



National Fund For Environment

ESMF and RPF, Volume Three

FONERWA
ESMF&RPF, Volume Three

October 2020

www.fonerwa.org

FONERWA

ESMF and RPF
Volume Three

October 2020

HISTORY Version	Date	Capacity/Authors	Tasks Summary
Zero Draft	July 2020	<ul style="list-style-type: none"> • Dr. Fabien Twagiramungu Lead/ Consultant; 	✓ Writing the Zero Draft
1	July 2020	<ul style="list-style-type: none"> • Dr. Fabien Twagiramungu & Mr Ndamage John 	✓ Zero Draft Edits & Additions = Vers 1 Roll Out Pilot Trials Final Drafting with
2	August-Nov 2020	<ul style="list-style-type: none"> • Dr. Fabien Twagiramungu & Mr Ndamage John 	✓ Pilot Trial Results =Final ESMF &RPF

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ABBREVIATION

AfDB	African Development Bank
AF	Adaptation Fund
CAC	Cell Adjudication Committee
CIF	Climate Investment Funds
CAN	Capacity Needs Assessment
COVID-19	Coronavirus Disease 2019
CPD	Continuous Professional Development
CSOs	Civil Society Organisations
DDP	District Development Plans
DFID	Department for International Development
DNH	Do-no-harm
EHSs	Environmental, Health and Safety Guidelines (International/WBG)
E&S	Environment & Social
EIA	Environmental Impact Assessment
EMSS	Environmental Management and Social Safeguards
ENR	Environment and Natural Resources
ESDD	Environmental and Social Due Diligence
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMS	Environmental and Social Management System
ESXT	Environment and Social Experts Team
FAQ	Frequently Asked Questions
FGD	Focus Group Discussions
FMIS	Financial Management Information System
FMT	Fund Management Team
FONERWA	Fond National de l'Environnement de Rwanda ('Rwandan Green Fund')
FTC	Fund Technical Committee
GAP	Gender Action Plan
GCF	Green Climate Fund
GCRC	Gross Current Replacement Cost
GESI	Gender equality and social inclusion
GEX	Gender Expert team
GFP	Gender Focal Point / Person
GGCR	Green Growth and Climate Resilience
GGCRS	Green Growth and Climate Resilience Strategy
GGF	Global Green Fund
GHG	Green House Gas
GIIP	Good International Industry Practice

GM	Grievance Mechanism
GOR	Government of Rwanda
GRM	Grievance Redress Mechanism
HH	Household
HIV/AIDS	Human Immune Virus/Acquired Immune Deficiency
IRPV	Institute of Real Property Valuers
IFC	International Finance Corporation
IGA	Income Generation Activity
IP	Investment Plan
IPPC	Intergovernmental Panel on Climate Change (IPCC
IR	Inception Report
IUCN	International Union for Conservation of Nature
IPM	Integrated Pest Management
IWRM	Integrated water resource management
JTA	Joint Technical Assistance
KE	Key Expert
KIs	Key Informants
KIIs	Key Informant Interviews
KPI	Key Performance Indicators
FFI	Fauna and Flora International
LG	Local Government
LNOB	Leave-no-one-behind
LRP	Livelihood Restoration Plan
M&E	Monitoring and Evaluation
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MININFRA	Ministry of Infrastructure
MoE	Ministry of Environment
MIGEPROF	Ministry of Gender Equality and Family Promotion
NASA	National Aeronautics and Space Administration
NDC	Nationally Determined Contribution
NGO	Non-Government Organisation
NISR	National Institute of Statistics
NO	Non-Objection
NSA	Non-State Actors
NSDEPS	National Skills Development and Employment Promotion Strategy
NST	National Strategy for Transformation
PAPs	Project-affected People
PCD	Public Consultation and Disclosure
PCM	Project Cycle Management

PD	Project Document (aka Project Description)
PIDS	Project Information Documents
PMP	Project Monitoring Plan
PPD	Project Profile Document
PS	Performance Standards
PSF	Private Sector Federation
PWD	People with disabilities
RAPEP	Rwanda Association of Professional Environmental Practitioners
RBA	Rights-based approach
RCA	Replacement Cost Approach
RDB	Rwanda Development Board
REG	Rwanda Energy Group
REMA	Rwanda Environment Management Authority
RPF	Resettlement Policy Framework
SDGs	Sustainable Development Goals
SE	Stakeholder Engagement
SIDA	Swedish International Development Agency
SLF	Sustainable Livelihood Framework
SME	Small Medium Enterprises
SOPs	Standard Operating Procedures
SREP	Scaling-up Renewable Energy
SSP	Sector Strategic Plan
SWOT	Strength, Weaknesses, Opportunities and Threats
TA	Technical Assistance
TBC	To be Confirmed
TL	Team Leader
TNA	Training Needs Assessment
ToC	Theory of Change
ToR	Terms of References
UKAid	United Kingdom Assistance to International Development
UNCBD	United Nations Convention on Biological Diversity
UNCCD	United Nations Convention to Combat Desertification
UNDP	United Nations Development Fund
UNFCCC	United Nations Framework Convention on Climate Change
UNFAO	United Nations Food and Agricultural Organisation
VFM	Value for Money
WB	World Bank
WBG	World Bank Group
WFP	World Food Programme (of the United Nations)
WHO	World Health Organisation (of the United Nations)

Glossary of Resettlement Specific Terms

Unless the context dictates otherwise, the following terms shall have the following meanings:

- 1) **Affected people** refers to people who are directly affected socially and economically by FONERWA funded projects caused by:
 - (i) relocation or loss of shelter^[1]_{SEP}
 - (ii) loss of assets or access to assets loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or
 - (iii) the involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
- 2) **Census** means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
- 3) **Compensation** means the payment in kind, cash or other assets given in exchange for the taking of land, loss of other types of assets (including fixed assets) or loss of livelihoods resulting from project activities.
- 4) **Cut-off date** is the date of commencement of the census of PAPs within the project area boundaries (including unidentified owners). Beyond this date, any person not included in the census who lays claim to land or assets affected by the project (which they did not own before the cut-off date) will not be eligible for compensation.
- 5) **Displaced Persons** mean people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
- 6) **Displacement** means dispossessing someone of their land or part of their land so as to utilize the same for civil works. The affected person is required to relocate.
- 7) **Eligibility** means the criteria for qualification to receive benefits under a resettlement Program.
- 8) **“Environmental and Social Management Framework (ESMF)”** is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of FONERWA funded projects and other activities associated with FONERWA regardless of funding agency. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse climate change, environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument is prepared as a separate and stand-alone document (ESMF volume 1&2) to be used in conjunction with this RPF.
- 9) **Expropriation** the taking of private property in the public interest aimed at development, social welfare, security and the territorial integrity.
- 10) **Grievance Procedures** mean the processes established under law, local regulations,
- 11) **Involuntary Displacement** means the involuntary taking of land resulting in direct or indirect^[1]_{SEP} economic and social impacts caused by:

- (i) Loss of benefits from use of such land;
 - (ii) ^[SEP]Relocation or loss of shelter;
 - (iii) Loss of assets or access to assets; or
 - (iv) Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
- 12) **Involuntary Land Acquisition** is the taking of land by government or other government ^[SEP]agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
- 13) **Land** refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
- 14) **Land acquisition** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
- 15) **“Project affected persons (PAPs)”** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their:
- (v) standard of living adversely affected, whether or not the Project Affected Person must move to another location;
 - (vi) right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
 - (vii) access to productive assets adversely affected, temporarily or permanently; or
 - (viii) business, occupation, work or place of residence or habitat adversely affected.
- 16) **Rehabilitation Assistance** means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
- 17) **Resettlement and Compensation Plan**, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan”, is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and/or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
- 18) **Replacement cost** means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;
- 19) **Replacement cost for agricultural land** means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (i) preparing the land to levels similar to those of the affected land; (ii) any registration, transfer taxes and other associated fees;

- 20) **Replacement cost for houses and other structures** means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:
 - (i) Building materials
 - (ii) Transporting building materials to the construction site;
 - (iii) Any labour and contractors' fees; and
 - (iv) Any registration costs.
- 21) **"Resettlement Assistance"** means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation.
- 22) **"The Resettlement Policy Framework (RPF)"** is being prepared as an instrument to be used throughout the FONERWA funded projects implementation. The Resettlement Action Plans ("RAPs") for FONERWA funded projects will be prepared consistent with the provisions of this RPF.
- 23) **Resettlement Action Plan:** see Resettlement and Compensation Plan above,
- 24) **Stakeholders** is a broad term that covers all parties affected by or interested in a project or a specific issue—in other words, all parties who have a stake in the project. Primary stakeholders are those most directly affected—in resettlement situations, the population that loses property or income because of the project. Other people who have interest in the project such as beneficiaries of the project (e.g., road users), etc., are termed secondary stakeholders.
- 25) **Vulnerable Groups** refers to people who may by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status get more adversely affected by resettlement than others; and who may have limited ability to claim or take advantage of resettlement assistance and related development benefits. They include the following:
 - Widows, the disabled, low-income households and informal sector operators;
 - Elderly
 - Women/ Women-headed households
 - People with Disability/Incapacitated households – those not fit to work and;
 - Child-headed households
 - Underage mothers
 - Orphans

EXECUTIVE SUMMARY

This Resettlement Policy Framework (RPF) will be used for the social screening and assessment of FONERWA funded projects or other projects to be implemented by FONERWA.

The RPF will guide the implementation of civil works packages or any other activity that affect people to ensure that displacement issues are resolved. It will also ensure that livelihoods of the affected persons are not negatively impacted on and where it is unavoidable; they are appropriately compensated and/or resettled. The RPF was prepared based on the review of [L]^[L] [SEP] previous RPFs, project documents, and relevant Rwandan laws, review of World Bank/IFC and KfW Safeguard Policies, visit to FONERWA funded projects sites as well as key stakeholder consultations.

Legal and regulatory Framework

Relevant National Policies and Strategies:

- Vision 2020/2050,
- Economic Development and Poverty Reduction Strategy (EDPRS2),
- National Land Policy, Land Tenure System and Provisions in Rwanda,

National Resettlement Regulations:

- The Rwandan Constitution promulgated in 2015,
- Land Valuation Law promulgated in 2010,
- Expropriation Law No. 32/2015 of 11/06/2015
- Law N° 43/2013 of 16/06/2013 governing land in Rwanda

International Standards and Safeguards:

- World Bank Involuntary Resettlement Safeguard (ESS5)
- IFC Performance Standard PS5 and Guidance Notes on Land Acquisition and Resettlement,
- KfW Sustainability Guideline - Assessment of Environmental, Social, and Climate Performance: Principles and Process, Etc.

Preparation of Resettlement Action Plans:

Some of FONERWA funded projects will require the preparation of RAPs/ARAPs or LRP since they may require the involuntary taking of land, loss of livelihood and impact on other assets. As soon as funded project is identified and approved, a consultative and participatory process for preparing a RAP/ARAP will be started.

This will include undertaking a socio-economic survey to determine the scope and nature of resettlement impacts, including some demographic data, description of the area, livelihoods, the local participation process, and establishing baseline information on livelihoods and income, landholding, etc.

It will contain valuation and compensation rates and standards, eligibility and entitlements related to any additional impacts, site description, programs to improve or restore livelihoods and standards of living. It will provide detailed cost estimates and implementation schedule. This RPF has an inbuilt grievance procedure that will be used to address grievances that will arise during the RAP process.

RPF implementation, monitoring and institutional arrangements

The preparation and implementation of the resettlement strategies will require the participation of several institutions at different levels. Coordination of the participating institutions and beneficiaries is a critical requirement to a successful resettlement program. It is always preferred to have this addressed early into the FONERWA funded project cycle, so that all participating parties are made aware of each other's responsibilities, lines of reporting, communication channels, expectations and authority limits. Public Consultation and Disclosure Handbook in Vol4 will be a guiding tool in the process

The overall coordination of FONERWA's RPF will be provided by FONERWA. Other institutions which will have key roles in RPF implementation include:

- Project developers
- Ministry of Environment (MoE)
- Rwanda Land Management and Use Authority (RLMUA)
- Institute of Real Property Valuers
- Rwanda Association of Professional Environmental Practitioners (RAPEP)
- District authorities
- District Land Bureaus, and
- Resettlement and Compensation Committees

FONERWA's RPF is designed to be used as a standalone document mainly for FONERWA staffs and funded project designers, implementors, but also, in the interest of transparency and participation, is written for wider stakeholder specifically those at district and project level, communities and community organisations.

1 Introduction to FONERWA's Climate Explicit Resettlement Policy Framework

1.1 Introduction

IFC Performance Standard 5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood¹ as results of project-related land acquisition² and/or restrictions on land use.

Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Unless properly managed, involuntary resettlement may result in long-term hardship and impoverishment for the Affected Communities and persons, as well as environmental damage and adverse socio-economic impacts in areas to which they have been displaced. For these reasons, involuntary resettlement should be avoided. However, where involuntary resettlement is unavoidable, it should be minimized and appropriate measures to mitigate adverse impacts on displaced persons and host communities should be carefully planned and implemented.

The government often plays a central role in the land acquisition and resettlement process, including the determination of compensation, and is therefore an important third party in many situations. Experience demonstrates that the direct involvement of the client in resettlement activities can result in more cost-effective, efficient, and timely implementation of those activities, as well as in the introduction of innovative approaches to improving the livelihoods of those affected by resettlement.

To help avoid expropriation and eliminate the need to use governmental authority to enforce relocation, clients are encouraged to use negotiated settlements meeting the requirements of this Performance Standard, even if they have the legal means to acquire land without the seller's consent.

FONERWA Resettlement Policy Framework provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by future funded projects activities whose exact locations are not known prior to Fund appraisal. The RPF for FONERWA is a practical tool to guide the preparation of Resettlement Action Plans (RAPs) and the Livelihood Restoration Plan (LRP) for FONERWA funded projects and projects activities to be implemented by FONERWA.

FONERWA is further required to disclose this document as a separate and standalone document so that it is accessible to the general public, local communities, potential project affected people, local NGO's and all other stakeholders. The subsequent RAPs would then be cleared by National Regulatory Bodies (RDB) and FONERWA, prior to the implementation of their planned project investments. The use of this RPF and a separately prepared ESMF handbooks by FONERWA (ESMF volumes 1,2 and 4) would be the instrument, through which the project's climate, environmental and social impacts are identified, assessed, evaluated, appropriate mitigation proposed. Management and monitoring measures designed shall be incorporated within the intended project itself.

¹ The term "livelihood" refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihood.

² Land acquisition includes both outright purchases of property and acquisition of access rights, such as easements or rights of way.

1.2 Objective of the RPF

This framework document is designed to enable FONERWA, the Fund hosting entity, other actors and communities to address the needs of the populations that could be affected by FONERWA funded projects by establishing policies, principles, institutional arrangements and instruments for management of issues related to land acquisition and hence displacement of persons and impact on their livelihoods. The legislation on resettlement of the government of Rwanda, World Bank Environmental and Social Standard 5 (ESS5), IFC Performance Standard 5 related to the Involuntary Resettlement policy and KfW requirements will be the frameworks that will govern any resettlement arising out of FONERWA funded projects activities. This RPF will therefore provide procedures and methods to identify and compensate the affected persons.

1.2.1 Specific objectives

In some cases, resettlement of people may pave way for implementation of FONERWA funded projects because the projects activities may demand land acquisition. The people may be affected because of loss of agricultural land, loss of buildings, loss of access or proximity to water, health and social amenities.

The specific objectives of the Resettlement Policy Framework (RPF) are to:

- Establish the resettlement and compensation principles and implementation arrangements for the Facility;
- Describe the legal and institutional framework underlying Rwandan and IFC/World Bank approaches for valuation, compensation, resettlement and rehabilitation;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Provision of procedures for filing grievances and resolving disputes;

The procedures will be carried out throughout preparation and implementation and impacts of any potential resettlement will be included in Monitoring and Evaluation. When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Property Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP) set out in FONERWA's ESMF, Volume 4.

This RPF follows the guidance provided by IFC PS5 and the World Bank Environmental and Social Standard 5 on land acquisition, restrictions on land use and Involuntary Resettlement (ESS5) and Rwanda regulation related to expropriation and resettlement. This RPF seeks to ensure that any possible adverse impacts of FONERWA funded projects to people's livelihoods are addressed through appropriate mitigation measures, in particular against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people without a well-designed compensation and relocation process;
- Minimizing either land acquisition or the number of PAPs or both, to the extent possible;
- Compensating for losses incurred, displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their well-being.

For unavoidable adverse impacts, this RPF is to ensure that people adversely affected by FONERWA funded projects are fully compensated for loss of assets, livelihoods, access rights, etc. and successfully relocated, the livelihoods of impacted people are re-established and the standard of living improved.

The purpose is to restore the income earning capacity of the PAPs with the aim of improving or at the very least sustaining the living conditions of the PAPs prior to project operations or to resettlement. PAPs must be no worse off than prior to resettlement. Also critical to the resettlement process is that the PAPs are involved, through appropriate consultation, in drawing up the resettlement plans that affect them. It should be noted that even where there is no physical displacement, but people lose access to assets, such as land for farming, the preparation and implementation of ARAP/RAP is required.

1.2.2 Justification for the RPF

Most of FONERWA-funded projects activities are not likely to result in the relocation of people. However, Rwanda being such a small country, with a high population density, in a majority of cases significant efforts to locate physical infrastructure on sites that deliberately avoid or minimize impacts on people, land, property, including and especially peoples access to natural and other economic resources, will not be possible.

