

Intended for

Bugesera Airport Company Limited

On behalf of

Expressway Resettlement Action Plan

Date

March 2018

NEW BUGESERA INTERNATIONAL AIRPORT EXPRESSWAY RESETTLEMENT ACTION PLAN: FINAL VERSION WITH BUDGET

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Made by **Ron Bisset**
Checked by **Denise Wright**
Approved by **Denise Wright**

Made by: 
Checked/Approved by: 

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Appendix 1

Grievance Form

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Example of Key Data to be Recorded in a Grievance Database

Appendix 3

Grievance Tracking and Close-Out Form

Appendix 4

Minutes of Meetings

ACRONYMS AND ABBREVIATIONS

Acronym	Abbreviation
BAC	Bugesera Airport Company Limited
ESIA	Environmental and Social Impact Assessment
GRC	Grievance Review Committee
IFC	International Finance Corporation
IFC PSs	International Finance Corporation's Performance Standards (1-8)
KGL	Kigali International Airport
km	Kilometres
LAR	Land Acquisition and Resettlement
LRM	Livelihood Restoration Measures
m	Metres
MININFRA	Ministry of Infrastructure
Mota-Engil	Mota-Engil Engenharia e Construção
NEWPLAN	NEWPLAN Consulting Engineers & Planners
PAP	Project-Affected Person
Ramboll	Ramboll Environment and Health UK Limited
RAP	Resettlement Action Plan
RCAA	Rwanda Civil Aviation Authority
RTDA	Rwanda Transport Development Agency
RWF	Rwanda Franc

DEFINITION OF TERMS

Compensation	Monetary payments or in-kind asset substitution (such as 'land-for-land') to which the displaced persons are entitled to replace lost assets, resources or income.
Eminent domain	The power of the State to take private property for public use.
Eligibility	Determination of the right of Project-Affected Persons, based on application of specific criteria, to entitlements.
Entitlements	Range of measures such as cash compensation, income restoration actions, transfer assistance, income substitution, and relocation which are due to Project-Affected Persons, depending on the nature of their losses, to restore their economic and social base.
Expropriation	State's action in taking or modifying property rights in the exercise of its eminent domain powers (power of the State to take private property for public use).
Income restoration	Re-establishing income sources and livelihoods of Project-Affected Persons, at minimum, to the levels existing prior to land acquisition and resettlement.
Involuntary resettlement	Involves either a) physical displacement: when individuals/households/community(ies) must be relocated because of loss of shelter or main livelihoods or b) economic displacement: when individuals/households/community(ies) lose some of their assets, or access to assets, such that their livelihoods and thus incomes are likely to be adversely affected.
Project-Affected Person	Any person affected by involuntary resettlement. A Project-Affected Household includes all persons residing under one roof or 'eating from the same pot' and operating as a single economic unit.
Resettlement Action Plan	A time-bound plan, with a budget and schedule, setting out resettlement objectives, actions, eligibility criteria, entitlements, institutional responsibilities, and monitoring and evaluation of resettlement implementation actions and longer-term outcomes.
Relocation	Process of physical displacement of individuals, households, and community(ies).
Replacement cost	Cost of replacing lost assets and incomes, including cost of transactions.
Resettlement impacts	Loss of, or reduced access to, physical and non-physical assets, including houses, productive land, income-earning assets and resources, cultural sites, community/social support networks and cultural identity.
Vulnerable households	Households that might suffer disproportionately from resettlement effects and take longer to recover their livelihood status; for example, female-headed households may be considered vulnerable.

1. INTRODUCTION

This Resettlement Action Plan (RAP) was prepared, for the construction of an Expressway from the New Bugesera International Airport (NBIA) to the southern outskirts of Kigali, in accordance with the laws on land acquisition and resettlement (LAR) of Rwanda, primarily *Law N° 32/2015 of 11/06/2015 Relating to Expropriation¹ in the Public Interest* and the requirements of the International Finance Corporation's (IFC) (2012) *Performance Standard (PS) 5 on Land Acquisition and Involuntary Resettlement* and Operational Safeguard 2 of the Integrated Safeguards System (2013) of the African Development Bank. The requirements of these latter two documents are similar and, therefore, all references to PS 5 may be understood as a reference to both. A RAP has been prepared as 561 PAPs will be compensated for displacement including 34 owners and their dependants who will be physical displaced. In addition, two businesses will be affected.

The Bugesera Airport Company Limited (BAC) is responsible for NBIA development. BAC is a joint venture between Mota-Engil Engenharia e Construção (Mota-Engil) and the Government of Rwanda. NBIA will be financed by BAC as well as International Lenders.

The Rwanda Transport Development Agency (RTDA) - a government authority under the Ministry of Infrastructure (MININFRA) - is responsible for the Expressway LAR process. Under Rwandan law, RTDA does not have to prepare a RAP. However, under IFC PS 5, BAC as a borrower, has an obligation to work with RTDA to ensure that RTDA's resettlement actions meet IFC PS 5 resettlement outcome requirements and objectives. Following discussions between RTDA and BAC, RTDA agreed to prepare a RAP which is compliant with both Rwandan law and PS 5.

After an Introduction, this RAP presents a series of sections on:

- The Expressway;
- Land acquisition and resettlement impacts;
- Socio-economic context and PAP Survey;
- Legal framework;
- Eligibility and entitlements;
- Valuation;
- Disclosure and consultations;
- Grievance Mechanism;
- Institutional responsibilities;
- Livelihood restoration measures;
- Monitoring and evaluation;
- Budget; and
- Implementation schedule.

¹ The term 'expropriation' is used in Rwanda as it is the legally-recognized term for land acquisition and resettlement actions. In this RAP, 'expropriation' is used when the context clearly refers to Rwandan legal requirements and practice; otherwise, the term 'land acquisition and resettlement' is used.

2. EXPRESSWAY

2.1 Description

The Expressway is located mostly in Bugesera District; however, a small section at the northern end is located in Kicukiro District. It will be approximately 16 km long with a section of approximately 4 km being located within the area leased to BAC for the airport site. The section within the airport site area does not cause LAR impacts as all LAR work relating to the airport site has been completed and, therefore, there is no Expressway-related land acquisition required for this section.

The Expressway will connect the airport to the national KK-15 Road joining to the south of the Nyabarongo Bridge and in the northern outskirts of Karamuna Village. Construction of the Expressway is expected to commence in early 2018. The road will be paved (bitumen) and is anticipated to initially comprise a 9-m wide paved road (one lane in each direction 3 m in width with paved shoulders of 1.5 m on each side). This will be upgraded to cater for two lanes of traffic in both directions in the future in accordance with anticipated future traffic demand. The overall road reserve will be 44 m in width. This reserve will be cleared of certain types of vegetation, but not be paved or hard surfaced except for the roadway itself. Services such as electricity transmission lines (aboveground), water pipeline (to be confirmed) and fibre optic cables will be installed within the unsurfaced road reserve. A cross-section is shown in Figure 2-1.



Figure 2-1: Expressway Cross-Section

Figures 2-2 to 2-5 show the Expressway alignment in 4 sections starting from the north. The basemap shows topographic features and areas of settlement with overlain Cell and Village boundaries. The Expressway is located in the administrative areas of 4 Cells and 6 villages. It traverses the administrative boundaries of the villages of Gatwe, Gatoki, Kaziramire, Rurenge, Karumuna, and Rwavuningoma (see Figures 2-2 to 2-5). The affected villages are located in Riliima, Mwogo and Ntarama Sectors of Bugesera District. However, it should be noted that land in the administrative area of a village may be owned/used/occupied by a person or household living in another village.

Compared to other parts of Bugesera District the Expressway alignment is located in an area that is relatively sparsely populated, but with some settlements located near to the alignment. The main land use along the proposed route is crop-based agriculture (supplemented by livestock). Wetlands and floodplains are also present along the Expressway alignment, which mostly follows the floodplain boundary, but at one point it crosses a wetland (Figure 2-3).

The Expressway will be designed and operated taking cognisance of safety measures, such as traffic lights, stop signs, speed humps, traffic calming zones, and street lighting. The Expressway will also incorporate drainage and stormwater control systems.

2.2 Design and Location Principles

PS 5 requires that physical and economic displacement by means of land acquisition should be avoided or, to the extent feasible, minimized. Measures to minimize LAR impacts have been implemented throughout the planning and design stages. These measures include (i) undertaking an initial route selection study to examine various alignment options and selecting the one with the least impact, and (ii) fine-tuning of the alignment during the preliminary and final design stage, using aerial photos and topographical survey plans, to determine exact alignments with minimum impacts on structures and property.

The Design Report (August 2017)² states that, *"....selection of the Expressway alignment was mostly based in principles of value engineering and environmental mitigation, trying to preserve, as much as possible, the local infrastructures, social context, fauna and flora, landscape, all this without the prejudice for the new road's serviceability and functionality."* Examination of the alignment (Figures 2-2 to 2-5) shows that local infrastructure/social context has been respected as the alignment does not traverse any settlement (although it does pass through the edge of Karamuna village). Also, severance of local (unpaved) roads will be avoided by provision of appropriate junctions.

Finally, post August 2017, and during demarcation of the 44-m reserved area it was discovered that the alignment would displace a planned wastewater treatment plant near Karamuna. As a result, the location of the junction with the KK-15 was moved and the alignment leading to the junction was altered to avoid this LAR impact.

In addition, during final design stage, several measures to minimize LAR impacts were implemented such as:

- Developing a cross-section design with features to mitigate impacts and enhance access to agricultural lands;
- Fine-tuning of the alignment to minimize impacts on structures and property; and
- Provision of safe crossings at locations where existing access routes cross the Expressway.

² Motal-Engil Africa (2017) *New Bugesera International Airport – NBIA Accesses - Expressway Conceptual Design: Design Report*





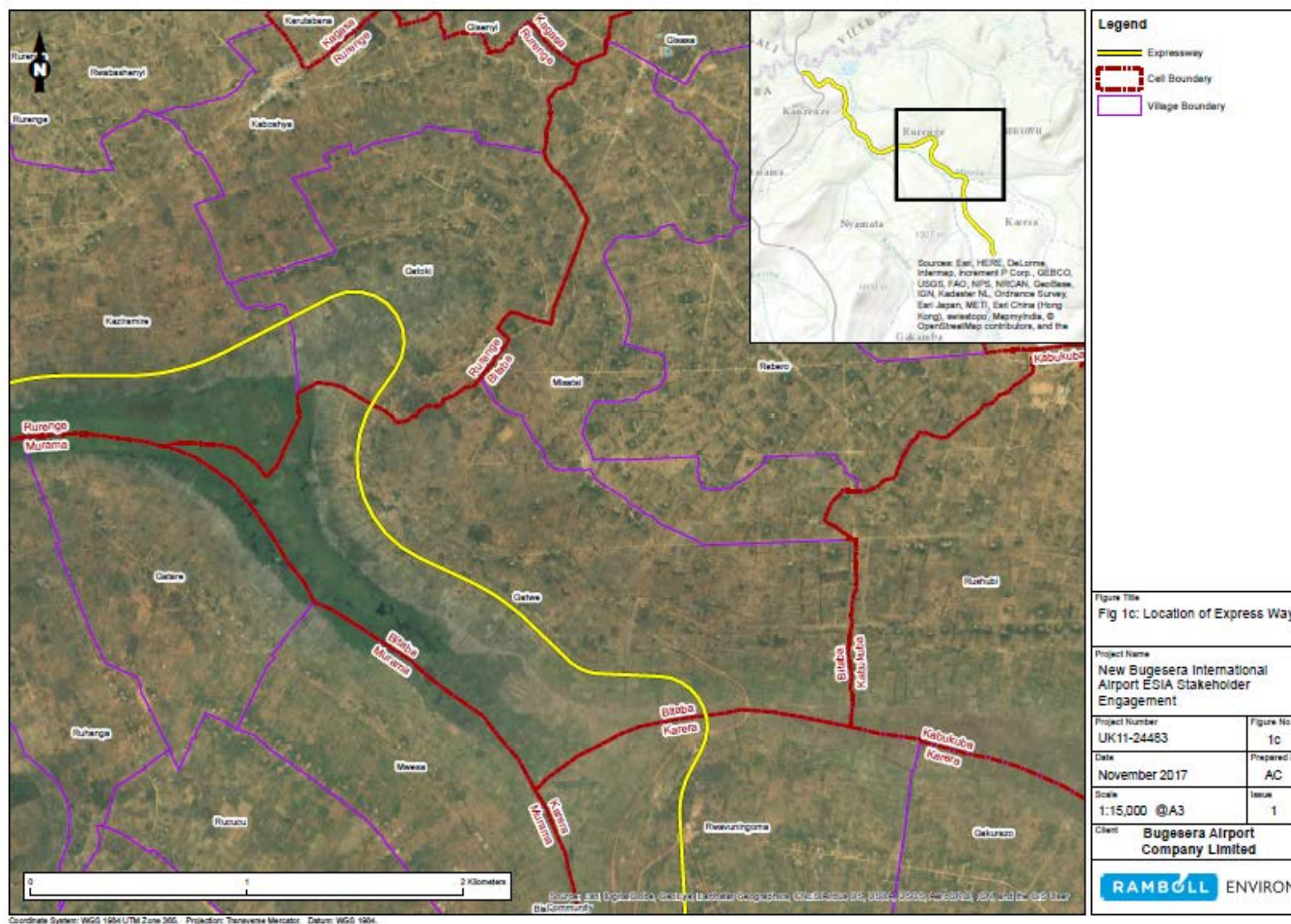


Figure 2-4: Section 3 of Expressway Alignment (showing Cell and Village boundaries)

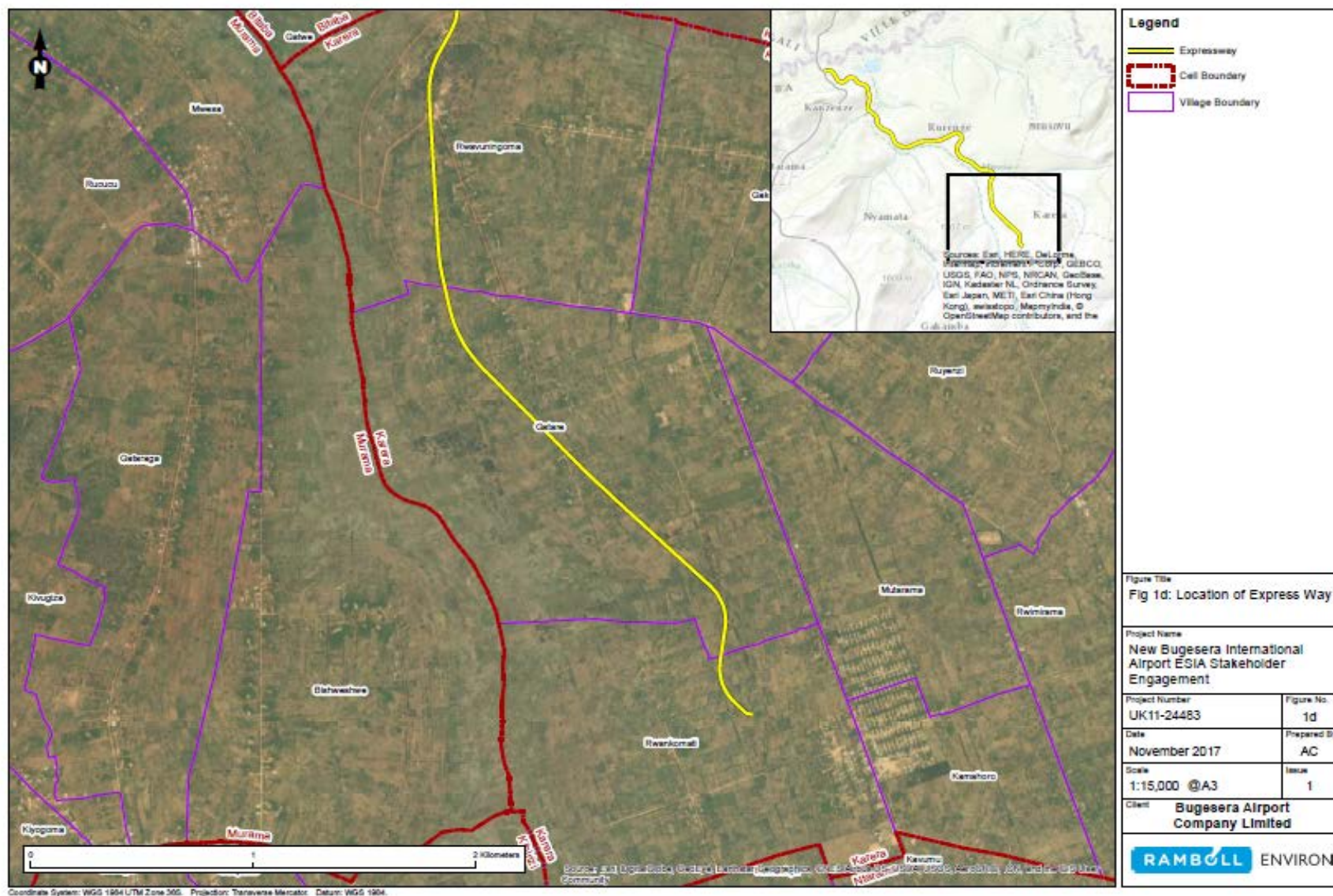


Figure 2-5: Section 4 of Expressway Alignment (Showing Cell and Village boundaries)

3. SOCIO-ECONOMIC CONTEXT AND PAP SURVEY

3.1 Bugesera District

A description of the Socio-economic baseline, for the Expressway, is provided in the ESIA Report (Chapter 18). A summary of key socio-economic features is provided here only to provide a context within which the results of the PAP survey can be interpreted.

