SUMMARY OF FULL RESETTLEMENT ACTION PLAN

Project Title: Rwanda Sustainable Water Supply and Sanitation Program

Project Number: P-RW-E00-011

Country: Rwanda

Department: AHWS

Division: Project Category: I

1.0 Description of the project, project area and area of influence

The project will involve three major components: (i) Water Supply Infrastructure and Services Improvement component, (ii) sanitation infrastructure and services improvement and (iii) Institutional Support. The RAP has been conducted for the 2 first components. The water supply component will involve construction of water production intakes, water treatment plants, storage facilities, transmission pipelines and distribution systems for the city of Kigali and for the 6 satellite cities of, Musanze, Rubavu, Muhanga, Nyagatare, Huye and Rusizi while the construction of landfills and fecal sludge treatment plants will cover 4 towns of Rusizi, Karongi, Rubavu and Musanze and Centralized wastewater treatment system for the City of Kigali

The project has the following sub-components:

(i) Rehabilitation, upgrading and extension of water supply network in Kigali City and peri-urban areas,
(ii) Construction of Kigali city centralized sewerage treatment system and trunk sewer network,
(iii) Rehabilitation and extension of water supply distribution networks in the City of Kigali and 6 secondary cities of Musanze, Rubavu and Muhanga, Nyagatare, Huye and Rusizi,
(iv) Construction of landfills and fecal sludge treatment plants in the 4 towns of Rusizi, Karongi, Rubavu and Musanze.

A summary of the specific project scope for each of the towns includes.

<table>
<thead>
<tr>
<th>Town/Project component</th>
<th>Project scope</th>
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<tbody>
<tr>
<td><strong>1.1 Water supply component</strong></td>
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<tr>
<td>Kigali City water supply component</td>
<td>Construction, rehabilitation, upgrading and extension of water supply network in Kigali city and peri-urban areas, including main transmission and distribution network with total length of about 502 km (142 km of new main distribution pipelines, 195 km new network extensions, 175 km distribution network), and construction of 33 water reservoirs with a total capacity of 48,150 m³ at 11 different locations. The Kigali component will also involve construction and installation of 3 pumping stations at Gasanze, Kanyinya and Bweramvura.</td>
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<tr>
<td>Nyagatare City</td>
<td>Rehabilitation and upgrading of water supply networks in Nyagatare secondary city and peri-urban areas, including installation of main water transmission and distribution network of 42.9 km of new lines and rehabilitation of 79.5 km distribution network. There will also be construction of 2 water reservoirs/tanks of total capacity 900 m³, one of 400 m³ at Rutoma and another of 500 m³ at Nyagatare industrial park.</td>
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<tr>
<td>Rusizi Town</td>
<td>Construction, rehabilitation and extension of Rusizi city water supply network composed of transmission and distribution network of which 56 km will be new and 108 km will involve rehabilitation of existing network. The Rusizi town project scope will include construction of water reservoirs, with the total capacity of the proposed water tank being 500 m³ built in reinforced concrete. This component will also include construction of Mwoya Water Treatment plant of 6,000 m³/day to improve water supply in Bugarama area within the District of Rusizi.</td>
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<tr>
<td>Muhanga Town</td>
<td>Construction, rehabilitation and extension of Muhanga city networks involving construction of transmission and distribution network with total length of 77 km of new lines and 133 km of rehabilitation, as well as construction of water storage reservoirs of capacity 3,300 m³ with 1900 m³ at Mbare, 1000 m³ at Mubuga and 400 m³ at Samudha. The proposed tanks will be semi-underground circular shape type, built with reinforced concrete. Ther will also be construction of 1 pumping station. The Muhamga Town water supply project component works will cover the 7 sectors of Mbuye, Cyeza, Muhanga, Nyamabuye, Shyogwe, Musambira and Nyarubaka.</td>
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<tr>
<td>Musanze Town</td>
<td>Rehabilitation, upgrading and extension of water supply network in Musanze secondary city, involving construction of new 46.8 km and rehabilitation of 75 km, as well construction of two new water reservoirs each of 2,000 m³ at Gashingiro and Nyamagumba.</td>
</tr>
<tr>
<td>Town/Location</td>
<td>Description</td>
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<tr>
<td>Rubavu Town</td>
<td>Rehabilitation and upgrading water supply networks in Rubavu secondary city involving construction of new 147 km and rehabilitation of 94.7 km of pipeline. In addition, there will be construction of water reservoirs built of reinforced concrete at Rwaza, Ngugo, Rusongati and Kabiza and of a total capacity of 8,500 m³. There will also be construction of Gihira II Water Treatment Plant of 15,000 m³/d in Rubavu to increase the production capacity from 8000 m³/day to 23,000 m³/day, as well as construction of new treatment units (2x8500 m³/d), and a new reservoir with 4,500m³ capacity.</td>
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<tr>
<td>Huye Town</td>
<td>Construction, rehabilitation, reinforcement and extension of water supply networks in Huye secondary city involving construction of main transmission and distribution network of which 11.9 km will be new and rehabilitation of 151.3 distribution network. There will also be construction two reinforced concrete reservoirs, one of 2000 m³ at Kanazi hill and another of 1000 m³ at industrial park.</td>
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### 1.2 Waste water treatment component

<table>
<thead>
<tr>
<th>Town/Location</th>
<th>Description</th>
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<tbody>
<tr>
<td>Kigali centralized waste water treatment System</td>
<td>The project will be the first centralized wastewater treatment system in Kigali City, and will include 86.5 km sewer network, 3.1 km sewer trunk mains, and a wastewater treatment plant at Gitikinyoni (10 ha site). Whereas the initial design was envisaged to include maturation ponds located within the Nyabugogo wetland, it is understood that this design has since been modified to an activated sludge design that will significantly reduce the project environmental footprint in the wetland.</td>
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### 1.3 Landfill and faecal sludge treatment Component

