

**REPUBLIC OF RWANDA**



**MINISTRY OF AGRICULTURE AND ANIMAL RESOURCES**

**MARSHLAND AND HILLSIDE IRRIGATION (SPIU LWH-RSSP)**

---

**RESETTLEMENT ACTION PLAN FOR THE  
CONSTRUCTION OF DAM AND IRRIGATION SYSTEM IN  
MUSHADUKA OF GISAGARA DISTRICT**

**OCTOBER 2015**

## ACRONYMS

<b>HH:</b>	Household
<b>LWH:</b>	Land Husbandry, Water Harvesting and Hillside Irrigation Project
<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

## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>1. INTRODUCTION.....</b>	<b>6</b>
1.1 BACKGROUND.....	6
1.2 OBJECTIVES OF THE SERVICE.....	6
1.3 APPROACH AND METHODOLOGY .....	6
<b>2. POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK.....</b>	<b>8</b>
2.1. LEGAL FRAMEWORK FOR RWANDA.....	8
2.1.1. <i>Constitution of the Republic of Rwanda 2003</i> .....	8
2.1.2. <i>Use and Management of Land in Rwanda</i> .....	8
2.1.3. <i>Law related to expropriation in the public interest</i> .....	9
2.2. RELEVANT POLICY FRAMEWORK FOR RWANDA .....	9
2.2.1. <i>National land Policy</i> .....	9
2.2.2. <i>National Water Resources Management Policy</i> .....	10
2.2.3 <i>Agriculture Sector Policy</i> .....	10
2.2.4 <i>Land Tenure System and Provisions in Rwanda</i> .....	10
2.2.5 <i>Property valuation</i> .....	10
2.3. INSTITUTIONAL FRAMEWORK.....	11
2.3.1. <i>Ministry of Natural resources</i> .....	11
2.3.2. <i>Rwanda Natural Resources Authority (RNRA)</i> .....	12
2.3.3- <i>Ministry of Agriculture and Animal Resources</i> .....	12
2.3.4. <i>Local Governments</i> .....	13
2.4 WORLD BANK INVOLUNTARY RESETTLEMENT POLICY .....	13
<b>3. PROJECT DESCRIPTION.....</b>	<b>16</b>
<b>4. SOCIO-ECONOMIC PROFILE AND CENSUS OF PROJECT AFFECTED PEOPLE .....</b>	<b>17</b>
4.1 DEMOGRAPHICS.....	17
4.2 SOCIO-ECONOMIC CONDITIONS OF PAPS.....	17
4.2.1 <i>Family Size of the Household</i> .....	17
4.2.2 <i>Marital Status of PAP</i> .....	17
4.2.3 <i>Education of PAPS</i> .....	18
4.2.4 <i>Employment status of PAP</i> .....	18
4.2.5 <i>Vulnerability of PAP</i> .....	19
4.2.6 <i>Housing conditions of the PAPS</i> .....	19
<b>5. ELIGIBILITY .....</b>	<b>21</b>
5.1. DETERMINATION OF CUT-OFF DATE.....	21
<b>6. VALUATION AND COMPENSATION FOR LOSSES .....</b>	<b>22</b>
6.1 VALUATION AND COMPENSATION FOR LAND.....	22
6.2. VALUATION AND COMPENSATION FOR CROPS .....	22
6.3. VALUATION FOR STRUCTURES .....	23
<b>7. PUBLIC CONSULTATION WITH PAPS AND PARTICIPATION .....</b>	<b>24</b>
7.1 CONSULTATION WITH STAKEHOLDERS.....	24
7.2. VERIFICATION AND DISCLOSURE OF ENTITLEMENTS .....	25
7.3. OTHER MEETINGS AND CONSULTATIONS.....	25
7.4. MAIN ISSUES RAISED BY THE PAPS DURING THE FIRST MEETING .....	25
7.5. AGREEMENT ON COMPENSATION AND PREPARATION OF CONTRACTS .....	26
7.6. GRIEVANCE REDRESS MECHANISM.....	26
<b>8. RESETTLEMENT MEASURES .....</b>	<b>28</b>
8.1 COMPENSATION FOR LAND.....	28
8.2. COMPENSATION FOR CROPS AND TREES .....	28
8.3. COMPENSATION FOR STRUCTURES .....	28
8.4. OTHER RESETTLEMENT MEASURES.....	29
8.4.1. <i>AVAILABILITY OF INPUT TO THE VULNERABLE PAPS</i> .....	29
8.4.2. <i>EMPLOYMENT OF PAPS DURING CONSTRUCTION WORKS</i> .....	29
8.5. RESETTLEMENT MEASURES FOR EACH CATEGORY OF ELIGIBLE PAPS .....	29
<b>9 IMPLEMENTATION SCHEDULE.....</b>	<b>31</b>
<b>10. ESTIMATED COST FOR RESETTLEMENT .....</b>	<b>32</b>
<b>11. FRAMEWORK FOR MONITORING, EVALUATION AND REPORTING.....</b>	<b>33</b>
11.1. MONITORING AND EVALUATION PLAN .....	33

11.2 RESETTLEMENT IMPLEMENTATION COMPLETION REPORT .....	34
<b>12. DISCLOSURE OF SOCIAL SAFEGUARDS INSTRUMENTS .....</b>	<b>35</b>
<b>13 CONCLUSION AND RECOMMENDATIONS .....</b>	<b>36</b>
13.1 CONCLUSION .....	36
13.2 RECOMMENDATIONS .....	36
<b>ANNEXES:.....</b>	<b>37</b>

## EXECUTIVE SUMMARY

The Rural Sector Support Project (RSSP) Project with the support of the World Bank has identified a site for the construction of a dam and irrigation infrastructure in Mushaduka located in Gisagara District in the Southern Province. The construction of Mushaduka dam and irrigation canals will facilitate the irrigation of 200 Hectares of marshland.