Despite Bugesera District benefitting from Rwanda's recent steady pace of socio-economic development, it remains relatively poor compared to other Districts and Rwanda as a whole with about half of the population being poor, including 20% that is extremely poor (the focus of this section is Bugesera District as only a very short section of the Expressway is located outside this District). The District displays some socio-economic features which are relevant for an assessment of the LAC impacts:

- Subsistence agriculture is the main economic activity and source of income, but most households (approximately 70%) cultivate under 0.9 ha of land (which is the Food and Agriculture Organization's suggested land amount for Rwandan households to conduct sustainable agriculture), including 30% with under 0.3 ha of land. Food production from subsistence agriculture is insufficient to meet the needs of some farming households;
- In some localities, including some near the Expressway, there is a shortage of land suitable for agriculture partly due to in-migrants looking for land to farm;
- Employment status by sex indicates that females are more occupied in small-scale farm activities than males and less involved in other types of employment that provide high income such as independent non-farm or waged non-farm work;
- There is a relatively high out-migration rate indicating a lack of acceptable local economic opportunities;
- Approximately 30% of households still use an unimproved drinking water source;
- Fewer than 10% use electricity for lighting; and
- Almost 70% of the households walk more than an hour to reach a health centre.

As mentioned above, the Expressway traverses 3 Sectors: Ntarama, Mwogo and Rilima. Ntarama Sector is much more developed than Rilima and Mwogo Sectors and is predominantly developed with recently-built middle income residential houses. Also, many areas of Ntarama Sector are connected to water mains and power supply; whereas, Rilima and Mwogo Sectors are only connected to power supply.

In the ESIA Report, several sensitive social receptors were identified. Those that relate primarily to the Expressway and its expected LAR impacts are listed below. The receptors are:

- Those individuals and households which have experienced physical and economic displacement in recent past (particularly from the acquisition of the land within the area leased to BAC for the NBIA);
- Those individuals and households which are expected to experience one or both types of displacement from the Expressway (may include some households/individuals displaced from the NBIA leased area);
- Vulnerable individuals, households and groups (such as the very poor, elderly, disabled/chronic sick, orphan- and female-headed households);
- Those groups, households and individuals who depend to some extent, for maintaining their livelihood status, on utilising the network of tracks and paths that may be blocked permanently or temporarily by the Expressway;
- Local businesses and service providers; and

- Individuals, households and communities dependent on unimproved water sources (approximately 30% of all households).

Reference will be made to these sensitive social receptors when identifying vulnerable PAPs for the purposes of this RAP.

3.2 PAP Survey

Initially, it was planned to implement a census of all households to be displaced. The census was undertaken at the time of initial valuation work and 386 PAPs (considered to represent 386 households) were interviewed, using a questionnaire, during December 2017. PAPs who own/use more than one plot of land along the affected route were interviewed only once,

Subsequent valuation work resulted in an upward revision of the number of PAPs to 561. However, it was not feasible to interview those PAPs not included in the survey. A sample of 386 for a 'population' of 561 is considered to be a reasonable sample size (at 95% confidence level and 3% margin of error) and to provide credible data – even though the selection of the interviewed PAPs was not random (it is known, from socio-economic baseline study that most villagers are homogenous in terms of livelihood status and demographic factors). The survey results were analysed using the Statistical Package for the Social Sciences (SPSS – a widely used software package for analysing and presenting the results of social surveys). Key Informant Interviews were held, also, to investigate certain specific issues such as community health status.

3.2.1 Demography and Vulnerable Groups

The study findings reveal that the 386 households comprise 1,789 persons in total. Of these, 792 are males and 997 are females. The average age of the household heads is 37 years with the youngest being 19 years and the eldest being 88 years. There are over 70 household heads aged above 65 years.

Most household heads (75.2%) are male, while 24.8% are female. Among the female-headed households, 9.4% female-heads were single, 45.3% widowed, 12.8% divorced/separated, 25% are cohabiting and 7.5% are in a relationship, but not cohabiting. Most (67.4%) of the households are formed around married monogamous couples with 9.7% of the households (45) including an orphan. 4% of the household heads are physically disabled.

Education and Literacy

Most household heads (55.3%) completed primary education while 6.1% completed secondary education and 4.4% attained tertiary education and 0.2% completed nursery school. 14.9% of the affected household heads have never attended school (most of those are females), 19.1% of the household heads had enrolled for primary school, but had dropped out before finishing it. More than half of the respondents (64.7%) can read and write in Kinyarwanda only, 11.2% can read and write in Kinyarwanda and one other official language, while 24.1% are illiterate.

Health Status and Health Care Infrastructure

Key informant interviews with doctors/nurses from local health centres confirmed that the most common diseases in outpatient wards include malaria, candida (a fungal infection of the skin often referred to a 'thrush') and urinary tract infections. When asked, as part of the survey, what were the most common diseases that had affected members of the household, 49.5% of respondents named malaria. It is followed by respiratory infection at 20.9%, water-borne infections at 12.5%, intestinal infection at 10.5%, ulcers at 2.5%, burns at 1.1%, coughs at 1%, STDs at 0.2%, skin diseases at 0.1%, and others at 1.7%. Almost one-third of household members (662 out of 1,789) did not have annual medical insurance cover.

When asked about the quality of health care services offered at the nearest health centres, 39.9% of the respondents said they were very good; 36.5% stated the services were good

because, in addition to good customer care and timely attention, they got treatment whenever they needed it. Meanwhile, 15.7% thought the services were not good due to the large amounts of money charged. Finally, 7.9% said the services were poor because there were few doctors compared to the number of patients.

Water Supply

Most households (64.1%) do not have access to safe water and use water from the rivers, lakes, streams and swamps. The other 13.3% use rain water, 8.7% have privately-owned boreholes, 8.6% use public boreholes, 2.1% access water from stand pumps, 1.5% use water from the valley tanks/earth dams, 1.1% use water from unprotected springs and 0.6% use water from protected springs.

According to respondents, water scarcity is a problem and is at its highest during the dry season when water levels are very low. The major problems encountered with current water sources include the following (with percentages of respondents mentioning specific problems):

- Long-distance to the water source - 26.6%;
- The water source dries up - 20.2%;
- Too many people using water - 18.5%;
- Water is expensive - 12.2%; and
- Other problems such as dirty/untreated water, etc. - 5.1%.

Those who had no problem with their water sources represent 11.2% of respondents.

Sanitation

Almost 100% of the interviewed households have a toilet/latrine with a majority (90.8%) using traditional pit latrines, 4.3% having ventilated improved pit latrines; 2.3% having flush toilets and 1.6% having shallow pits. Only 0.9% do not have their own toilet facilities.

With regards to solid wastes disposal, a majority of households (40.2%) confirmed that they disposed solid wastes in open dumps. They are followed by 32.1% who scatter rubbish in the gardens and 20.2% who carry out open burning. Some households (5.7%) dispose wastes in shallow pits while 1.8% use a local private waste collection company.

Energy / Fuel

Most affected households (70.9%) use firewood for cooking, they are followed by 20.5% who use charcoal, 4.9% using gas, 3.3% using electricity, 0.2% using paraffin and 0.2% using biogas. Results also indicated that majority of respondents (36.7%) use electricity for lighting at home, followed by 33.9% who use items such as torches, candles, petrol lamps and batteries with firewood and paraffin being used for lighting by approximately 10% of households for each of these two fuels. A few households use solar power, gas and biogas.

Access to Information

The main information sources for households are shown in Figure 3 1. The importance of various forms of social interactions: such as community meetings and talking to neighbours, plus the radio, as key means of conveying information, is clear.

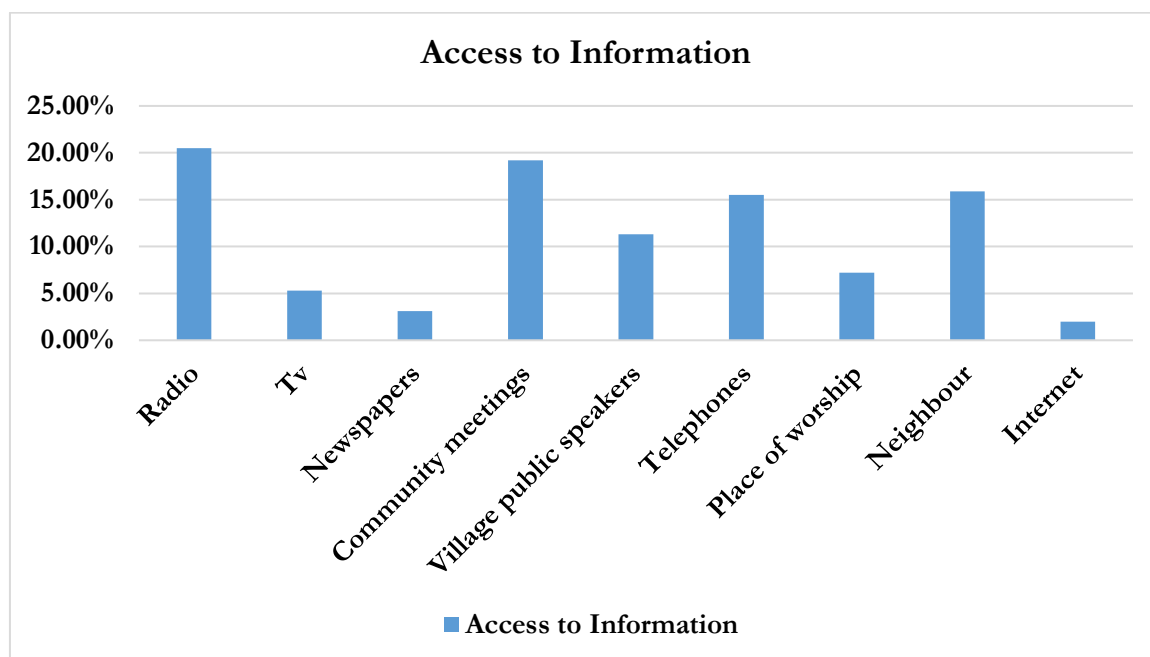


Figure 3-1: Key sources of Information

Economic Activities

Agriculture is the predominant economic activity. The system of agriculture is mixed and involves livestock rearing and crop farming on small parcels. Most (86%) households are farmers. Results indicate that the main type of farming carried out is crop farming (59.4%), followed by 22.6% practising animal husbandry, 9.3% tree cropping, 3% fish farming, 2.9% hunting, and other types of agriculture - 2.7 %. The crops grown include yams, maize, beans, bananas, potatoes, peanuts, vegetables, avocados, tomatoes, sorghum, cassava, water melons etc. Slightly more than half of the households (51.2%) sell their products in the village markets, in addition to consuming them at home. Some household heads sometimes work as casual laborers and service providers while a few survive on remittances from relatives. Other economic activities carried out in the Project area include shoe making and brick making.

Households reported facing a number of challenges when marketing their products: including poor quality products, low prices for their products, long distances travelled, few customers, instability in prices, high transport costs, increased taxes and crops being damaged in transit.

Earnings, Ownership and Expenditures

Strong reliance on agriculture leads to 86% of households having farming as the main source of their income. It is followed by 6% of households obtaining income from trading, 4.5% from permanent waged employment, 1.3% from provision of services, 1.3% from being casual laborers, and 0.9% earning income by other means (including shoe making and remittances from family and friends). The key item in household expenditure is school fees. Other important expenditure items include food, transport, medical bills, clothing, rent, energy and water bills.

Ownership of household assets is a key indicator of a household's income and standard of living. The most common assets owned by households include:

- Radio - 30.1%;
- Cellphone - 30%;
- Bicycle - 21.2%;
- TV - 10%;
- Motorcycle - 3.6%;

- Car - 3.6%, and
- Others (chairs, mattresses, etc.) - 1.4%.

Access to and control of resources is not equal among men and women in the Project area. Men are the major owners and controllers of resources such as land, livestock, money and agricultural produce, and are the main decision-makers³. Although women are allowed to utilize land for agricultural production, the majority do not control the sale of the products.

Housing

More than half of the households (68.4%) live in houses built from unburnt bricks, 18.7% use mud and wattle, 9.8% use a mix of burnt bricks and other materials (which include wood). A mix of other materials is used by a very small number of Households (3.1%). Figure 3-2 illustrates a typical house located in the Project area.



Figure 3-2: Typical unburnt brick house in Karumuna village

Land Tenure and Land Use

Land tenure means the system by which land is owned, occupied, used and transferred. 91% of the household heads own land while 9% do not own land. For those who do not own land 12.1% are licensees (rent land and make payments to the owner seasonally or annually), 15.2% are 'squatters' that is they have no legal title or recognizable right to occupy/use the land, 36.4% were lent land by relatives/ friends and others, while 36.4% said the land they use is owned by Government (in this case, these land occupiers are landless; however, the government is aware of their use of the land while they wait to be resettled by government), parents and other undisclosed parties.

The predominant tenure system is based on ownership by individuals where the landholding is registered, and the owners have documented evidence, usually a title (90%); 5.9% who are occupying and using land under customary tenure (in Rwanda this type of tenure is being

³ At the same time, the study indicated that 81.2% of interviewed women were allowed by their husbands to make decisions on the matters related to land while 18.8% were not allowed to do so.

replaced by ownership based on title); and 4.2% of respondents did not know the tenure type for the government land they occupy.

65.1% of respondents own land elsewhere, that is plots in addition to those affected by the Expressway, while 34.9% do not own such land plots. The equivalent data by type of household head indicate that 66.8% of male household heads owned land elsewhere while 60.2% of the female household heads owned land elsewhere; whereas 33.2% and 39.8% male heads and female heads respectively did not own land elsewhere.

The average size of land cultivated per household is 0.59ha.

4. LAND ACQUISITION AND RESETTLEMENT IMPACTS

4.1 Introduction

Information is only available on plots that will experience loss of land to the Expressway. As mentioned in Section 3.2, 65% of land owners own land located elsewhere and therefore not affected by the Expressway. Data on the total landholdings of affected land owners are not available. Consequently, an analysis of impacts in terms of % lost from total landholdings by owner and by village below is not possible.

