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THE PROVISION OF CONSULTANCY SERVICES FOR FEASIBILITY STUDIES AND
DETAILED ENGINEERING DESIGN OF THE NYAKANAZI-RUMONGE-
BUJUMBURA/RUTUNGA-RUMONGE-BUJUMBURA ROAD

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RESETTLEMENT ACTION PLANS REPORT [RAP] FOR RUMONGE-BUJUMBURA ROAD SECTION PROJECT.

FINAL DRAFT REPORT

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TABLE OF CONTENTS

TABLE OF CONTENTS.....	III
LIST OF FIGURES.....	VI
LIST OF TABLES	VII
LIST OF ABBREVIATIONS/ACRONYMS	IX
ACKNOWLEDGEMENT	X
CHAPTER ONE	1
1 INTRODUCTION.....	1
1.1 PROJECT BACKGROUND.....	1
1.2 OBJECTIVES OF THE PROJECT	2
1.3 PROJECT RATIONALE	2
1.4 OBJECTIVE OF RESETTLEMENT ACTION PLAN	2
1.5 SCOPE OF DEVELOPMENT OF RESETTLEMENT ACTION PLAN.....	3
1.6 METHODOLOGY	3
1.7 RESETTLEMENT ACTION PLAN REPORT STRUCTURE	9
CHAPTER TWO.....	11
2 PROJECT DESCRIPTION	11
CHAPTER THREE.....	14
3 POTENTIAL IMPACTS.....	14
3.1 SOCIO-ECONOMIC IMPACTS	14
3.2 SOCIAL AND ECONOMIC IMPACTS IN THE PROJECT AFFECTED AREA	15
CHAPTER FOUR.....	19
4 ORGANIZATION AND RESPONSIBILITY	19
4.1 RAP IMPLEMENTATION, ORGANIZATIONS AND INSTITUTIONS.....	19
CHAPTER FIVE.....	23
5 COMMUNITY PARTICIPATION	23
5.1 CONSULTATION AND COMMUNITY PARTICIPATION	23
5.2 OBJECTIVES OF PUBLIC PARTICIPATION AND CONSULTATION	23
5.3 IDENTIFICATION OF STAKEHOLDERS FOR CONSULTATION	24
5.4 PUBLIC CONSULTATIVE AND PARTICIPATORY MEETINGS	25
5.4.1 Methods of stakeholder participation	25
5.4.2 Notification to stakeholders.....	26
5.4.3 Interviewed Household Heads	26
5.4.4 Official meetings with Ward (Zone)/Mtaa (Colline) leaders	26
5.4.5 Meetings with District officials	26
5.4.6 Consultations with other relevant stakeholders.....	27

CHAPTER SIX	32
6 SOCIO-ECONOMIC STUDIES	32
6.1 INTRODUCTION AND OVERVIEW OF PROJECT AFFECTED AREA	32
6.2 OBJECTIVES OF CENSUS AND SOCIO-ECONOMIC SURVEY	32
6.3 METHODOLOGY FOR UNDERTAKING PAP CENSUS AND SOCIO-ECONOMIC PROFILE	33
6.3.1 PAPs' Education Levels.....	34
6.3.2 Location of residence of PAPs in surveyed households	35
6.3.3 Compensation preference.....	35
6.3.4 Vulnerable groups.....	35
6.3.5 Uses of project affected houses.....	37
6.3.6 Building materials of affected houses	37
6.3.7 Land Ownership and means for acquiring land.....	38
6.4 GENDER ISSUES IN RELATION TO LAND AND PROPERTY OWNERSHIP	38
6.5 CATEGORIES OF PROPERTIES AND UTILITIES TO BE AFFECTED	39
CHAPTER SEVEN.....	40
7 POLICY AND LEGAL FRAMEWORK	40
7.1 INTRODUCTION.....	40
7.1.1 The Post-Transition Interim Constitution of the Republic of Burundi ratified by popular vote in 2005	40
7.1.2 The Land Code of the Republic of Burundi, Law No. 01/008 of 01/09/1986	41
7.1.3 Government of Burundi Land Code, 2011	41
7.1.4 Article 122 of Burundi's Code of Persons and Family as amended in 1993..	41
7.1.5 Article 36 of the Post-Transition Interim Constitution of the Republic of Burundi	42
7.1.6 National Land Law of 1986	42
7.1.7 The Land Code of the Republic of Burundi, Law No. 01/008 of 01/09/1986	42
7.1.8 The Ministerial Ordinance # 720/CAB/810/2003, May 28, 2003	43
7.1.9 Road Sector Compensation and Resettlement Guidelines	43
7.2 GRIEVANCE RESOLUTION MECHANISM	44
7.2.1 AFRICAN DEVELOPMENT BANK OP. 4.12 (INVOLUNTARY RESETTLEMENT).....	44
7.3 COMPARISON BETWEEN BURUNDIAN LEGISLATION AND AFRICAN DEVELOPMENT OP 4.12	45
CHAPTER EIGHT	49
8 INSTITUTIONAL FRAMEWORK.....	49
CHAPTER NINE	51
9 MECHANISMS FOR CONFLICT RESOLUTIONS AND APPEALS	51
9.1 INTRODUCTION	51
9.2 PROPOSED GRIEVANCE MECHANISM.....	51
9.3 GRIEVANCE RESOLUTION PROCESS	52
9.4 MONITORING COMPLAINTS	53

CHAPTER TEN.....	55
10 ELIGIBILITY.....	55
10.1 DEFINITIO	55
10.2 CUT-OFF DATE	56
10.3 CATEGORIES OF AFFECTED PAPs	57
10.4 ENTITLEMENT TO COMPENSATION	58
10.5 ENTITLEMENT MATRIX.....	58
10.6 ORGANIZATIONAL PROCEDURES FOR DELIVERY OF ENTITLEMENTS.....	63
CHAPTER ELEVEN.....	65
11 LOSS, VALUATION AND COMPENSATION.....	65
11.1 METHOD FOR TAKING INVENTORY OF ASSETS AND PAPs.....	65
11.2 COMPUTATION OF COMPENSATION PACKAGES.....	67
11.3 FORMS OF COMPENSATION.....	68
11.4 CONSULTATION AND PARTICIPATORY APPROACHES.....	68
11.5 DISCLOSURE AND NOTIFICATION	69
11.6 DOCUMENTATION AND VERIFICATION OF LAND AND OTHER ASSETS...	69
11.7 INDIVIDUAL / HOUSEHOLD COMPENSATION	70
11.8 COMMUNITY PAYMENTS.....	70
CHAPTER TWELVE	71
12 IMPLEMENTATION SCHEDULE	71
CHAPTER THIRTEEN	74
13 COST AND BUDGETING	74
CHAPTER FOURTEEN	76
14 MONITORING AND EVALUATION	76
14.1 GENERAL OBJECTIVES OF MONITORING AND EVALUATION.....	76
14.2 INTERNAL MONITORING	76
14.3 EXTERNAL MONITORING	78
14.4 EVALUATION.....	79
14.5 REPORTING REQUIREMENTS.....	79
CHAPTER FIFTEEN	80
15 CONCLUSION AND RECOMMENDATIONS	80
REFERENCES.....	81

LIST OF FIGURES

Figure 2.1 A map of Burundi showing provinces traversed by Rumonge - Bujumbura road project.....	12
Figure 2.2: A portion of Burundi country showing Rumonge, Bujumbura Road section.....	13
Figure 6.1: PAPs' preference of living	35
Figure 6.2 Vulnerable Groups	36
Figure 9.1 Grievance Redress Mechanisms.....	54

LIST OF TABLES

Table 1.1: Public consultation and community participation	7
Table 3.1 Impacted Structures	15
Table 3.2: Impact on affected properties	18
Table 5.1: Views and concerns of PAPs rose during consultative meetings	30
Table 6.1: Categories of PAPs who will be affected by the project	33
Table 6.2: Education Levels of the Household Heads in the Project Area	34
Figure 6.1:	35
Table 6.6: Building Materials for the PAPs' Houses	37
Table 6.8: PAPs who own land and means used to acquire it	38
Table 7.1: Comparison of Burundian and African Development Bank Safeguard policies on Resettlement and compensation	47
Table 10.1 Entitlement Matrix	59
Table 10.2: Institutions Responsible for Preparation and Implementation of RAP	64
Table 13.1: Resettlement Budget	74
Table 14.1: Indicator for Monitoring and Evaluation of RAP Implementation	77

LIST OF PLATES

Plate 1: Business structure of wooden planks along Rumonge –Bujumbura road.....	16
Plate 5.1 Consultative meeting at Kanyosha Zone	27
Plate 5.2: Consultative meeting with Magara <i>Zone</i> PAPs.....	28
Plate 5.3: One of the consultative meetings with PAPs at Rumonge <i>Zone</i>	28
Plate 5.4: One of the RAP Specialists introducing project benefits to the PAPS at Kizuka Zone.....	29
Plate 5.5: OdR representative introducing RAP specialist to the PAPs at Minago Zone	29
Plate 5.6: Utilities and Properties within the Construction Corridor	40

LIST OF ABBREVIATIONS/ACRONYMS

AfDB	African Development Bank
BBS	Burundi Backbone System
CBO	Community Based Organization
EAC	East African Community
ESIA	Environmental and Social Impact Assessment
GoB	Government of Burundi
GoT	Government of the United Republic of Tanzania
LTA	Lake Tanganyika Authority
MTPE	Ministry of Transport, Public Works and Equipment
NGO	Non-Governmental Organization
NLC	National Land Commission
OBM	Burundian Office of Mines
OBPE	Burundian Office for Environment Protection
OdR	Office des Routes
PAP	Project Affected Person
RAP	Resettlement Action Plan
RIU	RAP Implementation Unit
RoW	Right of Way
SETEMU	Municipal Technical Services
ToR	Terms of Reference

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CHAPTER ONE

1 INTRODUCTION

1.1 Project Background

The government of the Republic of Burundi has secured funds from African Development Bank (AfDB) through East African Community and thus, intends to rehabilitate the existing Rumonge–Bujumbura road (78 km) section to bituminous that conforms to East African Community standards. Upgrading of the Rumonge–Bujumbura road will improve trade, transport and tourism in the East African Region.

Moreover, the project is aimed at improving life for the population along Lake Tanganyika. In addition, the project will make easier for users to reach Kigoma and Dar es Salaam in Tanzania, Rumonge and Bujumbura in Burundi, Uvira and Goma in Democratic Republic of Congo (DRC) as well as Cyangugu and Kisenyi in Rwanda. However, the East African Community (EAC) is also supporting the Government of the United Republic of Tanzania (GoT) and the Government of the Republic of Burundi (GoB) in a view to improve the transport infrastructure within the two countries, and develop economic programs, economic co-operation as well as regional integration within the East African Community (EAC). This marks the necessity of the Rumonge–Bujumbura road section to be improved to the EAC required standards that will ensure operation throughout time.

The project is being implemented by Burundian Agency that deals with roads and other infrastructures, ***Office des Routes (OdR)***.

In view of this, EGIS International has been commissioned by EAC to carry out Feasibility Study, Environmental and Social Impact Assessment (ESIA), Resettlement Action Plan (RAP) and Review of Detailed Engineering Design of the proposed road project.

1.2 Objectives of the Project

The main objectives of the whole assignment include:

- (i) To describe all major aspects of preliminary investigations and present completed preliminary designs for the Rumonge–Bujumbura road section;
- (ii) To review all previous studies related to road project and examine the findings in relation to the prevailing condition;
- (iii) To carry out Design work and present results of all involved elements of the project; and
- (iv) To develop Environmental and Social Impact Assessment (ESIA) as well as Resettlement Action Plan (RAP).

1.3 Project Rationale

The Rumonge - Bujumbura road section is one of the EAC roads under the Multi-National Tanzania/Burundi: Nyakanazi-Kasulu-Manyovu/Rumonge-Rutunga-Bujumbura Road Project. It will be a connection for community members living in East African Community countries.

In due regard, the intended project when undertaken will help to improve strength of the EAC economy and hence, it is rational to be implemented.

1.4 Objective of Resettlement Action Plan

Considering space required for construction of Rumonge - Bujumbura road section, properties and several utilities that are located within the road section's proximity will have to be moved out so as to pave way for the road construction. The main objective of this RAP is to develop a plan for addressing resettlement issues resulting from implementation of the proposed project.

1.5 Scope of Development of Resettlement Action Plan

Among others, activities undertaken for developing Resettlement Action Plan include the following:

- (i) Conducted a preliminary social assessment for the project including assessment of possible land acquisition/resettlement impacts for the proposed road project in accordance with Burundian National Policies and Legislations as well as the AfDB's Guidelines.
- (ii) Defined categories for impact and eligibility of affected people for compensation and prepare a matrix of entitlements covering compensation including other assistance for all types of impacts to fully replace lost assets, income and livelihood. Assess whether or not compensation standards for all types of assets are based on replacement cost, taking into consideration the market value and discuss in detail the valuation methodology used.
- (iii) Prepared income restoration plans, including the detailed implementation mechanism to restore incomes of Project Affected People (PAPs).
- (iv) Ensured that compensation standards are based on replacement value, taking into account the market value.
- (v) Assisted Burundian Government officials to initiate and expand consultation with all stakeholders, including PAPs and preparing a consultation plan and a format for documenting consultation with affected people.
- (vi) Developed mechanisms for addressing grievances in an easily accessible and timely manner.