<table>
<thead>
<tr>
<th>Town/Location</th>
<th>Description</th>
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</table>
| Rusizi town/District | Construction and operation of “landfill and faecal sludge treatment plant” in Rusizi district will include improvement of storage, collection, transport and disposal of solid wastes involving development of a sanitary landfill, establishment of a disposal facility and treatment for faecal wastes (sludge), and preparation of a supplementary project on solid waste recycling, reuse and sanitary landfill at Ruganda landfill site for Rusizi District. The main landfill design component for solid waste management and recycling will include the following infrastructure: access pathways and roads, changing rooms and toilets, waste deposit and sorting area, waste dumping trenches, composting unit, compost storage facility, hazardous waste pit, leachate collection and aeration areas, electricity networks, water supply networks, and sewerage systems. The leachate from the landfill shall be pre-treated and directed to the feacal sludge treatment plant below the solid waste landfill. The Rusizi town Feacal Sludge Treatment component will have a capacity of 30 m³/day but could be modular with a capacity of 10 m³ per unit and will have following components:  
  - Pretreatment: Screening and Grit removal, oil and grease removal unit  
  - Thickening: Screw press, centrifuge or Disc thicker  
  - Liquid phase treatment: Compact Sewerage system (2 MBBR in series, lamella settlers, ultrafiltration: filter media supplemented by activated carbon filter and disinfection phase) or equivalent  
  - Solar Drying beds: green house in polycarbonate, and  
  - Covered sludge area for treated sludge and infiltration pit for wastewater and leachate treatment phase. It should also be understood that the landfill component design capacity is 100,000 m³ |
| Karongi Town | Construction and operation of “Landfill and faecal sludge treatment plant for Karongi town with a capacity of 30 m³/day but could be modular with a capacity of 10 m³ per unit and with standard components as with other like facilities to be developed in the other 3 towns. It should also be taken into account that the landfill component design capacity is 100,000 m³. The design will thus include facilities for waste separation, secondary treatment, sludge drying beds, solar driers, a component for leachate treatment as well as reuse/disposal schemes for treated products and sewerage system. Other ancillary components include access road rehabilitation. |
| Rubavu Town | Construction and operation of “landfill and faecal sludge treatment plant “In Rubavu district which has been designed to establish a complete chain of waste management for Rubavu Town. The design will thus include facilities for waste separation, secondary treatment, sludge drying beds, solar driers, a component for leachate treatment as well as reuse/disposal schemes for treated products and sewerage system. Other ancillary components include access road rehabilitation. The Rusizi town Feacal Sludge Treatment component will have a capacity of 150 m³/day but could be modular with a capacity of 20 m³ per unit and with standard components as |
with other like facilities to be developed in the other 3 towns. It should also be understood that the landfill component design capacity is 100,000 m$^3$ by 2025 with future extension.

<table>
<thead>
<tr>
<th>Musanze Town</th>
<th>Construction and operation of “landfill and faecal sludge treatment plant” in Musanze district with capacity of 60 m$^3$/day but could be modular with a capacity of 15 m$^3$ per unit and with standard components as with other like facilities to be developed in the other 3 towns.</th>
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<tr>
<td></td>
<td>The main components of the landfill and faecal treatment plant will include: Access pathways and roads, Changing rooms and toilets, Waste deposit and sorting area, Waste dumping trenches, Compost unit, Compost Storage facility, Hazardous pit, Leachate collection and aeration areas, Electricity networks, Water supply networks and Sewerage systems, etc.</td>
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2.0 Potential impacts

Overall the project is expected to have positive environmental and social benefits as it will not only improve access to clean water, but will also improve sanitation in the beneficiary cities. This will positively impact the lives of beneficiaries.

With regard to potential negative social impacts relevant to the preparation of the resettlement Action Plan (RAP), nearly all the project components, namely water supply, solid waste and sewerage/sludge treatment components will affect local community land and assets in one way or another resulting in a need for relocation and/or compensation where relocation is not required. Some of the project components, notably the solid waste disposal and sewerage/sludge treatment components will give rise to a need to acquire land and/or resettle current occupants of the land to give way to the project infrastructure. In Kigali City, the location for the proposed sewerage treatment plant is owed by one entrepreneur with a number of small scale artisanal businesses that will need to be relocated from site. In some instances, these impacts will be limited to compensation for the structures and crops including trees that will be impacted along the proposed water supply and sewerage networks and at key project locations such as sewerage works.

For the Kigali sewerage treatment component, the estimated 1,230 people will be affected through a combination of physical displacement (resettlement) and economic displacement as the current occupants on part of the ten hectare piece of land are engaged in a number of business/economic activities that will be affected. It is also expected that the construction of the main trunk sewer system will have some temporal impacts on other services due to works potentially causing accidental interference to existing service infrastructure.

3.0 Organizational responsibility

WASAC in collaboration with the respective beneficiary cities and/or local authorities will implement the Resettlement Action Plan (RAP). Details of these responsibilities are outlined in Section 7 below.

4.0 Community participation

Consultation with affected communities and individuals is regarded as an essential element of the ESIA process in Rwanda (REMA, 2005, 2006 and 2008a and 2008b). Throughout the Rwandan ESIA/RAP process, stakeholder engagement in the form of consultation and involvement of the local communities and the affected persons is required at three key stages:

- During the screening stage to inform about the terms of reference for the ESIA, by the Rwanda Development Board (RDB),
- On-going consultation during the ESIA study and/or RAP preparation,
- During public hearings to obtain broader stakeholder input.

Being an integral part of the ESIA process, the preparation of the RAP for the various components of the project involved extensive consultation with Project Affected Persons (PAPs) and with local authorities in the respective towns. In general, the stakeholders welcomed the project and promised to participate at all stages. The main RAPs provide the key issues raised and feedback provided during the consultations. The main objective of consultative meetings was:
• To explain the project to stakeholders;
• To show where the project will be implemented and;
• To obtain information, concerns, perceptions, reactions on the project by local leaders.

