

REPUBLIC OF RWANDA



MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES

**SINGLE PROJECT IMPLEMENTATION UNIT FOR MARSHLANDS AND HILLSIDES
IRRIGATION (SPIU-RSSP/LWH)**



**ABBREVIATED RESETTLEMENT ACTION PLAN FOR THE REHABILITATION OF
IRRIGATION INFRASTRUCTURES IN MIRAYI MARSHLAND OF GISAGARA DISTRICT,
SOUTHERN PROVINCE**

October, 2015

ACRONYMS

CIP:	Crop Intensification Program
CBOs	Community Based Organizations
ESIA:	Environment and Social Impact Assessment
ESMF:	Environment and Social Management Framework
GoR:	Government of Rwanda
HH:	Household
LWH:	Land Husbandry, Water Harvesting and Hillside Irrigation
MINAGRI	Ministry of Agriculture and Animal Resources
PAPs:	Project Affected Persons
RAP:	Resettlement Action Plan
A-RAP:	Abbreviated Resettlement Action Plan
RPF:	Resettlement Policy Framework
RSSP:	Rural Sector Support Project
SPIU:	Single Project Implementation Unit
Rwf:	Rwandan Francs
WB:	World Bank

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EXECUTIVE SUMMARY

The government of Rwanda (GoR) is committed to a comprehensive poverty reduction program. It therefore launched through the Ministry of Agriculture and Animal Resources (MINAGRI), the Rural Sector Support Project (RSSP) which aims to revitalize rural economy and improve the quality of life of poor people in the rural areas through increased transfer of technical and financial resources for sustainable rural development.

In this respect, the Government of Rwanda received funding from the International Development Association (IDA) to finance the following sectors within RSSP project: (i) development of marshlands and hillsides arable lands; (ii) promotion of cash and export crops (iii) support to agricultural services provision systems (iv) development of small rural infrastructures, (v) promotion of non-agricultural productive activities in the rural area, and (vi) support to the program and coordination.

In this context, Ministry of agriculture through the Third Rural sector Support project is planned to rehabilitate and expand Mirayi marshland located in Gisagara District in Southern Province. Geographical location of Mirayi marshland is 29°53' E/ 2°37' S (Point taken randomly within the marshland). Among different project sub-activities, there will be a construction and rehabilitation of irrigation infrastructures as well as fitting-out a part of marshland which has been flooded. Once completed, the marshlands will have 500 ha ready for growing rice.

Planned work will consist mainly on rehabilitation of existing infrastructures and this will minimize resettlement implications. The census made in the marshland revealed that the land in Mirayi marshland is owned by Government but local farmers are using the marshland under cooperative. Though there is no physical resettlement or land acquisition expected, the Third rural sector Support project has prepared Abbreviated Resettlement Action Plan as a way of minimize and mitigate project negative impacts on communities and in order to have guiding tools for livelihoods restoration and land distribution after marshland development.

The A-RAP was prepared in compliance with both national regulations and World Bank safeguards policies, principally World Bank Operational Policy OP4.12 on involuntary

resettlement and Rwanda laws on expropriation and land ownership. 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.

The project has made the census of farmers who are currently using these marshlands and in total 1268 households are using the marshland under the cooperative named COOPRORIZ Mirayi. Before the marshland rehabilitation completion, the project in collaboration with the District will make the final inventory and develop a land redistribution plan. Since the land belongs to the government it's recommended to distribute the land in a way that all current users will have a plot of land. Working with Gisagara district, the project will ensure that affected people are give priority in job opportunity as a way of mitigating income loss during marshlands development.

The project in consultation with district authorities has established a grievance redress mechanism and a monitoring plan that will ensures the proper management of A-RAP implementation.

The implementation of this Abbreviated Resettlement Action plan does not require monitory. The budget required is for the census of current marshlands users and they land as well as monitoring fees. In total, six million and four thousands, 6,004,000 frw are required for the implementation of the A-RAP.

CHAPTER 1: INTRODUCTION

1.1. Project location

Located in the Southern Province, the access to the Mirayi marshland is possible from Huye through Ndora and Gisagara from where several district roads lead to the different parts of the sites.

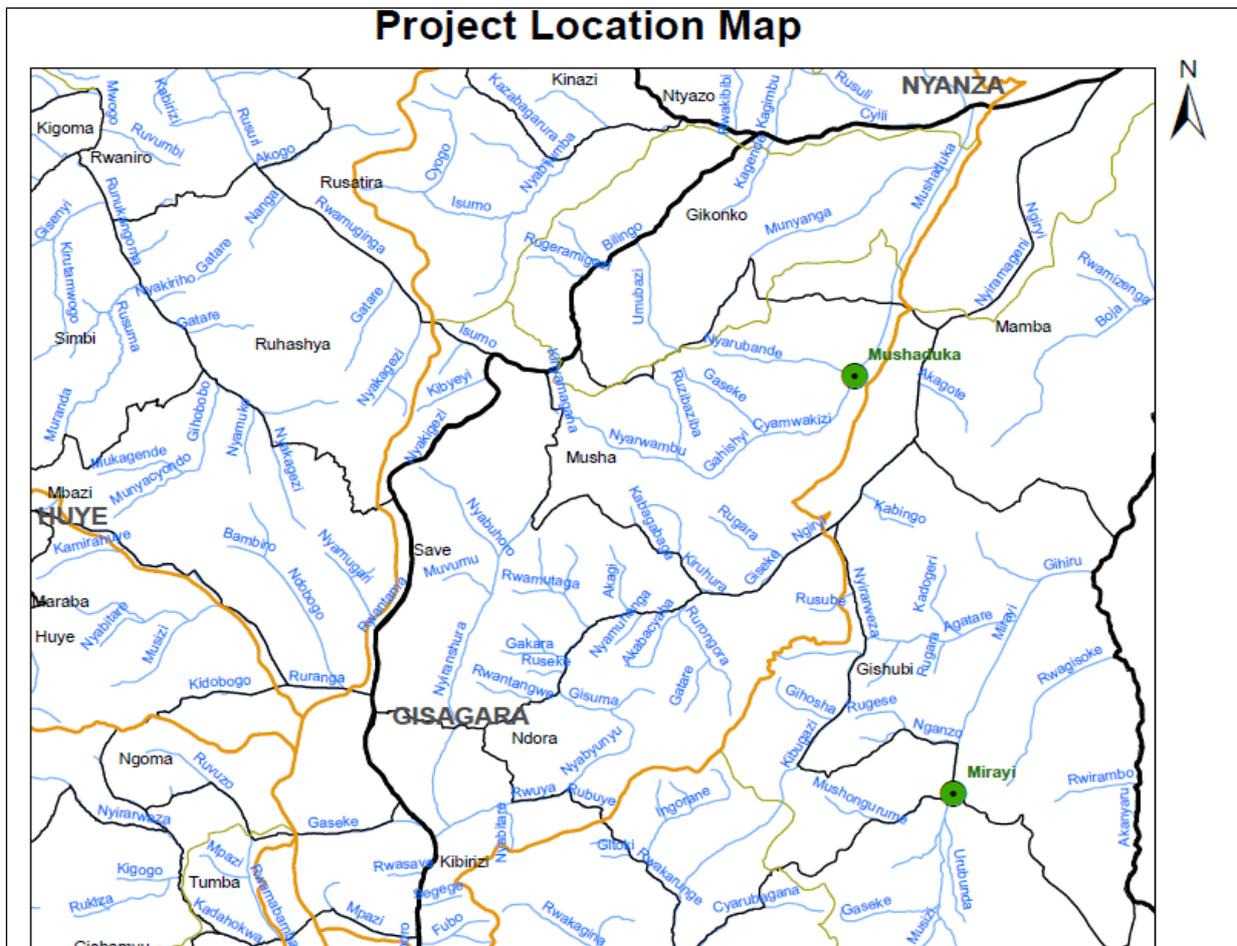


Figure 1: Localisation of Mirayi marshland

Source: Design study, 2015

1.2. Project activities and land requirement

The Mirayi proposed development has two parts:

- The upper part consists in an irrigation network with 4 intakes and a net irrigable area of 115.8 ha divided into 4 sectors. This zone encompasses the existing irrigation network coupled to a new irrigation network in the upstream the first intake with a net irrigable area of and approximately 27.9 ha

- The lower part covering about 400 ha is limited to a drainage network that covers an area of approximately 400 ha. The drainage network has a total length of 85 km. Planned works consist at rehabilitation of existing canals and weirs but also construction of canals and drainage infrastructure in downstream part which is regularly flooded.

Irrigation networks are designed to be user-friendly, water use effective, easy to reconstruct or adapt to other marshlands, easy to maintain and as cheap as possible taking into account these basic criteria.

Major characteristics of irrigation networks that meet these requirements are given below.

- Earthen canals supplying the entire area to be irrigated to ensure their effectiveness and located at the foothill in order to limit the cost of backfill earthworks.
- Modular canals easy to replicate in other situations, adapted to the expected flow rate and operating on an “on-off” basis in order to increase their effectiveness.
- Ring main canals on the right and left sides of the marshland covering the entire developed area.
- Feeder canals placed at regular intervals according to the topography and specificities of the marshland, so as to improve irrigation water distribution throughout the marshland. The length of these canals is limited to facilitate irrigation water rotational turns.
- A primary and secondary drainage network enabling the discharge of excess irrigation and runoff water, but yet constructed in a way that avoids excessive soil drainage.
- A set of typical standardized control and distribution structures, user-friendly and replicable, using local know-how and materials so as to make easier future construction and maintenance using locally available resources.

1.2. Objective and 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.

Due to the nature of expected impacts whereby only economic resettlement is expected, the project has prepared an abbreviated that included:

- Project description;
- 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,
- Analysis of potential project impacts through identification of the PAPs, estimating their number and evaluating the impacts of the project on them;
- Proposed mitigation and compensation measures;
- Grievances address mechanisms that evaluate availability of affordable and accessible procedures for third party settlement of disputes arising from resettlement.
- A-RAP Implementation and monitoring schedule covering all resettlement activities from preparation through implementation.
- Cost and budget shows itemized best cost for all activities;

1.3. Methodology

The preparation of this resettlement action plan results from the combination of desk study, field surveys for reconnaissance and assessment of the socio-economic profiles of PAPs, consultations with all stakeholders as well as census and valuation of PAPs properties. The desk study involved review of project study documents, analysis of the proposed project maps, review of secondary data on baseline information and review of policies and regulations and institutional framework. The field visits were done to reconnoiter the site and establish the location of the proposed irrigation and drainage canals and other related infrastructures.

Public consultation meetings with all stakeholders (PAPs, local authorities, opinion leaders, etc) was arranged to explain the proposed project and collect first-hand accounts of benefits and grievances from interested/and affected parties by Mirayi development project using semi structured interviews. The census survey and valuation were also carried out to identify PAPs and determine their socio-economic status, collect information on vulnerable groups or persons and proceed with measurement of land and crops which are likely to be affected as well as costing of those properties.

CHAPTER 2: LEGAL AND INSTITUTIONAL FRAMEWORK

2.1. National Relevant Policies And Strategies

This section describes the relevant policies and strategies, legal instruments, institutional arrangement and framework applicable to Mirayi marshland development in relation to resettlement and compensation. 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.

2.1.1. National Land Policy

National land policy was adopted in February 2004. This policy provides register and transfer of land and possibility of investments in land. It also highlights key principle of land use and land management. The policy advocates the protection of green areas, marshy land, valley and protected areas in Rwanda. These protected areas are classified as such because of their multiple roles, namely ecological, economical, cultural, and social. The main objective of their preservation was the conservation of different species and different habitats of biodiversity for educational, tourist and research purposes. These areas have been affected by various changes, one of which is the spatial reduction due to the resettlement of the population.

2.1.2. National Development Strategy

The Vision 2020 document has developed National Development Strategy in year 2000 and protection of environment and sustainable natural resource management is one of the crosscutting areas of the vision.

The other important planning tools are: the Economic Development and Second Poverty Reduction Strategy (EDPRS II), the National Investment Strategy, Millennium Development Goals (MDGs) and the Medium Term Expenditure Framework.

The vision document advocates to the development of economic infrastructure of the country and transport infrastructure in particular. These strategies and action plans reflect national priorities for Economic Development and Poverty Reduction Strategy (EDPRS II) as a medium-term framework for achieving the country's long term development aspirations as embodied in Rwanda Vision 2020 and the Millennium Development Goals (MDG) priorities.

2.1.3. Land Tenure System and Provisions in Rwanda

The Land Use Master Plan (Organic Land law No 08/2005 of 14/07/2005, article 6) states that all types of land tenure must be in compliance with the designated land use. The Organic Land Law provides two types of formal land tenure: full ownership/ freehold and long term leasehold. As a result of the recent privatization of State owned lands, many land users don't hold either type of land tenure. As a result of this, the Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Article 7 of the law formalizes land ownership, especially those acquired through customary means. In such cases, populations with customary/indigenous land rights are being encouraged to register their land through decentralized the District Land Bureau, Sector Land Committees and Cell Land Committees.

2.2. LEGAL INSTRUMENTS

The policies are prepared by the Ministry of Natural Resources (MINIRENA). Rwanda Natural Resources Authority (RNRA) is an authority that leads the management of promotion of natural resources which is composed of land, water, forests, mines and geology. It shall be entrusted with supervision, monitoring and to ensure the implementation of issues relating to the promotion and protection of natural resources.

The District Land Bureau, Sector Land Committees and Cell Land Committees is responsible to initiate the expropriation and District Council implements the expropriation after considering the decision of the **Land Commission** (Expropriation law, 2007 and 2015).

