RESETTLEMENT ACTION PLAN (RAP) FOR THE CROSS-BORDER ROADS LOT 2 (82.65KM) IN MUSANZE, NYABIHU AND RUBAVU DISTRICTS.

FINAL REPORT

PREPARED BY JV CHARIS UAS & TECOS LTD

NOVEMBER, 2021
# TABLE OF CONTENT

<table>
<thead>
<tr>
<th>Section</th>
<th>Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>xv</td>
</tr>
<tr>
<td>1 INTRODUCTION</td>
<td>1-1</td>
</tr>
<tr>
<td>1.1 Background</td>
<td>1-1</td>
</tr>
<tr>
<td>1.2 Project Objectives</td>
<td>1-2</td>
</tr>
<tr>
<td>1.3 Authority of the Report</td>
<td>1-2</td>
</tr>
<tr>
<td>1.4 Project Location</td>
<td>1-3</td>
</tr>
<tr>
<td>1.5 Project Justification</td>
<td>1-5</td>
</tr>
<tr>
<td>1.6 Objectives of RAP</td>
<td>1-5</td>
</tr>
<tr>
<td>1.7 Guiding Principles for the RAP</td>
<td>1-6</td>
</tr>
<tr>
<td>1.8 RAP Scope</td>
<td>1-7</td>
</tr>
<tr>
<td>1.9 Report Format</td>
<td>1-8</td>
</tr>
<tr>
<td>2 METHODOLOGY</td>
<td>2-1</td>
</tr>
<tr>
<td>2.1 Review and Analysis of Secondary Data</td>
<td>2-1</td>
</tr>
<tr>
<td>2.2 Sensitization and Public Consultations/Stakeholder Engagement of PAPs</td>
<td>2-2</td>
</tr>
<tr>
<td>2.3 Determination of the Socio-economic Profile of PAPs</td>
<td>2-5</td>
</tr>
<tr>
<td>2.4 Data Analysis, Quality Control and Reporting</td>
<td>2-6</td>
</tr>
<tr>
<td>2.5 GIS Mapping Methodology</td>
<td>2-7</td>
</tr>
<tr>
<td>Carrying out Fieldwork</td>
<td>2-8</td>
</tr>
<tr>
<td>Data Editing and Update</td>
<td>2-8</td>
</tr>
<tr>
<td>2.6 PAPs Database Design</td>
<td>2-8</td>
</tr>
<tr>
<td>2.7 Creating Overlays and Maps for Various themes</td>
<td>2-9</td>
</tr>
<tr>
<td>2.8 Updating the PAPs Database with Valuation Data</td>
<td>2-9</td>
</tr>
<tr>
<td>2.9 Valuation of Land and Assets</td>
<td>2-10</td>
</tr>
</tbody>
</table>

Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
### 2.9.1 Valuation Methodology
2-10

### 2.9.2 Verification
2-11

### 2.9.3 Field Data Collection
2-11

### 2.9.4 Determination of Unit Rate and References
2-11

### 2.9.5 Land and Asset Valuation
2-11

### 2.9.6 Land Valuation
2-12

### 2.9.7 Buildings/structures
2-13

### 2.9.8 Crops, plants and trees
2-13

### 2.9.9 Property Ownership Data Collection Methods
2-13

### 2.9.10 Compensation Packages
2-14

### 2.10 Cut-Off Dates
2-14

### 2.11 Challenges Encountered During the Assignment.
2-14

### 3 PROJECT DESCRIPTION
3-1

#### 3.1 Overview
3-1

#### 3.2 Cross border roads subprojects
3-1

#### 3.3 Project Resettlement Planning
3-1

#### 3.4 Design Considerations and Adopted Project Designs
3-2

#### 3.5 Resettlement Impact of Adopted Project Designs
3-3

#### 3.6 Determination of Resettlement Impacts
3-3

##### 3.6.1 Resettlement Impacts for Proposed cross border Roads
3-3

#### 3.7 Involuntary Resettlement Impacts for Proposed Project
3-4

##### 3.7.1 Involuntary Resettlement Impacts
3-4

##### 3.7.2 Expropriation Impacts Analysis for cross border roads project
3-4

#### 4 POLICY LEGAL AND REGULATORY FRAMEWORK
4-1

#### 4.1 Introduction
4-1

#### 4.2 Rwanda Policy Framework
4-2

#### 4.3 African Development Bank’s Safeguard Policy and guidelines
4-6

##### 4.3.1 Involuntary Resettlement Policy, 2003.
4-6

#### 4.3.2 AfDB Gender Policy
4-8

#### 4.3.3 Bank Group Policy on Poverty Reduction
4-11

#### 4.3.4 Policy Guidelines on Co-operation with Civil Society Organizations (CSOs)
4-12

#### 4.3.5 Disclosure and Access to Information
4-13

#### 4.3.6 Handbook on Stakeholders Consultations and participation on AfDB Funded Projects
4-14

#### 4.4 Comparison between National Principles and AfDB Standards related to involuntary settlement
4-15

### 5 SOCIO-ECONOMIC FEATURES OF THE PROJECT AFFECTED PERSONS
5-1

#### 5.1 SOURCES OF DATA
5-1

---

_Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts_
5.2 Socio-economic characteristics of the PAPs 5-1
5.2.1 House Income Distribution of PAHs for Kinigi-Kabuhanga road 5-1
5.2.2 Sources of Income for PAHs per gender for Kinigi-Kabuhanga road 5-2
5.2.3 Education Level per respondents for Kinigi-Kabuhanga road 5-3
5.2.4 Household size and composition for Kinigi-Kabuhanga road 5-4

5.3 Socio-economic characteristics of the PAPs 5-5
5.3.1 House Income Distribution of PAHs for Kabuhanga-Kigarama-Kiraro road 5-5
5.3.2 Sources of Income for PAHs per gender for Kabuhanga-Kigarama-Kiraro road 5-6
5.3.3 Education Level per respondents for Kabuhanga-Kigarama-Kiraro road 5-7
5.3.4 Household size and composition for Kabuhanga-Kigarama-Kiraro road 5-7
5.3.5 Household Income Distribution of PAHs for Kabuhanga-Busasamana-Cyanzarwe-Muhato road 5-9
5.3.6 Sources of Income for PAHs per gender for Kabuhanga-Busasamana-Cyanzarwe-Muhato road 5-10
5.3.7 Education Level per respondents for Kabuhanga-Busasamana-Cyanzarwe-Muhato road 5-10
5.3.8 Household size and composition for Kabuhanga-Busasamana-Cyanzarwe-Muhato road 5-12

6 PUBLIC CONSULTATIONS AND PROJECT DISCLOSURE 6-15
6.1 Overview 6-15
6.2 Background 6-15
6.2.1 Objectives of the Public Consultation 6-16
6.3 Stakeholder Identification 6-16
6.4 Stakeholder Engagement 6-18
6.4.1 Public Sensitization Meetings 6-18
6.4.2 Door to Door Interviews and Key Informant Interviews 6-19
   a) Project Affected Institutions 6-19
   b) Institutions and service providers 6-19
6.4.3 Summary of cut-off dates in Musanze, Nyabihu and Rubavu districts 6-20
6.4.4 Outcomes of the Stakeholder Engagement Program 6-21
6.4.5 Perception of PAPs of the project. 6-22
6.4.6 Approval and Disclosure of the RAP by RTDA 6-22

7 IMPACTS OF THE PROJECT 7-1
7.1 Overview 7-1
7.2 Expected Impacts 7-1
7.2.1 Positive impacts 7-1
7.2.2 Negative impacts 7-1
7.2.2.1 Land Acquisition for the RoW 7-1
7.2.3 Severance Impacts 7-1
    7.2.3.1 Project Affected Property Owners and Other Assets 7-2
7.3 Proposed Entitlement Matrix 7-2
7.3.1 Resettlement & Expropriation Impacts Mitigation 7-3
7.3.2 Principles of the Entitlement Matrix 7-8
7.4 Resettlement Impacts Costing & Compensation Strategies 7-8
    7.4.1 Loss of Livelihoods 7-8
       a) Livelihood Restoration Action Plan 7-10

Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

7.4.2 Relocation of public utilities 7-11
7.4.3 Expropriation Costs 7-13
7.4.4 Compensation Strategies 7-15
   a) Strategic option one: Cash compensation at full replacement cost 7-15
   7.4.4.1 Strategic option two: In-kind resettlement compensation 7-15

7.2 Implementation Budget 7-16

8 INSTITUTIONAL ARRANGEMENT OF IMPLEMENTATION OF RAP 8-1

8.1 Existing Institutions of Relevance to this RAP 8-1
8.2 Roles of RIT 8-1
8.3 RIT Composition and Structure 8-2
   8.3.1 Ministry of Infrastructure (MININFRA) 8-5
   8.3.2 Musanze, Nyabihu and Rubavu District Administration 8-5
   8.3.3 Roles of PAPS 8-6

9 GRIEVANCE MECHANISM 9-1

9.1 Background 9-1
9.2 Possible Grievance Areas 9-1
9.3 Grievances Resolution Mechanism 9-2
   9.3.1 Local Leaders (at Socio-Economic Survey Stage) 9-2
   9.3.2 Project level Grievance Redress Committee 9-3
   9.3.3 Gender Equality and Gender Based Violence 9-4
   9.3.4 Grievance Channel for Gender Based Violence 9-5

10 MONITORING AND EVALUATION 10-1

10.1 Background 10-1
10.2 Objectives of Monitoring and Evaluation 10-1
10.3 Monitoring Tasks 10-2
10.4 RAP Monitoring Plan 10-3
10.5 Resettlement Implementation Completion report 10-4
10.6 Implementation schedule 10-5

11 REFERENCES 11-1

12 APPENDICES 12-2
LIST OF FIGURES

FIGURE 0-1: CROSS BORDER ROAD PROJECT .......................................................... XVIII

FIGURE 1-1: LOCATION OF THE CROSS BORDER ROADS ...................................... 1-4

FIGURE 5-1: INCOME DISTRIBUTION OF PAHS ON KINIGI-KABUHANGA ROAD ....... 5-2

FIGURE 5-2: EMPLOYMENT STATUS ........................................................................... 5-3

FIGURE 5-3: EDUCATION LEVEL PER RESPONDENTS ............................................ 5-3

FIGURE 5-4: EDUCATION LEVEL BY GENDER PER RESPONDENTS ......................... 5-4

FIGURE 5-5: HOUSEHOLD HEADS GENDER DISTRIBUTION PER AGE GROUP .......... 5-4

FIGURE 5-6: HOUSEHOLD HEADS CATEGORIES ....................................................... 5-5

FIGURE 5-7: INCOME DISTRIBUTION OF PAHS ON KABUHANGA-KIGARAMA-KIRARO ROAD ........................................................................................................ 5-6

FIGURE 5-8: EMPLOYMENT STATUS ........................................................................... 5-6

FIGURE 5-9: EDUCATION LEVEL PER RESPONDENTS ............................................ 5-7

FIGURE 5-10: EDUCATION LEVEL BY GENDER PER RESPONDENTS ...................... 5-7

FIGURE 5-11: HOUSEHOLD HEADS GENDER DISTRIBUTION PER AGE GROUP ........ 5-8

FIGURE 5-12: HOUSEHOLD HEADS CATEGORIES ....................................................... 5-9

FIGURE 5-13: INCOME DISTRIBUTION OF PAHS FOR KABUHANGA-BUSASAMANA-CYANZARWE-MUHATO ROAD ................................................................. 5-9

FIGURE 5-14: EMPLOYMENT STATUS ........................................................................ 5-10

FIGURE 5-15: EDUCATION LEVEL PER RESPONDENTS ............................................ 5-11

FIGURE 5-16: EDUCATION LEVEL BY GENDER PER RESPONDENTS ...................... 5-11

FIGURE 5-17: HOUSEHOLD HEADS GENDER DISTRIBUTION PER AGE GROUP ........ 5-12

FIGURE 5-18: HOUSEHOLD HEADS CATEGORIES ....................................................... 5-13
LIST OF ANNEXES

ANNEX 12 1: GRIEVANCE COMPLAINT FORM

ANNEX 12 2: PHOTOS SHOWING PERSONS ATTENDED CONSULTATION MEETINGS IN MUSANZE DISTRICT ON 9TH SEPTEMBER,2021

ANNEX 12 4: VILLAGES CHAIRMAN CONTACTS

ANNEX 12 5: VIDEOS THAT SHOWS STRUCTURES THAT TOUCHES ROADS LOT2 ARE ATTACHED ON FLASH

ANNEX 12 6: RAP MAPS OF THE ROADS.

ANNEX 12 7: SOCIO ECONOMIC DATA SURVEY IN VILLAGE LEVEL AND FOR EACH PAP.

ANNEX 12 8: PROPERTY AFFECTED VALUATION.
LIST OF TABLES

TABLE 0-1: SUMMARY OF LAND REQUIREMENT CROSS border roads............................................................. xvii
TABLE 0-2: SUMMARY OF SOCIO-ECONOMIC SURVEY .............................................................................. xx
TABLE 0-3: SUMMARY OF THE PROJECT AFFECTED LAND AND PROPERTIES...................................... xxii
TABLE 0-4: ENTITLEMENT MATRIX........................................................................................................... xxiii
TABLE 0-5: RAP IMPLEMENTATION BUDGET COSTS FOR CROSS border ROADS............................. xxvi
TABLE 0-6: IMPLEMENTATION SCHEDULE ................................................................................................... xxvii
TABLE 2-1: PUBLIC CONSULTATION MEETINGS .......................................................................................... 2-3
TABLE 2-2: SUMMARY OF PUBLIC CONSULTATION AND STAKEHOLDER ENGAGEMENT PLAN. .................................................................................................................................................................................... 2-4
TABLE 2-3: SUMMARY OF PRELIMINARY STAKEHOLDER ANALYSIS ...................................................... 2-5
TABLE 3-1: CROSS border ROADS SUBPROJECTS .................................................................................... 3-1
TABLE 3-2: SUMMARY OF LAND REQUIREMENT FOR IMPLEMENTATION OF THE PROJECT .... 3-5
TABLE 4-1: COMPARISON OF THE NATIONAL AND AfDB POLICIES GUIDELINES FOR INVOLUNTARY SETTLEMENT ................................................................................................................ 4-17
TABLE 6-1: SUMMARY OF STAKEHOLDER ANALYSIS ............................................................................. 6-18
TABLE 6-2: SUMMARY OF cut-off DATES IN MUSANZE, NYABIHU AND RUBAVU DISTRICTS 6-20
TABLE 6-3: ISSUE RESPONSE MATRIX. ...................................................................................................... 6-21
TABLE 7-1: ENTITLEMENT MATRIX ............................................................................................................ 7-4
TABLE 7-2: LIVELIHOOD RESTORATION ACTION PLAN ........................................................................... 7-10
TABLE 7-3: IDENTIFIED UTILITY AND SERVICE PROVIDERS. ................................................................. 7-11
TABLE 7-4: PUBLIC UTILITIES AND SERVICES RELOCATION ACTION PLAN .................................. 7-12
TABLE 7-5: SUMMARY OF EXPROPRIATION COST ................................................................................... 7-14
TABLE 7-6: RAP IMPLEMENTATION BUDGET FOR UNPAVED ROAD CROSS border ROADS 7-17
TABLE 8-1: INSTITUTIONS TO SUPPORT RAP PLANNING AND IMPLEMENTATION............................. 8-2
DEFINITIONS
Unless the context dictates otherwise, the following terms shall have the following meanings:
1. “Affected people” refers to people who are directly affected socially and economically by the investment projects caused by:
   - Relocation or loss of shelter
   - Loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
   - The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
2. “Census” means a field survey carried out for purposes of: enumerating and collecting basic information on affected population; registering the affected population by residence or locality; establishing a list of legitimate beneficiaries before the project’s onset that counters spurious claims from those moving into the project area solely in anticipation of benefits; laying a framework for subsequent socioeconomic research needed to establish fair compensation rates and to design, monitor, and evaluate sustainable income restoration or development interventions; and providing a baseline for monitoring and evaluation.
3. “Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
4. “Cut-off date” is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
5. “Project affected persons” (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their:
   - Standard of living adversely affected, whether or not the Project Affected Person must move to another location;
   - Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
   - Access to productive assets adversely affected, temporarily or permanently; or
   - Business, occupation, work or place of residence or habitat adversely affected.
8. “Involuntary Displacement” means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
   ✓ Loss of benefits from use of such land;
   ✓ relocation or loss of shelter;
   ✓ loss of assets or access to assets; or
   ✓ Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

9. A fully affected property is where all built structures in one plot/ parcel of land have been affected by the proposed infrastructure. A partially affected property is where all built structures are not fully affected. For example, one of many structures, a fence, plantation or a land is only affected by the proposed infrastructure.

10. “ Involuntary Land Acquisition” is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

11. “Land” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.

12. “ Land acquisition” means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.

13. “Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

14. “Resettlement and Compensation Plan”, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan” - is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

15. “ Replacement cost” means replacement of assets with an amount sufficient to
cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;

16. “Replacement cost for agricultural land” means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:

17. Preparing the land to levels similar to those of the affected land;

18. any registration, transfer taxes and other associated fees;

19. “Replacement cost for houses and other structures” means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:

- Building materials
- Transporting building materials to the construction site;
- Any Labour and contractors’ fees; and d) any registration costs.

20. “Resettlement Assistance” means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,

21. “Resettlement Action Plan”: see Resettlement and Compensation Plan above,

22. Child Headed Household: An older child taking care of his/her siblings and other members of the household.

23. “Vulnerable Groups” refers to:

- Widows, the disabled, marginalized groups, low-income households and informal sector operators;
- Incapacitated households – those no one fit to work and;
- Child-headed households and street children
- Including among other things, persons characterized by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.
ABBREVIATIONS

7YGP  7 Years Government Programme
AAP   Annual Action Plan
AfDB  African Development Bank
COS   Civil Society Organizations
DCF   Discounted Cash Flow
DDC   District Development Committee
DDP   District development plans
DLOs  District Land Offices
DRC   Depreciated Replacement Cost
EA    Environment Assessment
EDPRS Economic Development and Poverty Reduction Strategies
ESIA  Environment and Social Impact Assessment
ESMF  Environmental and Social Management Framework
FS    Feasibility Studies.
GBV   Gender Based Violence
GDP   Gross Domestic Product
GIS   Geographical Information System
GoR   Government of Rwanda
GRC   Grievance Redress Committee
GRM   Grievance Redress Mechanism
HH    Household Head
ID    Identification Document
IRPV  Institute of Real Property Valuers in Rwanda
LRP   Livelihood Restoration Plan
M&E   Monitoring and Evaluation
MINALOC Ministry of Local Government
MINECOFIN Ministry of Finance and Economic Planning
MINICOM Ministry of Trade and Industry
Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>RTDA</td>
<td>Rwanda Transport Development Agency</td>
</tr>
<tr>
<td>RTW</td>
<td>Retaining Wall</td>
</tr>
<tr>
<td>RWF</td>
<td>Rwandan Francs</td>
</tr>
<tr>
<td>SOE</td>
<td>Standard operating environment</td>
</tr>
<tr>
<td>SPIU:</td>
<td>Single Project Implementation Unit</td>
</tr>
<tr>
<td>SSP</td>
<td>Sector Strategic Plans</td>
</tr>
<tr>
<td>UPI</td>
<td>Unique Parcel Identifier</td>
</tr>
<tr>
<td>VBA</td>
<td>Vision Basic for Application</td>
</tr>
<tr>
<td>VOC</td>
<td>Vehicle Operating Costs</td>
</tr>
<tr>
<td>WASAC</td>
<td>Water and Sanitation Corporation</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
</tr>
<tr>
<td>SDG</td>
<td>Sustainable Development Goal</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

1. Background

Infrastructure development is one of the pillars of Rwanda vision 2050. The transport has been identified as one of the key drivers of the country’s transformation agenda. Rwanda rural population whose livelihoods depend on agriculture lacks access to rural transport facilities, including feeder roads that strongly hampers the agricultural development and prevent them to increasing access to markets, enhancing their competitiveness and improve their incomes and livelihoods.

Development partners and the Government of Rwanda are increasingly putting much of their support not only to agriculture but also to feeder roads infrastructure development to reduce post- harvest loss and the high transport price in the project areas. Besides this, cross boarder activities like trade and tourism are highly influenced by the connectivity between boarders and the rest of the country. In terms of land transport, lack of adequate all seasonal road infrastructure to serve the population residing along the borders impedes the agriculture production and access to the markets, curbs the tourism activities and obstruct cross border trade in the concerned areas.

To overcome the above and achieve the Sustainable Development Goals Specifically Goal 9 which is about “to build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation”, Rwanda Vision 2020, With the SDGs, Rwandans have the opportunity to act upon their vision for the future. No poverty, zero hunger, good health, gender equality and infrastructure are among 17 set goals.

Through the National strategy for Transformation 1 (NST 1), the Government of Rwanda (GoR) elaborated a transport initiative of upgrading and rehabilitating 3,085 km of feeder roads, among which 213 km of cross boarder roads are among the highly prioritized to achieve the NST1 targets.

The mission of the transport sector as well is to strengthen the institutional framework and capacity of transport institutions and stakeholders in the planning and management of the sector. The objectives are to:

- Reduce and control transport costs
- Assure the quality and durability of the rural, urban and international transport network
- Improve safety for goods and passengers on the principle modes of transport
- Increase mobility of the population in order to improve access to essential services, education, and employment
- Establish a system to ensure sustainable financing of road maintenance
- Facilitate access to cost effective transport services.

Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
It is in the above context that; the Government of Rwanda has identified cross border roads to be rehabilitated from gravel to paved standard roads. The project roads include 82.56 km in the North - Western Border (Lot 2). Therefore, The Government of Rwanda (GoR) in partnership with African development Bank, acting as an Administrator of the Rwanda Feeder Road Development Multi-Donor Trust Fund (MDTF) has received a grant toward development of feeder road in three districts.

In this regards, Rwanda Transport Development Agency (RTDA) has signed the contract with the JV CHARIS UAS AND TECOS LTD to undertake Phase detailed design feasibility study and Preliminary Engineering design that will comprise of an assessment and analysis of possible alternates for road alignment/routes and determine associated technical feasibility, economic viability and carry out the environmental and social impact assessment for the construction of the selected roads.

2. **General information**

This Resettlement Action Plan (RAP) was prepared for the Cross-border road (82.65km) in Musanze, Nyabihu and Rubavu Districts. The report was prepared by JV CHARIS UAS AND TECOS LTD, in line with the contract signed between RTDA as Client and JV CHARIS UAS AND TECOS LTD as Consultant. This RAP has been prepared in compliance with the requirements and procedures of the AfDB Operational safeguard 2 related to involuntary resettlement: Land acquisition, population displacement and compensation and national laws of Rwanda, to be entitled to compensation payable to people affected by expropriation and / or moved out of their day to day business because of the project. In reference to the Rwandan Resettlement Policy Framework and the policy provisions of the African Development Bank (i.e. AfDB Policy on Involuntary Resettlement, 2003 among others), a RAP is compulsory for a project like the Cross Border Road, that will require land acquisition and eventually involuntary displacement. The RAP exercise has identified more than seven thousand PAPs to be affected in different ways; including loss of land, trees/crops, complete or partial demolition of their shelter/fixed assets, disruption of business activities and sources of livelihood and associated impacts.

3. **Study Approach and Methodology**

The methodology and approach adopted in preparing this RAP is consistent with the policies and processes detailed in the legal and policy requirements of the Government of Rwanda and African Development Bank especially AfDB Operational safeguard 2 related to involuntary resettlement: Land acquisition, population displacement and compensation as outlined in the TORs. The methodology for RAP preparation has been based on both primary and secondary data. The secondary data was collected from official records available at National, Regional and District levels as well as
review of policy documents and national legislative frameworks. The primary data was generated through filed surveys, interviews and dialogues with the PAPs, community members and other identified stakeholders in the project area. Detailed methodology employed is presented in chapter 2 of this report.