For instance, for Kigali City, consultation meetings were held at District offices (Nyarugenge and Gasabo on 26th January 2017 and Kicukiro on 27th January 2017) and attended by staff in charge of infrastructure in all sectors where the project will be implemented. Meetings were chaired by Districts leaders and WASAC’s representatives. On the other hand, stakeholder engagement during the preparation of the Resettlement Policy Framework (RPF) for the Kigali Centralized Sewage Treatment System involved public consultations conducted in Kigali in August and September 2015 and which also generated a Stakeholder Engagement Plan for the project. In addition to the consultations with the communities, consultations were also held with a number of Ministries and Local Authorities, as well as with the City of Kigali (CoK). Consultations were also carried out with project affected people during the household survey in the project area which was part of RAP preparation process.

For the Rubavu water supply component, filed surveys were undertaken on 09th-14th January 2017 and involved close consultation with households affected by the various project components. During public consultation meetings, most of the consulted PAPs expressed preference for cash compensation for their houses and affected assets. Details of the feedback and opinion of PAPs is contained in the detailed RAPs, but included, among others, questions on when the project will start, inquiries on mode of compensation, and how land only required temporarily can revert back to affected PAPs for their use. For Musanze town, consultation with PAPs was conducted by the team of consultants on 09th January 2017, with issues raised by communities including, among others, issue of jobs, plans for compensation and mode of compensation, and whether communities would benefit from the water project. In Muhanga and Huye towns, consultation with PAPs was conducted by teams of consultants on 13th January 2017. For Rusizi town, consultation with PAPs was conducted on 09th January 2017.

It is important to note that further consultations with all PAPs will continue throughout the property valuation process which is planned in the next few months.

5.0 Integration with host communities

Since majority of the PAPs have expressed preference for “cash for land” compensation, it is not expected that the PAPs will be resettled in a manner that will generate a nucleus community that could impact on resource use in the resettlement area. The mode of resettlement will thus not necessarily generate a need to design mechanisms for integration with “host communities”.

6.0 Socio-economic studies

Considering that the program area encompasses both urban and peri-urban neighborhoods, the socio-economic structure of the communities in the program area is understandably very diverse. For instance, for Rubavu Town, the survey showed that a majority of the heads of affected 39 households were engaged mainly in agricultural activities (13 or 70%), while 7 (17.7%) were salaried workers, 14 (35.9%) were self-employed, while 5 (12.8%) were not having gainful employment due to factors such as age (elderly). Of the heads of households, 37 out of 39 (94.9%) preferred to be compensated in cash, while only one preferred to be compensated in kind (asset equal to affected asset) and one could not immediately specify preference and promised to give response after consultation with other family members.

The table below presents the demographic characteristics of PAPs for the Kigali water supply component as obtained from field survey data:

<table>
<thead>
<tr>
<th>Household status</th>
<th>Number</th>
<th>Percent</th>
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</thead>
<tbody>
<tr>
<td>Total affected households</td>
<td>184</td>
<td>100%</td>
</tr>
<tr>
<td>Number of affected individuals</td>
<td>897</td>
<td>100%</td>
</tr>
<tr>
<td>Number of males affected</td>
<td>448</td>
<td>49.9%</td>
</tr>
<tr>
<td>Number of females affected</td>
<td>449</td>
<td>50.1%</td>
</tr>
</tbody>
</table>

For Kigali City, PAP census showed that in Gasabo District 69.7% owned properties to be affected and 28.4% were tenants, while in Nyarugenge District, 55.6% owned the properties to be effected and had official documentations as
proof of ownership, while tenants constituted 40.7%. The number of tenants was found to be fairly high in Kigali city as water supply networks is passing in areas where most of people are living and working.

**Vulnerable Groups**

The socio-economic studies also found that of all the PAPs in Kigali City, 12.3% of persons composed all affected households were characterized as vulnerable, including 16 being disabled, 19 women heads of households, 25 living with permanent illness, 6 characterized as poor as confirmed by their living conditions (Ibyiciro by’ubudehe), 23 being elderly and 21 orphans.

For Rubavu town, out of the 203 PAPs, 19 individuals (9.4%) were determined to be vulnerable individuals, with 3 being disabled, 3 women household heads, 7 living with permanent illness, 2 categorized as poor as confirmed by living conditions and 3 categorized as elderly.

For Huye town, no vulnerable individuals were found in surveyed households; among 10 surveyed households, no disabled person, no people lives with permanent illness, no household heads were women and no elderly individuals were encountered. In Rusizi town, the census of PAPs showed out of the 461 PAPs, 10.2% of the individuals encountered could be classed as vulnerable (47 out of 461). Within the vulnerable persons, 8 out of 47 (17.02%) were disabled, 3 (6.38 %) were women heads of households, 8 (17.02%) lived with permanent illness, 1 (2.12%) were classed as poor as confirmed by living conditions (Ibyiciro by’ubudehe) and 10 (21.27%) were elderly. During field data collection, 17 (34.69%) orphan surveyed presenting 5% of vulnerable people.

**Employment and occupation**

The survey also showed that 34.2% of heads of affected households in Gasabo District were mainly engaged in agriculture compared to 14.8% in Kicukiro. This was principally because Gasabo has a large peri-urban area than urban area and agriculture dominates other activities. Self-employment dominates in Kigali as the Gasabo district has 43.2% of surveyed head of households and 51.8 are self-employed in Nyarugenge District.