2.2.1. Important Resettlement Legislations

The land which is not protected in protected areas (Wetland and National Parks) is recognized as private land both customary and legally. The Expropriation law No 18/2007 of 19/4/2007 on expropriation outlines rights and compensation procedures for land expropriated for public interest. The valuation Law (2007) stipulates valuation methods to be applied to the expropriated assets. The following laws are important for rehabilitation and resettlement, land acquisition and compensation:

- The Rwandan Constitution, promulgated in 2003;
- Organic Land Law no N° 43/2013 of 16/06/2013 governing land in Rwanda gazette in the *Official Gazette no Special of 16/06/2013* was promulgated to determine the procedure for use and management of land in Rwanda Property Valuation Law no 17/2010; establishing and organizing the Real Property Valuation in Rwanda;
- Organic Law No 32/2015 of 11/6/2015 relating to expropriation in the public interest;
- Presidential Order No 54/01 of 12/10/2006 determining the structures, the responsibility, the functioning and the composition of Land Commission;
- Ministry order No 001/2006 of 26/09/2006 determining the structures of Land Registration, the responsibilities and the functioning of the District Land Bureau (DLB); and
- Ministerial Order No 002/16.01 of 2010 on Determining the Reference Land Price Outside Kigali City.

The above legal orders are briefly describe as follows:

- **The Rwanda Constitution:** The constitution is the supreme law of the land. Under Article 29 of the Rwanda constitution every citizen has a right to private property, whether personal or owned in association with others. Further it states private property, whether individually or collectively owned, is inviolable.

However this right can be interfered with in case of public interest, in circumstances and procedures determined by law and subject to fair and prior compensation. Article 30 stipulates that private ownership of land and other rights related to land are granted by the State. The constitution provides that a law should be in place to specify modalities of acquisition, transfer and use of land (expropriation law). The constitution also provides for a healthy and satisfying environment. In the same breath every person has the duty to protect, safeguard and promote the environment. The State shall protect the environment

- **Law N° 43/2013 of 16/06/2013 governing land in Rwanda gazetted in the Official Gazette no Special of 16/06/2013 determining the use and management of land in Rwanda:** This is the law that determines the use and management of land in Rwanda. It also institutes the principles that are to be respected on land legal rights accepted on any land in the country as well as all other appendages whether natural or artificial. According to the Law, Land in Rwanda is categorized into two: Individual land and Public land. The later is subdivided into two categories: the state land in public domain and the state land in private domain. State land in public domain includes national land reserves for environment conservation; land over which administration building are erected, state roads, land containing lakes, rivers, stream and springs. State land in private domain include swamps that may be productive in terms of agriculture, vacant land with no owner, land purchased by the State, donation, land acquired through expropriation and land occupied by state owned forests. Land in Rwanda is predominantly individual land. The law gives the owner of land full rights to exploit his or her land in accordance with the existing laws and regulations. The law also provides for expropriation which stipulates that land expropriation can be undertaken if it's for public interest. The law states that swamp land belongs to the state and no person can use the reason that he or she has spent a long time with it to justify the definitive takeover of the land.
- **Law No. 32/2015 of 11/06/2015 relating to Expropriation in the Public interest, O.G. No. 35 of 31/08/2015:** This law determines the procedures relating to expropriation of land in the interest of the public. Article 3 of the law stipulates that the government has the authority to carry out expropriation.

However the project, at any level, which intends to carry out acts of expropriation in public interest, shall provide funds for inventory of assets of the person to be expropriated. According to the organic law, no person shall hinder the implementation of the program of expropriation on pretext of self-centered justifications and no land owner shall oppose any underground or surface activity carried out on his or her land with an aim of public interest. In case it causes any loss to him or her, he or she shall receive just compensation for it. Chapter IV deals with valuation of land earmarked for expropriation. The law identifies properties to be valued for just compensation to be land and activities that were carried out on the land including different crops, forests, buildings or any other activity aimed at efficient use of land or its productivity. Here the law is silent on access to economic activities on the land

- **Law No.17/2010 of 2010 establishing and organizing the Real Property Valuation Profession in Rwanda:** This law provides for the registration of land in Rwanda and conditions for registration. The law also allows the Government to conduct valuation when mandated by their government institutions. Articles 27, 29, 30 and 31 of the law deal with valuation methods. These articles stipulate that price for the real property shall be close or equal to the market value. The valuation could also compare land values country wide. Where sufficient comparable prices are not available to determine the value of improved land, the replacement cost approach shall be used to determine the value of improvements to land by taking real property as a reference. The law also allows the use of international methods not covered in the law after approval from the Institute of Valuers council.
- **Presidential Order No. 54/01 of 2006:** This presidential order determines the structure, the responsibilities, the functioning and the composition of Land Commissions. Article 9 of the order gives the office of the land commission independence in the discharge of its daily technical duties. Therefore, it receives no instructions from any other organ.
- **Ministerial Order No. 001/2006 of 2006:** Determining the Structure of Lands Registers, the Responsibilities and Functioning of the District Land Bureau: This ministerial order determines the structure of Land Registers, the responsibilities and

the functioning of the District Land Bureau. The responsibilities of the land bureau include among others to implement land registration and manage land and update, safely keep records of land registers and monitor and approve activities pertaining to valuation of land, other immovable property and demarcate and approve land cadastral. This Order does not apply to land specified in articles 12, 14, 15 and 72 of the Organic Land. Law No.8/2005 of 14/07/2005 determining the use and management of Land in Rwanda.

- **Ministerial Order No 002/16.01 of 2010 on Determining the Reference Land Price Outside Kigali City:** Purpose of this order is to provide reference land prices to be used in areas outside Kigali City. This order was aimed at protecting land owners from exploitation and to prevent land speculation when the market is not developed. However with the propagation of land valuation law, the order seems to have been overtaken by events and practicability. This is due to the fact that valuation law provides for independent market rates to apply in land valuation.
- **Ministerial Order No. 002/2008 of 2008 Determining Modalities of Land Registration:** Annex 3 of the ministerial order provides for dispute resolutions procedures and provisions related to the cell adjudication committee (“CAC”). Articles 17, 20, 22, and 23 provide the process for resolving disputes. Article 17 also grants parties, the right to take that dispute to the mediation committee. Article 20 provides procedures for the CAC when hearing disputes, including that the hearing is open to the public and announced eight days in advance, among other requirements. Articles 22 and 23 govern the lodging and processing of objections and corrections during a 60-day period. The CAC is comprised of all five members of the cell land committee and five members of the particular village (*umudugudu*) where demarcation and adjudication is taking place. The cell executive secretary acts as the CAC secretary without voting rights. This order can be used to resolve resettlement conflict at the sub project area.

2.3. Institutional arrangement

The main Ministry, Authorities, Institutions and Boards responsible for development of policy, framing regulation, developing projects, monitoring and approval of issues related to Resettlement and Compensation are:

- Ministry of Natural Resources (MINIRENA);
- Ministry of Agriculture (MINAGRI);
- Rwanda Natural Resources Authority (RNRA);
- Provincial and District Administration.