The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the facility investment when these sites are decided upon. The RPF is prepared to the standards of the GoR's own policy on resettlement and the policy of IFC/World Bank. This RPF is therefore necessary to provide guidelines for addressing concerns of Project Affected People (PAPs).

The guiding principle for land acquisition will be that where land is required for implementation of the FONERWA funded project, appropriate safeguards will be observed to avoid or reduce the negative impacts of land acquisition on the affected community members. This framework will be applied to all FONERWA funded projects with the in-built mechanisms for resolving any forms of disputes on land acquisition and other assets damages (crops and forests). This RPF will apply to all projects to be funded or implemented by FONERWA.

The RPF is presented in a much more comprehensive manner so as to guide and ensure that all conditions of population dislocation or loss of socio-economic benefits are taken into account during formulation of the resettlement action plans (RAPs).

1.3 Methodology of RPF preparation

1.3.1 Approach and Guiding Principles

The FONERWA's Resettlement Policy Framework (RPF) was developed with respect to FONERWA's wide range of projects types funded, as well as the different needs and capacities of funding applicants that include public and private sector applicants as well as CSOs as set out in FONERWA's ESMF & RPF, Volume 1 (See Chapter 1 of volume 1).

The preparation of this RPF document was based on two main approaches, a review of the relevant literature and a thorough process of consultations with key stakeholders.

1.3.2 Literature review

Collection and familiarization with available documentation provides background, regulations & context for ESMF and RPF content, design and processes. This includes the collection and familiarization with Rwandan regulatory framework, laws, policy and strategy documentation; international standards,

regulations and conventions. Overview of Rwandan, Regional and International standards and gap analysis of existing procedures, policies and structures.

These documents were reviewed prior, during and after site visits, meetings and workshop activities in Rwanda. The literature review was then updated with latest scientific research as it emerged from April 2020 with literature research findings incorporated in relevant ESMF and RPF sections (see FONERWA's ESMF& RPF, Volume 1).

Main documents reviewed include IFC/World Bank Guidelines, FONERWA's development partners safeguards, CSOs project documents and previously FONERWA funded projects, Rwanda Environment & land policies, guidelines, regulatory and administrative frameworks (National Constitution, 2003, Land Policy, 2004 and Land Organic Law N°43/2013 of 16/06/2013 determining the use and management of land in Rwanda, Expropriation law n° 32/2015 of 11/06/2015 and Property valuation law No.17/2010 of 12/05/2010, EDPRS II, Vision 2020 and Vision 2050 and Rwandan Environmental Law N°48/2018 of 13/08/2018).

1.3.3. Consultations, Engagements and Site Visits

As indicated in volume 1, between 27th January and 19th February, the JTA's E&S Team conducted the following:

- (i) Consultation activities with FONERWA, Ministry of Environment, affiliated agencies and affected people on example FONERWA funded project;
- (ii) FONERWA-funded projects site visits;
- (iii) Support for funding applicant at NGO office visit;
- (iv) Series of Workshops for CSO/Fund applicants Orientation for the 10th Call for Proposal, Training and Key Stakeholder and Third-Party Feedback on ESMF planning; Workshops with FONERWA & relevant stakeholders and Project Document Orientation and Training Workshops with Potential (CSOs) users of ESMF & RPF;
- (v) Capacity and Needs Assessment for E&S management of ESMF internally and at Project and District level;
- (vi) Analysis of FONERWA and targeted potential ESMF Users in visits to projects currently funded by FONERWA as well as CSOs that were applying for funding under the 10th Call for Proposal.
- (vii) FONERWA's ESMF&RPF Validation Workshop on September 2nd, 2020 via Webex due to COVID-19 (workshop attended by a total 29 participants from different institutions including public institutions, CSOs, private sector and FONERWA developmental partners).

1.4 Examples and types of projects funded by FONERWA

As mentioned in FONERWA's ESMF&RPF, volume 1, project types and activities funded by FONERWA are indicated by the ministerial order No 003/2018 of 24/10/2018. These include:

- (i) Projects and activities aiming at Conservation and Sustainable Management of Natural Resources. These include:
 - ecosystem rehabilitation;
 - sustainable land management;
 - integrated water resources management;

- sustainable mining and quarrying;
 - sustainable forest management;
 - promotion and protection of biodiversity;
 - pollution management and pollution control;
 - promotion of green urbanization;
 - water storage, conservation and irrigation;
 - disaster management;
 - promotion of renewable energy and efficient use of energy.
- (ii) Research and development activities as well as technology transfer in the field of environment and climate change especially those related to:
- Renewable Energy and Energy Efficiency
 - Pollution Management
 - Water Storage, Conservation and Irrigation Technologies
 - Applied and Adaptive Research (Agro-Forestry, Waste, Urban Planning)
 - Disaster Risk Reduction
 - Data Collection, Monitoring and Management Information Systems (MIS)
- (iii) Environment and climate change mainstreaming especially on:
- Strategic Environment and Climate Assessments (SECAs)
 - Sector specific (or national) adaptation and/or mitigation
 - Support to implementation of cross-sectoral integrated planning.

The FONERWA's Board of Directors has the ultimate powers to approve financing of any activity or project not included on the list if it believes that the activity or project contributes to the environmental protection, climate change mitigation or climate change adaptation.

All above-mentioned projects and activities that will result in land acquisition during the implementation process, this FONERWA's Resettlement policy will be applied and appropriate safeguards will be observed to avoid or reduce the negative impacts of land acquisition.

1.5 Structure of the RPF

This resettlement Policy framework is structured into the following Chapters:

- Chapter 1: Introduction to FONERWA's Climate Explicit Resettlement Policy Framework.
- Chapter 2: Resettlement Institutional and Legal Framework: Overview of Rwandan Resettlement Legislation and Relevant International Resettlement Policy.
- Chapter 3: IFC PS5: Environmental and Social Safeguards for Projects Requiring Land Acquisition and Resettlement.
- Chapter 4: Process for Screening, Preparing and Approving Resettlement Action Plans (RAPs).
- Chapter 5: Resettlement Compensation, Methods for Valuing Assets and Establishing Entitlement and Special Compensation Assistance Requirements.
- Chapter 6: Resettlement Grievance Management and Redress Mechanisms.

- Chapter 7: RPF Implementation, Monitoring and Institutional Arrangements; and
- Annexes

2 Resettlement Institutional and Legal Framework: Overview of Rwandan Resettlement Legislation and Relevant International Resettlement Policy

2.1 Introduction

This RPF applies the laws, legislation, regulations, and local rules governing the use of land and other assets in Rwanda as well as the standards of the IFC PS 5 and World Bank ESS5 on Involuntary Resettlement.

Rwanda's relevant legal framework is presented in four sections: (i) Laws on Property and land rights, as defined by Rwandan law and customary practice; (ii) Expropriation/acquisition of land and compensation of land and other assets, (iii) Grievance Resolution Mechanism, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of resolution; and (iv) Comparison between national legislation and IFC PS5/World Bank ESS5, using equivalence and acceptability standards. Strategically, in Table 1, the Rwandan legislation will be compared with the World Bank/IFC provisions on resettlement, gaps will be highlighted, and recommendations will be drawn to fulfill gaps.

2.2 Requirement for FONERWA Resettlement Policy Framework

2.2.1 Objective and principles of the RPF for FONERWA

The overall objectives of this RPF are to avoid involuntary resettlement where feasible, or minimized, exploring all viable alternatives to address possible risks across all project cycle. Where it is not feasible to avoid resettlement, resettlement will be executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by FONERWA-funded projects activities to share in project benefits. Displaced persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement programs. Displaced persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation.

The RPF for FONERWA will therefore adopt the following principles:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be eliminated.
- PAPs will be meaningfully consulted and will participate in planning and implementing FONERWA's funded projects;
- PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, before displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher. Impacts on the PAPs are measured by the quantity of land to be acquired/lost and residual land and its economic viability. Once the severity of impact has been considered an entitlement option is selected.

Measures to address resettlement shall ensure that project affected peoples are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the FONERWA funded's projects before actual implementation.

2.2.2 Involuntary Resettlement

Involuntary resettlement, if left unmitigated, normally gives rise to severe economic, social, and environmental risks. People face impoverishment when their productive assets or income sources are lost and social networks are weakened. The nine most common impoverishment risks are:

- **Landlessness:** Expropriation of land removes the main foundation on which many people build productive systems, commercial activities and livelihoods. Often land is lost forever and sometimes it is partially replaced, seldom fully replaced or fully compensated. This is the main form of de-capitalization and pauperization of the people who are displaced, and both natural and man-made capital is lost.
- **Joblessness:** Loss of salaried employment occurs both in rural and urban displacement. People losing jobs may be industrial or service workers, landless agricultural labourers, or artisans. Unemployment or under-employment among those who are resettled may linger long after physical relocation. Creating new jobs for them is difficult and requires substantial investments, new creative approaches, and reliance on sharing project benefits.
- **Homelessness:** Loss of shelter may be only temporary for many people, but for some it remains a chronic condition and is also felt as loss of identity and cultural impoverishment. Loss of housing may have consequences on family cohesion and on mutual help networks if neighbouring households of the same kinship group get scattered. Group relocation of neighbours is therefore usually preferable over dispersed relocation.
- **Marginalization:** This occurs when relocated families lose economic power and slide down towards lesser socio-economic positions. Middle-income households may become small landholders while small shopkeepers and craftsmen may lose business and fall below poverty thresholds. Economic marginalization tends to be accompanied by social and psychological marginalization.
- **Increased morbidity and mortality:** Vulnerability of the poorest people to illness is increased by forced relocation, because it tends to be associated with increased stress, psychological traumas, or the outbreak of parasitic diseases. Decreases in health levels result from unsafe water supply and sewage systems that proliferates epidemic infections, diarrhea, dysentery, etc.
- **Food insecurity:** Destruction of crops diminishes self-sufficiency, dismantles local arrangements for food supply, and thus increases the risk of chronic food insecurity. This is defined as calorie-protein intake levels below the minimum necessary for normal growth and work.
- **Educational loss:** Involuntary displacement disrupts all public services at the departure sites, with heavy effects particularly on school programmes. Interruption of school attendance causes prolonged loss of access to education; some children do not return to school at all and are prematurely sent by their families to join the labour force.
- **Loss of access to common property:** Poor farmers, particularly those without assets, suffer loss of access to the common property goods belonging to communities that are relocated (e.g., loss of access to forests, water bodies, grazing lands fishing areas, cemetery lands, etc.). This represents a form of income loss and livelihood deterioration that is typically overlooked by planners and therefore uncompensated.
- **Social displacement:** The dismantling of community structures and social organization, the dispersion of informal and formal networks, local associations, etc. is a massive loss of social capital. Such displacement undermines livelihoods in ways usually not recognized and not

measured by planners, and is a cause of disempowerment and impoverishment. Because those resettled are non-homogeneous groups, the risks highlighted above differentially affect various categories of people.

Maximum safeguarding is achieved when involuntary displacement is avoided altogether. Avoidance is the first response to risks that should be considered. Recognizing risks upfront and their financial implications is often a powerful stimulus to search for an alternative that eliminates the need for displacement or cuts down its size. This is technically possible, for instance, by changing the site of a substation or by re-routing a transmission or distribution line around (rather than through) a dense human settlement.

2.2.3 Physical displacement

If people must move to another location due to the implementation of a FONERWA funded project, the project will offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate. The funded project will also provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Alternative housing and/or cash compensation will be made available prior to relocation. New resettlement sites built for displaced persons will offer improved living conditions.

In the case of physically displaced persons with recognized or recognizable rights, the funded project will offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location or cash compensation at full replacement value.

Where these displaced persons own and occupy structures, the funded project will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost. Compensation in kind will be offered in lieu of cash compensation where feasible. Based on consultation with such displaced persons, the project developer will provide relocation assistance sufficient for them to restore their standards of living at an adequate alternative site.

2.2.4 Economic displacement

If land acquisition for a FONERWA funded project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the funded project will meet the following requirements:

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost;
- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the cost of transfer and reinstallation of plants, machinery and other equipment;
- Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable;
- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost;

- Provide additional targeted assistance (e.g. credit facilities, training or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected;
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

Therefore, the principal governing objectives of this policy are based on ensuring that:

- ✓ Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternatives.
- ✓ Where involuntary resettlement and land acquisition is unavoidable, resettlement and ^[L]_{SEP} compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons economically or physically displaced by the project the opportunity to share in the project benefits.
- ✓ Displaced and compensated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- ✓ Displaced (economically or physically) and compensated persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher. ^[L]_{SEP} Affected people, according to the World Bank ESS5, refers to people who are directly affected socially and economically by the bank assisted investment projects, caused by:
 - Involuntary taking of land and other assets resulting in:
 - (i) Relocation or loss of shelter
 - (ii) Loss of assets or access to assets ^[L]_{SEP} or loss of income sources or means of livelihood, whether or not the affected persons must move to another location;
 - The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the economically or physically displaced persons.

2.3 National regulations for involuntary resettlement

2.3.1 Rwandan Constitution 2003

The constitution of Rwanda (revised in 2015) is the overarching framework which guides E&S policy. It includes: Articles 11, 29, 30 and 31 on rights, duties and ownership of land:

- All Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.
- Rwandan Constitution recognizes that every person has a right to private property whether personal or owned in association with others. The private property, whether individually or collectively owned is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.

- Under Article 30, it is stipulated that private ownership of land and other rights related to land are granted by the State. The law specifies the modalities of acquisition, transfer and use of land. Exceptionally, the right to property may be overruled in the case of public interest. In these cases, circumstances and procedures are determined by the law and subject to fair and prior compensation (Article 29). Laws on property are also found in various legal texts of Rwanda. Eligibility for compensation is also enshrined under the Rwandan constitution and the Expropriation Law.
- The property of the State comprises of public and private property of the central Government as well as the public and private property of decentralized local government organs (Article 31). The public property of the State is inalienable unless there has been prior transfer thereof to the private property of the State.

2.3.2 National land policy, 2004

The Policy is premised in the National Development Strategy of Rwanda (Vision 2020). Its main objective is to put in place and operationalize an efficient system of land administration and land management that secures land ownership, promotes investment in land for socio-economic development and poverty reduction.

The policy provides for land tenure systems, guiding principles of land management, an effective & efficient land registry, and land transactions. According to the National Land Policy, all Rwandese enjoy the same rights of access to land, implying no discrimination against women. All land should be registered for security.

The National Land Policy specifies that marshlands are a special category of public land and their use, for those earmarked for it, must be done in the form of concession. All marshlands must be governed by a special legislation which must be vigorously enforced. Marshlands meant for agriculture should not be cultivated except after adequate planning and environmental impact assessment.

2.3.3 The national gender policy, 2010

The Vision of the National Gender Policy is to set the Rwandan society free from all forms of gender-based discrimination and see both men and women participate fully and enjoy equitably from the development processes. The main mission of this policy is to contribute to the elimination of gender inequalities in all sectors of national life, in order to achieve the nation's goal for sustainable development. Resettlement activities for the Fund will involve and affect both men and women in terms of loss of property and both genders are expected to be treated equally thus this policy will be relevant.

2.3.4 Law N°43/2013 of 16/06/2013 governing land in Rwanda

The Organic Law No. 03/2013/OL of 16/06/2013 repealing the Organic Law No 8/2005 of 14/7/2005, determines the use and management of land in Rwanda. In particular, it provides for the land use consolidation in Rwanda. This law governs land in Rwanda. It also institutes the principles that are to be respected on land legal rights accepted on any land in the country as well as all other appendages whether natural or artificial. Organic Land Law categorizes land via two criteria: (1) Land Use and (2) Land Ownership.

Land Use (Article 9) is split into two categories: urban lands and rural lands. Urban lands are defined as lands confined within the legal boundaries of towns and municipalities as well as lands in suburbs and collective settlements of towns and municipalities. Any other land is rural land. Land ownership is divided into the following categories: individual owned lands and State lands (whether urban or rural).

Article 10 provides that individual land is comprised of land acquired through custom, written law. That land has been granted definitely by competent authorities or acquired by purchase, donation, inheritance, succession, ascending sharing, and exchange or through sharing.

Article 11 provides that public land consists of land in public and private domain of State, land belonging to public institutions and land that belongs to local authorities whether being in their public domain or in their private domain. It also states that the State may donate to any public institution or local authority its land reserved for public or private domain.

Article 12 states that State land in the public domain consists of all land meant to be used by the general public or land reserved for organs of State services as well as national land reserved for environmental protection.

2.3.5 Land tenure legal provisions in Rwanda

Although the Organic Land Law provides two types of formal land tenure: full ownership/ freehold and long-term leasehold, all land in Rwanda belongs to public entities: the State, the Cities and the Districts. "**Public land**" is reserved for public use or for environmental protection. "**Private land**" can be allocated by its public owners (State, Cities and District) to natural or legal persons. It then becomes "individual land". It is leased through a lease contract and against payment of an annual lease fee. The lessee obtains an ownership certificate (Emphyteutic Lease Contract and Certificate or Full Ownership Title) (Ministry of Natural Resources, 2012). The Fund might need compensation for individual land owned.

The Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts have been made to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights have been encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau). All types of land tenure must be in compliance with the designated land use and environmental protection measures as outlined in the Land Use Master Plan.