4. Project Scope
The Rusizi, Nyaruguru, Musanze, Nyabihu, and Rubavu Districts administration are planning to implement the following infrastructure investments as part of upgrading and rehabilitation of 3,085km of feeder roads to be financed by African Development Bank (AfDB). The project scope involves the creation of the roads and upgrade to chip seal the cross border roads located in Musanze, Nyabihu, and Rubavu Districts. The prioritize projects are as shown in Table 1 and Figure 1:

Table 0-1: Summary of Land requirement Cross border roads

<table>
<thead>
<tr>
<th>No</th>
<th>Road Name</th>
<th>Project Lot</th>
<th>Location</th>
<th>Length in Km</th>
<th>Size of Land Acquired (Affected) (Ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposed North - Western Cross Border Roads</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Kinigi-Kabuhanga</td>
<td>2</td>
<td>Musanze, Nyabihu and Rubavu</td>
<td>48.40</td>
<td>13.4906</td>
</tr>
<tr>
<td>2</td>
<td>Kabuhanga-Bugarama-Kiraro</td>
<td>2</td>
<td>Rubavu</td>
<td>10.80</td>
<td>3.0411</td>
</tr>
<tr>
<td>3</td>
<td>Kabuhanga-Busasamana-Cyanzarwe-Muhato</td>
<td>2</td>
<td>Rubavu</td>
<td>23.0</td>
<td>5.8428</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>82</td>
<td>22.3745</td>
</tr>
</tbody>
</table>

Source: consultant, 2021
Figure 0-1: Cross Border Road Project

Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
5. Policy, Legal, Regulatory and Institutional Framework

An analysis of the applicable policy and legal framework was conducted, as well as an institutional framework analysis with a bearing on the project, including identification of the gaps between local and international frameworks and how such gaps can be bridged. The project notably triggered AfDB Operational safeguard 2 related to *involuntary resettlement: Land acquisition, population displacement and compensation*. There are some differences between the African Development Bank (AfDB) Policy and the Rwandan Laws on Resettlement and Compensation. The Government of Rwanda through RTDA is committed to complying with AfDB Operational safeguard 2 related to *involuntary resettlement: Land acquisition, population displacement*.

6. Key Issues and Responses from PAP Engagement

The following stakeholder’s engagement forums were conducted at different stages of preparation of the RAP;

- Public consultation meeting (6),
- Census & Door to Door Interviews during the social economic survey,
- Open discussion with some local leaders of our interested areas
- Focus Group Discussions (4) - Women

Sensitization on cut-off dates was done during the public meetings. The cut-off date for the cross border roads (82.65km) in Musanze, Nyabihu and Rubavu Districts were set, and marked the end of census survey in the project area (Musanze, Nyabihu and Rubavu Districts). Forums used in setting and communicating cut off dates to PAPs including dates when these forums were held is presented in detail in chapter 6 of this report. Similarly, outcomes of this stakeholder engagement are presented in detail in chapter 5. In a nutshell the following issues of concern/ views were presented by the PAPs in these consultation forums;

- PAPs were concerned about land titles as requested by the project consultant that they should have a photocopy of the land title during process of valuation as they had not received titles yet from the District.
- They wanted to be assured that young people will get jobs in the project
- Some of the PAPs expressed their emotional happiness that the upcoming project will answer their dreams for their future development.
- Some of the PAPs also thanked the project consulting team for informing them about the project first before construction phase thereby giving them confidence that the project is good.

*xix*

*Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts*
- PAPs were concerned about project damages during construction due to vibrations of heavy machineries to properties which were not compensated during the RAP exercise.
- PAPs were concerned about what will happen to those whose land and properties will be taken in such a way that the residual is not viable therefore, requiring physical relocation.

All these questions/concerns were addressed through sensitization meetings and some suggestions were picked up as recommendations to the project proponent or as guidelines for preparing a comprehensive and stakeholder supportive entitlement matrix. Ultimately all raised concerns were addressed to the satisfaction of all PAPs. Refer to Table 6- 2: Issue Response Matrix)

7. Socio-Economic Profiles of Affected PAPs.
The socio-economic survey was conducted from 6th to 24th September, 2021 on all the PAPs. Key results are indicated in the Table 2 below.

Table 0-2: Summary of Socio-Economic Survey

<table>
<thead>
<tr>
<th>Variable</th>
<th>Key findings</th>
<th>Conclusion/implication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Economy</td>
<td>Subsistence crop farming and livestock are the primary source of income for the PAPs (75%). Other sources of income include informal business such as, informal trading, transport business and carpentry. Most of the household income is spent on commonly priority items such as; food, school fees, telephone airtime, health, water and electricity.</td>
<td>Prompt and fair compensation for PAPs. Implement livelihood restoration programs to improve capacity of the proposed PAPs to re-establish their business Livelihoods. Most PAP households spend on consumptive items. As such, financial literacy is important to minimise cases of awards being spent on consumptive items.</td>
</tr>
<tr>
<td>Impact levels</td>
<td>A total of 4,345 PAPs will be affected by the proposed Project.</td>
<td>Ensure there is adequate compensation, physical resettlement for vulnerable PAPs, Implement Vulnerability Assistance measures as well as the livelihood restoration programs proposed in this RAP.</td>
</tr>
<tr>
<td>Education and Literacy  levels</td>
<td>Majority of the people in the project area (46%) had attained primary level 37.15% had not attained any school, 10.1% secondary education while 6.16 had attained tertiary education.</td>
<td>Literacy and education levels are moderate. However, there is need to maintain education and other social services levels in the project area. Engagements and consultation for</td>
</tr>
<tr>
<td>Variable</td>
<td>Key findings</td>
<td>Conclusion/implication</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Accessibility to water sources and sanitation facilities used</td>
<td>The main source of water for domestic use by a majority (66%) was piped water with few 4% and 30% depended on Water Vendors and Harvested Rainwater respectively.</td>
<td>Adequate and prompt compensation to ensure PAP households can access same or better water service levels. Replace affected community water sources or facilities or access points within the same neighbourhood to maintain service levels</td>
</tr>
<tr>
<td>Length of stay and levels of social integration</td>
<td>Majority of PAPs within the area were born in the same area. The area counts less PAPs who settled there from other locations.</td>
<td>Promote same place resettlement to enable physically displaced PAPs retain social networks.</td>
</tr>
<tr>
<td>Preference for mode of compensation</td>
<td>All PAPs (100%) households expressed preferences for cash compensation.</td>
<td>Respect PAPs preference for resettlement compensation. Implement proposed Business livelihood restoration to improve capacity of PAPs to re-establish livelihoods</td>
</tr>
<tr>
<td>Fears, and Concerns about Resettlement</td>
<td>Nine Percent (5%) of the PAP households had some worries and fears about the project; and of these, the key ones were; especially delayed compensation and under compensation.</td>
<td>Implement RAP promptly and fairly.</td>
</tr>
</tbody>
</table>

8. **Key Findings from Census, Expropriation**
Table 3 presents a summary of affected properties; number of affected properties, extent of land acquisition (partial or full), land use of affected properties, aggregate portion size of land acquired vis-à-vis residual land for each road and value of affected properties (value of land including above ground assets).
Table 0-3: Summary of the project affected land and properties

<table>
<thead>
<tr>
<th>Road Types</th>
<th>Road Name</th>
<th>Length in km</th>
<th>Number of PAPS</th>
<th>Land Affected in ha</th>
<th>Amount in Rwf</th>
<th>Plantations</th>
<th>Structures</th>
<th>Amount in Rwf</th>
<th>Amount with 5%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>in TOR</td>
<td>on Site</td>
<td></td>
<td></td>
<td></td>
<td>Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>LOT-2</td>
<td>Kinigi-Kabuhanga</td>
<td>48</td>
<td>49</td>
<td>2,303</td>
<td>398,734,791</td>
<td>0</td>
<td>1,861</td>
<td>13,347,500</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Kabuhanga-Bugarama-Kiraro</td>
<td>11</td>
<td>11</td>
<td>691</td>
<td>61,065,413</td>
<td>0</td>
<td>162</td>
<td>962,000</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Kabuhanga-Busasamana-Cyanzarwe-Muhato</td>
<td>23</td>
<td>23</td>
<td>1,351</td>
<td>219,317,515</td>
<td>0</td>
<td>2,034</td>
<td>6,809,025</td>
<td>0</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>82</td>
<td>83</td>
<td>4,345</td>
<td>679,117,719</td>
<td>0</td>
<td>4,057</td>
<td>21,118,525</td>
<td>14</td>
</tr>
</tbody>
</table>
9. Mitigation of Project Implementation Impacts

Project affected persons are affected differently due to varying losses occasioned by planned expropriation to pave way for project implementation. There are five (5) main losses that adversely affect PAPs/PAIs entitlements necessitating some form of mitigation or compensation for smooth implementation of the project. Based on identified project impacts and PAPs losses, the following entitlements are provided for this project to address the impacts and losses to PAPs.

Table 0-4: Entitlement Matrix.

<table>
<thead>
<tr>
<th>S/N</th>
<th>Type of Loss</th>
<th>Unit of Entitlement</th>
<th>Entitlements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>I. Loss of Residential / Commercial / Institutional Land</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Partial loss of land but residual is viable economically enough</td>
<td>Title Holder</td>
<td>1. Cash compensation at full replacement cost.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. A 5% Disturbance allowance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tenant/Lease Holder</td>
<td>No such case identified in this project</td>
</tr>
<tr>
<td>2</td>
<td>Entire loss of land or partial loss where residual is not viable (Acquire all lands if the residual land is not economically viable for the owner.)</td>
<td>Title Holder</td>
<td>1. Cash compensation for entire land holding at full replacement cost</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. A 5% Disturbance allowance replacement cost</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Tenant / Lease Holder</td>
<td>No such case identified in this project</td>
</tr>
<tr>
<td></td>
<td>II. Loss of Residential and Non-Residential Structures (Including “business premises”)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Fully affected / partially affected and remaining structure is non-viable (Owner Built)</td>
<td>Owner</td>
<td>1. Compensation for the structure at full replacement cost</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. A 5% Disturbance allowance (to cater for transportation expenses etc. or economic loss in case of a business premise)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>3. Right to salvage material;</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>4. Advance notice to vacate</td>
</tr>
<tr>
<td>2</td>
<td>Loss of occupied portion of primary structures (shops, houses) &amp; secondary</td>
<td>Tenant and informal business tenants</td>
<td>No such case identified in this project</td>
</tr>
<tr>
<td>3</td>
<td>Loss of Primary structures (shops, houses) &amp; secondary</td>
<td>Legal owner of the structures</td>
<td>Project should build all structures for the vulnerable households</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>All structures for the vulnerable households must be completed before destruction of the existing structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Must be close to essential household resources such as sources of water.</td>
</tr>
<tr>
<td>S/N</td>
<td>Type of Loss</td>
<td>Unit of Entitlement</td>
<td>Entitlements</td>
</tr>
<tr>
<td>-----</td>
<td>-------------------------------------------------------------------------------</td>
<td>-------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>4</td>
<td>Loss of Cultural Structures (E.g. church etc)</td>
<td>Legal owner of the structure</td>
<td>RTDA and Local leaders implement the compensation process of the destroyed cultural structures in due time</td>
</tr>
<tr>
<td>5</td>
<td>Loss of Public Facilities (schools, sector’s office etc.)</td>
<td>Legal owner of the structure</td>
<td>All structures must be completed before destruction of the existing structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>III. Loss of Standing Tree Crops</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Crops/woodlot/House lot/Forest</td>
<td>Owner of the crops – Individual</td>
<td>Cash compensation at full replacement value at the prevailing market rates.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>IV. Loss of Livelihood</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Land based livelihoods; Agri-business Farmer</td>
<td>Workers/employees of affected entities</td>
<td>1. Physical preparation of the farm land (clearing, levelling, creating access routes and soil stabilization  2. Fencing for pasture or crop land  3. Agricultural inputs (seeds, seedlings, fertilizer)  4. Government Extension services like veterinary care</td>
</tr>
<tr>
<td>2</td>
<td>Wage based livelihoods</td>
<td>Workers/employees of affected entities</td>
<td>1. On-Job-Training and consideration in the project.  2. Provision made in contracts with project subcontractors for employment of qualified local workers  3. Link up with local NGOs and government entities providing small-scale credit facilities to finance star up enterprises</td>
</tr>
<tr>
<td>3</td>
<td>Enterprise-based livelihoods</td>
<td>Affected Established and nascent entrepreneurs and artisans</td>
<td>1. Sponsored entrepreneurship training in business planning, marketing, inventory and quality control)  2. Procuring goods and services for the project from affected local suppliers.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>V. Assistance to Vulnerable Groups</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Special assistance for vulnerable households or persons</td>
<td>Highly vulnerable households</td>
<td>1. Assistance to move  2. Priority consideration in government sponsored social protection programs for the elderly and the disabled.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Elderly living alone, disabled, or Child headed households)</td>
<td>1. Sponsored vocational trainings  2. Priority consideration for non-skill labour in the project</td>
</tr>
</tbody>
</table>
### Resettlement Action Plan (RAP) for the Cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

<table>
<thead>
<tr>
<th>S/N</th>
<th>Type of Loss</th>
<th>Unit of Entitlement</th>
<th>Entitlements</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Highly vulnerable households</td>
<td></td>
<td>1. Facilitation of government provided medical services or insurance of free medical cover. 2. Assistance to move</td>
</tr>
<tr>
<td></td>
<td>(pre-existing medical condition and low income)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### VI. Impact on Public Utilities

<table>
<thead>
<tr>
<th></th>
<th>Relocation of utilities</th>
<th>REG (Rwanda energy group) WASAC (water and sanitation corporation)</th>
<th>1. Redesigning, relocation and prompt repair of damaged utilities or service lines within project costs as per contractor’s terms of service. 2. The relocation and repair will be done by the project contractor(s) in collaboration with the service providers progressively depending on how works progress on the ground.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Temporary Interferences of service provision</td>
<td></td>
<td>1. 1 to 2 months’ notice to relocate the services 2. Measures taken to ensure minimum service disruption</td>
</tr>
</tbody>
</table>

10. Proposed Implementation Arrangements

The RAP implementation arrangements include:

- The twelve months implementation schedule (RAP preparation, valuation of affected assets, disclosure of RAP, disbursement of compensation by RTDA administration, and clearance of Right of Way by PAPs/contractor);
- Grievance redress mechanism including but not limited to Resettlement and Compensation - Grievance Resolution Committees (access to District Land Committee for arbitration if the committee fails to solve arising dispute(s); if the later fails also access to a competent court for law final decision provided). At later stages during the project implementation, the following grievance redress mechanism will be constituted to handle grievances emanating from other project implementation related complaints. These includes; Project Grievances Redress Committee and Channel for Gender Based Violence – GBV taskforce
- A monitoring and evaluation framework that has provisions for both internal and external monitoring processes;
- The RAP implementation budget and implementation schedule are as indicated in Table 5 and 6.
### Table 0-5: RAP implementation Budget Costs for Cross Border Roads

<table>
<thead>
<tr>
<th>Description</th>
<th>Value of Land (RWF)</th>
<th>Value of Crops (RWF)</th>
<th>Buildings Value (RWF)</th>
<th>Total amount (RWF)</th>
<th>Disturbance Allowance 5% (RWF)</th>
<th>Total Expropriation Cost (RWF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation cost</td>
<td>679,117,719</td>
<td>21,118,525</td>
<td>72,979,660</td>
<td>773,215,904</td>
<td>38,660,795</td>
<td>811,876,699</td>
</tr>
<tr>
<td>Add 20% contingency Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>162,375,340</td>
</tr>
<tr>
<td><strong>Total for compensation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>974,252,039.04</strong></td>
</tr>
<tr>
<td>Costs of Restoring Livelihood Loss</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12,000,000</td>
</tr>
<tr>
<td>Cost of Relocating Utilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>250,000,000</td>
</tr>
<tr>
<td>GRC Operationalization Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,500,000</td>
</tr>
<tr>
<td>M &amp; E (The proposed M&amp;E mechanism is internal; it will be done by existing staff from the district)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>RAP Implementation Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>1,239,752,000</strong></td>
</tr>
</tbody>
</table>
### Table 0-6: Implementation Schedule.

<table>
<thead>
<tr>
<th>No</th>
<th>Activity</th>
<th>2021</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Calendar year</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Time in months</td>
<td>5</td>
<td>6</td>
</tr>
<tr>
<td>1</td>
<td>Working Group / Task Team Set-up</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Road Reserve Confirmation Survey &amp; &amp; demarcation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Public Notice of the intention to carry out RAP study</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Asset Inventory / Evaluation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Validation &amp; Agreement with PAPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Disclosure of the RAP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Implementation of Compensations &amp; Land Title Transfer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Clearance of Road Reserve (Demolition &amp; Leveling)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Grievance Redress</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Monitoring and Supervision (Quarterly Report to RTDA/GoR)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
1 INTRODUCTION
1.1 Background

Infrastructure development is one of the pillars of Rwanda vision 2050. The transport has been identified as one of the key drivers of the country’s transformation agenda. Rwanda rural population whose livelihoods depend on agriculture lacks access to rural transport facilities, including feeder roads that strongly hampers the agricultural development and prevent them to increasing access to markets, enhancing their competitiveness and improve their incomes and livelihoods. Development partners and the Government of Rwanda are increasing put much of their support not only to agriculture but also to feeder roads infrastructure development to reduce post-harvest loss and the high transport price in the project areas. Besides this, cross boarder activities like trade and tourism are highly influenced by the connectivity between boarders and the rest of the country. In terms of land transport, lack of adequate all seasonal road infrastructure to serve the population residing along the borders impedes the agriculture production and access to the markets, curbs the tourism activities and obstruct cross border trade in the concerned areas.

To overcome the above and achieve the Sustainable Development Goals, specifically Goal 9 which is about “to build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation and through the National strategy for Transformation 1 (NST 1), the government of Rwanda (GoR) has elaborated a transport initiative of upgrading and rehabilitating 3,085 km of feeder roads, among which 213 km of cross boarder roads are among the highly prioritized.

The mission of the transport sector is to strengthen the institutional framework and capacity of transport institutions and stakeholders in the planning and management of the sector.

The objectives are to:

- Reduce and control transport costs
- Assure the quality and durability of the rural, urban and international transport network
- Improve safety for goods and passengers on the principle modes of transport
- Increase mobility of the population in order to improve access to essential services, education, and employment
- Establish a system to ensure sustainable financing of road maintenance
- Facilitate access to cost effective transport services

It is in the above context that, the Government of Rwanda has identified cross sections that are to be rehabilitated from gravel to paved standard roads.
The later includes 82.56 km in the North - Western Border (Lot 2). Therefore, The Government of Rwanda (GoR) in partnership with African development Bank, acting as an Administrator of the Rwanda Feeder Road Development Multi-Donor Trust Fund (MDTF) has received a grant toward development of feeder road in three districts.

In this regards Rwanda Transport Development Agency (RTDA) has signed the contract with The JV CHARIS UAS AND TECOS LTD to undertake Phase detailed design feasibility study and Preliminary Engineering design that will comprise of an assessment and analysis of possible alternates for road alignment/routes and determine associated technical feasibility, economic viability and carry out the environmental and social impact assessment for the construction of the selected roads.

1.2 Project Objectives

The main objective of the project upgrade to chip-sealing technology the cross border roads (213 km) in Musanze, Nyabihu and Rubavu Districts is to boost rural economy transformation through upgrading the existing unpaved roads to the cheap seal standard which will make easier the activities like trade and tourism which are much influenced by connectivity between the border and the rest of the country; in terms of transport, lack of adequate all seasonal road infrastructure to serve the population residing along the borders impedes the agriculture production and access to the markets, curbs the tourism activities and obstruct cross border trade in the concerned areas.

1.3 Authority of the Report

JV CHARIS UAS AND TECOS Ltd Consultants limited herein after referred to as the ‘Consultant’ to conduct Environmental and Social Impact Assessment on the Proposed Project as well as prepare Resettlement Action Plan (RAP) Study to provide mitigation measures for the envisaged expropriation. The ESIA Report for the upgrading to chip-sealing technology the cross border roads (82.65km) in Musanze, Nyabihu and Rubavu Districts is presented as a separate report. This RAP has been prepared in compliance with the requirements and procedures of the AfDB Operational safeguard 2 related to involuntary resettlement: Land acquisition, population displacement and compensation and national laws of Rwanda, to be entitled to compensation payable to people affected by expropriation and / or moved out of their day to day business because of the project. In reference to the Rwandan Resettlement Policy Framework and the policy provisions of the African Development Bank (i.e.AfDB Policy on Involuntary Resettlement, 2003 among others), a RAP is compulsory for upgrading to chip-sealing technology the cross border roads (82.65km) in Musanze, Nyabihu and Rubavu Districts since the 213 km the cross border roads are among 3,085km of feeder road selected for being upgraded
and rehabilitated. The road will affect more than seven thousand in different ways including loss of land and crops, partial or complete demolition of their shelter/fixed assets (displacement of people), disruption of business activities and sources of livelihood and associated impacts. In the context of this study, this document is a Resettlement Action Plan for upgrading to chip-sealing technology the cross border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts.

1.4 Project Location

The proposed roads projects are located in Musanze, Nyabihu and Rubavu Districts (Figure -1-1).

The road section of Lot 2, North-Western cross border roads are composed by:

- **Kinigi-Kabuhanga 48.4km** starting point (PK0+000) located on 450164.342m easting and 4841091.493m southing UTM readings (coordinate system ITRF 2005) in Kinigi sector of Musanze District and will end up (PK 48.40) located on 428405.974m Easting and 4829728.794m Southing UTM readings (coordinate system ITRF 2005) in Kabuhanga-Nyabihu District.

- **Kabuhanga-Bugarama-Kiraro 10.7km** the starting point (PK0+000) is located on 428249.588m easting and 4829549.239m southing UTM readings (coordinate system ITRF 2005) in Kabuhanga- Nyabihu and will end up (PK 10.7km) located on 425102.574m easting and 4821909.538m southing UTM readings (coordinate system ITRF 2005) in Kiraro Sector of Rubavu District.

- **Kabuhanga-Busasamana-Cyanzarwe-Muhato 22.6km** the starting point (PK0+000) is located in Kabuhanga center of Nyabihu District on 428394.518m easting and 4829725.549m southing UTM readings (coordinate system ITRF 2005) and ends up (PK 22.6) to 418894.304m Easting and 4816429.257m southing UTM reading Coordinates located in Muhato Sector of Rubavu District.
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

Figure 1-1: Location of the cross border roads
1.5 Project Justification.

Preliminary analysis and evidence from the ESIA/RAP reconnaissance visit indicated that the project implementation will occasion environmental and social impacts, including land acquisition and involuntary resettlement. According to the requirements and procedures of the AfDB Operational safeguard 2 related to involuntary resettlement: Land acquisition, population displacement and compensation the standards require the developer or their representatives to undertake appropriate levels of assessment commensurate with project categorization. All projects that fall into Category I and II for which an ESIA and RAP is mandatory. From the foregoing, the applicability of AfDB Operational safeguard 2 is established during the initial environmental and social assessment. Consequently, as part of compliance requirements for AfDB funded projects, the Government of Rwanda through RTDA is obliged to prepare a detailed Environmental and Social Impact Assessments (ESIA) and Resettlement Action Planning (RAP) in conformity with the National and AfDB Operational safeguard 2 related to involuntary resettlement: Land acquisition, population displacement and compensation.

1.6 Objectives of RAP

In light of the anticipated implementation of the road project, it is imperative to establish the basis of preparing a resettlement action plan to lay a basis for mitigating the impacts of the resultant displacement from the project. A reconnaissance conducted along the project road confirmed that displacement will take place along the road corridor and therefore a resettlement plan has been prepared to guide the project proponent in addressing the issues that will arise at implementation stage. The main objective of the Resettlement Plan is among others to:

- Identify the affected persons in order to determine those likely to be adversely affected by the project works, the severity and extent of the impacts. An assessment of the impacts on their assets, infrastructure and livelihoods within the road reserve of the road sections will be made including their income and assets survey;
- Identify the poor and vulnerable groups so as to develop strategy to ensure that they proactively benefit from the project benefits;
- Review the legal and other institutional framework;
- Develop mitigation measures in consultation with the affected people;
- Prepare detailed entitlement matrix and an implementation plan;
- Prepare a resettlement budget; and
- Put in place a Monitoring and Evaluation and reporting system for the
Resettlement Plan.
The overall objective of the resettlement plan is to identify and develop a mitigation plan to ensure that all kinds of adverse impacts are exhaustively identified so that the community as a whole benefit from the project during and after construction of the road.

