sorghum	Are		3500
Amateke Colocase Yam	Plant, are		80/plant, 20,000/are
Imyumbati Manioc Cassava	Plant, are		90/plant, 4050/are
Umuceri Riz Rice	Are		14,000