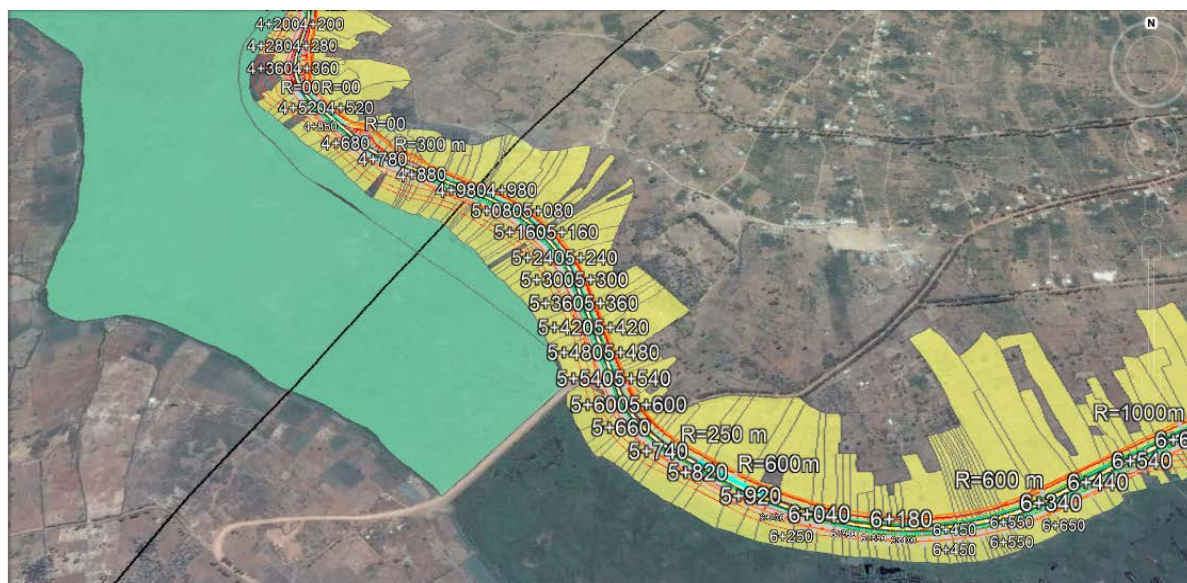
4.2 Overview of Affected Area

For most of its length (12.5 km), the Expressway follows the Nyabarongo wetland; for the first 4 km it is to the west of the wetland. Then it crosses the wetland and for the next 8.5 km it is located to the east of the wetland. Crop production occurs, mostly, on the lower valley slopes close to the wetland. Settlements are located, generally, further up the slopes. Thus, the Expressway affects a series of plots, but few structures. The extent of the land take by plot and owner/user varies.

The Expressway avoids passing through settlements; however, it passes through the north-eastern edge of Karamuna and close to the villages of Kaziramire and Gatoki. These villages are relatively dispersed settlements with land plots nearby. There is network of minor roads/tracks (unpaved) and footpaths connecting all settlements near the Expressway.

Land plots, generally, are small and are either square or rectangular in shape and, as shown in Figure 4-1, in the vicinity of the wetland (in effect for most of the route) they are oriented 'away' from the wetland toward higher ground. In these areas, the Expressway is following the wetland boundary and, in so doing, it crosses the plots dividing many of them into two distinct parts as shown in Figure 4-1.

In this section, an attempt is made to provide credible indications of the scale of LAR impacts based on a combination of shapefiles of affected plots and the Expressway alignment, provided by RTDA, and valuation data.



*Note: land plots are in yellow; wetland areas in green

Figure 4-1: Section of Expressway Alignment and Land Plots (near Kazamire Village)

4.3 Impact of Land take by Cell and Village

Table 4-1 shows the land take by Cell. Rurenge loses most land (just over 23 ha, constituting 1.75% of its total land). Kanzenze and Karera both lose ~17 ha (Karera Cell lost land, also, because of land acquisition for the NBIA site).

Table 4-1: Land take by Cell				
Sector	Cell	Area of Cell (ha)	Land Take of Cell (ha)	% Cell land take
Mwogo	Bitaba	1036.42	8.89	0.86
Mwogo	Rurenge	1328.01	23.24	1.75
Ntarama	Kanzenze	2259.74	16.54	0.73
Rilima	Karera	1375.36	17.74	1.29

Table 4-2 shows land take by village based on valuation work RTDA data and Table 4-3 shows similar data from RTDA shapefiles. The amount of land taken by village varies No village loses more than 4% of its land. Karumuna village loses most land in terms of area and % land taken (it is also the biggest village in terms of area).

Table 4-2: Summary of Land Take and Affected Structures, Crop Areas, Owners by Village							
Village	Total land take in hectares	No. of Affected Plots	No. of Plot Owners	No. of Affected Structures	Owners of Structures	No. of Affected Crop areas	No. of Crop owners
Karumuna - Plantations	12.41	26	20	0		60	50
Karumuna - Structures	2.78	32	31	36	31	29	29
Rurenge	7.80	80	64	0		100	81
Kaziramire	10.99	129	114	0		154	136
Gatoki	4.34	55	53	0		58	56
Gatwe	9.82	112	104	0		123	114
Rwavuningoma	0.98	7	6	3	3	18	14
TOTAL	49.11	441	392	39	34	542	480

Table 4-3: Land take by Village					
Village Name	Cell	Sector	Area of Village (ha)	Land Take of Village (ha)	% Village Land Take
Gatwe	Bitaba	Mwogo	290.77	8.89	3.06
Gatoki	Rurenge	Mwogo	134.74	4.02	2.98
Kaziramire	Rurenge	Mwogo	299.45	9.40	3.14
Rurenge	Rurenge	Mwogo	286.81	9.83	3.43
Karumuna	Kanzenze	Ntarama	456.14	16.13	3.54
Rwavuningoma	Karera	Rilima	207.31	6.06	2.92

4.4 Impact on Land Owners by Village

Three hundred and ninety-two (392) plot owners with legal title have been identified for all 6 villages. The number of owners varies between 6 and 114 plot owners. Gatwe and Kaziramire have 104 and 114 owners respectively.

4.5 Number of PAPs

The total number of PAPs by village, Cell and Sector is shown in Table 4-4. The PAPs include land owners (392) plus all others compensated.

Table 4-4: Number of PAPs			
Village	Cell	Sector	Number of PAPs
Karumuna - Plantations	Kanzenze	Ntarama	61
Karumuna - Structures	Kanzenze	Ntarama	40
Rurenge	Rurenge	Mwogo	100
Kaziramire	Rurenge	Mwogo	154
Gatoki	Rurenge	Mwogo	59
Gatwe	Bitaba	Mwogo	126
Rwavuningoma	Karera	Rilima	21
TOTALS			561

Table 4-5 shows a breakdown, based on RTDA data, by village and owner, of the extent of land loss for specific affected plots. There are 16 owners who are losing 75% or more of their affected plots. In fact, there are 4 owners who are losing 90% or more of their plots. The villages with the most land owners experiencing 50% or more loss of land by individual plots are Karamuna and Kaziramire (9 and 15 owners respectively). As might be expected, Kaziramire has the most plots affected by significant loss of land given its number of affected land owners; however, Gatwe, also with a high number of land owners has few plots affected by significant loss of land.

Table 4-5: Number of Owners by % Loss of Affected Plots			
Village	Number of Owners by % loss of Affected Plots		
	>25%	>50%	>75%
Gatoki	7	1	3
Gatwe	16	3	1
Karumuna	11	3	6
Kaziramire	17	10	5
Rurenge	16	1	1
Rwavuningoma	1	1	0

4.6 Impact on Structures and Land Use

Property will be affected in addition to land. Table 4-6 shows the number of structures affected by village location. Thirty-six (36) houses out of a total of 39 are in Karumuna village (located in Ntarama Sector which is the most developed and therefore wealthiest of the 3 affected Sectors). It is understood that physical displacement of 34 owners and their dependents (households) will occur. Only 1 of these households will re-construct its house on the same land plot.

A few out-buildings associated with houses or other main structures will be affected; for example, a water tank, kitchen, bathroom and a cattle shelter. These structures will be re-constructed within the affected plot.

Table 4-6: Number of Affected Houses

Village Name	Number of Affected Houses	Owners
Karumuna	36	31
Rwavuningoma	3	3
Totals	39	34

As expected, almost all affected plots are used for subsistence agriculture. Twenty (20) plots are used for residential purposes. Two (2) plots are used for industrial operations, which are understood impact the wastewater treatment facility of a tannery and an open-air brick-making facility; both in Karumuna.

4.7 Impact on Business Premises

Only two business will be affected as mentioned above: a tannery and an open-air brick-making facility.

4.8 Impact on Severance on Plots

As indicated in section 4.2 above, the Expressway alignment traverses plots effectively dividing them into two parts (severance). As almost all owners live on the slopes above the wetland, their access to the plot on the other side of the Expressway is curtailed. It will be curtailed, permanently, from the moment construction begins on their plots.

Reduced access may make certain plot sections (those between the Expressway and the wetland) non-viable and thus add to the agricultural land lost to plot owners. Using a worst-case assumption, a calculation was made on the number of owners, by village, that would experience a loss of >75% of plot land due to severance. By comparing Table 4-7 with Table 4-5 it can be seen that there is a significant increase in number of owners affected, for example, in Kaziramire the number of owners increases from 5 to 30. Although a worst-case scenario has been assumed, the results show that severance has the potential to increase, considerably, the land acquisition impact on land owners, especially those who are dependent on a single plot which is affected by the Expressway.

Table 4-7: Number of Owners with a loss of >75% of plot land after severance, by village

Village	>75
Gatoki	12
Gatwe	24
Karumuna	16
Kaziramire	30
Rurenge	11
Rwavuningoma	5

Sections of plots, particularly if relatively small, which are created by severance may become non-viable 'orphan' land unless they can be integrated, easily, into a neighbouring plot which belongs to the same owner. The extent of this potential impact depends on many factors, of

which the most important, is the extent to which access can be maintained and/or payment of additional compensation for the non-viable land.

4.9 Impact on Access/Circulation

The Expressway will act as a barrier and crossing the Expressway regularly, when operational, will be hazardous. As there are many plots belonging to certain villages which will experience severance, this impact is, effectively, an impact on community health and safety. Even if designated 'safe' crossings are engineered it is likely that owners will have to cross plots belonging to other owners to reach their own plot/s. There are unlikely to be footpaths or motorable tracks traversing plots as their existence was not a necessity, previously, for accessing plots from the residences of the owners. Currently, RTDA and BAC are conducting, jointly an exercise to identify which local roads, if any, may be closed because of the Expressway and, subsequently, identify possible alternatives to mitigate the closure effects.

5. LEGAL FRAMEWORK

5.1 Introduction

This section presents a brief account of the key Rwandan legal and administrative instruments and procedures concerning land types, ownership/management; valuation, land transfer and acquisition of land in the public interest. This is followed by a brief presentation of the key principles/procedures and requirements of IFC's PS 5 – the key international standard for compliance. Finally, a comparison is made between Rwandan requirements and those of IFC's PS 5. Gaps between Rwandan and PS 5 requirements are identified, and specific provisions are presented to close the gaps. Below the major features of the key legal instruments are provided.

5.2 Rwanda: Legal and Administrative Requirements

5.2.1 Constitution, 2003

The new Constitution of 2003 provides the overarching framework and set of principles regarding the rights and responsibilities of citizens with respect to land. It establishes the principle of equality of all citizens and, therefore, all Rwandans enjoy the same rights of access to land without any discrimination. Also, every person has a right to private property.

5.2.2 Rwanda Land Policy, 2004

The national land policy aims to guarantee a safe and stable form of land tenure, and to bring about a rational and planned use of land while ensuring sound land management and an efficient land administration. In line with the Constitution's provisions on discrimination, the Land Policy provides a set of gender-related principles and provisions such as equal rights for daughters and sons to inherit property belonging to their parents; protection of women's property rights under legally registered marriages subject to the provisions of family law; and requirements for both women and men to provide consent in the case of sale, mortgage, or exchange of matrimonial property by any of the partners.

5.2.3 Organic Law N° 08/2005 Of 14/07/2005 Determining the Use and Management of Land in Rwanda

This organic law determines the use and management of land in Rwanda. It also establishes the principles that apply to land-related rights. This law, while not repealed, has been superseded by the Law N° 43/2013 of 16/06/2013 Governing Land in Rwanda.

5.2.4 Ministerial Order No. 001/2006 of 26/09/2006

This Order provides for the structure of land registers, the responsibilities and the functioning of Land Bureaus in each district. Overall responsibility of implementing the land policy lies with the Land Bureau, and the Order stipulates the functioning of the Land Bureaus at both Central and Local Government levels.

5.2.5 Law No.17/2010 of 12/05/2010 Establishing and Organising the Real Property Valuation Profession in Rwanda

This law provides that only a certified valuer can undertake the valuation of expropriated property, and that the value given must be in accordance with the market price and with full participation of the affected person and preferably in the presence of the local leaders.

5.2.6 Law N° 43/2013 of 16/06/2013 Governing Land in Rwanda

This Law determines modalities of allocating, acquisition, transfer, use and management of land in Rwanda. The State is the sole authority to accord rights of occupation and use of land. It also establishes the principles applicable to rights recognised over all lands situated on Rwanda's national territory and all rights united or incorporated with land, whether naturally or artificially. Article 72 states that all acts concluded, before the publication of this Law in the official Gazette of the Republic of Rwanda on the basis of the Organic Law No 08/2005 of 15/07/2005, shall remain valid. Also, Article 73 stipulates that provided they are not yet amended, all laws, orders and instructions implementing Organic Law No 08/2005 of 15/07/2005 shall remain applicable provided that their provisions are consistent with Law N° 43/2013 of 16/06/2013 Governing Land in Rwanda.

5.2.7 Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest

This Law determines procedures relating to land acquisition and compensation in the public interest. Expropriation, is defined, as the taking of private property in the public interest aimed at development, social welfare, security and/or territorial integrity for public good or State interest. An expropriator is a government entity with responsibilities and powers conferred by law to carry out expropriation in public interest. The Expropriation Law provides for listing of affected persons, their right to be informed and consulted on certain issues, valuation of assets to be expropriated, payment of fair compensation for these assets. It also establishes procedures whereby affected persons can contest decisions such as the valuation results for assets. Specific provisions of this Law are presented in Table 5-1 (see section 5.10 below) where this law is compared to PS 5.

Finally, as this RAP concerns a road it is important to note the provisions of Law N°55/2011 of 14/12/2011 Governing Roads in Rwanda. This law indicates that the Expressway is a 'national road' under RTDA's jurisdiction.

5.2.8 Law N°55/2011 of 14/12/2011 Governing Roads in Rwanda

This law provides for regulation of road works in Rwanda, placing the responsibility for all national roads and adjoining roads under (RTDA); while allocating responsibility for district and adjoining feeder roads under the responsibility of the local authorities, particularly districts, apart from urban roads (located within the designated urban centres) which are the responsibility of the urban authorities.

5.2.9 IFC Performance Standard 5: Land Acquisition and Involuntary Resettlement

PS 5 has the following objectives:

- *"To avoid, and when avoidance is not possible, minimize displacement [physical and economic] by exploring alternative project designs;*
- *To avoid forced eviction;*
- *To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;*
- *To improve, or restore, the livelihoods and standards of living of displaced persons; and*
- *To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites".*

Specific requirements are listed below (not in order of significance):

- The Project will consider feasible alternative project designs to avoid or at least minimize physical or economic displacement;

- The Project minimize adverse social and economic impacts from land acquisition or restrictions on land use by payment of compensation for loss of assets at replacement cost and not use market value;
- Potential displaced persons include persons (i) who have formal legal rights to the land or assets they occupy or use; (ii) who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or (iii) who have no recognizable legal right or claim to the land or assets they occupy or use;
- In the case of physical displacement, the Project will develop a Resettlement Action Plan regardless of the number of people affected. Attention will be paid to the needs of the poor and the vulnerable;
- In the case of projects involving economic displacement only, the Project will develop a Livelihood Restoration Plan with the aim of improving, or restoring livelihoods;
- Where involuntary resettlement is unavoidable, a census will be carried out to collect socio-economic baseline data to identify the persons who will be displaced by the project, determine who will be eligible for compensation and assistance, and discourage ineligible persons, such as opportunistic settlers, from claiming benefits;
- Compensation standards will be transparent and applied consistently to all communities and persons affected by displacement;
- 'In kind' compensation (such as land for land) is preferred to cash compensation for agriculture-based rural communities;
- The Project will take possession of acquired land and related assets only after compensation has been paid to all displaced persons;
- The Project will also provide opportunities to displaced communities and persons to derive appropriate development benefits from a project; and
- Transitional support to be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

Consultation with PAPs will be undertaken and a Grievance Mechanism established to manage land take and compensation-related grievances

5.3 Gap Analysis: Rwandan Law and IFC's PS 5 Requirements

Table 5-1 below provides a comparison of the Rwandan legal and administrative framework and IFC PS 5, an analysis of gaps between IFC PS 5 requirements and Rwanda Law, and specific gap closure actions.