1.7 Guiding Principles for the RAP

In developing this RAP, a number of principles have been followed. These principles are based on the objectives of AfDB Operational Safeguards (AfDB OS 2). The objectives are outlined below:

- To avoid involuntary resettlement or, where unavoidable, minimize involuntary resettlement by exploring project design alternatives.
- To avoid forced eviction.
- To mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (i) providing timely compensation for loss of assets at replacement cost and (ii) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.
- To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure.
- To conceive and execute resettlement activities as sustainable development programs, by providing sufficient investment resources to enable displaced persons benefit directly from the project, as the nature of the project may warrant.
- To ensure that resettlement activities are planned and implemented with appropriate disclosure of information, meaningful consultation, and the informed participation of those affected.
- Compensation for addition to the real estate, commercial activities, crafts, services and various other things conducted by the PAPs on the land or in buildings affected by the project.
- Compensation for the loss of income resulting from the cessation of activity, time for the expropriated individuals to restore their initial livelihoods enabling them to carry on their activities again.
1.8 RAP Scope

The RAP will set the parameters and establish entitlements for project affected people (PAP), the institutional framework, mechanisms for consultation and grievance resolution, the time schedule and the budget, and propose a monitoring and evaluation system. Therefore, to achieve the objectives of the RAP, activities were limited to the following:

- Identification of persons affected by the project on the sides of the road to be upgraded;
- Consultation with project affected people (PAP). The consultations sought to involve PAPs in formulating ideal compensation strategies;
- Identification of options for compensation of PAPs;
- Review of Rwandan legislation and guidelines on land acquisition, compensation and development of infrastructure projects;
- Census of property owners to be affected by the project and property valuation;
- Socio-economic survey on a representative sample of affected households on the cross border roads side in districts of Musanze, Nyabihu and Rubavu to obtain a social profile of affected persons. The survey aimed at establishing a baseline against which effectiveness of resettlement assistance could be measured. It was based on a comprehensive socio-data questionnaire and covered Information on family/ household members, Household land holdings and assets, Livelihood in affected households, Health & vulnerability; Welfare indicators; and Expenditure patterns.
- Preparation of a resettlement action plan (RAP) comprising of an entitlement matrix. Compensation and assistance for resettlement were based on the premise that lives of the affected people should not be worse than before displacement;
- Arrangements for implementation providing guidance on proper implementation of the RAP including institutional arrangements, implementation timeframe and compensation budget derived from property valuation;
- Consultation and participation of affected communities were undertaken throughout preparation of the RAP and their feedback incorporated in designing resettlement strategies;
- Developing a grievance redress mechanism; and
- Developing a monitoring, evaluation and completion audit framework.

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
1.9 Report Format

The report is presented in ten chapters as follows:

Chapter 1: Introduction;
Chapter 2: RAP Methodology
Chapter 3: Project Description
Chapter 4: Policy, Legal and Regulatory Framework
Chapter 5: Socio-Economic Profile of Project Affected Persons
Chapter 6: Public Consultation and Project Disclosure
Chapter 7: Impacts of the Project
Chapter 8: Institutional Arrangements of Implementation of the RAP
Chapter 9: Grievance Redress Mechanism
Chapter 10: Monitoring and Evaluation
2 METHODOLOGY

1.1 Overview

This chapter describes the procedures and methodology that has been followed in preparing this RAP including; reconnaissance or inception visit; stakeholders’ identification, mapping and consultation, identifying PAPs and their properties, cadastral and valuation assessment, identification and consultation with vulnerable social groups including identifying special and vulnerability assistance considerations, socio-economic assessment and profiles of the PAPs; and RAP preparation.

The methodology and approaches adopted in preparing this RAP is consistent with the policies and processes detailed in the legal and policy requirements of the Government of Rwanda and AfDB OS 2 as outlined in the TORs. The methodology for RAP preparation has been based on both primary and secondary data. The secondary data was collected from official records available at National, Regional and District levels. The primary data was generated through interviews and dialogues with the PAPs, community members and other identified stakeholders in the project area.

The general approach used in the preparation of this RAP report involved a combination of the following:

- Review and Analysis of the Secondary Data/Desk review Studies
- Site verification and assessment;
- Sensitisation of Project Affected Persons;
- Determination of the Socio-economic Profile of PAPs;
- Land searches;
- Valuation of land and assets.
- Consultations

2.1 Review and Analysis of Secondary Data

The RAP development started with the review and analysis of the secondary data (Desk Study review) related to the proposed road projects. A review of the national and international laws polices, relevant project related studies, documents and plans as well as the AfDB OS 2 on Land Acquisition and Restrictions on Land Use and Involuntary Resettlement, was undertaken including a gap analysis between local and international Standards (and, in case of any discrepancy between the two sets of standards, those most advantageous to PAPs prevailed). This will continue to be updated as when necessary and is reflected in chapter 3. The review of secondary data is significant in several ways including refining the methodology for the whole
RAP. The output of secondary data review informed the RAP report. The following documents among others were reviewed:

- The AfDB Operational safeguard 2 (2003), related to involuntary resettlement: Land acquisition, population displacement and compensation
- Rwanda policy frameworks.
- Rwanda expropriation law.
- District profiling document.
- Integrated Household Living Conditions Survey 5 (EICV 5) by national institute of statistics of Rwanda.

2.2 Sensitization and Public Consultations/Stakeholder Engagement of PAPs

Effective Public Consultation and Stakeholder engagements were conducted based on the assignment ToRs, and the AfDB OS 2. All in all, project developer is supposed to identify, disclose to and consult all relevant project stakeholders during RAP preparation and implementation.
### Table 2-1: Public consultation Meetings

<table>
<thead>
<tr>
<th>NO</th>
<th>ROAD NAME</th>
<th>Province</th>
<th>District</th>
<th>Sector</th>
<th>Cells</th>
<th>Village</th>
<th>Road Exit Point</th>
<th>Meeting Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Kinigi-Kabuhanga</td>
<td>Amajyaruguru</td>
<td>Musanze</td>
<td>Gataraga</td>
<td>Mudakama</td>
<td>Rubaka</td>
<td>15+491</td>
<td>Consultation meeting with PAPs, local leaders and mobilization on the project</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Iburengerazuba</td>
<td>Nyabihu</td>
<td>Jenda</td>
<td>Rega</td>
<td>Bihinga</td>
<td>31+690</td>
<td>Consultation meeting with PAPs, local leaders and mobilization on the project</td>
</tr>
<tr>
<td>2</td>
<td>Kabuhanga-Busasamana-Cyanzarwe-Muhato</td>
<td>Iburengerazuba</td>
<td>Rubavu</td>
<td>Rubavu</td>
<td>Murambi</td>
<td>Bushengo</td>
<td>3+427</td>
<td>Consultation meeting with PAPs, local leaders and mobilization on the project</td>
</tr>
<tr>
<td>3</td>
<td>Kabuhanga-Bigarama-Kiraro</td>
<td>Iburengerazuba</td>
<td>Rubavu</td>
<td>Busasamana</td>
<td>Gacurabwenge</td>
<td>Kanyabijumba</td>
<td>6+005</td>
<td>Consultation meeting with PAPs, local leaders and mobilization on the project</td>
</tr>
</tbody>
</table>

*Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts*
Table 2-2: Summary of Public Consultation and Stakeholder Engagement Plan.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Target Groups/areas</th>
<th>Methods/Techniques</th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sensitization</td>
<td>All PAPs</td>
<td>Community dialogues</td>
<td>Sensitization on upcoming activities, expounding on the social-economic</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>and valuation exercises to the PAPs, setting of cut-off-dates, setting</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>of grievance redress committees</td>
</tr>
<tr>
<td>Census</td>
<td>All PAPs</td>
<td>Affected Household/business Operators interviews</td>
<td>Inventory of affected assets</td>
</tr>
<tr>
<td>Social Economic Survey</td>
<td>All PAP</td>
<td>Affected Household/business Operators interviews</td>
<td>Determination of social-economic profile and soliciting the PAPs’ view on compensation alternatives</td>
</tr>
<tr>
<td>Key Institution stakeholder consultation</td>
<td>Key institutions; Musanze, Nyabihu and Rubavu Districts administration</td>
<td>Key informant interviews</td>
<td>Knowledge of the impacts of resettlement on key institutions as well as local knowledge on the best resettlement alternatives.</td>
</tr>
<tr>
<td>FGDs</td>
<td>Special groups: Women Youth Persons with disabilities</td>
<td>Dialogues</td>
<td>Knowledge of the resettlement impacts on special groups and determination of requisite special assistance</td>
</tr>
</tbody>
</table>

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
Table 2-3: Summary of Preliminary Stakeholder Analysis

<table>
<thead>
<tr>
<th>Stakeholder Engagement</th>
<th>Categories</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary stakeholders</td>
<td>PAPs: landlords, tenants, business operators, and; Others: Community leaders including the respective village head and Musanze, Nyabihu and Rubavu Districts Administration.</td>
</tr>
<tr>
<td>Secondary stakeholders</td>
<td>Government Agencies;</td>
</tr>
<tr>
<td></td>
<td>• The Ministry of Infrastructure (MININFRA).</td>
</tr>
<tr>
<td></td>
<td>• Sector, cell and village heads</td>
</tr>
<tr>
<td></td>
<td>• RTDA</td>
</tr>
</tbody>
</table>

2.3 Determination of the Socio-economic Profile of PAPs

The Consultant carried out a socio-economic survey for all affected households and Businesses from 6th to 24th September 2021 in line with AfDB OS 2 using both qualitative and quantitative methods. This helped establish the socio-economic profile of PAPs, extent of impacts, baseline parameters and indicators that can be measured during monitoring and evaluation, and also inform RAP Implementation. The socio-economic profile of PAPs was determined by the use individual information which was collected by the enumerators through one-on-one interviews, focussed group discussions and filling of questionnaires. By design, all PAPs were interviewed. Community consultation dialogues as well as consultations with special groups including women, youth and persons living with disability were held. Interviews were conducted in Kinyarwanda (Rwandan language). Questionnaires were designed in both languages English and Kinyarwanda. Questionnaires were also filled manually in Kinyarwanda language. The PAP household head and or spouse was targeted and the questionnaire solicited information regarding the PAPs’ household demographic structure, employment and labour, property and land holdings, assets affected, educational profile, household health wellbeing and welfare, income and expenditure patterns, the anticipated impact of the proposed project activities, the preference for compensation among other issues.

The following Socio-Economic Data were collected from the PAPs during the Survey:

- PAPs’ household demographic structure
- Employment and labour characteristics
- Property and landholdings
• The assets affected
• The educational profile
• Household health wellbeing and welfare
• Income and expenditure patterns
• The anticipated impact of the proposed Project implementation activities
• The preference for compensation
• Accessibility to the community resources
• Perceptions on the resettlement and rehabilitation measures
• Perceived income restoration measures
• Grievances of affected persons and requisite redreses
• Willingness to participate in the project

To ensure that quality socio-economic data is collected the consultant undertook the following:

• Pre-testing of data collection tools.
• Employment of experienced enumerators in data collection and land acquisition surveys.
• Training all enumerators and Community Leaders about the aim and objectives of the assignment, tools to be used, question order and sequencing during interviews, question probing, questionnaire instructions, ethics and qualities of a good interviewer.
• Daily editing of Socio–Economic Survey Tools for quality control.
• Analysis of Data using Microsoft Excel.

2.4 Data Analysis, Quality Control and Reporting

Quantitative PAP census data was analysed using Microsoft Excel worksheets. The quantitative data was presented in the form of descriptions, tables and percentages as detailed in Chapter 4 of this report. Qualitative data from community dialogues and key institutional stakeholders was manually analysed around the major themes/objectives of the RAP. Permanent structures were assessed according to the provisions of the Laws on Property and land rights. For property ground data, the analysis was done using the AutoCAD/GIS software. Other property data collected were organized into and analysed with Microsoft Excel Worksheets using several variables such as replacement values, cost of materials, and location of property, size and classification of trees among other considerations.

Socio-economic profile of project affected persons is described in detail in chapter 4 of this report.
2.5 GIS Mapping Methodology

i. Field Reconnaissance

Note: Geographic Information Systems (GIS) formed part of the whole RAP development. During the field reconnaissance, the centreline was found by aerial topographic survey and designed by using GIS tools. The design has considered the following relevant elements:

- Proposed road centerline and reserves
- Proposed drainage channels and their reserves
- Cadastre (land parcels boundaries).

ii. Preparation for Fieldwork

The identification of the Project Affected Properties was identified from the cadastre dataset provided by the client. The cadastre shows the land parcel boundaries and was overlaid with the proposed roads reserves and drainage channels reserves to depict the affected land parcels using ArcGIS Version 10.5. The resulting extract from this overlay provided an estimated land parcel that was to be expropriated including respective ground assets like houses and other structures.

The above findings were used by the valuer to trace out the affected properties and measuring the land parcel to be expropriated.

These provided a framework for preparation of fieldwork maps showing the project locations with affected structures and land parcels at a scale of 1: 5000 and 1: 10,000 to that was used as guides for data collection by the RAP team. These maps were prepared based on the designs of the proposed projects from the design team and the data collected during the reconnaissance.

Fieldwork Data was collected using GPS Essentials application on a mobile phone for the geometry of features. The mapping coordinate system that was used for all geospatial data is ITRF-2005 with the following parameters:

- **Projected Coordinate System:** ITRF_2005
- **Projection:** Transverse Mercator
- **False Easting:** 5000000.00000000
- **False Northing:** 5000000.00000000
- **Central Meridian:** 30.00000000
- **Scale Factor:** 0.99990000
- **Latitude_Of_Origin:** 0.00000000
- **Linear Unit:** Meter
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

Carrying out Fieldwork

Data collection carried out based on the data needs as identified above using GPS Essentials.

Data Editing and Update

Data collected in the field was then edited, cleaned and updated in the GIS database.

2.6 PAPs Database Design

The design for the tables of a GIS based database for the Project Affected Person’s was done to yield the following information. The database was tied down to the land parcels as the primary spatial entity with several attributes as shown below. Other datasets served to give locational orientation and enrich visualization of the database in a GIS environment.

<table>
<thead>
<tr>
<th>Entity</th>
<th>Attributes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Centerline</td>
<td>- Geometry</td>
</tr>
<tr>
<td></td>
<td>- Road Number</td>
</tr>
<tr>
<td></td>
<td>- Road Name</td>
</tr>
<tr>
<td>Buildings</td>
<td>- Geometry</td>
</tr>
<tr>
<td></td>
<td>- Building Type</td>
</tr>
<tr>
<td></td>
<td>- Value</td>
</tr>
<tr>
<td></td>
<td>- Building Use</td>
</tr>
<tr>
<td>Land Parcels</td>
<td>- Object ID</td>
</tr>
<tr>
<td></td>
<td>- Parcel ID</td>
</tr>
<tr>
<td></td>
<td>- Village</td>
</tr>
<tr>
<td></td>
<td>- Province</td>
</tr>
<tr>
<td></td>
<td>- District</td>
</tr>
<tr>
<td></td>
<td>- Sector</td>
</tr>
<tr>
<td></td>
<td>- Cell</td>
</tr>
<tr>
<td></td>
<td>- Cell code</td>
</tr>
<tr>
<td></td>
<td>- UPI</td>
</tr>
<tr>
<td></td>
<td>- Shape Area</td>
</tr>
<tr>
<td></td>
<td>- Land Owner Names</td>
</tr>
<tr>
<td></td>
<td>- Owners Email Address</td>
</tr>
<tr>
<td></td>
<td>- Owners Phone Number</td>
</tr>
<tr>
<td></td>
<td>- Actual Area</td>
</tr>
<tr>
<td></td>
<td>- Affected Area</td>
</tr>
<tr>
<td></td>
<td>- Remaining Area</td>
</tr>
</tbody>
</table>
2.7 Creating Overlays and Maps for Various themes

Spatial analysis and overlays were done to yield insights to support various thematic analyses.

2.8 Updating the PAPs Database with Valuation Data.

The following valuation information was updated in the Project Affected Persons database received from the project valuer.

<table>
<thead>
<tr>
<th>Entity</th>
<th>Attributes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Parcel</td>
<td>- Sector</td>
</tr>
<tr>
<td></td>
<td>- Cell</td>
</tr>
<tr>
<td></td>
<td>- Cell code</td>
</tr>
<tr>
<td></td>
<td>- UPI</td>
</tr>
<tr>
<td></td>
<td>- Land Owner Names</td>
</tr>
<tr>
<td></td>
<td>- Owners Email Address</td>
</tr>
<tr>
<td></td>
<td>- Owners Phone Number</td>
</tr>
<tr>
<td></td>
<td>- Actual Area</td>
</tr>
<tr>
<td></td>
<td>- Affected Area</td>
</tr>
<tr>
<td></td>
<td>- Remaining Area</td>
</tr>
<tr>
<td></td>
<td>- Expropriation type (Full or Partial)</td>
</tr>
<tr>
<td></td>
<td>- No. of Buildings</td>
</tr>
<tr>
<td></td>
<td>- Electricity Network cost</td>
</tr>
<tr>
<td></td>
<td>- Piped Water cost</td>
</tr>
<tr>
<td></td>
<td>- Tree cover cost</td>
</tr>
<tr>
<td></td>
<td>- Agricultural Value cost</td>
</tr>
<tr>
<td></td>
<td>- Value of land without Assets</td>
</tr>
<tr>
<td></td>
<td>- Total value of assets on the land</td>
</tr>
</tbody>
</table>

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
2.9 Valuation of Land and Assets

After reviewing the mapped-out land parcel boundaries indicating the areas earmarked for expropriation, the valuer collected the same on the ground with actual measurement to come up with exact land that would need to be expropriated. All the developments on land portion(s) marked for expropriation such as buildings, boundary walls, trees and crops (year-round such as cash crops) were valued at full replacement costs. PAPs entitled to be compensated, the actual value of land expropriated according to Rwanda expropriation law and/or AfDB OS 2 (full replacement costs for all fixed asserts thereon (on section earmarked for expropriation) including trees and crops) whichever is higher.

Valuation exercise observed the following procedure;

- Reconnaissance tours (Sites Visit) appreciate the final scope with the client
- Mobilization and sensitization of beneficiaries (was done in collaboration with client and local leaders/authorities);
- Demarcation Surveying;
- Identification, registration and photography;
- Taking measurements and sketches;
- Taking off quantities;
- Data processing using Excel;
- Compiling final valuation report.

2.9.1 Valuation Methodology

The study adopted the full replacement cost as the valuation methodology to be applied under Cross border roads for Musanze, Nyabihu and Rubavu Districts as recommended by the AfDB OS 2. Replacement cost” is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Replacement cost will be used when valuing all assets and associated transactions, displacement, economic impacts. The Rwandan expropriation law will only serve as a starting point for the valuation of assets but to achieve full replacement costs. Other considerations evaluated were as shown below:

- The cost to acquire new land titles
- The cost to acquire new construction permits
- Relocation/moving expenses
- Necessary assistance for vulnerable groups
- Estimation of immediate losses
- Cost of labor

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
2.9.2 Verification

Based on the demarcations conducted by the client’s surveyor and subsequent GIS mapping of the same, the valuer verified and confirmed land ownership of the properties to be valued.

2.9.3 Field Data Collection

Measurements of land and houses were taken and crops/trees to be affected enumerate and recorded. Crops/trees were valued according to their categories, size and age. This is to ensure that the beneficiary is given the current market value of his property based on expropriation law in official gazette No.35 of 31/8/2015 mainly article 28 and/or full replacement cost as given by AfDB OS 2 (whichever is more advantageous to the PAPs).

2.9.4 Determination of Unit Rate and References

Referring to the current price list released in official gazette and expropriation law in official gazette No.35 of 31/8/2015 mainly article 28 in addition to all other articles in this law. All this information was compiled, compared with price list compiled by Institute of Real Property Valuers (IRPV) and gazette on 8th November 2018 to access if there was any change in land price to come up with fair market rate of land, trees and houses. The value of the property depended highly on size, nature and market survey. The exercise used prices generated by IRPV and ground market information survey to come with the current market unit price.

After determination of unit prices from IRPV, the following methodologies were used;

2.9.5 Land and Asset Valuation

The purpose of the land, asset survey and asset inventory/valuation exercise was to provide a framework through which Project Affected persons (PAPs) could be adequately identified, subsequently fairly assessed and appropriately compensated or resettled before commencement of project works. Eligibility for compensation and the compensation value of affected assets in this project was guided by legal provisions and policy guidelines according to the Rwandan Constitution (Article 29), the Expropriation Law of Rwanda (N° 32/2015 of 11/06/2015) and AfDB Operational safeguard 2. These documents regulate and give entitlement to the affected persons and institutions as well as provide the methodology of calculating compensation values. Based on review and interpretation of laws relating to
valuation in Rwanda in particular the Rwanda expropriation law and the constitution of Rwanda, the provisions in these key pieces of legal statues and legislative frameworks do not meet the standard of compensation at full replacement cost. One of the key gaps identified is; whereas, AfDB OS 2 defines affected person(s) as ‘one using the land at the time, whether or not they have written customary or formal tenure rights’, Rwandan Expropriation Law on the other hand defines affected person(s) as ‘any person or a legally accepted association operating in the country who is to have his or her private property transferred due to public interest as well as legally accepted local administrative entities’. Form the foregoing, Rwandan laws have to be supplemented by additional measures as provided in the AfDB involuntary safeguard so as to meet the replacement cost standard.

The use of replacement cost valuation method for valuing assets is recommended by AfDB OS 2. In this context, ‘Replacement Cost’ in relation to agricultural land earmarked to undergo expropriation under this project would be defined as the pre-project or pre-displacement, market value of land of equal productive potential or use located in the vicinity of the affected land, plus cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes whichever is higher.

For land in urban areas, it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

For houses and other structures, it is the market cost of the materials to build a replacement structure within an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials, to the construction site, plus the cost of any labour and contractors’ fees, plus the cost of any registration, building permit(s), and transfer taxes.

In compliance with AfDB OS 2 provisions, “determination of aforesaid replacement cost”, would not take into account depreciation of the asset(s) and the value of salvaged materials. Similarly, the value of benefits to be derived from the project was not deducted from cumulative value of the asset.

The rates are a true reflection of the current market prices and are likely to prevail within the next six months.

### 2.9.6 Land Valuation

Land market values for transit-oriented development or land along road corridors vary according to structural attributes, land uses, location, accessibility, aesthetics, trunk service infrastructure and utilities, market forces of demand and supply,
present and future potential (speculative values) among others. The project roads are in different areas of the different districts. There are project roads in planned settlements, unplanned settlements, informal settlements and key arterials through commercial centres. As a result, land values in the project area are different depending on the area the road serves. The rates for each location were taken from official gazette of 8th November, 2018. As the rates prices are arranged per district level, sector level, cell level, and village level in our analysis we have use the land reference price per square meter at villages level and we have considered maximum rate per each village.

2.9.7 Buildings/structures

Structure replacement cost approach as described above was employed. Since affected structures have different typologies, utilize different material both in terms of type, quantity and quality and had different sizes. To determine the replacement value of affected structure we used the construction rate per square meter prepared by the Institute of Real Property Valuers in Rwanda. Those rates were used cautiously because each rate depends on building category (lower, middle and upper class).

2.9.8 Crops, plants and trees

The valuation of trees and crops is a specialist area with guidelines being given by the agriculture expert and the forester on trees. The factors considered in the valuation of the trees is its commercial value and whether is mature (fruit bearing or not). Valuation for crops takes into account the acreage of the crop and the yield per acre in the general area.

2.9.9 Property Ownership Data Collection Methods

Information on ownership of affected property was collected through the identification and verification of ownership (buildings and other properties), ownership verification from tenants, neighbours and local leaders. Crops and trees were counted by the property valuers together with the owners or lessors, in the presence of local leaders after ascertaining the extent of the affected crops/trees. All property information collected was recorded on a ‘Compensation Assessment Record Sheet’ specifically designed for the purpose and later transferred to a valuation roll to be submitted as part of a valuation report.

Ground property data was captured using various survey equipment, including Global Positioning System (GPS) and electronic equipment for precise measurement. The ground property information captured comprises of coordinates of ground property positions. This formed the basis for thematic strip maps and cadastral plans. The main software to be used was the GIS system. The RAP team marked the
affected properties complying with proposed centreline. The roadway varies between 6m to 8m therefore our buffering zone was 10 m.

2.9.10 Compensation Packages

Valuation and Calculation of the affected property was based on the following:

- Land: Valuation was based on replacement cost by adding market value, necessary transactions and labour cost.
- Crops and Trees: Crops were valued according to the established going market prices, and in line with provisions of the Rwanda Expropriation Law. In addition, crops that can be harvested after at least 6 months have been recorded and some perennial crops
- Structures: Valuation was based on full replacement cost which shall factor in the sizes of structures, materials used and their prices, transportation costs of delivery of these materials and manpower.
- Community asset/resource: These were provided in kind. The alternative community asset was at least of the same standard as or better standard than the affected asset.
- Loss of Business income: Compensation to be paid for the lost income and production during the transition period (the time between losing the business and full re-establishment of livelihood). This was estimated based on the daily or monthly income of the affected parties.
- Relocation of Utilities. The utility relocation is catered for in the project activities cost.’
- Inflation Tendencies: In consideration of possible inflation in the period between the valuation of the assets and the compensation, inflation allowances were added, when computing compensation costs.

2.10 Cut-Off Dates

Cut-off Date was based on the dates of the census program within the project concerned districts. Sensitization on cut-off dates was done during the public meetings. The cut-off date for Musanze, Nyabihu and Rubavu Districts was set for the following dates (See Table 6-2).