1.6 Methodology

The Resettlement Action Plan (RAP) covers relocation and replacement (in kind or cash) of assets affected together with compensation and resettlement assistance required. The methodologies involved in developing this RAP are based on data

obtained from socio-economic study, census, observation, consultation, inventory and valuation. The data from Rumonge-Bujumbura road section were collected by Engineers from OdR, environmental specialists, social specialists and valuers for preparation of RAP.

The preparation of RAP involved various activities. The philosophical underpinning of the plan preparation involved use of a participatory approach of major stakeholders including affected communities and PAPs. Among others, the methods and activities employed in the process of developing the RAP include the following:

(i) Conducted Field Visits

Field visits to project area were done from 25th April to 8th May, 2018. The field visits were essential to fully visualize the project site so as to capture biophysical environment and socio-economic conditions in the project area through interviews. In the field, among others, project information was collected from various sources including OdR's Bujumbura Office and affected communities. The field visits were conducted to identify properties to be affected by the project. During the field visits, the following tasks were performed:-

- Observation of social and physical settings of the area;
- Identification of structures that will fall within the RoW of Rumonge-Bujumbura road section and their distance from the proposed project centerline;
- Held interviews and discussions with officials from the project area as well as local government including *Colline* and *Zone* officials;
- Held interviews with affected people and other community members in the project area;
- Identified livelihood activities of those affected; and
- Observed people's activities and learnt their perception on the proposed project.

(ii) Literature Review

The field visits were complemented by reviewing existing literature related to the resettlement and road development. Literature review involved identification of applicable legal and administrative frameworks including policies of the Republic of Burundi and AfDB Safeguard Policies on resettlement as well as compensation requirements and mechanisms towards resettlement. The purpose of the review was to:-

- Gather knowledge and experience on compensation as well as resettlement; and
- Harmonize differences in resettlement including compensation guidelines between the GoB Policy and the AfDB Safeguard Policies.

In due regard, the following documents were reviewed: i) laws, regulations and local rules governing use of land including other assets in Burundi; ii) laws on property and Land Rights as defined by Burundian Laws and customary practice; iii) Expropriation, acquisition of land and compensation of land as well as other assets, iv) Grievance Resolution Mechanism, specifically legal and institutional arrangements for filing grievances or complaints and how grievances are addressed through formal as well as informal systems of disputes resolution; v) Comparison between national legislation and AfDB policies using equivalent and acceptability standards on resettlement; and vi) compensation requirements and mechanisms toward resettlement. The review also covered the AfDB's Safeguard Policies on involuntary resettlement.

The Post-Transition Interim Constitution of the Republic of Burundi, ratified by popular vote in 2005, provides that every person has the right to property; guarantees equal rights and equal protection to all Burundians, regardless of sex, and prohibits discrimination based on sex. **The Land Code of Republic of Burundi Law Number 01/008 of 01/09/1986; the Government of Burundi Land Code of 2011 and Burundi Article 122 Code of Person and Family as Amended in 1993** provide that the male is the household head. The Code includes the right to joint management of family property, but if a husband is absent, the wife has management right. Other documents which were reviewed includes; **The Ministerial Ordinance Number 720/CAB/810/2003, May 28, 2003 and the African Development Bank Safeguard Policies.**

(iii) Conducted Socio-economic Survey

The RAP was developed after conducting socio-economic survey, census and interviews in all settlements within the RoW for the proposed Rumonge-Bujumbura road segment. The purpose of the Socio-economic study was to collect baseline data within the project targeted areas thereby enabling social assessment of potential affected populations/communities. In addition, the said study had the purpose to get the view of affected people and design mitigation based on their views and demands. One of the most important reasons for doing Socio-economic survey/study was to get the view of affected people on what to do to mitigate adverse impact, including changing the design so as to reduce impacts. Furthermore, a comprehensive census was carried out to identify affected people.

The socio-economic survey focused on identification of stakeholders (demographic data), socio-economic data such as livelihood, education, social arrangements and the participation process. Also the survey involved identification of affected people and their property including their production systems, institutional setting and systems for monitoring as well as evaluation of resettlement issues.

(iv) Public Consultations

Public consultation and participation are essential because they enable potentially displaced persons an opportunity to contribute to both design and implementation of project activities. Public consultative process involved identification of relevant stakeholders, notification and involvement. This section provides description of the stakeholder involvement process conducted for the RAP for the proposed Rumonge-Bujumbura road segment project.

Public consultation was a major drive of this social safeguard assignment. Public consultation was used, amongst other aspects, to identify the population affected by the project. It also served the purpose of creating an enabling environment for PAPs and stakeholder participation together with inclusion in project implementation. As part of the

preparation of this RAP, the principal outcomes of the public consultation process encompassed the following:

- ❖ Communication of the planned project and its objectives to the concerned communities, PAPs as well as stakeholders;
- ❖ Identification of the likelihood and nature of impacts;
- ❖ Identification of land ownership for the project area;
- ❖ Perception of the community regarding the planned intervention;
- ❖ Expression of concerns of the affected community;
- ❖ Community commitment and responsibilities towards project successful implementation; and
- ❖ Identification of indicators for measuring performance of the RAP.

Consultation with affected households and other stakeholders is ongoing and will continue throughout the entire period of the resettlement program implementation.

Table 1.1 shows several public and community consultations done indicating dates, places, people consulted and the number.

Table 1.1: Public consultation and community participation

Date	Place	Who was consulted	Number of People
25/04/2018	Kanyosha Zone	OdR Officials' representatives (Burundi Country Project Coordinator and Environmentalist), OBPE representatives, Zone officials (<i>Chef de zone</i>) and Kanyosha Colline (<i>Quarter</i>) officials.	17
	Magara Zone	OdR Officials' representatives (Burundi Country Project Coordinator and Environmentalist), Magara Zone officials' representatives (<i>Chef de Zone</i>) and Mugendo Colline (<i>Chef de Colline</i>)	41

		officials.	
26/04/2018	Minago Zone	OdR Officials' representatives (Environmentalists), OBPE representatives, <i>Zone</i> officials (<i>Chef de Zone</i>) and Minango Colline (<i>Chef de Colline</i>) officials.	32
27/04/2018	Rumonge Zone	Rumonge District Administrative Secretary (<i>Commune Rumonge Secrecom</i>), OdR Officials' representatives (Environmentalists), <i>Zone</i> officials (<i>Chef de Zone</i>), Rumonge Colline (<i>Chef de Colline</i>) officials.	102
28/04/2018	Kizuka Zone	OdR Officials' representatives (Environmentalists), <i>Zone</i> officials (<i>Chef de Zone</i>), Kizuka Colline (JesComrille Colline and <i>Chef de Section</i>) officials.	41
03/05/2018	Along the project area (from CH 0+000 – CH 78+000)	OdR' representative(Burundi Country Project Coordinator and Environmentalist), OBPE(Environmentalist), LTA (Environmentalist),	5
08/05/2018	OdR conference hall	OdR (Burundi Country Project Coordinator-representatives) who were involved in the survey work.	19

Public consultations and community participation were conducted between April and May, 2018 whereby seven (7) meetings were held. Refer to **Table 1.1** for further details. The aim was to inform the public and stakeholders about the project and anticipated impacts (positive and negative) and the manner to mitigate the impacts. Consultations involved visiting and meeting OdR, OBPE, LTA, *Commune* Officials, *Zone* Officials and *Colline* leaders. Moreover, consultations involved visiting the project area and affected persons at Rumonge- Bujumbura road site.

This Resettlement Action Plan report is an outcome of public consultation meetings, various integrated formal as well as informal interviews with project Affected Persons, Commune Leaders, *Zone* officials and Colline officials. The following were specific objectives of consultations:

- ❖ To create awareness of the proposed project;
- ❖ To consult local residents, especially affected parties about problems they anticipate with the project and how they can be mitigated;
- ❖ To consult and gather recommendations from local administration (Rumonge *Commune* leaders, Kanyosha, Kizuka, Minago, Magara and Rumonge *Zone* leaders and Musama, Kizuka, Rutumo, Mugendo and Kanyenkoko *Colline* leaders); and
- ❖ To provide an opportunity to the community in the project area to raise issues including concerns pertaining to the project impacts as well as allow identification of alternatives and recommendations.

Views and concerns of PAPs raised during the consultative meetings are presented in **Chapter 5, Table 5.1.**

1.7 Resettlement Action Plan Report Structure

This RAP is prepared and presented into the following fifteen sections:

1. Introduction
2. Project Description
3. Potential Impacts
4. Organizational Responsibility
5. Community Participation
6. Socio-economic Studies
7. Policy and Legal Framework
8. Mechanisms for Conflict Resolutions and Appeals
9. Institutional Frameworks
10. Eligibility
11. Valuation and Compensation for Losses

- 12. Implementation Schedules
- 13. Costs and Budgets
- 14. Monitoring and Evaluation
- 15. Conclusion and Recommendations

CHAPTER TWO

2 PROJECT DESCRIPTION

The project is located in three provinces of Republic of Burundi, namely Rumonge, Bujumbura Town and Bujumbura Rural. It traverses through six (6) communes namely Mukaza and Muha for Bujumbura Township, Kabezi for Bujumbura for Bujumbura Rural. Muhuta, Bugarama and Rumonge are located in Rumonge Province.

The project aims at rehabilitation and widening of the Rumonge–Bujumbura road to bitumen that conforms to EAC standards. The project is essentially civil works in nature and consists of; filling and reshaping the road geometry to standard level; cutting of the earth sections to facilitate widening of the road; rehabilitation or construction of longitudinal and cross drainage structures; and provision of sub-base, base course and asphalt concrete surfacing.

The new alignment will follow the existing road alignment as far as practicable as long as the design standards will be compiled with the following general design approach to be adopted (**refer to Figures 2.1 and 2.2**). Maximum use of existing Right of way (RoW), that is, 25 metres (m) from Chainage 0+000 to river Mugere at Chainage 11+000, while the rest of the road section has the RoW of 20 m (from Chainage 11+001 to Chainage 78+000).

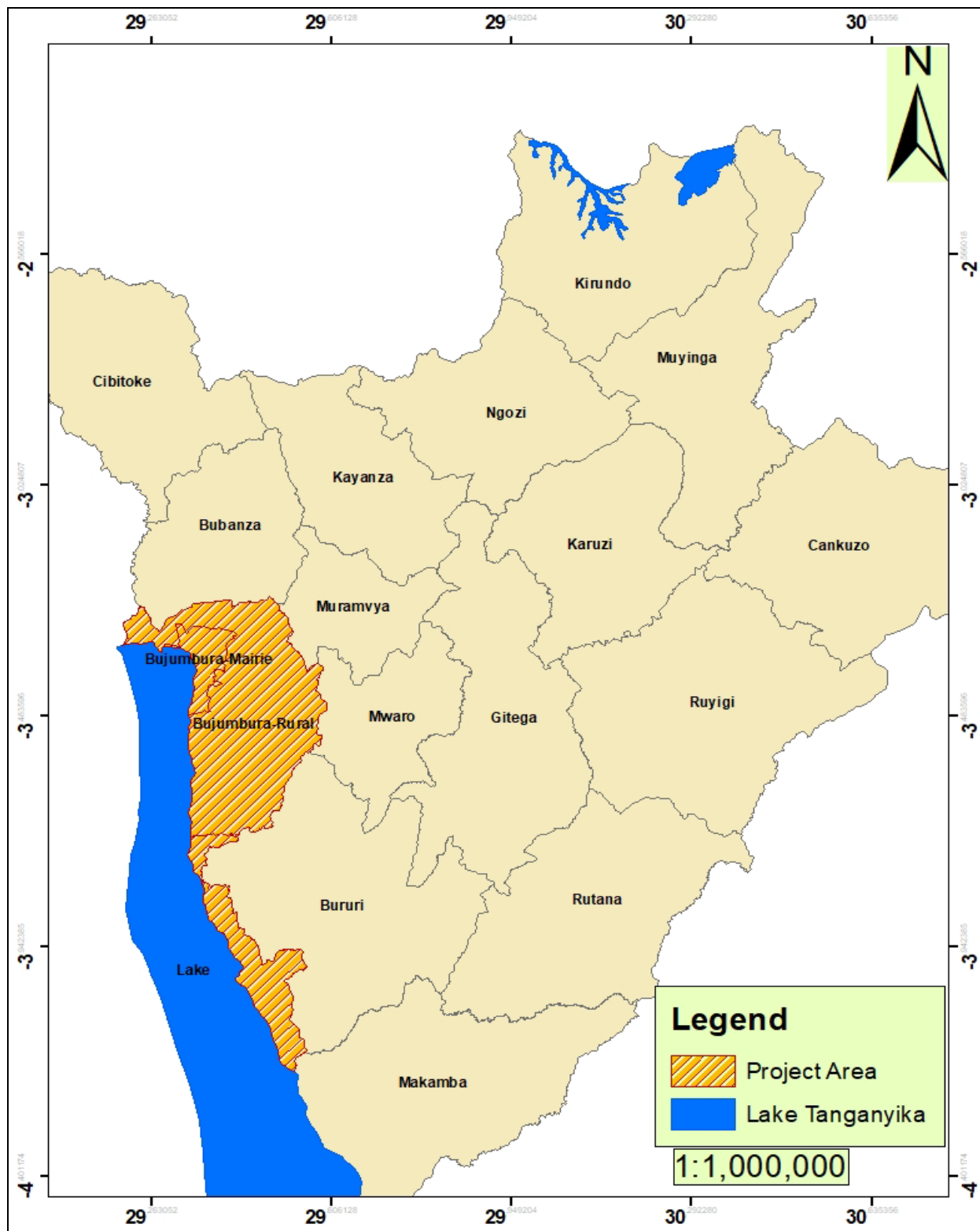


Figure 2.1 A map of Burundi showing provinces traversed by Rumonge - Bujumbura road project