2.3.6 Ministerial Order No. 001/2006 of 26/09/2006 determining the structure of land registers

The Ministerial Order No. 001/2006 of 26/09/2006 determines the structure of land registers, the responsibilities and the functioning of land bureau in each district (Article 1). Article 3 of this Order stipulates the following land registers; Cadastral register, Short term lease and long term lease contract. Chapter 2 (Article 3-4) highlights the structures of land registers while responsibilities are stipulated in Chapter 3 (Article 5-7) of this order. According to this order, the overall responsibility of implementing the land policy lies with the Land Bureau (Article 5-7). Functioning of the land Bureau is stipulated in Chapter 4 of this order.

2.3.7 Expropriation/acquisition of land and compensation of assets

2.3.7.1 Organic law No 32/2015 of 11/06/2015 relating to expropriation in the public interest

The Law determines the procedures relating to expropriation in the public interest. Expropriation is the taking of private property in the public interest aimed at development, social welfare, security and/or territorial integrity. An expropriator is a government organ with responsibilities and powers conferred by law to carry out expropriation in public interest. An act of public interest is defined as an Act of Government, public institution, non-governmental organization, legally accepted associations operating

in Rwanda or an individual with a public interest aim.

According to Article 5, acts of public interest include water dams, electric lines, basic infrastructure and any other activities aimed at public interest which are not indicated on this list but are approved by an Order of the Minister in charge of expropriation at his own initiative or upon request by other concerned persons.

Article 3 stipulates that expropriation can only be carried out by Government and only in the public interest and with prior fair and just compensation. Underground or surface activity may be carried out with a public interest aim, on land belonging to a person. No landowner is permitted to oppose such activity. In the event that the activity causes any loss to the landowner, he shall receive fair and just compensation for it.

Article 4 of the law provides that a project whose implementation shall entail expropriation is required to make financial provision for the expropriation process in terms of funds for inventory of assets of the person whose property is to be expropriated and for just compensation on its budget. Compensation is only payable to persons who have a legally recognized interest in the real property in issue.

The Expropriation Law provides for public dissemination on the importance of the project to be established and the need for expropriation. Article 12 of the Expropriation Law stipulates that the relevant Land Commission, after receiving the request for expropriation, shall examine the basis of that project proposal. In case it approves the basis of the project proposal, the relevant Land Commission shall request, in writing, the District authorities concerned to convene a consultative meeting of the population where the land is located, at least within a period of thirty (30) days after receipt of the application for expropriation, and indicating the date, time and the venue where the meeting is to be held. The relevant Land Commission shall take a decision within a period of at least fifteen (15) days after the consultative meeting with the population. The final decision is normally communicated publicly to the population by the relevant Land Commission. The decision is also normally posted in the public offices where the land at issue is located as well as on radio Rwanda and in State newspapers. As such, this is intended to inform the concerned parties and it is normally done within 30 days after the decision has been made (Expropriation Law Article 13).

Article 17 stipulates that a person to be expropriated shall be informed of the beginning of the process of the land survey and the inventory of the properties thereon. Land survey and inventory activities shall be carried out in presence of the beneficiary or representatives, as well the representatives of the local administrative entities. The owner of the land is not allowed to carry out any activities after the land survey and the inventory of the properties thereon and coming to terms with the beneficiaries. In case he or she carries out any activities, they shall not be valued in the process of expropriation. In case the owner of the activity who was informed through procedures provided by this law does not appear, a report shall be made and signed by the representatives of the local administrative entities as well as those who conducted the survey and the inventory.

According to Article 18, the person who owns land intended for public interest shall provide evidence to confirm that he or she possesses rights on that land and presents a certificate of acknowledgement of the members of his or her family. Among the evidence to confirm ownership of the land, there shall be included: written evidence indicating that he or she purchased the land, received it as a donation or as a legacy or a successor; a document or a statement of local administrative entities indicating rights of the expropriated person on the land; a document or testimony of the neighbours confirming the ownership of the land; or a Court certificate. The person who occupied reserved land after the publication of relevant laws shall not be entitled to any compensation.

According to Article 21, the properties to be valued for just compensation due to expropriation include

land and activities that were carried out on the land including different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity. The value of land and the activities thereon that belong to the person expropriated shall be calculated considering their size, nature and location and considering the prevailing market prices.

Article 23 provides that through agreement between the person to expropriate and the one to be expropriated, the just compensation may be monetary or an alternative land and a building equivalent to the determination of just monetary compensation. In order for the expropriation to be implemented, the just compensation shall be awarded to the expropriated person before he or she relocates.

Article 24 stipulates that the just compensation approved by the Land Commission shall be paid within a period not exceeding one hundred and twenty (120) days from the day of approval of the just compensation. In case it exceeds that period, the expropriation shall be invalid except in case the person to expropriate and the one to be expropriated come to terms. Subsequent to receiving just compensation, the expropriated person has a period that does not exceed ninety (90) days, in order to relocate.

Any time the person to be expropriated is still waiting for payment, he or she has a right to cultivate crops within a period not exceeding ninety days (90) and harvest the crops still on his or her land. Forceful relocation is permitted where a person receives an award and refuses to relocate. Such relocation shall be undertaken by competent authorities. In case the expropriator does not pay the agreed just compensation on time as provided by Article 24, he or she shall pay an annual interest on delays of 5% in addition to the just compensation agreed or awarded to the expropriated person. Such a period shall not exceed two (2) years.

According to Article 25, the amount for just compensation shall be deposited into the account of the person to be expropriated in a bank or any financial institution recognized by law and of his or her own choice in the country. In case the just compensation is to be paid to more than one person to be expropriated, if they share the rights on that property as a family or as a legally married spouse, the amount shall be deposited on a joint account such that any person wishing to withdraw money from the account shall receive written permission from those with whom they share the account. In case the property of the person to be expropriated is mortgaged to the bank as a security, the amount for just compensation shall be deposited on the account which he or she agrees with the bank.

2.3.7.2 Law establishing and organizing the real property valuation profession in Rwanda

The Law Establishing and Organizing the Real Property Valuation Profession in Rwanda, complement the law on expropriation in terms of undertaking valuation. Valuation of real property can only be done by a person certified as a Valuer under this law (Article 26). A Valuer may use one or more of the valuation methods mentioned to determine the value of real property. The Valuer shall select the best valuation method to determine the fair market value of the real property (Article 27). The methods used shall be clearly explained in the valuation report. Upon approval by the Council for the Regulation of Real Property Valuation in Rwanda (established under this law) a Valuer may use any other relevant worldwide methods not provided in this Law in order to carry out the assigned work.

There has been establishment of an Institute of Real Property Valuers of Rwanda as a body corporate with autonomy. In order to be recognized as a real property valuer in Rwanda, a person must be a member of the Institute. A Council for the Regulation of the Real Property Valuation Professionals in Rwanda is established as a regulatory agency. The Institute proposes regulations, guidelines and standards for valuation while the function of approval lies with the Council. A register of real property Valuers is maintained by the Council who can enter or remove a real property Valuer from the register

of certified Valuers. The Chairperson of the Council approves valuation and is equivalent to the Chief Government Valuer in other jurisdictions.

A person dissatisfied with a real property valuation shall refer the matter to the Council for determination. The Council shall select other certified Valuers who shall decide other valuation methods to be used. If the dispute remains unsettled, it shall be submitted to a court of law for adjudication.

2.3.8 Grievance resolution mechanism Ministerial Order No: 002/2008 of 2008 determining modalities of land registration

Annex 3 of the Ministerial order provides for dispute resolutions procedures and some provisions related to the Cell Adjudication Committee (CAC). Articles 17, 20, 22, and 23 provide the process for resolving disputes:

Article 17 grants parties with a dispute, the right to take that dispute to the mediation committee. That article also provides that where a dispute arose during demarcation and adjudication but, with the assistance of the CAC, the parties were able to resolve the dispute, the parties are bound by that agreement, and may not later attempt to raise the issue.

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

Articles 22 and 23 govern the lodging and processing of objections and corrections during a 60- day period.

The CAC is comprised of all five members of the cell land committee and five members of the particular Umudugudu where demarcation and adjudication is taking place. The cell Executive Secretary acts as the CAC secretary, although he or she has no voting rights. This order can be used to resolve resettlement conflict in the FONERWA-funded project area.

The Expropriation Law Article 26 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19).

The first step of redress is to inform those to be expropriated of their rights during the expropriation process. Articles 17-20 of the Expropriation Law obliges the representative government authority (that which is implementing the project requiring expropriation) to inform affected people of their rights at each stage of the process.

According to Article 26, all the grievances concerning non-compliance with the provisions of the contract, the value or timing of compensation or seizure of land assets without compensation shall be addressed to the Land Commission at the level at which the issue is based. The aggrieved party is provided with a legal expert in the matters of Land Law or any other survey expert with value verification skills, who will proceed to recalculate the value of compensation due. In case the new value is rejected by the Land Commission hearing the complaint, the aggrieved party may appeal to the immediate higher Land Commission within 15 working days which must then deliver its verdict within 30 days. If the aggrieved party is still dissatisfied with the decision, their final resort shall be to file the case to the competent Court of Law. According to Article 26, filing a case in courts of law does not stop the expropriation process from being effected.

To ensure that the affected parties are fully aware and to reduce possible backlog of complaints, it should be noted in advance that most members of the rural communities take time to decide to complain when aggrieved and as a result, may miss the 30 day period required to file their complaints.

As per international standards, grievances logged outside this timeframe may still be valid and legitimate. Customarily, the government expropriation authorities ensure that all affected people are fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people are informed of the procedures before their assets are taken.

2.4 International resettlement guidelines

As an institution that wants to become accredited to implement or oversee activities presenting medium or high levels of environmental or social risk, FONERWA's Resettlement Policy Framework (RPF) will follow the following international Resettlement Guidelines:

- IFC's Performance Standard 5 (PS5) on Land Acquisition and Involuntary Resettlement³
- The World Bank Environmental and Social Framework (ESF): Environmental and Social Standard (ESS 5) Land Acquisition, restrictions on Land Use and Involuntary Resettlement⁴
- United Nations (UN) Basic Principles and Guidelines on [SEP] Development-based Evictions and Displacement (namely §§ 42, 49, 52, 54 and 60)⁵
- BMZ's Guidelines on Incorporating Human Rights Standards and Principles, including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation⁶
- IFC (2002) Handbook for Preparing a Resettlement Action Plan⁷;
- World Bank (2004) Involuntary Resettlement Sourcebook;
- KfW Sustainability Guideline - Assessment of Environmental, Social, and Climate Performance: Principles and Process⁸.

Only the IFC's Performance Standard 5 (PS5) on Land Acquisition and Involuntary Resettlement is provided in this document.

2.4.1 IFC's Performance Standard 5 on Land Acquisition and Involuntary Resettlement

Performance Standard 5 recognizes that project-related land acquisition and restrictions on land use can have adverse impacts on communities and persons that use this land. Unless properly managed, involuntary resettlement may result in long-term hardship and impoverishment for the Affected Communities and persons, as well as environmental damage and adverse socio-economic impacts in areas to which they have been displaced. For these reasons, involuntary resettlement should be avoided. However, where involuntary resettlement is unavoidable, it should be minimized and appropriate measures to mitigate adverse impacts on displaced persons and host communities⁹ should be carefully planned and implemented.

³ See IFC Performance Standards on Environmental and Social Sustainability (2012) [SEP] and International Finance Corporation's Guidance Notes: Performance Standards on Environmental and Social Sustainability (2012) [SEP]

⁴ For (economic) displacement-impacts due to the establishment/management of protected areas (loss/limitation of access to natural resources) ESS 5 has to be applied

⁵ http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf [SEP]

⁶ German Federal Ministry for Economic Cooperation and Development (BMZ) - Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation.

⁷ <https://commdev.org/userfiles/ResettlementHandbook.pdf> [SEP]

⁸ KfW Sustainability Guideline (2019)

⁹ A host community is any community receiving displaced persons.

2.4.1.1 Objectives

The objectives of IFC's PS5 are:

- to avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs.
- ^[1]_{SEP} to avoid forced eviction.
- to anticipate and avoid, or where ^[1]_{SEP} 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 cost¹⁰ 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.
- to improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure¹¹ at resettlement sites.

2.4.1.2 Scope of Application

The applicability of this Performance Standard is established during the environmental and social risks and impacts identification process. The implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's Environmental and Social Management System.

This Performance Standard applies to physical and/or economic displacement resulting from the following types of land-related transactions:

- Land rights or land use rights acquired through expropriation or other compulsory procedures in accordance with the legal system of the host country;
- Land rights or land use rights acquired through negotiated settlements with property owners or those with legal rights to the land if failure to reach settlement would have resulted in expropriation or other compulsory procedures¹²
- 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;
- Certain project situations requiring evictions of people occupying land without formal, traditional, or recognizable usage rights; or
- 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.

This Performance Standard does not apply to resettlement resulting from voluntary land transactions

¹⁰ Replacement cost is defined as the market value of the assets plus transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. Market value is defined as the value required to allow Affected Communities and persons to replace lost assets with assets of similar value. The valuation method for determining replacement cost should be documented and included in applicable Resettlement and/or Livelihood Restoration plans ^[1]_{SEP}.

¹¹ Security of tenure means that resettled individuals or communities are resettled to a site that they can legally occupy and where they are protected from the risk of eviction. ^[1]_{SEP}

¹² This also applies to customary or traditional rights recognized or recognizable under the laws of the host country

(i.e., market transactions in which the seller is not obliged to sell, and the buyer cannot resort to expropriation or other compulsory procedures sanctioned by the legal system of the host country if negotiations fail). It also does not apply to impacts on livelihoods where the project is not changing the land use of the affected groups or communities.

2.4.1.3 Requirements

A. General

Project Design: The client will consider feasible alternative project designs to avoid or minimize physical and/or economic displacement, while balancing environmental, social, and financial costs and benefits, paying particular attention to impacts on the poor and vulnerable.

Compensation and Benefits for Displaced Persons: When displacement cannot be avoided, the client will offer displaced communities and persons compensation for loss of assets at full replacement cost and other assistance to help them improve or restore their standards of living or livelihoods, as provided in this Performance Standard.

Compensation standards will be transparent and applied consistently to all communities and persons affected by the displacement. Where livelihoods of displaced persons are land-based¹³, or where land is collectively owned, the client will, where feasible, offer the displaced land-based compensation. The client 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. The client will also provide opportunities to displaced communities and persons to derive appropriate development benefits from the project.

Community Engagement: The client will engage with Affected Communities, including host communities, through the process of stakeholder engagement. Decision-making processes related to resettlement and livelihood restoration should include options and alternatives, where applicable. Disclosure of relevant information and participation of Affected Communities and persons 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 this Performance Standard.

Grievance Mechanism: The client will establish a grievance mechanism consistent with Performance Standard 1 as early as possible in the project development phase. This will allow the client to receive and address specific concerns about compensation and relocation raised by displaced persons or members of host communities in a timely fashion, including a recourse mechanism designed to resolve disputes in an impartial manner.

Resettlement and Livelihood Restoration Planning and Implementation: Where involuntary resettlement is unavoidable, either as a result of a negotiated settlement or expropriation, 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 assistance¹⁴, and discourage ineligible persons, such as opportunistic settlers, from claiming benefits. In the absence of host government procedures, the client will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area.

¹³ The term “land-based” includes livelihood activities such as subsistence cropping and grazing of livestock as well as the harvesting of natural resources.

¹⁴ Documentation of ownership or occupancy and compensation arrangements should be issued in the names of both spouses or heads of households, and other resettlement assistance, such as skills training, access to credit, and job opportunities, should be equally available to women and adapted to their needs

In cases where affected persons reject compensation offers that meet the requirements of this Performance Standard and, as a result, expropriation or other legal procedures are initiated, the client will explore opportunities to collaborate with the responsible government agency, and, if permitted by the agency, play an active role in resettlement planning, implementation and monitoring.

B. Displacement

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. Project-related land acquisition and/ or restrictions on land use may result in the physical displacement of people as well as their economic displacement. Consequently, requirements of this Performance Standard in respect of physical displacement and economic displacement may apply simultaneously¹⁵

(B1) Physical Displacement: In the case of physical displacement, the client will develop a Resettlement Action Plan that covers, at a minimum, the applicable requirements of this Performance Standard regardless of the number of people affected. This will include compensation at full replacement cost for land and other assets lost. The Plan will be designed to mitigate the negative impacts of displacement; identify development opportunities; develop a resettlement budget and schedule; and establish the entitlements of all categories of affected persons (including host communities). Particular attention will be paid to the needs of the poor and the vulnerable. The client will document all transactions to acquire land rights, as well as compensation measures and relocation activities.

(B2) Economic Displacement: In the case of projects involving economic displacement only, the client will develop a Livelihood Restoration Plan to compensate affected persons and/ or communities and offer other assistance that meet the objectives of this Performance Standard. The Livelihood Restoration Plan will establish the entitlements of affected persons and/or communities and will ensure that these are provided in a transparent, consistent, and equitable manner. The mitigation of economic displacement will be considered complete when affected persons or communities have received compensation and other assistance according to the requirements of the Livelihood Restoration Plan and this Performance Standard and are deemed to have been provided with adequate opportunity to reestablish their livelihoods.

If land acquisition or restrictions on land use result in economic displacement defined as loss of assets and/or means of livelihood, regardless of whether or not the affected people are physically displaced, the client will meet the requirements below as applicable. Economically displaced persons who face loss of assets or access to assets will be compensated for such loss at full replacement cost.