Table 5-1: Gaps and Gap Closure Actions

IFC PS 5 Land Acquisition and Involuntary Resettlement	Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest	Gaps	Gap Closure Actions
Project Design			
The Project will consider feasible alternative project designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social, and financial costs and benefits, paying attention to impacts on the poor and vulnerable	The law does not require action to avoid or minimize physical and/or economic displacement	No explicit requirement for a project design mechanism to avoid or minimize physical and/or economic displacement and for paying attention to poor and vulnerable	Project design engineers and the ESIA team will work together to apply measures to avoid/minimize physical and/or economic displacement Actions taken to avoid/minimize physical and/or economic displacement and adverse social and economic impacts arising from land acquisition will be recorded in the RAP or LRP prepared for this Project (see below)
Managing land acquisition and involuntary resettlement			
In the case of physical displacement, the Project will develop a Resettlement Action Plan (RAP)..... regardless of the number of people affected....Particular attention will be paid to the needs of the poor and the vulnerable (and women) In the case of projects involving economic displacement only, the Project will develop a Livelihood Restoration Plan (LRP)	The law makes no provision for use of dedicated planning tools such as a RAP or LRP for managing land acquisition and resettlement issues/impacts	No management/planning tool is prescribed	As both physical and economic displacement will occur a RAP will be prepared

Table 5-1: Gaps and Gap Closure Actions

IFC PS 5 Land Acquisition and Involuntary Resettlement	Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest	Gaps	Gap Closure Actions
Transitional support should be provided as necessary to all economically displaced persons, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living	The law has no specific provisions regarding transitional support		Need for transitional support will be determined
Scope of involuntary resettlement			
<p>PS 5 applies to physical and/or economic displacement resulting from the acquisition of land and land use rights and:</p> <ul style="list-style-type: none"> Project situations where involuntary restrictions on land use and access to natural resources cause a community or groups within a community to lose access to resource usage where they have traditional or recognizable usage rights; and <p>Restriction on access to land or use of other resources including communal property and natural resources such as marine and aquatic resources, timber and non-timber forest products, freshwater, medicinal plants, hunting and gathering grounds and grazing and cropping areas</p>	The law focuses, primarily, on land and land-based features such as crops and structures. It does consider loss of access or impeded access to common property or natural resources that contribute to maintaining livelihood status	No explicit requirement to consider displacement resulting from lost or restricted access to common property or natural resources	The RAP will contain an assessment of severance (lost or restricted access) impacts and measures to ensure livelihood status is not reduced due to these impacts

Table 5-1: Gaps and Gap Closure Actions

IFC PS 5 Land Acquisition and Involuntary Resettlement	Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest	Gaps	Gap Closure Actions
Displaced persons may be classified as persons (i) who have formal legal rights to the land or assets they occupy or use; (ii) who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or (iii) who have no recognizable legal right or claim to the land or assets they occupy or use. The census will establish the status of the displaced persons	The law stipulates that a person dispossessed of land or unlawfully occupying land or having developed activities on land on which such activities are prohibited after the enactment of relevant laws shall receive no compensation. Only those who can demonstrate legal title or officially documented authorizations are eligible for compensation	No compensation is provided to those with no recognizable legal right or claim to the land or assets they occupy or use	The RAP will apply PS 5 requirements regarding those PAPs with no recognizable legal right or claim to the land or assets they occupy or use
Compensation and Benefits for Displaced Persons			
The Project will minimize adverse social and economic impacts from land acquisition or restrictions on land use by payment of compensation for loss of assets at replacement cost.....(with no adjustment for depreciation) and other assistance to help them improve or restore their standards of living or livelihoods	Property can only be acquired by payment of 'fair compensation' (defined as, " <i>An indemnity equivalent to the value of land and the activities performed thereon given to the person to be expropriated and calculated in consideration of market prices as well as compensation for disturbance due to expropriation</i> "). In practice, this 'disturbance allowance' provides an additional amount of 5% to the total compensation paid	No requirement to compensate assets at replacement cost (without application of depreciation) No requirement to provide any additional assistance to those affected by land acquisition to improve or restore their standards of living or livelihoods	Replacement cost (with no application of depreciation) to be used as the principle for calculating cash compensation for assets Measures to improve or restore standards of living or livelihoods to be presented in RAP

Table 5-1: Gaps and Gap Closure Actions

IFC PS 5 Land Acquisition and Involuntary Resettlement	Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest	Gaps	Gap Closure Actions
<p>Where livelihoods of displaced persons are land-based, or where land is collectively owned, the Project will, where feasible, offer the displaced persons land-based compensation</p> <p>The Project will take possession of acquired land and related assets only after compensation has been made available and, where applicable, resettlement sites and moving allowances have been provided to the displaced persons in addition to compensation. In certain exceptional cases/situations compensation can be paid after 'possession' occurs</p> <p>Those to be resettled (physically relocated) must be provided with security of tenure</p> <p>The Project will also provide opportunities to displaced communities and persons to derive appropriate development benefits from the project</p>	<p>Only compensation in terms of cash or 'in kind' are possible (the law does not mention compensation 'in kind', but in practice it can be offered)</p> <p>The Law has no explicit requirements relating to provision of resettlement sites and payment of moving allowances (Note: under the 2007 law a resettlement site (Kingaju village) was provided for certain households displaced due to acquisition of land for the airport site</p> <p>The Law has no requirement regarding security of tenure at resettlement sites</p> <p>The law has no requirements regarding PAPs benefitting from any opportunities created by a project</p>	<p>No provision in law for compensation 'in kind' (noting that it does occur in practice)</p> <p>No provision in law provision for resettlement sites and payment of moving allowances</p> <p>No security of tenure at resettlement sites</p> <p>PAPs are not considered as project beneficiaries therefore, no requirement for PAPs to be able to derive development benefits directly or indirectly from a project</p>	<p>Although most affected livelihoods are land-based, PAPs will not be offered land-for-land since a) it is Time-consuming to find other land which satisfies PAP expectations and b) the Government does not own a sufficient land 'bank'.</p> <p>PS 5 provisions will apply in terms of any required resettlement site or a perceived need to pay moving allowances and will be set out in the RAP.</p> <p>The RAP will contain measures to ensure security of tenure for any person or household resettled</p> <p>The RAP will contain specific measure to enable PAPs (especially the poor and vulnerable) to benefit from opportunities created by the Project (such as jobs) and any linked community development initiatives</p>

Table 5-1: Gaps and Gap Closure Actions

IFC PS 5 Land Acquisition and Involuntary Resettlement	Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest	Gaps	Gap Closure Actions
Community Engagement			
<p>Disclosure of relevant information and participation of Affected Communities and persons will be consistent with the process of stakeholder engagement described in Performance Standard 1. It will continue during the planning, implementation, monitoring, and evaluation of compensation payments, livelihood restoration activities, and resettlement to achieve outcomes that are consistent with the objectives of PS 5</p>	<p>The law requires that an Application for Expropriation in the Public Interest must be submitted by the expropriating agency and that the Application must contain Minutes indicating that the concerned population was sensitized about the project and its importance</p> <p>Also, following the submission of the valuation report to the expropriating agency, the agency shall approve the report and publish it for the information of relevant parties</p> <p>When a land owner or the owner of property incorporated on land is satisfied with the valuation, he/she shall sign or fingerprint the approved fair compensation reports. The law provides a mechanism whereby a land owner or the owner of property incorporated on land can appeal against the valuation of his/her land/property</p> <p>The law contains a prohibition on opposition to expropriation if it is considered to arise from the 'self-centred' interests of those opposing expropriation. The law sets out a process of public notification for different steps in the land acquisition process, but there is no systematic procedure for information disclosure and consultations</p>	<p>No specific provisions for preparing and implementing a RAP or LRP based on a sequence of focused consultations (including options where applicable) with Affected communities and PAPs, including the poor and other vulnerable categories of people</p>	<p>The RAP will include measures governing disclosure of information and consultations with PAPs, including women and vulnerable groups, during its preparation and implementation, which are consistent with the constraints created by the Project implementation schedule</p>

Table 5-1: Gaps and Gap Closure Actions

IFC PS 5 Land Acquisition and Involuntary Resettlement	Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest	Gaps	Gap Closure Actions
The Project will establish a grievance mechanism consistent with Performance Standard 1, as early as possible in the project development phase	There is no provision for a Grievance Mechanism, to manage complaints about the expropriation process, in Law N° 18/2007 (In practice, informal systems to manage grievances are established)	No requirement for a grievance mechanism focused on <i>"compensation and relocation raised by displaced persons or members of host communities"</i> to be prepared and implemented	The RAP will include a Grievance Mechanism which is compliant with PS 1 requirements
Resettlement and Livelihood Restoration Planning and Implementation			
Where involuntary resettlement is unavoidable, ...a census will be carried out to collect appropriate socio-economic baseline data to identify the persons who will be displaced by the project, determine who will be eligible for compensation and assistance, and discourage ineligible persons, such as opportunistic settlers, from claiming benefits	The law provides for a list of holders of rights registered on land titles and property incorporated on land to be disclosed, but there is no requirement for a socio-economic survey or a census of these affected people. Disclosure of this list is, in practice, sometimes used as a 'cut-off' date	No specific requirements for: <ul style="list-style-type: none"> • collection of socio-economic baseline data by means of a survey or census; and • establishing a cut-off date 	The RAP will include measures on: <ul style="list-style-type: none"> • implementing a census (with presentation of results); • establishing a cut-off-date; • identifying PAP categories (including those with no recognizable legal right or claim to the land or assets they occupy or use) and an entitlements matrix; and • determine compensation amounts by asset types (including valuation procedure for determining replacement costs) and amounts for any translational support

Table 5-1: Gaps and Gap Closure Actions			
IFC PS 5 Land Acquisition and Involuntary Resettlement	Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest	Gaps	Gap Closure Actions
Monitoring and Evaluation			
<p>The Project will establish procedures to monitor and evaluate the implementation of a RAP or LRP and take corrective action as necessary</p> <p>Affected persons will be consulted during the monitoring process</p> <p>It may be necessary for the Project to commission an external completion audit of the Resettlement Action Plan or Livelihood Restoration Plan to assess whether the provisions have been met, depending on the scale and/or complexity of physical and economic displacement associated with a project</p>	<p>The law has no provisions on monitoring and evaluation of the expropriation process</p>	<p>No requirement to design and implement monitoring and evaluation actions</p>	<p>The RAP will prescribe the monitoring and evaluation activities to be undertaken regarding RAP implementation.</p>

5.4 Summary of Key Gaps

The major gaps, between Law N° 32/2015 of 11/06/2015 relating to Expropriation in the Public Interest and IFC PS 5, are:

- No compensation to PAPs who have no recognizable legal right to land;
- Application of a market value approach rather than replacement cost to calculate compensation amounts;
- No specific measures to be followed to provide alternative resettlement sites and land (with security of tenure) for physically-displaced PAPs;
- No provisions for livelihood support to all displaced PAPs including transitional support measures;
- No special assistance for vulnerable individual and groups; and
- No provisions regarding monitoring and evaluation of the implementation of expropriation actions and their outcomes.

Overall, IFC PS 5 provides for more favourable treatment of PAPs in comparison to Law N° 32/2015 of 11/06/2015. When both apply provisions to the same issue and one of them clearly provides for more favourable terms then its requirements will take precedence and be implemented.

6. ELIGIBILITY AND ENTITLEMENTS

6.1 Introduction

Land acquisition and resettlement tasks will be implemented according to a compensation eligibility and entitlements framework in line with both Rwanda laws and IFC's PS 5. A summary compensation entitlements matrix is included in Table 6-1.

6.2 Eligibility

PAPs entitled for compensation and livelihood restoration provisions are:

- Persons with legal title/traditional land rights who will lose land;
- Persons with no legal title or recognizable traditional land rights losing access to/use of land they currently occupy/use;
- Owners of buildings or other objects attached to the land;
- Owners of seasonal, annual and perennial crops and trees, and specific cultivated and non-cultivated resources such as herbal/medicinal trees; and
- Tenants.

Compensation eligibility, in part, is established by the cut-off date. The cut-off date for the Expressway will be the date on which PAPs are informed of the results of the asset valuation work. All PAPs and assets will be identified solely based on their presence at the cut-off date. Any land transfers or modifications before the cut-off date will be considered to affected by the Expressway. People who settle in the affected areas after the cut-off date will not be eligible for compensation. However, they will be given sufficient notice, requested to vacate premises and dismantle affected structures prior to Project implementation. Their dismantled structures will not be confiscated, and they will not pay any fine or suffer any sanction. Eviction, according to the procedure set out in Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest, will only be considered and enforced after all other efforts are exhausted.

6.3 Compensation Entitlements

All PAPs will receive compensation calculated at replacement cost plus a disturbance allowance of 5% of the compensation amount paid. Table 6-1 presents the Entitlements Matrix.

Table 6-1: Entitlements Matrix

Type of Impact	Assets	Entitled PAPs	Compensation Measures	Responsible Agency/Organisation
Permanent loss of private land	Agricultural, residential and commercial land	Land owners (legally recognized rights) Land users/occupiers (with no legally recognized rights)	Cash compensation based on replacement cost Targeted livelihood-restoration measures Cash compensation for crops and trees (except seasonal crop) Targeted livelihood-restoration measures). No compensation for land	RTDA
Temporary loss of private land	Agricultural, residential and commercial land	Land owners (legally recognized rights) Land users/occupiers (with no legally recognized rights)	Negotiated agreements with land owners to occupy land required for temporary occupation at an agreed rental for a specified period of time. Cash compensation for loss of crops and trees at replacement cost (except seasonal crops) Cash compensation for loss of crops and trees at replacement cost (except seasonal crops). No compensation for land	BAC and/or Contractors

Table 6-1: Entitlements Matrix

Type of Impact	Assets	Entitled PAPs	Compensation Measures	Responsible Agency/Organisation
Loss of structures	Private (residential and commercial)	Owners	Cash compensation based on replacement cost If an existing business cannot be re-established promptly in a new location then implementation of targeted livelihood-support measures to, at minimum, re-establish income levels	RTDA
Loss of annual and perennial crops and trees	Standing crops and trees	Owners	If crops cannot be harvested prior to entry onto land for purposes of construction, cash compensation for crops at replacement cost Cash compensation for annual and perennial crops and trees at replacement cost (considering age, type of crop/trees and productivity).	RTDA
Temporary income loss (due disruption of business operations)	Fully functioning business facility	Business Owners	Targeted livelihood-restoration measures, as necessary	RTDA
Loss or significant reduction in income from a livelihood-generating activity (not included in the impacts above) due to loss of land or other assets or loss/restricted access to such assets	Various (such as harvesting of medicinal plants for sale)	Potentially any land and/or natural resource user	For herbal/medicinal trees cash at replacement cost Targeted livelihood-support measures	RTDA
Any of the above impacts	All	Vulnerable PAPs	Targeted livelihood-restoration measures (for example, preferential recruitment by contractors during the construction phase)	RTDA BAC and Contractors

7. VALUATION

7.1 Introduction

As the competent authority RTDA undertook the valuation of assets affected by the Expressway. RTDA's valuation exercise was carried out following national legislation which provides for the use of market values. However, given that the NBIA project will be financed by international lenders, there was a need to revise this valuation to conform with PS 5 and AfDB Integrated Safeguards System which require application of replacement cost to calculate compensation levels. In January 2018, NEWPLAN Limited was commissioned by BAC to redo the valuation of all the affected assets.