The construction of the dam and irrigation system implies a need for land and hence land acquisition that is expected to lead to physical and economic displacement of people and loss of access to the land that provides for economic resources. This, therefore principally triggers World Bank Operational Policy OP4.12 on involuntary resettlement and Rwanda laws on expropriation and land ownership. In accordance with the World Bank Policy OP 4.12, a resettlement action/compensation plan must be developed to be submitted to World Bank for approval.

Before and during the preparation of this Resettlement Action Plan (RAP), meetings with project affected people (PAPs) and local administration were conducted on site to explain the project activities, outcomes, compensation procedures and payment and the roles and responsibilities of each stakeholders as well as grievance mechanism. The census and valuation of affected properties were also done. The issues raised by participants to the meetings were mostly related to compensation issues and procedures as well as payment modalities.

Based on the feasibility study report by SHER Ingenieurs – Conseils (2014) and land measurement, the dam axis and reservoir will directly affect 10.6 hectares presently used by different individuals for farming activities. The land to be covered by the reservoir is owned by both the Government of Rwanda (7.6 ha) and farmers (3.0 ha) and is being used by for subsistence agriculture. In addition, about 0.58 ha of private land (including 0.5 ha site installation and 0.08 ha access road) will be lost for the access road construction and site installation and 9 families will be affected. About 2.38 ha of borrow pit area will temporarily be lost and will be rehabilitated after laterite extraction before it is handed over to their owners.

The census of PAPs and assets conducted by an independent valuer indicated that, out of 160 PAPs, 69 families will lose their land for the dam and road access construction, borrow pit area and site installation and 58 families will lose crops and trees. The remaining (33) are not losing any property since they will have harvested their crops before construction works and are using Government land. One water point will also be affected. The financial compensation will be done for PAPs losing their private land, crops and trees. The rental allowances will be paid to owners of the borrow pit area. Land for land compensation will be done for those PAPs using and losing government land as well as vulnerable people.

The total RAP cost is 27,794,771 Frw including 25,638,771 Frw for the PAPs compensation and 2,156,000 Frw for the monitoring program. The compensation process will immediately begin after approval and publication of the valuation report.

The project in collaboration with Gisagara District will implement the RAP according to the proposals found within this document and with reference to the survey by the committee in charge of monitoring of projects with expropriation in the public interest.

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. If the counter-assessment report is not accepted and the person to be expropriated is not satisfied with the decision, he/she can refer the matter to the competent court. 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.

In view of the RAP findings, it could be concluded that the 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. For the successful implementation of planned development activities, the timely implementation of the proposed resettlement measures is required since the project is in the public interest.

# 1. INTRODUCTION

## 1.1 Background

The Government of Rwanda (GoR) is pursuing a comprehensive Poverty reduction programme which includes development and implementation of different sustainable development projects. In support of this Programme, the GoR has received funding from the International Development Association (IDA) towards the implementation of the Third Rural Sector Support Project (RSSP3) under the Ministry of Agriculture and Animal Resources (MINAGRI). The RSSP3 aims at promoting diversification of economic activities in rural areas as a way of increasing and stabilizing rural incomes.

The RSSP3 plans to carry out civil works related to the construction of the dam and irrigation infrastructures to enhance irrigated rice production for up to + 200 ha in Mushaduka marshland of Gisagara District, Southern Province. MINAGRI/SPIU RSSP\_LWH engaged SHER Ingenieurs – Conseils SA to conduct feasibility and detailed design study of dams and irrigation canal infrastructures for the development of Mushaduka marshland for rice production. The Consulting firm found feasible the proposed project and designed for 200 ha marshland to be irrigated by the reservoir with 11.5 m high and 438,550 m<sup>3</sup> capacity.

In order to guide its development and operation in a socially friendly manner, it is required to prepare the Resettlement Action Plan (RAP) to ensure that the proposed activities are implemented in full compliance with Rwanda's and the World Bank's social safeguards policies and regulations. The present RAP was prepared by the Project Safeguards Team and concerns PAPs in the reservoir area, access road and installation sites.

## 1.2 Objectives of the Service

The objective of the present assignment was to prepare the Resettlement Action Plan (RAP) to ensure that the project affected people (PAPs) livelihoods and living standards are improved or at least restored, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of the project implementation, whichever is higher within the project site to ensure that the construction of the dam and irrigation canals is implemented in a socially sustainable manner and in full compliance with Rwanda's and the World Bank's social safeguards policies and regulations.

## 1.3 Approach and 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 dam, irrigation 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 Mushaduka 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.

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

This chapter describes the available laws, regulations, policies and institutions that guide the land acquisition and compensation, crop and assets compensation as well as mechanisms for conflict resolution and appeals. The legal framework provides 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 for Rwanda**

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 to land expropriation, land valuation and land replacement.

#### **2.1.1. Constitution of the Republic of Rwanda 2003**

The 2003 Constitution of the Republic of Rwanda is the supreme law of the land. It categorized land into private and public land and gives to every citizen the 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). Every person has the duty to protect, safeguard and promote all natural resources. The Constitution stipulates that the State shall protect important natural resources, including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Rwanda.

#### **2.1.2. Use and Management of Land in Rwanda**

The law N° 43/2013 of 16/06/2013 governing land in Rwanda stipulates that land is part of the common heritage of all the Rwandan people and only the State grants the right to land in the form of emphyteutic lease and has the supreme power of managing all land situated on the national territory. It also determines modalities of allocation, acquisition, transfer, use and management of land in Rwanda.

The article 12 of the above land law entrusts the State with ownership over public land including wetland, land occupied by water bodies (lakes, rivers, streams), natural forests,

national parks, tourist sites among others. The law gives the state control over swamps or marshlands (article 29). The law calls for inventory of all the swamps and their boundaries, structures, their use and management and how they can be organized so that they can sustainably be beneficial to Rwandan nationals.

### **2.1.3. Law related to expropriation in the public interest**

The law N° 32/2015 of 11/06/2015 defines the activities of public interest (article 5) and determines the process and requirements for expropriation in the public interest as well as the cost of assets to be expropriated. The law provides a window for appeal for somebody who is not satisfied by the cost of compensation.