- In cases where land acquisition or restrictions on land use affect commercial structures, affected business owners will be compensated for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery, or other equipment.
- In cases affecting persons with legal rights or claims to land which are recognized or recognizable under national law) of equal or greater value will be provided, or, where appropriate, cash compensation at full replacement cost.
- Economically displaced persons who are without legally recognizable claims to land will be

¹⁵ Where a project results in both physical and economic displacement, the requirements of Economic Displacement should be incorporated into the Resettlement Action Plan or Framework (i.e., there is no need to have a separate Resettlement Action Plan and Livelihood Restoration Plan).

compensated for lost assets other than land (such as crops, irrigation infrastructure and other improvements made to the land), at full replacement cost. The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date for eligibility.

In addition to compensation for lost assets, if any economically displaced persons whose livelihoods or income levels are adversely affected will also be provided opportunities to improve, or at least restore, their means of income-earning capacity, production levels, and standards of living:

- For persons whose livelihoods are land-based, replacement land that has a combination of productive potential, locational advantages, and other factors at least equivalent to that being lost should be offered as a matter of priority.
- For persons whose livelihoods are natural resource-based, implementation of measures will be made to either allow continued access to affected resources or provide access to alternative resources with equivalent livelihood-earning potential and accessibility. Where appropriate, benefits and compensation associated with natural resource usage may be collective in nature rather than directly oriented towards individuals or households.
- If circumstances prevent the client from providing land or similar resources as described above, alternative income earning opportunities may be provided, such as credit facilities, training, cash, or employment opportunities. Cash compensation alone, however, is frequently insufficient to restore livelihoods.

C. Private Sector Responsibilities Under Government-Managed Resettlement

Where land acquisition and resettlement are the responsibility of the government, the client will collaborate with the responsible government agency, to the extent permitted by the agency, to achieve outcomes that are consistent with this Performance Standard. In addition, where government capacity is limited, the client will play an active role during resettlement planning, implementation, and monitoring, as described below.

In the case of acquisition of land rights or access to land through compulsory means or negotiated settlements involving physical displacement, the client will identify and describe government resettlement measures.

2.4.2 Involuntary resettlement instruments

The elements of the plans addressing physical and/or economic displacement shall be referred to as “resettlement plans”. Resettlement plans include measures to address physical and/or economic displacement, depending on the nature of the impacts expected from a project.

Projects may use alternative nomenclature, depending on the scope of the resettlement plan—for example, where a project involves only economic displacement, the resettlement plan may be called a “livelihood plan” or where restrictions on access to legally designated parks and protected areas are involved, the plan may take the form of a “process framework”.

2.4.2.1 Resettlement Action Plan (RAP)

The scope of requirements and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed project and its potential impacts on the displaced persons and other adversely affected groups, (b) appropriate and feasible mitigation measures, and (c) the legal and institutional

arrangements required for effective implementation of resettlement measures.

1) Minimum elements of a resettlement plan

- A) Description of the project:** General description of the project and identification of the project area.
- B) Potential impacts:** Identification of:
- The project components or activities that give rise to displacement, explaining why the selected land must be acquired for use within the timeframe of the project;
 - The zone of impact of such components or activities;
 - The scope and scale of land acquisition and impacts on structures and other fixed assets;
 - Any project-imposed restrictions on use of, or access to land or natural resources;
 - Alternatives considered to avoid or minimize displacement and why those were rejected; and
 - The mechanisms established to minimize displacement, to the extent possible, during project implementation
- C) Objectives:** The main objectives of the resettlement action plan is to specify all resettlement arrangements and the measures for avoiding, minimizing or compensating losses or other negative social impacts resulting from resettlement. It establishes the basis for the agreement with affected parties.
- D) Census survey and baseline socioeconomic studies:** The findings of a household level census identifying and enumerating affected persons, and, with the involvement of affected persons, surveying land, structures and other fixed assets to be affected by the project. The census survey also serves other essential functions:
- (i) Identifying characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
 - (ii) Information on vulnerable groups or persons for whom special provisions may have to be made;
 - (iii) Identifying public or community infrastructure, property or services that may be affected;
 - (iv) Providing a basis for the design of, and budgeting for, the resettlement program;
 - (v) In conjunction with establishment of a cut-off date, providing a basis for excluding ineligible people from compensation and resettlement assistance; and
 - (vi) Establishing baseline conditions for monitoring and evaluation purposes.
- E) Legal framework:** The findings of an analysis of the legal framework, covering:
- (i) The scope of the power of compulsory acquisition and imposition of land use restriction and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
 - (ii) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available grievance redress mechanisms that may be

relevant to the project;

- (iii) Laws and regulations relating to the agencies responsible for implementing resettlement activities; and
- (iv) Gaps, if any, between local laws and practices covering compulsory acquisition, imposition of land use restrictions and provision of resettlement measures and **IFC PS5/WBG ESS5**, and the mechanisms to bridge such gaps.

F) Institutional framework: The findings of an analysis of the institutional framework covering:

- The identification of agencies responsible for resettlement activities and ngos/csos that may have a role in project implementation, including providing support for displaced persons;
- An assessment of the institutional capacity of such agencies and ngos/csos; and
- Any steps that are proposed to enhance the institutional capacity of agencies and NGOs/CSOs responsible for resettlement implementation.

G) Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

H) Valuation of and compensation for losses: The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation for land, natural resources and other assets under local law and such supplementary measures as are necessary to achieve replacement cost for them

I) Community participation: Involvement of displaced persons (including host communities, where relevant):

- a description of the strategy for consultation with, and participation of, displaced persons in the design and implementation of the resettlement activities;
- a summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them; and
- institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

J) Implementation schedule: An implementation schedule providing anticipated dates for displacement, and estimated initiation and completion dates for all resettlement plan activities. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

K) Costs and budget: Tables showing categorized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

L) Grievance redress mechanism: The plan describes affordable and accessible procedures for third

party settlement of disputes arising from displacement or resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

M) Monitoring and evaluation: Arrangements for monitoring of displacement and resettlement activities by the implementing agency, supplemented by third-party monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of results for a reasonable period after all resettlement activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

N) Arrangements for adaptive management: The plan should include provisions for adapting resettlement implementation in response to unanticipated changes in project conditions, or unanticipated obstacles to achieving satisfactory resettlement outcomes.

II) Additional planning requirements where resettlement involves physical displacement

When project circumstances require the physical relocation of residents (or businesses), resettlement plans require additional information and planning elements. Additional requirements include:

- **Transitional assistance:** The plan describes assistance to be provided for relocation of household members and their possessions (or business equipment and inventory). The plan describes any additional assistance to be provided for households choosing cash compensation and securing their own replacement housing, including construction of new housing. If planned relocation sites (for residences or businesses) are not ready for occupancy at the time of physical displacement, the plan establishes a transitional allowance sufficient to meet temporary rental expenses and other costs until occupancy is available.
- **Site selection, site preparation and relocation:** When planned relocation sites are to be prepared, the resettlement plan describes the alternative relocation sites considered and explains sites selected, covering:
 - (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is better or at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
 - (ii) Identification and consideration of opportunities to improve local living standards by supplemental investment (or through establishment of project benefit-sharing arrangements) in infrastructure, facilities or services;
 - (iii) Any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites;
 - (iv) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
 - (v) Legal arrangements for regularizing tenure and transferring titles to those resettled, including provision of security of tenure for those previously lacking full legal rights to land or structures.
- **Housing, infrastructure and social services:** Plans to provide (or to finance local community

provision of) housing, infrastructure (eg. water supply, feeder roads), and social services (e.g. schools, health services); plans to maintain or provide a comparable level of services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

- **Environmental protection and management:** A description of the boundaries of the planned relocation sites; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
- **Consultation on relocation arrangements:** The plan describes methods of consultation with physically displaced persons on their preferences regarding relocation alternatives available to them, including, as relevant, choices related to forms of compensation and transitional assistance, to relocating as individual households families or with preexisting communities or kinship groups, to sustaining existing patterns of group organization, and for relocation of, or retaining access to, cultural property (e g , places of worship, pilgrimage centers, cemeteries).
- **Integration with host populations:** Measures to mitigate the impact of planned relocation sites on any host communities, including:
 - (i) consultations with host communities and local governments;
 - (ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided in support of planned relocation sites;
 - (iii) Arrangements for identifying and addressing any conflict that may arise between those resettled and host communities; and
 - (iv) Any measures necessary to augment services (e g, education, water, health, and production services) in host communities to meet increased demands upon them, or to make them at least comparable to services available within planned relocation sites.

III) Additional planning requirements where resettlement involves economic displacement

If land acquisition or restrictions on use of, or access to, land or natural resources may cause significant economic displacement, arrangements to provide displaced persons with sufficient opportunity to improve, or at least restore, their livelihoods are also incorporated into the resettlement plan, or into a separate livelihoods improvement plan These include:

- **Direct land replacement:** For those with agricultural livelihoods, the resettlement plan provides for an option to receive replacement land of equivalent productive value or demonstrates that sufficient land of equivalent value is unavailable. Where replacement land is available, the plan describes methods and timing for its allocation to displaced persons.
- **Loss of access to land or resources:** For those whose livelihood is affected by loss of land or resource use or access, including common property resources, the resettlement plan describes means to obtain substitutes or alternative resources, or otherwise provides support for alternative livelihoods.
- **Support for alternative livelihoods:** For all other categories of economically displaced persons, the resettlement plan describes feasible arrangements for obtaining employment or for establishing a business, including provision of relevant supplemental assistance including skills training, credit, licenses or permits, or specialized equipment As warranted, livelihood planning provides special assistance to women, minorities or vulnerable groups who may be

disadvantaged in securing alternative livelihoods.

- **Consideration of economic development opportunities:** The resettlement plan identifies and assesses any feasible opportunities to promote improved livelihoods as a result of resettlement processes. This may include, for example, preferential project employment arrangements, support for development of specialized products or markets, preferential commercial zoning and trading arrangements, or other measures. Where relevant, the plan should also assess the feasibility of prospects for financial distributions to communities, or directly to displaced persons, through establishment of project-based benefit-sharing arrangements.
- **Transitional support:** The resettlement plan provides transitional support to those whose livelihoods will be disrupted. This may include payment for lost crops and lost natural resources, payment of lost profits for businesses, or payment of lost wages for employees affected by business relocation. The plan provides that the transitional support continues for the duration of the transition period.

2.4.2.2 Abbreviated Resettlement Plan (A-RAP)

When the impacts on the entire displaced population are minor (i.e., if affected people are not physically displaced and less than 10% of their productive assets are lost) or fewer than 200 people are displaced (economically or physically) for the entire project, then the preparation of an Abbreviated Resettlement Plan (A-RAP) is recommended. An abbreviated plan covers the following minimum elements:

- A census survey of displaced persons and valuation of assets;
- Description of compensation and other resettlement assistance to be provided;
- Consultations with displaced people about acceptable alternatives;
- Institutional responsibility for implementation and procedures for grievance redress;
- Arrangements for monitoring and implementation; and
- A timetable and budget.

2.4.2.3 Resettlement policy framework (RPF)

The purpose of the resettlement framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects or project components to be prepared during project implementation¹⁶. Once the subproject or individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific plan proportionate to potential risks and impacts. Project activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and approved by the Bank.

The resettlement policy framework covers the following elements:

- A brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement policy framework rather than a resettlement plan is being prepared;
- Principles and objectives governing resettlement preparation and implementation;
- A description of the process for preparing and approving resettlement plans;

¹⁶ See World Bank Group ESS5, paragraph 25

- Estimated displacement impacts and estimated numbers and categories of displaced persons, to the extent feasible;
- Eligibility criteria for defining various categories of displaced persons;
- A legal framework reviewing the fit between borrower laws and regulations and bank policy requirements and measures proposed to bridge any gaps between them;
- Methods of valuing affected assets;
- Organizational procedures for delivery of compensation and other resettlement assistance, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- A description of the implementation process, linking resettlement implementation to civil works;
- A description of grievance redress mechanisms;
- A description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- Arrangements for monitoring by the implementing agency and, if required, by third party monitors.

When a resettlement policy framework is the only document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of subproject financing does not need to include the policy principles, entitlements, and eligibility criteria, organizational arrangements for monitoring and evaluation, the framework for participation and mechanisms for grievance redress set in the resettlement policy framework.

The project-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

2.4.2.4 Process framework

A process framework is prepared when Bank- supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve the objectives of this ESS, and implementation and monitoring of relevant project activities.

Specifically, the process framework describes participatory processes by which the following activities will be accomplished:

- *Project components will be prepared and implemented:* The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.
- *Criteria for eligibility of affected persons will^[1]_{SEP} be determined:* The document should establish

that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.

- *Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms, to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified:* The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.
- *Potential conflicts or grievances within or between affected communities will be resolved:* The document should describe the process for resolving disputes relating to resource^[11] use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following:

- *Administrative and legal procedures:* The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).
- *Monitoring arrangements:* The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes, livelihoods and living standards.

2.5 Comparative analysis between national legislation and WBG ESS5/IFC PS5

The WBG/IFC Standards require that projects identify all laws of the host country that are applicable to land acquisition and involuntary resettlement, including relevant local customs and traditions that govern affected communities.

This section compares differences between the laws of Rwanda related to expropriation and the World Bank/IFC's safeguards on Involuntary Resettlement and should be taken into account depending on the type of the project. However, where national legislation falls short of meeting the conditions prescribed by WB/IFC standards, FONERWA funded projects should ensure they meet the WB/IFC standards. On this basis, this section identifies gaps between Rwandan laws and WB/IFC standards and proposes a strategy to address those gaps without infringing on issues of national sovereignty.

The promulgation of the Expropriation Law, 32/2015 of 11/06/2015 introduces a legal framework within which expropriation activities must be conducted, and above all, attempts to bring Rwandan legislation more in line with international best practice requirements.

Despite this, there are still some gaps between the Rwandan legislation and the World Bank ESS5/IFC PS5. These relate to the general principles for resettlement, eligibility criteria, the notification period for expropriation and resettlement, and the procedures required throughout the resettlement process. All these gaps are detailed below.

2.5.1 Stakeholder participation and consultation

World Bank ESS5/IFC PS5 require that persons to be displaced should be actively consulted and should

have the opportunity to participate in planning and design of resettlement programs. The Rwandan Expropriation (Law No. 32/2015 of 11/06/2015) simply stipulates that affected people should be fully informed of the expropriation process.

The law also conflicts the very purpose of consultation and involvement by prohibiting any opposition to the expropriation program if considered to be under the pretext of self-centered justification which might not be the case.

2.5.2 Determining eligibility for compensation

While World Bank/IFC consider and allow a wide range of persons eligible for compensation, such as those who do not own land but have access to the property and will be displaced, Rwandan legislation (Law No. 32/2015 of 11/06/2015) only stipulates that compensation be due to property owners (land or other assets).

2.5.3 Transfer period

Rwandan expropriation law (Law No. 32/2015 of 11/06/2015) stipulates a timeframe when the property to be expropriated must be handed over, which is 120 days after compensation has been paid. WB ESS5/IFC PS5 requires that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. Measures pertaining to provision of economic rehabilitation, however, can and often do occur post displacement.

2.5.4 Avoiding resettlement

According to WB ESS5/IFC PS5, resettlement should be avoided whenever possible. Article 3 of the new expropriation Law in Rwanda (Law No. 32/2015 of 11/06/2015) regards expropriation in the public interest as inevitable. No person shall hinder the implementation of the program of expropriation in the public interest on pretext of self-centered interests.

2.5.5 Assistance to resettle the displaced

While the expropriation law (Law No. 32/2015 of 11/06/2015) provides for compensation measures, it is silent on other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required.

2.5.6 Criteria for expropriation and compensation

2.5.6.1 Eligibility

Eligibility for compensation as a result of expropriation is enshrined in the Constitution of Rwanda under article 29 and the Expropriation Law (Law No. 32/2015 of 11/06/2015). As per Article 26 of the law No 32/2015 of 11/06/2015, the owner of land designated for expropriation in the public interest shall provide proof of rights to land and property incorporated thereon, such as land titles or any other documentary evidence showing he/she has property ownership. WB ESS5/IFC PS5 requires that those who do not have formal legal rights to land at the time the census begins but have a recognized claim to such land or assets are also eligible for compensation for the land they lose, and other assistance. Each category in the eligibility matrix has compensation calculations associated with it based on type of lost asset, type of tree, type of crop and yields.

WB ESS5/IFC PS5 indicates that squatters (i.e., the PAPs who do not have title or valid claim to the land) are provided resettlement assistance in lieu of compensation for the land they occupy, and other

assistance, as necessary, if they occupy the project area prior to a cut-off date established by the borrower and acceptable to the Bank. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas.

Rwanda expropriation law stipulates a timeframe upon when the property to be expropriated must be handed over, which is 120 days after compensation has been paid. WB ESS5/IFC PS5 requires that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation.

2.5.6.2 Compensation entitlement

In event of loss occurring to an individual, Article 3 of the Expropriation Law stipulates that Expropriation “shall be carried out only in the public interest and with prior and fair compensation”. This entitlement is based on the figure arrived at by the independent valuer. Article 4 of this law also stipulates that any project which results in the need for expropriation for public interest shall provide for all just compensation in its budget. Through mutual arrangement, both parties can determine the mode of payment.

Article 35 of the Expropriation Law (Law N° 32/2015 of 11/06/2015) provides that through an agreement between the person to expropriate and the one to be expropriated, just compensation may either be monetary, alternative land or a building equivalent as long as either option equates to fair and just monetary compensation. In case the determination of ‘just’ compensation exceeds in value the alternative land given to the expropriated person, the difference will be paid to the expropriated person.