It is important to note that for every asset valued, reliance has been placed on the data provided by the RTDA. These data pertain to the descriptions and quantities of all the assets. In some cases, no data on the age or size of some of the trees was provided. Where this is the case, it has been assumed that such trees are mature and the compensation package has been computed so that the PAP is able to replace this tree up to its full maturity.

7.2 Approach and Methodology

This section describes the approach and methods used when determining the replacement cost for each asset that will be affected by the Expressway. In general, a replacement cost without depreciation has been established for each structure, tree and plantation of annual, perennial and seasonal crops. The rates also include any other costs such as land transaction costs, displacement movements and/or resettlement costs.

The replacement cost has been compared against the market value established by RTDA and where the replacement cost is greater than the market price, the necessary top-up amount required to meet replacement cost has been stated. Where the market value is greater than the replacement cost, the market value prevailed and no deductions were made. This has been done to ensure that each PAP gets the most favourable compensation package possible.

7.2.1 Data Collection

Work started with collection of primary data which included: actual transaction prices of land in the neighbourhood, costs of construction labour and raw materials, costs of crop produce, costs of farm inputs (seeds, pesticides etc.), annual/seasonal yield from the different types of trees and plantations in the area, and average interest rates chargeable by commercial banks on 12 months fixed deposit.

Data collection employed the following approach:

- A team comprising a valuer, an agronomist and a research assistant was formed to conduct the data collection;
- The investigative survey team visited the proposed Expressway route as potential land buyers to obtain information on the market value of land parcels. The information was used to assess compensation amount with respect to either lands and/or buildings;
- Information was gathered from local land dealers especially land sale agents/brokers;
- The investigative team collected extensive data on crops and plantations in the area. This data included:
 - Types of crops on the land;
 - An estimate of the age, most especially for trees;
 - The several uses of the affected trees/ crops;
 - The size of these trees, especially the diameter

- The market values for the trees;
- The amount of time taken by each tree to reach maturity (begin fruiting) and when it attains full production potential;
- Other data on silvicultural costs was also collected and this included:
 - Cost of each type of planting material for example cost of seedlings;
 - Cost of land preparation: cost for an acre of land where bush-clearing and ploughing are done;
 - Cost of digging of pits/holes;
 - Cost of planting;
 - Fertiliser application (number of times per year) quantity and cost;
 - Weeding (number of times per year and cost per weeding);
 - Management labour which may include pruning, fertiliser application, pesticide application;
 - Cost of pesticides used annually; and
 - Types of predominant soils.

These data were used in determining the replacement cost compensation rates.

7.3 Replacement Cost for Land and Structures

The replacement cost of land was established by visiting the entire proposed Expressway route and in neighbouring villages as potential land buyers to obtain credible information on the market price of land parcels. The purpose of visiting neighbouring villages was in anticipation of the fact that PAPs will have to purchase land in neighbouring villages. The market values of land were then marked up to account for transaction costs such as broker fees, land title transfer and a disturbance allowance.

The replacement cost rate for each structure was arrived at with due regard to;

- type and quality of materials used,
- source of materials,
- labour contracts,
- quality of workmanship and transportation costs.

Also, a disturbance allowance of 5% to cater for relocation costs and contingencies was added to all calculated compensation amounts.

The replacement cost has been established *without* considering depreciation. Dwellings, separate kitchens, toilets, storerooms, barns, stables, livestock pens, granaries, and workshops for cottage industry have been classified by construction materials (timber, wattle, bamboo, reed, brick and mortar, concrete, earth). All structures have been included in the inventory regardless of whether they are permanently inhabited or occupied intermittently by transient populations.

7.4 Replacement Cost for Plantations, Crops and Trees

7.4.1 Replacement cost of seasonal crops

Seasonal crops do not have a replacement cost since they can be harvested during the period immediately after the cut off-date. As such, in the computations of the replacement cost packages, the market values, only, of seasonal crops were used.

7.4.2 Replacement cost for annual crops

The replacement cost compensation for annual crops was computed using the following two methods:

1. as the compensation rate of the crops planted during the first season in lieu of insufficient time to harvest a crop at the end of the second season; or
2. as an in-kind transitional allowance to cover the loss of cash income or food supplies from the land (by providing monthly food rations to project-affected persons until the crop on the replacement land has matured).

Where the owner of the affected crops was not the same person as the land owner, a disturbance compensation was provided to cater for the cost of labour used in preparation of the land.

7.4.3 Replacement cost for perennial crops

Compensation of perennial crops, including fruit trees, was undertaken in a way that provided a value for the cost of re-establishing the plant and to compensate for the loss of income until the new plant reaches the same growth stage as the affected plant. The income restoration approach was used to calculate compensation as the difference between the foregone income from the productive tree and the net income during the re-establishment period until the difference between forgone income and net income during the growth to maturity period of the new plant is zero (see Appendix 1 for details of the methodology).

Intercropping Schemes

It was found that some PAPs were practising intercropping which refers to growing more than one crop in the same land area in rows of definite proportion and pattern. The PAPs were growing two crops.

To determine the distribution of compensation for the two crops, the plant ratio per acre was determined for each crop (See Appendix 1 for details of the methodology).

Both crops were considered (not only the main crop) to meet the 'fairness' criteria (all losses must be compensated) required by Rwanda law on expropriation.

7.4.4 Specific tree (non-fruit) valuation

Trees that are not cultivated to produce fruits are planted for several purposes, but mostly for construction. The economic value of a tree (non-fruit) was therefore determined by its primary use only which included one of the following:

- Construction poles for walls (wattle-and-daub structures);
- Construction poles for roofing structures, different sizes for the main support beams and cross-over timber;
- Charcoal timber;
- Fuel wood; and
- Medicinal and other applications, especially tree bark.

When trees have to be removed on the land acquired, only the primary use of each tree was considered during valuation. The valuation approach for naturally occurring trees and commercial plantations of trees was the same and the compensation was based on the net present value of the tree at maturity stage.

7.4.5 Timber trees

The method of valuation of timber trees included the following:

General Valuation Factors:

- Tree measurements included diameter at breast height of about 1.30m above ground and its merchantable height. This measurement was taken to determine the volume of timber; and
- The quality of the timber as well as the location (for instance distance to sawmill where timber is commercially grown) are additional factors in the valuation process.

The full replacement cost of the tree was determined by using the income approach, assessing the income derived from the tree at full maturity in terms of its primary use – for instance the market price of the timber for its specific use. Comparable timber sales were also considered to determine the sales of timber in the area in relation to location, distance to mills, and access to logging agents.

7.4.6 Herbal/medicinal trees

For herbal/medicinal trees, following factors were established:

- a price list of medicinal by-products derived from trees; and
- The quantity of medicinal by-product retained by a single tree.

For purposes of valuation, it was considered that a herbal/medicinal tree will be harvested once and the present value was calculated using a standard formula.

8. DISCLOSURE AND CONSULTATIONS

8.1 Introduction

In this section attention focuses on the public meetings required under Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest. Other disclosure and consultation activities, involving officials central and local government entities will occur, but these are not considered further in this RAP.

First, a brief account is presented of the main disclosure and consultation actions that will occur; followed by an account of those disclosure and consultation activities that have occurred to date.

8.2 Initial Disclosure and Consultations

In accordance with Article 10 of Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest, as part of the process of preparing an application for expropriation in the public interest, RTDA will organize three meetings at 'affected' Sector level (Mwogo, Rilima and Ntarama) to inform affected communities about the land acquisition and compensation process and schedule and to enable participants to ask questions and receive answers (disclosure and consultation). Minutes of these meetings are a required component of the application. These meetings will occur prior to the demarcation of the Expressway reserved area.

8.3 Disclosure and Consultations during LAR Implementation

In line with Law N° 32/2015 of 11/06/2015, the following two 'disclosure' milestones will occur:

- Publication of the decision on a project for expropriation in the public interest and the list of holders of land titles (maximum of 15 days⁴ after approval of application for expropriation in the public interest) - Article 16. This article states that, *"...the land owner shall not develop any other long-term activities on the land. Otherwise, such activities shall not be compensable during expropriation"*; and
- Publication of the Valuation Report - Article 16. Valuation of assets is undertaken by certified valuers hired by the expropriating agency (RTDA). Within a period of a maximum of 15 days after receipt of the Valuation Report, RTDA will approve and publish the Valuation Report, *"... for the information of relevant parties."* Although not specified in the law it is normal practice for the valuation results to be provided to the PAPs after valuation of all properties. For the Expressway expropriation, RTDA together with representatives of Bugesera District, will organize a meeting with PAPs and, also, give them forms for signature (these forms, when signed, mean that a PAP has accepted the offered compensation for all his/her assets). The deadline for a PAP signing, or fingerprinting, the form may not be less than 7 or more than 21 days from the publication of the valuation report unless a PAP wishes to contest the valuation his/her asset/s; in this case a counter valuation must be done, and a decision reached, by the expropriating agency, on the valuation within a specified period. If a PAP is still not satisfied, he/she may submit his/her case to a competent court. Should this occur, the amount decided by the competent authority is paid to the PAP pending the court decision so as not to slow down the land acquisition and compensation process.

RTDA intends that the valuation results will be provided to the PAPs and this date will be established 'cut-off' date regarding assets eligible for compensation.

8.4 Consultations to Date

Community members were mobilized to attend the Sector-level meetings, at the request of RTDA, by Sector and/or Cell officials. Two of the meetings were held on 28 November 2017,

⁴ These are calendar days

while the third, in Ntarama Sector, occurred on 01 December 2017; they were all conducted in Kinyarwanda, and attended by at least one local government representative (the host), an RTDA representative and a resettlement specialist from the RAP consultants (see Figure 8-1). An agenda for the meetings was prepared so all meetings focused on the same topics. The two key agenda items were:

- Presentation [on the land acquisition and compensation process] by an RTDA representative; and a
- Question and Answer Session.

The full agenda is provided in each of the three Minutes of the Meetings (see Appendix 4). These Minutes also present the main questions (often the same question was asked by several people, but in slightly different ways) and answers. Some questions were based on past personal experience of the NBIA airport site land acquisition and compensation process (undertaken before Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest came into force. It is clear that some aspects of that land acquisition and compensation process were still of concern to some participants.

The number of meeting participants varied significantly: for example, there were 211 participants at the meeting held in Mwogo Sector, from the two affected Cells of Rurenge and Bitaba; 129 community members from the single affected Cell, Kanzenze, in Ntarama Sector; but only 46 community members, from the three affected cells of Gatare, Rwavuningoma and Rwankomati, attended the Rilima Sector meeting.



Figure 8-1: Meeting Participants at Mwogo and Rilima Sectors (left to right)

The main aims of these meetings were to inform community members about:

- The Expressway Project and land acquisition needs and the location and extent of lands/property to be acquired;
- Measures for their participation in the land acquisition and compensation process;
- Types of compensation to be paid, basis for cash compensation calculations as well as and compensation payment methods; and
- The right to request a 'second' valuation of assets if a PAP disagrees with the first valuation.

In addition, the meetings provided useful feedback and information, to RTDA, on the key community concerns.

The Minutes of the three Public Meetings (Appendix 2) provide the main questions posed by community members, reflecting key community concerns, plus answers provided to the community members. A few examples are provided in the table below.

Table 8-1: Questions from Community Members	
Question	Answer
Will the value of land and property be satisfactory?	The value of land and property will be the current market price ⁵ prevailing in your area; so it will be appropriate.
What will happen if I am not satisfied with the value given by the government Valuer?	The Government has provided a way for you to formally complain. You can even engage a private Valuer to do the valuation on your behalf and have it approved before compensation is done.
How are the different crops costed? I would like to estimate the total value of my trees.	The valuation system takes into account the size and type of tree. The government valuers will carry out the costing exercise.
What will become the small part which will be left in the risk zone beyond the limit of the road?	We reported the matter to the managers; they have not yet taken any resolution.
What will happen when you will come to start your works before the payment?	The government will not use your properties before payment.
Are jobs available for the local population during construction of the road?	This is not yet known at the moment.
The value of our land and property for the airport site was very low compared to the market price. How different will the values be for the road project?	The expropriation law is now updated. And the value of land has also gone up, so the compensation values will be derived from current market prices.

A key feature of Disclosure and Consultations is an effective mechanism to manage any grievances/complaints that may arise from those affected by expropriation. The Grievance Mechanism available to affected people for the Expressway land acquisition and compensation process is proved in the section below.

⁵ In fact, replacement cost will be applied which will take account of locally prevailing market value.

9. GRIEVANCE MECHANISM

9.1 Introduction

This section presents a specific Grievance Mechanism that RTDA will employ to manage grievances received in relation to LAC actions undertaken for the Proposed Expressway.

This Grievance Mechanism has been developed with the following two key aims:

- To build and maintain trust with Project-Affected Persons (PAPs) and the communities where they reside; and
- To prevent adverse consequences resulting from a failure to adequately address grievances.

This specific LAC Grievance Mechanism is based on the guiding principles and procedure of the Grievance Mechanism presented in the Stakeholder Engagement Plan prepared for the Proposed Airport (including the Expressway). Grievance Mechanism Procedure.

Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest provides a means whereby people, whose assets have been valued for land acquisition and compensation purposes, can contest the results of valuation (Article 33: Contesting the assessed value of land and property incorporated thereon). They must provide their own counter-valuation. Should agreement not be reached then a person has the right to refer the matter to a competent court. It is important that this LAC Grievance Mechanism does not duplicate legal procedures under the law. Any grievance about a valuation will need to be carefully considered by RTDA and a decision made as to whether it should be managed under the legal process OR under the Grievance Mechanism (see also section 1.4.1).

RTDA will determine how grievances can be submitted. These are expected to include:

- Locating grievance boxes in well-known and publicly accessible locations in villages or Cell premises. Complainants can submit a written grievance;
- Via Cell Executive/s (grievances can be submitted verbally or in writing);
- Via email or via a dedicated website page; and
- By telephone/SMS to a dedicated telephone number (cell and landline numbers).

Grievances may be submitted on behalf of an individual, a household, a group or an entire community.

RTDA/BAC will ensure that arrangements are in place to ensure that grievances submitted via any of the above ways are provided, as quickly as possible, to the RTDA designated 'Grievance Officer' (see section 1.3.3 below). Also, verbally submitted grievances need to be written and then read back to the complainant, for his/her agreement, before submission to the 'Grievance Officer'.

9.2 Grievance Review Committee

RTDA will establish a Grievance Review Committee (GRC) to consider grievances that have not been resolved at the first attempt by RTDA (see section 1.4.5 below). RTDA will decide on the composition of the GRC. It is suggested that it consists of representatives of the following entities:

- Bugesera District: Vice-Mayor?;
- Sector (where the complainant resides): perhaps an officer in charge of land issues?;
- Cell (where the complainant resides): appropriate Executive?;
- Village (where the complainant resides): Village chairperson and one elder (or someone of similar status); and

- RTDA: Officer in charge of LAC actions.

It is suggested that the chairperson be 'independent'; for example, the Bugesera District representative. The GRC will meet at regular intervals (for example every two weeks) to adjudicate on unresolved grievances to ensure quick and cost-effective decision-making on grievances.

The complainant will have the right to bring one other person to support him/her present his/her case to the GRC. Decisions will be reached by consensus. If a consensus cannot be reached a decision will be made by majority voting (excluding the chairperson). In the event of a tie then the chairperson's casting vote is final.

9.3 Disclosure of the Grievance Mechanism

PAPs need to be informed about the Grievance Mechanism and how to submit a grievance. Given the LAC timescale, RTDA needs to act quickly to disclose the Grievance Mechanism. Disclosure might involve several the following methods:

- Display of posters in publicly-accessible locations in villages;
- Announcements in local media (radio and the press);
- Announcement in social media; and
- Preparation and then dissemination of a brief leaflet (2 sides) in Kinyarwanda to each PAP.

The media announcements will inform people about the Grievance Mechanism, its purpose and how a grievance can be submitted. In addition, the announcements in social media; the leaflet and posters will provide a brief description of the Grievance Mechanism procedure supported by a flow diagram. The leaflet prepared by BAC for stakeholder engagement purposes can be a 'model' for the LAC leaflet and provide text and a flow diagram.