The Ministerial Order No 002/16.01 of 2010 on determining the Reference Land Price outside Kigali City provides reference land prices to be used in areas outside Kigali City. This order aimed at protecting land owners from exploitation and preventing 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 (Law No 17/2010 of 12/05/2010 establishing and organizing the Real Property Valuation profession in Rwanda) provides for independent market rates to apply in land valuation.

The construction of water Dam/ Water reservoir and irrigation & drainage networks and access road planned for the present project being among the list of activities for expropriation in the public interest will undertake this process for all project affected families.

## **2.2. Relevant Policy framework for Rwanda**

### **2.2.1. National land Policy**

The Rwanda land policy, adopted in February 2004, seeks to establish a land tenure system that guarantees tenure security for all Rwandans and guides land reform initiatives that will establish good management and the rational use of land. It is equally relevant to all Rwandans - those with land and those without. This policy provides register and transfer of land and possibility of investments in land. It also highlights key principles of land use and land management. The policy advocates the protection of green areas, marshland, valley and protected areas in Rwanda. These protected areas are classified as such because of their multiple roles, namely ecological, economical, cultural, and social. These areas have been affected by various changes, one of which is the spatial reduction due to the resettlement of the population.

The policy promotes irrigating areas that are more or less flat and semi-arid to support agricultural production while discouraging overgrazing and pasture burning. On the use and management of hillsides and marshlands, the policy stipulates that marshlands meant for agriculture should be cultivated after adequate planning and Environmental Impact Assessment.

### **2.2.2. National Water Resources Management Policy**

The overall goal of Rwandan water resources management policy is to enhance and promote all national efforts towards the efficient, equitable and optimum utilization of the available Water Resources of Rwanda for significant socio-economic development on sustainable basis.

The policy aims at fair and sustainable access to water, protection of the water resources and promotion of cooperation for management of river basins, etc. through reforestation on hillsides and water catchment areas. The policy underlines the fundamental principles that water is a natural endowment commonly owned by all the peoples of Rwanda and that every Rwandan citizen shall have access to sufficient water of acceptable quality, to satisfy basic human needs.

The policy also needs to adopt a holistic approach to the management of water resources and integrate other policies related to it including the forest, wetlands, agriculture and land. It is relevant to all project activities that will be undertaken in areas with water resources. This policy is therefore relevant to this project as most of the project activities will be undertaken within the water catchment areas of Mushaduka site.

### **2.2.3 Agriculture Sector Policy**

The main objective of this policy is to intensify and transform subsistence agriculture into market oriented agriculture. This policy puts emphasis on marshland development for increased food production because the soil on hills is degraded by erosion rendering it unproductive. The policy promotes small scale irrigation infrastructure development in the selected marshlands while preventing environmental degradation and ensuring sustainable development. To achieve sustainable development in agricultural sector, the policy emphasizes the need to adopt Integrated Pest Management (IPM) practices.

### **2.2.4 Land Tenure System and Provisions in Rwanda**

The Land law N° 43/2013 of 16/06/2013 states that all types of land tenure must be in compliance with the designated land use. The Land Law provides two types of formal land tenure: full ownership/ freehold and long term leasehold. The Article 20 of the law formalizes land ownership, especially those acquired through customary means. In such cases, populations with customary land rights are being encouraged to register their land through decentralized the District Land Bureau, Sector Land Committees and Cell Land Committees.

### **2.2.5 Property valuation**

The Law No.17/2010 of 12/05/2010 establishing and organizing the Real Property Valuation Profession in Rwanda provides for land valuation methods. The law No 32/2015 of 11/06/2015 defines procedures for valuation of land and property incorporated thereon and fair compensation.

Articles 27, 29, 30 and 31 of the law No.17/2010 of 12/05/2010 stipulate that price for the real property shall be close or equal to the market value and the valuer shall select the best valuation method that can be used to determine the fair market value of the real property. 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.

### **2.3. Institutional framework**

The institutional framework for expropriation in the public interest is registered in the Rwandan Law No 32/2015 of 11/06/2015 relating to expropriation in the public interest, published in the Official Gazette RWA No 35 of August 31st, 2015, particularly in its chapter III relating to the Competent authorities, procedures and rights of persons to be expropriated and expropriators in the context of expropriation in the public interest.

#### **2.3.1. Ministry of Natural resources**

The Ministry of Natural Resources ensures the protection and conservation of the natural resources and their optimal and rational utilization for sustainable national development.

Specifically, the Ministry of Natural Resources shall be responsible for:

1. Developing and disseminating the sector policies, strategies and programs through:
  - a) Elaborating and disseminating national policies, strategies and programs that aim at conserving natural resources and ensuring their optimal and rational utilization;
  - b) Developing strategies to promote partnership and enhance capacity of private sector and attract operators to invest in activities of natural resources for sustainable economic development;
  - c) Exhaustive assessment of Rwanda ground and surface natural resources and establish appropriate mechanisms for their national extraction and promotion;
2. Regulating the sector and related sub-sectors through the development of laws and regulations to ensure rational utilization of natural resources and ensure protection of the environment and conservation of natural ecosystems
3. Developing institutional and human resources capacities in the sector of natural resources and sub-sectors
4. Monitoring and evaluating the implementation of sector and sub-sectors policies, strategies and programs
5. Overseeing the institutions under supervision through:
  - a) Guidance and orientations on the implementation of specific programs to be realized by the institutions under supervision and Local Governments;
  - b) Supervision and orientations on functioning of sector public institutions and promote synergies between various actors intervening in the sector;

6. Mobilizing resources for the development of the sector and related programs through:
  - a) Coordination of activities of mobilizing resources and supervise actions to ensure their rational utilization in the sector development;
  - b) Mechanisms put in place for promoting and development in the sector.