The **Ministry of Natural Resources (MINIRENA)** is responsible for developing the policies and norms for efficient land, water resources and environmental management. **The Ministry of Agriculture (MINAGRI)** is the executing agency for the project. The participating districts will be the implementation entities for project. The districts will be supported by The Rural Sector Support project through social safeguards team

Rwanda Natural Resources Authority (RNRA) is an authority that leads the management of promotion of natural resources which is composed of land, water, forests, mines and geology. The RNRA is established by the law N°53/2010 of 25/01/2011, which merges the four institutions (National Land Center, National Forestry Authority and national Geology and mines authority) together with the Ministry of natural resources' department of integrated water resources management. The RNRA is responsible for:

- implementing national policies, laws, strategies, regulations and government resolutions in matters relating to the promotion and protection of natural resources;
- advising the Government on appropriate mechanisms for conservation of natural resources and investments opportunities;
- registering land, issuing and keeping land authentic deeds and any other information relating to land of Rwanda;
- making follow up and supervising activities relating to proper management, promotion and valuation of natural resources including land;
- promoting activities relating to investment and added value in the activities of use and exploitation of natural resources in Rwanda;

- instituting regulations, guidelines and appropriate mechanisms for management, use and conservation of natural resources and ensuring their implementation;

District

Gisagara will be the participating district in the implementation of the present RAP and is tasked to perform the following functions:

- Approve expropriation in the public interest
- Provide information or advice to developers and RAP Experts when consulted during RAP process,
- Assist developers and RAP Experts in organizing public hearings,
- Host public hearings,
- Host individual consultations,
- Participate in the documentation of assets and gather written comments from public and transmit them to developers and RAP Experts.
- Implement compensation of PAPs and monitor the RAP

2.4. World Bank Policy (OP 4.12)

The objectives of this resettlement plan reflect the principals contained in the World Bank policy document: *OP 4.12 Involuntary Resettlement*. OP 4.12 is triggered in situations involving involuntary taking of land and/or other assets. The policy aims to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. Specifically, OP 4.12 states that project planning must avoid and minimize involuntary resettlement, and that if people lose their homes or livelihoods as a result of such involuntary resettlement, they should have their standard of living improved, or at least restored. It promotes participation of displaced people in resettlement planning and implementation.

The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. However, where impacts on the entire displaced population are minor or fewer than 200 people are displaced, an abbreviated resettlement plans. Impacts are considered "minor" if the affected people are not physically displaced and less than 10 percent of their productive assets are lost. For Mirayi marshland, the Abbreviated Resettlement Action Plan is appropriate as only economic resettlement is expected.

A comparison of the World Bank Policy OP 4.12 and the laws, regulations and guidelines for land acquisition and resettlement of the Government of Rwanda (GOR) is available in **Table 1**. The comparison also includes guidance on which law/rule will prevail during conflict. It should be noted that, where there is a difference between Rwandan law and OP 4.12, the latter shall prevail

Table 1: Comparative Analysis between World Bank OP 4.12 and Rwanda Legislations

Principles	Rwanda Legislations	World Bank's involuntary Resettlement (OP 4.12)	Measures 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 applicable adopt replacement cost method of valuation
Compensation	Article 22 of the expropriation law No 18/2007 entitles the landholder to compensation for the value of the land and activities on the basis of size, nature location considering the 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 peoples 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 be actively be consulted and should have opportunity to participate in planning and design of resettlement programs	Adopt OP 4.12 methods of participation

Principles	Rwanda Legislations	World Bank's involuntary Resettlement (OP 4.12)	Measures to fill the gaps
Timeframe	Rwanda expropriation law stipulates a timeframe upon when the property to be expropriated must be handed over which is 90 days after compensation has been paid.	OP4.12 requires that displacement must not occur before necessary measures for resettlement are in place These include compensation and other measures required for relocation and preparation and provision of facilities of resettlement sites, where required. In particular, taking of land and related assets may only take place after compensation has been paid and where applicable resettlement sites and moving allowances have been provided. Furthermore, measures pertaining to provision of economic rehabilitation however can and often do occur post displacement. WB OP 4.12 provides for a timeframe (cut-off date); people who encroach on the area after the cut-off date are not entitled to compensation or resettlement assistance.	A cut- off date should be applied. Adopt OP 4.12 approach which 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 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 18 of the law requires the person who owns land intended for expropriation to provide evidence of ownership or rights on that land and presents a certificate to that effect	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	Adopt the OP 4.12 approach; it 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).

Principles	Rwanda Legislations	World Bank's involuntary Resettlement (OP 4.12)	Measures to fill the gaps
		occupying	
	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 development of Mirayi marshlands, 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. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living, or at least restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	Use World Bank OP 4.12

2.5. ELIGIBILITY CRITERIA

Eligibility for compensation is enshrined under the Article 29 of the Rwandan Constitution, the Expropriation Law of Rwanda (Law N° 32/2015 of 11/06/2015) and involuntary resettlement policy (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.

The expropriation as provided for in the Rwandan law shall be carried out only in the public interest and no land owner shall oppose any activity carried out on his or her land. In case it causes any loss to him or her, he or she shall receive just compensation for it (Art.35 of the law No. 32/2015 of 11/06/2015). This entitlement is based on the figures arrived at by the independent valuer. Through mutual arrangement, both parties can determine the mode of payment. Land acquisition and compensation will be undertaken according to national legislation with particular reference to the Law on Expropriation in the public interest, provided however that in case of inconsistency between national legislation and the standards set in World Bank OP. 412, the latter will prevail.

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”.

The eligibility criteria are based on the three criteria given in Clause 15 of the World Bank’s Operational Policy 4.12:

- Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- 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;

Those who have no recognizable legal rights or claim to the land they are occupying.

For Mirayi marshland, the land belongs to the government and people around the marshland have been using the marshland legally. For this reason they are eligible for compensation of their assets in the marshland and they will continue to use the marshlands after development

2.6. Cut-off Date

The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas. For Mirayi marshland, the cut-off date is the date on which the identification of marshland users begins, August 15th, 2015.

CHAPTER 3: PROJECT AFFECTED PERSONS AND SOCIO-ECONOMIC PROFILE

Socio-economic data are crucial in the resettlement process because they allow us to understand the current livelihoods situation of project affected people and beneficiaries so as to predict the project impacts both negative and positive. The socio-economic assessment has included demographic data (occupation density or number of people by household). It also describes economic activities, the existence of the sufficient level of food self-sufficiency, the existing cooperative system and the generative activities of income.

3.1. SOCIO-ECONOMIC DATA OF GISAGARA DISTRICT

- **Demographic data**

The population of Gisagara district is 307,000 and about 53% are aged 19 years or younger. People aged 65 years and above make up 2% of the population. About 52% of the population is constituted by female individuals and the majority of the population is young, with about 81% still under 40 years of age. The increase during last 10 years was 2.1% per year which accounts 80% of national average being 2.6%. The population density is 475 person / km². The average size of the household in Gisagara district (4.6) is slightly below the national average household size. Gisagara ranks among the nine districts with lower average sizes of household.

About 40% of the population in Gisagara district is identified as non-poor, 27% as poor (excluding extreme-poor) and 32% as extreme-poor. Compared with other districts of Southern Province, Gisagara district comes fifth for proportion of non-poor. Gisagara district comes 25th among the thirty districts of the country. The land cultivated per household in Gisagara district is 0.56 ha, slightly below the national average, whereas the median size of 0.33 ha. is equal to the national average. Gisagara district has also 47% of cultivating households that cultivate less than 0.3 ha of land.