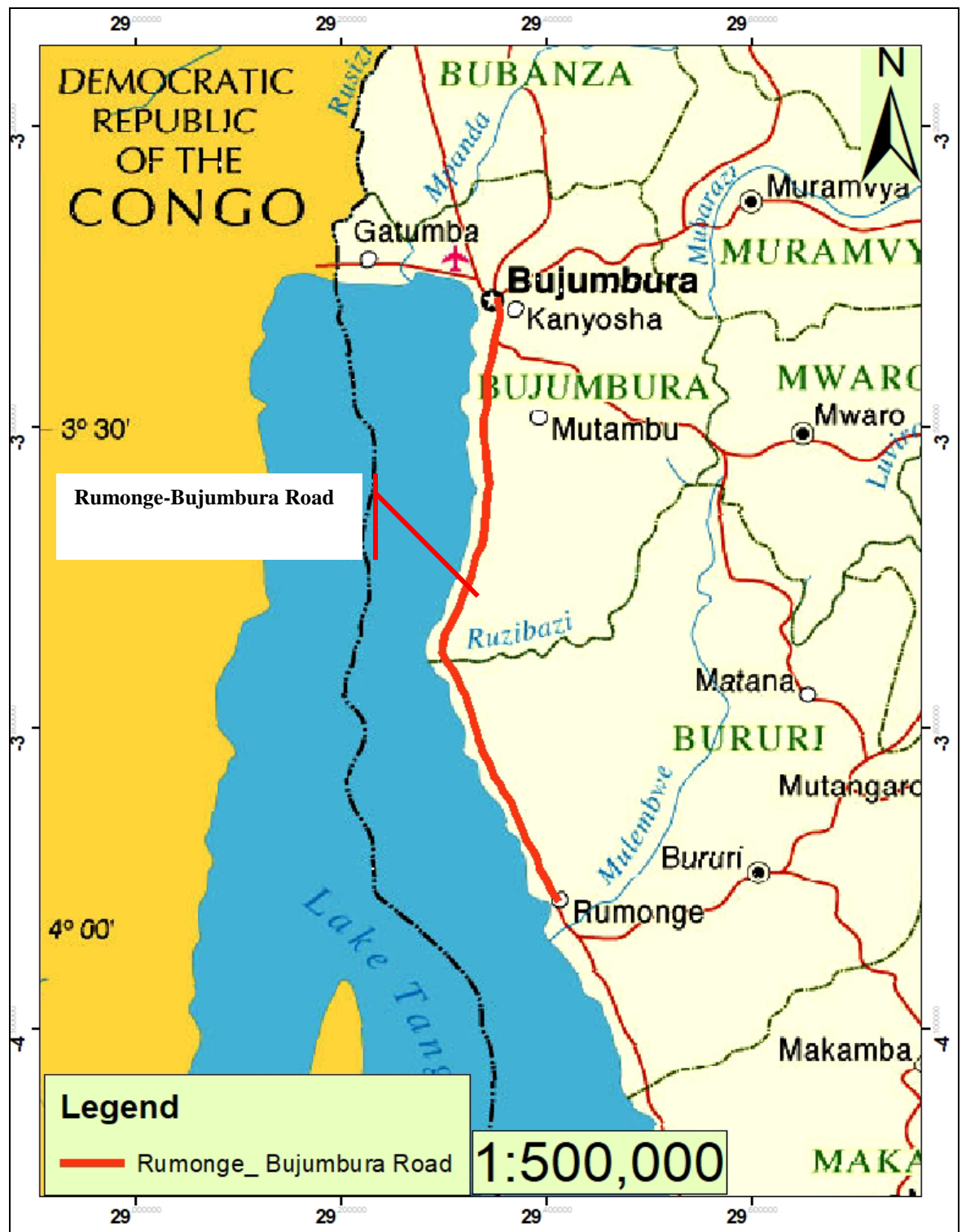


Figure 2.2: A portion of Burundi country showing Rumonge, Bujumbura Road section

CHAPTER THREE

3 POTENTIAL IMPACTS

3.1 Socio-economic Impacts

Social impacts are developmental interventions on human environment. The impacts of development interventions take different forms as consequences to human populations of any public or private actions that alter ways in which people live, work, play, relate to one another, organize to meet their needs and generally, cope as members of society. Such impacts not only need to be identified and measured but also need to be managed in a way that positive externalities will be maximized and the negative externalities will be minimized.

A balanced development planning takes into account environmental, social and biodiversity impacts of economic development. The multidimensional nature of development interventions call for identification of not only potential impacts but also potential social and environmental impacts.

Social impacts include changes in people's life ways, their culture, community, political systems, environment, health and wellbeing, their personal as well as property rights, their fears and their aspirations.

The main types of social impacts that occur as a result of development projects can be grouped into the following overlapping categories:

- ❖ **Lifestyle impacts** – on the way people behave and relate to family, friends and cohorts on day-to-day basis.
- ❖ **Cultural impacts** – on shared customs, obligations, values, language, religious belief and other elements that make a social or ethnic group distinct
- ❖ **Economic impacts** – on land properties and assets
- ❖ **Community impacts** – on infrastructure, services, voluntary organizations, activity networks and cohesion

- ❖ **Quality of life impacts** – on sense of place, aesthetics and heritage, perception of belonging, security, livability and aspirations for future
- ❖ **Health impacts** – on mental, physical and social wellbeing, although these aspects are also the subject of health impact assessment
- ❖ **Livelihood impacts** –on activities related to income generation

3.2 Social and economic impacts in the Project Affected Area

Social dislocation and displacement will occur due to land needed for construction of the Rumonge-Bujumbura road section as relocation of utilities. About 715 PAPs/head of households' livelihoods with approximately 4,004 people will be affected, in one way or another. The number of people is derived from UNICEF estimates of 2008. Some of them will lose land, residential structures, business structures and trees/crops. These people who own business and residential structures in the project area will lose land and their structures at the same time. Also public and one religious institution who own land as well as structures will also be affected as shown below.

Loss of structures: 797 structures affected.

Table 3.1 Impacted Structures

Name of Province	Affected Structure
Bujumbura Town	152
Bujumbura Rural	81
Rumonge	564
Total	797

Source: Valuers' Summary report of 8th May 2018

Apart from the above mentioned properties to be impacted in the project area also one (1) religious buildings (church) will be affected including, 11 fences both public and private, one(1) petrol station and a number of trees/crops.

The project fit in the existing RoW till Kanyosha River, some prominent facing should be realigned and has been identified by OdR. After Kanyosha River, business structures will be impacted. Between Kanyosha and Ruziba market land acquisition is a must and

the plots have been identified for compensation. Also from Mugere River to the end of the RoW 20m is considered as the right width for the road improvement to allow two vehicles' movement in both sides.

From the edge of the existing road OdR has considered a width of 3m to 5m as for road reserve to allow accommodation of utilities. Along the RoW from Mugere River to Rumonge it has been found that people have constructed frontal extension structures of different building materials of insitu-mud, burnt bricks and wooden planks. All these structures are put on the drainage and shoulders of the existing road. Moreover, it has been noticed that most of these types of structures are located within the road reserve. Therefore the owners of wooden plank kiosks will be accompanied and supervised to displace them back outside the road RoW (**Refer plate 1**).

Some temporary employment will be created during construction period. The contractor will be advised to engage local skilled and unskilled labourers based on gender balance. Many people will be involved in provision of different services at the site, for example, food vending, specifically women who will, in turn, raise their incomes.



Plate 3.1: Business structure of wooden planks along Rumonge –Bujumbura road

Impacted properties

Loss of Assets

Impacted properties are defined in this report, particularly in this chapter, as any property owned by the government, a community, privately or occupied by encroachers/squatters, such as piece of land, infrastructure facilities, access, front walls of houses or business places, trees and any other natural or manmade features that would alter and rearrange for demolish to get required width for the proposed project.

Most affected private properties are land, residential/business houses, crops and trees. Moreover, there are properties owned by different public and religious institutions. They include **one** church and 11 public and private fences.

Loss of asset will include the following:

- ❖ **Land Owners** – Cash compensation based upon market value. Land for land under Customary Law - land should at least be of the same size as land acquired.
- ❖ **Loss of residential structures-** Cash compensation will be based on market value. This will be paid to owners of residential structures based on Burundian Laws.
- ❖ **Loss of business structures-** Cash compensation based on market value. This will be paid to owners of business structures based on Burundian Laws.
- ❖ **Loss of other structures such as fences** - Cash compensation based on market value. This will be paid to owners based on Burundian Laws.
- ❖ **Loss of Utilities-** such as water supply pipes, electricity reticulation poles, telephone cables and fibres.
- ❖ **Loss of religious structures** - Cash compensation based on market value. This will be paid to owner based on Burundian Laws.
- ❖ **Trees and crops** – Cash compensation based upon market value.

Loss of Livelihood

Chambers and Conway (1991) defined livelihood as follows, “comprises the capabilities, assets (including both materials and social resources) and activities required for a

means of living. A livelihood is sustainable when it can cope with and recover from stress and shocks and maintain or enhance its capabilities and assets both now and in future, while not undermining the natural resource base.” The positive and negative impacts on any given livelihood will, in turn, impact others. This is particularly an important consideration when planning livelihood assistance, which is the major goal of this RAP.

Table 3.2: Impact on affected properties

Property	category of impact
Land	loss of residential and commercial land
Structures	loss of Residential and business structures
	Loss of boundary fences
Public utilities	loss of water storage tank

Source: Valuation Report

CHAPTER FOUR

4 ORGANIZATION AND RESPONSIBILITY

4.1 RAP Implementation, Organizations and Institutions

Several organizations and institutions will be involved with development as well as implementation process of RAP at different levels as discussed below.

(a) Ministry of Transport, Public Works, Equipment and Land Management (MTTPELM)

This Ministry conducts all operations related to development of roads and tracks nationwide. Within the framework of this project, it is responsible for development of linear components (roads, etc.). As soon as the RAP is cleared and finalized, OdR officials through this Ministry will formally disclose it in the country and among the affected people. For this purpose, OdR will organize sessions for the affected PAPs and community at large. The sessions will be chaired by the RAP specialist from OdR and attended by the respective Province, Commune, Zone and Colline representatives.

(b) Ministry of Environment, Agriculture and Livestock

This Ministry is responsible for design and implementation of Government policy on land use through its various directorates and services. Within the framework of this project, it is in-charge of developing the platform to accommodate all persons to be resettled.

(c)Resettlement Committee:

The Resettlement Committee will comprise members of government, local authorities and PAPs. It will determine compensation and support measures as well as organize resettlement. The Resettlement Committee will conduct information and communication operations to publicize various RAP components and options available to affected persons as well as receive feedback and suggestions.

(g) National Land Commission (NLC)

The NLC is established by the Land Code (Art. 452) and it is tasked with assisting the government in preparation, implementation, monitoring and evaluation of the national land policy. Its composition is established by decree. It is required to issue an opinion prior to expropriation so as to ensure proper implementation of land legislation.

(h) Land Commission:

The Land Commission will assess compensation and review the RAP based on findings from public compensation budgeting consultations. It will be responsible for forwarding the finalized RAP to regional authorities (area managers, community leaders [*chefs des collines*]), to the Minister and to the Minister of Finance for approval by the project's supervisory Ministry/Ministries, the Ministry of Finance and the African Development Bank.

(g) Ministry of Finance

The Ministry of Finance is responsible for making compensation funds available and transferring them into the account of the Ministry in-charge of compensation for payment to the relevant affected persons.

4.2 Inter-Agency Coordination

The RAP activities and process require inter-Agency coordination among and between different institutions, Agencies and Organizations. The Ministry of Infrastructure will oversee that Government Policies and Regulations related to road development and its related acts are in place. OdR as the project owner has responsibility of coordinating project activities including monitoring and evaluation of project implementation. The Agency will hire a local NGO to assist in raising public awareness on resettlement and facilitate local community participation in RAP implementation as well as execute it on its behalf. However, OdR has to monitor activities of the hired NGO. The Agency has to liaise with other Government Institutions at different levels during Project Implementation. They include Local Authorities (Province, Commune, *Zone* and *Colline*) as well as Ministry of Environment, Agriculture and Livestock.

Table 4.1 Institutional roles and responsibilities in RAP Implementation

Name of institution	Roles and responsibilities
<i>Office des Routes</i>	<ul style="list-style-type: none"> • Disclosure of RAP to community after its preparation. • Organize sessions for the affected PAPs and community at large • Authorize the Contractor to start demolition works • Dispatch dislocation notices to the concerned Rumonge–Bujumbura Project Affected Persons (PAPs) • Liaise with different government institutions in RAP implementation
Ministry of Finance	Responsible for making compensation funds available and transferring them into the account of the Ministry in-charge of compensation for payment to relevant affected persons.
Ministry of Environment, Agriculture and Livestock.	<ul style="list-style-type: none"> • .Responsible in making sure that the amount of money paid to the PAPs is equivalent to the value of affected properties • Signing of valuation reports • Administers various Land Acts • Deals with land allocation, acquisition and registration as well as land management
Colline/Commune Level	<ul style="list-style-type: none"> • Administrator at local level • Identification of PAPs because they are familiar with them • Receive and file grievances from the grieved affected person (PAP).