**7.0 Legal framework, including mechanisms for conflict resolution and appeal**

The key regulations on Land Acquisition and Resettlement in Rwanda include the following:

- The Rwandan Constitution (ratified in 2003);
- The National Land Policy ensures equal rights to land use for all Rwandan citizens (Politique Nationale Foncière 2004);
- Organic Land Law No. 43/2013 of 16/06/2013 governing the main land legislation in Rwanda as mentioned in the *Official Gazette, Special Edition from 16/06/2013*, which determines the procedure for use and management of land in Rwanda;
- Property Valuation Law No. 17/2010 which defines Property Valuation in Rwanda;
- Presidential Order No. 54/01 of 12/10/2006 stipulating the structure and the responsibilities of Land Commissions;
- Ministerial Order No. 001/2006 of 26/09/2006 stipulating the structure of Land Registers and the responsibilities of the District Land Bureau, and
- Ministerial Order Determining Dispute Resolution process related to Land Issues, and
- Organic Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest (also known as the “old” law No 18/2007 of 19/4/2007 on Expropriation)

The legal framework lays the foundation for four key elements of the RAP:

- Approach to Land Access and Management
- Establishing rates of compensation
- Determining eligibility for compensation and resettlement assistance, including livelihood initiatives
- Establishing mechanisms to resolve grievances among affected persons related to compensation and eligibility.
Land acquisition and resettlement activities are governed by the following key legislation:

- The Constitution of Rwanda (2003) as revised in December 2015
- Law No. 32/2015 Relating to Expropriation in the Public Interest (2015)
- Law No. 43/2013 Governing Land in Rwanda (2013).

7.1.1. The Constitution of Rwanda

The Rwandan Constitution, promulgated in 2003 and revised in December 2015, recognizes ownership of property and every person’s right to private property (Article 34). Consequently, private property, whether individually or collectively owned, is inviolable.

Exceptionally, the right to property may be overruled in the case of public interest. In these cases, circumstances and procedures are determined by the law and subject to fair and prior compensation (Article 34).

Article 35 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.

7.1.2. Law No. 32/2015 Relating to Expropriation in the Public Interest

Article 2 defines expropriation in the public interest as, ‘an act based on power of Government, public institutions and local administrative entities with legal personality to remove a person from his/her property in the public interest after fair compensation’.

Further, fair compensation is defined as, ‘an indemnity equivalent to the value of land and the activities performed thereon given to the person to be expropriated and calculated in consideration of market prices as well as compensation for disturbance due to expropriation’.

Article 3 notes that, ‘No person shall hinder the implementation of the program of expropriation in the public interest on pretext of self-centered interests’.

Article 17 states that after the publication of a decision on expropriation in the public interest, complete with a list of holders of rights registered on land titles and property incorporated on land, land owners shall not develop any long-term activities on the land, otherwise such activities shall not be compensable during expropriation.

In terms of valuation, Article 22 states that land values and prices for property consistent with the prevailing market rates shall be established by the Institute of Real Property Valuers in Rwanda. (This was not established yet during the preparation of this ARAP)

Article 23 states that independent valuers certified by the Institute of Real Property Valuers in Rwanda should conduct valuation of land and property.

In accordance with Article 25, the valuation of land and property should be conducted in the presence of the landowner/property owner or their lawful representatives, and in the presence of representatives of local administrative entities.

According to Article 26 land titles must be produced as evidence of ownership, and evidence of marital status as applicable. Any persons dispossessed of land, or unlawfully occupying land, or having developed activities prohibited after the enactment of relevant laws shall receive no compensation.

Article 27 reaffirms that compensation for land must include any improvements on the land and compensation for disruption associated with expropriation.

Article 28 notes that the value of land and property should be calculated on the basis of size, nature and location and the prevailing market rates. The compensation for disruption caused by expropriation to be paid to the expropriated person shall be equivalent to five percent (5%) of the total value of his/her property expropriated.
Article 32 refers to sign-off by the owner once he/she is satisfied with the valuation.

Article 33 allows for any person not satisfied with the valuation to contest in writing within seven days. Any person contesting the assessed value must engage the services of a valuer or a valuation firm recognized by the Institute of Real Property Valuers in Rwanda, at their own expense, to carry out a counter-assessment of the value. Under Article 34 if unsatisfied the matter may be referred to the courts. However, the compensation will be paid pending the court decision so as not to delay expropriation.

In terms of payment of compensation, Article 35 notes that, ‘fair compensation can be paid in monetary form in the Rwandan currency or in any other form mutually agreed upon by the expropriator and the person to be expropriated’. The fair compensation must be paid to the expropriated person before he/she relocates.

Article 36 notes that compensation must be paid within 120 days of approval by the Ministry, or otherwise becomes null and void, unless mutually agreed otherwise. After payment, the affected person has a further 120 days to relocate. In this time they should not plant any crops that would take more than 120 days of growth before harvesting.

Article 38 stipulates that compensation shall be deposited into a bank account with a recognized locally-based bank or financial institution. When, in case of joint ownership, compensation must be paid to more than one person, such as family or a legally married spouse, compensation will be deposited into an account which requires co-authorization to withdraw money.

Article 39 allows for payment of compensation in-kind as opposed to cash. During public consultation with PAPs, they confirmed that they need compensation in cash not in kind.

7.1.3. Law No. 17/2010 Establishing and Organizing Property Valuation Profession (2010)

Article 27 introduces the various valuation methods that may be applied to determine the fair market value of property. Article 28 discusses the Comparable Prices Method, whereby the valuer shall compare prices by referring to the prices recently assigned to a real property that is similar or comparable to the real property subject to valuation.

Article 29 discusses the Comparison Method, whereby, when comparable prices are not available for land in a particular area, the valuer may use comparable prices of similarly classified land from other areas of the country. Article 30 notes that, 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.

Article 31 states that the valuer shall use whatever combination of the methods he/she considers best suited to determine the current market value, and the methods used shall be clearly explained in a valuation report.

7.1.4. Law No. 43/2013 Governing Land in Rwanda (2013)

The Land Law has been developed to determine the modalities of allocating, acquiring, transferring, using and managing land in Rwanda. Article 3 of the law reaffirms the States supreme power in management of land and the right to expropriate in the public interest.

Under Article 6, any citizen can be granted freehold title, and as per Article 7, for an area up to 5 hectares. The Minister may allow for freehold titles in excess of 5 hectares.