- **Poverty in Gisagara**

The poverty line defines a level of household consumption per adult below which a household is deemed to be poor. The poverty line used here is set with reference to a minimum food consumption basket, judged to offer the required number of calories

required for a Rwandan who was likely to be involved in physically demanding work, along with an allowance for non-food consumption. An extreme poverty line was also set as the cost of buying the food consumption basket if nothing was spent on non-food at all; this line corresponds to RWF 83,000 while the poverty line corresponds to RWF 118,000. Gisagara district is one of the districts with a high percentage of extreme-poor (32%) and poor² (27%) population categories (compared to 21% and 24% respectively at the national level).

- **Housing in Gisagara**

Gisagara district is ranked among the 11 districts where cement is less used as a flooring material; it is 9% away from the national level average of 17%. Like most of the rural districts, Gisagara is mainly characterised by beaten earth flooring, with this material accounting for 85% of flooring in the district. The main wall material of dwellings were classified as follows: mud bricks, mud bricks covered with cement, tree trunks with mud, tree trunks with mud and cement, oven-fired bricks, and other unspecified material.

In Gisagara district, mud-covered tree trunks are used as the wall material in 70% of households, with mud bricks and mud bricks covered with cement found in 10% of households respectively. At the national level, 35.2% of households have mud-covered tree trunks as their wall material, while in urban areas it represents only 17.1% as against 38.3% in rural areas. It is clear that Gisagara district is far below the rural area average (and of course that of urban areas) in terms of improving wall construction material. During the evaluation of project impact it will be interesting to evaluate the project impact on farmers housing.

- **Economic activity in Gisagara district**

This section refers to the population aged 16 and above, as 16 is the legal working age in Rwanda. Employment questions were asked of all individuals aged six years and above but only data for those aged 16 years and above appear in this section. It should be noted that the survey collected data about all the jobs people did over a 12-month period, as well as about those they did in the last seven days. We refer to the former as usual economic activity and to the latter as current economic activity.

The formal International Labour Organization (ILO) definition of unemployment is those people who work less than one hour per week but are actively seeking work and able to start immediately. In many low-income countries that do not have social safety nets, formal unemployment is quite low because it is rare to be able to afford to do no work at all. We present here statistics for formal unemployment and an estimate for the small number of discouraged workers. We also look at broader measures such as underemployment, which consist of those working part time but who would like to work more hours a week.

The overall employment rate is 87% of the resident population aged 16 years and above in Gisagara district, with the unemployment rate being 0.2% and the economic inactivity rate 12.9%. As shown in Figure 5.1 below, Gisagara district is ranked 17th out of the 30 districts in terms of its employment rate. For comparison, the national average employment rate is 84%, the unemployment rate is 0.9% and the economic inactivity rate is 15%.

3.2. SOCIO-ECONOMIC CONDITIONS OF MIRAYI FARMERS/PAPs

In order to capture the socio economic conditions of the population affected works planned in Mirayi marshland, the project carried out a field survey by using a questionnaire that was addressed to current marshlands users who are considered as project affected person.

- **Household Size of the household**

Table 4 summarizes the household size of the households' respondents. The Analysis has indicated that 26.7% of the PAP households size is Large, means that the size of the household is above 7 per household. While 60% are medium, within the range of 5-7 in the household and 13.3% has small size, means between 2-4 persons per household.

Table 2: Size of the Households

S.No	Household size	Number	Percentage (%)
1	Small (2-4)	169	13.3
2	Medium (5-7)	761	60

3	Large (Above 7)	338	26.7
	Total	30	100

Source: Field survey, September, 2015

- **Marital Status of PAP**

The marital status of the PAP is an important parameter to know the views of different categories of people about the project. **Table 5** shows the marital status of the Mirayi farmers. About 86.7% of PAPs are married; 3.3% single, 3.3% divorced, and 6.7% widow and balance are not applicable.

Table 3: Marital Status of PAPs in Mirayi

S.No	Marital status	Number of respondents	Percentage (%)
1	Married	1099	86.7
2	Single	42	3.3
3	Widow	85	6.7
4	Divorced	42	3.3
	Total	1268	100

- **Employment Status of PAPs**

About 97% are employed in either in their own or at someone else agricultural farm. This can be explained by the fact that in the district, the agricultural activities (Rice, Banana, Cassava)) are dominant. The percentage of 2.8% of PAPs represent people doing informal business which they combine with agricultural activities. **Table 6** describe the employment status of members in the household surveyed. Despite the eloquent figure of people who are employed among the PAPs, it is observed that the practiced agriculture is a one of subsistence, it needs a serious improvement, there is a paucity of commercial activities among the PAPs.

Table 4: Employment Status of PAPs

S.No	Employment	Frequency (No)	Percentage (%)
1	Employed (agricultural)	1230	97
3	Civil servant	3	0.2
4	Informal business	36	2.8
		1268	100

Source: Field Survey, September 2015

3.3. Vulnerability of PAPs

The vulnerability and social group for individuals in the community is for a paramount importance because it gives the idea of level of vulnerability and the livelihoods restoration plan should pay attention to vulnerable groups. The **Table 7** gives some details on vulnerability among the PAPs. Are considered as vulnerable persons those living with disability, orphans, aged people and widows.

Table 5: Vulnerability in the PAP Surveyed

S.NO	Social group	Frequency (No)	Percentage (%)
1	Living with Disability	42	3.3
2	Orphans	27	2.1
3	Aged people	41	3.2
4	People in Normal Conditions	1158	91.4
	Total	1268	100

Source: Field Survey, September 2015

The majority of the project affected population (91.4%) are in normal conditions and vulnerable Persons (orphans disabled and aged people represent 8, 6%). Other PAPs to be considered vulnerable, but not mentioned separately in the table below include widows and women headed household

3.4. Economic activities in Mirayi marshlands

Mirayi marshland has been used for rice production for more than 30 years (late 1980s) but its largest portion estimated at 400 ha located in the downstream part is currently not cultivated because of regular flooding and subsequent proliferation of papyrus. That particular situation is considered by farmers and District authorities as a key constraint that hampers food security and reduces income for local communities. Rice producers in Mirayi marshland are organized into Cooproriz-Mirayi, a cooperative that also regroups farmers growing rice in Akanyaru marshland where conditions are not yet fully met for rice cultivation: i) It was reported that farmers in Akabagari, Igishenyi and Umuhama Self Help Groups (SHG) were only able to produce rice in season A as their land is flooded during season B; ii) Focus Group Discussions have also highlighted that there was no irrigation infrastructures (“seuils”) in the following areas: i) Akarugi, Muyinza, Musave, Rujugira and Mutobo. In these areas, farmers are using their own techniques to hardly get access to irrigation water.

3.5. Land ownership

Focus Group Discussions and census done in the marshlands confirmed that farmers operating in Mirayi were fully aware that the land belonged to the State and they only had the right to use it for agriculture, mainly to produce rice. For each marshland, the cooperative has a registry where are recorded names of each member as well as the surface area of the land exploited. These registries are updated annually as cooperative membership is dynamic with new farmers becoming members and/or some others leaving the cooperative. A farmer can lose his/her membership and land rights in the marshlands if he/she doesn't not respect internal regulations such as the strict respect of crops calendar (period of nursery, transplanting, fertilizers application, weeding, disease control etc). Another way of acquiring/losing land rights in the two marshlands is through sale/purchasing land because the land market is very dynamic.