Provincial Lands Office/Registrar	<ul style="list-style-type: none"> • Dispatch dislocation notices to the concerned affected PAPs • Invite the PAPs to produce documents that support their claims. If the case is unresolved, the case will then be forwarded to Courts of Law
Courts of Law	<ul style="list-style-type: none"> • To raise public awareness on resettlement process • To facilitate local community participation in RAP implementation • It is the last resort after all other channels to settle the grievances have failed.

CHAPTER FIVE

5 COMMUNITY PARTICIPATION

5.1 Consultation and Community Participation

Effective resettlement planning requires regular consultation with wide range of project stakeholders. Broadly defined, stakeholders include any individual or group affected by the project, either positively or negatively including the host community.

The overall goal of the consultation process was to disseminate project information and to incorporate views of various stakeholders in the project design, implementation, mitigation measures, management plan and Resettlement Action Plan. To date, five (5) consultative meetings were done with affected communities on 25th, 26th (two meetings), 27th and 28th April 2018.

Public consultation ensured that various groups' views were adequately taken into consideration in the decision-making process. Consultation with stakeholders aimed at positively conveying information about the planned project development, clear up misunderstandings, allow a better understanding of relevant issues as well as the manner they will be dealt with and identify and deal with areas that are controversial while the project is still in its design stage.

5.2 Objectives of Public participation and Consultation

The following were objectives of public participation and consultation:

- To ensure transparency in all activities related to the resettlement and its potential impacts;
- To share fully information about the proposed project, its components as well as activities;
- To obtain information about needs together with priorities of various stakeholders as well as gather information about their reactions;

- To improve project design thereby minimize conflicts as well as delays in implementation in relation to resettlement;
- To involve public at large together with their responsible institutions and organizations in the project design as well as planning;
- To disseminate information to people about the project and resettlement; and
- To understand people's perception on the project.

5.3 Identification of Stakeholders for Consultation

Preliminary site visits were carried out from 25th to 29th April 2018 in gathering adequate information on site issues related to the Resettlement Action Plan, identification of spatial boundaries and pre-identification of all stakeholders who will be affected by the project. The following stakeholders were identified and consulted:

a) Institutional stakeholders: Institutional stakeholders were defined as those vested with decisions that might affect the proposed development project. They included the following:

(i) Ministries

- Municipal Technical Services (SETEMU);
- Burundian Office for Environment Protection (OBPE);
- Lake Tanganyika Water Authority;
- The Board of Production and Distribution of Water and Electricity-Electricity Supply and Distribution;
- Burundian Office of Mines and Quarries (OBM); and
- Burundi Backbone System (BBS).

(ii) Local governments

- Rumonge *Commune*
- Rumonge ward/*Zone*
- Minago ward/*Zone*
- Kanyosha ward/*Zone*
- Magara ward/*Zone*

- Kizuka ward/*Zone*

(iii) Others

- Office des Routes (OdR)
 - Project coordinator
 - Technical Team
 - Architect
 - *Communicate cellule*

▪ Individual stakeholders:

Individual stakeholders referred to those owning, living or working within the immediate impact area that will experience the highest level of impacts resulting from project implementation. In this RAP process, identified individuals are generally household owners whereby, in rare cases, one PAP is found to own more than one building structure that has to be affected by the project.

5.4 Public Consultative and Participatory Meetings

5.4.1 Methods of stakeholder participation

Stakeholders' interviews and consultations were the main methods followed during the process of this Resettlement Action Plan. The team involved key identified stakeholders in order to generate issues of concern in relation to project implementation.

In respect to intended project activities, stakeholders that were consulted whereby they raised concerns on several issues that need attention. Raised concerns vary from one type of stakeholders to another (from Ministerial to Wards/Sub-wards concerns (***Zone/Colline level***)). Some of the raised included the following:

- Land acquisition;
- Land and property compensation;
- Time of project implementation;
- Cost for relocation of utilities;

- Space for relocation of utilities;
- The scope of the compensation process;
- Whether or not there will be any compensation for damages caused by project construction activities; and
- The compensation process governing laws.

5.4.2 Notification to stakeholders

Stakeholders were notified about their participation before meeting with them. Notifications were through use of letters, telephone communication and physical visits. All were done by ward officials (*Chef de Zone*) and *mtaa* officials (*Chef de Colline*).

5.4.3 Interviewed Household Heads

In the valuation report, it was found that a total of **797** household heads (PAPs) were to be affected by the project out which, **160 household heads** were sampled for socio-economic survey from the population who own residential buildings/structures. Those who owned other properties such as land, trees and crops were not covered in the sample.

The numbers of interviewed household heads together with their family members make up 1105.

5.4.4 Official meetings with *Zone* and *Colline* leaders

Colline public meetings were conducted using a checklist; *Zone* officials including (*Chef de Colline*) as well as committee members were invited and they participated effectively. The meetings were conducted in all wards traversed by the project road from Rumonge to Bujumbura.

5.4.5 Meetings with District officials

Rumonge District Council officials were notified and consulted. Checklist and open discussions were applied during meeting with them. However, the meeting covered

familiarization of project environments and all other impacts that will result from the project.

5.4.6 Consultations with other relevant stakeholders

Other relevant stakeholders included Office des Routes (OdR) and relevant ministries such as Municipal Technical Services (SETEMU), Burundian Office for Environment Protection (OBPE), Lake Tanganyika Authority, Board of Production and Distribution of Water and Electricity (Electricity Supply and Distribution), Burundian Office of Mines and Quarries (OBM) and Burundi Backbone System (BBS). The RAP team visited these stakeholders and carried out open discussions guided by a checklist in order to capture adequate information.



Plate 5.1 Consultative meeting at Kanyosha Zone



Plate 5.2: Consultative meeting with Magara Zone PAPs



Plate 5.3: One of the consultative meetings with PAPs at Rumonge Zone



Plate 5.4: One of the RAP Specialists introducing project benefits to the PAPS at Kizuka Zone



Plate 5.5: OdR representative introducing RAP specialist to the PAPs at Minago Zone

Table 5.1: Views and concerns of PAPs rose during consultative meetings

S/N	Concerns/comments	Remarks
01	Compensation should be done fairly and on time. Majority PAPS preferred cash compensation instead of in-kind compensation.	Compensation will be implemented as soon as possible to avoid inflation.
02	Since most people will be displaced due to project implementation and many will lose properties and residences, how will they be compensated?	They will be given cash compensation to cover loss of land, houses, livelihood and residences.
03	Many people wanted to know if they will be allocated land after displacement.	There is no land already demarcated for people who will be affected by the project.
04	Some people had fear that their houses will be partly demolished during implementation of the Rumonge –Bujumbura road project. In case that will happen, how such houses will be compensated?	According to the RAP, all affected houses will be demolished in full. Therefore, cash compensation based to the market value will be given to house owners.

05	Many people recommended that PAPs should be given an ample time after compensation to find suitable places where they can build other houses before affected house are demolished.	After compensation process is complete, time for demolishing their structures will be communicated by OdR. The notices will be served to all PAPs to inform them the right time for house demolition.
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CHAPTER SIX

6 SOCIO-ECONOMIC STUDIES

6.1 Introduction and Overview of Project Affected Area

Rumonge and Bujumbura are among the largest cities in Republic of Burundi. They are also the country's provincial important economic centers. Rumonge and Bujumbura Provinces are actually administrative communes in Republic of Burundi and consist of several local government areas or administrative districts (*Commune*): Bujumbura Province is located in the north-eastern shore of Lake Tanganyika, whose population is estimated to be 497,166 as per 2008 National Census. Likewise, Rumonge Province is located in the Southwest side of Burundi bearing the population of 145,074. In addition, the two Provinces are the hub of Burundi's national transport system because they bear major highways in the country.

Rumonge Province has five (5) *Communes*, namely, Burambi, Buyengero, Rumonge, Bugarama and Muhuta. The *communes* are then divided in *Zones* (wards), which, in turn, they are subdivided into *Collines* (sub-wards).

On the other hand, Bujumbura Province has *nine* (9) *rural Communes*, namely Kabezi, Mutambu, Mukike, Mugongoma and Nyabiraba. Others include; Kanyosha, Isale, Mubimbi and Mutambuzi. The *communes* are then divided in *Zones* (Wards), which, in turn, they are subdivided into *Collines* (sub-wards).

6.2 Objectives of Census and Socio-economic Survey

The census and socio-economic survey for PAPs is important for the planning of resettlement. The census and survey assist to know the social structures of the population and their distribution to inform resettlement planning. The main objectives of conducting census and socio-economic studies included the following:

- To collect census data to identify PAPs at individual and household levels;
- To collect census data to identify vulnerable and severely affected PAPs;

- To identify stakeholders, to identify impacts of the proposed project area, especially on the livelihood of the PAPs (properties, structures, incomes etc.);
- To identify any concerns of PAPs; and
- To identify resettlement preferences of PAPs.

6.3 Methodology for Undertaking PAP Census and Socio-Economic Profile

A socio-economic survey was undertaken using a questionnaire for households in carrying out the census. The questionnaires were administered to get specific information that defines and characterizes affected persons' assets.

Population and Demography of the project area

The road project traverses three (3) provinces out of 17 provinces of the Republic of Burundi. They include Bujumbura Town, Bujumbura Rural and Rumonge. According to Population estimate of 2018, Burundi is estimated to have a population of 12,282,163 of which, 6,030,935 (49.1%) are males and 6,251,228 (50.9%) are females.

From a total of 797 PAPs (approximately 4,463 persons) that will be affected by construction of Rumonge-Bujumbura road project in Burundi 160 PAPs (house hold heads) were enumerated. The purpose was to obtain data on baseline socio-economic conditions pertaining to demographic data, vulnerability, socio-cultural characteristics, economic activities and social services that will enable doing resettlement planning. The study also enabled the consultant to get PAPs categories, preferences and their livelihoods. Categories of PAPs who will be affected by the project are indicated in **Table 6.1**.

Table 6.1: Categories of PAPs who will be affected by the project

No	Categories of properties.	Number of PAPs
1	Land	
2	Building structures	797
3	Crops and trees	
5	Institutions building structures (church)	1

The Socio-economic survey of PAPs along Rumonge-Bujumbura road was conducted between April and May, 2018 using 160 household questionnaires for interviewing 160 PAPs along the project area. Also analysis was based on specific issues such as gender issues as well as vulnerable groups (elderly persons, disabled, widows and orphans and sick people for a long time). Other pieces of information sought for by the study included PAPs' education levels, their livelihoods, their incomes to find out compensation options and locations where PAPs would like to settle after relocation process.

All the same, it was revealed that out of 160 PAPs who were surveyed, 46.9 percent had their age that ranged from 30 to 49 years; 23.1 percent were aged between 20 and 29; 17.5 percent had age that ranged from 50 to 59; 6.2 percent were aged from 60 to 69; and 3.1 percent ranged from 70-79 as well as from 80 to 99 years of age. The study showed that most of the affected head of households in the project area were young families.

6.3.1 PAPs' Education Levels

From the surveyed sample, it was revealed that there is a high level of illiterate PAPs (64.4 %) followed by primary education leavers (29.4 %), then those with secondary school education accounted for 6.2 percent, while no PAP who was observed to have higher education level.

Table 6.2: Education Levels of the Household Heads in the Project Area

Education Level	Number of Household Heads	Percent (%)
Illiterate	103	64.4
Primary education	47	29.4
Secondary school	10	6.2
Tertiary Education	0	0
Total	160	100.0

Source: Socio-economic Household Survey April–May 2018

6.3.2 Location of residence of PAPs in surveyed households

Almost all (160) PAPs live within the project area, whereas none of them live outside the *colline* but within the *Zone*. They normally go and conduct their daily businesses of earning a living such as cultivation, casual labour employment or petty businesses. However, from the survey, after their land has been appropriated by the project it was revealed that a bit over half (58.1%) PAPs preferred to live near the project area, 40.6 percent wanted to live within the project area, while 1.2 percent preferred to live outside the project area.

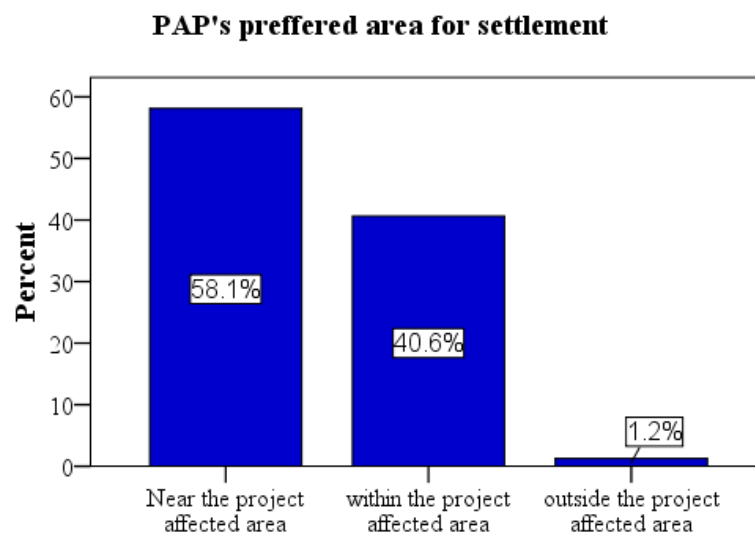


Figure 6.1: PAPs' preference of living

6.3.3 Compensation preference

Accordingly the results of to the socio-economic survey conducted in the project area, showed that all 160 PAPs sampled and interviewed preferred cash compensation instead of in-kind compensation. None of them preferred other forms of compensation.