9.4 The Grievance Mechanism

The main elements of the Grievance Mechanism are presented below.

9.5 Grievance Submissions

RTDA will appoint a person responsible for managing grievances (hereafter referred to as the 'Grievance Officer'). When a grievance is received (either verbally or in written form) it is recorded in the Grievance Form (Appendix 2) by the Grievance Officer. If a grievance does not relate to the Expressway land acquisition and compensation process, the Grievance Officer will contact the complainant and provide the details of the appropriate person or organisation to address the grievance (Step 1).

9.6 Registration and Categorisation

All grievances received will be recorded by the Grievance Officer in the Grievance Database (Appendix 3) – the database may be maintained in 'soft' or 'hard' version - by means of the Grievance Tracking and Close-Out Form (Appendix 4). The Grievance Officer will assess the significance of the grievance and allocate it to one of the following categories:

- Critical Priority: potential for significant breach of RTDA's policies and/or negative media attention or a local, isolated or 'one-off' grievance that may affect the interests of a community to the extent that livelihoods of a considerable number of its inhabitants are jeopardised in the near term;
- Medium Priority: widespread and/or ongoing repeated grievance, for example, relating to 'unfair valuations' or a local, isolated or 'one-off' grievance that may affect the interests of an individual, or household to the extent that livelihoods are jeopardised in the near term; and

- Low Priority: a local, isolated or 'one-off' grievance with no significant reputational or livelihood implications.

If he/she is unable to deal with a grievance directly, the Grievance Officer will assign it to an appropriate RTDA employee. The Grievance Officer remains responsible for tracking the grievance and ensuring that it is addressed (Step 2).

9.7 Investigation

An investigation will be conducted into the grievance, during which field investigation as well as consultation with the complainant, RTDA representatives and contractors, such a valuation companies, may be carried out. Any RTDA employee, to whom the grievance has been assigned, will work in collaboration with the Grievance Officer to identify action(s) to resolve the grievance (Step 3).

9.8 Decision on Grievances

All grievances must be responded to within 10 working days of being received, even if the response is only a summary of what action is planned and when it is likely to be implemented, or an explanation of why action is not required (essentially, this is a decision stating that the grievance is not valid). The response must be in writing, though a verbal response will also be provided where appropriate. If a grievance was submitted anonymously (for example, through a grievance box), the Grievance Officer will make public, via Cell communication channels, the results of the investigation and the proposed action.

Details of a proposed or already implemented action to resolve a grievance must be conveyed to the complainant within 30 calendar days of receipt of the grievance (Step 4). Complainants will be asked to give their response to the proposed/implemented action and confirm their acceptance – or not (a decision must be made within 5 working days).

9.9 Appeal

If a resolution cannot be obtained, the Grievance Officer will, after receiving the agreement of the complainant, refer the unresolved grievance to the GRC (Step 5).

9.10 Grievance Resolution and Close-Out

When specific actions are agreed upon by RTDA and the complainant (with or without GRC involvement), the Grievance Officer will be responsible for ensuring that proposed actions are implemented. If no further action is required, then the grievance will be closed (Step 6). A designated RTDA official and the complainant will both sign a closure form which will be lodged in the grievance database.

9.11 External Adjudication

If the complainant rejects a decision of the GRC, then recourse to judicial or administrative procedures remains open to the complainant (legal or administrative resolution of the grievance).

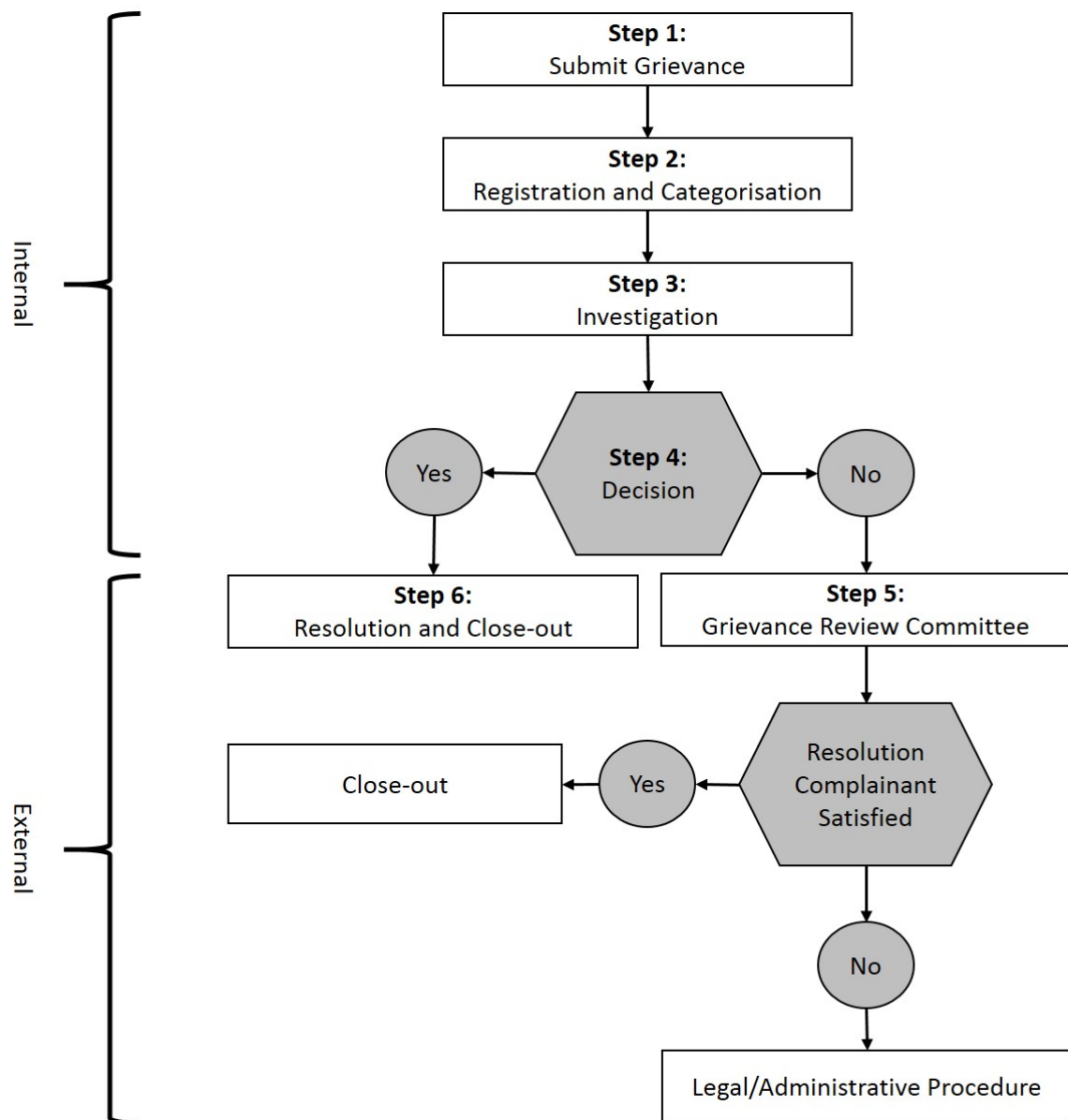


Figure 9-1: LAC Grievance Mechanism Procedure

10. INSTITUTIONAL ARRANGEMENTS

10.1 Introduction

Several institutions are involved in the Expressway land acquisition and compensation process. However, the competent authority is RTDA (which operates under the aegis of MININFRA). For the Expressway expropriation process, because of the need for external financing and, therefore, the application of PS 5, RTDA is supported by BAC. The various institutions and their roles are presented in this section.

10.2 RTDA

Under Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest, only government agencies can undertake expropriation of land in the public interest. In the case of the Expressway, the agency is RTDA (operating under the aegis of MININFRA). RTDA is responsible for the following key activities:

- Preparation of Application for expropriation (of land for the Expressway) in the public interest; including community disclosure and sensitization;
- Submission of Application for expropriation in the public interest;
- Physical demarcation (pegging) of Expressway reserve area;
- Identification and land owners/users and publication of list of land owners/users;
- Identification of assets (privately and state owned) and valuation;
- Publication of list of assets and compensation amounts;
- Meeting with PAPs to present valuation results and issue forms to each PAP, setting out the agreement between RTDA and a PAP, for joint signing (if agreement is reached);
- Managing disclosure and consultation activities throughout the expropriation process including the Grievance Mechanism;
- Payment of compensation amounts and/or organizing and implementing 'in kind' compensation;
- Oversight and of the implementation of livelihood restoration measures; and
- Monitoring/evaluation of expropriation and livelihood restoration measures.

In line with PS 5 requirements, BAC is responsible for working, closely, with RTDA to ensure that expropriation is compliant both with Rwandan law and PS 5. Thus, this RAP was prepared by BAC and BAC, also, is responsible for undertaking a survey of the PAPs and for working with RTDA's valuer to apply replacement cost, rather than market value, to asset valuation. In addition, BAC continues to provide guidance and assistance throughout the entire expropriation process.

10.3 Other Government Agencies/Entities

Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest establishes an organisation for approving expropriation in the public interest (the Ministry vested with responsibility for land) and a Committee to oversee supervision of expropriation in the public interest, for national level projects. In the case of the Expressway, the functions of this committee are being handled by the Executive Committee of Bugesera District. In practice the role of this Committee is relatively limited. It is involved in the initial consideration of an application for expropriation in the public interest and passes a recommendation, regarding the 'relevance' of the Application, to the Ministry. Once expropriation in the public interest has been approved by the Ministry, the Committee is responsible for 'monitoring' the expropriation process. In this context, its key role focuses on asset valuation and compensation, for example, it

will be involved in the meeting to be held with all PAPs to present the valuation results and compensation amounts.

11. LIVELIHOOD RESTORATION MEASURES

11.1 Introduction

Land acquisition and resettlement can result in a temporary or permanent loss of income or livelihood (or reduction in livelihood status) by preventing an individual's access to his/her productive assets or place of employment. Cash or even 'in-kind' compensation for lost assets are often not sufficient to ensure that adverse livelihood impacts do not occur.

Thus, additional measures are often implemented to ensure that livelihoods do not decline, and to the extent feasible, are improved following completion of a land acquisition and resettlement process. These measures vary in type, scale, and time-scales and any programme of co-ordinated measures needs to be designed to fit the specific circumstances created by a land acquisition and resettlement process.

In the case of the NBIA Expressway, there are two key issues that need to be considered in terms of devising a programme of livelihood restoration:

- The implementation of remedial measures, focused on those physically and economically displaced as result of the land acquisition and resettlement process implemented for the airport site (see report entitled '*NBIA Resettlement Outcomes Audit and Potential Future Mitigation Measures*'). Due to the dispersal of these PAPs, both airport and Expressway PAPs are living in the same localities; and
- Payment of cash compensation to the Expressway PAPs will be completed before livelihood restoration measures can be implemented. Also, compensation for loss of business facilities focuses only on the assets and does not include loss of income until a business can be operational at a new location.

The first issue points to the need to co-ordinate a set of measures, that are applicable to both sets of PAPs and which avoids duplication of effort while achieving joint livelihood restoration outcomes. The second issue points to the need to ensure that targeted measures are identified and implemented to deal with transition periods, such as that between receipt of cash compensation and beginning of receipt of the livelihood benefits arising from livelihood restoration measures.

Land acquisition-related impacts are experienced at both household level and, collectively, at a community level. An understanding of how land acquisition will impact both levels is one of the factors that determines eligibility for livelihood restoration measures and the targeting of livelihoods assistance measures.

11.2 Eligibility

All PAPs will be eligible for livelihood restoration measures. However, the measures need to be targeted so that those who need most support can access it. Three main actions will be undertaken to target and prioritize different livelihood restoration and transitional support measures. These are identification, based on specific criteria⁶, of:

- Areas which are the most impacted by the land take – Priority Areas;
- Households most impacted by land take – Significantly-impacted households; and
- Vulnerable PAPs.

⁶ The criteria presented in this section may be amended during the preparation of the final version of the RAP.

11.2.1 Priority Areas

As shown in section 3.2, 65.1% of the PAPs own land elsewhere (that is land that is additional to the plot affected by the Expressway) while 34.9% do not own any other piece of land elsewhere. Agricultural land holdings in Bugesera District are relatively small – though not necessarily the same as total area of individual household landholdings - the mean size of land cultivated by households is between 0.75 and 0.97 ha and 72.3% of households in the District own less than 1 ha of land⁷.

To target and prioritize measures, priority areas will be identified as follows:

- Priority Area I - includes villages, where more than 20 households will have 25% or more of their total land holdings acquired or those where 10% or more of the village land area will be affected. These are the areas where livelihoods assistance would most likely be targeted at the household level; and
- Priority Area II – includes all other villages. Assistance in these areas would be communally-based with lower inputs, and PAPs would have the options to participate.

Special attention needs to be paid to those that are ‘significantly impacted’ and those that are classed as vulnerable. Within a period of no longer than 6 months after payment of compensation to PAPs. All PAPs will be contacted to determine the extent to which they have acquired replacement land and been able to restore their livelihoods. A judgement will be made on individual PAP’s needs with respect to special measures such as transitional support.

11.2.2 Significantly Impacted Households

Those households classed as ‘significantly impacted’ are households that permanently lose 50% or more of a land plot and/or 25% or more of their total land holdings. In the follow-up of all PAPs, special attention will be paid to this PAP category and the need for transitional support.

11.2.3 Vulnerable PAPs

Vulnerable individuals, households and groups are those asset owners/users who exhibit one or more of the following characteristics:

- Possess disabilities; mental or physical or suffer from chronic illness/es;
- Have limited, often fixed incomes and/or limited support networks (for example, elderly people living alone);
- Constitute female- or orphan-headed households; and
- Not in possession of registered/documented ownership or recognizable use rights to land (under traditional or formal law).

Once identified, vulnerable PAPs will be checked to determine the specific personal/household factors; such as level of mobility, that will be used to identify the most appropriate type of measures be implemented. Also, the location of vulnerable individuals, households and groups will be checked against the two types of priority areas; thus, enabling measures to be cost-effectively designed and targeted. To assist this overall process, information will be obtained on the forms of social support for vulnerable individuals, households or groups, currently available in Rwanda, either via local and/or regional government and/or non-profit organizations, and the criteria that are used by them to determine eligibility for specific types of support.

⁷ National Institute of Statistics of Rwanda (undated, but understood to be 2012) *EICV3 DISTRICT PROFILE East - Bugesera*

11.3 Transitional Support and Livelihood Restoration Measures

11.3.1 Transitional Support

The need for transitional support will be determined by work undertaken as described in section 11.2 above. Transitional support will be based on PAP priority and a reasonable estimate of the time required to restore PAP livelihoods (particularly, agricultural production levels, income-earning capacity and PAP perception of their standards of living/quality of life).

For households, the selection of transitional support measures will be based on local circumstances. Types of transitional support include, but need not be limited to, *inter alia*:

- Cash compensation for temporary loss of business income;
- Cash compensation for land that cannot be accessed, or where continuing access poses unacceptable health and safety risks or for remaining land that can be demonstrated to be financially non-viable following land acquisition;
- Provision of support in obtaining compensation (for example, transport of a non-mobile, vulnerable PAP to a bank);
- Assistance to vulnerable PAPs in accessing assistance programmes managed by local/national government agencies or other organizations; and
- Targeted delivery of a 'food basket' (based on the key ingredients in a typical food basket delivered by the UN World Food Programme).

Based on the available data, it is not expected that any village will be considered as eligible for transitional support (that is, all households would benefit equally).

An implementing partner, particularly, with experience of working with vulnerable PAPs will be identified and contracted to deliver transitional support. BAC and RTDA will undertake a preliminary assessment of organizations currently providing services/support to vulnerable people within Rwanda, paying attention to those operating in (or with the capacity to operate in) communities in the vicinity of the Expressway route.