### **2.3.2. Rwanda Natural Resources Authority (RNRA)**

RNRA is an authority under MINIRENA that leads the management of natural resources which is composed of land, water, forests, mines and geology. It shall be entrusted with supervision, monitoring and ensuring the implementation of issues relating to the promotion and protection of natural resources in programs and activities of all national institutions.

RNRA is particularly responsible for:

- a) implementing national policies, laws, strategies, regulations and government resolutions in matters relating to the promotion and protection of natural resources;
- b) making a follow up and implementing international conventions Rwanda ratified on matters relating to the conservation of natural resources;
- c) advising the Government on appropriate mechanisms for conservation of natural resources and investments opportunities;
- d) registering land, issuing and keeping land authentic deeds and any other information relating to land of Rwanda;
- e) ensuring proper geological data and their respective maps;
- f) providing technical advise on the proper use of natural resources;
- g) making follow up and supervising activities relating to proper management, promotion and valuation of natural resources;
- h) rehabilitating and conserving where natural resources are damaged in the country;
- i) making a follow up and supervising activities relating to the proper use of natural resources;
- j) promoting activities relating to investment and added value in the activities of use and exploitation of natural resources in Rwanda;
- k) initiating research and study on natural resources and to publish the results;
- l) instituting regulations, guidelines and appropriate mechanisms for management, use and conservation of natural resources and ensuring their implementation;
- m) establishing cooperation and collaboration with other regional and international institutions with an aim of harmonising the performance and relations on matters relating to management of natural resources.

### **2.3.3- Ministry of Agriculture and Animal Resources**

Ministry of Agriculture and Animal Resources (MINAGRI) has a primary mandate for the development, transformation and modernization of agricultural sector in Rwanda in its

broadest sense (including forestry, fisheries and livestock). The Rwanda Agriculture Board (RAB) through LIME Department is the technical agency responsible for the exploitation and management of wetlands for agricultural purposes. It oversees, and implements where necessary, all irrigation and marshland development programs in Rwanda and ensures their sustainability.

It also facilitates the implementation of mechanization in agriculture at the village level, improves data collection on irrigation activities to ensure that the monitoring and future policy actions can be effective and ensure capacity building at cooperative and farm level in irrigation and mechanization techniques to ensure sustainability.

#### **2.3.4. Local Governments**

Local Governments (Gisagara District, the study area) under RAP process are 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 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.

**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 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
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, i.e., measures over and above simple compensation. 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) upon which interested parties are	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 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

<b>Principles</b>	<b>Rwanda Legislations</b>	<b>World Bank's involuntary Resettlement (OP 4.12)</b>	<b>Recommendations to fill the gaps</b>
		entitled to respond	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 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. PROJECT DESCRIPTION

Mushaduka Project is located in Musha Sector of Gisagara District, Southern Province, approximately 165 km from Kigali. Mushaduka marshland is a public land of 200 Hectares (with a net area of 184.6ha) that are mostly used for rice production. The size of a rice plot averages 3 ares (SHER, 2014).

Based on the feasibility report by SHER (2014), the planned activities in Mushaduka site consist of:

- Construction and maintenance of water reservoir with a capacity of 438,550 m<sup>3</sup> and 11.5 m dam height. The crest length is 136.0 m.
- Construction and maintenance of irrigation and drainage networks.
- Construction of access roads to the marshland/reservoir

From upstream to its downstream, the Mushaduka marshland is composed of 4 zones with the following characteristics:

- ✓ Ruvugangoma zone: This zone does not possess any irrigation infrastructure and is not yet used for rice production.
- ✓ Gahishyi zone: zone growing rice but without irrigation & drainage infrastructures.
- ✓ Mushaduka zone: zone with irrigation & drainage infrastructures and growing two seasons of rice a year.
- ✓ Ntembane zone: zone growing rice but seasonally affected by floods or lack of water.

The construction activities will be executed by a company that will be selected based on competitive bids. The supervision will be done by another firm also hired on competitive basis. The SPIU RSSP/LWH will work with the existing farmers and local authorities to valorize the developed site and increase the rice production in Mushaduka marshland and improve marketing. The training topics will include maintenance of the dam system and appropriate water use, farming techniques, appropriate use of pesticides and fertilizer, post harvest handling and marketing techniques, etc.

The construction of the Dam and Irrigation-drainage networks will enable farmers to cultivate the whole marshland and have sufficient water for irrigated rice throughout the year.

## 4. SOCIO-ECONOMIC PROFILE AND CENSUS OF PROJECT AFFECTED PEOPLE

The present section describes the socio-economic profile of the project affected people (PAPs) located in the project area. Collected data allow understanding the current livelihoods situation of PAP and other beneficiaries in order to predict the project impacts and mitigation measures.

### 4.1 Demographics

The Project site is located in Musha Sector of Gisagara District, Southern Province. The Sector has a population of about 24,621 inhabitants in 2012 and extends over an area of 50 km<sup>2</sup>. Its population density accounting for 494 person /km<sup>2</sup> is slightly higher than the District and national average (475 and 416 person /km<sup>2</sup> respectively). The females outnumber males in Musha Sector and about 53 % people are females. The number of households in Musha Sector is 6,184 and the average size of the household in Musha Sector is 4.0 which is slightly below the district average of 4.4.

### 4.2 Socio-economic conditions of PAPS

Socio-economic profile has been developed for the PAPS. The sample size of 12 households which is about 8 % of total PAPS was selected. The socio-economic conditions of PAPS are discussed in subsequent sections.

#### 4.2.1 Family Size of the Household

The Table 2 below summarizes the family size of the households' respondents.

**Table 2: Family Size of the Households**

S.No	Family size	Number of Respondents	Percentage (%)
1	1-2	1	8
2	3-4	3	25
3	5-6	7	59
4	>6	1	8
Total		12	100

The results indicate that 59 % of the PAP families have 5-6 members while 25 % have 3-4 members. The average size of the household is 4.8. This is slightly above the Sector and District average of 4.0 and 4.4 respectively.