2.11 Challenges Encountered During the Assignment.

The study experienced a number of challenges this included:

The RAP study took place during a global pandemic (Covid 19) causing a shutdown of the global economy and restrictions on social gatherings and enforcement of social distancing as well as the restriction on movements of people including total lockdowns of some parts of the world. As such, the world health organization
(WHO) published guidelines to help prevent the spread of the deadly virus including restrictions on social gatherings, maintenance of minimum social distance, wearing of personal protective equipment such as face masks, testing, tracing of contacts among other measures. In response to the pandemic and in line with the WHO, the Government of Rwanda through the ministry of health issued health guidelines which included among others one and a half meter minimum social distancing (1.5), protocols governing social gathering including limiting the number of social meeting participants, use of hand sanitizers and hand hygiene practises among other measures. Due to the restriction on social gatherings, the study was limited in the number of public meetings it could hold, number of participants per meeting and social distancing rules for on one on one interview. To overcome these challenges, the consultant employed creative means towards ensuring adequate public participation in compliance with the set guidelines. Some local leaders were reached via online communication. Public meetings carried out were mostly held in open air fields or large social halls to ensure there is adequate room for social distancing. They were done by respecting government regulations Any Individual using any of these equipment was required to apply a hand sanitizer frequently. All meeting participants were required to have face coverings and cover their mouth and nose throughout the meeting. It was not easy to meet the target group (youth, vulnerable, women) during consultation meeting due to the limited number of meeting that we had.
3 PROJECT DESCRIPTION

3.1 Overview

This section outlines proposed project components for cross border roads. Thereafter, the section gives an exposition of measures taken to reduce resettlement impacts comprising of but not limited to; engineering design solutions, rerouting of project corridors and socio-economic and cultural considerations. Ultimately, this section details land required for project implementation particularly focusing on compulsory land acquisition and associated resettlement impacts.

The chapter does not expound on mitigation of identified socioeconomic and expropriation impacts. Analysis and mitigation of these impacts are presented in detail in chapter 5 and chapter 7 respectively in this report.

3.2 Cross border roads subprojects

The government of Rwanda through Rwanda Transport Development Agency (RTDA) administration is planning to implement the following infrastructure investments in Musanze, Nyabihu and Rubavu Districts under financed by AfDB:

Table 3-1: Cross border roads subprojects

<table>
<thead>
<tr>
<th>No</th>
<th>Road Name</th>
<th>Length in Km</th>
<th>District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Proposed North - Western Cross Border Roads</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Kinigi-Kabuhanga</td>
<td>48.4</td>
<td>Musanze, Nyabihu and Rubavu</td>
</tr>
<tr>
<td>2</td>
<td>Kabuhanga-Bugarama- Kiraro</td>
<td>10.8</td>
<td>Rubavu</td>
</tr>
<tr>
<td>3</td>
<td>Kabuhanga- Busasamana- Cyanzarwe-Muhato</td>
<td>23</td>
<td>Rubavu</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>82.56</td>
<td></td>
</tr>
</tbody>
</table>

Source: Consultant 2021

3.3 Project Resettlement Planning

In the line with AfDB statement on involuntary resettlement is stipulated in the Banks’ document entitled” Guidelines on Involuntary Displacement and Resettlement in Development Projects” (2003). The guidelines stipulate that when people must be displaced; it is to be ensured that they are treated equitably and they share in the benefits of the project that involves their displacement. Effort should be made to minimize disruptions to their livelihoods, ensure that the displaced persons receive resettlement assistance to improve their living standards. Close attention should be paid on the displacement of disadvantaged groups such as female headed
households, elderly people, the poor and the marginalized communities. The borrower should set up mechanism to monitor the performance of the Resettlement Plan. The guidelines further recognize that the borrowing country has laws and regulations dealing with various issues pertaining to displacement and compensation for loss of assets and rights that need not be violated. The borrower should be encouraged to take a long-term view of the in-adequate provisions to improve on the inherent gaps to achieve equity.

The Linear infrastructure projects such as proposed roads require diligent planning to reduce resettlement impacts. Towards this end, the following principles adopted from the AfDB Operational safeguard 2 were followed in the resettlement planning of proposed project to reduce and or mitigate resettlement impacts:

- Avoid involuntary resettlement or, when unavoidable, minimize involuntary resettlement by exploring low impacts project design alternatives.
- Avoid forced eviction
- Mitigate unavoidable adverse social and economic impacts occasioned by land acquisition or restrictions on land use by providing timely (prior to project implementation) compensation for loss of assets at full replacement cost including restoration of any economic loss.

From the foregoing, a preliminary assessment of project corridors (six cross border roads) was conducted to assess:

- Available RoW free from any infringement vis-à-vis the required project corridor.
- Abutting development along the project corridor inter alia primary land use(s) of affected land parcels, service infrastructure such utility lines or telecommunication service line ducts among others.
- Development characteristics of properties/land parcels in relation to earmarked land to be taken over by the RoW
- Topographical limitations or opportunities of selected project corridors.
- Desired design capacity.

3.4 Design Considerations and Adopted Project Designs

Based on aforementioned resettlement planning considerations, an extensive road planning assessment was undertaken to aid in conceptualization and design of the most appropriate road cross-section that will satisfactorily meet road upgrading objectives as well as reduce resettlement impacts that will be triggered by proposed upgrading.

The proposed right of way for proposed project roads ranges from 7m width. From a resettlement planning perspective, adopted cross section should be confined within
the limits of the existing right-of-way to the most practicable extent possible, in situations where available RoW is narrow than required road corridor as per adopted road cross-section land expropriation to acquire required road corridor is inevitable.

3.5 Resettlement Impact of Adopted Project Designs

This section is an exposition of the resettlement impacts of proposed cross border roads. It elucidates in detail project corridors development characteristics (land and development thereon) in relation to earmarked RoW for proposed roads and drain. Emerging situations resulting in land acquisition or lack thereof are then outlined. The section then narrows down to project components(s) necessitating involuntary resettlement which is the main focus of this section.

3.6 Determination of Resettlement Impacts

To determine if proposed project cross border roads will result in any resettlement impacts, the outline of the proposed RoWs is superimposed on top of available project corridors to be upgraded. In areas where the RoW spills over to adjacent land parcels beyond plot boundaries as delineated in the official records held by the Government of Rwanda, the extent of infringement is earmarked to be acquired. The process of overlying to determine affected properties is described in detail in Chapter two on RAP methodology.

Linear infrastructure projects such as proposed roads in high density settlements normally result in diverse resettlement impacts. In the proposed project, RoW of proposed roads 7m. From the foregoing, to determine emerging ownership situations on the ground for proposed project cross border roads, a ground truthing exercise was carried out by the RAP team as part of census survey to determine number of affected properties and project affected persons.

3.6.1 Resettlement Impacts for Proposed cross border Roads

To determine emerging resettlement impacts on the ground for proposed six cross border roads, detailed designs (showing the road centrelines and road reserve boundaries) were overlaid on prepared cadastral map. This was followed by a ground truthing exercise during the census survey to determine the number of affected properties. The following was established during this exercise;

✓ Flexibility in reducing corridor width in some centers along the said six cross border roads. This opportunity was key in reducing resettlement impacts during affected properties demarcation phase.

✓ Key utility service lines (that have lengthy and bureaucratic relocation procedures with a huge capital outlay for relocation) such as medium voltage
electricity transmission mains and big capacity water pipes serving many people along the roads were identified in the road way leaves and deliberate shift of the road centerline was done to avoid relocation of these key utilities.

- To reduce expropriation costs, the centerline of the roads was also shifted so that highly valuable properties are not or are least affected compared to relatively cheaper properties.
- To reduce number of PAPs, the centerline was also shifted from the most densely built up side to a relatively less densely built-up area. This was possible when there was no significant difference in property values on either side of the road corridor.
- Abutting affected properties have (3) categories of dominant land uses: Agricultural, residential and commercial.

3.7 Involuntary Resettlement Impacts for Proposed Project

This section is an exposition of involuntary resettlement impacts of cross border roads. It outlines the land requirements and the impacts of land expropriation. As reported elsewhere in this report, this chapter primarily deal multipliers socioeconomic impacts arising from aforesaid land acquisition such as induced resettlement of business PAPs informally carrying out trade activities along the project corridors.

3.7.1 Involuntary Resettlement Impacts

According to the detailed resettlement impact analysis of the proposed cross border roads project subcomponents. They are less resettlement impacts due to many affected houses are found in centers only. Involuntary resettlement impact results from compulsory acquisition of land for development in this case extension during upgrading of (6) cross border roads to asphalt standards alongside service infrastructure like walkways, street lighting among other utilities.

3.7.2 Expropriation Impacts Analysis for cross border roads project

Table 3-3 presents a summary of type of affected properties (land, building, crops &trees and other man-made structures); number of affected properties, extent of land acquisition (partial or full) portion size of land acquired and value of affected properties (value of land including above ground assets).
Table 3-2: Summary of Land requirement for Implementation of the project

<table>
<thead>
<tr>
<th>No</th>
<th>Road Name</th>
<th>Project Lot</th>
<th>Location</th>
<th>Length in Km</th>
<th>Size of Land Acquired(Affected) (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Kinigi-Kabuhanga</td>
<td>2</td>
<td>Musanze, Nyabihu and Rubavu</td>
<td>48.4</td>
<td>13.5</td>
</tr>
<tr>
<td>5</td>
<td>Kabuhanga-Bugarama- Kiraro</td>
<td>2</td>
<td>Rubavu</td>
<td>10.8</td>
<td>3.04</td>
</tr>
<tr>
<td>6</td>
<td>Kabuhanga-Busasamana-Cyanzarwe-Muhato</td>
<td>2</td>
<td>Rubavu</td>
<td>23</td>
<td>5.84</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>82.56</strong></td>
<td><strong>22.37</strong></td>
</tr>
</tbody>
</table>

Source: Consultant, 2021

b. Affected properties
For the road corridor with limited RoW the following kind of properties will be affected: Land, buildings and other structures, trees & crops.

c. Land use of affected properties

The breakdown of affected properties in terms of land use is as indicated below:
- Residential:
- Commercial:
- Agricultural:
- Forestry:
- Etc

Analysis of affected properties to determine if there are economic losses registered especially for land parcels under commercial, agricultural and forestry purpose is presented in detail chapter 7 of this report

d. Land Requirement/ Acquisition

Acquisition of land whether partial or full will result in diverse resettlement impacts. In general, Cross border roads impacts are high since the total aggregate land acquired to pave way for proposed upgrading to chip seal is only (22ha) of the original land size. From the foregoing the concerned districts have committed to amend title certificates for affected proprieties to reflect residual land size at no extra cost to affected land owners.
e. **Expropriation Impacts Extent**

With regards to the expropriation impact extent, a total of 14 property owners will be expropriated in full (the owners have to relocate and look for land elsewhere) while 4,345 being partially affected (residual land still viable to support existing land use post expropriation phase). The 4,345 properties earmarked for expropriation and located alongside the cross border roads, some are vacant land, buildings/structures, and trees and crops upon it.

f. **Land and above ground asset assessment**

The affected land parcels were identified based on the route outline of the proposed RoWs (8 - 10m) superimposed on top of existing available public corridor. In areas where the RoW spills over to adjacent plot boundaries as delineated in the official records held by the Government of Rwanda, the extent of infringement was earmarked to be acquired. A ground truthing exercise was then carried out to determine the land portion to be taken and development thereon (above ground assets). Some of the affected properties have no above ground assets. In such scenarios, land acquired is the only asset valued. Some properties have above ground assets on portion(s) earmarked to be expropriated. Above ground assets are broadly classified as crops and structures. To determine the total expropriation cost of each property affected, value of land acquired is calculated separately. Above ground assets are also valued separately and then summed up with the value of acquired land to get the total expropriation value for each property expropriated. The aggregate total of each property is then summed with other properties acquired in a given corridor to determine the total expropriation value per given road. Valuation methodology applied in determination of expropriation cost has been explained in detail in chapter 2 of this report.

g. **Spatial Expropriation Impacts Analysis**

Spatial analysis of resulting expropriation impacts is presented in form of maps and is appended to this report. As explained elsewhere in the report, the PAPs with no formal documents were entitled to compensation at full replacement cost for lost assets as their counter pacts with formal ownership documents.
4 POLICY LEGAL AND REGULATORY FRAMEWORK

4.1 Introduction

A series of measures will be implemented in accordance with the national government and the AfDB Guidelines on Involuntary Resettlement with a view to ensure that adequate mitigation measures are put in place by the project proponent to deal with any negative impacts on the project affected persons. The relevant policies and legislation are discussed in this chapter.

The consultant reviewed the local and international legal and policy frameworks that guide and have a bearing for this RAP, including identifying the gaps between local and international frameworks and how such gaps can be bridged. This chapter therefore provides the legislative, regulatory, and policy context in which the proposed project should comply. It describes the national and international legislation and policies that have a bearing on national developments that are likely to cause displacement of property and livelihood activities. In addition, it discusses the existing land and property laws governing tenure, compensation, valuation of assets and losses related to displacement and resettlement, laws and regulations governing the agencies responsible for compensation and resettlement implementation, and the gaps between national legislations and the provisions of the AfDB Guidelines on Involuntary Resettlement.

The RAP for the proposed project applied the laws, legislation, regulations, and local rules governing the use of land and other assets in Rwanda. The legal framework covering various aspects concerning RAP studies includes:

- Social, political, economy and governance in Rwanda;
- Property and land rights, as defined by Rwanda law;
- Acquisition of land and other assets, including regulations over the buying and selling of these assets;
- Rights and compensation, in particular, the accepted norms influencing peoples’ basic rights to livelihood and social services;
- Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution;
- Legally mandated institutions, agencies associated with legal instruments governing land use and management.
4.2 Rwanda Policy Framework

Table 4-1: Policy Framework.

<table>
<thead>
<tr>
<th>Policy Instrument</th>
<th>Functions and Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rwanda Vision 2050</strong></td>
<td>Rwanda to become an upper middle-income country by 2035 and a high-income country by 2050. Vision 2050 takes into account the aspiration of Rwandans to leave to our children a better world to live in. As such, growth and development will follow a sustainable path in terms of use and management of natural resources while building resilience to cope with climate change impacts. Rwandans aspiration for high quality of life will be further appreciated through the quality of the environment, both natural and built.</td>
</tr>
<tr>
<td><strong>National Strategy for Transformation (NST 1)</strong></td>
<td>The National Strategy for Transformation (NST1) is a 7 Years Government Programme (7YGP). The programme comes at a unique moment in the country's development blueprint which will see the crossover from Vision 2020 towards Vision 2050. Vision 2050 aims to take Rwanda to high living standards and high quality livelihoods by the middle of the 21st century. NST1 programme is the implementation instrument for the remainder of Vision 2020 and for the first four years of Vision 2050. NST1 will provide the foundation and main conduit towards Vision 2050. The vision aspirations focus on five broad priorities: High Quality and Standards of Life; Developing Modern Infrastructure and Livelihoods; Transformation for Prosperity and International cooperation and positioning. The government of Rwanda has prioritised service infrastructure development. Once the road Cross border roads upgraded, the movement of population will become easier, and the value of agricultural products as well as other economic activities will get increased.</td>
</tr>
<tr>
<td><strong>National Land Policy, 2004</strong></td>
<td>The Policy is premised in the National Development Strategy of Rwanda (Vision 2020). Its main objective is to put in place and operationalize an efficient system of land administration and land management that secures land ownership, promotes investment in land for socio-economic development and poverty reduction. The policy provides for land tenure systems, guiding principles of land management, an effective &amp; efficient land registry, and land transactions. According to the National Land Policy, all Rwandese enjoy the same rights</td>
</tr>
</tbody>
</table>
### Policy Instrument | Functions and Provisions
---|---
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts | of access to land, without discrimination against women or any other vulnerable persons. All land must be registered for security. The National Land Policy specifies that marshlands are a special category of public land and their use, for those earmarked for it, must be done in the form of concession. All marshlands are governed by a special legislation which must be vigorously enforced. Marshlands meant for agriculture should not be cultivated except after adequate planning and environmental impact assessment.
National Gender Policy, 2010 | The Vision of the National Gender Policy is to set the Rwandan society free from all forms of gender-based discrimination and see both men and women participate fully and enjoy equally from the development processes. The main mission of this policy is to contribute to the elimination of gender inequalities in all sectors of national life, in order to achieve the nation’s goal for sustainable development.
District Development Plans (DDP) | District Development Plans are aligned to EDPRS II, which is contributing to its implementation and consequently to the revised Vision 2020 targets. The aim and purpose of the District Development Plans is to create a platform for Districts to reflect on the past achievements and potentials and to come up with the priorities that will drive the development of district for the next five years and to meet the social economic development and needs of the population without contradicting with the national priorities. This project is in line with the DD in facilitating access to basic infrastructure.
National Housing Policy, 2015 | Specifies the roles of agencies delivering housing to a range of income groups
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

<table>
<thead>
<tr>
<th>Legislative Instrument</th>
<th>Functions and Provisions</th>
</tr>
</thead>
</table>
| The Constitution of the Republic of Rwanda, 2003 amended in 2015 | The Constitution of the Republic of Rwanda as promulgated in 2003 amended in 2015 makes clear the requirement for equitable and participatory development for all citizens of the country, and makes quality and healthy environment as a basic right with every citizen required to protect, safeguard and promote a healthy environment. In this regard there are principally two articles among other provisions that relates to this study:  
  - Article 45 of the constitution states that all citizens have the right to participate in government of the country, whether directly or through freely chosen representatives in accordance with the law. All citizens have the right of equal access to public service e.g. Roads in accordance with their competence and abilities.  
  - Article 49 states that every citizen is entitled to a healthy and satisfying environment. Every person has the duty to protect, safeguard and promote the environment. The state shall protect the environment. The law determines the modalities for protecting, safeguarding and promoting the environment. |
| Article 5: Human settlement areas servicing principles | Every site proposed for human settlement must at least be serviced with the following facilities:  
  - Health care facilities;  
  - Schools;  
  - Civic centers;  
  - Recreational centers;  
  - Basic economic infrastructure |
| Article 17: Building materials | The purpose of this Code is to establish minimum requirements to safeguard public health, safety and general welfare by regulating and controlling the design, construction, quality of materials, sanitation, lighting and ventilation, energy conservation, safety to life and property from fire and other hazards attributed to the built environment, use and occupancy, location and maintenance of all the concerned buildings and structures in Rwanda.  
The use of locally produced building materials that do not compromise the natural ecosystem and which use the least energy for their production and transport must be emphasized in accordance with the Building Code. |
<table>
<thead>
<tr>
<th>Legislative Instrument</th>
<th>Functions and Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Law N° 48/2018 of 13/08/2018 on Environment</td>
<td>The Law on Environment Protection sets the modalities for protection, conservation and promotion of the environment in Rwanda. The law gives right to every natural or legal person in Rwanda to live in a healthy and balanced environment while obligating each and every citizen to contribute individually or collectively to safeguard country’s natural, historical and sociocultural heritage. The framework of the law on the protection and management of natural resources centres on avoiding and reducing the disastrous consequences on environment. It measures result from an environmental evaluation of policies, programs and projects, aimed at preventing the consequences of such activities. It provides for a right to a healthy and productive life in harmony with nature and to equitably meet the needs of the present and future generation in infrastructure development e.g. upgrading of roads and construction of drainage channels.</td>
</tr>
<tr>
<td>Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest</td>
<td>The Expropriation Law provides for public dissemination on the importance of the project to be established and the need for expropriation. Article 12 of the Expropriation Law stipulates that the relevant Land Committee, after receiving the request for expropriation, shall examine the basis of that project proposal. In case it approves the basis of the project proposal, the relevant Land Committee shall request, in writing, the District authorities concerned to convene a consultative meeting of the population where the land is located, at least within a period of thirty (30) days after receipt of the application for expropriation, and indicating the date, time and the venue where the meeting is to be held. The relevant Land Committee shall take a decision within a period of at least fifteen (15) days after the consultative meeting with the population. Article 3 stipulates that it is only the Government that shall order expropriation in the public interest, and must be done with prior and fair compensation. The law also bars anybody from interfering of stopping expropriation on pretext of self-centred interests. Accordingly, Article 3 provides for any underground or surface activity carried out with in public interest on any land but with due and fair compensation to the land owner. Article 4 requires that any project, at any</td>
</tr>
</tbody>
</table>
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

<table>
<thead>
<tr>
<th>Legislative Instrument</th>
<th>Functions and Provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>level, which intends to carry out acts of expropriation in the public interest, must budget and provide funding for valuation of the property of the person to be expropriated and for fair compensation.</td>
</tr>
</tbody>
</table>

4.3 African Development Bank’s Safeguard Policy and guidelines

4.3.1 Involuntary Resettlement Policy, 2003.

The overall goal of the Bank’s Policy on Involuntary Resettlement is to ensure that when people must be displaced, they are treated equitably, and that they share in the benefits of the project that involve their resettlement. The Policy has the following key objectives:

i. To avoid involuntary resettlement where feasible, or minimize resettlement impacts where population displacement is unavoidable, exploring all viable project designs. Particular attention must be given to socio-culture consideration such as culture or religious significance of land, the vulnerability of affected population, or the availability of in-kind replacement for assets, especially when they have important intangible implication. When a large number of people or a significant portion of the affected population would be subject to relocate or would suffer from the impacts that are difficult to quantify and to compensate, the alternative of not going ahead with the project should be give serious consideration;

ii. To ensure that the displaced people receive resettlement assistance, preferably under the project, so that their standards of living, income earning capacity, and production levels are improved;

iii. To provide explicit guidance to Bank staff and to the borrowers on the conditions that need to be met regarding involuntary resettlement issues in Bank operations in order to mitigate the negative impacts of displacement and resettlement and establish sustainable economy and society; and

iv. To set up a mechanism for monitoring the performance of involuntary resettlement programs in Bank operations and remedying problems as they arise so as to safeguard against ill-prepared and poorly implemented resettlement plans.

In order to achieve the goals of this Policy that involve Involuntary Resettlement, the Plan shall be prepared and evaluated according to the following guiding principles:

i. The borrower should develop a resettlement plan where physical displacement and loss of economic assets are unavoidable. The plan should ensure that displacement is minimized, and that the displaced persons are provided with assistance prior to, during and following physical relocation. The aim of the relocation and of the resettlement plan is to improve displaced persons former living standards, income earning capacity, and production levels. The resettlement plan should be conceived.
and executed as part of development program, with displaced persons provided with sufficient resources and opportunities to share in the project benefits. Project planners should work to ensure that the affected communities give their demonstrable acceptance to the resettlement plan and the development program, and that necessary displacement is done in the context of negotiated settlement with affected community.

ii. Additionally, displaced persons and host community should be meaningfully consulted early in the planning process and encourage participation in the planning and implementation of the resettlement program. The displaced persons should be informed about their options and right pertaining to resettlement. They should be given genuine choices among technically and economically feasible resettlement alternatives. In this regard, particular attention should be paid to the location and scheduling of activities. In order for consultations to be meaningful, information about the proposed project and the plans regarding resettlement and rehabilitation must be made available to local people and national civil society organizations in a timely manner and in a form and manner that is appropriate and understandable to the local people. As well, careful attention should be given in the organization of meetings. The feasibility of holding separate women’s meetings and fair representation of female heads of households, in addition to mixed meetings should be explored. Also, the way in which information is disseminated should be cautiously planned as levels of literacy and networking may differ along gender lines;

iii. Particular attention should be paid to the need of disadvantaged groups among those displaced, especially those below the poverty line, the land less, the elderly, women and children, and ethnic, religious and linguistic minorities; including those without legal title to asset, female head of households. Appropriate assistance must be provided to assist the disadvantaged groups cope with the dislocation and to improve status. Provision of health care services, particularly for pregnant women, and infants, may be important during and after relocation to prevent increases in morbidity and mortality due to malnutrition, the psychological stress of being uprooted, and increased risk of diseases;

iv. Resettles should be integrated socially and economically into host communities so that any adverse impact on host communities is minimized. Any payment due to the hosts for land or other assets provided to resettles should promptly render. Conflicts between hosts and new arrivals may develop as increased demands are placed on land, water, forests, services, etc, or if the new arrivals are provided services and
housing superior to those of the host. These impacts must be carefully considered when assessing the feasibility and cost of any proposed project involving displacement, and adequate resources must be reflected in the budget for the mitigation of those additional environmental and social impact.

v. Displaced persons should be compensated for losses at “replacement cost” prior to their physical displacement or before taking-over of the land and related assets or commencement of project activities, whichever occurs first; and

vi. The total cost of the project as a result should be included in the full cost of all resettlement activities, factoring in the loss of livelihood and earning potential among affected peoples. This attempt to calculate the “total economic cost” should also factor the social, health, environmental and psychological impacts of the project and displacement, which may disrupt productivity and social integration. The resettlement cost should be treated against economic benefits of the project and any other net benefits to new arrivals should be added to the benefit stream of the project.