11.3.2 Livelihood Restoration Measures

These will need to be targeted at the Expressway PAPs and co-ordinated with remedial measures to be applied to the airport site PAPs (see report entitled '*NBIA Resettlement Outcomes Audit and Potential Future Mitigation Measures*'). Livelihood Restoration measures will be divided into two main types. Indicative examples of potential individual measures, under the two main types, are provided below⁸:

- Agriculture-based Livelihood Assistance:
 - Provision of assistance/advice in securing legal title to land plots and ownership documents pertaining to structures or other assets, as required.
 - Capacity-building/training for improving agriculture production;
 - Small livestock improvement projects;
 - Provision of replacement 'economic' trees (saplings) plus technical support and appropriate inputs to re-establish the trees and maintain them until reaching full productive potential;
 - Agricultural value chain improvements (complements above initiatives to boost agricultural production);

⁸ These are similar to the indicative measures presented in the report entitled '*NBIA Resettlement Outcomes Audit and Potential Future Mitigation Measures*'

- Market access study for farmers and small producers (of agricultural products) and support to initiatives that arise from the study;
- Formation of co-operatives (or similar) to pool resources and enhance production; and
- Identification of value-added production opportunities;
 - Provision of community-level facilities such as dry and secure storage; and improved road infrastructure; and
- Business and waged labour-based livelihood assistance:
 - Priority to be given to PAPs in terms of employment recruitment during airport construction and operations (at least over next 10 years);
 - Skills enhancement/training initiative aimed at the key skills likely to be needed by local people that wish to benefit for the job opportunities expected to arise not only from operation of the airport, but also from the associated and 'spin-off' projects that are likely to be located in the vicinity of the airport; and
 - Training for those with businesses: topics such as business planning, and financial management.

In addition, there are other measures that have are cross-cutting in terms of application, such as:

- Enhancing access to micro-credit facilities.

11.3.3 PAP Consultations and Disclosure

Once a range of appropriate measures has been identified, consultations with PAPs will be undertaken to help decide on priority measures and how they should best be implemented.

RTDA with support from BAC will ensure PAPs are informed of the components and activities of both Transitional Support and Livelihood Restoration measures and how they can be accessed.

11.3.4 Delivery Mechanism

There are a range of options for delivery of transitional support and livelihood restoration measures; for example:

- RTDA with support from BAC establishes a 'Resettlement Unit' and funds, manages and implement measures until the completion audit (see section 12 'Monitoring and Evaluation') confirms that livelihoods have been restored;
- RTDA with support from BAC establishes a 'resettlement function' with a manager and appropriate support staff to manage the work. Implementation would be by external partners (such as specialized consultancies and/or NGOs) contracted against specific scopes of work); and
- RTDA with support from BAC enters into partnerships with organizations that are undertaking successful agricultural and business-based assistance programmes in the targeted areas, to expand their programmes and eligibility criteria to accommodate components of the transitional support and livelihood restoration measures.

12. MONITORING AND EVALUATION

12.1 Introduction

Rwandan legislation does not require that RAP implementation is monitored or evaluated. IFC's PS 5; however, does require such monitoring and evaluation with a dual overall focus on RAP implementation actions (such as payment of compensation amounts according to schedule), and outcomes in terms of improved livelihood status, or, at minimum no change in livelihood status compared pre-displacement levels. To comply with PS 5 two distinct, but related types of monitoring and evaluation will be undertaken as described below.

Monitoring and evaluation are key components of the land acquisition and involuntary resettlement process. Essentially, monitoring and, subsequent evaluation, provide the evidence to judge past performance in terms of adequacy of implementation and acceptability of results. If the evidence demonstrates inadequate performance and unacceptable results, then changes can be made to the process to achieve the desired objectives and lesson are learnt, also, for future work.

Monitoring is the repeated measurement of changes, according to a set schedule, in the status of a predetermined parameters or indicators whose eventual status, individually or in combination, provides the evidence for evaluation of performance. Evaluation is the task of reviewing and analysing the monitoring data and determining its meaning in terms of the expectations regarding performance and/or outcomes.

Generally, monitoring and evaluation activities are divided into the following two key components:

- Implementation monitoring and evaluation; and
- Outcome evaluation.

12.2 Implementation Monitoring and Evaluation

Usually, this activity consists of monitoring input and outputs of RAP implementation. Input monitoring, typically, focuses on such inputs are delivery of key inputs on schedule and as defined in the RAP. Inputs are the services, resources or goods that contribute to a RAP achieving its outputs and, ultimately, the desired outcomes in terms of livelihood restoration. Input monitoring is done internally, to a schedule, and is a part of the overall Project management system. Input monitoring plays a vital role as mistakes in procuring the required inputs or delays in procurement, for example, of a key implementing partner, can create substantial risks not only to successful RAP implementation, but also to PAP welfare and livelihoods and, eventually, to a Project's reputation.

Output monitoring and evaluation will focus on the RAP implementation process focusing on the measurable results arising from input actions such as number of grievances, number of PAPs, number of PAPs in receipt of compensation monies, and PAPs enrolled in different livelihood restoration initiatives.

Systematic monitoring and evaluation of implementation inputs and outputs enables problems or non-conformances to be recognized and early corrective action to be taken to a) ensure that future problems and difficulties do not arise or at least the likelihood of them arising is minimized. Thus, this monitoring and evaluation activity is primarily, an internal management function and will be undertaken by RTDA staff with the continuing support of BAC. If required, an external specialist can be hired to support the process. Reporting disclosure is also internal.

RTDA has identified the following indicators and monitoring frequency shown in Table 12-1 to carry out input and output monitoring. These may be amended according to the situation 'on the

ground' as/when necessary, but always ensuring consistency in monitoring programme so that results remain comparable over time.

Table 12-1: Input and Output Indicators and Monitoring Frequency		
Indicator	Means of verification	Frequency
Inputs		
Key expenditure items: staff, equipment (such as computers), vehicles, and implementing partners)	Financial records	Quarterly
'RAP' staff posts and numbers in post	Employment records Staff organogrammes	Quarterly
Implementing partners contracted	Procurement records/ signed contracts	Quarterly
Schedules and budgets in place and reviewed/revised as necessary	Schedules and budgets	Quarterly
Outputs		
Number of stakeholders notified, and requisite number of public meetings organized	Minutes of meetings	Quarterly
Number of PAPs in receipt of compensation payments in period where payments are made	Financial Records	Monthly
Number of PAPs who have relocated in period set by law	Management records	Monthly
Number of livelihood restoration actions established and in implementation	Management records	Quarterly
Number of PAPs participating in livelihoods restoration programmes	Management records	Bi-monthly ⁹
Number of vulnerable PAPs identified for transitional support.	Management records	Monthly until all are identified

Internal progress reports will be issued quarterly covering both input and output indicators while the RAP is being implemented.

12.3 Outcomes Monitoring and Evaluation

This type of monitoring and evaluation focuses on the 'effects' or 'impact' of RAP implementation on the PAPs, especially their livelihood status. The key aim is to reach a definitive conclusion about restoration of livelihoods by comparing the "baseline' livelihood status against the post-displacement monitoring results and subsequent evaluation.

⁹ Every two months

In line with PS 5, there are two key milestones: implementing an interim audit; followed by a completion audit (a completion audit is not a requirement, but in the case of the Expressway it is considered that a completion audit will be both appropriate and beneficial from the point of view of the NBIA Project and its Sponsor, given the context of the land acquisition and compensation process implemented at the NBIA site.

RTDA has identified the following indicators and monitoring frequency shown in Table 12-2 to carry out. These may be amended according to the situation 'on the ground' as/when necessary, but always ensuring consistency in monitoring programme so that results remain comparable over time.

Table 12-2: Outcome Indicators and Monitoring Frequency		
Indicator	Means of verification	Frequency
Grievances (land acquisition and resettlement only)		
Number of grievances received in the period	Grievance database	Quarterly/Annually
Number of open and closed grievances in period	Grievance database	Quarterly/Annually
Average time taken to close grievances	Grievance database	Annually
Compensation		
Number of PAPs invested at least 50% of compensation activities to improve livelihoods	PAP Household Survey	Annually
Number of PAPs not investing compensation in activities to improve livelihoods	PAP Household Survey	Annually
Livelihood Restoration (all PAPs and Vulnerable PAPs)		
Number of PAPs with incomes restored	PAP Household Survey	Annually
Number of relocated PAPs whose new housing conditions are better than pre-relocation housing	PAP Household Survey	Annually
Number of PAPs with improved access to utility services	PAP Household Survey	Annually
Number of PAPs who have replaced lost assets such as land	PAP Household Survey	Annually

The interim and completion audits will be undertaken by a third party such as an independent consultancy (preferably with resettlement experience), academic or research institution or a Non-Governmental Organization (NGO) The overall objective is to:

- Systematically assess the entire RAP implementation process against RAP and PS 5 requirements and outcome expectations; and
- Determine whether the process successfully improved/restored the living standards and livelihoods of the affected households.

The audits will use the results of internal monitoring of RAP implementation and outcomes; however, this information will be supplemented by focused activities such as selective household surveys, comparisons between 'before' and 'after' socio-economic datasets and stakeholder consultations such as focus group discussions.

The audits will occur at two stages. First, after a period of at least two years has elapsed since initiation of livelihood restoration measures (potentially, December 2020) there will be an interim audit. Essentially, the interim audit will check whether the implementation of the RAP complies with Rwandan law and PS 5 and, also, reach an interim conclusion regarding the extent to which PAPs' livelihood status is being enhanced or, at minimum, restored. This allows any problems or difficulties to be identified and corrective actions to be devised and implemented.

Depending on the results of this audit a date will be set for the completion audit. This date should not be more than two years after completion of all livelihood restoration measures and external support has ceased (potentially, December 2024).

13. BUDGET

13.1 Introduction

This section presents a) compensation amounts by village and by assets and b) costs for implementing livelihood restoration measures.

13.2 Compensation Amounts

Compensation amounts by village and by asset types are shown in Tables 13-1 and 13-2 (Note: the amounts in Table 13-2 do not include the 5% disturbance allowance). Table 13-1 shows the results of valuation at market value and replacement costs with the 'top -up' required to achieve the replacement cost. Table 13-2 just shows the results of the market value and replacement cost valuations for the three asset types.

Table 13-1: Compensation Amounts by Village				
Village	Number of PAPs	Market Value (RTDA) in RWF	Replacement Cost in RWF	Top Up Value in RWF
Karumuna - Plantations	61	1,019,291,636	1,417,159,994	397,868,358
Karumuna - Structures	40	544,185,728	609,058,438	64,872,711
Rurenge	100	225,083,463	302,977,712	81,015,546
Kaziramire	154	331,960,345	430,368,028	100,677,409
Gatoki	59	127,194,142	160,859,232	33,665,090
Gatwe	126	283,039,355	352,452,942	69,413,587
Rwavuningoma	21	40,745,087	83,643,813	44,490,705
TOTALS	561	2,571,499,756	3,356,520,159	792,003,406

Table 13-2: Compensation Amounts by Asset Type						
Village	Land		Plantations, Crops and Trees		Structures	
	RTDA Market Value (RWF)	Replacement Cost (RWF)	RTDA Market Value (RWF)	Replacement Cost (RWF)	RTDA Market Value (RWF)	Replacement Cost (RWF)
Karumuna - Plantations	930,473,835	930,473,835	40,280,104	419,202,350	-	-
Karumuna - Structures	208,184,872	208,184,872	4,121,055	7,824,333	305,966,194	364,046,450
Rurenge	194,978,463	233,974,155	19,386,740	58,269,167	-	-
Kaziramire	274,803,300	329,763,960	41,349,410	81,694,352	-	-
Gatoki	108,560,913	130,273,095	12,576,366	22,926,173	-	-
Gatwe	245,547,375	294,656,850	24,013,915	41,012,619	-	-
Rwavuningoma	24,409,125	29,290,950	7,374,826	43,368,966	7,020,894	7,000,858
TOTAL	1,986,957,883	2,156,617,717	149,102,416	674,297,960	312,987,088	371,047,308

13.3 Livelihood Restoration Measures

The estimated cost for implementation of all livelihood restoration measures is provided in Table 13-3. These costs are based on the known frequency and scale of inputs of specific actions that form part of certain of the measures. Also, an estimate of the duration of a measure and/or the frequency of its occurrence is provided.

Table 13-3: Livelihood Restoration Measures		
Item	Duration/ Frequency	Cost (RWF)
<p>Mobilization and Sensitization of PAPs</p> <p>This will involve detailed engagement of different categories of PAPs to enable them to understand the RAP and what it means to them and presenting available options for livelihood restoration.</p> <p>One sensitisation meeting per village at RWF 500,000 per meeting to cater for logistics and fees/per diem of community liaison officer(s).</p>	2 weeks	3,000,000
<p>Access to employment opportunities during project construction.</p> <p>Priority to be given to employing PAPs, especially vulnerable PAPs.</p>	Whenever such opportunities are available	0
<p>Financial literacy and management training:</p> <p>All PAPs will be eligible for financial management training. Training topics will include but not be limited to:</p> <ul style="list-style-type: none"> • Basic numeracy skills; • Money management and basic household budgeting; • Savings and strategic cash management; • Advisory services; • Investment analysis; • Access to low interest loans. <p>One of the local banks may be involved in financial management training.</p> <p>One training session per village at RWF 1,000,000 per session to cater for logistics and fees/per diem of a financial specialist.</p>	2 weeks	6,000,000
<p>Provision of support to crop farming</p> <p>The proposed support to PAPs engaged in crop farming includes the following;</p> <ul style="list-style-type: none"> • Guidance on land preparation and planting; • Training in good agricultural practices and improved technology including the use of modern technology to cultivate land more efficiently, organic pesticides and integrated pest management; • Farm management training on topics such as record keeping, budgeting and marketing; • Provision of certified improved seeds for high yield crop varieties; • Provision of inputs such as fertilizers and pesticides for the first year of planting; 	6 months (for training) plus provision of material support for farmers for two years	

Table 13-3: Livelihood Restoration Measures		
Item	Duration/ Frequency	Cost (RWF)
<ul style="list-style-type: none"> Referrals to extension officers from the respective Sectors who will track farmers' progress and provide information on good practices and available technology; Before commencement of the livelihood restoration program, a list of PAPs who are eligible and interested in this activity will be generated. A revised detailed program for the activities will be drawn. <p>Training (3 training sessions per village at RWF 1,000,000 per session to cover logistics and hiring of professional agricultural practitioners to conduct the training sessions).</p> <p>Material support for farmers for two years (based upon the number of affected land owners = 392 rounded up to 400) at RWF 300,000 per farmer per annum)</p>		<p>18,000,000</p> <p>240,000,000</p>
<p>Provision of support to livestock farming</p> <p>Support for livestock rearing will be provided to all PAPs who currently raise livestock or those who do not have access to replacement land and would like to transition their livelihoods from farming to the raising of livestock. Almost all households rear animals such as poultry, pigs, goats, sheep and cattle. The proposed support will include:</p> <ul style="list-style-type: none"> Training in a variety of farming techniques including the use of modern technology, organic pesticides and integrated pest management; Good rearing and management practice of poultry and livestock; Provision of improved breeds of livestock; Provision of pesticides, drugs, and feed; Extension of veterinary services to livestock keepers. <p>The support will be extended for a period of 1 year. The project will mainly work with Bugesera District and respective Sector officers and Cell/village leaders in the mobilisation of households, monitoring and provision of extension services</p> <p>Training (6 training sessions per village at RWF 1,000,000 per session to cover logistics and hiring of professional agricultural practitioners (animal husbandry) to conduct the training sessions) and extension of veterinary services to livestock keepers.</p> <p>Material support for livestock keepers for two years (based upon the number of affected land owners = 392 rounded up to 400 and on the assumption that all are also are livestock keepers) at RWF 200,000 per livestock keeper per annum)</p> <p>Extension of veterinary services to livestock keepers for two years</p>	<p>1 year for training plus provision of material support and extension of veterinary services to livestock keepers for two years</p>	<p>36,000,000</p> <p>160,000,000</p> <p>50,000,000</p>

Table 13-3: Livelihood Restoration Measures		
Item	Duration/ Frequency	Cost (RWF)
Support to access credit facilities Access to credit that is well invested will help families transform their lives. The project can liaise with a reputable bank or microfinance institution that could be willing to provide low interest credit to the project affected households. Thorough training in income-generating activities ought to be done before the credit is extended to the PAPs. It should be however assessed whether this strategy will improve people's lives or plunge them deeper in poverty before making the final decision to implement it. All affected households will be eligible for this program	3 years	400,000
Provision of transitional support Transitional support will serve as immediate supplementary assistance to households losing residential structures, households losing more than 50% of their land and all vulnerable households. Vulnerable households will be eligible for all the livelihood programs plus any additional assistance that will be identified during implementation. An allowance of 100,000 RWF should be provided to these households for a period of 3 months after resettlement. Estimated at 70 households	3 months	21,000,000
Total (RWF)		534,400,000

13.4 Monitoring and Evaluation

The estimated cost for implementation of all monitoring and evaluation actions are provided in Table 13-4.