6.3.4 Vulnerable groups

Vulnerable persons among the displaced PAPs were classified into several groups as follows:

- ❖ Chronically sick (long illness);
- ❖ Normal affected PAPs;
- ❖ The elderly-at-age of 65 years and above;

- ❖ Widows/Widowers;
- ❖ Disabilities;
- ❖ Separated; and
- ❖ Orphan.

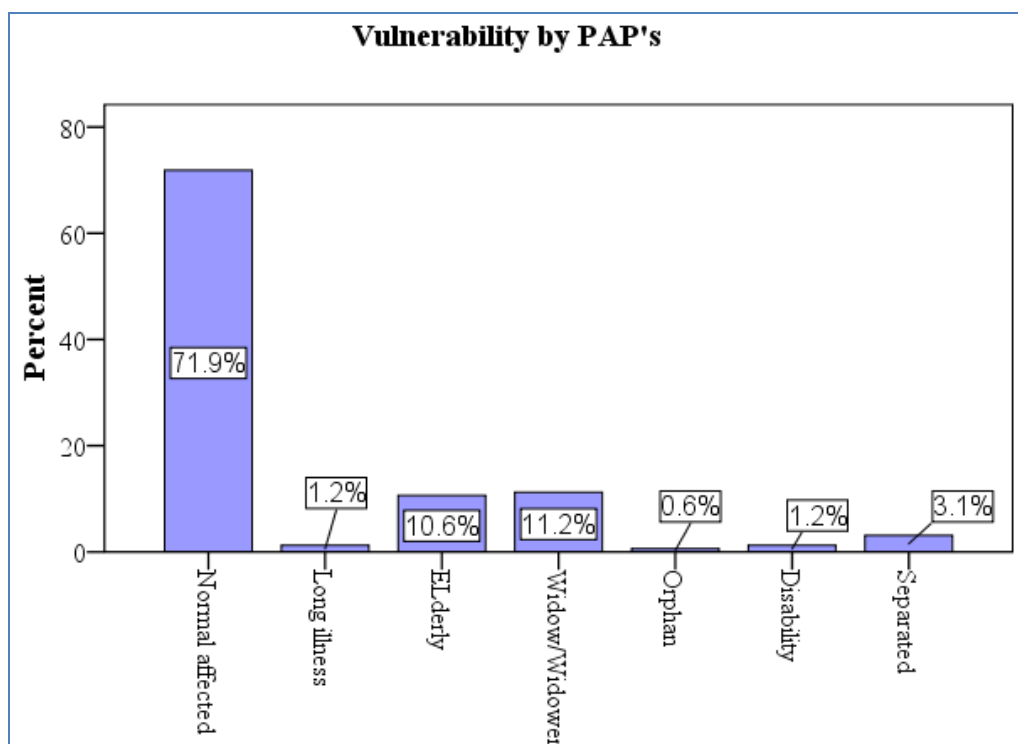


Figure 6.2 Vulnerable Groups

Source: Socio-economic Household Survey April–May 2018

These various groups among the PAPs who are considered as vulnerable due to their inability to cope with and participate in decision making with regards to resettlement they will need assistance and protection that will help them overcome difficulties. They cannot successfully relocate without adequate support and assistance.

For examples widows (11.2%) they are vulnerable because they have lost bread winners and are suddenly faced with the reality that they have to protect for themselves, the children and other dependants. Resettlement will be an additional responsibility, which will need outside support. The need becomes bigger where the widow is elderly. Another group of vulnerable is the Elderly (10.6%) of our sample these most of them are physically weak and cannot relocate to new shelters nor restore their livelihoods without

support from others. In any case the above discussed vulnerable groups in our sample and others which are shown in figure 6.2 in one way or another they have to be assisted in various capacities.

For example the PAPs in the sample with long illness (1.2%) are vulnerable because they cannot attend to their resettlement responsibilities without support from family members or relatives. In general all those below poverty line and the illiterate can easily be cheated and manipulated in the process by the dishonest opportunistic individuals within and outside the community.

6.3.5 Uses of project affected houses

From the survey, it was found that out of 160 PAPs, all own residential houses. Most of their houses were purely used for residential purposes.

6.3.6 Building materials of affected houses

According to the conducted survey, it was revealed that materials for buildings to be affected (160) are made of the following: materials used for walling are mainly mud blocks (89.4%) as well as burnt bricks (10.6%), roofing accounted for 98.8 percent corrugated iron sheets, while 1.2 percent of houses are thatched with grasses. About 87.5 percent of the houses are of mud floors, while 12.5 percent comprised of cement. The type of building materials, floor and walling of the PAPs' houses are as indicated in **Table 6.6**.

Table 6.6: Building Materials for the PAPs' Houses

(a) Floor	No. of houses	Percent
Mud	140	87.5
cement	20	12.5
Total	160	100
(b) Walling		

Mud blocks	143	89.4
Burnt bricks	17	10.6
Total	160	100.0
(c) Roofing		
Corrugated iron sheets	158	98.8
Grasses	2	1.2
Total	160	100

Source: Socio-economic Survey, April – May 2018

6.3.7 Land Ownership and means for acquiring land

According to the survey in the project area, all sampled 160 PAPs, showed that they owned land for housing which they acquired through buying (139) and inheritance from their parents or relatives (15). Only a small number (6) of the PAPs were allocated by *colline* leaders. Refer to **Table 6.8**.

Table 6.8: PAPs who own land and means used to acquire it

Means of Acquiring land by PAPs	No. of PAPs who own land	Percent (%)
Buying	139	86.9
Inherited	15	9.4
Allocated through village leadership	6	3.8
Total	160	100.0

Source: Socio-economic survey, April – May 2018

6.4 Gender Issues in Relation to Land and Property Ownership

Land is one of the most fundamental resources to women's living conditions, economic empowerment and, to some extent, their struggle for equity as well as equality. However, due to economic, legal, social and cultural factors, their rights to access, control as well as transfer land are weaker than those of men.

Based on the socio economic survey conducted for this RAP, it was found that most households are headed by males (81.9%) and only 18.1 percent are female headed households.

Majority of Burundian women have no right to own land although they are the ones who are engaged in cultivation of land for food and cash crops production. Another problem, according to land rights experts, has been inadequate analysis of the gender aspect of changing the land tenure system in the customary land law. Women have been caught between cultural and traditional restrictions, which deny them independent land ownership rights.

In order to make sure that women are not left out behind, especially illiterate under the RAP, such women will be assisted by their literate relatives. In addition, an NGO will be hired to take the responsibility of conducting seminars and sensitize the PAPs on the good way of using compensation money by involving their spouses. Also it is necessary, according to the socio-economic study done for the RAP, control over earning and property ownership in most families are still problems to women. OdR will make sure that the NGO to be hired will assist women in interpretation of the payment schedule and opening of bank accounts. Moreover, future consultation meetings of this RAP must include one of the agendas to be discussed that has to involve women's participation and representation in the implementation process.

6.5 Categories of Properties and Utilities to be affected

Based on the Census survey of PAPs, it was shown that some properties to be affected belong to public institutions and individuals. The properties to be affected are as follows:

- (i) **Electricity Infrastructures:** Some electricity reticulation poles are likely to be moved/ relocated to accommodate construction of Rumonge-Bujumbura road project.
- (ii) **Water Authority Infrastructures:** They include the one storage tank and several water point pipes along the RoW.
- (iii) **797 (building structures)** along the Rumonge-Bujumbura road project will be affected.
- (iv) **One(1) Church** will be affected

- (v) **One (1) Petrol Station** petrol stations owned by private investors will be affected.



Plate 5.6: Utilities and Properties within the Construction Corridor

CHAPTER SEVEN

7 POLICY AND LEGAL FRAMEWORK

7.1 INTRODUCTION

This Chapter sets out the legal operating environment for acquisition of land as anticipated in implementation of Rumonge-Bujumbura road project. The chapter highlights major issues related to Burundian land legislation with regard to involuntary resettlement in this RAP. It provides a brief overview of the Burundian Land Policy and the Burundian constitutional provisions connected with land use, planning, acquisition, management as well as tenure and more specifically, legislations related with land expropriation or acquisition, land valuation and land replacement. The chapter also compares the Burundian legislation with the African Development Bank provisions on resettlement, highlighting gaps and making recommendations to fill up gaps.

7.1.1 The Post-Transition Interim Constitution of the Republic of Burundi ratified by popular vote in 2005

The Constitution provides that every person has right to property, guarantees equal rights and equal protection to all Burundians regardless of sex, and prohibits discrimination based on sex.

7.1.2 The Land Code of the Republic of Burundi, Law No. 01/008 of 01/09/1986

Land is held as Government land (public & private estate); rural land is held under customary tenure and urban land under leasehold. The private estate of Government is land that government can donate for a project or that it can give away of its own accord. When resettling vulnerable people, the Government allocates land from its private estate. The public estate of Government includes national parks, reserves and other land parcels held in trust by the government and usually not subject to allocation for projects.

7.1.3 Government of Burundi Land Code, 2011

It recognizes state and private land. Under the Law, all land that is not used is considered state land. Temporary rights of occupation are available on land classified as private state land.

The 2011 Land Code also recognizes legitimacy of land rights acquired and held under customary law. Under customary law, land is usually held individually and by household, rather than by lineage.

However, the Code also states that all asserted rights must be registered. Unregistered customary rights do not have protection of the formal law. Article 407 provides rules for land expropriation.

7.1.4 Article 122 of Burundi's Code of Persons and Family as amended in 1993

The article states that the male is the household head. The Code includes the right to joint management of family property. If a husband is absent, the wife has management rights.

7.1.5 Article 36 of the Post-Transition Interim Constitution of the Republic of Burundi

The Article states that, *“no one shall be deprived of his possessions except in the public interest and in the cases and in the manner established by law, subject to fair and prior compensation or enforcement of a judgment having the force of res judicata.”*

7.1.6 National Land Law of 1986

Expropriation of land is provided for under Article 407 and the Ministry decree Number 720/304 stated on 20 March 2008. The decree provides guidelines for compensation based on market value and on land for land replacement. On the other hand, Article 2 of the Land Act provides prominence of the State in land management for economic and social development.

7.1.7 The Land Code of the Republic of Burundi, Law No. 01/008 of 01/09/1986

It provides for procedures for resettlement. Responsibility for resettlement lies with the Ministry of Water, Environment, Land and Urban Planning (MEEATU), but if land is in a wetland, the responsibility lies with the Ministry of Agriculture and Livestock.

Valuation is usually done by a Commission comprised of three key ministries of Lands, Agriculture and Infrastructure. Compensation, whether monetary or physical (in kind), must take place before a person who is eligible for compensation can relocate. When the compensation is physical or ‘land for land,’ the Lands Ministry continues to be involved in the process since the duty to ascertain land for resettlement lies with them. The law provides that affected persons should be provided with land of the same size as the land acquired. In case where the acquired land is in an urban area, the value of land is taken into account and land of proportionate value is awarded to the affected person. When the compensation is monetary, the role of Lands ceases at the valuation stage. The local authorities are charged with the duty of monitoring progress of monetary compensation.

Minimum compensation amounts are fixed for different ministries. If it is a government project, the Ministry responsible for environment will be in-charge. If compensation is for land in a rural area, the Directorate of Land Management will take charge; and if in an urban area, the Directorate of Urban Development and Housing will take charge.

7.1.8 The Ministerial Ordinance # 720/CAB/810/2003, May 28, 2003

According to this Ordinance, when expropriation is mandated to benefit a collective entity under public law, the general rate for compensation is determined by an Ordinance issued by the Ministry of Agriculture and Livestock or the Minister in-charge of Urban Development. The Ordinance updates compensation rates for land, crops and structures in case of expropriation for public usefulness.

According to Article 3, “the compensation in case of expropriation for public usefulness can be either a monetary compensation, or an exchange with, if needed, a partial compensation rate.” The Ordinance defines the base for its calculation according to location of expropriated land and plants as well as structures existing on that land.

7.1.9 Road Sector Compensation and Resettlement Guidelines

Road construction projects often necessitate acquisition of land for purposes of the road corridor and the road reserve. It may result into encroachment of land and property, damage to the sites of cultural or personal importance, disruption of sources of income and in displacement of people. In most cases, the disruption occurs against wishes of those affected or without their informed consent, despite their status as project beneficiaries.

The purpose of the guidelines is to provide a consistent approach in development and implementation of compensation as well as resettlement plan in the road projects implementation. Use of the guidelines is one of the strategies to integrate compensation and resettlement process from the planning phase of the road projects.

7.2 GRIEVANCE RESOLUTION MECHANISM

There is no specific law cited for grievance resolution. However, people may solve their grievances through the customary system of *Bashingantahe* and the judicial system of the state. While the former relies in the first place on conventions and customary regulations, the latter bases itself on legislation of the state. People may also resolve their grievances through representatives of local authorities.

7.2.1 AFRICAN DEVELOPMENT BANK OP. 4.12 (INVOLUNTARY RESETTLEMENT)

The Africa Development Bank on involuntary resettlement emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not feasible, it should assist displaced persons in improving or at least resorting their livelihoods and living standards in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The African Development Bank (AfDB) OP 4.12 describes the scope (level of detail) and elements that a resettlement plan should include.

African Development Bank OP 4.12. (6a) demands that the resettlement plan should include measures to ensure that displaced persons are (i) informed about their options and rights; (ii) consulted on offered choices, among others, and provided with technically and economically feasible resettlement alternatives; and (iii) provided prompt as well as effective compensation at full replacement costs.