The policy defines the affected population in a resettlement program, describes the modes of identifying their loss of assets/income resources or access to assets, eligibility and entitlements within the context of a resettlement plan.

4.3.2 AfDB Gender Policy
The policy is based on the premise that Africa has pronounced, region-specific gender characteristics that are of direct relevance to its economic and social development. It takes into account the international agenda, which calls for transformation, aimed at achieving full and equal partnership between men and women. Gender has become an issue for development intervention. First, inequalities continue to exist between women and men despite significant improvement in the absolute status of women and gender equality in most African countries. The following guiding principles form the basis of Bank’s assistance in the area of gender/women empowerment:

Gender analysis will be an integral part of all Banks’ policies, programmes and projects.

Gender analysis will be conducted for all Bank intervention in order to design intervention that respond to the needs and priorities of both men and women. Experience has shown that women and men differ in the way they respond to and/or benefit from development and in the absence of specific attention to differences between women and men, planning for “the people” can result in the exclusion of women or men as participant or beneficiaries of planned change.

Attention will be paid to the co-operative relation between women and men

The concept of gender implicitly embodies a culture that entails cooperation and interdependence between men and women rather than separation. It is oriented towards an equitable and sustainable development with women and men as equal partners in decision making processes.

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
making. Focus on women without taking into account their relations with men can undermine the objective of reducing disparities. Women do not live in isolation and by addressing them as such, development practitioners risk alienating must strive to empower both men and women to transform relations between them by taking into account the needs and interests of both genders and ensuring that all benefit equally from development.

Women’s economic empowerment will be considered as key to sustainable development. Women in Africa are active in a variety of economic areas. Moreover, they often shoulder the primary responsibility for the well-being of the family. However, due to legal and customary barriers women lack access to credit and this impedes their effective economic participation. Experience has shown that providing credit services to women enhances productivity and promotes efficient lab our allocation. In addition, relative to men, women who possess economic means, invest more in education and health of their children. Measures will therefore be taken to support Regional Member Country (RMC) initiatives that target women entrepreneurs and producers in both formal and informal sectors and which adopt innovativelending policies and practices;

Women will not be considered to be homogeneous group. Although they may face some common difficulty due to the manner in which a particular society defines gender, other important factors such as class, race, ethnicity and religion also contribute to their position in the society. Thus, activities targeting an in differentiated category “women” may provide opportunities to some women and at the same time leave other groups disadvantaged. Program and project will take account of difference between women; and

A strategic choice will be made on the use of the mainstreaming strategy/target input. Targeted projects for women or men and gender mainstreaming are not incompatible responses. The question is one of strategic and operational choice depending on a particular situation. Targeted intervention may be required to address the disadvantages and limitations experiences by women as a consequence of the way the gender concept is conducted in a specific context. Thus projects should be designed to address gender disparities, or, to target issues which specifically affect women such as ownership of land, access to credit or legal literacy. Similarly, activities could target the special gender division of lab our and male responsibility in reproductive health issues.

This policy codifies the Banks’ formal commitment to the gender mainstreaming approach. It seeks to define a more systematic approach to planning of development interventions so that they can address the priorities of women as well as men for greater efficiency, effectiveness and sustainability unlike the former Women in Development (WID) policy. The focus of this policy is gender relations, which shape outcome for both men and women. With introduction of the gender analytical framework, the fundamentally social nature and gender differences that result in inequalities between women and men gains greater
visibility. The policy adopts the concept of “gender mainstreaming” as a key strategy for overcoming women’s exclusion from decision making and from access to any control over development resources and benefits.
4.3.3 Bank Group Policy on Poverty Reduction

The goal of the Bank’s poverty policy is to ensure that poverty in Africa is reduced. This involves development of strategies that facilitate national ownership, participation and an orientation towards improvements in the welfare of the poor, especially in the achievement of Sustainable Development Goals (SDG).

The objectives of the policy are to bring poverty reduction to the forefront of the Bank’s lending and non-lending activities and to support its Regional Member Country’s (RMCs) in their efforts towards poverty reduction. Support for country-owned Poverty Reduction Support Programmes (PRSPs) plays an important role in this respect. The following are the policy Guiding principles: -

i. **Poverty Focus.** Poverty reduction has become the overarching goal of the Bank for the last four years. The realization of this goal requires a more focused analysis of the incidence, depth and causes of poverty in Africa. Such focus on poverty reduction instance, it is necessary to go beyond a general support for agricultural, human resource and private sector development by designing and implementing pro-poor policies within these broad areas.

ii. **National ownership, participation and outcome orientation.** The principles of the new strategic framework form the basis for the policies discussed in this chapter. A number of policy measures such as support for national capacity building, promotion of the participatory approach development of new forms of partnerships and establishment of poverty monitoring systems relate directly to this principle.

iii. **Internal policy coherence.** The importance of the priority areas and the cross-cutting issues has been discussed in the Banks sector specified policies. The purpose of the poverty policy is to strengthen existing sector policy prescriptions and to fill gaps on specific areas from standpoint of poverty reduction.

iv. **Country-led partnership.** The policy also underscores the importance of a coordinated donor response to the demand from RMCs for supporting their PRSPs. A strong partnership ensures the consistency between the Bank’s poverty policy and the poverty reduction strategies of its RMCs as articulated in the PRSPs for African Development Fund (ADF) countries and similar planning documents for African Development Bank (AfDB) member countries.

v. **Enriched conceptual framework.** The policy takes into account the new conceptual framework which expands the concept of poverty beyond income measures and its causes. It also addresses the economic and non-economic causes of poverty
In many African countries, problem of poverty is exacerbated by episodes of frequent drought, crop failure and natural disaster like floods, political conflict and epidemics. For instance, in many African countries, the number of internally and externally displaced people due to political conflict is quite high.

The Bank recognizes that the success of safety-net programs depends on a number of factors including fiscal affordability, the availability of adequate information on the potential beneficiaries and the administrative capacity to reach targeted groups. To this effect, the Bank will support provision of the following social protection related activities:

i. Public program works that create employment for the able-bodied poor, particularly in rural areas;

ii. Re-training of public employees that are retrenched as a result of adjustment programs;

iii. Child feeding programs, especially for HIV/AIDS related orphans; and

iv. Provide emergency relief including food aid in time of natural disasters.

4.3.4 Policy Guidelines on Co-operation with Civil Society Organizations (CSOs)

The policy reflects the Banks’ newly defined Vision and its commitment to:

i. Stakeholder participation as a key strategy to achieve its objectives of poverty reduction and good governance.

ii. Improved governance – a task area in which the Bank intends to play an active leadership role;

iii. Expanding the range of civil society organization which the Bank may work, corresponding to the broader objectives, and overcoming limitations only on “NGOs”

iv. Improved effectiveness on the ground by learning more about how its regional member countries (RMCs) can better work with civil society organizations;

Through public statements, consultative practices and lending decisions, the Bank has made clear its intention to engage the NGOs, and other organizations from the Civil Society. It has committed itself to Client – focused gender-sensitive and participatory approaches involving a broad range of stakeholders.

The Banks’ principal mandate is to lend to governments’ for development purposes in RMCs. The pursuit of improved co-operation with CSOs does not imply a shift in emphasis to by-pass the former in favour of the latter. The Bank acknowledges that governments’ role and function in promoting development for its people is irreplaceable and it cannot be substituted by the involvement of the CSOs but can only be enhanced.
One set of criteria cannot cover all circumstances, as performance requirements will vary depending on the nature of task to be performed. Specific selection criteria will need to be applied for specific cases. Nevertheless, for operational purposes, the following criteria may serve as a starting point by which to select appropriate CSOs:-

i. Credibility and legitimate: Acceptability of the organization to relevant stakeholders;
ii. Competence: Relevant demonstrated skills and proven track record;
iii. Capacity for making judgment informed by lesions from experience (Based on working with different types of CBOs, government branches or aid institutions)
iv. Legal status: Formal recognition or registration in the RMCs, in instances where the risk of opportunism is high, the CSO should be able to show proof that it has existed for at least one year prior to the onset of project identification.
v. Appropriate organization capacity: Operating structure, scale, and material resources.
vi. Representative and responsiveness: To local people; accountability to members/beneficiaries; gender sensitivity.
vii. Internal governance, social management including accounting systems and transparency about them, a readiness to undergo audits, transparent leadership and decision making.

Where CSOs are selected as implementing partners of the Bank and RMC, the existence of sound and verifiable finance management and reporting systems will be applied as additional criteria.

4.3.5 Disclosure and Access to Information
This revised policy supersedes the AfDB Policy on disclosure of information dated October 2005. The Policy provides the Bank group with an improved framework within which to disclose information on policies and strategies and key decision made during project development and implementation. Maximum disclose and access to information will increase public support for the Bank Groups Mission and enhance the effectiveness of its operations. The policy contains the following new elements:

i. A strengthened presumption of disclosure, eliminating the positive list and emphasizing a limited negative list;
ii. Introduction of an appeals mechanism;
iii. Provision of simultaneous disclosure; and
iv. Increased access to the broad range of stakeholders.

The policy aims to:

i. Maximize disclosure of information within the Banks Groups possession and limit the list of expectations to reflect the Banks willingness to disclose information

ii. Facilitate access to and share information on the Bank group’s operations with a broad range of stakeholders;
iii. Promote good governance, transparency and accountability to provide leadership in these areas to RMCs;
iv. Improve on implementation effectiveness and better co-ordinate the information disclosure processes;
v. Give more visibility to the Bank Group’s mission, strategies and activities to stakeholders
vi. Support the Bank Group’s consultative process in its activities and stakeholders participation in the implementation of the Bank Group financed projects

Ensure harmonization with other Development Finance Institutions (DFIs) on disclosure of information.

During the RAP implementation it is strongly recommended that Musanze, Nyabihu and Rubavu Districts through the RTDA should embark on sensitization strategy that endeavours to keep the community and the PAPs fully informed on the progress being made in the implementation of the project. This strategy will include among others: Holding workshops and seminars for the PAPs and the community, distribution of materials and literature on the project, Audio and visual presentations including talk shows in the local FM stations. This should be conducted in a language understood locally by the community.

4.3.6 Handbook on Stakeholders Consultations and participation on AfDB Funded Projects

Participation in development can be defined as the process through which people with an interest (stakeholders) influence and share control over development issues that affect them. Measures have to be taken to identify the relevant stakeholders and involve them in the process of formulating the project. This entails sharing with them the objective of the project and seeking their views for integration in the project design before decisions are concluded. It might be necessary to take the stakeholders through a process of training and thus empowering them not only to meaningfully to contribute to the project design but also for their future participation in the sustainability of the project.

According to the Handbook, many methods and technique have been developed to promote participation by stakeholders in development. Some of the methods and techniques used include:

i. Participatory stakeholder’s analysis
ii. Participatory meetings and workshops
iii. Participatory research/Data collection.
iv. Participatory planning
4.4 Comparison between National Principles and AfDB Standards related to involuntary settlement

Some of funders’ requirements are not met by certain aspects of the Rwandan legislation and practice in the field of compensation. This section provides the main differences between Rwandan Expropriation Law and provisions of the AfDB Operational Safeguard (OS) 2.

Avoid Resettlement: While international standards stipulate that projects should first avoid involuntary resettlement as much as possible, there are no similar provisions in Rwandan national legislation, which states that ‘expropriation of land will be done when deemed necessary for public purposes.

Resettlement planning, implementation and monitoring: The African Development bank requires planning, implementing and monitoring involuntary resettlement. These mainly include a resettlement action plan (RAP). Based on Rwandan laws and regulations, the entity in charge of expropriation identifies affected parties, informs them about why the project and resettlement process are necessary and if the decision is approved by the Local Land Commission, a compensation contract is drawn. Although the national Expropriation Law protects the interests of affected parties more than perhaps other neighboring countries, it still does not go as far as to require the preparation of one cohesive RAP under the national legislation, nor the National Legislation require to monitor the process of resettlement and livelihood assistance.

Eligibility determination: The AfDB OS 2 require that affected people with and without formal land rights are entitled to compensation, including those with claims to land, and those with no recognizable legal right to some compensation, including resettlement assistance to vulnerable people. Based on the Rwandan legislation only “landholders” with legal land titles are entitled to compensation for affected land. Thus, the African Development Bank resettlement principles cover a broader range of parties who are eligible to compensation and assistance, than the national policy.

Fair and just compensation: Furthermore, whilst the Expropriation and Valuation Laws of Rwanda provide that affected parties are entitled to “fair and just” compensation, the definition of ‘fair and just’ is not defined. At the same time, the national legislation strongly supports cash compensation. In contrast, the AfDB OS 2 define what the compensation principles are for main categories of affected people, and stipulate a clear preference for non-cash compensation for land based livelihoods.

Valuation of compensation: The AfDB guidelines require an adequate replacement cost that is not only based on market value of an equal asset, but that also takes into account loss of livelihoods and productive assets, as well as loss of access to social and public services. Based on the Rwandan legislation, compensation is estimated by independent valuators based on a

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

4-15
number of different valuation methodologies where they can choose which valuation method to apply, thus eroding the transparency of the asset valuation process, which is one of the major disagreement points among the affected parties.

**Meaningful and participative consultation:** The AfDB OS 2 requires that project affected people should be meaningfully consulted and have the opportunity to participate in planning and design of the resettlement process. The Rwandan Expropriation Law simply stipulates that affected people should be fully informed about the expropriation issues and prohibits any opposition to the expropriation process.

**Monitoring:** Whilst monitoring measures are specified in the Rwandan legislation, the focus is to ensure that the agreed compensation amount was paid in full. It does not require assessment as to whether the compensation provided was appropriate, or whether the PAPs livelihoods have been restored or improved as stipulated by the AfDB OS 2.

A detailed comparison of the Rwandan National and the AfDB policies regarding compensation is provided in Table 3-4. It should be noted that the AfDB guidelines and policies on involuntary resettlement are more favorable to Project Affected People than the provisions of the Rwandan Legislation, although some principles are very closely aligned.
Table 4-1: Comparison of the National and AfDB Policies guidelines for involuntary settlement

<table>
<thead>
<tr>
<th>Category of PAPs &amp; other important compensation aspects</th>
<th>Rwandan Legislation</th>
<th>Summarized AfDB OS 2</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners (loss of land)</td>
<td>According to the provisions of National Constitution and National Land Policy, all Rwandese citizens have equal rights of access to land, with no gender discrimination in regards to land ownership. Land ownership is proved through relevant documentation or cadastre data. The 2004 land reform ensured that all land should be (with time) registered in one national land management system (cadastre). Compensation for non-transferable property is typically based on market value.</td>
<td>Project Affected People (PAPs) with title as well as PAPs who do not have a formal title but have customary and traditional land rights or who have a recognized claim to the land at time the census begins - are entitled to compensation for land that they lose (as well as other assistance) Land-for-land exchange is the preferred option; compensation for affected assets is to be provided for full replacement cost based on market values.</td>
<td>The AfDB has a wider recognition of rights of those who are entitled to compensation, if affected by a project. The national legislation does not explicitly call for provision of the land-for-land compensation option as the best/preferred option. All affected property owners have been considered for compensation.</td>
</tr>
<tr>
<td>Category of PAPs &amp; other important compensation aspects</td>
<td>Rwandan Legislation</td>
<td>Summarized AfDB OS 2</td>
<td>Comment</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Land Squatters (i.e. those who have no recognizable claim to the land that they are occupying)</td>
<td>Based on the National Legislation, only those who are “Landholders” with legal rights to the property, are entitled to compensation. Land tenants, under Rwandese Law, are entitled to compensation based on the contracts that they have in regards to the land in question.</td>
<td>This category of people will need to be assisted with the resettlement process and livelihood restoration regardless of their land-less status (see above the definition of PAPs). This category of people is also entitled to compensation for loss of crops/trees.</td>
<td>This category of PAPs is entitled to assistance with the resettlement and livelihood restoration process and also compensation for their crops and trees, as per the OS 2</td>
</tr>
<tr>
<td>Land Users/Land Sharecroppers / Tenants (These PAPs include tenants or any other persons using the land to grow crops).</td>
<td>Land users are not entitled to compensation for land, but entitled to compensation for crops and any other economic assets that belong to them.</td>
<td>Land users are not entitled to compensation for land, but entitled to compensation for crops and any other economic assets that belong to them, as well as to relocation assistance as the case may be and income must be restored to at least pre-project levels.</td>
<td>This category of PAPs is entitled to compensation for crops and other assets that belong to them, assistance with the resettlement and livelihood restoration process, as per the OS 2. All people who had crops have been valued and will be compensated.</td>
</tr>
</tbody>
</table>

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
<table>
<thead>
<tr>
<th>Category of PAPs &amp; other important compensation aspects</th>
<th>Rwandan Legislation</th>
<th>Summarized AfDB OS 2</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owners of structures (residential or otherwise)</td>
<td>Owners of structures are entitled to cash compensation based on market values.</td>
<td>This category of PAPs is entitled to in-kind compensation or cash compensation at full replacement cost including relevant taxes, labour and relocation expenses, and prior to displacement. For movable structures, such as kiosks or stalls, comparable replacement sites should be offered.</td>
<td>Families should be consulted on their preferred options and should be able to choose between them.</td>
</tr>
<tr>
<td>Owners of crops</td>
<td>Crops are compensated with cash based upon rate calculated as an average net agricultural income.</td>
<td>This category of PAPs is entitled to compensation for crops based on market value for lost crops. They are also entitled to livelihood restoration assistance (such as land preparation, training etc).</td>
<td>This category of PAPs is entitled to compensation for crops and livelihood restoration assistance, as per the AfDB’s OS 2</td>
</tr>
<tr>
<td>Category of PAPs &amp; other important compensation aspects</td>
<td>Rwandan Legislation</td>
<td>Summarized AfDB OS 2</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Livelihood restoration</td>
<td>There are no explicit provisions on livelihood restoration in the National Legislation.</td>
<td>Livelihoods and living standards are to be restored to the pre-project levels or better conditions.</td>
<td>Follow AfDB OS 2 guidelines and principles and offer assistance for livelihood restoration or improvement through provision of training, credit, job placement, and/or other types of assistance.</td>
</tr>
<tr>
<td>Category of PAPs &amp; other important compensation aspects</td>
<td>Rwandan Legislation</td>
<td>Summarized AfDB OS 2</td>
<td>Comment</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Timing compensation payments of</td>
<td>The agreed compensation must be paid by a project developer within 120 days (or 4 months) after the publication of the Land Acquisition and Expropriation decision by the Local Land Committee. If the project developer does not fulfill this timing obligations, the process of land acquisition and expropriation is invalidated. A PAP who received compensation, must vacate the area within the next 90 days. Failure to vacate the land within this period will trigger forceful evictions.</td>
<td>The promoter is required to have made payment by check or deposited before the agreed compensation (as per valuation undertaken) to an individual or joint account for the affected person’s access prior to accessing land.</td>
<td>Follow AfDB OS 2 guidelines and principles. Provisions of the National law related to 120 days will be observed.</td>
</tr>
<tr>
<td>Consultation disclosure</td>
<td>The Expropriation Law provides for public consultation on.</td>
<td>Consult project-affected persons and host communities as</td>
<td>Follow AfDB OS 2</td>
</tr>
</tbody>
</table>

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
<table>
<thead>
<tr>
<th>Category of PAPs &amp; other important compensation aspects</th>
<th>Rwandan Legislation</th>
<th>Summarized AfDB OS 2</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>In addition, disclosure of reasons for the project to be developed and the need for expropriation. In addition to this, the Expropriation Law requires prior consultative meetings and examination of the project proposal involving expropriation, with a view to avoid eventual prejudice towards a person or entity subject to expropriation. A consultative meeting is held within 30 days after receipt of the application for Expropriation. Based on these consultations, the relevant Land Committee (the Cell level) takes a decision to approve the project within a period of 15 days.</td>
<td>Appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits (as documented in a project resettlement policy framework), and establishing appropriate and accessible grievance mechanisms.</td>
<td>Follow AfDB guidelines.</td>
<td></td>
</tr>
<tr>
<td>Category of PAPs &amp; other important compensation aspects</td>
<td>Rwandan Legislation</td>
<td>Summarized AfDB OS 2</td>
<td>Comment</td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Relocation and restoration assistance livelihood</td>
<td>There is no provision for relocation assistance or post-resettlement livelihood restoration in the Rwandan Legislation.</td>
<td>Where involuntary resettlement cannot be avoided, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. Provide assistance (such as moving allowances) during relocation.</td>
<td>Follow AfDB OS 2 guidelines and principles on livelihood restoration assistance and moving allowance (as defined in the resettlement policy framework). Livelihood restoration in this RAP has been provided for in the 5% addition to compensation packages and months’ rent free given to tenants who were renting part of the land.</td>
</tr>
<tr>
<td>Category of PAPs &amp; other important compensation aspects</td>
<td>Rwandan Legislation</td>
<td>Summarized AfDB OS 2</td>
<td>Comment</td>
</tr>
<tr>
<td>--------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Grievance mechanism and dispute resolution</td>
<td>The Expropriation Law Article 26 defines the complaints procedures for individuals dissatisfied with the estimates of their compensation values. The complainant has 30 days after the project approval decision to appeal against the compensation value estimates (Article 19).</td>
<td>The promoter should set up and maintain an independent and free grievance mechanism to address specific concerns about compensation and relocation from the affected people and host communities. The mechanism should be easily accessible, culturally appropriate, widely publicized, and integrated in the promoter’s project management system. It should enable the promoter to receive and resolve grievances related to compensation and relocation by affected persons or members of host communities, and use the grievance log to monitor cases to improve the resettlement process.</td>
<td>Follow AfDB OS 2 guidelines and principles on grievance mechanism (as defined in this resettlement policy framework).</td>
</tr>
<tr>
<td>Land Owners (loss of land)</td>
<td>According to the provisions of National Constitution and National Land Policy, all Rwandese citizens have equal rights of access to land, with no gender discrimination in regards to land ownership. Land</td>
<td>Project Affected People (PAPs) with title as well as PAPs who do not have a formal title but have customary and traditional land rights or who have a recognized claim to the land at time the census begins – are entitled to</td>
<td>The AfDB guidelines have a wider recognition of rights of those who are entitled to compensation, if affected by a project.</td>
</tr>
</tbody>
</table>
ownership is proved through relevant documentation or cadastre data. The 2004 land reform ensured that all land should be (with time) registered in one national land management system (cadastre). Compensation for non-transferable property is typically based on market value.

compensation for land that they lose (as well as other assistance)

Land-for-land exchange is the preferred option; compensation for affected assets is to be provided for full replacement cost based on market values.

The national legislation does not explicitly call for provision of the land-for-land compensation option as the best/preferred option. All affected property owners will have to be considered for compensation as per AfDB OS 2.
5  SOCIO-ECONOMIC FEATURES OF THE PROJECT AFFECTED PERSONS

5.1 SOURCES OF DATA

The census and socio-economic survey for project affected persons is an important component in the planning for resettlement of the affected persons. The objective of collecting the socio and economic data of the affected persons assists to know the social structure and distribution for purposes of planning the attendant resettlement. The objectives for the data collection include:

(i) Collection of population data detailing the individual and household characteristics from which the project affected persons will be assessed.
(ii) Identification of vulnerable and severely affected project affected persons
(iii) Identification of impacts of the proposed road project on the livelihoods of the PAPs
(iv) Identify concerns of the PAPs
(v) Identify the resettlement preferences of the PAPs.

The data required for this purpose was generated through analysis of official records in various government offices, consultative meetings with the government and district officers in the respective districts, meetings with stakeholders and the public meetings along the project road.

5.2 Socio-economic characteristics of the PAPs

5.2.1 House Income Distribution of PAHs for Kinigi-Kabuhanga road
Social economic survey carried for Kinigi-Kabuhanga road revealed that a majority (35%) of PAHs earned below 100,000RW per month. Very few households earned a monthly income 400,000RW and above. Household income is a very good indicator of PAHs economic profile, especially ability to cope with resettlement impacts due to involuntary resettlement.

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
A total of 1,650 respondents were interviewed along the project road corridor. The respondents were engaged mainly in informal businesses within the road corridor. Trading and farming were dominant within the road corridor and there is little livestock recognizable even alongside the rural section of the road.

### 5.2.2 Sources of Income for PAHs per gender for Kinigi-Kabuhanga road

Social economic survey carried for Kinigi-Kabuhanga road revealed that from different employment status of PAHs the male are dominant. For this point we recommended the job offer during project implementation to take account on gender balance.