#### 4.2.2 Marital Status of PAP

Data on the marital status of the PAPS was collected and the Table 3 shows the marital status of the surveyed PAPS.

**Table 3: Marital Status of Respondents in Household Surveyed**

S.No	Marital status	Number of respondents	Percentage (%)
1	Married	9	75
2	Single	1	8
3	Widow	2	17
4	Divorced	0	0
	Total	12	100

About 75 % of the PAPs are married; 8% single and 17% widow. The divorced PAPs were not recorded.

#### 4.2.3 Education of PAPs

The table below presents the level of education in the project area.

**Table 4: Level of Education in the Household**

S.No	Level of education	Frequency (No)	Percentage (%)
1	Illiterate	5	41.7
2	Primary	6	50.0
3	Incomplete Secondary	1	8.3
4	Secondary	0	0
5	Secondary vocational	0	0
6	Incomplete Higher	0	0
7	Higher (Bachelors Degree, Postgraduate)	0	0
	<b>Total</b>	<b>12</b>	<b>100</b>

The level of education among the PAPs is very low as revealed by the survey results in Table 5 above. Among the respondents (PAPs), 41.7% are illiterate, primary education represents 50 % and 8.3 % have incomplete secondary level. The main reason was the poverty of families that could not afford school fees and materials required for the education of their children. However, this may be reversed since the basic education system is currently free of charge and every parent has an obligation to send his children to school.

#### 4.2.4 Employment status of PAP

The results on the employment status of PAPs in Mushaduka site are presented below.

**Table 5: Employment Status of PAPs**

S.No	Employment	Frequency (No)	Percentage (%)
1	Own agricultural farm	12	100
2	Teacher	0	0

3	Student, pupil	0	0
4	Housewife	0	0
5	Business	1	8
	<b>Total</b>	<b>12</b>	<b>100</b>

With regard to the surveyed households, all PAPs are employed in their own agricultural farms. In addition, some of the PAPs (8.3%) own small business which they combine with agricultural activities. Those include commerce run mostly through small shops /boutiques; restaurants, construction, repair of motors and bicycles. This evidences the fact that in the Sector, the agriculture is the dominant socio economic activity. Field observations reveal that rice in marshlands and bean, banana, maize, groundnut, coffee and cassava on hills are the main cultivated crops. Majority of households (81.6%) also own some type of livestock among them 23.6% raise cows. Other animals are goats, pigs and chicken. The estimated annual income ranges between 213,760 to 824,636 frw with an average of 512,064 Frw.

#### 4.2.5 Vulnerability of PAP

The vulnerability and social group for individuals in the community is of a paramount importance because it gives the information on the level of vulnerability and assistance needed. The Table 6 gives some information on vulnerability in the project area.

**Table 6: Vulnerability in the PAP**

S.NO	Social group	Frequency (No)	Percentage (%)
1	Living with disability	0	0
2	Aged persons	3	25.0
3	Orphans	0	0
4	People in normal conditions	9	75.0
	<b>Total</b>	<b>12</b>	<b>100</b>

The majority of the project affected population (75%) is in normal condition and 25% are elder people (above 65 years). Other PAPs to be considered vulnerable, but not recorded during the survey include people with disability, widows and women headed households.

#### 4.2.6 Housing conditions of the PAPs

Housing condition is an important variable in studying socio economic aspects of a family because it gives the idea on the living conditions of family members. About 100 % of PAPs live in their own houses and a big proportion of these houses (70 %) are built in wood. Only 30% of surveyed households have houses made in bricks know as *Rukarakara*. Among the PAPs, no one has access to electricity nor uses solar energy.

### 4.3 Census of PAPs

Holdings and assets were inventoried by a valuer under the supervision of the Project and District team and findings were recorded and presented to the PAPs during disclosure held at the project site in Musha Sector of Gisagara District. The table below summarizes the number of affected households per village and Cell.

**Table 7: Number of PAPs per village and Cell**

Cell	Village	Number of Households
Cyimana	Nyamiyaga	26
	Nyesonga	33
	Murambi	76
Kigarama	Kabusenda	25
<b>Total</b>		<b>160</b>

As per the table above, the census and valuation of assets indicate that the construction of Mushaduka Dam and access roads, the borrow pit area and site installation will affect 160 households located in four villages namely Nyamiyaga (26 PAPs), Nyesonga (33 PAPs) and Murambi (76 PAPs) of Cyimana Cell and Kabusenda village (25 PAPs) of Kigarama Cell in Musha Sector.

## **5. ELIGIBILITY**

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 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 (Article 3 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, this will prevail.

In the Rwandan Expropriation Law, the person to be expropriated is clearly defined under article 2 (8) to mean “any person or a legally accepted association operating in the country who is to be removed from his or her private property due to public interest”.

### **5.1. Determination of Cut-off date**

The entitlement cut-off date refers to the time when the assessment of persons and their property in the project site starts and therefore new cases of affected people were not considered. The cut off date was determined through a meeting with the PAPs and the representatives of Gisagara District and LWH-RSSP.

The agreed cut-off date was June 6th, 2015 for the dam and access road construction, site installation and borrow pit area and people occupying the project area after the cut-off 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. VALUATION 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.

### **6.1 Valuation and compensation for Land**

Most of land to be used for the dam and access road construction will permanently be lost to the project activities. The land to be permanently lost includes the flooded area and the area where the dam axis will be constructed. The dam buffer zone (20 m from highest level of water in the dam) could still be used by the owners in a way that ensures erosion control and reservoir protection.

After the District approved the request for expropriation of PAPs in Mushaduka site and published that decision through meetings with Musha population, the MINAGRI/SPIU RSSP-LWH immediately hired a Valuer to conduct valuation of land and property incorporated thereon. This is in line with the Rwandan expropriation law N° 32/2015 of 11/06/2015 (Article 23).

The new Law N°43/2013 of 16/06/2013 governing land in Rwanda on ownership, especially private land and Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest, 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 for private land 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 and access road construction and site installation. With regard to Government land, the land for land compensation will be used. The users of government land will be allocated plots in the marshland. The rental allowances will be paid to PAPs in the borrow pit areas. The borrow pit will be rehabilitated after laterite extraction and handed over to the owner.