2.5.6.3 Expropriation and valuation in Rwanda

Land and other assets incorporated thereon are classified into two categories: movable and immovable assets, both of which are eligible for compensation. Valuation of property on land is done by the Government or independent valuers registered by Institute of Real Property Valuers. The amount of compensation for property is determined on the basis of the replacement cost of the property. The law provides that the valuation for expropriated assets be based on its type, use, location and availability, building on this guidance provided by MoE. At the moment market prices for property on it are negotiated openly and freely by the buyer and the seller based on mutual agreement (willing seller willing buyer basis).

2.5.6.4 Procedures for expropriation

The law on expropriation stipulates and provides for public sensitization on the importance of the project to be established and the need for expropriation. In addition to sensitization, the Expropriation Law requires prior consultative meetings and examination of the project proposal involving expropriation, with a view to avoid eventual prejudice on the person or entity subject to expropriation. Normally, a consultative meeting is held within 15 days after receipt of the application for expropriation. Based on these consultations, the Resettlement and compensation committee shall submit in writing its decision to the District Council for approval of the expropriation in the public interest.

The District Council decision shall be announced on at least one of the radio stations with a wide audience in Rwanda and in at least one of Rwanda-based newspapers with a wide readership in order for the relevant parties to be informed thereof. If necessary, any other means of communication shall be used.

2.5.6.5 Complaints procedure

Articles 33 and 34 of the Expropriation Law No 32/2015 of 11/06/2015 provide complaints procedures for individuals dissatisfied with the value of their compensation. Article 33 of the expropriation law stipulates that dissatisfied persons have a period of 10 days from the application for counter valuation by the person to be expropriated. This application should be done within seven days after the approval of the valuation report by the expropriator.

However, in the context of this project, the grievance redress committees at the Cell/Quarter, Sector/Camp; the District and the top-level Project Coordination Unit will supervise expropriation procedures and resolve related issues/conflicts (see Grievance Mechanism). The PAPs with no formal rights or recognized claims (i.e., squatters) will also be able to access the grievance redress mechanism. Project implementers will ensure that all affected people are fully informed of the process for expressing dissatisfaction and for seeking redress and will issue warnings about the consequences of failure to lodge their complaints in time.

The first step of redress is to inform those to be expropriated of their rights during the expropriation process. Once the valuation report is approved by the expropriator and the landowner or the owner of property incorporated on land is satisfied with the valuation, he/she shall sign or fingerprint the approved fair compensation reports (Article 31 and 32 of the Expropriation Law No 32/2015 of 11/06/2015).

In case that any PAP rejects the value given by the expropriator, he/she can indicate in writing for his/her dissatisfaction with the valuation report and ask for a counter- assessment of the value. He/she will then engage the services of a valuer or a valuation firm recognized by the Institute of Real Property Valuers in Rwanda at his/her own expense. The counter-assessment report must be available within ten (10) days from the application for counter valuation by the person to be expropriated (Article 33 of the expropriation law No 32/2015 of 11/06/2015). When the counter-assessment report is approved and the landowner or the owner of property incorporated on land is satisfied with the valuation, he/she shall sign or fingerprint the approved fair compensation reports.

Table 1 Comparative analysis between World Bank ESS5/IFC PS5 and national laws

Category of PAPs/ Principles	Rwandan Legislations	World Bank ESS5/IFC PS5	Gap Filling Measures
Landowners (loss of land)	According to the National Land Policy, all Rwandese enjoy the same rights of access to land, implying no discrimination against women. All land should be registered for security. The title is tradable, but not if it fragments plots below 1 hectare. Compensation for non-transferable property based upon market value. Landowners, under Rwandese Law, received cash compensation based upon market value.	Identification of PAPs is done through census and socio- economic surveys of the affected population, PAPs with title as well as PAPs who do not have a formal title but have customary and traditional right recognized under Rwandan law or who have a recognized claim to the land at time the census begins – are entitled to compensation for land that they lose (besides other assistance) Land-for- land exchange is the preferred option; compensation is to be based on replacement cost, Must be compensated for houses and other structures whatever the legal recognition of their occupancy	Adopt IFC mode of compensation by preference to land for land resettlement and compensation at replacement cost.
Land Squatters (i.e. those who have no recognizable legal right of claim to the land that they are occupying)	Rwandan legislations entitle only those who are “landholders” with legal possession of property	Must be compensated for houses and other structures whatever the legal recognition of their occupancy	Adopt IFC Standards by compensating at full replacement cost for assets, and livelihood restoration.
Valuation	Valuation is covered by the Law No 32/2015 of 11/06/2015 relating to expropriation in the public interest and Law N° 17/2010 of 12 /05/2010 establishing and organizing the real property valuation profession in Rwanda stipulating that the affected person receives fair and just compensation.	WB ESS5/IFC PS5 prefers Replacement cost method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. If the residual of the asset being taken is not economically viable, compensation and other resettlement assistance are provided as if the entire asset had been taken.	Adopt replacement cost method of valuation as per the Law No 32/2015 of 11/06/2015 relating to expropriation in the public interest and Law No 17/2010 of 12 /05/2010 establishing and organizing the real property valuation profession in Rwanda
Compensation	Article 28 of the expropriation law No 32/2015 of 11/06/2015 entitles the landholder to compensation for the value of the land and activities on the basis of size, nature location considering the prevailing market rates.	WB ESS5/IFC PS5 gives preference to land based resettlement strategies for displaced persons whose livelihoods are land- based as compared to monetary compensation	Adopt article 35 of law No 32/2015 of 11/06/2015 relating to expropriation in the public interest

Category of PAPs/ Principles	Rwandan Legislations	World Bank ESS5/IFC PS5	Gap Filling Measures
	Fair compensation can be paid in monetary form in Rwandan currency or in any other form mutually agreed upon by the expropriator and the person to be expropriated as per article 35 of law No 32/2015 of 11/06/2015 relating to expropriation in the public interest		
Meaningful and Participative consultation	The Rwandan law on Expropriation simply stipulates that affected people be fully informed of expropriation in the public interest. The PAPs have also rights to appeal for the decision on expropriation in the public interest. The law also conflicts the very purpose of consultation and involvement by prohibiting any opposition to the expropriation program if considered to be under the pretext of self-centered justification which might not be the case	WB ESS5/IFC PS5 requires that persons to be displaced should be actively consulted and should have opportunity to participate in planning and design of resettlement programs	Adopt WB ESS5/IFC PS5 methods of consultative participation
Timeframe	<p>The cut-off date is not clearly defined. As per the law (Article 17 of the expropriation law), PAPs are requested not to develop any other long-term activities on the land after the publication of the decision on expropriation in the public interest and list of PAHs.</p> <p>Rwanda expropriation law also stipulates a timeframe upon when the property to be expropriated must be handed over, which is 120 days after compensation has been paid.</p>	WB ESS5/IFC PS5 requires that displacement must not occur before necessary measures for resettlement are in place, i.e., measures over and above simple compensation. These include compensation and other measures required for relocation and preparation and provision of facilities of resettlement sites, where required. In particular, taking of land and related assets may only take place after compensation has been paid and where applicable resettlement sites and moving allowances have been provided. Furthermore, measures pertaining to provision of economic rehabilitation however can and often do occur post displacement. WB ESS5/IFC PS5 provides for a timeframe (cut-off date); people who encroach on the area after the cut-off date are not entitled to compensation or resettlement assistance)	A cut-off date should be applied. Adopt WB ESS5/IFC PS5 approach, which states that, where the borrower has offered to pay compensation to an affected person in accordance with an approved resettlement plan, but the offer has been rejected, the taking of land and related assets may only proceed if the borrower has deposited funds equal to the offered amount plus 10 percent in a secure form of escrow or other interest-bearing deposit acceptable to the Bank, and has provided a means satisfactory to the Bank for resolving the dispute concerning said offer of

Category of PAPs/ Principles	Rwandan Legislations	World Bank ESS5/IFC PS5	Gap Filling Measures
			compensation in a timely and equitable manner.
Overall strategy	Article 6 of law No 32/2015 of 11/06/2015 relating to expropriation in the public interest on procedures, provides for the process to show how the projects fits into the land master plan of the area in question	Under the WB ESS5/IFC PS5, It is not necessary to prove that the project fits within the overall land master plan	Adopt the Law No 32/2015 of 11/06/2015 relating to expropriation in the public interest
Eligibility	Article 26 of law No 32/2015 of 11/06/2015 relating to expropriation in the public interest the expropriation law requires the person who owns land intended for expropriation to Provide evidence of ownership or rights on that land and presents a certificate to that effect.	WB ESS5/IFC PS5 criteria for eligibility include even those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement plan and also those who have no recognizable legal right or claim to the land they are occupying. The latter are only compensated for assets other than land.	Adopt the WB ESS5/IFC PS5 which is much broader
	The Rwandan law provides that Fair compensation can be paid in monetary form in Rwandan currency or in any other form mutually agreed upon by the expropriator and the person to be expropriated as per article 35 of law No 32/2015 of 11/06/2015 relating to expropriation in the public interest.	WB ESS5/IFC PS5 requires and prefers resettlement of displaced persons through provision of land for land instead of cash compensation for land, when livelihoods are land based. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	Adopt article 35 of law No 32/2015 of 11/06/2015 relating to expropriation in the public interest
Required Measures	Fair compensation can be paid in monetary form in Rwandan currency or in any other form mutually agreed upon by the expropriator and the person to be expropriated as per article 35 of law No 32/2015 of 11/06/2015 relating to expropriation in the public interest	WB ESS5/IFC PS5 requires displaced persons to be consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives.	Use WB ESS5/IFC PS5

Category of PAPs/ Principles	Rwandan Legislations	World Bank ESS5/IFC PS5	Gap Filling Measures
Grievance redress mechanisms	The Law of 32/2015 of 11/06/2015 relating to relating to expropriation in the public interest only talks about mechanisms to redress issues to do with individuals dissatisfied with the proposed value of their compensation.	WB ESS5/IFC PS5 requires that displaced persons and their communities, and any host communities receiving them, are provided timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement. Appropriate and accessible grievance mechanisms are established for these groups.	Adopt WB ESS5/IFC PS5
Livelihood restoration and development assistance	There are no explicit provisions on livelihood restoration.	Livelihoods and living standards are to be restored in real terms to pre- displacement levels or better offer support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living (for ex. land preparation, jobs, credits facilities);	Adopt WB/IFC Guidelines and principles

3 Resettlement Planning and Impact Assessment for FONERWA-Funded Projects

3.1. Overview

Resettlement planning is ideally carried out alongside environmental and social impact assessments, contributing to this process and drawing on the results. As the work is usually completed in the same areas and communities and with involvement of some of the same stakeholders, coordination of activities can be beneficial despite the challenges. Resettlement plans (RAPs or A-RAPs) must be well aligned with other project plans, particularly environmental and social management plans, construction management plans, stakeholder engagement plans and so on.

Figure 1 below provides an overview of the relationship between project phases, ESIA phases and the resettlement planning and implementation process – namely prefeasibility, feasibility, project design, construction and operation. This order of the steps represents an ideal scenario but this may not be appropriate or possible for all FONERWA funded projects. Very often, due to time constraints or other factors, some steps overlap and are undertaken simultaneously.

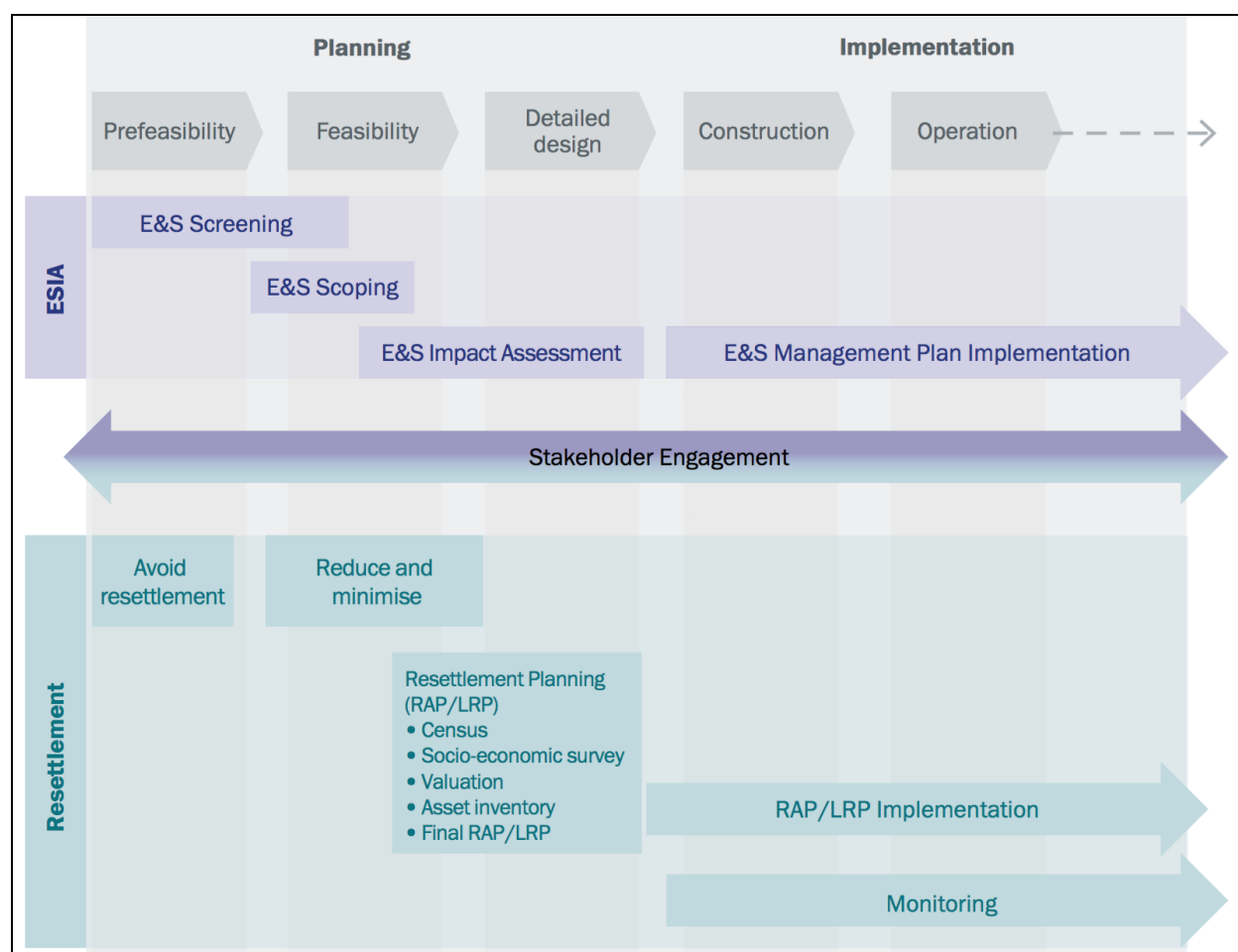


Figure 1 Resettlement process in relation to project stages and ESIA process

A summary of key resettlement issues and activities in each project phase is provided at the end of this section (see Table 2).

3.2 Project prefeasibility stage

Land acquisition needs to be considered early in the project planning as the costs associated with it can significantly influence the overall project budget. In this phase, potential land acquisition needs, including potential costs, should be estimated.

The aim is to avoid physical and/or economic displacement to the greatest extent possible. However, it is important to note that resettlement should not be avoided if it compromises the health, safety and well being of affected people. For example, where a community is not physically affected but would be economically affected to such an extent that their viability is jeopardised, resettlement may be a better long-term solution. Similarly, where a community is affected only partially, attention needs to be paid to the potential loss of social networks and generally social impacts of splitting up the community.

Most of the work in this phase will be based on desktop reviews of available documents (for example, reviews of masterplans, cadastral maps, previous studies or local socio-economic data). If a site visit is possible, it should be undertaken so as to better understand the general characteristics of the area and to understand possible impacts, their complexity and scale. For example, a visit to the project area may reveal an informal settlement located on the proposed project location, the presence of vulnerable groups or the use of natural resources as a means of livelihood.

A particularly important aspect of reviewing available information is determining which national regulatory requirements and land acquisition processes apply. Understanding the ^[1]role of national authorities and their activities will enable the project developer to consider whether a special agreement or some other arrangement will need to be made with national authorities for the implementation of this RPF. It will also help in estimating the time which will be needed to acquire land so as to be ready for construction.

Engagement with stakeholders in this phase is usually limited, as there are not enough details for sharing with the public. Some meetings with local authorities may be beneficial, particularly as they will usually already be involved in other project planning activities. The focus of such meetings is likely to be the potential for avoidance and/or minimisation of impacts.

All the collected information has to be brought to the attention of the project designer, engineers, and if necessary, to legal advisor. Since land acquisition and physical/ economic displacement of people and communities can have serious effects on the project budget and schedule, there needs to be early consideration of project alternatives to avoid these impacts.

3.3 Feasibility stage

As project development progresses, land acquisition needs will become more certain. In this phase, if displacement has not been avoided altogether, there may still be room for minimising land take and impacts. Location and design alternatives should still be refined where possible – for example, by moving a facility away from a settlement, micro alignments of roads to avoid houses, or the use of public or unfarmed land for temporary project facilities.

Resettlement specialists should be engaged at this time if they have not been already, particularly on projects where complex resettlement is anticipated.