The minimum land size is 5 ares in Mirayi marshland. There is a high variability on farm sizes in the marshland as one farmer can be member of several self help groups and de facto possess several plots of land totaling more than 2 ha in some cases.

On hillside, the average farm size (cultivated land) is 0.56 ha per household (EICV 3). However, there is a high proportion (47.2%) of farmers whose cultivated land is less than 0.3 ha. On the other hand, 11.7% of households have between 0.9 and 3 ha of land, while 39.2% have between 0.3 and 0.9 ha.

Rice is the major economic activity in the marshland. However, Focus Group Discussions have revealed that water was the key constraint for rice development: i) There are segments of the marshland with high shortage of water during season A and where farmers are only able to produce rice during the rainy season (B); ii) On the other hand, 400 ha of Mirayi that are flooded and covered by aquatic vegetation.

3.6. Farmers' organizations

Farmers organization play a key role in Mirayi marshland for input supply, extension, access to finance, access to markets and advocacy as well. Mirayi farmers are group in one cooperative named COOPRORIZ mirayi with 1268 members and the cooperative is member of UCORIBU which is a union of rice cooperative in Butare. The rice producers' cooperatives and UCORIBU have well functioning organs and have recruited employees who provide services to their members and contribute to improve the management of these organizations.

CHAPTER 4: SOCIAL IMPACT ASSESSMENT AND COMPENSATION MEASURES

The proposed construction of irrigation system at Mirayi is planned on the government land that is being used by private people for rice growing. Marshlands hillsides are owned by private people and the land is used for subsistence agriculture. The planned work will not require the land owned by private people but may have economic impact on farmers as they will not use efficiently the land during land rehabilitation. Photographs below illustrate the current land use in project area.



Figure 2: Flooded part of Mirayi Marshlands



Figure 3: Rice growing in Mirayimarshland

4.1. Loss of land

The census revealed that all the land to be affected by the project belongs to the government but have been used by local people for a long time. Though the population does not have legal right on the land ownership they should be the first beneficiary when it comes to the use of the land since their livelihood depend a lot on this land. Therefore, the project will make sure that the current marshlands users are given plots before other farmers and will receive at least the land equal to the one they were using.

4.2. Loss of perennial crops and tree.

The marshland is mainly used for rice farming and farmers have been informed on the schedule of marshland land development. The development works mainly consist of the rehabilitation of existing irrigation and drainage canals under poor conditions and will start after rice harvest. This implies that there is not loss of crop and tree due to planned activity in the project site and compensation is not required. However, if there is any damage that are accidentally cause by construction works then the affected person will receive fair and just compensation.

4.3. Temporarily loss of income

The Mirayi marshland is used by farmers for growing rice and during rehabilitation works, some farmers are likely to experience water shortage and the production will be reduced. This situation may lead to food insecurity if no measures are taken. Therefore, the project should ensure that PAPs are give jobs during rehabilitation works as a way of recovering loss caused by works.

4.4. Conflict over the land ownership

Public consultation done with farmers in the marshlands revealed that there is no legal document showing the land ownership. This situation may lead to social conflict during land distribution after rehabilitation. It's recommended to keep record of current users and the size of their plot as to have the baseline on users of the marshlands.

4.5. Identification of affected Person and compensation measures

4.5.1. Identification of affected persons

Topographic works were done by the engineering team to 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. Since there is no asset, trees or crops in the marshland that will be affected, the census consisted of identifying current marshland users and their economic situation.

The main findings of the census showed that 1268 farmers are using the Mirayi marshland and will be economically affected during rehabilitation works. These farmers are working under cooperative named COOPRORIZ Mirayi. It was observed that no houses or other structures will be affected.

4.5.2. Compensation measures

As per the Valuation Law, all peoples affected by project 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. The following methods of calculation are adopted for assets valuation.

- **Compensation for Land**

In Mirayi, the land is owned by Government and basically there will not be land compensation. However, the current users of the marshland should continue using it after development works. The Project in consultation with Gisagara district have to agree on a proper plan for land distribution after the rehabilitation whereby current users will be the first priority in land distribution. Where possible each farmer will receive the rice plot equivalent to the one he had before marshland development.

- **Compensation for income loss**

As mentioned earlier, during construction works and leveling activities, some PAPs are likely to miss at least one season and this may lead to food insecurity. The project is scheduled in a way that minimizes these impacts but other mitigation measures are provided. Affected persons will be prioritized in gaining employment in the works linked to Marshlands development. This will increase their income through and mitigate income loss during construction works MINAGRI, Districts and the contractor will ensure that this is included in the contractors' specifications wherever possible.

- **Assistance to vulnerable people**

In addition to compensation allowances, vulnerable people will be assisted by providing them assistance to facilitate reestablishment of livelihood activities (provision of seedlings, agricultural inputs, and financial credits for equipments, health insurance etc). Severely affected PAPs and those from vulnerable groups will be given the option to select any training they wish, which would help them to maintain and/or improve their income generation potential. The skills training program will be designed during project implementation

CHAPTER 5: PUBLIC CONSULTATIONS AND PARTICIPATION

5.1. INTRODUCTION

The main objective of the public consultations with stakeholders is gathering information on their concerns, perceptions and fears of the livelihood changes to be brought about as a result/consequence of Mirayi marshland rehabilitation and development project. Consultation meetings with PAPs began in June 2015 to discuss issues related to resettlement and compensation.

RSSP held these meetings with the local communities at Mirayi site in order to inform them about the planned project activities and their roles and responsibilities. The local communities were fully involved in all the processes of the development of this RAP and are well informed about the component of the projects. Other meetings were organizing before the census and after the census to inform the PAPs on the valuation process and their rights and obligations in the RAP preparation and implantation.

5.2. DATA COLLECTION TECHNIQUES

5.2.1. Individual Interviews

Individual interviews were organized to gather information from stakeholders. Individual interviews were conducted in order to know:

- The perceptions of the stakeholders regarding the construction and rehabilitation of irrigation infrastructures of Mirayi marshland.
- What they think and observe as Benefits/Positive impacts of the proposed project
- What they think and observe as Constraints/ Negative impacts of the proposed project
- Suggestions to ensure on rice production after project implementation

5.2.2. Focus Group Discussions

To undertake focus group discussions, a worksheet questionnaire was used as a guide to collect needed and study related information concerning the status in which project is known, stakeholders perception and awareness, positive as well as negative effects of the proposed project on general development including social development through

improved and increased income based agricultural production, increased job opportunities, and on environmental protection and suggestions of additional issues to be considered when implementing this project for ensuring the project sustainability and more profitability and some methods to be applied to minimize and avoid negative effects and enhancing clear and long term considerable positive benefits of this project.