### **6.2. Valuation and compensation for crops**

As done for the valuation of land, crops and trees were also valued by an independent valuer hired by the Project. The valuation of those crops and trees was done using the current value of crops and trees on the market, negotiation with population and Expropriation Law. The value of crops and trees depends on their type and age. The civil works activities will entail clearing of the vegetation inherent in the project site which includes grass, trees and crops that have been planted and/or cultivated by the PAPs. Most of trees, grasses and crops will be permanently lost for the project activities and will be financially compensated.

### **6.3. Valuation for structures**

In the project area, there are no houses that will be affected. The field assessment showed that one water point exists in the Mushaduka reservoir area the Project team is developing a proposal where to move it as well as designs. The construction cost will be included in the contract of the firm constructing the dam.

## 7. PUBLIC CONSULTATION WITH PAPs AND PARTICIPATION

Consultation meetings with PAPs began in May 2015 to discuss issues related to resettlement and compensation. District and SPIU RSSP-LWH also held these meetings with the local communities at the site in order to inform them about the planned projects and their roles and responsibilities.

### 7.1 Consultation with stakeholders

Public consultations were organized to collect first-hand accounts of benefits and grievances from affected parties by Mushaduka project. The main groups of stakeholders encountered include:

- ✓ Project Affected Persons (PAP);
- ✓ Local authorities (District, Sector, Cell and village authorities);
- ✓ Opinion leaders (Churches and cooperative leaders)
- ✓ Financial institutions representatives

During the consultative process, other social organizations or institutions were invited to attend the communication meetings. These are local medical staff, and local police and army representatives.

#### a) Consultation with district authorities

Local authorities were met to explain the project background, objectives, planned activities, expected outcome/ benefits to farmers, district and the country, implementation schedule and their roles and responsibilities and how negative impacts will be mitigated. The procedures for valuation and compensation for affected properties as well as compensation payment modalities were also discussed. The authorities contacted are reported in Table 8.

**Table 2: List of Authorities Consulted in Gisagara District**

S.No.	Position	Institution
1	Vice Mayor in charge of Economic Affairs	Gisagara District
2	Executive Secretary	Musha Sector
3	In charge in social affaires at Sector level	Musha sector
4	Executive Secretary	Cyimana and Kigarama Cells
5	Village leaders	Nyamiyaga, Nyesonga, Murambi and Kabusenda

#### b) Consultation with PAPs

SPIU RSSP – LWH, in collaboration with District administration, arranged consultative meetings with the local communities to inform them about the planned projects, benefits and their roles and responsibilities. Other meetings were organized 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 implementation.

## 7.2. Verification and disclosure of entitlements

Upon completion of identification of the households and valuation of their land and assets, that would be affected by the project by the valuer and approval of the valuation report by the District, Gisagara District authorities organized meetings with PAPs to communicate the valuation report and 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 one meeting for disclosure on July 14th, 2015 and another one on July 29th, 2015 where the district and project team presented the results of census and value of PAPs' assets. Comments from the two meetings were incorporated in the Census results.

## 7.3. Other meetings and consultations

There were other meetings and consultations with Gisagara District and banks and PAPs' representatives to discuss how to proceed with the compensation payment and signing of the agreement and contract documents. This meeting was held on August 18th, 2015 and brought together representatives of the District, Project, PAPs and Saccos.

## 7.4. Main issues raised by the PAPs during the first meeting

The following issues have been raised by the PAPs:

- How land, crops and trees will be given value?
- Why and how do we need to join the cooperative?
- Will the project gives us jobs?
- How and when land, crops and trees will be compensated?

These issues raised by PAPs were responded as follows:

**Table 9 Issues of PAPs and responses given**

<b>Issues</b>	<b>Responses</b>
How land, crops and trees will be valued?	The valuation of crops and trees will be done with reference to current rates applied in Rwanda and expropriation law PAPs that have land title will be compensated with reference to the prices approved by the Ministry of natural resources. For those who are using government land in marshland, they will be given land in rehabilitated marshland
Why and How to join the rice cooperative	Explanations on the benefit from the cooperative were provided. The PAPs have been explained that the door of cooperative is open for them. The PAPs were explained that the project is supporting the cooperative in capacity building, which will help also to enroll new members.
Employment	The PAPs will be given priority in manpower recruitment during construction works
Timing of getting compensation	The District will begin the resettlement process three months after census and continue the process in one part as construction begins in another part.

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

The District of Gisagara has explained to the PAPs the assets that will be compensated for in cash or kind. These were done by listing all the assets and land to be compensated at the current value. Payment modalities were also discussed. PAPs will provide Bank accounts where their money will be transferred. The District of Gisagara will prepare an agreement for compensation and payments to the PAPs.

## **7.6. Grievance redress mechanism**

The District of Gisagara is an acknowledged institution for which the PAPs have been made aware of as avenues for expressing discontent and disapproval to the resettlement and compensation process. Article 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 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).

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.

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 RSSP and the local leaders to ensure that the grievances are attended to in time. This is in addition to the existing Resettlement Committee.

## **8. RESETTLEMENT MEASURES**

### **8.1 Compensation for Land**

The reservoir area is owned by the Government and private people and a fair compensation was calculated based on the Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest and the Ministerial Order No 002/16.01 of 2010 determining the price of land in all cells outside Kigali City. However the affected persons who are using government land will only be compensated for their lost crops and will be given rice plot and assisted to join the cooperative so that they can cultivate rice. They will also be given priority in manpower hiring during construction works.

It is estimated that the reservoir will cover 10.6 ha including 3.0 ha private land and 7.6 ha of Government land. The total private land is owned by 47 households. This land requirement for the dam construction and reservoir area will change the land use permanently from agricultural land into reservoir. This impact is permanent and irreversible change in land use pattern. The Private land will be financially compensated while Government land will not be compensated. The PAPs using this land will be given rice plots in the marshland and assisted to join the cooperative so that they can cultivate rice. They will also be facilitated to get job during works.