Much of the work in this phase will also be done through document review with some initial stakeholder engagement, primarily with authorities and local organisations. Communication with directly affected people will still be limited, as the relevant decisions in relation to land acquisition will not have been made yet. However, where relevant, opportunities to seek views of stakeholders should be pursued.

Resettlement specialists will study the proposed project footprint, determine the likely scope of physical/economic displacement and start collecting and analysing secondary data on the socio-economic characteristics of affected people/ households and communities. If there is a need for physical displacement of whole communities, or parts of communities, and if resettlement will be organised by the project developer, possible resettlement locations can be identified or assessed, including any potential impacts on host communities.

It will be important to establish a project grievance mechanism in this phase so that, once information can be shared, any concerns or issues can be addressed as early as possible.

3.4 Detailed design stage (finalising resettlement planning)

During the project detailed design phase, the land acquisition requirements become even more certain and thus detailed resettlement planning can commence. At this time, a complete project description is needed from project designers, including a description of alternatives which have been considered in previous project phases.

Recording any measures that have been taken to avoid and reduce resettlement impacts during planning is important for demonstrating that the objective of this RPF has been properly considered. If there are still any uncertainties or project components subject to change, they need to be highlighted in the resettlement/livelihood restoration document.

If resettlement planning has not already commenced by the time the project design is close to being finalised, any opportunities to avoid and minimise resettlement and reduce its costs will be lost.

A number of technical components will take place during this phase. If not already completed, a detailed review of available project information (including an ESIA and resettlement legislative review) and the overall community context should be undertaken. This can inform decisions on how the national/local authority process can be coordinated with FONERWA's ESS8 requirements.

Appropriate tools for the census and socio-economic survey need to be developed and implemented (see Chapter 4) as does the asset inventory. To save time and resources, as well as reduce stakeholder fatigue, it may be possible to organise these activities in parallel, taking care not to impact the quality of the process. It may also be necessary to select resettlement sites, based on the needs and preferences of affected people, from the sites that have been identified as potentially suitable in previous project phases.

The results of survey activities will be used for determining eligibility for compensation and/or assistance and developing the entitlements matrix (see Chapter 5), which will be the heart of the resettlement/livelihood framework and/or plan. Together with defining the entitlements matrix, resettlement planners should define how replacement value, as required by FONERWA, will be calculated and the compensation mechanisms to be used. Resettlement planners will also prepare a more detailed budget and timeline, as well as the monitoring and evaluation plan.

During the planning phase, regular site visits to the project area, including stakeholder engagement activities, need to be undertaken by those planning resettlement.

Affected people/households/communities and other stakeholders should be consulted on eligibility, the proposed mitigation measures and the implementation of the process. Stakeholders should be provided with opportunities to provide feedback, which should be used to prepare the final plans. Once the plans have been finalised, implementation will begin.

By this stage of a project, the resettlement plan/livelihood restoration plan should be finalised, disclosed

and agreed with stakeholders. Project developer resources and budget for implementation should also be in place.

3.4.4 Construction and operation stage (implementation)

Implementation of the resettlement/livelihood restoration plan starts before the land is acquired. This should ideally be initiated towards the end of the project design phase and continue through the construction phase. For some projects, implementation may stretch beyond construction into the operation phase.

For large or complex projects, it may be necessary to form a resettlement implementation team or committee, consisting of a range of stakeholders – such as representatives of ⁽¹⁾local authorities or affected communities; departments for social care, education, health and employment; construction contractors; and NGOs – to perform various tasks and monitor implementation.

The resettlement manager and team should ensure regular internal reporting so the project's senior management is well informed about the land acquisition and resettlement progress, while reports should also be submitted to FONERWA as per the schedule agreed and documented in the resettlement action plan (RAP)/livelihood restoration plan (LRP).

Incorporating resettlement-related issues into overall project management reporting, both internal and external, can help ensure that it is seen as a part of the project and aligned with all other project activities.

To be able to prepare reports, data has to be well managed and updated, particularly data on individually affected persons and households, affected land, assets, grievances and so on.

Resettlement is a process, and it may be necessary to adjust the plan as it is being implemented.

Monitoring and evaluation of the resettlement/livelihood restoration plan is carried out during implementation in order to track progress, identify problems and make changes where necessary. Major changes need to be communicated and agreed with stakeholders, particularly affected people and FONERWA (and/or other lenders).

Monitoring is most often divided into three components:

Input monitoring (progress monitoring): to measure whether the activities (goods and services) have been delivered as specified in the RAP/LRP. This is regularly carried out internally, by the project developer, usually on a weekly and monthly basis.

Output monitoring (performance monitoring): to measure the results of the inputs that have been delivered, such as the number of people/households that have been resettled, received replacement land or assets, cash compensation, livelihood restoration training, and so on. This is also regularly carried out by the project developer, usually on a monthly and quarterly basis.

Outcome evaluation (impact evaluation): to measure whether the delivery of inputs and the achievement of outputs are contributing to the successful accomplishment of objectives which have been set for RAP/LRP implementation.

Alternatively, an outcome evaluation can determine if certain changes need to be introduced and if so which ones. An example is whether the delivery of compensation and livelihood restoration assistance (for example, training) has enabled people to re-establish their sources of livelihood (business or employment) and their level of income. It is particularly important to determine whether their standard

of living has been restored or improved in comparison to what it was prior to displacement. Outcome evaluation is often outsourced to independent teams and is typically carried out biannually during implementation of a RAP/LRP and following that, annually for a reasonable period of time, as agreed with FONERWA and documented in the RAP/LRP.

An overview of example indicators for each of the above components is provided in Annex-6.

When all activities from the plan have been completed, an external resettlement completion audit is sometimes commissioned by the project developer to determine if provisions of the RAP/ LRP have been met and if any corrective measures are needed. Once corrective measures have been implemented to the satisfaction of FONERWA, resettlement is considered complete.

Table 2 Typical tasks and issues in resettlement in each project phase

Project Phase	Prefeasibility Phase	Feasibility Phase	Detailed Design Phase	Construction and Operation Phase
Tasks/Issues				
Key aims and tasks	<ul style="list-style-type: none"> • Avoidance of resettlement • If unavoidable, early estimate of preliminary budget and schedule for potential land acquisition and resettlement for each project alternative in order to aid decision-making 	<ul style="list-style-type: none"> • Minimising resettlement, • Preparation of initial budget and schedule for land acquisition and resettlement, • Securing budget for land acquisition and resettlement planning 	<ul style="list-style-type: none"> • Resettlement planning (and for some projects the beginning of implementation), • Determining the detailed budget and timeline for land acquisition and resettlement • Securing budget for land acquisition and resettlement implementation 	<ul style="list-style-type: none"> • Resettlement implementation, monitoring and evaluation, • Tracking spending and ensuring land is secured in time for construction
Institutional set-up	<ul style="list-style-type: none"> • Cooperation of persons in charge of land acquisition (resettlement manager) with the project team. • Set-up a Project Resettlement committee 	<ul style="list-style-type: none"> • Integration of resettlement manager into the project team, • Engagement of an experienced resettlement consultant 	<ul style="list-style-type: none"> • Planning led by project's resettlement manager, supported by resettlement specialist(s), • Involvement of service providers, tasked with delivering individual activities/entitlements, in the resettlement planning process 	<ul style="list-style-type: none"> • Establishing a resettlement team or committee to coordinate execution of RAP/ LRP, • Continued cooperation with the project manager and the rest of the team, including the construction contractor
Relationship with national legislation and process	<ul style="list-style-type: none"> • Determining national regulatory requirements^[SEP] and land acquisition^[SEP] process are likely to be applied 	<ul style="list-style-type: none"> • Legislative review to determine the extent of gaps, • Identification of key government institutions involved in land acquisition and resettlement 	<ul style="list-style-type: none"> • Identification of laws other than those pertaining strictly to land acquisition which could assist in providing a legal basis for implementation of resettlement/ 	<ul style="list-style-type: none"> • Continued coordinated implementation of activities required under national legislation and FONERWA's RPF

Project Phase Tasks/Issues	Prefeasibility Phase	Feasibility Phase	Detailed Design Phase	Construction and Operation Phase
		and their roles in the land acquisition process	livelihood restoration assistance, <ul style="list-style-type: none"> • Identification of possibilities for aligning legal process for land acquisition and FONERWA'RPF to avoid duplication of efforts and stakeholder fatigue, • Coordinated implementation of activities identified above 	
Stakeholder engagement	<ul style="list-style-type: none"> • Usually limited to meetings with authorities, • Start stakeholder identification and clarifying the best ways to communicate with people,¹⁷ • Identify any groups that are particularly vulnerable who may be affected by the project, • Draft the stakeholder engagement plan – to be refined with input from stakeholders in next stage 	<ul style="list-style-type: none"> • Engagement with authorities, and possibly community representatives, key informants, local organisations, and so on, • Establishment of a grievance mechanism which will be functional throughout resettlement planning and implementation communicate grievance mechanism to stakeholders, • Discuss and refine stakeholder engagement plan with stakeholders 	<ul style="list-style-type: none"> • Intense engagement with all stakeholders, particularly affected people and host communities to consult on mitigation measures, • Intense engagement with all other stakeholders to prepare RAPs/LRPs, define roles and responsibilities, • Manage grievances 	<ul style="list-style-type: none"> • Direct communication with affected people to execute compensation and assistance measures, • Regular meetings with other stakeholders, • Manage grievances.
Site visits	<ul style="list-style-type: none"> • Site visit to the project area and potential project locations 	<ul style="list-style-type: none"> • Site visit to the proposed project footprint Site visit to potential resettlement locations 	<ul style="list-style-type: none"> • Numerous site visits to all project and resettlement locations 	<ul style="list-style-type: none"> • Regular site visits to the project area, including resettlement locations (if applicable) to monitor land acquisition process and implementation

¹⁷ See FONERWA's ESMF, Volume 4 for guidance

Project Phase Tasks/Issues	Prefeasibility Phase	Feasibility Phase	Detailed Design Phase	Construction and Operation Phase
				of resettlement
ESIA links	<ul style="list-style-type: none"> • Inclusion of land acquisition related issues into the climate, environmental and social screening process and report 	<ul style="list-style-type: none"> • Inclusion of land acquisition related issues into the C, E&S screening and scoping process and report 	<ul style="list-style-type: none"> • Coordination between ESIA and RAP/LRP survey planning and implementation, • Inclusion of land acquisition related impacts into the C, E&S impact assessment process and report, and the stakeholder engagement plan 	<ul style="list-style-type: none"> • Coordination of implementation of RAP/ LRP and environmental and social management plan, stakeholder engagement plan and construction management plan
Reporting and disclosure	<ul style="list-style-type: none"> • Internal reporting 	<ul style="list-style-type: none"> • Internal reporting, • Share draft stakeholder engagement plan and formally disclose grievance process 	<ul style="list-style-type: none"> • Disclose RAP/LRP, including entitlement measures; stakeholder engagement plan, • Report on grievances 	<ul style="list-style-type: none"> • Regular monitoring reports, • Update on activities and any changes, • Report on grievances

4 Process for Screening, Preparing and Approving Resettlement Action Plans (Raps)

4.1 Overview

People who are affected and are eligible will have to be compensated before any implementation is commenced as per both World Bank/IFC and Rwanda expropriation law. The acquisition of land and the related impact on assets may take place only after the affected persons have been provided compensation and clear proof of payment should be submitted to FONERWA.

Some of the FONERWA-funded or implemented projects will require the preparation of RAPs/A-RAPs since they may require the involuntary taking of land, loss of livelihood and impact on other assets or result in economic impact.

According to IFC PS5/WB ESS5 on involuntary resettlement, the preparation of a resettlement instrument is a condition for appraising projects involving potential for involuntary resettlement. In case of programs/projects, FONERWA requires that a satisfactory resettlement action plan (RAP) or an abbreviated resettlement plan (ARAP) that is consistent with the provisions of this policy framework be submitted to FONERWA for approval before the project is accepted for FONERWA financing.

Though resettlement instrument will be prepared and implemented by project developers, FONERWA will play a critical role in preparation of terms of reference and approval of different safeguards instruments. Therefore, this section provides guidelines and principles that shall guide both FONERWA and project developers in preparation, implementation and approval of resettlement instruments. The screening process presented below will ensure that FONERWA funded projects comply with the requirements of WB/IFC Standards and the Rwanda law relating to land acquisition and resettlement.

4.2. Process for preparing and approving Resettlement Action Plans (RAPs)

This section provides guidelines that shall guide the preparation and implementation of Resettlement Action Plans (RAPs) or Abbreviated Resettlement Plan (ARAP) for FONERWA funded projects.

4.2.1 Scope of Resettlement Action Plans (RAPs)

Overall responsibility for preparing a RAP/A-RAP will be the responsibility of FONERWA fund beneficiaries in accordance with this RPF. The FONERWA Climate, Environment and Social Safeguard Specialist shall ensure that a RAP that conforms to this RPF and to the Rwanda regulation is prepared before any planned activities that require resettlement of people are implemented. The RAP is a detailed time bound plan of action plan outlining the following among others: resettlement objectives, strategic options, responsibilities, approvals, entitlements, actions; and monitoring and evaluation.

Measures to address resettlement shall ensure that PAPs are:

- Informed about their options and rights pertaining to resettlement;
- Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives;
- Provided prompt and effective compensation at full replacement cost for; and
- Losses of assets and access attributable to the projects.
- Enabled to restore and preferably improve their living standards compared to pre-project ones.

Therefore, the first stage in the process of preparing the individual resettlement plans is the screening

process to identify the land acquisition and land use needs that will cause resettlement. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the land screening process.

4.2.2 Screening process for identifying need for Resettlement Action Plans

To determine whether a RAP or A-RAP is indeed needed, the screening will be undertaken at the project design stage. The screening process seeks to identify both environmental and social impacts of a particular project as described in detail in the FONERWA's ESMF volume 2 (including screening tools). The screening process shall be conducted before submission of Project Profile Document (PPD) to inform whether RAP is needed at final Project Document (PD) level. For climate, environmental and social impacts, FONERWA's ESMF Volume 2 outlines the necessary course of action. For social impacts associated with FONERWA's ESS8 related to land acquisition and resettlement, this FONERWA's RPF is the governing framework for FONERWA's funded projects.

If screening determines that land take is required, the RAP process will start. The RAP will entail identification of PAPs, a socio-economic survey of the PAPs, census and asset inventory of the area. Throughout the RAP process, transparent consultation and public disclosure will take place with all the stakeholders including the PAPs in accordance to FONERWA's ESMF volume 4 related to Public Consultation and Disclosure (PCD), ensuring that the affected persons are informed about the process. During the whole process, the PAPs will be informed of their right to have access to the grievance mechanism.

4.2.3 Project screening

The first step in the process of preparing project RAPs is the screening process. Screening will be done to identify the land/areas that may result in resettlement impacts. Project screening will be used to identify the types and nature of potential impacts related to the activities proposed, and to provide adequate measures to address them. It will also ensure that the avoidance or minimization of resettlement is a key project selection criterion by FONERWA.

The screening process presented below will ensure that projects presented for FONERWA funding complies with the requirements of WB/IFC and Rwandan Laws. Screening will take place as early in the project process as possible, and it will identify land that will be required for resettlement. This process will be undertaken in consultation with the PAPs to ensure that it takes all considerations into account, and that all potential impacts are identified.

Screening for resettlement issues shall be part of the climate change, environmental and social screening as detailed in FONERWA's ESMF, Volume by help of Project Climate, Environmental and Social Screening Criteria Form (Annex-1.2 of ESMF, Volume 2).

4.2.4 Baseline and socio-economic data

An important aspect of preparing a RAP is to establish appropriate socioeconomic baseline census to identify the persons who will be displaced by the individual project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. This shall be carried out to provide baseline data on various factors including the following:

- **Identification of current occupants of the affected area:** to establish the basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;

- **Standard characteristics of affected households:** including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the PAPs;
- **The magnitude of the expected loss** of assets, total or partial, and the extent of impact; Baseline data for sub-project RAPs will include number of persons; number, type, and area of the houses to be affected; number, category and area of residential plots and agricultural land and crops to be affected; and productive assets to be affected as a percentage of total productive assets.
- **Information on vulnerable groups** or persons for whom special provisions may have to be made; identification of the potentially affected people on the individual and household levels, vulnerable groups (persons with disabilities, women, children, the elderly, female headed households, affected internally displaced people, affected internally displaced households, etc.)
- **Provisions to update information** on affected peoples' livelihoods and standards of ^[1]_{SEP} living at regular intervals to ensure most recent information at the time of impact;
- **Land tenure and transfer systems**, including an inventory of common property natural resources from which people derive their livelihoods and sustenance and any issues raised by different tenure systems in the project area;
 - ✓ Those who have formal legal rights to the land they occupy;
 - ✓ Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or
 - ✓ Those who have no recognizable legal right or claim to the land they have occupied before the cut-off date.
- **The patterns of social interaction** in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- **Public infrastructure and social services** that will be affected; and
- **Social and cultural characteristics of affected communities**, including a description of ^[1]_{SEP} formal and informal institutions (e.g., community organizations, ritual groups; and Non- Governmental Organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

The preliminary assessments and information and the socio-economic baseline data will assist in determining the cut-off date, period of registration of claims and valuation of land and immovable assets.

In summary, the census consolidates information that (i) provides initial information on the scale of resettlement to be undertaken; (ii) gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and (iii) establishes indicators that can be measured at a later date during monitoring and evaluation.