5.2.3. Consultation with project affected persons

A meeting has been arranged with project affected person in mirayi in order to have a general and same understanding on the benefits and negative effects of the proposed project. This meeting raised the flow discussions on the following:

- The need of the project,
- Identification of different problems related to the implementation of project,
- Related socio-cultural and economic parameters to be considered in enhancing and mitigating associated positive and negative impacts respectively.
- Suggestions and propositions on what can be done to address raised problems due to land acquisition during construction and rehabilitation of Mirayi irrigation infrastructures.

The meeting highlighted different challenges and benefits associated to the development of this project through the above agenda, especially site based issues that include the following:

- Perception and awareness on expected project
- Increased agricultural production
- Increased income generated from this production and employment
- Reduced excessive soil erosion due to hillsides protection
- Provision of beautification of the area due to rice plots,



Figure 4: Public consultation in Mirayi site

Source: Field survey, 2015

- Provision of other related income generated business

Table 6: Key Findings (1)

ISSUE		COMMENTS
Perceptions and awareness of proposed project.	and of	Stakeholders and people live in the vicinity of project area are aware about the implementation of the project and they really welcomed the project. In 2013, SHER Ingénieurs-Conseilss.a explained all detailed on project and now they still waiting implementation but they hope to come soon.
Expected risks and negative effects of the Project to the local community.		-When there is no people mobilization, sensitization, capacity building, appropriate and professional construction and maintenance of project infrastructures, the project will become harm to different beneficiaries. - Risk of HIV/AIDS pandemic spreading form migration/incursion of people due employment opportunities and social interactions. - In case land acquisition occur, people might lose their land
Anticipated benefits likely to be occurred		-Increased income for different employed personnel that will contribute to the development of the project.

<p>from the project for stakeholders.</p>	<ul style="list-style-type: none"> -Augmented agriculture production which will enhance and promote food security. -Agriculture will be practicable whole year (all seasons) -Increasing of agricultural land by rehabilitation of flooded land toward Akanyaru river -Improved wellbeing of their families -Increased number of business oriented in the project area. -Increasing of rice production due to different training to be provided by Ministry.
<p>Job opportunities</p>	<ul style="list-style-type: none"> -Job opportunity should be first done to cooperative members and people live in project vicinity - Female should be considered during job recruitment - Local people suggest that the Ministry should pay the contractor after presenting a signed proof from local authority (e.g. Cell representative and Cooperative representative) confirming the payment of all workers. This will avoid issue of some of contractors refuse or delay to pay their workers.
<p>Land acquisition</p>	<p>Construction and rehabilitation of irrigation infrastructure may cause land acquisition. They are aware that this project will bring interest on the region and they suggest the following issues:</p> <ul style="list-style-type: none"> - They need to be compensated before implementation of this project (Before destroy their assets) - Valuator should really list all assets to be affected by the project - Compensation fees should be related to the actual market rate - We need to be expropriated for our perennial crops and trees. <p>Note that people are aware that marshland belongs to the state but if infrastructures to be developed will affect their own assets (out of marshland) they will be compensated.</p>

Health	<p>People live in project vicinity addressed the following issues:</p> <ul style="list-style-type: none">- Malaria and other diseases should spread due to the increase of water. They suggest that authority (MINAGRI in collaboration with MINISANTE) should provide mosquito net, medicine and special vaccination schedule for their kids. Vulnerable peoples live in vicinity of the project should have free medical insurance (Mituelle de Sante MS).
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CHAPTER 6: ABBREVIATED RESETTLEMENT ACTION PLAN IMPLEMENTATION AND MONITORING

The A-RAP implementation process includes the identification of affected families and land asset inventory of the Project Affected Parties (PAPs). The activities are i) Notification to affected parties; ii) Agreement on compensation, including agreement and further development of rehabilitation measures; and iii) Preparation of contracts, compensation payments and provision of assistance in resettlement. This chapter discusses institutional arrangement for A-RAP implementation, monitoring and grievance mechanism budget and disclosure of the A-RAP.

6.1. Institutional implementation arrangements

The implementation of the Resettlement action plan will be done different institution but the major role will be played by RSSP and Gisagara District as well as resettlement committees. The implementation arrangements of the A-RAP build on:

- The arrangements for the overall program management is of Ministry of Agriculture and Animal husbandry;
- MINAGRI will associate agencies at the National, District and Local levels for co-ordination; and;
- The main executing agency MINAGRI will work in close coordination with Natural Resources, Rwanda Environment Management Authority and District Administration at local level.

An institutional matrix has been prepared for the implementation of the Resettlement Action Plan as reported in **Table 10**

Table 7: Implementing Institutions and their Responsibility

S.No	Activities in RAP	Implementing Institution
1	Overall Management of RAP	Ministry of Agriculture and Animal Resources
2	Identification of Current marshland users	District Administration in consultation with respective sectors and cells in which marshland is situated.

3	Verification of PAPs	Gisagara District and MINAGRI/ SPIU RSSP-LWH
4	Compensation Agreements	MINAGRI/SPIU RSSP-LWH in collaboration with Gisagara District
5	Land distribution	District administration and project staff
6	Grievances	Grievances Committee
7	Dispute	Grievances Committee and Court
8	Monitoring and Evaluation	Social Safeguard offices of District and MINAGRI/ SPIU RSSP-LWH

At the local level, the Gisagara District authorities will play a critical role in supervising the marshland development project resettlement and compensation planning, implementation and monitoring. This will be mainly done through the District Land Bureau (DLB). The key actors on the ground involved in implementation will be the individual project Resettlement Committees members, which will comprise representatives from MINAGRI/ SPIU RSSP-LWH and officials from District, Sector and Cell in which the project is planned. This Committee will coordinate the implementation of A-RAP especially land distribution after rehabilitation.

6.2. COMPLAINTS PROCEDURE

The Article 33 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 10 days 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).

However for this to be successful, the project will adopt the following mechanisms.

- Registration of the complaint, grievance or dispute case by MINAGRI/SPIU RSSP-LWH in collaboration with local authorities (Sector level);
- Processing of the grievance or dispute until closure is established based on evidence that an action acceptable to the complainant was taken by MINAGRI/SPIU RSSP-LWH; and

- In the event where the complainant is not satisfied with action taken by MINAGRI/SPIU RSSP-LWH as a result of the complaint, an amicable mediation can be triggered involving a mediation committee independent from the Project (see below). The proposed grievance team is presented below.

6.3. Grievance Redress Mechanisms

6.3.1. Complaint resolution by resettlement committees and administration

After approval of A-RAP, affected Persons and households will have been informed of the process for expressing dissatisfaction and for seeking redress. The grievance procedure will be simple, and will be administered as far as possible at the Sector/Cell level by the Resettlement Committee to facilitate access by A-PAP. A representative of the Committee will act as Project Liaison Officer and be the main project contact for all PAPs it is recommended that the PLO works in collaboration with an independent agency/NGO or person to ensure objectivity in the grievance process. All grievances concerning non-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.