AfDB OP 4.12 (8) requires that particular attention should be paid to needs of vulnerable groups among those displaced such as those below the poverty line, landless, elderly; women, children, indigenous people and ethnic minorities.

AfDB OP 4.12 (12a) states that payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

AfDB OP 4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided with assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors are at least equivalent to advantages of the old site.

AfDB OP 4.12 (13 a) stipulates that any displaced persons and their communities including any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning implementing and monitoring resettlement.

In addition, displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of time likely to be needed to restore their livelihood and living standards and provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

AfDB OP 4.12 Para 13(a) requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising.

7.3 COMPARISON BETWEEN BURUNDIAN LEGISLATION AND AFRICAN DEVELOPMENT OP 4.12

There are some differences between the African Development Bank Policy and the Burundi Laws in regard to compensation and resettlement.

The laws of Burundi only provide compensation for land that is legally owned by PAPs and no compensation to those without formalized rights. The African Development Bank OP 4.12 provides for compensation for land to both legal owners and those without formalized and/or fully legalized rights. OP 4.12 states that where there is a conflict between the Bank and government frameworks, those of the Bank shall take precedence. A comparison between the Laws of Burundi and the African Development Bank OP 4.12 is contained in Table 7.1.

Table 7.1: Comparison of Burundian and African Development Bank Safeguard policies on Resettlement and compensation

Category of PAP/Type of lost assets	Burundi Law	African Development Bank OP 4.12	Gaps/Measures
Land Owners	Cash compensation based upon market value. Land for land under Customary Law - the land should at least be of the same size as land acquired.	Preference for compensation in kind (land) Other compensation mechanisms at replacement cost of lost assets.	Implementation of donor policies Compensation rates will be determined according to provisions set out in this RAP
Land tenants	Entitled to compensation based upon amount of rights.	Entitlement to compensation regardless of legal recognition of their occupation.	Implementation of donor policies Compensation rates will be determined according to provisions set out in this RAP
Land Users	Land users are entitled to compensation for crops and any other economic assets.	Rights to compensation for loss of crops and possibly land and incomes need to be established for users.	Implementation of donor policies Compensation rates will be determined according to provisions set out in this RAP
Owners of “Non-permanent”	Cash compensation based on market value	Entitlement to compensation in kind (building) or monetary compensation at total replacement	Implementation of donor policies Compensation rates will be

buildings		cost, including the cost of labour and resettlement, prior to relocation.	determined according to provisions set out in this RAP
Owners of “Permanent” buildings	Cash compensation is based on market value	Entitlement to compensation in kind (building) or monetary compensation at total replacement cost, including the cost of labour and resettlement, prior to relocation.	Implementation of donor policies Compensation rates will be determined according to provisions set out in this RAP
Perennial Crops	Cash compensation based on market rates.	Compensation at full replacement value of the crop considered (taking into account value of the plant, the work necessary to restore the crop and loss of earnings during the period necessary for re-establishing the market value of the product in question)	Implementation of donor policies Compensation rates will be determined according to provisions set out in this RAP
Compensation	Prompt and adequate compensation Compensation should be done before a PAP relocates.	-	-

CHAPTER EIGHT

8 INSTITUTIONAL FRAMEWORK

A number of organizations and institutions were involved in RAP implementation processes at different levels and times.

This Chapter provides a list of all agencies and institutions involved in each step of the resettlement process (preparation, appeals, implementation and monitoring). Experience of majority of actors involved seems adequate to tasks to be carried out and therefore, no particular capacity building measures are required. As soon as the RAP is cleared and finalized, OdR will formally disclose it to the affected people. For this purpose, OdR will organize a number of sessions to PAPs aimed at specifying their rights of occupancy and the assessed values of their properties.

OdR in collaboration with the Local Government (Provincial, Commune, Zone and Commune officers) through Ministry of Transport, Public Works and Equipment (MTPE) will send dislocation notices to the concerned PAPs before disbursing compensation funds for payment. After implementation of compensation and resettlement, the communities will be given at least three months for resettlement. OdR will then authorize the Contractor to start demolition works.

All PPs will be assisted, if they so desire, during the resettlement process by a local national or international NGO (to be identified before the start of the project), whose preparation will be covered by a budget included in this RAP. Assistance by NGOs may take the form of training /sensitization on use of the compensation, land search and price negotiation as well as opening of postal accounts for vulnerable PAPs, primarily those whom compensation amounts will be high and implementation actions to ensure that women receive equal treatment in access to compensation like men.

The overall coordination of RAP activities will be under OdR plus other institutions and organizations that have legal obligations to carry out functions related to resettlement and/or compensation. Their roles are further outlined as follows:

- OdR will support sensitization of stakeholders on RAP, preparation and monitoring of RAP;
- Local Government Authorities will sensitize communities on RAP, provide technical support in preparation of RAP, screen as well as appraise and monitor implementation of RAP;
- Communities, from Collines, Zones, affected groups as the final land owner, landed properties and assets to be acquired or affected will be participants in the process;
- Independent NGOs /CBOs and other stakeholders will be engaged to witness fairness and appropriateness of the whole process plus the fact that all NGOs will be involved in monitoring of the resettlement process thereby establishing direct communication with the affected population, community leaders and the OdR office to facilitate completion of RAP; and
- External Audits shall include evaluation of implementation of resettlement action plans in routine annual audits. Without undue restrictions, the audits may include assessment of the following:
 - Resettlement conditions where relevant;
 - Consultation on compensation options, process and procedures;
 - Adequacy of compensation; and
 - Adequacy of specific measures targeting vulnerable people.

OdR shall set up RAP Implementation Unit (RIU) that will be responsible for implementation RAPS and coordination with various stakeholders. It will maintain permanent presence in the project area and constant communication with administrative bodies, local government structure as well as persons affected and their Local Resettlement Committees.

CHAPTER NINE

9 MECHANISMS FOR CONFLICT RESOLUTIONS AND APPEALS

9.1 Introduction

During implementation of project activities, it is likely that disputes/disagreement between project implementers and the affected persons will occur, especially in terms of boundaries, ownership of crops or land or use of land/properties, compensation values, and delay in disbursement of the compensation packages. Therefore, it will be necessary to establish channels for aggrieved people to file their complaints so as to ensure successful project development and implementation. The project RAP team will establish grievance redress mechanisms in accordance to those outlined in the Resettlement Policy Framework.

Grievance redress procedures will provide an opportunity for PAPs to settle their complaints and grievances kindly. The procedures to be adopted will allow PAPs not to lose time and resources from going through lengthy administrative as well as legal procedures. This may be set up through local authorities, including a Resettlement Committee and through community leaders.

The grievance mechanism should:

- ❖ Provide an effective avenue for expressing concerns and achieving remedies for communities;
- ❖ Promote a mutually constructive relationship between the community or PAPs; and
- ❖ Prevent as well as address community concerns

9.2 Proposed Grievance Mechanism

The project will as much as possible try to follow existing grievance resolution mechanisms in the area at different levels. The following levels of grievance resolution are proposed below in several stages, these are formal legal processes used to resolve disputes that arise during compensation procedures-for example, disputes about

compensation awarded, land succession issues and inheritance. As it is commonly known both combination of traditional and formal legal processes are used to resolve disputes in such situations. Nevertheless using mediation committees to resolve such conflicts outside the formal legal processes for example during compensation procedures are acceptable but for this RAP we are not proposing so as a major of mitigation.

(i) Stage I: The Colline/Commune level

The grievances shall first be lodged with the *Colline chef* who will try to solve them. However, if the *Colline chef* is unable to solve the grievance(s), then he will seek guidance from the commune administration or just forward the case to the administration. The commune administration will try all avenues to solve the problem at this level. If advice of *Bashingatahe* is required to solve the grievance, it will be sought. If the grievance is unresolved, it will then be forwarded to the province.

(ii) Stage II: Provincial Lands Office/Registrar

The provincial lands office shall take over the case from the commune and shall invite the PAP to produce documents that support the PAP's claims. It will be expected to provide a verdict within one week in order to expedite the process. If the case is unresolved, the case will then be forwarded to the courts of Law.

(iii) Stage III: Courts of Law

If the PAP or aggrieved part is dissatisfied with the outcome of the grievance at provincial level, then the matter will be appealed in a court of law as provided for by law. However, it will be a last resort after all channels to settle the grievance have failed.

9.3 Grievance Resolution Process

Through sensitization meetings, the PAPs will be informed of different grievance mechanisms instituted for them to lodge their complaints and dissatisfactions. The grievance procedures will be simple and administered as far as possible at the local

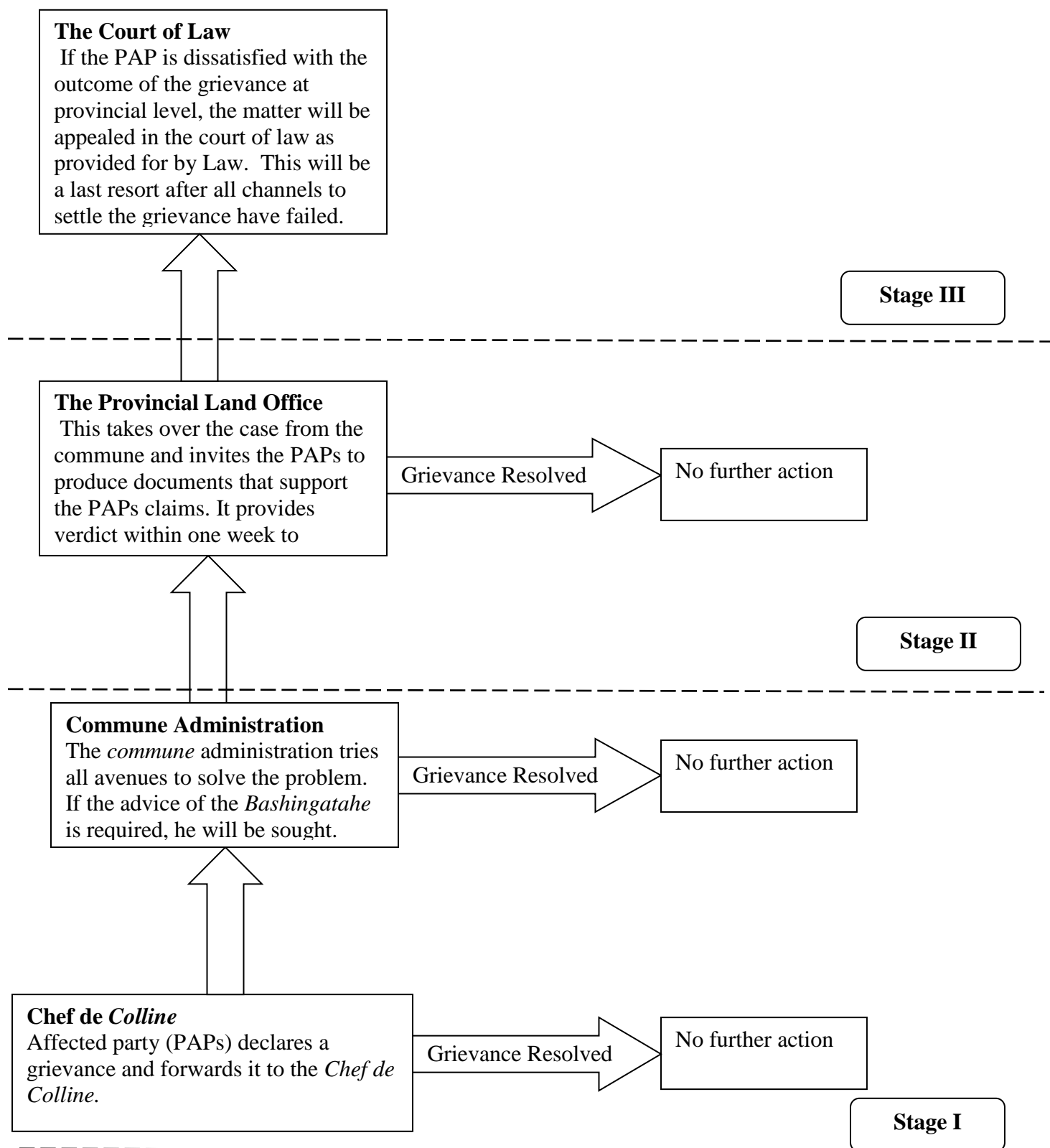
levels to facilitate access, flexibility and ensure transparency. All grievances will be channeled via the *Colline Chef*.

After registration of the complaint, an investigation will be carried out by the *Colline Chef* to verify its authenticity. Thereafter, a resolution approach will be selected based on findings. The decisions of the action to be taken or taken will be communicated to involve parties mainly in written form. All measures will be undertaken to ensure that the grievance is solved kindly between the concerned parties and the courts will be the last resort. Efficiency in solving the grievances will be of paramount importance.

9.4 Monitoring Complaints

In addition to the grievance resolution form, a grievance log will be kept by the project implementers indicating the date the complaint was lodged, actions to be taken and personnel or team responsible for the complaint. The Project Liaison Officer or RAP specialist for each project will monitor and document the progress of all complaints through weekly or monthly grievance resolution reports.

Figure 9.1 Grievance Redress Mechanisms



CHAPTER TEN

10 ELIGIBILITY

10.1 Definition

Eligibility: Any person, whose property or livelihood is adversely affected by project implementation, whether through physical displacement (loss of home or business) or economic displacement (loss of part or all properties, assets and sources of income) identified before the cut-off date. Specifically, eligible persons will include the following:

- Those who have written evidence of their rights to land prior to the cut-off date according to the land or customary code in terms of title, proof of purchase, administrative documents, purchase deeds, deeds of sale by landlord and so forth;
- Those who do not have written evidence, but have claimed to land prior to the cut-off date and who are so recognized by Customary Law. They are entitled customary land owners who without land titles or deeds of sale or purchase are recognized as legitimate owners by customary and/or local administrative authorities.