In addition, about 0.58 ha of private land (including 0.5 ha site installation and 0.08 ha access road) will be lost for the access road construction and site installation and 9 families will be affected. Financial compensation will also be done. The rental allowances will be paid to 14 families located in the 2.38 ha of borrow pit area. This will temporarily be lost and will be rehabilitated after laterite extraction before it is handed over to owners.

### **8.2. Compensation for crops and trees**

The crops and trees that will be affected by the dam and access road construction, borrow pit and camp site are dominated by banana; vegetables (pepper, tomato); fruit trees like avocado, goyava, papaya and mango; fodder crops (elephant grass) and sugarcane. The tree component includes Grevillea, Euphorbia, Erythrina and Acacia. All trees and crops are spread over 13.56 ha (10.6 ha reservoir, 2.38 ha borrow pit, 0.08 ha access road, 0.5ha site installation) and will be financially compensated.

### **8.3. Compensation for structures**

One water point located in the reservoir was identified and will be affected by the dam construction. This water point will be relocated and placed outside the buffer zone of the reservoir. This will be technically and financially done by the Project.

## 8.4. Other Resettlement measures

### 8.4.1. Availability of input to the Vulnerable PAPs

About 29 vulnerable people, mostly old persons, were identified in the project area. On top of the compensation for their properties, vulnerable PAPs will be given rice plot, seed and fertilizer, mainly through the cooperative using the marshland for the first season and, as other PAPs, they will be trained in rice farming. Vulnerable PAPs will also be given the option to select any training they wish, which would help them to maintain and/or improve their income generation potential. The training program will be designed for during the project implementation. 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 Progress Reports to this.

### 8.4.2. Employment of PAPs during construction works

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

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

The Size of land, crops and other assets expected to be acquired are presented in Table 4 below.

**Table 10: Resettlement impact**

Item	Unit
<b>Affected Sector/District</b>	Musha Sector of Gisagara District
Affected Villages (Imidugudu)	Murambi, Nyesonga and Nyamiyaga of Cyimana Cell, Kabusenda of Kigarama Cell
<b>A) Resettlement</b>	
Households compensated and relocated	None
Households compensated and not relocated	160
<b>B) Land</b>	
Private Land for crops and animal husbandry that will be completely lost (from reservoir and access road)	3.58 ha
Private Land that will be temporarily lost	2.38 ha
Government land	7.6 ha
<b>C) Other structures</b>	
Water point	1

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

**Table 11: Resettlement measures for each category**

<b>Affected Item</b>	<b>Affected Villages</b>	<b>Number of households</b>	<b>Compensation measures</b>	<b>Cost (Frw)</b>
Crops	3	58	Financial Compensation	1,923,120
Private Land	4	49	Financial Compensation	3,837,088
Private Land temporarily lost	1	14	Rental allowances and land rehabilitation before releasing it to owner	4,878,563
Government land	3	98	Land for land exchange in marshland	-
Water point	1	26	Construction of a new water point	10,000,000
Vulnerable people	4	29	Additional assistance –seeds and fertilizer	5,000,000
<b>Total</b>	<b>4</b>	<b>160</b>		<b>25,638,771</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 IMPLEMENTATION SCHEDULE

The implementation schedule of the RAP for Mushaduka project is presented in Table 12 below.

**Table 12. Implementation schedule**

Project activity	Time (From May 2015 to May 2016)												
	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Public consultations													
Census & valuation of assets													
Disclosure of entitlements													
Preparation of alternatives													
RAP preparation and approval													
RAP disclosure													
Grant agreement													
Compensation payment													
Grievance management													
RAP monitoring & evaluation													
RAP completion audit													

NB: The monetary compensation will be done between October –November 2015. The land for land compensation to PAPs, currently using government land, will be done in April 2016 at the completion of dam construction and Mushaduka marshland rehabilitation.

## 10. ESTIMATED COST FOR RESETTLEMENT

The estimated cost for the implementation of RAP is presented below:

**Table 13. Estimated cost for resettlement**

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Cost (Frw)</b>
<b>Public consultation</b>	Consultation meeting with the PAPs to inform them on scheduled activities and their roles to accomplish the RAP	- Gisagara District -SPIU RSSP/LWH	82,000
<b>Database</b>	Documentation of assets (crops) and Land measurement	- Gisagara District -SPIU RSSP/LWH	1,500,000
<b>Disclosure of entitlement</b>	Display to the PAPs the results of the census.	- Gisagara District -SPIU RSSP/LWH	82,000
<b>Preparation of alternatives</b>	Comparison and choice of the best alternatives of compensation to the PAPs	- Gisagara District -SPIU RSSP/LWH	82,000
<b>Compensation and other resettlement measures</b>	Compensation for crops	- Gisagara District	1,923,120
	Compensation for private land	- Gisagara District	3,837,088
	Compensation for land temporarily lost	Gisagara District	4,878,563
	Land for land Compensation	- Gisagara District	-
	Construction of a new water point	SPIU RSSP/LWH	10,000,000
	Assistance to Vulnerable people	Gisagara District SPIU RSSP/LWH	5,000,000
<b>Follow up of PAPs</b>	Follow up and monitoring of PAPs livelihoods	Gisagara District -SPIU RSSP/LWH	410,000
<b>Total</b>			<b>27,794,771</b>

## **11. FRAMEWORK FOR MONITORING, EVALUATION AND REPORTING**

### **11.1. Monitoring and evaluation plan**

The 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. It will fall under the overall responsibility of the MINAGRI and District authorities. The monitoring will be carried out by a committee composed of Gisagara District representatives (representative at the Sector & cell level inclusive), LWH-RSSP and PAP representative to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the RAP. 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 if the PAPs have been paid in full and 120 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. The role and responsibilities of each institution is summarized in Table 14 below.