Article 10 notes that private individual land shall comprise land acquired either through customary or written law.

Article 17 notes that in addition to freehold title, the right to land may be granted by the State in the form of emphyteutic lease (specifying that the lessee must improve the property with construction), for between 3 and 99 years, which can be renewed.

Article 18 states that allocated or leased land shall be evidenced by a certificate of land registration issued by the registrar of land titles. Article 20 notes that registration of land is obligatory.
In terms of land use consolidation, Article 30 notes that it is prohibited to subdivide agricultural land plots if this would result in a plot of less than 1 hectare. Owners of lands which are prohibited from subdivision should co-own and use the land.

Article 34 notes that landowners have the right to exploit their land in accordance with the law, and freely own land, except in the case of expropriation in the public interest.

7.2 Relevant Orders


This ministerial order determines the structure of Land Registers, and the responsibilities and functions of the District Land Bureau. The responsibilities of the land bureau include among others to implement land registration, keep land registers, monitor and approve activities pertaining to valuation of land and property, and demarcate and approve land cadastral maps.

Rural populations with customary land rights are being encouraged to register their land through these institutions.

7.2.2 Presidential Order No. 54/01 (2006)

This presidential order determines the structure, the responsibilities, the functioning and the composition of Land Committees. Article 9 of the order gives the office of the land committee independence in the discharge of its daily technical duties. Therefore, it receives no instructions from any other organ.

7.2.3 Ministerial Order No. 002/2008 Determining Modalities of Land Registration (2008)

The Ministerial Order includes dispute resolution procedures in relation to land registration, including the use of a Cell Land Adjudication Committee (LAC). The LACs are comprised of five members, supplemented by five members of the particular village (imidugudu) where demarcation and adjudication is taking place. The cell executive secretary acts as the LAC secretary, although he or she has no voting rights.

Article 17 grants parties to a dispute the right to take that dispute to the LAC. Where disputes are resolved with the assistance of the LAC, the parties are bound by that agreement, and may not later raise the issue.

Article 20 provides procedures for the LAC when hearing disputes, including that the hearing is open to the public and announced eight days in advance.

7.3 AfDB Involuntary Resettlement Policy, 2003

7.3.1 Policy Goal, Objectives and Guiding Principles

The primary goal of the involuntary resettlement policy is to ensure that when people must be displaced they are treated equitably, and that they share in the benefits of the project that involves their resettlement. The objectives of the policy are to ensure that the disruption of the livelihood of people in the project’s area is minimized, ensure that the displaced persons receive resettlement assistance so as to improve their living standards, provide explicit guidance to Bank staff and to borrowers, and set up a mechanism for monitoring the performance of the resettlement programs.

Most importantly, the resettlement plan (RP) should be prepared and based on a development approach that addresses issues of the livelihood and living standards of the displaced person as well as compensation for loss of assets, using a participatory approach at all stages of project design and implementation.

Compensation at the full replacement cost for loss of lands and other assets should be paid prior to projects implementation with the view to improve the former living standards, income earning capacity and production levels of the affected population. The improvement of these living standards should also apply to host communities. In addition, the needs of disadvantaged groups (landless, female headed households, children, elderly, minority ethnic, religious and linguistic groups, etc.) must be at the center of the development approach.
Under the present policy, only PAPs having formal legal rights to land or assets and those who can prove entitlement under the country’s customary laws are considered and will be fully compensated for loss of land or other assets. However, a third category of displaced persons who have no recognizable legal right or claim to the land they are occupying in the project area will be entitled to resettlement assistance in lieu of compensation for land. Nevertheless, at the minimum, under the Bank’s policy (with no contradiction to the borrower’s legislation), land, housing, and infrastructure will be provided to the adversely affected population, including indigenous groups, ethnic, religious and linguistic minorities, and pastoralists who may have usufruct rights to the land or other resources taken for the project.

### 7.4. Implementation Strategies

Once the final valuation of affected properties and assets has been done by the competent government valuers, through consultations between the affected parties and the project developer, an agreement will be reached on the mode of payment. A mode of payment could be either monetary, alternative land or a structure equivalent to the one to be demolished, as long as any non-monetary option is close to, or equivalent to the compensation amount agreed in the Contract.

Prior to payment of compensation, the affected person provides evidence to confirm that (s)he has rights on the affected asset. This can be done through a number of means, including:

- a certificate of acknowledgement that this person can represent the entire family, as well as a written evidence indicating that (s)he either inherited the land, purchased it or received it as a donation;
- a document or a statement from the local administrative body indicating rights of the affected person on the land;
- a document or testimony of the neighbors confirming the ownership of the land; or
- a Court certificate.

Because the cash compensation will most likely be in amounts the PAPs are not used to managing, it is planned that the PAPs will receive basic financial management and basic business training in order to ensure households understand that cash compensation should be utilized to restore lost assets and needs to be properly used.

In addition to cash compensation, the poorest vulnerable people will be facilitated to get reestablishment of livelihood activities (provision of seedlings, agricultural inputs, and financial credits for equipment, 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.

### 8.0 Institutional framework

The overall coordination of the implementation of the RAP will be provided by WASAC which will oversee all resettlement planning and coordinate all issues relating to the compensation. WASAC will do this in close collaboration with local authorities falling within the project area. The roles and responsibilities of various actors are outlined below.

#### 8.1 Ministry of Natural Resources (MINIRENA)

MINIRENA governs the implementation and application of the Organic Land law and the Land Use Master Plan. While it governs alignment with these Laws at the national level, responsibilities for their implementation locally has been devolved, following decentralization, to Land Commissions and Committees at District, Sector and Cell levels.

MINIRENA is also the key Ministry governing resettlement arrangements in Rwanda. They do this by working directly with the Ministry/Institution developing the project for which resettlement is required.