#### Household income of PAHs

<table>
<thead>
<tr>
<th>Income Range</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 25,000</td>
<td>35%</td>
</tr>
<tr>
<td>25,001 – 50,000</td>
<td>19%</td>
</tr>
<tr>
<td>50,001 – 100,000</td>
<td>15%</td>
</tr>
<tr>
<td>100,001 – 150,000</td>
<td>8%</td>
</tr>
<tr>
<td>150,001 – 200,000</td>
<td>6%</td>
</tr>
<tr>
<td>200,001 – 250,000</td>
<td>4%</td>
</tr>
<tr>
<td>250,001 – 300,000</td>
<td>2%</td>
</tr>
<tr>
<td>300,001 – 350,000</td>
<td>1%</td>
</tr>
<tr>
<td>350,001 – 400,000</td>
<td>4%</td>
</tr>
<tr>
<td>&gt;400,000</td>
<td>5%</td>
</tr>
</tbody>
</table>

**Figure 5-1: Income Distribution of PAHs on Kinigi-Kabuhanga road**

*Source: Field survey, 2021*
5.2.3 Education Level per respondents for Kinigi-Kabuhanga road

From the analysis on Figure 5-1-3, the male gender had the highest education levels as compared to the female. Majority of the people in the project area (55%) had attained at least basic primary education while 5% and 11% had attained secondary and tertiary level respectively. Twenty nine (29%) of the respondents had not attained any level of education. In this study, level of education was one of the parameters used to determine vulnerability of PAPs for consideration for extra support. Vulnerable households (low literacy level and limited ability to qualify for employment and low income) were identified and recommended for support.
5.2.4 Household size and composition for Kinigi-Kabuhanga road

The project traverses three districts (Musanze, Nyabihu and Rubavu). A total of 1,650 households were interviewed with 203 of the respondents being household heads (62.56% and 37.44%) female and male respectively. The rest of the respondents were family members who were interviewed due to absentia of the heads during the survey exercise. More per cent of the household heads were between 31-40 years and 41-50 years.

From the socio-economic survey, it was established that 37% of the households were male headed (mostly fathers). However, it is worth noting that there is a significant
number of households that may be considered vulnerable as they were (63%) and (0%) female and child headed households respectively (Noteworthy is the fact that female and child headed household are some of the parameters of considering vulnerability - these parameters identified as indicators of vulnerability are not stand-alone qualifications for PAPs to be categorized as vulnerable but rather a combination of these parameters in such a way that affected PAP or household is considered relatively more disproportionately affected by induced resettlement). Child headed in this context does not refer to the legal child age but rather an older child taking care of his/her siblings and other members of the household. This could be due to various reasons such as death of the parents, divorce, or both parents staying in a different area(s).

Figure 5-6: Household Heads Categories

Source: Field survey, 2021

5.3 Socio-economic characteristics of the PAPs

5.3.1 House Income Distribution of PAHs for Kabuhanga-Kigarama-Kiraro road

Social economic survey carried for Kabuhanga-Kigarama-Kiraro road revealed that a majority (32.97%) of PAHs earned below 50,000RW per month. Very few households earned a monthly income 300,000RW and above. Household income is a very good indicator of PAHs economic profile, especially ability to cope with resettlement impacts due to involuntary resettlement.
A total of 555 respondents were interviewed along the project road corridor. Among the interviewed respondents their source of income are farming, informal business, livestock and few salary and wages alongside the Kabuhanga-Kigarama-Kiraro road.

5.3.2 Sources of Income for PAHs per gender for Kabuhanga-Kigarama-Kiraro road

Social economic survey carried for Kabuhanga-Kigarama-Kiraro road revealed that from different employment status of PAHs the male are dominant. For this point we recommended the job offer during project implementation to take account on gender balance.
5.3.3 Education Level per respondents for Kabuhanga-Kigarama-Kiraro road

From the analysis on Figure 5-3-3, the male gender had the highest education levels as compared to the female. Majority of the people in the project area (45%) are illiteracy, while 40% had attained primary school and 8% had secondary and 7% tertiary level of education. In this study, level of education was one of the parameters used to determine vulnerability of PAPs for consideration for extra support. Vulnerable households (low literacy level and limited ability to qualify for employment and low income) were identified and recommended for support.

![Education Level per respondents](image)

**Figure 5-9:** Education Level per respondents

*Source: Field survey, 2021*

![Education Level by gender per respondents](image)

**Figure 5-10:** Education Level by gender per respondents

*Source: Field survey, 2021*

5.3.4 Household size and composition for Kabuhanga-Kigarama-Kiraro road

The project traverses Rubavu district, a total of 555 households was interviewed with 66 of the respondents being household heads (53%) and (47%) female and male respectively. The rest of the respondents were family members who were
interviewed due to absentia of the heads during the survey exercise. More per cent of the household heads were between 31-40 years and 41-50 years.

![Bar chart showing household heads gender distribution per age group](image)

**Figure 5-11: Household Heads Gender Distribution per Age Group**

*Source: Field survey, 2021*

From the socio-economic survey, it was established that 47% of the households were male headed (mostly fathers). However, it is worth noting that there is a significant number of households that may be considered vulnerable as they were (53%) and (0%) female and child headed households respectively (Noteworthy is the fact that female and child headed household are some of the parameters of considering vulnerability - these parameters identified as indicators of vulnerability are not stand-alone qualifications for PAPs to be categorized as vulnerable but rather a combination of these parameters in such a way that affected PAP or household is considered relatively more disproportionately affected by induced resettlement). Child headed in this context does not refer to the legal child age but rather an older child taking care of his/her siblings and other members of the household. This could be due to various reasons such as death of the parents, divorce, or both parents staying in a different area(s).
5.3.5 Household Income Distribution of PAHs for Kabuhanga-Busasama-Cyanzarwe-Muhato road

Social economic survey carried for Kabuhanga-Kigarama-Kiraro road revealed that a majority (37%) of PAHs earned below 50,000RW per month. Very few households earned a monthly income 300,000RW and above. Household income is a very good indicator of PAHs economic profile, especially ability to cope with resettlement impacts due to involuntary resettlement.

A total of 1,093 respondents were interviewed along the project road corridor. Among the interviewed respondents their source of income are farming, informal business, livestock and few salary and wages alongside the Kabuhanga-Busasama-Cyanzarwe-Muhato road.

Source: Field survey, 2021
5.3.6 Sources of Income for PAHs per gender for Kabuhanga-Busasamana-Cyanzarwe-Muhato road

Social economic survey carried for Kabuhanga-Busasamana-Cyanzarwe-Muhato road revealed the number of employed female is bigger than the one for male, but other remaining employment status of PAHs the male are dominant. For this point we recommended the job offer during project implementation to take account on gender balance.

![Employment status](image)

Figure 5-14: Employment status

*Source: Field survey, 2021*

5.3.7 Education Level per respondents for Kabuhanga-Busasamana-Cyanzarwe-Muhato road

From the analysis on Figure 5-3-3, the male gender had the highest education levels as compared to the female. Majority of the people in the project area (45%) had primary, while 37% did not attend any school, and 11% had secondary and 7% tertiary level of education. In this study, level of education was one of the parameters used to determine vulnerability of PAPs for consideration for extra support. Vulnerable households (low literacy level and limited ability to qualify for employment and low income) were identified and recommended for support.
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

Figure 5-15: Education Level per respondents

Source: Field survey, 2021

Figure 5-16: Education Level by gender per respondents

Source: Field survey, 2021
5.3.8 Household size and composition for Kabuhanga-Busasamana-Cyanzarwe-Muhato road

The project traverses Rubavu district, a total of 1,093 households was interviewed with 70 of the respondents being household heads (63% and (37%) female and male respectively. The rest of the respondents were family members who were interviewed due to absentia of the heads during the survey exercise. More percent of the household heads were between 31-40 years and 41-50 years.

![Household Heads Gender Distribution per Age Group](image)

Figure 5-17: Household Heads Gender Distribution per Age Group

Source: Field survey, 2021

From the socio-economic survey, it was established that 37% of the households were male headed (mostly fathers). However, it is worth noting that there is a significant number of households that may be considered vulnerable as they were (63%) and (0%) female and child headed households respectively (Noteworthy is the fact that female and child headed household are some of the parameters of considering vulnerability - these parameters identified as indicators of vulnerability are not stand-alone qualifications for PAPs to be categorized as vulnerable but rather a combination of these parameters in such a way that affected PAP or household is considered relatively more disproportionately affected by induced resettlement). Child headed in this context does not refer to the legal child age but rather an older child taking care of his/her siblings and other members of the household. This could be due to various reasons such as death of the parents, divorce, or both parents staying in a different area(s).
5.4 **Project Affected Households (PAHs), Project Affected Vulnerable (PAVs) Households and total population**

5.4.1 **Summary of Census Findings**
A total of 3,171 households and businesses were identified during the census exercise. A breakdown of identified PAPs and total population in terms of numbers (per location) is summarized below:


**Figure 5-20:** PAPs, total population and Vulnerable per cell for Kabuhanga Bigarama Cyiraro.

*Consultant, 2021*

**Figure 5-21:** PAPs, total population and Vulnerable per cell for Kinigi-Kabuhanga.

*Consultant, 2021*
6 PUBLIC CONSULTATIONS AND PROJECT DISCLOSURE

6.1 Overview

This chapter is an exposition of the public consultation and stakeholder engagement during the preparation of the project RAP in line with AfDB policies. The section starts with a brief description of the public consultation and stakeholder engagement then continues with the identification of stakeholders later on giving an outline of the public consultations and stakeholder engagements carried out in the project. The chapter thereafter expounds on the outcome of the stakeholder engagement culminating with an outline of the future stakeholder engagement plan(s).

6.2 Background

Consultation and participation is a process through which stakeholders influence and share control over development initiatives, and the decisions and resources that affect them. It is a two-way process where the executing agencies, policy makers, beneficiaries and affected persons discuss and share their concerns in a project process. Stakeholder engagement is an inclusive process conducted throughout the project life cycle and where it is properly designed and implemented; it supports the development of strong, constructive and responsive relationships that are important for successful management of a project’s environmental and social risks.

Extensive consultations were conducted with all stakeholders of the project (both primary and secondary stakeholders). The project leads supervision and advisory agency – RTDA in conjunction with the project proponent – Musanze, Nyabihu and Rubavu districts administration. The consultation exercises carried out prior to RAP preparation were;

- Identification of all stakeholders
- Sensitization of key stakeholders. RTDA and Musanze, Nyabihu and Rubavu district administration informed decentralized local government units (sector, cell, village leaders). Aforementioned group were also requested to inform their constituents.
- Brief all project line officers and personnel who will interact on a regular basis with people affected by the project regarding envisaged effects of the project and measures to mitigate its impacts. The specific objectives of this early consultation process were to:
  - To brief the stakeholders on forthcoming RAP Study to be undertaken in the Musanze, Nyabihu and Rubavu districts;
  - Facilitate the development of appropriate and acceptable entitlement options;
• Explain valuation methodology and compensation procedure that would be applied during the RAP study and implementation phase. The aim is to build consensus on the process so as to make compensation process transparent, fair and just and

• Enhance ownership of the project.

6.2.1 Objectives of the Public Consultation
The specific objectives of the consultation process were to:
• Make the RAP study participatory and transparent;
• Facilitate the development of appropriate and acceptable entitlement options;
• Minimise the risk of poor co-ordination through establishment of communication channels and redress mechanisms as early as the RAP Study phase;
• Providing a platform for future consultation by:
  ➢ Reducing conflict through early identification of contentious issues;
  ➢ Improving transparency and accountability of decision making;
  ➢ Facilitating participation to increase public confidence in the RAP process;
  ➢ Identifying stakeholders with who further dialogue can be continued in subsequent stages of the project.

6.3 Stakeholder Identification
A stakeholder refers to individuals or groups who are affected or likely to be affected by the project (project-affected parties) and may have an interest in the project (other interested parties). Projects resulting in physical or economic resettlement call for special consultation process that provides a medium of free flow of information among key project stakeholders. For effective resettlement to be carried out without raising wanton conflicts, the project must incorporate regular consultation with a wide range of project stakeholders. Broadly defined, stakeholders in such project (projects resulting in physical or economic resettlement) are classified in two broad categories primary and Secondary;

• Primary stakeholders are those directly affected, either positively or negatively, by the project; decisions, or actions, whereas:
• Secondary stakeholders are those that are indirectly affected by the project, or decision, or actions (Republic of Rwanda, 2020).

From this board classification, the stakeholders can further be classified into 3 categories which includes; Government agencies, Project Affected People and Interested Parties.
• Government agencies: Have a role in the project implementation (also known as ‘implementing agencies’): they consist mainly of government agencies
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts (ministries, Musanze, Nyabihu and Rubavu Districts administration and local administrative entities)

- Project Affected People: This group includes people who will lose land or access to land or resources and/or livelihoods due to project activities, vulnerable groups and users of the project area who will lose their livelihoods to due project activities such as road side vendors, farmers, people who collect water near wetlands, etc. under this category, you will also find a sub-category of vulnerable people who are likely to be disproportionately affected by project activities such as poor households, poor women headed households, elderly people and people leaving with disabilities as well as children headed households.

- Interested parties: may have an interest in the Project. They include individuals or groups whose interests may be indirectly affected by the Project and who have the potential to influence the Project outcomes in any way: in this group is found civil society organization, opinion leaders in the project area, the private sector etc.

Primary stakeholders in this project refers to any individual or group that is directly affected by, or that believes it is affected by, the project. The periodic maintenance of unpaved road Cross border roads;

- Project Affected Persons (PAPs) affected as individuals & Project affected Households (PAHs) - affected family(s), Affected businesses (formal and Informal)
- Project affected institutions (PAIs) - affected institutions both private and public
- Utility service providers; and
- Vulnerable or disadvantaged groups

The second group under primary stakeholders is any individual or group that can play a significant role in shaping or affecting the project, either positively or negatively. This may include the host community in the event the project occasions relocation of affected persons or group to a different geographical location, the overall coordinating Ministry-Ministry of Infrastructure (MININFRA) and government of Rwanda. Other primary stakeholders include; Line government agencies and ministries; Ministry of Local Government, Ministry of Infrastructure.

Secondary stakeholders in this project include: Residents of Project area, NGOs working in the project area, Rwanda Energy group and all parties with an interest in the project (local communities, road users, media etc.) and Non – government Organization (NGOs).
### Table 6-1: Summary of Stakeholder Analysis

<table>
<thead>
<tr>
<th>Primary Stakeholders</th>
<th>Secondary Stakeholders</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Affected People (PAPs)</td>
<td>RTDA</td>
</tr>
<tr>
<td>Musanze, Nyabihu and Rubavu district</td>
<td>REG</td>
</tr>
<tr>
<td>administration</td>
<td></td>
</tr>
<tr>
<td>MINECOFIN</td>
<td>Civil society organizations, religious organizations</td>
</tr>
<tr>
<td></td>
<td>NGOs</td>
</tr>
<tr>
<td>MINALOC</td>
<td>The private sector federation</td>
</tr>
<tr>
<td>MINIFRA</td>
<td>Local communities</td>
</tr>
<tr>
<td>RHA</td>
<td>WASAC</td>
</tr>
</tbody>
</table>

*Source: consultant, 2021*

### 6.4 Stakeholder Engagement

Stakeholders were engaged through:
- Public Sensitization meetings
- One on one interviews during the door-to-door survey;
- Key informant interviews.

#### 6.4.1 Public Sensitization Meetings

The public sensitization agenda and ensuing discussion are presented below;

- The Consultant team explained anticipated impacts (economic, social and environmental) of the project including probability of partial or full expropriation of land and developments thereon to pave way for construction of Cross border roads unpaved road.

- Setting and agreeing on the cut-off dates for compensation as per the guidelines; Sensitization on cut-off dates was done during the public meetings which marked the end of census survey for Musanze, Nyabihu and Rubavu Districts.

- Discussions and agreement on the schedule and modalities for the household survey (census, enumeration and valuation exercises). These included an advisory brief of the PAPs roles in the exercise including the documentation required during the census and the valuation activities;
6.4.2 Door to Door Interviews and Key Informant Interviews

Consultations were conducted by use of questionnaires written in both languages Kinyarwanda and French. A team of enumerators with relevant expertise undertook socioeconomic survey and census in the in Musanze, Nyabihu and Rubavu districts along the Cross-border roads for implementation.

The exercise targeted enumeration of the project affected persons and identification of project affected institutions in Musanze, Nyabihu and Rubavu Districts. Valuation of private land earmarked as part of corridor to be acquired and assets thereon was also conducted during this period. For socio-economic survey, the target was to enumerate 100% of the PAPs.

Key Informant Interviews

a) Project Affected Institutions

During the survey exercise, we noticed that they are few institutions was affected by the planned project.

b) Institutions and service providers

Government entities and private companies which provide vital amenities and services such as electricity, water services were also affected by the project. The companies affected were:

- REG (Rwanda Energy Group);
- WASAC (Water Sanitation Corporation)

All utility service providers have been identified and a budget has been set aside for relocation of the pipelines and electricity poles.
6.4.3 Summary of cut-off dates in Musanze, Nyabihu and Rubavu districts

Table 6-2: Summary of cut-off dates in Musanze, Nyabihu and Rubavu districts

<table>
<thead>
<tr>
<th>No</th>
<th>Road Name</th>
<th>Total Road Length(KM)</th>
<th>Cut-Off Dates</th>
<th>District</th>
<th>Sector</th>
<th>Cells</th>
<th>Village</th>
<th>Meeting Objectives</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Kinigi-Kabuhanga</td>
<td>48,643</td>
<td>9-September-2021</td>
<td>Musanze</td>
<td>Gataraga</td>
<td>Mudakama</td>
<td>Rubaka</td>
<td>Consultation meeting with PAPs, local leaders and mobilization on the project</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Nyabihu</td>
<td>Jenda</td>
<td>Rega</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Kabuhanga-Busasamana-Cyanzarwe-Muhato</td>
<td>23,077</td>
<td>15-September-2021</td>
<td>Rubavu</td>
<td>Rubavu</td>
<td>Murambi</td>
<td>Bushengo</td>
<td>Consultation meeting with PAPs, local leaders and mobilization on the project</td>
</tr>
<tr>
<td>3</td>
<td>Kabuhanga-Bigarama-Kiraro</td>
<td>10,879</td>
<td>24-September-2021</td>
<td>Rubavu</td>
<td>Busasamana</td>
<td>Gacurabwenge</td>
<td>Kanyabijumba</td>
<td>Consultation meeting with PAPs, local leaders and mobilization on the project</td>
</tr>
</tbody>
</table>

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
### 6.4.4 Outcomes of the Stakeholder Engagement Program

Table 6-3: Issue Response Matrix.

<table>
<thead>
<tr>
<th>PAPs’ Issues and Concerns</th>
<th>Resolutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>PAPs were concerned about land titles as requested by the project consultant that they should have a photocopy of the land title during process of valuation as they had not received titles yet from the District.</td>
<td>The RAP consultant the absence of land documents now does not prevent the valuation from being done by telling them that it will be done but in the best case they should speed up the process of getting it done to meet the requirements of the project and told them that they will not be paid without proving land ownership because it is the real property.</td>
</tr>
<tr>
<td><strong>Question</strong>-How will we be sure that our people especially the youth will get jobs?</td>
<td>The PAPs were informed that there is a government and AfDB guidelines on such matters but the Contractor would be guided by the labour laws and the skills available in the vicinity that he would require. Unskilled people will also be considered in the project. Those willing to be considered were encouraged to acquire necessary skills to be competitive in such employment when the time comes.</td>
</tr>
<tr>
<td>Some of the PAPs expressed their gratitude to the Government and the President for coming up with such a project and asked the consulting team to thank them on their behalf.</td>
<td>It was affirmed to them that the consulting team will write the Community’s interests in the RAP report and the Government.</td>
</tr>
<tr>
<td>Some of the PAPs also thanked the project consulting team for informing them about the project first before construction phase thereby giving them confidence that the project is good.</td>
<td>PAPs were thanked for their support and interests in the project.</td>
</tr>
<tr>
<td>PAPs were concerned about project damages during construction due to vibrations of heavy machineries to properties which were not compensated during the RAP exercise.</td>
<td>A contingency budget has been set aside by the district to deal with such cases when they arise.</td>
</tr>
<tr>
<td>PAPs were concerned about what will happen to those whose land and properties will be taken in such a way that the residual is not viable therefore requiring physical relocation.</td>
<td>PAPs were explained that in such cases, the whole land and properties will be valued at full replacement cost and the owner can therefore relocate to other places.</td>
</tr>
</tbody>
</table>

*Source: Consultant, 2021*
6.4.5 Perception of PAPs of the project.
From the public consultations, interviews, stakeholders’ engagement, the beneficiaries and affected persons overwhelmingly supported the project and they were ready to cooperate to ensure the project is implemented within the shortest time possible.

6.4.6 Approval and Disclosure of the RAP by RTDA

The final RAP will be approved by the Government of Rwanda through RTDA subsequently disclosed locally with translation into a language that the PAPs understand (Kinyarwanda). For any changes made to the RAP the same approval and disclosure protocols will be followed.
7 IMPACTS OF THE PROJECT

7.1 Overview

This chapter outlines the resettlement impacts that the road project Cross border roads in Musanze, Nyabihu and Rubavu district is set to induce. It also provides a general guideline and action plans for mitigating involuntary resettlement impacts according to AfDB policies and complimentary national laws and policies of the Republic of Rwanda in relation to the project.

7.2 Expected Impacts

7.2.1 Positive impacts

The specific positive benefits of these roads are highlighted below:

- Generation of employment during construction
- Increased influx of private investors.
- Appreciation of land in the area and neighborhood
- Enhanced convenience to motorists
- Sustainable development of the area.
- Economic transformation of the people living in the project intervention area.

7.2.2 Negative impacts

7.2.2.1 Land Acquisition for the RoW

The aggregate Land size earmarked to be expropriated under Cross border roads Lot 2 unpaved road is 22ha in Musanze, Nyabihu and Rubavu to pave way for project implementation. Among 22ha the 0.32ha is public owned land (churches, private companies, NGOs and cooperatives), 0.15ha is government owned land whereas the remaining 21.53ha is for the people’s land.

The project implementation will affect only 14 buildings. i.e the 11 are residential buildings whereas remaining 3 are commercial buildings and all these buildings are people’s owned.

The project implementation will affect neither public nor government buildings or structures.

The land acquisition breakdown and resulting expropriation connotations is summarised in table 3-3- in chapter three and corresponding mitigation measures are expounded on table 7-2.

7.2.3 Severance Impacts

Severance impacts in this context occur due to multiplier land acquisition effects of the linear project. This occurs where the direct impact of the land acquisition or project activities results in an indirect impact on an otherwise unaffected piece of land or asset. Likely situations include:
The residual plot/land is too small for viable use after comparing the total landholding of the PAH along the proposed road alignment and the actual land take.

- A plot is split into two parts by the RoW, with both remaining parts being too small to be viable or usable,
- Only one structure within a homestead is affected, while other structures within the same family homestead are not affected but are not usable anymore,
- Lost income due to restricted access to business premise during construction.
- Loss of trading area that is taken over by the RoW. This is likely to occur in situations where there are informal business operators carrying out their trade activities along the project roads.

In either of these cases where, the residual land is not viable to continue supporting the dominant land use post expropriation phase, the entire property will be expropriated (full expropriation) and compensation at full replacement cost accorded to the affected PAPs. In circumstances where informal traders are displaced from the road reserves of the project roads to be graded, alternative trading area(s) have to be made available to these categories of PAPs.

7.2.3.1 Project Affected Property Owners and Other Assets

All properties (land and development thereon) that will be affected by implementation of project unpaved road Cross border roads in Musanze, Nyabihu and Rubavu were identified including the dominant land use of the property, land size of acquired portion and quantity of affected assets. Four thousand three hundred forty-five (4,345) property Owners are affected by proposed project as shown on tables 3-3.

7.3 Proposed Entitlement Matrix

The requirement for compensation for this project is guided by legal provisions and policy guidelines according to the Rwandan Constitution (Article 29), the Expropriation Law of Rwanda (Nº 32/2015 of 11/06/2015) and the AfDB OS 2. These documents regulate and give entitlement to the affected persons and institutions. Based on review and interpretation of laws relating to valuation in Rwanda in particular the Rwanda expropriation law and the constitution of Rwanda, the provisions in these key pieces of legal statues and legislative frameworks do not meet the standard of compensation at full replacement cost. One of the key gap identified is whereas AfDB OS 2 recognizes the affected persons as ‘one using the land at the time, whether or not they have written customary or formal tenure rights’, while according to Rwandan Expropriation Law the person to be expropriated is defined as ‘any person or a legally accepted association operating in the country who is to have

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
his or her private property transferred due to public interest as well as legally accepted local administrative entities’. Form the foregoing, Rwandan laws have to be supplemented by additional measures as provided in the AfDB involuntary safeguard so as to meet the replacement cost standard.