In practice, grievances and disputes that are most likely during the implementation of a resettlement program are the following:

- Disputes over plot limits, either between the affected person and the Project, or between two neighbors;
- Dispute over the ownership of a given asset (two individuals claim to be the owner of this asset); e.g. due Recent change of asset ownership
- Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset;
- Disputed ownership of a business (for instance where the owner and the operator are different persons), which gives rise to conflicts over the compensation sharing arrangements.

In the event that a complainant is not satisfied with action taken by project and district as a result of the complaint, a mediation committee, independent from the project can be established Project and district.

The committee will have officials from the following:

- One representative of the local Administration;
- One MINAGRI representative acting as an observer;
- Three representatives of the affected people, including at least one woman, chosen by the complainant from the GRIEVANCE Redress Committees (GRC) and/or amongst community based organizations, elders, customary authorities,
- One representative of farmers cooperative.

6.3.2. Grievances resolution By Court

It is encouraged to resolve the issues at Cell level, as they are aware of and involved in the whole process. If the grievance is not resolved in this way, local courts (ABUNZI) should be used. If not resolved then the high court or court of appeal of Rwanda remains an avenue for voicing and resolving these complaints.

6.4. MONITORING AND EVALUATION

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of the entire the proposed Marshlands development activities and Environmental and Social Management Plan (ESMP) prepared and will be done by the project safeguards team and Gisagara district.

The coordinator SPIU will have responsibility for ensuring monitoring is undertaken with the Resettlement and Compensation Committee coordinating efforts. Periodic evaluations will be made in order to determine whether: the PAPs have been paid in full and 90 days before implementation of the project activities; economic rehabilitation measures have been implemented; and the PAPs have the same or higher standard of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively and qualitatively measuring the physical and socio-

economic status of the PAPs, to determine and guide improvement in their social wellbeing. In addition, an independent audit will take place at the completion of the RAP implementation.

Table 8: Roles and Responsibilities for each institution

ORGANIZATION	ROLES AND RESPONSIBILITY
RSSP Social safeguards team	<ul style="list-style-type: none"> • Screening of sub-projects to identify resettlement and compensation requirements; • Work with District of Gisagara to create Resettlement and Compensation Committee; • Provision of capacity building and technical support relating to resettlement and compensation activities;
District authorities	<ul style="list-style-type: none"> • Review and sign off of all documentation (e.g. completed A-RAP, grievance forms, consultation plans). • Participation in documentation of assets • Compensation of A-RAP • Responsible in monitoring and implementation
PAPs	<ul style="list-style-type: none"> • Participation in documentation and measurement of assets of PAPs
Resettlement and Compensation Committees	<ul style="list-style-type: none"> • Development and implementation of A-RAP, valuation of assets, distribution of compensation payments, identification of land for replacement and effective consultation at the sector level, cell level, and at village level (Umudugudu) • Representation of PAPs • Facilitate coordination of information collation activities (such as surveys, supervising documentation) for monitoring purposes, in accordance with procedures put in place by the District authorities. • Elect a representative of the Committee to act as Project Liaison Officer who has regular contact with PAPs and can lead consultation, public participation and grievance mechanisms. • Responsible for ensuring that grievance mechanisms meet the requirements of the RPF legislation.

6.5. Monitoring plan

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 District representatives, representative at the Sector & cell level and 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
- Number of complaints:
 - Total received;
 - Total justified;
 - Total none 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 RSSP II) 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.

6.6. 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.

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
- Complaints status
- Early assessment of the impacts of resettlement ;
- Lessons learned from the RAP implementation

Suggested annex:

- List of people affected as per the RAP report
- Land distribution report

6.7. Disclosure of social safeguards instruments

The Ministry of Agriculture and Animal Resources will disclose this A-Resettlement Action plan by making copies available at its head office and in District / Sectors/ Cell project is situated. The copies shall also be made available to the local government's agencies, and other stakeholders. The Government of Rwanda will also authorize the World Bank to disclose this RAP electronically through its InfoShop.

6.8. BUDGET OF RAP

The implementation of this resettlement action plan does not require a lot of money because there is no monetary compensation expected. The budget required is for the census of current marshlands users and they land as well as monitoring fees. In total, six million and four thousand, 6,004,000 frw, are required for the implementation of the RAP.

The table below provide the summary of budget to be used in RAP preparation, implementation and monitoring.

Table 9: Estimated cost for resettlement

Item	Main activities	Responsible institution	Cost (rwf, Operating cost)
Public consultation	Consultation meeting with the PAPs to inform them on scheduled activities and their roles to accomplish the RAP	- Gisagara District - MINAGRI/SPIU RSSP-LWH	72,000
Database	Documentation of assets (crops) and Land measurement	- Gisagara District - MINAGRI/SPIU RSSP	500,000
Disclosure of entitlement	Display to the PAPs the results of the census.	- Gisagara District - MINAGRI/SPIU RSSP	72,000
Preparation of alternatives	Comparison and choice of the best alternatives of compensation to the PAPs	- Gisagara District - MINAGRI/SPIU RSSP	72,000
Land distribution	Compensation for land	- Gisagara District	Land for land
Follow up of PAPs	Follow up and monitoring of PAPs livelihoods	District authorities - MINAGRI/SPIU RSSP	288,000
	Assistance to vulnerable people	- Gisagara District - MINAGRI/SPIU RSSP	5,000,000
Total			6,004,000

6.9. RAP implementation schedules

The implementation schedule of the RAP Mirayi marshlands development presented in below.

Table 10: RAP preparation and Implementation schedule

Project activity	2015							2016											
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	
Public consultations	█	█	█																
Census & valuation of assets			█																
Disclosure of entitlements			█																
A-RAP approval				█															
A-RAP disclosure				█															
Plotting in the marshlands								█											
Land distribution												█	█	█					
Grievance management								█	█	█	█	█	█	█	█	█	█	█	
RAP monitoring & evaluation								█	█	█	█	█	█	█	█	█	█	█	
RAP completion audit																		█	

CHAPTER 7: CONCLUSION AND RECOMMENDATIONS

7.1. Conclusions

Based on Project Description, Socio-economic Baseline Data, Social Impact Assessment, census, assets valuation made and Abbreviated Resettlement Action Plan (A-RAP), the following conclusions are drawn:

- i. The development of Mirayi marshland will have minimum resettlement implication and this resettlement action plan will provide the basis for addressing resettlement impacts.
- ii. In total 1268 households, current users of the marshland, will be affected by income loss and will be given land after marshlands developments;
- iii. During public consultation few recommendations drawn include : i) Involve local communities in all stages of project planning and development, ii) Permanent communication between projector initiators and local authorities, iii) During construction, PAPs shall be given first priority in the employment of skilled and unskilled manpower.
- iv. After rehabilitation, marshland will be used for rice development and farmers training on the use and maintenance of irrigation infrastructures will be required.

7.2. Recommendations

Based on the consultation with project affected person and local authorities as well as social impact made, a number of recommendations:

- i. Though the affected land belong to the government, affected PAPs should be given priority during plots distribution after marshland development;
- ii. Affected Persons should be given priority in recruitment of manpower and other job opportunities as a way of mitigate income loss due to marshland development.
- iii. Exhaustive list for current users should be updated and should include the size of plot for each household so as to facilitate land distribution after rehabilitation.