**Table 3: Roles and Responsibilities of each institution**

<b>Institution</b>	<b>Roles and Responsibilities</b>
<b>RSSP Social safeguards team</b>	<ul style="list-style-type: none"> <li>• Screening of sub-projects to identify resettlement and compensation requirements;</li> <li>• Work with District to create Resettlement and Compensation Committee;</li> <li>• Compensation of RAP</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>• Compensation of 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>• Development and implementation of 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</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 RPF legislation.</li> </ul>
---	--

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

- a) Number and place of public consultation meetings held with PAPs and local authorities in preparation of, or during RAP implementation;
- b) Number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- c) 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 RSSP II) the referral and the subject matter.

Suggested performance/evaluation indicators include:

- 1) Total nature and level of all complaints received, resolved;
  - 2) 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.

## 11.2 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 World Bank 6 months after the end of the compensation payment by the District of Gisagara, together with LWH-RSSP or before the Implementation Completion Report by the World Bank for LWH-RSSP, which ever

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

## **12. DISCLOSURE OF SOCIAL SAFEGUARDS INSTRUMENTS**

The MINAGRI/ SPIU RSSP-LWH will disclose this Resettlement Action Plan by making copies available at its head office and website. The Government of Rwanda will also authorize the World Bank to disclose this RAP electronically through its InfoShop.

## **13 CONCLUSION AND RECOMMENDATIONS**

### **13.1 Conclusion**

Based on Project description and Socio-economic Baseline Data and findings of the RAP, 160 households, including 137 for the dam and irrigation construction and 5 for the road access construction and 4 for site installation and 14 families for borrow pit area will be affected by project activities in Mushaduka site. All PAPs from 4 villages of Musha Sector will be compensated. The PAPs losing their private land for dam and road access construction and site installation will be financially compensated while the current users of the reservoir area will only be compensated for their crops and trees since the land lost belongs to the Government. Rental allowances will be released to those losing their land temporarily.

The total cost for the implementation of the present RAP amounts to 27,794,771 Frw and regular internal monitoring shall be carried out by the project proponent in collaboration with District authorities to ensure the successful implementation of this RAP.

In view of the RAP findings, it could be concluded that the 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.

### **13.2 Recommendations**

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

**ANNEXES:**

**Annex 1. Rates of Valuation of Crops, trees and land**

<b>Type of Crop</b>	<b>Unity</b>	<b>Age</b>	<b>Value (rwf)</b>
Insina Banane	Mat/souche	0-1 year	500
		Above 1 year	2,500
Banana	Are	0-1 year	22,000
		Above 1 year	110,000
Umwembe Manguier Mango	Plant	0 to 1 year	3450
		1 to 3 years	7000
		3 to 5 years	9000
Ipera Goyavier Guava	Plant	0 to 2 years	3450
		2 to 4 years	7000
		≥ 4 years	9000
Avocat Avocatier Avocado	Plant	0 to 1 year	4005
		1 to 3 years	13,020
		≥ 3 years	24,060
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
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
Inyanya Tomate Tomato	Plant		250
	Are		75,000
Intoryi Aubergine Eggplant	plant		150
	are		75,000
Urubingo Penissetum Elephant Grass	Are		10,000
Imiyenzi Euphorbes Euphorbia	Cluster	Young Age	105
		Average	525
		Aged	920
Imiyenzi ku rugo Enclos d'euphorbes Euphorbia enclosure	m	Young Age	270
		Average	420
		Aged	920
Ibisheke Canne a sucre	plant		50
		-	50,000

Sugarcane			
Umuvumu	Plant	Young Age	270
Ficus		Average	860
Ficus		Aged	2860 to 4290
Imiko	Plant	Young Age	270
Erythrine/ Erythrina		Average Age	450
Ibindi biti	Plant	Young Age	105
Other trees not specified		Average	270
		Aged	450
Ikibonobono	Plant	Young Age	105
Ricin		Average	575
Castor Oil Plant		Aged	715
Sipure – Cypres	Plant, are	Young	286/plant, 7150/are
Gereveliya – Grevillea			
Gasiya – Cassia		3 to 5 years	572 to 858/plant, 13,585/are
Pinusi – Pinus			
Umusave – Markhamia			
Sederela – Cedrela			
Terminalia –			
Umunyinya - Acacia			
Inturusu -Eucalyptus			
		5 to 10 years	1287 to 2145/plant, 22,880/are
		≥ 10 years	4290 to 5720/plant, 57,200/are
Amateke	Plant		80
Colocases	Are		20,000
Yams			
Imyumbati	Plant	-	90/plant,
Manioc	Are	-	4,050
Cassava			
Land	m <sup>2</sup>	-	107

**Annex 2: Photographs of the Public consultation meeting in Mushaduka site**



### Annex 3: Questionnaire for Social economic survey

#### 1. IDENTIFICATION

- 1.1 Name of the area/ site : .....
- 1.2 Name of Head of the Household/Owner:
- 1.3 Name of the Respondent:
- 1.4 Relationship to HH :
- 1.5 Category of respondent:

SNo	Category of respondent	Frequency
1	Titleholder	
2	Tenant	
3	Encroacher	
4	Other (specify)	



#### 2. FAMILY PARTICULARS (Start from head of the household)

SNo	Name of the member	Relationship to HH head	Sex	Age (yrs)	Marital status (married, widow, single, divorced)	Education (illiterate, Primary, incomplete secondary, secondary, vocational, university)	Vulnerability (living with disability, orphan, old people, people in normal condition)	Employment status (own farm, teacher/ civil servant, student, housewife, carpentry, construction, repair, business, etc)	Housing condition (Own house, made in wood, made in bricks)
1									
2									
3									
4									
5									
6									
7									
8									
9									
10									

#### 3. GENERATED REVENUES

- 3.1 Households' main occupation: ..... and Monthly income (Frw):.....
- 3.2 Subsidiary source :..... and Monthly income (Frw):.....
- 3.3 Family annual expenditure (Frw):.....