In the implementation of the RAP, MINIRENA will work closely with WASAC to facilitate the resettlement process and ensure it meets national and international legislation with regard to the land ownership and proper use requirement. It will also oversee the resettlement and compensation process and review the land title documentation and ensure it meets all land legislative requirements.
8.2. Ministry of Infrastructure (MININFRA)

The Ministry of Infrastructure is the parent ministry of the Water and Sanitation Corporation (WASAC). It covers the following sectors: transport; energy; housing and human settlement; water and sanitation. The mission and purpose of the ministry of infrastructure is to ensure the sustainable development of infrastructure and contribute to economic growth with a view to enhancing the quality of life of the population.

8.3. Water and Sanitation Corporation (WASAC)

WASAC is a company that distributes water in Rwanda. WASAC will be the main agency involved in the implementation of the RAP and as the project Executing Agency, it will have overall responsibility for implementation of RAP, with responsibility holding all information relevant to the RAP. WASAC will also have overall responsibility for monitoring and evaluation of resettlement implementation (i.e., annual audits and review of sub-project level monitoring undertaken by affected District), ensuring that the RAP is implemented in accordance with Rwandan laws and AfDB requirements.

8.4. District Level Implementation

8.4.1. District Authorities

The District authorities in the Project Area are the coordinating bodies for resettlement activities at the district level. The District-level departments provide a review and monitoring role, and provide political and administrative support in the implementation of the RAP. They also review and sign off of all documentation (e.g., compensation agreements, compensation request and report etc.)

8.4.2. District Land Bureaus

The District Land Bureaus (DLBs) which is in District One Stop Center (DOSC) are the executive bodies responsible for ensuring activities undertaken comply with National and District level Land Use Master Plans. DLBs are in the process up being set up as a part of the revised land legislation implementation process. The responsibilities of the land bureau include among others to implement land registration, keep land registers, monitor and approve activities pertaining to valuation of land and property, and demarcate and approve land cadastral maps.

They will be used in this RAP implementation as much as possible in order to ensure that communities are consulted, and that community buys in is present at an early stage.

The District Land Bureaus will play a major role in ARAP implementation by:

- Establishing Local Resettlement Committees at Sector/ Cell level.
- Clarifying the policies and operational guidelines of Local Resettlement Committees.
- Coordinating and supervising RAP implementation by Local Resettlement Committees to ensure consistency and alignment with the RAP.
- Assessing the validity of land tenure rights of affected persons, assisting in titling, and providing the land use permit for any new project activities.
- Ensuring effective grievance mechanisms are in place.

8.4.3. District Land Commission

This is a consultative/ advisory body with the mandate to monitor and evaluate work done by the District Land Bureaus. As an advisory body the District Land Commission is in charge of establishing Sector/Cell Land Committees.

8.4.4. Sector / Cell Land Committees

Sector and Cell level Land Committees liaise with the District Land Bureaus and play a role in public awareness raising, including facilitating extensive consultation with the affected people. They also approve land use changes at Sector and Cell level and ensure alignment with the Land Use Master Plans. They provide information on current local land use and land tenure, and ensure project grievance mechanisms meet legislative requirements.
8.4.5. Land Adjudication Committees

Land Adjudication Committees (LACs) are a traditional legal institution implemented only when there is conflict over land ownership. Only when disputes are referred to them will they have a role to play, in conflict and dispute resolution. A key role is the management of land ownership conflicts, part of which involves helping vulnerable people to appeal in case of grievances.

8.4.6. District Task Forces

To specifically coordinate project-related activities, district task forces will be set up. This will include representatives of the various district departments such as land valuation, infrastructure, social affairs and environment. They will act as the key implementing bodies for RAP related activities at district level, coordinating with WASAC’s Project Implementation Unit. They also lead in coordinating the livelihood restoration programs.

8.4.7. Sector & Village Level Committees

8.4.7.1. Local Resettlement Committees

A number of Local Resettlement Committees (LRCs) will be set up by the District Land Bureaus at the sector, cell and village levels as appropriate. These will be made up of a mix of district experts and community representatives. They will include sector land managers and agronomists, cell executive secretaries, village leader, as well as at least three project-affected representatives from each affected village; including at least one female and one potentially vulnerable person.

The LRCs will participate in the compensation, valuation and sign-off process, and play a role in reviewing grievances at the village level. They will be involved in participatory monitoring of the Project. They also play a key role in identifying potentially vulnerable households. The LRS will also play a role in identification of land for replacement, assistance during resettlement, effective consultation with PAPs, as well as 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. The LRCs will also 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.

8.4.7.2. Village Mediation Committees (Abunzi)

At the village (Imidugudu) level, there are village-level mediation committees (abunzi) whose work is to hear local disputes, including land disputes. The abunzi have mandatory jurisdiction over land disputes involving amounts less than three million Rwf, which covers most disputes. The abunzi also have mandatory jurisdiction over succession and boundary disputes involving less than three million Rwf. The abunzi will be used in this project as the first step in resolving disputes and grievances concerning land acquisition.

8.4.7.3 Project Contractor(s)

The Contractor(s) will be responsible for:

- Fair compensation of crops damaged during construction,
- Including social expertise in the Contractors team to handle RAP related issues,
- Equitably distribute jobs to both women and men and prioritize vulnerable households and impacted households,
- Provide guidance for workers and communities regarding anti-social behavior that could lead to grievances,
- Solicit services of archaeologist for identification of any finds during construction,
- Restore all temporary construction works upon completion of project.

9.0 Eligibility

Consistent with the relevant Rwandan Policy and international standards on Involuntary Resettlement, any project leading to losses to the community within which the project is located requires adequate compensation of the affected
people with due verification of their entitlements. In view of this, affected persons, irrespective of their legal status are eligible for some form of compensation if they occupied the land before the entitlement cut-off date. The main losses which occur on this project are land losses, buildings losses and loss of crops and trees. Compensation for only perennial crops will be done on the basis of the requirements of the laws, while seasonal crops will not be compensated as owners will be given period of 120 days to harvest these crops as stipulated by article 36 of Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest.