The use of replacement cost valuation method for valuing assets is recommended by AfDB OS 2. In this context, ‘Replacement Cost’ in relation to agricultural land earmarked to undergo expropriation under this project was defined as the pre-project or pre-displacement, market value of land of equal productive potential or use located in the vicinity of the affected land, plus cost of preparing the land to levels similar to those of the affected land, plus the cost of custom duty.

For houses and other structures, it is the market cost of the materials to build a replacement structure within an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials, to the construction site, plus the cost of any labour and contractors’ fees, plus the cost of custom duty.

In compliance with AfDB OS 2, “determination of aforesaid replacement cost”, would not take into account depreciation of the asset(s) and the value of salvaged materials. Similarly, the value of benefits to be derived from the project would not be deducted from cumulative value of the asset.

7.3.1 Resettlement & Expropriation Impacts Mitigation
From our project impact assessment, PAPs are affected differently due to varying losses occasioned by planned expropriation to pave way for project implementation. There are five (5) main losses that adversely affect PAPs/PAIs entitlements necessitating some form of mitigation or compensation for smooth implementation of the project. For purposes of preparing an entitlement matrix to guide in mitigation of the project resettlements impacts, the losses are categorised into 5 main categories.

1. **Category I** Loss of Residential / Commercial / Institutional Land. (Entitlement Unit – Land Owner, Tenant or lease holder (current user of the land)
   - Partial loss of land but residual is economically viable
   - Entire loss of land or partial loss where residual is not viable

2. **Category II** Loss of Residential and Non-Residential Structures Including business premises (Entitlement Entity - Dwelling Unit(s) Owner, Business Premises Owner, tenant, Lease holder (current user of the land) and squatter
   - Fully affected / partially affected and remaining structure is non-viable (Owner Built)
• Loss of occupied portion (Tenant and informal business operators) and squatter

3. **Category III** Loss of Standing crops and Tree Crops (land owner, tenant, Lease holder (current user of the land with standing crops/trees) and squatter

4. **Category IV** Loss of Livelihood

- Land based livelihoods; (Entitlement entity - Agri-business Farmer)
- Wage based livelihoods (Entitlement entity - Workers/employees of affected entities)
- Enterprise-based livelihoods (Affected Established and nascent entrepreneurs and artisans)

5. **Category V - Vulnerable groups.** According to guidelines, a safety net should be provided for vulnerable PAPs affected by Bank funded projects to cushion these PAPs from adverse impacts of the projects over and above basic compensation for lost entitlements. Based on an in-depth socio-economic survey and census exercise conducted to determine socio-economic profile of the PAPs, vulnerable PAPs were identified based on the following socio-economic indicators.

6. **Category VI Assistance to Vulnerable Groups**

- Highly vulnerable households (Elderly living alone, disabled, or household headed by women in some instances)
- Highly vulnerable households (low literacy level and limited ability to qualify for employment and low income)
- Highly vulnerable households (pre-existing medical condition and low income)

7. **Category VII Impact on Public Utilities**

- Relocation of utilities
- Temporary Interferences of service provision

In view of the above, the proposed entitlements are as summarised in Table 7-1 below.

Table 7-1: Entitlement Matrix.

<table>
<thead>
<tr>
<th>S/N</th>
<th>Type of Loss</th>
<th>Unit of Entitlement</th>
<th>Entitlements</th>
</tr>
</thead>
</table>
| 1   | Partial loss of land but residual is viable economically enough | Title Holder | 1. Cash compensation at full replacement cost.  
2. A 5% Disturbance allowance |
<table>
<thead>
<tr>
<th>S/N</th>
<th>Type of Loss</th>
<th>Unit of Entitlement</th>
<th>Entitlements</th>
</tr>
</thead>
</table>
| 1   | Fully affected / partially affected and remaining structure is non-viable (Owner Built)      | Owner                        | 1. Compensation for the structure at full replacement cost  
2. A5% Disturbance allowance (to cater for transportation expenses etc. or economic loss in case of a business premise)  
3. Right to salvage material;  
4. Advance notice to vacate |
| 2   | Loss of occupied portion                                                                      | Tenant and informal business tenants | No such case identified in this project |
| 3   | 11. Loss of Primary structures (shops, houses) & secondary                                    | Legal owner of the structures | 12. Project should build all structures for the vulnerable households  
13. All structures for the vulnerable households must be completed before destruction of the existing structure  
Must be close to essential household resources such as sources of water. |
| 4   | 14. Loss of Cultural Structures (E.g. church etc)                                             | Legal owner of the structure  | 15. RTDA and Local leaders implement the compensation process of the destroyed cultural structures in due time |
### Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

<table>
<thead>
<tr>
<th>S/N</th>
<th>Type of Loss</th>
<th>Unit of Entitlement</th>
<th>Entitlements</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>16. Loss of Public Facilities (schools, sector’s office etc.)</td>
<td>18. Legal owner of the structure</td>
<td>19. All structures must be completed before destruction of the existing structure</td>
</tr>
</tbody>
</table>

#### III. Loss of Standing Tree Crops

| 1   | Crops/woodlot/House lot/Forest | 20. Owner of the crops – Individual | Cash compensation at full replacement value at the prevailing market rates. |

#### IV. Loss of Livelihood

| 1   | Land based livelihoods; Farmer | Agri-business Farmer | 1. Physical preparation of the farm land (clearing, levelling, creating access routes and soil stabilization) 2. Fencing for pasture or crop land 3. Agricultural inputs (seeds, seedlings, fertilizer) 4. Government Extension services like veterinary care |
| 2   | Wage based livelihoods | Workers/employees of affected entities | 1. On-Job-Training and consideration in the project. 2. Provision made in contracts with project subcontractors for employment of qualified local workers 3. Link up with local NGOs and government entities providing small-scale credit facilities to finance start up enterprises |
| 3   | Enterprise-based livelihoods | Affected Established and nascent entrepreneurs and artisans | 1. Sponsored entrepreneurship training in business planning, marketing, inventory and quality control) 2. Procuring goods and services for the project from affected local suppliers. |

#### V. Assistance to Vulnerable Groups
<table>
<thead>
<tr>
<th>S/N</th>
<th>Type of Loss</th>
<th>Unit of Entitlement</th>
<th>Entitlements</th>
</tr>
</thead>
</table>
| 1   | Special assistance for vulnerable households or persons                       | Highly vulnerable households (Elderly living alone, disabled, or Child headed households) | 1. Assistance to move  
2. Priority consideration in government sponsored social protection programs for the elderly and the disabled.                           |
|     |                                                                              | Highly vulnerable households (low literacy level and limited ability to qualify for employment and low income) | 1. Sponsored vocational trainings  
2. Priority consideration for non-skill labour in the project                                                                                   |
|     |                                                                              | Highly vulnerable households (pre-existing medical condition and low income)          | 1. Facilitation of government provided medical services or insurance of free medical cover.  
2. Assistance to move                                                                                                                         |
|     |                                                                              |                                                                                      |                                                                                                                                            |
| VI. | Impact on Public Utilities                                                   | REG (Rwanda energy group)                                                             | 1. Redesigning, relocation and prompt repair of damaged utilities or service lines within project costs as per contractor’s terms of service.  
2. The relocation and repair will be done by the project contractor(s) in collaboration with the service providers progressively depending on how works progress on the ground. |
| 1   | Relocation of utilities                                                      | WASAC (water and sanitation corporation)                                              |                                                                                                                                            |
|     |                                                                              |                                                                                      |                                                                                                                                            |
| 2   | Temporary Interferences of service provision                                  |                                                                                      | 1. 1 to 2 months’ notice to relocate the services  
2. Measures taken to ensure minimum service disruption                                                                                      |

Source: Consultant, 2021

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
7.3.2 Principles of the Entitlement Matrix
✓ A participatory framework for consultations with affected persons and communities. Local authorities, non-governmental organizations (NGOs) and other key stakeholders was utilized when preparing the entitlement matrix;
✓ Provision of compensation for loss of land and other assistance where necessary, for those who have formal legal rights to land, and those who do not have formal legal rights to land at the time the census was beginning but had a claim to such land or assets;
  • Support after displacement, for a transition period, based on reasonable estimate of the time likely to be needed to restore PAPs livelihood and standards of living; and
  • Development assistance such as land preparation, credit facilities, training, or job opportunities in addition to compensation measures;
✓ Provision of resettlement assistance in lieu of compensation for the land they occupy and other assistance as necessary, for those who have no recognizable legal right or claim to the land they are occupying if they occupied the project area prior to the cut cut-off date. In this regard resettlement may, as appropriate to the AfDB OS 2, consist of helping the PAPs with seeds, cost of preparing gardens, and transport to new locations. ‘resettlement assistance’ in this context means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required for ease of resettlement during relocation; and
✓ Provision of compensation for loss of assets and other land, impact on livelihoods, as well as costs involved in resettlement actions to all persons who qualify for compensation

7.4 Resettlement Impacts Costing & Compensation Strategies
7.4.1 Loss of Livelihoods
According to the guidelines, in the case of projects affecting livelihoods or in come generation, the Borrower’s plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan shall establish the entitlements of affected persons and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent, and equitable manner. This plan has incorporated arrangements to monitor the effectiveness of livelihood measures during implementation, as well as evaluation of the same when implementation is completed. Economically displaced persons have been provided with opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living.
The AfDB safeguard also recognizes the fact that involuntary resettlement often leads to livelihood and economic impoverishment and that cash payments and physical relocation measures are not enough without longer-term livelihood restoration strategies. Therefore, the definition of livelihood restoration and improvement often includes a number of aspects which are either in form of long-term interventions or quick fix enhancers such as skills development supply of agricultural seedlings etc. for the general wellbeing of the people. Holistically, assessing livelihood restoration and improvement aspects often include; income levels, HH food security, housing quality and space, health and nutrition, security of tenure, diversity of incomes, access to services, access to markets (especially to the farmers), productivity and production for those engaged in agriculture, poverty levels in households, ability to cope with economic and physical shocks (such as climate change especially for the farmers) and other parameters. The livelihoods restoration and improvement measures proposed in this RAP target potentially affected production and business activities of the PAPs in the project area.

Livelihood losses induced by the project are analysed in detail in chapter 5 subsection 5.6.2 on income sources of project affected persons/households. PAPs sources of income (business, agribusiness and employment) were analysed and impacts of the project on the sources of income established on the following livelihoods;

- Land based livelihoods - No Livelihood loss was established.
- Wage based livelihoods - No Livelihood loss was established.
- Enterprise-based livelihoods - Livelihood loss for informal PAPs established and slight economic losses for formal business operators.

Following analysis of census data from project road that will be upgraded, it was observed that the business PAPs run from permanent business premises. Further study on the identified premises is all the commercial proprieties. Since the residual business premises post expropriation phase will viable to support the business operations without any need to scale down or relocate the business, the project has no significant bearing on the business operations. To mitigate the partial loss of land affected assets were valued at full replacement cost as explained in chapter 2 and 3 of this report and on the Land and Asset Valuation. Over and above cumulative full replacement costs derived from valuation of land earmarked for acquisition including assets thereon, a 5% additional package pegged on aggregate value of expropriation costs has been added to the expropriation budget to cater for disruptions and economic losses of the PAPs.

Prorating the allowance allows for PAPs to get proportionate compensation packages commensurate with actual losses they incur. This mainly because economic or business losses span from several underlying activities of the project either directly or
indirectly such as temporally closure of business premises during civil works of the roads, downtime of business when the operators take time out to rebuild affected auxiliary facilities of the business premises to marginal loss of business goodwill. From the foregoing, involuntary resettlement impacts of the five business operators had no enterprise-based livelihood loss as the businesses would continue with their mundane trade activities during and post project implementation phase. Any business downtime or temporal loss of good will during project implementation phase would be sufficiently augmented as explained above. Consequently, there is no enterprise-based livelihood restoration program planned for the five-formal business PAPs. Nevertheless, recommendations have been made in the ESIA report and this RAP report to give local businesses priority when procuring goods and services for the project from affected local suppliers. This requirement is however not an entitlement of affected business operators as the same is not captured in the contractor’s TOR. For the identified informal business PAPs, this project has made provision for livelihood restoration program that seeks to secure these businesses loss trading spaces. The same some consideration will be made to other informal business PAPs in the other categories who wishes to secure formal trading spaces as well. Musanze, Nyabihu and Rubavu districts administration has agreed to relocate these categories of PAPs to existing nearby formal markets (where they would have more customers). Table 7-4 below shows proposed Enterprise-based livelihood restoration program for affected informal business who will incur economic loss(s) due proposed project implementation.

a) Livelihood Restoration Action Plan

Table 7-2: Livelihood Restoration Action Plan

<table>
<thead>
<tr>
<th>Program</th>
<th>Affecte d PAPs</th>
<th>Action</th>
<th>Actors</th>
<th>Inputs</th>
<th>Expecte d outcome</th>
<th>Budget in RWF</th>
<th>Ti me Frame</th>
</tr>
</thead>
<tbody>
<tr>
<td>Enterprise-based livelihood s restoratio n program</td>
<td>The identifie d informal business PAPs</td>
<td>Allocated alternative trading areas in existing formal nearby centers. Six (6) months’ rent waiver for the new trading area.</td>
<td>Musanze, Nyabihu and Rubavu districts Administratio n</td>
<td>Tradin g spaces in formal centers</td>
<td>Reduce d informa lity Increase d tax collecti on</td>
<td>30,000,0 00</td>
<td>•</td>
</tr>
</tbody>
</table>
7.4.2 Relocation of public utilities
The project will result in the relocation or temporary interferences of some public utilities. These utilities play an important role and therefore change due to their relocation will be felt.

Some of the impacts will include:
- Outages of services;
- Damage of infrastructure;
- Loss of revenue and customers;
- Congestion on utility services way leaves thus hampering expansion of network;
- Disruption of orderly services to their customers;
- Loss of water;
- Contamination of clean water; and
- Increased operation costs.

Table 7-3 below indicates the utility and service providers identified in the project

Table 7-3: Identified utility and service providers.

<table>
<thead>
<tr>
<th>Institution in charge of asset</th>
<th>Affected asset</th>
</tr>
</thead>
<tbody>
<tr>
<td>REG (Rwanda energy group)</td>
<td>Power lines, electrical poles</td>
</tr>
</tbody>
</table>
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

**Source: Consultant, 2021**

**Public Utilities and Services Relocation Action Plan**

Table 7-4: Public Utilities and Services Relocation Action Plan

<table>
<thead>
<tr>
<th>Institution</th>
<th>Affected asset</th>
<th>Action</th>
<th>Actors</th>
<th>Inputs</th>
<th>Expected outcome</th>
<th>Budget (RWF)</th>
<th>Time Frame</th>
</tr>
</thead>
</table>
| REG (Rwanda energy group) | Power lines, electrical poles | Redesigning, relocation and prompt repair of damaged utilities or service lines within project costs as per contractor’s terms of service  
- 3 to 4 months’ notice to relocate the services | Contractor  
REG (Rwanda energy group) | Finance | Continued energy access | 400,000,000 | Before Ground Breaking |
| WASAC (water and sanitation corporation) | Water pipes, water tanks and water chambers | | Contractor  
WASAC (water and sanitation corporation) | Finance | Continued water access | |

WASAC (water and sanitation corporation)  
Water pipes, water tanks, and water chambers
7.4.3 Expropriation Costs

The methodology of determining the expropriation cost has been expounded in detail in chapter 2 of this report. Similarly, a blow-by-blow computation of affected property values (land and development/assets thereon) is presented in detail in chapter 3 of this report both in the form of tables (Tables appended with this report as annex 12-9) showing expropriation (value in range) packages for each property expressed spatially. To mitigate against loss of land and assets thereon, the entitlement matrix proposes compensation of lost assets at full replacement cost. The total expropriation cost of unpaved road Cross border roads is summarised on table 7-5.

**Source:** Consultant, 2021
### Cross-Border-Valuation-Summary

<table>
<thead>
<tr>
<th>Road Types</th>
<th>Road Name</th>
<th>Length in km</th>
<th>Number of PAPS</th>
<th>Land</th>
<th>Plantations</th>
<th>Structures</th>
<th>Amount</th>
<th>Amount with 5%</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>in TOR</td>
<td>on Site</td>
<td>Number of PAPS</td>
<td>Affected in ha</td>
<td>Amount in Rwf</td>
<td>Affected in ha</td>
<td>Affected in PCs</td>
</tr>
<tr>
<td>LOT-2</td>
<td>Kinigi-Kabuhanga</td>
<td>48</td>
<td>49</td>
<td>2,303</td>
<td>13</td>
<td>398,734,791</td>
<td>0</td>
<td>1,861</td>
</tr>
<tr>
<td></td>
<td>Kabuhanga-Bugarama-Kiraro</td>
<td>11</td>
<td>11</td>
<td>691</td>
<td>3</td>
<td>61,065,413</td>
<td>0</td>
<td>162</td>
</tr>
<tr>
<td></td>
<td>Kabuhanga-Busasamana-Cyanzarwe-Muhato</td>
<td>23</td>
<td>23</td>
<td>1,351</td>
<td>6</td>
<td>219,317,515</td>
<td>0</td>
<td>2,034</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td>82</td>
<td>83</td>
<td>4,345</td>
<td>22</td>
<td>679,117,719</td>
<td>0</td>
<td>4,057</td>
</tr>
</tbody>
</table>

Table 7-5: Summary of Expropriation Cost

*Source: Consultant, 2021*
7.4.4 Compensation Strategies
These compensation options have been developed in close consultation with PAPs and other stakeholders and in reference to the national legal regimes and AfDB OS 2 on Involuntary Resettlement and Land Acquisition. Two main options have been identified and are discussed below.

- Monetary compensation at full replacement costs (preferred by 100% of households)
- Relocation to alternative sites with same locational advantages (none)
- Any other preferred form of compensation (none)

a) Strategic option one: Cash compensation at full replacement cost

This is the main option for property restoration and resettlement assistance (disturbance allowances). This strategy will be implemented through adequate and prompt monetary compensation and will apply to all the PAPs. This option was arrived at after taking into consideration that 100% of PAPs consulted during the survey preferred cash compensation. PAPs under this category will have to be educated about the limitations and dangers of cash compensation especially financial squander. This is outlined as part of the livelihood restoration measures.

7.4.4.1 Strategic option two: In-kind resettlement compensation

This is a secondary option and has been considered to apply to the following:

- Community facilities or resources that will be affected owing to project implementation
- Vulnerable PAPs (refer to terms definition) considered more susceptible to induced resettlement impacts and therefore need an extra safety net to cushion them from harsh resettlement impacts. However, the project did not identify any vulnerable PAP.
- During the social economic and valuation survey exercise, compensation alternatives were presented to all PAPs (at individual or household level). Affected households/persons were required to select the compensation alternative(s) they preferred based on asset loss. A total of 1,603 households (100% of affected asset owners) consulted all preferred monetary compensation
7.2 Implementation Budget

The cost of expropriation for Upgrading to Chip-sealing Technology the Cross-border roads (82.56km) in Musanze, Nyabihu and Rubavu Districts is RWF 811,876,699 the expropriation for the project road is inclusive of the 5% allowance which caters for disturbance and economic losses. Over and above the expropriation cost for Upgrading to Chip-sealing Technology the Cross-border roads (82.56km) in Musanze, Nyabihu and Rubavu Districts is RWF 162,375,340 representing 20% of the total expropriation cost for Musanze, Nyabihu and Rubavu was provided for contingencies. The total Expropriation cost therefore for the Musanze, Nyabihu and Rubavu is RWF 1,239,752,000. Similarly, Costs of Restoring registered livelihood Loss is 12,000,000 RWF, Cost of Relocating Utilities estimated at 250,000,000 RWF, cost of Training & Operationalization GRC 3,500,000 RWF. Project monitoring and evaluation mechanism for Upgrading to Chip-sealing Technology the Cross-border roads (82.56km) in Musanze, Nyabihu and Rubavu Districts will be internal, it will be done by existing staff from Musanze, Nyabihu and Rubavu Districts as part of mundane duties as per terms. Prorating allowance allows for PAPs to get proportionate compensation packages commensurate with actual losses they incur. This mainly because economic or business losses span from several underlying activities of the project either directly or indirectly such as temporal closure of businesses during civil works of the roads, downtime of business when the operators take time out to rebuild affected auxiliary facilities of the business premises to marginal loss of business goodwill. It is worth noting that there is no formal business PAPs in proposed project. Affected informal business PAPs are not entitled to monetary compensation since they operate on roads reserves. A separate income restoration program has been prepared for this category of PAPs and a budget for the program included as part of the project implementation budget.

Table 7-7 shows summary of project implementation budget costs unpaved road Cross border roads.

The list of affected property owners alongside apportioned expropriation costs of lost assets is presented as separate volume of this report.
Table 7-6: RAP Implementation Budget for unpaved road Cross border roads

<table>
<thead>
<tr>
<th>Description</th>
<th>Value of Land (RWF)</th>
<th>Value of Crops (RWF)</th>
<th>Buildings Value (RWF)</th>
<th>Total amount (RWF)</th>
<th>Disturbance Allowance 5% (RWF)</th>
<th>Total Expropriation Cost (RWF)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation cost</td>
<td>679,117,719</td>
<td>21,118,525</td>
<td>72,979,660</td>
<td>773,215,904</td>
<td>38,660,795</td>
<td>811,876,699</td>
</tr>
<tr>
<td>Add 20% contingency Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>162,375,340</td>
</tr>
<tr>
<td><strong>Total for compensation</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>974,252,039.04</strong></td>
</tr>
<tr>
<td>Costs of Restoring Livelihood Loss</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>12,000,000</td>
</tr>
<tr>
<td>Cost of Relocating Utilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>250,000,000</td>
</tr>
<tr>
<td>GRC Operationalization Budget</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>3,500,000</td>
</tr>
<tr>
<td>M &amp; E (The proposed M&amp;E mechanism is internal; it will be done by existing staff from the district)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td><strong>RAP Implementation Budget</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>1,239,752,000</strong></td>
</tr>
</tbody>
</table>

*Source: Consultant 2021*
8 INSTITUTIONAL ARRANGEMENT OF IMPLEMENTATION OF RAP

8.1 Existing Institutions of Relevance to this RAP

The project developer/proponent (Musanze, Nyabihu and Rubavu district) will be the lead agency in RAP implementation and will work in close collaboration with the Ministry of infrastructure and RTDA which will act as coordination and supervision agencies. This RAP proposes the same arrangement. RAP implementation team (RIT) has therefore been established through the institutional arrangements who will work harmoniously. The role of RIT is indicated below.

8.2 Roles of RIT

The RIT will be responsible for implementing the approved RAP through:

- Developing work plans for implementation of the RAP including the phasing of compensation payments in line with project development requirements for site handover;
- Coordination between the RIT and other agencies involved in RAP implementation;
- Updating the SEP and facilitating stakeholder engagements for effective RAP implementation;
- Disclose the compensation awards in manner consistent with the Rwanda law and AfDB OS 2 to PAPs;
- Delivery of RAP resettlement compensation and other support or assistance measures;
- Providing support to other agencies involved in RAP implementation; Monitoring and reporting on the progress of the RAP implementation to the project developer
  
  i. Update the Livelihood restoration Plan (LRP) and deliver livelihood restoration assistance to the economically displaced;
  
  ii. Update the vulnerable social groups matrix and deliver assistance to such PAP groups;
  
  iii. Supporting the GRCs to manage grievances related to compensation;
  
  iv. Register PAPs objections to compensation awards and initiate process for management;
v. Assist vulnerable PAPs to access verification centers or necessary information and awards.

8.3 RIT Composition and Structure

The preparation and implementation of the resettlement strategies will involve the participation of several institutions at different levels. Coordination of the participating institutions will be critical to a successful resettlement program. It is therefore important that the institutional arrangements are clearly mapped out and understood by all those involved early into the project cycle, so that all participating parties are made aware of each other’s responsibilities, lines of reporting, communication channels, expectations and authority limits.

MININFRA will ensure the overall coordination of the project will institutionalize this coordination through a high-level National Steering Committee (NSC), composed of MININFRA, MINECOFIN, MINALOC, MoE, and MINEMA to discuss policy and strategic issues related to RAP and the overall management of the project. Furthermore, the project will also include a more technical level Project Technical Committee (PTC) comprised of relevant Department Heads involved in project implementation, including, RHA, RTDA, MINALOC, RWFA and WASAC, and chaired by MININFRA.