Table 13-4: Monitoring and Evaluation Costs	
Item	Cost RWF
Implementation Monitoring and Evaluation	20,000,000
Outcomes Monitoring and Evaluation	40,000,000
Total (RWF)	60,000,000

13.5 Summary Budget

The total estimated cost is presented Table 13-5 It includes a contingency amount of 15% of the base cost.

Table 13-5: Summary Budget	
Item	Cost
Compensation for Land	2,156,617,717
Compensation for Structures	371,047,308
Crop and Tree Losses	674,297,960
Livelihood Restoration Measures	534,400,000

Table 13-5: Summary Budget	
Item	Cost
Monitoring and Evaluation	60,000,000
Base Cost	3,796,362,985
Contingency (15% of base cost)	569,454,448
Total (RWF)	4,365,817,433

14. IMPLEMENTATION SCHEDULE

14.1 Implementation Schedule

The expropriation implementation schedule is shown in Table 14.1 with RAP preparation milestones. This is based on an intended entry onto the Expressway reserve area by the Contractor in early 2018.

Payment of compensation will begin in early Q2 2018. Implementation of livelihood restoration measures will begin as soon as possible in Q3 of 2018. Monitoring and Evaluation actions are expected to occur over a 6-year period beginning at end of Q3 2018.

Table 14-1: Implementation Schedule

[illegible]

APPENDIX 1

GRIEVANCE FORM

Grievance Reference Number		(for RTDA use only): _____	
Full Name of individual or organization/community (an individual's name to be inserted if complainant agrees)¹⁰		_____ _____ _____	
Contact Information: Please indicate by marking the box how you wish to be contacted (in person, by telephone/SMS, by e-mail, by post) and then provide the appropriate contact information		<input type="checkbox"/> By Post: Please provide full address: _____ _____ _____ <input type="checkbox"/> By Telephone/SMS: _____ <input type="checkbox"/> By E-mail: _____ <input type="checkbox"/> In person: Please provide name of village: _____ _____	
Preferred language for communication		<input type="checkbox"/> [Kinyarwanda] <input type="checkbox"/> [English] <input type="checkbox"/> [French]	
Description of your grievance: What happened? Where did it happen? Who did it happen to? What has been the consequence for you?			
Frequency of cause/s of your grievance			
	<input type="checkbox"/> Single incident (date _____) <input type="checkbox"/> Happened more than once (how many times? _____) <input type="checkbox"/> On-going (currently experiencing problem)		
What would you like to see happen to resolve your grievance?			
Signature		Date	

¹⁰ A grievance can be submitted anonymously.

APPENDIX 2

EXAMPLE OF KEY DATA TO BE RECORDED IN A GRIEVANCE DATABASE

Grievance ID	Name/address	Grievance	RTDA Response and Delivery means	Response accepted by Complainant (yes/ no?)	GRC decision accepted by Complainant (yes/ no?)	Status (Closed or Open or Recourse to Judicial or Administrative Procedure)
Format as year.mm.dd and grievance number (e.g. 17.05.26: #01)	Insert name and address of the person submitting a grievance (if provided)	Summary of the grievance	Summary of the response. Personal letter, e-mail, telephone call/ SMS, orally backed up by letter, information board announcement.	Yes/ No	Yes/ No	Date of response, identify whether the grievance is addressed and closed

APPENDIX 3

GRIEVANCE TRACKING AND CLOSE-OUT FORM

REGISTRATION DETAILS
GRIEVANCE REGISTRATION No. _____ (No. to be taken from database)
DATE RECEIVED _____
LOCATION _____ (Village, Cell, Sector, District)
Complainant (Name) _____
Telephone Number _____
Address (If Applicable) _____
PART 2: GRIEVANCE DESCRIPTION
Category of grievance (please circle the appropriate category)
<ul style="list-style-type: none">• Asset/s omitted from valuation• Delay in receipt of compensation payment/s• Errors in valuation process• Errors in documentation provided• Delays in relocation• Problems/flaws in relocated assets• Access restriction/s• Damage to land/crops• Damage to livestock• Other (Specify)
<u>Details of Grievance:</u> _____ _____ _____
<u>Priority of Grievance (please circle as appropriate)</u>
<ul style="list-style-type: none">• Critical• Medium• Low

PART 3: PROPOSED RESPONSE/ ACTION

Immediate Action

_____Date for completion

Responsible Person:

Signature: _____

Date:

Long term Action

_____Date for completion

Responsible Person:

Signature:

(Date):

PART 4: CLOSE-OUT

Closed out (Yes/No): _____

Signatures:

Complainant: _____

RTDA: _____

(Date)

APPENDIX 4

MINUTES OF MEETINGS

NEW BUGESERA INTERNATIONAL AIRPORT EXPRESS WAY
MINUTES OF COMMUNITY MEETING TO DISCUSS RESETTLEMENT ACTION PLAN PROCESS

Sector: Riliima
Venue: Karera Cell
Date: 28th November 2017
Time: 3:00 pm

Introduction:

Although the record of proceedings has been done in English, the meeting was conducted in the local Kinyarwanda dialect. All presentations, questions and answers were given in Kinyarwanda.

The community was mobilised for the meeting by the Riliima Sector Land Manager – Mr. Marc Ntigurirwa (0782120288) and the Executive Secretary for Karera Cell- Ms. Esperance Mukamana (0789501138).

Attendance:

In attendance were 46 community members from the three affected cells of Gatare, Rwavuningoma and Rwankomati (attendance lists filled). The number was however said to be less than a third of the expected total hence a need for more community based meetings in the affected villages.

It should be noted that some of the persons currently affected by the Expressway project were earlier displaced by the New Bugesera International Airport project. These were also in attendance.

Agenda:

1. Opening Remarks by Riliima Sector Land Manager
2. Presentation by Rwanda Transport Development Authority (RTDA) representative
3. Question and Answer Session
4. Closing remarks
5. Closure

Proceedings:

Minute 1: The meeting started at 3:00 pm with Riliima Sector Land Manager informing members that the purpose of the meeting was to discuss the impending expropriation of land for the new expressway project. He advised affected persons to be prepared for the exercise by ensuring that their ownership evidence is documented in their names.

Minute 2: The RTDA representative informed the community members that the expropriation process was starting and pegging of the expressway route was underway. The width of the corridor would be 44 meters including the road reserve. She further informed that the Rwandan government Valuers would carry out the valuation in a fair manner and that compensation would be appropriate for each affected property. She encouraged participants to ask any questions in order to get clarification.

Minute 3: Below is a summary of the question and answer session that followed. Several members raised similar concerns as follows:

No.	Issue/Question	Response Given
1.	Will the value of land and property be satisfactory?	The value of land and property will be the current market price prevailing in your area; so it will be appropriate.
2.	What will happen if I am not satisfied with the value given by the government Valuer?	The Government has provided a way for you to formally complain. You can as well engage a private Valuer to do the valuation on your behalf and have it approved before compensation is done.
3.	During expropriation of the airport land, we were shown higher values for our land; but when compensation was carried out, we were paid less money. Will it be the same with the expressway?	The reduction in paid out value was a result of removal of harvested crops from the inventory. Government could not pay for crops that you later harvested.
4.	If one is poor and cannot afford to hire a private Valuer to help revalue property, what will happen?	The government can still facilitate revaluation exercise without costs to the affected persons- using government Valuers.
5.	The value of our land and property for the airport site was very low compared to the market price. How different will the values be for the expressway project?	The expropriation law is now updated. And the value of land has also increased, so the values will be derived from current market prices.
6.	How are the different crops costed? I would like to estimate the total value of my trees.	The valuation system takes into account the size and type of tree. The government valuers will carry out the costing exercise.
7.	Why should people who sit in Kigali be the ones to determine the price of our land and give very low values?	The approved values will be disclosed to each affected person before consenting to payment. If anyone is not satisfied with the values, they can reject it and request for revaluation.

Minute 4: The Riliima Sector Land Manager further encouraged affected persons who have no documentary evidence of land ownership to go for assistance and advice at the sector headquarters.

Minute 5: The meeting ended at 4:00 pm local time.

NEW BUGESERA INTERNATIONAL AIRPORT EXPRESS WAY
MINUTES OF COMMUNITY MEETING TO DISCUSS RESETTLEMENT ACTION PLAN PROCESS

Sector: Mwogo
Venue: Kaboshya Market
Date: 28th November 2017
Time: 5:00 pm

Introduction:

Although the record of proceedings has been done in English, the meeting was conducted in the local Kinyarwanda dialect. All presentations, questions and answers were given in Kinyarwanda.

The community was mobilised for the meeting by the Mwogo Sector Executive Secretary – Mr. J.M.U Murenzi who can be reached on 0784 790 144 or 0877539476.

Attendance:

In attendance were 211 community members from the two affected cells of Rurenge and Bitaba (attendance lists completed). The turnout was good as expected.

Agenda:

1. Opening Remarks by Mwogo Sector Executive Secretary.
2. Presentation by Rwanda Transport Development Authority (RTDA) representative.
3. Question and Answer Session.
4. Closing remarks by Mwogo Sector Executive Secretary.
5. Closure

Proceedings:

Minute 1: The meeting started at 5:00 pm local time with Mwogo Sector Executive Secretary welcoming all persons. He mentioned that the purpose of the meeting was to discuss issues of expropriation of the new expressway and what it means to the affected land owners. He advised members to listen and be ready with their questions especially since RTDA was present to answer them.

Minute 2: The RTDA representative informed the community members that the expressway was to affect 3 sectors that include Riliima, Mwogo and Ntarama. The expropriation process starting with pegging of the expressway route was underway and this was to be followed by valuation, socioeconomic surveys and compensation payment. The width of the corridor would be 44 meters including the road reserve. She further informed that the Rwandan government Valuers would carry out the valuation in a fair manner and that compensation would be appropriate for each affected property. Participants were encouraged to ask any questions in order to get explanation.

Minute 3: Below is a summary of the question and answer session that followed. Same concerns were repeated by several community members as follows:

No.	Issue/Question	Response Given
1.	How will the values of both affected land and houses be arrived at?	The value of land and structures will be arrived at using the current market price prevailing in your area.

No.	Issue/Question	Response Given
2.	If the new road crosses the valley, there will be difficulty accessing our water source (at Kaboshya village). What shall be done to help us?	A provision will be made to ensure that your access to water supply is not cut off.
3.	I have come with my ownership document; can I present them during this meeting?	No, those will be required during compensation exercise.
4.	Some people do not have ownership documents; how will they be compensated?	Such people should report to the Sector Lands office immediately for assistance.
5.	What will happen if our crops are damaged during the pegging of the road alignment?	The pegging is being carried out with care in order not to damage crops. Thereafter, you will harvest before construction commences.
6.	Why not give the locals the task of pegging the road alignment?	The pegging exercise is done by qualified surveyors while government valuers will carry out the costing exercise.
7.	How wide will the road be?	44 meters including the road reserve.
8.	What if the values given are not acceptable to the affected person, what can be done for such?	The approved values will be disclosed to each affected person before consenting to payment. If anyone is not satisfied with the values, they can reject it and request for revaluation. Further, the affected person can independently hire a private Valuer to do the valuation on your behalf and have it approved before compensation is done.
9.	Are jobs available for the local population during construction of the road?	This is not yet known at the moment.

Minute 4: The Mwogo Sector Executive Secretary cautioned RTDA that the valuation should be carried out in a fair manner and that compensation amounts should be appropriate and acceptable to all the affected persons.

Minute 5: The meeting was closed at 6:15 pm local time.

Acknowledgement as true record

Solange Mizero (For RTDA)

Mr. J.M.U Murenzi (For Mwogo Sector)

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Jane Frances Apio (For RAP Consultant)

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NEW BUGESERA INTERNATIONAL AIRPORT EXPRESS WAY

Sector: Ntarama Venue: Kanzeze Cell
Date: 01st December 2017 Time: 4:00 pm

Introduction:

Although the record of proceedings has been done in English, the meeting was conducted in the local Kinyarwanda dialect. All presentations, questions and answers were given in Kinyarwanda.

The community was mobilised for the meeting by the Executive Secretary for Kanzenze Cell- Mr. Gilbert Twahirwa (0788484751).

Attendance:

In attendance were 129 community members from the one affected cells of Kanzenze (attendance lists filled).

It was later understood that some of the households currently affected by the Expressway project in Kanzenze were also displaced by the main Bugesera International Airport project. Some of these attended the community meeting.

Agenda:

1. Opening Remarks by Executive Secretary for Kanzenze Cell
2. Presentation by Rwanda Transport Development Authority (RTDA) representative
3. Question and Answer Session
4. Closing remarks
5. Closure

Proceedings:

Minute 1: The meeting started at 4:00 pm with Executive Secretary for Kanzenze Cell informing members that the purpose of the meeting was to discuss the impending expropriation of land for the new expressway project. He advised affected persons to be prepared for the exercise by ensuring that their ownership evidence is documented in their names.

Minute 2: The RTDA representative informed the community members that the expropriation process will start next week and the pegging of the expressway route was starting underway. The width of the corridor would be 44 meters including the road reserve and 15 kilometers of length. She further informed that the Rwandan government Valuers would carry out the valuation in a fair manner and that compensation would be appropriate for each affected property. She encouraged participants to ask any questions in order to get clarification.

Minute 3: Below is a summary of the question and answer session that followed. Several members raised similar concerns as follows:

No.	Issue/Question	Response Given
1.	-Who will own the property which is still in conflict? -Who will receive the payment of that property?	- The property will be registered to the local government/sector or cell - The payment will be sent to the government account till the conflict is solved then the

No.	Issue/Question	Response Given
		money will be transferred to the winner from the conflict
2.	Someone who lost his land lease, will He/ She be paid?	He will go to the local government and be helped to get a new one
3.	Is the price of land same in each part?	We will consider the update price from the government
4.	What will happen when they go beyond the paid part?	It will not happen because we calculated the meters accordingly, we will not go beyond what is required.
5.	What will happen to the land dedicated to agriculture, divide by us and don't have land titles the size because it is under 1HA?	Everyone will work with technicians/valuer to evaluate each part. My advice will be to open a joint account, when the payment is done, everyone will take his part according to the value established by technicians.
6.	What will become the small part which will be left in the risk zone beyond the limit of the road?	We reported the matter to the managers; they have not yet taken any resolution.
7.	What will happen when you will come to start your works before the payment?	The government will not use your properties before payment.
8.	Will the value of land and property be satisfactory?	The value of land and property will be the current market price prevailing in your area; so it will be appropriate.
9.	What will happen if I am not satisfied with the value given by the Government Valuer?	The Government has provided a way for you to formally complain. You can even engage a private Valuer to do the valuation on your behalf and have it approved before compensation is done.
10.	The value of our land and property for the airport site was very low compared to the market price. How different will the values be for the road project?	The expropriation law is now updated. And the value of land has also gone up, so the compensation values will be derived from current market prices.

Minute 4: The Executive Secretary for Kanzenze Cell further encouraged affected persons who have no documentary evidence of land ownership to go for assistance and advice at the cell headquarters.

Minute 5: The meeting ended at 4:50 pm local time.

Acknowledgement as true Record

Solange Mizero (For RTDA)

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Emmanuel Kubwimana (For RAP Consultant)

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Gilbert Twahirwa (For Kanzenze Cell)

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