The following categories of PAPs were considered as eligible for compensation during the expropriation process:

- Land owners where land will be taken (temporally) by the project activities (land lease will be applied);
- Houses and other structures will be compensated;
- Owners of crops and trees on project affected land as measured and counted by the survey team.

A summary of the entitled matrix that will guide the establishment of compensation entitlement is provided below:

<table>
<thead>
<tr>
<th>Entitlements Matrix</th>
<th>Type of Loss</th>
<th>Application</th>
<th>Definition of Affected Household/PAP Entitled</th>
<th>Compensation Entitlement</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Temporarily loss of agricultural land</td>
<td>Removal of PAPs from agricultural land.</td>
<td>Owner (person with legal title/registration of land ownership)</td>
<td>Cash compensation for land at market rates as calculated in previous sections. This will apply as land lease of period of two months of excavation and installation of pipes (assumption)</td>
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<tr>
<td>2</td>
<td>Loss of crops</td>
<td>Removal or destruction of crops, temporal land loss.</td>
<td>All persons using or cultivating land (including tenants and share-croppers)</td>
<td>Cash compensation for lost crops at government rates as calculated by District Land Bureau and Sector agronomists. PAPs to be informed to allow for harvest of mature crops before displacement (120 days as stipulated by the expropriation law).</td>
</tr>
<tr>
<td>3</td>
<td>Loss of productive trees</td>
<td>Removal of trees along water supply networks.</td>
<td>Owners of trees</td>
<td>Monetary compensation to owners based on tree type and maturity according to rates provided by District Land Bureau. PAPs to be informed to allow for harvest before displacement.</td>
</tr>
<tr>
<td>4</td>
<td>Vulnerable people’s assistance</td>
<td>Impacts on vulnerable people</td>
<td>Household heads below poverty line, elderly, people not protected by national land law, historically marginalized people.</td>
<td>Expropriation contract should highlight that employment priorities are to be given to the affected people. Vulnerable peoples should be authorized to delegate a family member to take advantage of employment opportunities on their behalf.</td>
</tr>
<tr>
<td>5</td>
<td>Loss of houses and structures</td>
<td>Clearance of land of all structures</td>
<td>Owners</td>
<td>Compensation at full replacement cost to be calculated by authorized valuer. Estimated cost is proposed in the RAP</td>
</tr>
<tr>
<td>6</td>
<td>Loss of fixed assets (walls, fences, wells)</td>
<td>Clearance of land of all structures</td>
<td>Owners</td>
<td>Compensation at full replacement cost.</td>
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</tbody>
</table>

10.0 Valuation and compensation for losses

According to Rwandan Expropriation Law No 32/2015 relating to expropriation in public interest, any expropriated assets are to be ‘justly’ compensated with valuation undertaken by accredited valuator. This means that the costs established through the RAP process are to be treated as estimates as the final and actual asset values will be determined by accredited valuers as required by the law. Therefore, during the RAP preparation, a field team visited areas where the water supply network and sewerage system infrastructure will be passing to carry out an asset inventory. The team collected information related to assets affected as well as information on asset owners. This exercise will be also be repeated the valuation team during the determination of actual values. At this time, list of PAPs surveyed during RAP preparation will be adjusted where necessary. Each surveyed asset will be re-measured in order to verify its accuracy to the reality. The value of each asset will then be recorded in a register and disclosed to the affected person for agreement then the asset owner will sign on the valuation form for confirming that he/she agrees with the value given to his/her asset.
During RAP preparation, the method used for data collection was one-on-one interviews with the heads of affected households. After completing the surveys, PAP was allowed to ask more clarifications on the project. The teams were guided by technicians/officers from WASAC branches or headquarter.

The survey team identified a number of PAPs whose assets will be affected by the project. Houses and other structures such as fences etc. to be affected by the project was measured using meter measurement tool.

Trees and fruits to be affected by the project are counted by team of surveyors by considering their maturities. Seasonal crops were not surveyed as will be harvested within next three months.

Interviews conducted with PAPs were also used to assess mode of preferred compensation by individual PAPs. 83% of the PAPs preferred to be compensated in cash, 9% preferred to be compensated in kind (asset equal to affected asset), while 8% said that they would only be able to respond after consultation with family members.

10.1 Methods of Compensation

10.1.1 Compensation for Buildings and Structures

There are different options for compensating structures and buildings. Cash compensation at full replacement value or any other form mutually agreed upon by the expropriator and the person to be expropriated are some of them (Article 35 of the Rwanda expropriation law No 32/2015 of 11/06/2015).

Replacement costs will be based on:

- Sizes of structures and materials used;
- Average replacement costs of different types of structures based on information on the numbers and types of materials used to construct different types of structures
- Prices of materials used in the structure based on local market rates
- Transportation costs for delivery of these materials acquired for replacing the structure
- Estimates of construction of new buildings including labor required
- Any associated costs including rates, taxes, and registration fees among others.

Furthermore, resettlement assistance will be provided in the form of moving allowance (at full costs of transport expenses). As Rwanda is implementing grouped settlement, affected people requested to be offered plots in selected sites for house construction.

During public consultation meeting, most of consulted PAPs requested for cash compensation for their houses. However, a few individuals did not give a firm position on the mode of preferred compensation as they needed to first consult with other family members. It is understood that they will be in position to provide feedback during the planned asset evaluation exercise since they will have had enough time to consult.

As per the Rwandan expropriation law and results from public consultation, the PAPs in the project site who will lose houses will be provided with cash compensation at full replacement value to build their new houses.

Individual and household compensation will be made in cash and/or through assistance in the knowledge and presence of both man and wife. In case of cash compensation, joint accounts will be opened in recognized bank or any other financial institution/micro finance. The monetary fair compensation will be done through a recognized financial institution of his/her choice. Affected PAPs will be requested to open bank accounts before the payment is done.