This chapter sets out eligibility criteria of different categories of PAPs that will be affected by the Rumonge-Bujumbura road project for resettlement and benefits. Involuntary taking of land results in relocation or loss of shelter and loss of assets or access to assets or natural resources or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. The eligible individual(s) are those who are directly affected socially and economically through the road project caused by:

- a) compulsory taking of land and other assets resulting in the following:
 - i) Relocation or loss of shelter;
 - ii) Loss of assets or access to assets; and

- iii) Loss of income sources or means of livelihood whether or not affected persons must move to another location.
- b) Forceful denial to access legally designated socio-economic services with adverse impacts on livelihood of displaced individuals.

However, assets that are eligible for compensation are buildings, land and development made on land such as crops, trees, bore holes and so forth. Affected public social services such as power supply will be enumerated for costing, replacement and construction at suitable sites.

Public utilities such as water main distribution pipes/domestic water pipes, electric reticulation poles and telephone cables are being valued separately.

The said categories are used to determine all PAPs who are considered eligible for compensation and other resettlement assistance forms in accordance with Burundian Laws and African Development Bank Safeguard Policies.

10.2 Cut-off Date

The entitlement cut-off date refers to time valuation assessment of land and assets/developments on land and a census of all affected people are complete. The date of census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation. All stakeholders including PAPs will be informed of the cut-off date and its implications. Information about the cut-off date will be disseminated mainly through public meetings, notices in local newspapers, radio announcements and through local authorities.

The cut-off date for eligibility to compensation is set at one month after the date of posting of the provisional PAP list. Any person concerned who is absent or not on the list or with claims may contact the Sector Head during that period. OdR will decide on posting, depending on the process of the project schedule. Beyond that date, no new

occupation or use of land or resource affected by the Project will be subject to compensation.

10.3 Categories of Affected PAPs

Categories of affected people include property owners with either legally recognized documents such as certificate of right of occupancy or customary rights.

The African Development Bank OP 4.12 categorizes affected group(s) or individual(s)/persons as:

- a) Those who have formal legal rights (including customary and traditional rights) recognized under laws of Government of Burundi;
- b) Those who do not have formal legal rights to land at the time of conducting census, but have claim to such land or assets provided that such claims are recognized under laws of Government of Burundi; and
- c) Those who have no recognized legal rights or claims to land they are occupying.

PAPs covered under a) and b) above are to be provided compensation for land they lose and other forms of assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance *in lieu* of compensation for land they occupy or use and other forms of assistance, as necessary, to achieve objectives set out in this policy, if they occupy or use the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

All PAPs, irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied land before the cut-off date. Persons who occupy the area

after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

Persons who encroach into the project area after the cut-off date as already stated are not entitled to compensation. People who consider themselves to be eligible and are not identified at the time of census will have the right to appeal to district authorities.

10.4 Entitlement to Compensation

For two-parent families, both spouses will be considered as entitled to a single financial compensation and there is provision for both of them to benefit from livelihood restoration actions and respective procedures (for instance, signing of compensation agreements) must be performed in presence of both spouses. For single-parent families, the rights will be in a single person's name, that of the household head. The financial compensation process should be monitored to ascertain that money benefits the entire household.

10.5 Entitlement Matrix

The principle adopted from the Burundian Laws establishes eligibility and provisions for all types of losses (land, structures, businesses, loss of accommodation, disturbance, crops, transport costs resulting from displacement and trees). All affected persons will be compensated at full replacement costs and other allowances.

Following the apparent gap in Burundian laws on involuntary policy and that of the African Development Bank (AfDB), this RAP will be aligned with the African Development Bank Operation Policy, which indicates the best practices for rehabilitation of livelihoods of people affected by the project implementation. The Bank's policy will be applicable because:

- (1) they are involved in funding of the project and
- (2) Its policy best fulfils pro-poor objectives of the projects, ensuring that conditions of PAPs are preferably improved or at least restored to pre-displacement levels as well as offers special considerations for vulnerable and landless PAPs.

Table 10.1 Entitlement Matrix

Entitlement Matrix			
Land and Assets	Types of Impacts	PAPs	Compensation/Entitlement/Benefits
Agricultural land	Less than 20% of land holding affected Land remains economically viable	Farmer/title holder	Cash compensation for affected land equivalent to replacement value or market value
	Greater than 20% of land holding lost Land does not become economically viable	Farmer/title holder	<ul style="list-style-type: none"> ✓ Land for land replacement where feasible or compensation in cash for the entire landholding according to PAP's choice. ✓ Land for land replacement will be in terms of a new land parcel of equivalent size and productivity with a secure tenure status at an available location, which is acceptable to PAPs. Transfer of land to PAPs shall be free of taxes, registration, and other costs. ✓ Relocation assistance (<i>costs of shifting + assistance in re-establishing economic tree + allowance up to a maximum of 12 months while short-term crops mature</i>).
		Tenant/ lease holder	<ul style="list-style-type: none"> ✓ Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. ✓ Relocation assistance (<i>costs of shifting + assistance in re-establishing economic tree + allowance up to a maximum of 12</i>

			months while short-term crops mature).
Commercial Land	Land used for business partially affected Limited loss	Title holder/ business owner	✓ Cash compensation for affected land ✓ Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes.	Title holder/ business owner	✓ Land for land replacement or compensation in cash according to PAPs choice. Land for land replacement will be provided in terms of a new land parcel of equivalent size and market potential with a secured tenure status at an available location which is acceptable to PAPs. ✓ Transfer of the land to the PAPs shall be free of taxes, registration, and other costs. ✓ Relocation assistance (costs of shifting + allowance) ✓ Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business or estimates).
Residential Land	Land used for residence partially affected, limited loss	Title holder	✓ Cash compensation for affected land
	Remaining land viable	Rental / lease holder	Cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement (written or verbal)

	for present use.	Title holder	<ul style="list-style-type: none"> ✓ Land for land replacement or compensation in cash according to PAP's choice. ✓ Land for land replacement shall be of minimum plot of acceptable size under the zoning laws or plot of equivalent community or nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. ✓ When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. ✓ Transfer of land to the PAPs shall be free of taxes, registration and other costs. ✓ Relocation assistance (costs of shifting + allowance)
	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental / lease holder	<ul style="list-style-type: none"> ✓ Refund of any lease/rental fees paid for time/use after date of removal. ✓ Cash compensation equivalent to 3 months of lease/rental fee. ✓ Assistance in rental/lease of alternative land/property. ✓ Relocation assistance (costs of shifting + allowance)

Buildings and structures	Structures are partially affected	Owner	Cash compensation for affected building(s) and other fixed assets.
	Remaining structures viable for continued use		Cash assistance to cover costs of restoration of the remaining structure
	Entire structures are affected or partially affected	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.
	Remaining structures unsuitable for continued use		Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job placement, skills training)
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP	✓ Cash compensation equivalent to average of at least 3 years market value for mature and harvested crop
Trees	Trees lost	Title holder	✓ Cash compensation based on type, age and productive value of affected trees plus 10% premium.
Temporary Acquisition	Temporary Acquisition	PAP	✓ Cash compensation for any assets affected (e.g., boundary wall demolished, trees removed)
Community property			✓ In kind replacement or compensation at replacement cost for land and structures

10.6 Organizational Procedures for Delivery of Entitlements

Delivery of entitlement will involve a number of agencies and key issues in entitlement delivery that will include the following:

- (i) Public Participation - PAPs are to be involved in this process from the beginning of the project;
- (ii) Notification of Land Resource Holders - these are notified formally and informally;
- (iii) Documentation of Holdings and Assets - meetings with PAPs were arranged to discuss compensation and PAPs filled forms in presence of local leaders;
- (iv) Agreement on compensation and preparation for contract - compensation is explained to individual PAPs, contract is prepared and read in presence of local leaders before signing; and
- (v) Compensation Payment - handing over property shall be done in presence of local leaders and compensation through the bank.

Institutions responsible for various activities for preparation and implementation of RAP are listed in **Table 10.2**. Consultations, socio-economic surveys, valuation and levels of awards are to be suggested by the Consultants, while demolition of structures to be done by the civil works Contractor. The payments will be made by OdR with involvement of the district administrations and the Consultants. Monitoring and evaluation of RAP implementation will be done with the help of NGOs and external agencies. Institutions responsible for development and implementation of RAP are as indicated in **Table 10.2**.

Table 10.2: Institutions Responsible for Preparation and Implementation of RAP

S/N	RAP Item/Activity	Institutions Responsible
1	Public Consultations	Consultants
2	Identification of Affected People and Properties	Consultants
3	Baseline Socio-economic Survey	Consultants
4	Inventory of Assets	Consultants
5	Valuation of Assets	Consultants
6	Determination of Eligibility and Levels of Awards	Consultants
7	Demolition	Contractor
8	Cash Payments for Compensation or Resettlement Assistance	OdR, Commune Administration, Consultant
9	Monitoring	NGO or External Agency
10	Evaluation	External Agency

CHAPTER ELEVEN

11 LOSS, VALUATION AND COMPENSATION

This chapter describes methods to be used in valuing assets that will be eligible for compensation consistent with either Burundian laws or policies or African Development Bank on involuntary resettlement (OP 4.12).

11.1 METHOD FOR TAKING INVENTORY OF ASSETS AND PAPs

In order to prepare for compensation and other resettlement benefits, it is imperative that a comprehensive asset and affected persons inventory in the designated areas for the different project components is done. Such an inventory will be conducted by a multidisciplinary team composed of the following types of persons: - a Project Team Leader, Surveyor, Valuation Expert and Sociologist. In addition to this team, Commune and *Colline* leaders (Chefs) will be present to witness the process.

Valuation Procedures

At each affected land/plot, the Valuer will take careful count of all crops and trees. In addition, the Valuer will count and measure all affected buildings/structures in presence of the affected person and local properties to be affected. The licensees or sharecroppers will also be noted and recorded on a separate Compensation Form bearing names of the licensee or sharecropper. The property of the sharecropper/licensee will be recorded in presence of the landowner, the licensee/sharecropper and the area leader. All participating parties will verify contents of the Compensation Assessment Form and thereafter, will append their signatures to the form. The affected persons will take a copy of the Compensation Assessment while the original will be retained by the Valuer.

Land Survey

A Land Surveyor will demarcate the boundary of project land required for acquisition. He will then demarcate individual affected property so as to determine the different land areas/sizes acquired from each PAP. The surveyor will work hand-in-hand with the affected persons, other community members and Local authorities (*Colline*) leaders (Chefs) and a Commune Representative. This is mainly for purposes of transparency and confirming land boundaries as well as ownership of the affected property. In cases where land owners will be absent, family members, caretakers or spouses will be encouraged to be present and represent the household. The land inventory will specify the different customary tenures under which the different affected plots of land fall (for example, customary, leasehold, public and so forth).

Socio-economic Profile of Each PAP

Structured questionnaires were administered by a team of trained Research Assistants in order to document each Project Affected Person's profile. The team was supervised by a Resettlement Expert. The questionnaires were entered in a database and analyzed to estimate magnitude of the impacts and for monitoring purposes.

The socio-economic survey revealed substantial amount of information on economy and social organization of the affected community. The Resettlement Expert has reviewed such data so as to identify appropriate and sustainable interventions. Special attention has been paid to needs of vulnerable people among the PAPs, especially households with incomes below the national poverty line, including the landless, elderly, disabled, women, children and other disadvantaged groups.

For these reasons, the project sponsor should bear in mind that resettlement may provide opportunities to an affected community to improve housing, public infrastructures and services as well as to engage in land use planning that will contribute to long-term development objectives.

11.2 COMPUTATION OF COMPENSATION PACKAGES

There are several methods that could be used to calculate compensation cost for the affected property. They include Replacement Cost Approach, Market Rate Approach, schedule of compensation rates and use of rates from other Contractors with similar types of construction in the project vicinity.

Replacement Cost Approach

All buildings/structures shall be valued and compensated based upon replacement cost, taking into account market values for structures and materials.

Market Rates Approach

Market rates shall be applied when valuing and calculating compensation values for land.

Compensation rates

A schedule of compensation rates for crops, trees as well as semi-permanent buildings will be generated for Bujumbura and Rumonge Provinces.

Rates from other Contractors

In absence of compensation, rates from other Contractors with similar types of construction in the project vicinity shall be applied.

Cultural Sites

The prefeasibility study identified a cultural site in the project area of Kabezi.

According to African Development Bank OP 4.11, sacred sites include, but are not restricted to, traditional and culture sites, altars, initiation centers, ritual sites and cemeteries. They include other such sites that are accepted by Burundian laws. To avoid any possible conflicts between individuals, communities, homesteads and/or local government, use of sacred sites for any activity is not permitted under this project.

Inflation Tendencies

The fact that normally the period between valuation and compensation of assets is long, inflation allowances shall be considered when computing compensation costs. The advantage of in-kind compensation is that it ensures that inflationary pressure on the cost of assets and services is reduced. Local inflation and market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values.

11.3 FORMS OF COMPENSATION

Compensation shall be done in the following forms:

- ❖ Cash compensation will be in Burundian local currency
- ❖ In-kind compensation shall include items such as land, houses, building materials, seedlings as well as agricultural input.
- ❖ Additional assistance may include allowances, cost of shifting and assistance in re-establishing economic trees.