Table 8-1: Institutions to support RAP planning and implementation.

<table>
<thead>
<tr>
<th>Stakeholder Group</th>
<th>Sub-sector / Agency</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government of Rwanda</td>
<td>MININFRA – Project Coordinating Unit</td>
<td>In order to ensure a harmonized way of RAP implementation, there will be an Environmental and Social Management Coordinator based in MININFRA to coordinate the implementation of feeder roads</td>
</tr>
<tr>
<td>Government of Rwanda</td>
<td>Ministry of Local Government (MINALOC)</td>
<td>MINALOC is in charge of monitoring and evaluation of the implementation of sector and subsector programs, oversee and monitors district activities. Its main role includes:</td>
</tr>
<tr>
<td>Government of Rwanda</td>
<td>Ministry of Finance (MINECOFIN)</td>
<td>MINECOFIN will be responsible for timely disbursing of the compensation funds to the respective commercial banks. In the case that PAPs own commercial bank accounts, the</td>
</tr>
<tr>
<td>Stakeholder Group</td>
<td>Sub-sector / Agency</td>
<td>Role</td>
</tr>
<tr>
<td>-------------------</td>
<td>---------------------</td>
<td>------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>money will be transferred directly to individual bank accounts but if PAPs have accounts with SACCOs then the commercial banks will transfer to the SACCO accounts.</td>
</tr>
</tbody>
</table>
| Musanze, Nyabihu and Rubavu District Administration | Rwanda Transport Development Agency (RTDA) | Review and sign off of all documentation (e.g., completed RAP, grievance forms, consultation plans);  
  • Responsible for implementation and monitoring of RAP  
  • Participation in documentation of assets;  
  • Compensation of PAPs;  
  • Identification of land for replacement  
  • Facilitate coordination of information collation activities (such as surveys). |
| Government Agency | Rwanda Land Management and Use Authority (RLMA) | Rwanda Transport Development Agency (RTDA) manages and control national road Network with a view of achieving road safety and maintenance. The RTDA will:  
  i. Ensure the projects designs comply with national requirements  
  ii. Assist Project Implementation Unit (PIU) in development and validation of project designs in compliance with national policy |
| Government Agency | Rwanda Land Management and Use Authority (RLMA) | • RLMA has a key responsibility for registering land, issuing and keeping land authentic deeds and any other information relating to land. |
| Musanze, Nyabihu and Rubavu District Local | Rwanda Land Management and Use Authority (RLMA) | • Local communities will play a role of community policing to ensure that the rightful owners of the property are the ones compensated and will be involved in |

*Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts*
<table>
<thead>
<tr>
<th>Stakeholder Group</th>
<th>Sub-sector / Agency</th>
<th>Role</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communities</td>
<td></td>
<td>the GRM.</td>
</tr>
</tbody>
</table>
| **Rural Resettlement Task Force (RSTF)** |                     | Relocation and resettlement will be the main task for the RSTF and will ensure that;  
• The displaced persons resettle in approved planned sites, and  
• Monitoring of the displaced persons. |
| Local Councils    |                     | The Local Councils will play the following roles:  
• Mobilize the general community and project Affected Persons  
• Witness the process of land survey, census of affected property and persons  
• Verify Project Affected Persons; Grievance resolution, and  
• Monitoring of RAP activities |
| **Civil Society/ NGOs** |                     | Will be involved in the implementation process of the Resettlement Action Plan. Activities they can be involved in may include;  
Witnessing the RAP process, overseeing of livelihood restoration programs,  
• Monitoring and evaluation of the RAP activities among others  
Contribute to the implementation of Urban projects; participate in the Sector-Wide Approach and in coordination mechanisms at the district and national level |
| PAPs              | PAPs                | ➢ Participation in measurement and valuation of assets of PAPs |
| Consultants       | Consultants          | The consultant team will be responsible for issuing instructions to the contractor and where social and environmental considerations call for action to be taken. |
The Consultant will be responsible for the monitoring, reviewing and verifying of compliance with RAP recommendations.

Source: consultant, 2021

The sections below outline the particular mandates of the above.

**8.3.1 Ministry of Infrastructure (MININFRA)**

The MININFRA was the project executing Ministry with the key role of coordinating the implementing agencies and other key players including relevant Ministries (MINECOFIN, MINALOC, MINIRENA, MINICOM), Musanze, Nyabihu and Rubavu District Administrations, RGB, RHA, RTDA, WASAC, RRA, REMA & RDB among others.

The oversight included implementation of RAP, coordination and monitoring of implementation performance of the project, risk management, monitoring & evaluation and disclosure of information, developing and putting in place performance agreements, and developing and implementing the communication strategy for the Project.

The Single Project Implementation Unit comprises of the following technical expertise Municipal Engineer as the project Coordinator, a Financial Management Specialist as the finance and administration manager, and a Sociologist and an Environmental Expert as the social and environmental Safeguards oversight managers. The SPIU also serves as the ‘Capacity and Implementation Support Team’ to the implementing agencies assisted by construction supervision consultants and social and environmental experts in project impact monitoring and assessment.

**8.3.2 Musanze, Nyabihu and Rubavu District Administration**

Musanze, Nyabihu and Rubavu District Administration plays an oversight role in monitoring and ensuring that the process of surveying the land is done in an open and transparent manner and in the presence of all the PAPs. Musanze, Nyabihu and Rubavu District Administration informed the PAPs in advance and within adequate time on the dates when the social-economic assessment, survey and measurements, and valuation of their land and property were to be conducted; and insisted upon the presence of the PAPs in all meetings and documentation of assets. Musanze, Nyabihu and Rubavu District administration will also:

- Ensure that the RAP process is implemented successfully;
- Payment of PAPs;
• Work together with the GRCs to ensure that complaints are dealt with and that the RAP is implemented smoothly and efficiently;
• Follow up and monitor the relocation and settlement of PAPs.

Under Musanze, Nyabihu and Rubavu district, the Executive Secretaries will be directly responsible for effective implementation of the project.

8.3.3 Roles of PAPS

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

9.1 Background

Grievance mechanisms are important to the resettlement process as they allow for RAP implementers to identify disputes in good time and allow for them to be resolved in a transparent and accountable manner. Compensation based disputes and issues are also likely to occur during and after the RAP implementation program, hence it is critical to establish this system prior to implementation of the resettlement program. Lack of perceived transparency may also lead to feelings of mistrust and misinformed judgments on both sides. A well established and validated grievance mechanism can also promote good relations between the project proponent and the affected community thus reducing the risk of hostilities and delays on the construction program, both before and after the contractor takes possession of the site.

According to AfDB OS 2, Grievance Redress Mechanisms should include inter alia;

- Different ways in which users can submit their grievances, which may include submissions in person, by phone, text message, mail, e-mail or via a web site;
- A log where grievances are registered in writing and maintained as a database;
- Publicly advertised procedures, setting out the length of time users can expect to wait for acknowledgement, response and resolution of their grievances;
- Transparency about the grievance procedure, governing structure and decision makers; and
- An appeals process (including the national judiciary) to which unsatisfied grievances may be referred when resolution of grievance has not been achieved.

Accordingly, the grievance framework recommended for this RAP is built on already existing structures within the laws of the GoR and affected community.

9.2 Possible Grievance Areas

At the RAP level, grievances are likely to emanate from the following stages/activities;

- Socio-economic Surveys- Household and businesses social-economic data related grievances.
• Gender Based Violence- Complaints related to gender-based violence at any stage during the resettlement and compensation.

However, during the project implementation stage, grievances are likely to emanate from the following:

• Project Implementation related Grievances-Complaints Related to other project Impacts during the actual project implementation.
• Gender Based Violence- Complaints related to gender-based violence during the project implementation.

To that end, grievance mechanism developed to address conflicts in the RAP of Musanze, Nyabihu and Rubavu district adopts a project level GRC at the lower tier of administrative units (sector and cell). This project level GRC will handle all valuation, compensation and resettlement matters including grievances arising during the project implementation phase. The established GBV taskforce will handle gender based complains and the local leaders to address complaints emanating from social-economic survey exercise as summarized below;

• Social Scio-economic Survey level- Local leaders to address the complaints.
• Resettlement and Compensation and Project implementation stages- Project level Grievance Redress Committee.
• One Channel for Gender Based Violence- GBV taskforce to handle all GBV matters arising from Resettlement and Compensation and Project implementation stages.

9.3 Grievances Resolution Mechanism

9.3.1 Local Leaders (at Socio-Economic Survey Stage)
The Village heads worked with the enumerators during the socio-economic survey and were on standby to resolve any arising grievance or take note of call-backs that would be enumerated later. Whenever handling call backs, they would get the telephone number of the PAPs call to confirm if the PAP or representative of the household can find time to come for the enumeration exercise and if it was not possible, they were to follow on a later date agreed with the PAP to make sure the PAP or PAH is enumerated.

The village head inspired confidence in the affected communities about the socio-economic exercise through extensive awareness creation including playing a key role in organizing and participating in Focused Group Discussions (FGDs) at the sideline of sensitization workshop in the city to discuss among other things participatory entitlement matrix development, viable community-based livelihood restoration programs and special needs for vulnerable PAPs.

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
9.3.2 Project level Grievance Redress Committee
The Project level Grievance Redress Committee mainly handled issues that arose from unsatisfactory valuation claims from project affected persons as well as other compensation and resettlement matters. As required by the Expropriation Law, this committee was instituted at the Cell and Sector level. Similarly, the mandate of this committee will be extended to also handle grievances arising during the project implementation phase.

Key representatives in the committees included but not limited to; the chairperson of the committee (a community member affected by the project and residing in the concerned area/cell), secretary of the committee (a community member affected by the project and residing in the concerned area/cell), Village leader (Umudugudu Leader)/chief, the Executive Secretary of the cell, respective valuation officer at the cell level, Sector Representative, Customary Leader (1), Project Affected Person Representative (3) including 1 Elder, a women representative and youth representative.

The committees were constituted before valuation exercise began.

The guiding principles for the project level grievance redress committee (that solved valuation and compensation grievances) were; entitlements matrix, legal stipulations and procedures as per the Rwanda Expropriation law and AfDB OS 2– Involuntary Resettlement which advocates for compensation packages that espouse full replacement costs of affected properties.

Whenever a PAP, PAH or PAI had issues with valuation done by the consulting valuer and refuses the sign the valuation log presented by the consulting valuer, the complainant was advised to present the case to the project level grievance redress committees. When presented with a valuation complaint, the committee is supposed to screen the valuation methodology employed (if it followed project entitlement matrix) and assess if the value given meets full replacement costs according to AfDB OS 2 on Involuntary Resettlement. If the committee is convinced the valuation fee recommended by the consulting valuer is acceptable, the ‘offer value’ would be maintained if it deemed unfair that it does not meet full replacement cost then the committee would request the consulting valuer and the district valuer to jointly revalue the project and ensure the PAP gets compensation or a compensation package that meets the full replacement cost. The PAP also is allowed by law to bring in another certified valuer at his/her own cost for a counter valuation besides efforts of the expropriator to provide explicit and detailed explanation of the valuation.

In situations where affected individuals, households or institutions rejected the value given by the project level grievance redress committee even after justification and or review of the figure by the Committee. The complainant(s) were requested to;
Log a formal compliant with the District Land Committee. If the committee upholds the original value, the complainant final resort as per the national laws is to file a case in the competent Court of Law. According to the Expropriation Law, filing a case in courts of law does not stop planned expropriation exercise(s). The suing for review of the compensation decision should be done within 15 days after the local appeals decision is made.

As per AfDB OS 2, grievances logged outside the timeframe may still be valid and legitimate. For proposed project, government expropriation authorities ensured that all affected people were fully informed. Full disclosure of the opportunity cost of falling to lodge the complaints in time was made.

For Grievance Resolution process for complains related to other project impacts throughout the project implementation, the principle is to utilize one grievance mechanism from the resettlement and compensation throughout the project implementation activities.

9.3.3 Gender Equality and Gender Based Violence

Violence against women and girls is rooted in gender-based discrimination and social norms and gender stereotypes that perpetuate such violence. Prevention entails supporting the implementation of the agreed conclusions of the 57th Session of the Commission on the Status of Women (CSW) that placed a strong focus on prevention through the promotion of gender equality, women’s empowerment and their enjoyment of human rights. It also means making the home and public spaces safer for women and girls, ensuring women’s economic autonomy and security, and increasing women’s participation and decision-making powers—in the home and relationships, as well as in public life and politics. Working with men and boys helps accelerate progress in preventing and ending violence against women and girls. They can begin to challenge the deeply rooted inequalities and social norms that perpetuate men’s control and power over women and reinforce tolerance for violence against women and girls.

From the forgoing, a GBV prevention geared approach has been adopted in this project. This has been done through ensuring that there is fair representation. In terms of gender composition, constitution of GRC was purposefully selected to ensure no committee had at more than 30 percent of the members being women as required by Law. This ensured equal representation. Similarly, this level of representation (greatly benefit women who more often than not bear the brunt of GBV) would ensure women issues are fairly addressed as well as the women would have a voice in decision making processes. In addition, awareness was created during the sensitization and validation meetings on the equality of all persons before
the law. During valuation phase of affected properties, in cases where land earmarked for expropriation was owned by a spouse or co-owned by a couple, consent was sought from both spouses and from dependants of the later in cases where the latter are likely to be adversely affected and they have children who have reached a legal age though still under the care of the parents.

9.3.4 Grievance Channel for Gender Based Violence
On gender-based violence during the social-economic survey and valuation and compensation stage, prevention geared approach has been adopted in this project. This has been done through ensuring that there is fair representation. The composition of the Project level Grievance Redress Committees were constituted in such a way that women formed more than 30 percent the members.

Similarly, GBV has been stressed as key in this project - emphasis made on the strict adherence to Rwandan Law 2 of No.59/2008 of 10/09/2008 on prevention and punishment of gender-based violence (GBV) in all project formations and particularly GRMs procedures.

However, in case of a grievance emanating from GBV, a special GBV task force is to be established, will be in charge of receiving, assessing and handling all cases of sexual harassment and GBV.

The taskforce will also handle GBV throughout the project implementation stage. The task force includes project staff namely: Human resource officer and social safeguards specialist from the contractor, Social Safeguards Specialist from the concerned PIU (RTDA, Musanze, Nyabihu and Rubavu district administration), Gender Monitoring Officer and Environmental and Social Management Specialist from the District, Social Safeguards Specialist from the supervising firm, Women representative from the GRC at cell level and GBV service provider in the area of GBV prevention and handled referral pathways for the GBV survivors. The PIU approached relevant stakeholders in the field of GBV prevention and agree with one of them to provide an expert insight in relation to all GBV matters including prevention though awareness and capacity building as well as GBV response.

In the process of performing its mandates, the taskforce will work hand in hand with the competent authorities to ensure prompt response such as the police and One Stop Center among other entities.

Whenever a grievance is logged, it should be registered and logged regardless of whether they were received in writing or verbally. The complainant should receive an acknowledgement of the receipt of the complaint within a prescribed and reasonable timeframe, preferably in writing.

Lodging a grievance should not incur any cost to the complainant. Generally, the contractor should allow for flexibility and make sure that grievances are not
dismissed on grounds of an administrative formality and/or procedure. In any case, the mechanism should not impede access to other judicial or administrative remedies that might be available under law or through existing arbitration procedures. In the event there are serious cases of GBV where there is criminal liability on the part of the offender/perpetrator of GBV, the case(s) will be referred to Isange One Stop Centre (a national specialized service centre for GBV cases offering free-of-charge support where survivors of gender-based violence can find comprehensive services such as: medical care; psychosocial support; police and legal support, and collection of legal evidence.)
10 MONITORING AND EVALUATION

10.1 Background
The AfDB OS 2 notes that the Borrower will establish procedures to monitor and evaluate the implementation of the plan and will take corrective action as necessary during implementation to achieve the objectives of the AfDB OS 2. The extent of monitoring activities will be proportionate to the project’s risks and impacts. For all projects with significant involuntary resettlement impacts, the Borrower will retain competent resettlement professionals to monitor the implementation of resettlement plans, design corrective actions as necessary, provide advice on compliance with this ESS and produce periodic monitoring reports. Affected persons will be consulted during the monitoring process.

The purpose of monitoring and evaluation is to report on the effectiveness of the implementation of the RAP, and the outcomes and impact of resettlement compensation in relation to the objectives and goals of the RAP. This section describes the monitoring and evaluation (M&E) system for the RAP implementation including the, parameters, indicators to be used, role of the key persons(s) involved, post implementation/construction monitoring activities and resources needed to carry out the monitoring activities.

Monitoring of the RAP will be carried out during the whole process of land acquisition and the compensation to ensure that the objectives are met and successful implementation of the RAP occurs. The monitoring will be carried out by a Committee composed of the Musanze, Nyabihu and Rubavu district administration representatives, SPIU for project and GRCs to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the RAP.

10.2 Objectives of Monitoring and Evaluation
The general objective of the M&E system is to assess the overall success and effectiveness of the RAP implementation processes and mitigation measures. Specific objectives of the M&E process will include:

- To assess the effectiveness of the RAP Implementation delivery arrangements and processes.
- To identify RAP implementation related problems as early as possible to allow timely corrective measures to ensure success.
- To ascertain whether planned activities are being realized by assessing RAP implementation outputs and outcomes
- To provide for a system for evaluation of the RAP implementation

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

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
Number and place of public consultation meetings held with PAPs and local authorities in preparation of, or during RAP implementation;

Number of PAPs effectively compensated for different types of losses (specify the types being monitored) and aggregated amount disbursed compensation (actual versus planned);

Timings of compensation

Number of complaints including total received, and resolved. If not resoled reasons, total justified, and 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 Musanze, Nyabihu and Rubavu district administration) the referral and the subject matter.

Suggested performance/evaluation indicators include:

Total nature and level of all complaints received, resolved;

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

Revival of livelihood activities for the affected persons 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.

10.3 Monitoring Tasks

The major monitoring tasks will include the following:

Formulating performance monitoring indicators to measure inputs, outputs and outcomes of relocation activities;

Verifying RAP implementation activities and milestones including timely delivery of resettlement measures and GRM;

Verifying RAP implementation completion

Ensuring involvement of affected PAPs and other stakeholders in the monitoring process (participatory monitoring);

Assessing and evaluating of the outcomes and impact

Planning for and ensuring post RAP implementation monitoring

Preparing monitoring reports as indicated in this RAP

The responsible key persons the Monitoring and Evaluation are as shown in table 9-1 below.
10.4 RAP Monitoring Plan

This plan as shown in Table 9-1 displays activities to monitor during RAP process, type of information to collect responsibilities and frequency of monitoring actions.

Table 10-1: Plan for Monitoring, evaluating and reporting.

<table>
<thead>
<tr>
<th>Item</th>
<th>Main Activities</th>
<th>Responsible Institution</th>
<th>Frequency of Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public consultation</td>
<td>Consultation meeting with the PAPs</td>
<td>Musanze, Nyabihu and Rubavu district Administration</td>
<td>Four times a month</td>
</tr>
<tr>
<td>Database</td>
<td>Updating census results</td>
<td>Musanze, Nyabihu and Rubavu district Administration</td>
<td>Monthly</td>
</tr>
<tr>
<td>Disclosure of entitlement</td>
<td>Display to the PAPs the results of the census.</td>
<td>Musanze, Nyabihu and Rubavu district Administration</td>
<td>After census and assets valuation</td>
</tr>
<tr>
<td>Preparation of alternatives</td>
<td>Follow up of implementation of proposed alternatives</td>
<td>Musanze, Nyabihu and Rubavu district Administration</td>
<td>Once a week</td>
</tr>
<tr>
<td>Compensation and other resettlement measures</td>
<td>Follow up compensation process</td>
<td>Musanze, Nyabihu and Rubavu district Administration</td>
<td>Once a week</td>
</tr>
<tr>
<td>Follow up of PAPs livelihoods</td>
<td>Follow up and monitoring of PAPs livelihoods</td>
<td>Musanze, Nyabihu and Rubavu district Administration</td>
<td>Once a week</td>
</tr>
</tbody>
</table>
10.5 Resettlement Implementation Completion report

A completion report of the entire resettlement process for this project will be prepared and will include a hand over certificate which will ostensibly provide a verification of when the compensation and assistance were undertaken and to whom these services were provided as well as to indicate that indeed all the compensation has been delivered.

This report will be prepared and submitted to the Bank three months after the end of compensation payment by the Musanze, Nyabihu and Rubavu district administration. The RAP implementation report will include (but not be limited to) the following information:

- Background of the RAP preparation including a description of the project activities, scope of impacts, number of affected persons, and estimate budget;
- Update of its implementation with actual numbers of displaced persons by segments, compensation paid, issues/complaints raised and solutions provided;
- Complaints status;
- Socioeconomic status of the PAP families, their living conditions and livelihood. Highlight a few case studies of individual PAP family experience, including at least one family considered “vulnerable”; such as how the PAPs used the cash compensation they received, etc.
- Early assessment of the impacts of resettlement and compensation on affected categories at the time of the report production;
- Total sum disbursed; and,
- Lessons learned from the RAP implementation
### 10.6 Implementation schedule

There will be seven main steps to be followed during the implementation of RAP as shown in the Table 10-2 overleaf.

Table 10-2: Implementation Schedule.

<table>
<thead>
<tr>
<th>No</th>
<th>Event</th>
<th>Time in months</th>
<th>2021</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Working Group / Task Team Set-up</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Road Reserve Confirmation Survey &amp; &amp; demarcation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Public Notice of the intention to carry out RAP study</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Asset Inventory / Evaluation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Validation &amp; Agreement with PAPs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Disclosure of the RAP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Implementation of Compensations &amp; Land Title Transfer</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Clearance of Road Reserve (Demolition &amp; Leveling)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>Grievance Redress</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>Monitoring and Supervision (Quarterly Report to RTDA/GoR)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Source:** consultant, 2021
11 REFERENCES

- Rwanda Land Law
- Rwanda Expropriation Law.
- African Development Bank/African Development Fund - Check-list for Gender mainstreaming in the Infrastructure Sector; 2009.
- Principles and Practice of Valuation, - J. F. N. Murray; 1969
- The African Development Bank’s involuntary resettlement policy, 2015
- African Development Bank’s Safeguards and Sustainability Series. Volume 1 - Issue 1 (Dec. 2013)
- Regional consultation on the bank’s integrated safeguards system (ISS)
12 APPENDICES

ANNEX 12-1: Grievance complaint form

IFISHI YO KWAKIRIRAHO IBIBAZO MU GIHE HASHYIRWA MU BIKORWA UMUSHINGA WA FRDP/ COMPLAINT FORM TO BE USED DURING FRDP IMPLEMENTATION

<table>
<thead>
<tr>
<th>Nº</th>
<th>Amazina/Names</th>
<th>Itariki ikibazo cyakirwe ho/ date when complaint was receive d</th>
<th>Uburo cyatanzwe/ means of which complai nt was receive d</th>
<th>Aho ikibazo cyakiririwe/ place where the complai nt was receive d</th>
<th>Ubwoko bw’ikibazo/ summary of complaint: Ubusabe, request Impungenge, concern Ikirego: court case</th>
<th>Incamake y’ikibazo/ category: - Kwimurwa/ relocation by client - Rwiyemeza/mirimo/ contractor</th>
<th>Icyakiro/cate gory: Icyakozwe/How the complai nt was address ed</th>
<th>Igihe cyakorewe/date on which the complaint was address ed</th>
<th>Aho bigeze + iminsi 30/ progress beyond 30+</th>
<th>Aho bigeze + iminsi 60 progress beyond 60+</th>
<th>Aho bigeze + iminsi 90 progress beyond 90+</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts

ANNEX 12-2: Photos showing persons attended consultation meetings in Musanze District on 9th September, 2021

Photo taken at Kabuhanga-Busesamana-Cyanzwarwe-Muhato Road at PK 3+425 in Rubavu District, Rubavu Sector, Murambi Cell and Bushengo Village.
ANNEX 12-3: Photos showing persons attended consultation meetings in Rubavu District on 15th September, 2021

Photo taken at Kabuhanga-Kigarama-Kiraro on PK 6+000 in Rubavu District, Busasamana Sector, Gacurabwenge Cell and Kanyabijumba Village.

Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts
ANNEX 12-4: Photos showing persons attended consultation meetings in Nyabihu District on 9th September, 2021

Photo taken on Kinigi - Kabuhanga Road PK 15+490 in Musanze District, Gataraga Sector, Mudakama Cell, Rubaka Village.
Resettlement Action Plan (RAP) for the Cross-border roads (82.56 km) in Musanze, Nyabihu and Rubavu Districts


Acrobat Document  Acrobat Document