Local Banks and micro-finance institutions will work closely with the local administration at this level to encourage the use of their facilities, which will positively assist with regard to access as well as impact on the local economies.

10.1.2 Vulnerable People’s Entitlements

In addition to compensation allowances, the poorest vulnerable people will be facilitated to get reestablishment of livelihood activities (provision of seedlings, agricultural inputs, and financial credits for equipment, 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.

11.0 Identification and selection of resettlement sites, site preparation and relocation

Since the preferred mode of compensation is mostly cash for land/assets, the aspect of community resettlement requiring identification of resettlement sites will not apply in the program.

12.0 Implementation schedules

An implementation schedule for the RAP implementation has been provided as below:

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<td>RAP Approval</td>
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<td>Public consultations</td>
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<td>Valuation of assets</td>
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<td>Disclosure of entitlement</td>
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<td>Compensation payment</td>
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<td>Grievance management</td>
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<td>ARAP Monitoring &amp; Evaluation</td>
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<td>ARAP completion</td>
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</table>

This calendar will be subject to adjustment depending on progress of the various mandatory requirements, such as valuation of assets.

13.0 Costs and budget

The RAP indicates that the Government of Rwanda, through Ministry of Infrastructure and the Water and Sanitation Corporation (WASAC), will make available funds for compensation and this will be done prior to any taking of land and properties incorporated thereof. Whereas the RAP preparation process only could provide estimates, a final budget will only be developed following evaluation of full scope of assets to be affected by the relevant Government agency responsible, as well as refinement of all assistance programs, including required livelihood restoration. For purposes of compensation of PAPs, the following estimated costs have been provided for:

<table>
<thead>
<tr>
<th>Location</th>
<th>Estimated Number of affected PAPs</th>
<th>Est. compensation budget (RWF)</th>
</tr>
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<tbody>
<tr>
<td>Water supply component</td>
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<tr>
<td>Kigali town project area</td>
<td>It is estimated that about 150 structures will be affected partially (fences, houses or pavements) as well as a number of crops and trees.</td>
<td>722,466,455</td>
</tr>
<tr>
<td>Nyagatare town</td>
<td>13 people will be affected partially (only fences of houses) and a number of crops and trees.</td>
<td>50,415,179</td>
</tr>
<tr>
<td>Rusizi Town</td>
<td>It is estimated that about 91 people will be affected partially with some building structures (house, fences, and pavement) as well as trees and crops in or close to the location of the project site will be affected and will require expropriation.</td>
<td>64,657,954</td>
</tr>
<tr>
<td>Musanze Town</td>
<td>An estimated 17 people will be affected partially due to impacts on fences of houses, and a number of crops and trees.</td>
<td>44,014,405</td>
</tr>
<tr>
<td>Muhanga Town</td>
<td>Some structures (house, fences, and pavement) in or close to the location of the project site will be affected and will require expropriation. It is expected that about 9 people will be affected partially (only fences of houses) and a number of crops and trees.</td>
<td>50,636,730</td>
</tr>
<tr>
<td>Rubavu Town</td>
<td>It is estimated that in Rubavu city, about 32 structures will be affected partially (fences, houses or pavements), as well as a number of crops and trees.</td>
<td>127,318,673</td>
</tr>
<tr>
<td>Huye town</td>
<td>No houses or fences will be affected in Huye city but some fruits trees and other exotic trees will be affected.</td>
<td>6,909,072</td>
</tr>
<tr>
<td><strong>Sub-total for water supply components</strong></td>
<td></td>
<td><strong>1,066,418,468 RWF</strong></td>
</tr>
<tr>
<td>Location</td>
<td>Estimated Number of affected PAPs</td>
<td>Est. compensation budget (RWF)</td>
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</tr>
<tr>
<td>Waste water, land fill and faecal sludge treatment components</td>
<td>About 1230 people (a combination of land owners, tenants and employees of small businesses) could be affected by land expropriation and/or physical or economic resettlement due to the WTP, trunk main and maturation ponds sites. This is from an estimated 307 households.</td>
<td>8.2 million Euros</td>
</tr>
<tr>
<td>Kigali Waste Water Treatment Plant</td>
<td>For Musanze landfill, the PAPs chose a land for land option for compensation for the 3 ha of land to be taken from them, hence the amount involved will be for purchase of land. In addition crops lost will also be compensated with cash.</td>
<td>80,000,000</td>
</tr>
<tr>
<td>Musanze town</td>
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</tbody>
</table>

The Other 3 towns where solid waste and sludge component will be developed there is no land acquisition required because landfills and faecal sludge treatment plants will be constructed near existing dumpsites on the land already allocated to sanitation infrastructures in the land use master plans of those Districts. Therefore no compensation required.

14.0 Monitoring and evaluation

Arrangements for monitoring of resettlement activities by the implementing agency; supplemented by independent monitors as appropriate, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; evaluation of the impacts of resettlement for a reasonable period of time after the resettlement activities have been completed.

WASAC will conduct monitoring and evaluation to track the implementation of the Resettlement Action Plan, paying particular attention to the project-affected communities, especially vulnerable groups, including female headed households and orphan-headed households. The monitoring process will seek to verify that:

- Actions and commitments for compensation, resettlement, land access, and development in the ARAP are implemented fully and on time,
- Entitled persons receive their compensation on time,
- Compensation and livelihood investments are achieving sustainable restoration and improvement in the welfare of Project-Affected Persons, households and communities,
- Complaints and grievances are followed up with appropriate corrective action, and
- Vulnerable persons are tracked and assisted as necessary.

The AfDB as the financier will conduct routine supervision to ensure that the PAPs are not worse off than they were before the project. In addition, an external audit will be undertaken by an external party to the project implementation team with the aim to assess the compliance of the RAP implementation.

15.0 References and Contacts

This ESIA/RAP summary was prepared based on information contained in the detailed project ESIA and RAP documents.

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