The purpose of the socio-economic study is also to collect baseline data within the chosen/ targeted sites/ areas/ homesteads/ villages thereby enabling the social assessment of potentially affected populations/ communities/ homesteads/villages. Detailed calculation of individual and household

economies and identification of all impacts will be undertaken as part of the socio-economic study and be the determinant in the potential compensation process.

The socio-economic study and baseline census will be carried out by fund beneficiaries. On completion of the socio-economic study and the baseline census, FONERWA fund beneficiary will prepare a Resettlement Action Plan (RAP) or an Abbreviated Resettlement Action (A-RAP) depending on the level of resettlement impact and the number of affected Person.

4.2.5 Socio-economic survey

To identify the numbers of and socio-economic impacts on PAPs, a socio-economic survey¹⁸ will be conducted. This will include a quantitative household survey of the project affected persons and households. The objective of the quantitative household survey will be to generate a baseline description of pertinent demographic and social characteristics of the affected households. The target population for the quantitative household survey will be those affected persons within the project area.

4.2.6 Project-affected person's census

To determine the population of those affected, PAPs census should be undertaken for the displaced. The methodology will encompass all people adversely affected by the project, regardless of their legal status – landowner, tenant, and squatter – or whether they are actually living on an affected site at the time of the census. The lack of land title does not disqualify people from resettlement assistance. Private landowners and holders of rights to land as well as any person currently occupying public or private land for shelter, business purposes or other sources of livelihood (caretakers, squatters, scavengers) should be included in the census.

The census will serve five important and interrelated functions:

- Establishing a list of legitimate beneficiaries before the project's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits,
- Providing indicators for monitoring and evaluation;
- Providing initial information on the scale of resettlement to be undertaken,
- Laying a framework for subsequent socioeconomic research needed to establish fair compensation rates, and
- Designing, monitoring and evaluating sustainable income restoration or development interventions,

4.2.7 Preparation of asset inventory

To prepare an inventory of assets on the land, a field team should visit the affected area to carry out an asset valuation survey. The team should include village resettlement committee representative, local administration, and representatives of the PAPs among others. During the survey, each asset should be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described in this RPF. The values of each asset should then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person.

The document will say when the affected person will be notified, and that the inventory will not be

¹⁸ For Best practice in undertaking socio-economic survey, Census, inventory of assets and valuation, see section IV.3 below

official until a second signed copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism.

4.2.8 Preparation of RAP report

Following the socio-economic census and identification of affected parties, a RAP report will be developed and should include:

- The baseline census and social economic survey information,
- Specific Compensation rates and standards,
- Policy entitlements related to any additional impacts identified through the census or survey,
- Description of resettlements sites and program for improvement or restoration of ^[1]livelihoods and standards of living,
- Implementation schedule for resettlement activities and
- Detailed Cost estimates.

4.2.9 Review and submission to project authorities

After completion of the RAP for a project, the RAP with the project ESIA will be submitted to FONERWA and RDB for approval to ensure compliance with FONERWA's RPF and any other relevant national policies/procedures.

Capacity for RAP review and approval will be built at FONERWA level as part of the roll out of this RPF. This will be achieved through training and technical assistance to ensure that all stakeholders involved discharge their different responsibility such as timely compensation of affected assets and properties before the start of any construction works is done effectively.

4.2.10 Approval of Resettlement Action Plans

In Rwanda, involuntary resettlement is governed by expropriation and valuation laws. Both laws do not have provisions on RAP preparation and approval. Instead, the expropriation defines the process of expropriation and valuation while the resettlement impacts are assessed together with the EIA report. The chapter III of the law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest expropriation law defines steps to be undertaken for expropriation.

4.2.11 Resettlement Action Plan's implementing agencies

As per national laws, only government is authorized to expropriate landowners for public interest and the valuation of assets should be done by independent valuar. To this end, the project proponent will work with local administration in the entire process of RAP preparation and Implementation. FONERWA will have overall responsibility of monitoring and evaluating the resettlement and compensation activities to ensure compliance with the RPF/RAP provisions.

4.3 Guidelines for undertaking census, socio-economic survey and assets inventory & valuation

4.3.1 Census

4.3.1.1 Definition

The census is a process for compiling a 100 per cent sample of individuals, households¹⁹ and businesses (formal or informal) who will be physically and/or economically displaced by a project. At its most basic, it is a list of all the people who will be affected by the loss of assets or access to assets, though sometimes it also includes additional information such as contact details, age, education, employment and income, which is collected through various field investigations and activities including the socio-economic survey.

The census will usually include:

- A list of all owners of affected land, structures or other assets including type of ownership for each asset – formal (registered), customary or informal (unregistered).
- A list of all users of each land plot and each structure or other assets, if different than the owners, with contact details and the basis for use – registered contract, unregistered written contract or oral contract, informal use with or without the knowledge and approval of the owner.
- A list of persons who will be economically displaced by the project and in what way (such as seasonal users of land/ resources in the project affected area or employees of affected businesses).
- In cases of physical displacement, a list of all individuals who will have to relocate.
- In cases of economic displacement, a list of businesses and their owners, type of business activity (formal or informal), lists of business employees, monthly profit and employee salaries.

The census data needs to be supported and cross-referenced with the following information:

- A list and map of affected land plots, showing the total affected area, with registration numbers, land type (agricultural, construction, industrial) and current land use (pasture, meadow, forest, orchard, and so on)
- A list and map of main structures located on each land plot, their purpose (residential or business), area size and legal status, whether formal (registered, with construction permit) or informal (unregistered, without construction permit).

It is important to note that the above list is only indicative and lists examples of possible categorisations of land, structures and affected people in a census. The actual census data will vary from project to project, depending on the types of affected properties, project impacts and the specifics of the communities or groups of people affected.

- **Relationship between the census and the national land acquisition/ expropriation procedure:**
On most projects, some of the data needed for the census exists in different property registers

¹⁹ A **household** is commonly defined as a group of persons sharing a home or living space, who aggregate and share their incomes, and evidenced by the fact that they regularly take meals together ^[1]_{SEP}

and this is used as a basis for calculating compensation under the national land acquisition/expropriation procedure. However, to capture all categories of displaced people which would be eligible for compensation and/ or assistance under FONERWA's RPF, this data almost always has to be supplemented through additional investigations and field surveys. As property registers are not always up to date with information, even the authorities in charge of land acquisition/expropriation have to carry out certain field investigations to reach all lawful owners entitled to compensation.

For example, if they identify that the registered owner of a property has passed away, they have to search for the lawful heirs, which is often done through contacts with local communities. If this information is already collected by authorities it should be obtained by the project developer for the RAP/ LRP census and if not, the outcome of the census work should be shared with the authorities to avoid duplication of work and save resources.

- **Relationship between the census and socio-economic survey:** The data collection and management process for the census and the socio-economic survey is to a large extent the same, particularly with respect to field investigations. Carrying out these activities simultaneously is considered good practice to avoid burdening affected people, as well as to save time and resources for the project developer.

Deciding how information will be collected will vary from project to project. When contact details of registered owners/users of affected plots are available (which is very rarely the case), additional information that is needed for the census and socio-economic survey can be collected through direct contact with them. More often than not, there is no way to contact individually affected people before visiting affected sites, so it is necessary to announce field activities in the ^[1]_{SEP} local community and then, with the help of local authorities, have field surveyors identify affected people and collect the necessary information.

There are many ways to approach the collection of data and at times more than one approach may be needed. For example, in informal settlements where the cut-off date for eligibility is a key consideration, one good approach is to hold a community meeting and to then ask people to stay in their homes and wait to be recorded by census teams and then have these teams walk the footprint and record structures and households living in them. The detailed socio-economic survey can then follow at a later date.

4.3.1.2 Purpose of the census

The census lists all those eligible for compensation and other forms of assistance resulting from the project's need to acquire land. The completion of the census usually defines the cut-off date for eligibility for compensation and assistance. This is particularly relevant for those who have no legally recognisable rights or claims to the land they occupy.

When done separately from the socio-economic survey, the census provides key data on who should be covered by the survey. The census provides essential information about the scale of resettlement (number of people affected, by category); the nature of the impacts (loss of land, structure, source of livelihood, etc.); and the types of losses that require mitigation. During implementation, the census also forms the basis for monitoring and evaluation.

4.3.1.3 Common challenges

A) Updating official data through field activities: Information in official land registries is sometimes

missing or out-of-date for various reasons – previous conflict(s) and associated displacement of people, unresolved inheritance, rental and sale purchase agreements not registered, and so on and therefore cannot be completely trusted and used as a census.

“The most reliable information in official registries is usually that which concerns the land plot (UPI number, area and land use)”

A key limitation of official registries is that they do not provide information on the character of the structures, informal users of land and structures, informal businesses, individual members of affected households, business employees or owners of informal (non-registered) assets, all of which are entitled to compensation and/or assistance under FONERWA’s RPF and therefore must be recorded by the census.

⇒ **FONERWA’s Good practice to overcome this challenge:**

- ✓ The census should always be linked back to the affected land plot and the people who own and/or use it and its assets, because it is the loss of the land plot and what is on it that causes displacement.
- ✓ Official registries can be used as a starting point but the data available in them needs to be supplemented and verified in the field to become the census. For that reason, ensure that resources for field activities are available.
- ✓ Use all available sources such as high-resolution aerial photos and Google Earth to identify land use and any assets on it.
- ✓ Contact registered owners and users through letters, phone calls or a site visit to ascertain who else is using the affected land and structures and collect contact details if necessary.
- ✓ Consult with local authorities to supplement officially recorded data such as municipalities or local communities, institutions that provide some types of services (such as centres for social welfare), agricultural departments that provide state subsidies, departments for displaced persons, and/or refugees or similar institutions.
- ✓ Undertake a site visit to talk to people in the project area such as land users found in fields, neighbours in nearby houses and so on.
- ✓ When going into the field to identify affected people for the census, carry out the socio-economic survey interview at the same time where possible. This will help to avoid duplication of effort and reduce the number of times affected households have to participate in survey activities. For this process, it may be beneficial to use local surveyors who know people living in the project area and have ways of identifying users of land and their whereabouts.

B) Recording seasonal or occasional and/resource use: People may use land or resources in the project-affected area occasionally or seasonally. Some resources are only available at certain times of the year (mushroom pickers, herb gatherers).

Other activities involving access to resources may be carried out when formal work opportunities are not available such as hunting, waste picking or fishing. In both cases, these activities can constitute an important source of livelihood and/or subsistence for affected households and losing access to resources can leave dependent people or households more vulnerable. This is particularly relevant to the census because if it is carried out at a time when these people are not present in the affected area, they may not be recorded and the impacts on their livelihoods will not be recognised and mitigated. It

may also be impossible to determine all persons who are engaged in such activities and record them individually particularly if they normally live in a different part of the country.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ Consult with stakeholders such as local authorities, any prominent local people (community or religious leaders) and various associations (hunting, fishing) to determine whether there are occasional and seasonal land and/or resource users.
- ✓ Plan census activities at a time of year when seasonal land users are present in the project area or use the affected resources. If it is not possible to coordinate with other census activities, a separate census process may be necessary.
- ✓ Organise the census registration activity over a longer period of time to capture seasonal and/or part time use.
- ✓ The length of the census activity and the period during which it is to be carried out should be determined based on the types of activities that need to be captured (hunting season, agricultural production, collection of herbs, and so on). For example, the daily recording of those who are present in the project area, at different times of day, for over a period of six months from December to June, can provide information such as who is continuously present in the project area, who is present occasionally, what times of day people are present, and so on.
- ✓ While in the field and recording people for the census, use the opportunity to interview some of them for the socio- economic survey.
- ✓ If it is impossible to register all affected people who engage in seasonal and/or occasional land use, organise focus group meetings with some of them (who could be identified) and define mitigation measures for the whole group rather than individuals. Use the opportunity to collect socio-economic data on affected people during the focus group meeting, if possible.
- ✓ For some projects, there may be a need to develop a process for identifying legitimate landowners or users who are not present for the census but come forward at a later date. The process should be transparent about accepting applications of assistance after the cut-off date and the nature of any documentation that may be required.

C) Timing of census activities: The census provides essential information for resettlement planning and until it is completed, the development of a detailed resettlement/livelihood restoration plan cannot take place.

The census should be carried out as soon as possible once detailed resettlement planning begins. However, a balance should be sought in terms of seeking information and wasting time and effort. If a census is carried out too early for example, when project components are not fully defined or are prone to change, the data collected will become out-of-date and unusable and the census will need to be repeated. Conversely, if a census is carried out too late, stakeholders may be frustrated with the lack of certainty or people may use that time to deliberately move into the area in the hope of receiving compensation.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ As the census provides information essential both for thorough planning as well as implementation, the time between these stages should be as short as possible, which

requires efficient management, particularly the availability of needed resources.

- ✓ The census should be carried out when the project footprint is close to fully defined and no major changes are expected.
- ✓ If implementation of resettlement is delayed, census re-checks should be organised after a certain period of time (no more than 12 months) to update information because significant changes in census data can occur in that time period.

D) Data collection and management: The recording of data through a census is an official process and will form the basis for assistance through the implementation process, compensation and monitoring.

It is essential that data is recorded in a consistent and transparent way to protect against fraudulent behaviour. Effort should also be made to avoid any conflict of interest by using neutral survey specialists as even the perception of a conflict of interest can be damaging.

Poor data management can limit possibilities for deriving useful information from the census process, which is fundamental to adequate resettlement planning, implementation and monitoring.

Data recording and management is particularly important, especially in situations when the census has to record people who have no recognisable rights or claims to the land they occupy. Being recorded by the census is the only way they will have eligibility for compensation and assistance, which would otherwise not be available to them.

If the database is managed by several people for various purposes and each of them have their own copy, ensure there is a certain level of control and coordination, especially when it comes to data input and editing, as any mistakes or omissions may make it difficult to determine eligibility at a later date.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ Organise teams of people to carry out the census in the field.
- ✓ Use independent consultants accompanied by project representatives where possible. The socio-economic survey may be carried out in parallel, in which case the team may also include surveyors.
- ✓ Inclusion of a neutral third party such as a reputable NGO or trusted community member in the census team may be beneficial for some communities.
- ✓ Ensure that affected people are informed about the purpose and timing of census activities (and socio-economic survey if organised at the same time) in a timely manner. This can be announced to the affected community through a public meeting and/or notices in public places, such as in local authorities' head offices (District, Sector, Cell or Village), health care centres and local gathering places markets. If possible, the precise timing of these activities should be made known as well, so that people will plan to be available to participate. Contact details of responsible persons from the project's organisation should also be provided, so that people can ask questions, provide feedback or request to provide the required data at a different time if they are unavailable.
- ✓ Obtain evidence of identity as part of the census process if possible. Ask for ID and take photos of people and assets (with their approval). However, keep in mind that this will not be appropriate in all cases.
- ✓ It is essential for the grievance management mechanism to be in place at the time the census is undertaken so that all affected persons can respond if any findings from the census are

incorrect.

- ✓ As early as possible in the resettlement process, consider how data will be used and managed in both the short and long term, and by whom. This will enable the census activities to be planned and implemented in the most efficient manner.
- ✓ Use simple database programmes (such as Excel) that can be used and managed easily by all those implementing the resettlement process. More technical databases (such as SPSS) are useful though may require surveyors to have additional training to ensure it is used effectively. As mentioned, ensure that any data editing is controlled and coordinated.
- ✓ If numerical codes are used as household or individual identifiers, make sure these are used consistently across all survey processes. Ensure that those who will be using the data for resettlement planning and implementation can connect the codes to the names of project-affected people in order to plan correct assistance measures.

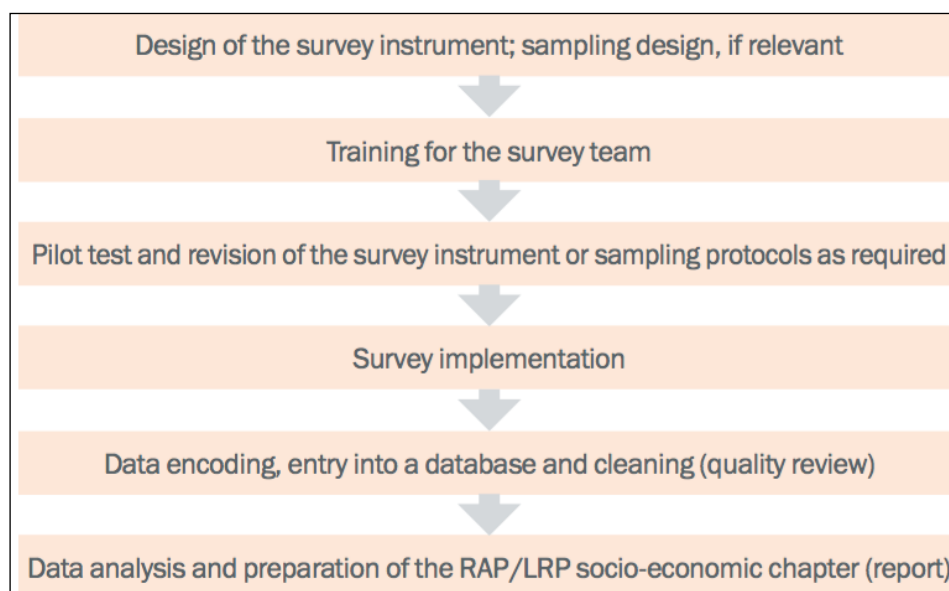
4.3.2 Socio-economic survey

4.3.2.1 Definition

The socio-economic survey is used to determine and analyse the socio-economic conditions of individuals, households and businesses (formal or informal) which will be physically and economically displaced by a project. This includes those who are directly affected through the loss of land or assets but should also consider the issues facing host communities or other stakeholders affected by the wider development.