11.4 CONSULTATION AND PARTICIPATORY APPROACHES

For all stages of the RAP, all relevant stakeholders including PAPs will be consulted and sensitized. The measure will be done through a series of individual and public meetings. All types of compensation and valuation principles to be followed will clearly be explained to individuals or households involved. A participatory approach will be adopted for all meetings. Stakeholders and PAPs will be given chance to freely participate in the meetings and to raise any queries, concerns or questions. All concerns to be raised will be taken into consideration when preparing the Resettlement Action Plan.

11.5 DISCLOSURE AND NOTIFICATION

All eligible PAPs will be informed about the Rumonge-Bujumbura road project and the RAP process. Disclosure and notification of entitlements will be carried out by the compensation team responsible for implementing the RAP to enable dissemination of results of land and property compensation assessment process.

Notification about the intended disclosure will be done through media announcements and formal notification (written and verbal) as well as through local leaders.

A preparatory meeting with local leaders who will be on the verification team shall be held prior to individual disclosure.

PAPs compensation payments will be disclosed to them individually in presence of the *Colline* and commune leaders. Different compensation options will also be explained to the affected person. A spouse and children are expected to be present during such meeting so as to act as witnesses to the process.

11.6 DOCUMENTATION AND VERIFICATION OF LAND AND OTHER ASSETS

An inventory of all assets and persons shall be compiled in a Report and Strip Map showing descriptions of assets (land, buildings/structures, crops, trees and so on), unit costs, measurements, and land tenure and total values for each PAP. In addition, a Resettlement Action Plan Report shall be prepared and submitted to the implementing agency and donor agencies for approval. The RAP report will contain all necessary personal information on the PAPs and their household members; their total land holdings, demographic as well as socio-economic information for monitoring of impacts and level of impacts and so forth.

Verification of land ownership and other assets shall be done with the help of local authorities (communal council members, *colline* leaders), neighbours, clan members, family members and documents like land titles as well as land sale agreements.

A form (Consent Form) detailing quantities of the affected properties and the total compensation shall be signed by each PAP and witnessed by a spouse or child above 18 years or any other person as chosen by the PAP. In addition, the respective local leaders, the implementing agency's representative and representatives of the Province will also append their signatures to the consent form.

The implementing agency will keep all copies of the documentation of the whole process. The documents will be referred to during monitoring and evaluation of the resettlement activities.

11.7 INDIVIDUAL / HOUSEHOLD COMPENSATION

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice. However, PAPs will be advised on the importance of accepting in-kind compensation, especially when more than 20 percent of land has been affected as stated in OP 4.12. All in kind compensation will be handed over to the PAP in presence of local leaders, Province representatives, Commune representatives and representatives of the implementing agency.

11.8 COMMUNITY PAYMENTS

Although most projects do not normally take land and other assets belonging to a community, such as a community center, school or sacred site, if this occurs in a project, the community (as a whole) will be compensated. The compensation will be in form of reconstruction of the facility (in case of damages) or replacement at least to the same standards or equivalent or better standards required by local planning regulation.

CHAPTER TWELVE

12 IMPLEMENTATION SCHEDULE

Implementation of RAP consists of several resettlement activities. Efficient implementation of RAP activities requires several measures to be taken prior to startup of implementation. They include setting up of relevant committees at district level, hiring NGO or consultant and so forth. In principle, project civil works may not start until all PAPs determined to be entitled to compensation are compensated. Therefore, land acquisition and assets may take place after compensation has been paid and other assistance required for relocation prior to displacement. The time frame of 12 months on the implementation schedule ensures that no PAP or affected household will be displaced due to civil works activity before compensation is paid and is undertaken when all necessary approvals have been obtained.

The following are key RAP implementation activities and they are shown in **Table 12.1**:

- Surveys; PAPs identification and inventory of assets;
- Consultation with PAPs;
- Valuation of affected properties and establishment of cut-off date for eligibility;
- Bank account opening;
- Actual payment of compensation and delivery of other entitlements;
- Payment within 6 months of giving notices;
- Dispute/grievances resolution;
- Owners can remove all affected structures at a fixed date (advised at the time of compensation payment) provided in writing; and
- Monitoring and evaluation.

Table 10.1 RAP Implementation schedule

Task	Months of Year 2018								
	April	May	June	July	August	Sept	Oct	Nov	Dec
Identification of affected land and other assets.									
Preparation and conducting household surveys of PAPs and Establishment of cut-off-date.									
Consultations with PAPs communities and stakeholders									
Identification of categories of affected assets, ownership/use status.									
Finalization of draft RAP report									
Response to feedback on draft RAP and RAP finalization									
Submission of final RAP and budget									
Approval of budget for relocating utility									
RAP disclosure and circulation									
Grievance Redress mechanism in place at <i>Colline, Zone</i> and <i>commune levels</i>									
Revision and approvals of compensation schedules									
Mobilization of Compensation Money - Ministry of Finance									
Opening Bank Accounts with Bank									
Certified List of names with Bank Accounts sent to OdR by Bank									
Compensation to PAPs-payment through banks (for those getting or equal to 500 000 BIF)									
PAPs informed by OdR/or Consultant that funds have been									

deposited into their accounts									
OdR prepares open checks for PAPs getting less than 500 000 BIF									
OdR prepares record form for PAPs to sign upon receiving the check									
Preparing relocation - Local Government									
Land acquisition - Notice of COI clearance									
Commencement of Works									
Monitoring and Evaluation									

CHAPTER THIRTEEN

13 COST AND BUDGETING

The budget for compensation, support and assistance to PAPs was calculated based on a comprehensive census of PAPs, as carried out from April to May 2018. Hence, it is a reliable estimate of assets affected by the project. The "final" compensation costs will be determined after negotiations with PAPs, based on signed agreements.

The budget for Rumonge-Bujumbura road section is based on compensation of the PAPs who are located within 20 m of the road construction corridor. The total budget for RAP of the Rumonge–Bujumbura road project will be known before compensation processes is implemented. **Table 13.1** provides a summary of the proposed RAP budget and how it should look like when the calculation of the different impacted properties is availed from OdR experts who were involved in the exercise.

Table 13.1: Resettlement Budget

Component		Resettlement cost (BIF)	
		Calculated based on OM/720/CAB/304/2008	Updated with agreed factor from RN18 project = 1,2
PAPs	Compensation for Structures		
	Compensation for loss of land		
	Trees and crops		
	Allowances		
	Cost of shifting		
PAPs (Institutions)	Compensation for Structures		
	Cost of shifting		

	Allowances		
Petrol Stations			
Ministry of Energy – Utilities: Electricity reticulation poles			
Other costs			
Cost for hiring NGO			
Expenses for Five committees (Sitting and allowances)			
Cost of Internal Monitoring and Evaluation			
Cost of External Monitoring and Evaluation			
Sub total			
Contingency 10%			
Grand Total			

CHAPTER FOURTEEN

14 MONITORING AND EVALUATION

14.1 General Objectives of Monitoring and Evaluation

RAP implementation is one of the central components of this project. Its monitoring is critical to solve challenges or obstacles in areas of mobilization, compensation, relocation and so forth.

Monitoring and evaluation procedures will include external and internal evaluations of the compliance of actual implementation with objectives and methods as agreed and monitoring of specific situations.

14.2 Internal Monitoring

Project implementation unit will be responsible for internal monitoring while the Consultants may provide technical assistance in implementing the RAP. Moreover, the external monitoring can be suggested to be under an external NGO or any organization that will be selected by OdR.

Monitoring will ensure the following:

- Verification of land acquisition, property valuation and economic rehabilitation whether or not they have been carried out as planned;
- Information dissemination has been carried out;
- Status of land acquisition and payments on land compensation;
- Value of entitlements received is equal to the original structure or land acquired;
- Use of entitlements and its misuse;
- Compensation of affected structures and other assets;
- Relocation of PAPs if applicable;
- Payments for loss of incomes;
- Implementation of rehabilitation measures;
- Effective operation of grievances Committee;

- Funds for implementing land acquisition and economic rehabilitation activities are available in timely manner, sufficient for the purpose and spent according to Plan;
- The Consultants shall submit reports on monthly basis, documenting the RAP progress implementation;
- Project Unit shall be responsible for monitoring day-to-day resettlement activities;
- Performance data sheet shall be developed to monitor at field level; and
- The Consultants shall be responsible for overall project level monitoring.

The following verifiable indicators presented in Table 14-1 will be used to monitor and evaluate implementation of resettlement as well as compensation plans.

Table 14.1: Indicator for Monitoring and Evaluation of RAP Implementation

	Issue /Impact	Monitoring Indicator
1	Physical loss of utilities, building, land, plots and crops	<ul style="list-style-type: none"> - Number of PAPs compensated - Number of Bank Accounts opened - Number of Buildings demolished - Number of PAPs able to establish pre-displacement activities, land, crops - Number of community properties relocated - Number of trees cleared
2	Financial loss of business	<ul style="list-style-type: none"> - Number of PAPs compensated - Number of PAPs resuming business at pre-displacement level or better
3	Loss of social services	<ul style="list-style-type: none"> - Number of community properties relocated
4	Psychological loss	<ul style="list-style-type: none"> - Number of PAPs paid relevant

		allowances
5	Sociological loss	- Number of vulnerable individuals supported
6	Grievances	- Number of grievances received - Number of grievance resolved
7	Consultation	- Number of consultations held

14.3 External Monitoring

External monitoring shall be engaged by OdR to carry out independent annual reviews of RAP implementation and project evaluation. External monitoring and evaluation can be done by an independent researcher, consulting agency, university department or an NGO. External monitoring will focus on the following:

- Verifying whether objectives of enhancing or at least restoring income levels and PAPs' living standard have been met;
- Suggest modification in land acquisition as well as economic rehabilitation where necessary to achieve objectives;
- Assess if all resettlement and land acquisition have been completed;
- Verification of internal monitoring;
- Demographic baseline and bi-annual household surveys to monitor progress from pre-project as well as pre-settlement benchmarks;
- Evaluation of delivery and impacts of entitlements to determine if they are as per approved RAP;
- Evaluation of consultation and grievances procedures, especially at the level of public awareness of grievances procedures, access by PAPs and households to information as well as rapid conflict resolution;
- Evaluation of actual operation of grievances committee in assisting PAPs as required and acting as observers; and
- Declaration of successful implementation of RAP.

14.4 Evaluation

The following are objectives of the evaluation:

- General assessment of compliance of implementation of the Resettlement Action Plan with general objectives and methods as set in this document;
- Assessment of compliance of implementation of the Resettlement Action Plan with laws, regulations and safeguard policies;
- Assessment of consultation procedures that took place at individual and community levels together with the Central Government and Local Government both Provincial, Zones and Colline officials;
- Assessment of fair, adequate and prompt compensation as they have been implemented;
- Evaluation of the impact of compensation on income and living standards; and
- Identification of actions as part of the on-going monitoring to improve the positive impact of the programme and mitigate its possible negative impact, if any.

14.5 Reporting Requirements

The following are suggested reporting requirements:

- The Consultants shall prepare monthly and quarterly reports on RAP progress implementation to OdR;
- The Consultants responsible for supervision and implementing RAP will prepare monthly progress reports on resettlement progress activities; and
- OdR shall also monitor RAP implementation.

The external monitoring agency will submit bi-annual reports directly to OdR and will determine whether or not RAP goals have been achieved and livelihoods have been restored as well as suggest suitable recommendations for improvement.

CHAPTER FIFTEEN

15 CONCLUSION AND RECOMMENDATIONS

This Resettlement Action Plan will be implemented by compensating Public Institutions and individuals to be affected by the proposed Rumonge–Bujumbura Road construction activities. It is planned that it will be implemented before construction activities start. Compensation for PAPs in the surveyed area of impact will be carried out by the provincial, Zone and Colline officials after compensation packages have been prepared.

Major resettlement for construction of Rumonge-Bujumbura road is relocation of residential structures and some few utilities. Since Preliminary Investigation, Design Work, Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) have been completed, construction work is supposed to start after compensation to the PAPs has been effected.

In order to raise awareness on implementation of RAP, the Resettlement Action Plan must be widely disclosed. Methods that can be used to disclose the document include (but not limited to) the following:

- Distribution of as many copies as possible to different institutions and community levels for comments as well as suggestions;
- Distribution to Persons Affected by the Project (PAP);
- Distribution to individuals and representative persons like Members of Parliament (MPs), Province Administrative *Secrecom*, *Gouverneur*, *Commune Secrecom*, *Chef des Commune*, *chef des zone* and *chef des colline*;
- Conduct meetings and workshops for discussion of the plan whereby such meetings as well as workshops will be conducted at various places including place(s) where the resettlement will take place; and
- Use of Internet for internal and external disclosure of the plan.

It should be noted that RAP documents must be disclosed before implementation of compensation.

REFERENCES

Resettlement Policy Framework, Regional Communications Infrastructure Program (RCIP) phase 1 of 5th February 2007

The Post-Transition Interim Constitution of the Republic of Burundi, ratified by popular vote in 2005

The Land Code of the Republic of Burundi, Law No. 01/008 of 01/09/1986

Government of Burundi Land Code, 2011

Article 122 of Burundi's Code of Persons and Family as amended in 1993

Article 36 of The Post-Transition Interim Constitution of the Republic of Burundi.

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The Ministerial Ordinance # 720/CAB/810/2003, May 28, 2003

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