This is ^{[[1]]}_{SEP} in contrast to the objective of the census, which is a list of all those who are eligible to receive compensation and other forms of assistance from the project. However, there are many similar activities which are carried out during both processes and there are benefits from undertaking the two surveys at the same time. The key tasks to be undertaken include the following:

Figure 2 Key tasks undertaken in socio-economic survey



Whenever possible, socio-economic surveys should cover all people recorded by the census and both these activities as well as an asset inventory should preferably take place at the same time to avoid

overburdening affected people with interviews and to save time and resources.

In some cases, the socio-economic survey interview will only include those who will be most directly affected by land acquisition and, to the greatest extent possible, information on other affected people may be collected from them.

In some situations, it may also be necessary to carry out surveys even before the census is organised during the phase of developing framework documents to be able to determine the socio-economic characteristics of potentially affected people and predict likely impacts of project land acquisition. This is common in cases when the project requires large-scale land acquisition and will affect thousands of people. In such cases, a sample survey will be carried out for the purpose of initial resettlement planning, however, detailed baseline conditions of all affected people/households/businesses have to be recorded at a ^[1]later stage during the development of resettlement/livelihood restoration plans to enable monitoring.

The sample socio-economic survey may not always be required in the framework document development stage. There may be enough information in the ESIA or other ways of collecting this information, such as through focus group meetings or key informant interviews.

Linkages with the ESIA: Depending on the stage of development of the ESIA, the resettlement socio-economic survey can either draw on the data that is already available or serve to supplement it.

The results of previously conducted surveys for the social impact assessment can help to shape resettlement socio-economic surveys. For example, previous social surveys can show there is a significant presence of refugees or displaced persons in the affected area using houses and land which were left empty after their owners fled during conflict, which means the resettlement survey has to be designed to capture the expected losses of both the current users of such properties, as well as the legal owners who are absent.

Ultimately, in the presentation of data, socio- economic chapters in the ESIA and a RAP/LRP will usually differ in the fact that the ESIA will present more regional data, while the RAP/LRP will be very site specific and will include data relevant only for physically and/or economically displaced persons.

4.3.2.2 Purpose of the socio-economic survey

The primary purpose of the socio-economic survey is to gain an understanding of the living standards of affected people/ households, their sources of income, their access to services and infrastructure, their social networks and preferences for relocation and livelihood restoration as a basis for determining displacement impacts and designing mitigation measures. The results of the survey are presented in the resettlement/livelihood restoration plan and show why and how certain mitigation measures were designed.

The survey also supplements the census data. For example, interviewing a project-affected person may reveal that there are others who will be economically displaced in relation to the same plot of land and therefore need to be included in the census.

The data collected through the survey also serves as a basis for monitoring impacts and evaluating achieved progress in restoring living standards/livelihoods during and after resettlement implementation. Comparing post displacement data collected through monitoring with the baseline data collected through the socio-economic survey will provide information on whether livelihoods and standards of living have improved, deteriorated or stayed the same.

4.3.2.3 Common challenges

A) Designing surveys and managing data: Socio-economic surveys are often logistically demanding and require time for design, implementation, encoding and analysis. The most important thing to bear in mind when designing the survey is the aim of providing a realistic picture of the socio-economic conditions of all affected people, households and businesses. The data collected has to be usable for identifying impacts and designing appropriate mitigation measures.

In designing survey questions, a balance needs to be struck between the information being collected and the time it will take to collect it. A survey form with long and unnecessary questions can provoke negative reactions and resistance from affected people, who can then refuse to participate.

Very detailed socio-economic chapters in the RAP/LRP which contain data not relevant for resettlement planning will not serve anyone and may even take the focus away from the real project issues and impacts. On the other hand, the surveys need to capture enough information to fully inform the preparation of appropriate and relevant entitlement measures.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ Surveys should be designed for a specific project by a social specialist experienced in designing and implementing such surveys, preferably for resettlement purposes.
- ✓ Prepare different survey forms for different target groups where necessary – for example, for households that are to be physically relocated and for businesses, for rural and for urban areas. Include a comments section for surveyors to note down any observations on issues which are not included but may be of importance for resettlement planning.
- ✓ Survey forms should be designed in a way to enable an interview to be completed as quickly as possible, ideally no longer than 30-45 minutes.
- ✓ Survey forms should be tested before they are implemented. This can be done by randomly selecting several affected individuals/households/businesses during the training of surveyors to provide them with a practical exercise and to enable the refining of the forms.
- ✓ The database for recording and managing acquired data should be designed in parallel to the survey form to ensure consistency and good practices. As with the census, the database should be as simple as possible to use, as it may have to be accessed by a wide variety of people. Using Excel could be adequate for surveys covering up to a few hundred affected people, but for projects with a significant amount of data, more advanced programmes such as SPSS may be needed. The survey database should be compatible with the census database so that information from the two can be cross-referenced and linked.

B) Sample size: Designing the sample size for socio-economic surveys is challenging. It can be influenced by a number of factors including the availability of information, nature of the affected community, project characteristics and likely impacts.

Unlike the census, which requires a 100 per cent sample size, there is no set requirement for the proportion for the affected community to be included within the socio-economic survey. The sample could be indicated as a percentage of the number of affected people, or it could focus on specific issues or groups. At the same time, part of the census data may not otherwise be available and in fact can only be collected through the implementation of the socio-economic survey.

Ideally, all people who will be physically and economically displaced should be interviewed for the socio-economic survey (100 per cent sample) but this is not always possible.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ Engage a professional statistician to work with resettlement planners to design the survey methodology and determine the appropriate sample size,
- ✓ Deciding on the size of the survey sample has to be determined on a case-by-case basis and will depend on many factors. Example approaches to determining the size are provided in the following Table.

Table 3 Example approaches for determining the sample size for socio-economic surveys

Sample size	Community characteristics	Pros	Cons
100%	<ul style="list-style-type: none"> • Small communities (less than 200 households), • Heterogeneous communities, • Projects which involve displacement of persons who have no recognisable rights to the land they occupy (informal settlements), • Significant impacts, including physical displacement. 	<ul style="list-style-type: none"> • Full understanding of affected community, • Full information on each household needed for development of tailored assistance plans, enabling the client to know exactly what needs to be done for each household/ person. • Baseline information on every affected household for precise monitoring. 	<ul style="list-style-type: none"> • Can take time and be costly
50%	<ul style="list-style-type: none"> • Medium communities (between 200 and 500 households), • Medium impacts – for example, a part of the community will be physically and economically displaced and the rest only economically displaced 	<ul style="list-style-type: none"> • Good understanding of affected community. • If targeted properly to those who will most seriously affected, there will be enough information to develop tailored assistance plans. • Baseline information for precise monitoring will be available for those most seriously affected. 	<ul style="list-style-type: none"> • Will take some time but still usually manageable, • Costs are higher than for a smaller sample
10%	<ul style="list-style-type: none"> • Large communities or linear projects (more than 1,000 households affected) • Few impacts – for example, only small percentage of plots affected (road or pipeline), no physical displacement and very little economic displacement • Homogeneous communities 	<ul style="list-style-type: none"> • Shorter timeframe, • Less costly 	<ul style="list-style-type: none"> • May not identify all relevant issues • May require additional survey at a later date^[1] • Monitoring may be more intensive

C) Identifying survey participants: An affected land plot may be used by more than one person or household. As such, the project needs to identify who to speak to during the socio-economic survey. It's important to do this before commencing survey activities to avoid repetition or having to adapt survey questions once it is underway.

There are numerous situations that can be encountered in the field, such as:

- Several siblings own a plot of land but only one of them uses it,
- One landowner rents land to several users,
- Two households live in two houses on land belonging to one of them,
- Many households are living in an apartment building,

- Several shops are located on government-owned land,
- Many people using a publically owned plot of land for growing crops.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ Survey forms should be developed based on existing information and knowledge of the area and affected households. Previous visits to the affected area and engagement with stakeholders is useful, as are any existing project documents such as the social impact assessment, and/or documents prepared for other projects in the area or region.
- ✓ Agree on a clear protocol for who should be interviewed and in what order of priority before the implementation of the survey. Ensure surveyors are made aware of the agreed priorities.
- ✓ Where there is more than one residential or commercial structure on the acquired land plot, and each one is being used by different individuals, households or businesses, use a separate questionnaire for each.
- ✓ Record respondents' contact details so they can be contacted after the survey if necessary you might need to clarify some answers or ask follow-up questions.

4.3.3 Asset inventory

4.3.3.1 Definition

The asset inventory is a process for registering all land and assets present in the affected area at the time of the cut-off date and which need to be acquired for a project.

The asset inventory should identify all affected assets such as the following:

- Land, by type (residential, agricultural, commercial),
- Residential structures (houses, informal dwellings),
- Non-residential structures (outside toilets, storage facilities, fences)
- Other physical assets (non-moveable assets such as trees, standing crops)
- Private enterprises (shops, workshops, factories and other business establishments)
- Districts assets such as common resources (woodlands), public structures (schools, clinics, water points) and cultural property (burial grounds, monuments, sites of religious or historical significance),
- Infrastructure (roads and bridges, irrigation and drainage channels, water and sewage, transmission lines),
- Informal and temporary structures (often illegal and therefore may not be covered by regulations).

Valuation is the process of identifying the value placed on an asset for the purpose of calculating compensation. This is often regulated by national legislation. FONERWA's RPF prescribes that the project developer "will offer all displaced persons and communities compensation for loss of assets at full replacement cost".

Replacement cost is usually calculated as the market value of the assets plus the transaction costs (taxes, stamp duties, legal and registration fees, relocation costs and so on) related to restoring such

assets.

4.3.3.2 Purpose of asset inventory and valuation

The asset inventory and valuation provide the number and value of affected assets. It is essential for project and budget planning and forms the basis of monetary compensation for affected people.

Preliminary asset information is often collected together with the census and socio-economic survey (preferably simultaneously to prevent stakeholder fatigue) for the purpose of resettlement/ livelihood restoration planning, while a detailed and precise asset inventory and valuation are carried out by certified experts, engaged by the project developer during implementation.

The purpose of the asset inventory and valuation is to record assets, which should ensure that affected people know what compensation they are entitled to and in what amount, and ultimately receive compensation at full replacement cost for their affected assets. These activities are important for achieving transparency in the acquisition process, which contributes to gaining the trust of affected people, as well as their support and willingness to cooperate. Ensuring transparency also reduces complaints, including fraudulent complaints for increased compensation for assets installed after the cut-off date, which should not be compensated.

Failing to carry out the asset inventory and valuation properly can lead to prolonging land acquisition and resettlement, consequently delaying the construction stage of the project, increasing the overall costs and creating an overall bad image of the project as well as create lack of ownership of people towards the project planned activities. Figure 3 below shows steps in recording and valuing affected land and assets.

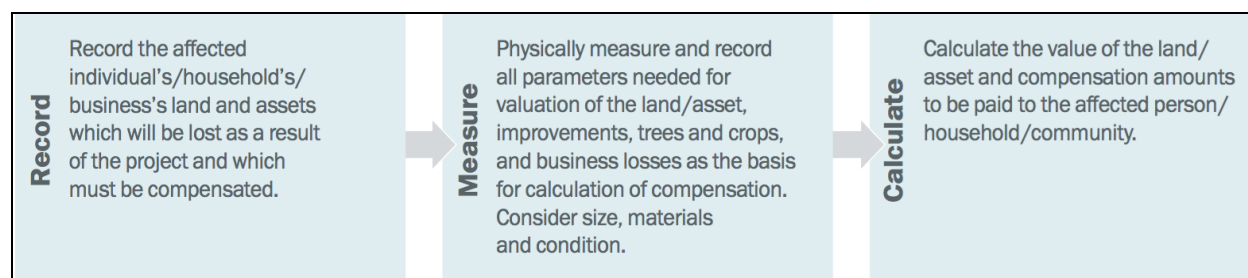


Figure 3 Steps in recording and valuing affected land and assets

For FONERWA-funded projects, compensation will be based on market rates for the different assets. The role of the Institute of Real Property Valuation and Council for Regulation of Real Property Valuation, as outlined in the Land Valuation law No. 17/2010 of 12/05/2010, will be to provide independent 'fair and just' valuation of land and affected assets in the event of expropriation. A property valuer certified by the Council Regulation of Real Property Valuation will be responsible for assessing all affected property and attaching compensation costs to each property. According to the Expropriation Law, the valuation will be based on prevailing market rates whose benchmark rates are supposed to be set up and gazetted each year by the Institute of Real Property Valuers.

In case there are no compensation rates, the valuer shall compare prices by referring to the prices recently assigned to a real property that is similar or comparable to the real property subject to valuation. Where comparable prices are not available for land in a particular area, the valuer may use comparable prices of similarly classified land from other areas of the country, as per benchmark rates published by the Institute of Real Property Valuers.

4.3.3.3 Common challenges

A) Appointing qualified specialists: The asset inventory and valuation process can be a source of conflict on projects, especially if the valuers are not independent from the project developer. If this is the case, affected people can rightfully claim a conflict of interest and the fairness and transparency of the valuation and compensation process can be thrown into doubt.

Valuations are often complex and require expert knowledge of agriculture, forestry, civil engineering, economics, technology, geology, and so on. It is therefore important to ensure the valuer appointed has the right skills and credentials, as this can be another potential source of discontent for affected people.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ Asset inventories and valuations should be completed by independent, certified experts in the area/s appropriate to the type of asset being valued. Respected professionals (officials or certified valuation experts) should be sought from registered professional bodies. In this case, only experts registered and certified by the Institute of Real Property Valuers in Rwanda (IRPV). Ensure they have knowledge of the local property market and any relevant legislation.
- ✓ Consider providing affected people with the option of choosing from a list of valuers provided by the project developer. Alternatively, they should be given the option of hiring a certified valuer of their choice if they decide to contest a valuation that has been performed by valuers hired by the project developer as long as it is also certified by the Institute of Real Property Valuers in Rwanda (IRPV).
- ✓ Asset inventory should be carried out in the presence of affected people and, if appropriate, a trusted third party such as a village or municipal head, community representative or a legal NGO. A record of the completed inventory should be signed by the affected person/household, by the client and, if appropriate, by a trusted third party. The valuation reports should also be provided to affected people so they may review them and submit grievances if unsatisfied. The valuation reports should serve as a basis for negotiations with affected people.
- ✓ The overall valuation can be publically disclosed, but individual property valuations should be kept private.

B) Defining replacement value of land and assets: To define full replacement value requires firstly determining the market value of land and assets. If property markets are active, a comparable sales valuation method is applied, whereby prices of recent sales of similar objects/comparable properties on a well-functioning free market (that is to say, independent buyers and sellers making free and informed choices) are compared. To reach full replacement value, transaction costs related to restoring land and assets, such as taxes and registration fees, should be added to the market value.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ Review the valuation methodology used in the project area to determine whether the basis for compensation is market value or cadastral value and how these compare to replacement value, required under FONERWA's RPF.
- ✓ Discuss the valuation methodologies and their application with valuers operating in or near the project area.
- ✓ For valuation of land where markets are not active or market data is limited, consider alternatives which can include:

- Replacement cost method, where the value of the property is determined by the costs of constructing a new structure of the same size and features in a new location, including building materials and costs of labour.
- Ensure that owners of land and assets are present during the valuation of their properties and that they receive valuation reports, so that they can assist the valuers and have the chance to speak to them if they do not agree with the reports.
- Always consider the possibility of providing replacement land and assets in kind, rather than cash compensation.

C) Timing of asset inventory and valuation: It is important to set a cut-off date for determining the eligibility of assets to be compensated for the project. This is usually the date when the asset inventory is undertaken, which means that any new assets installed in the project area after that date will not be compensated.

However, if the asset inventory is done too early in the resettlement planning process, or implementation is significantly delayed, affected people could be negatively impacted. For example, affected people may not proceed with renovations or repairs to their houses after the asset valuation for fear that they will not be compensated for their investments. If the period of time between inventory and compensation is several years, their living conditions could significantly deteriorate. If compensation is significantly delayed, the amounts may no longer represent replacement value as a result of changes in market conditions and values or inflation. It is also possible for trees, high value crops or even structures to be installed after the asset inventory cut-off date in an attempt to fraudulently claim extra compensation. Unless the project developer has good records of the property condition at the time of the inventory, claims like this can be surprisingly difficult to refute.

⇒ **FONERWA's Good practice to overcome this challenge:**

- ✓ Conducting the census and asset inventory simultaneously can not only be cost effective but the cut-off date for eligibility of people, households and businesses and their affected assets will be the same, saving time and making the process simpler.
- ✓ If implementation of resettlement is delayed, affected people/households and businesses should be allowed to make necessary improvements to their properties so that their living standards do not deteriorate. A timely and transparent procedure should be put in place so that affected people can notify the client of planned improvements. If approved, they should be included in the asset valuation and compensated.
- ✓ Use up-to-date low-level orthophotos or satellite imagery to make preliminary measurements of crop areas and trees. Verify these in the field with the affected people.
- ✓ Wherever possible, have aerial photography taken of the project area as close to the cut-off date as possible. This will help exclude claims by those who build structures or plant trees or crops after the cut-off date for the purposes of fraudulently obtaining compensation.
- ✓ If implementation is delayed, the valuation of assets should be done (or re-done) prior to execution of compensation to ensure that replacement value has been achieved.

5 Resettlement Compensation, Methods for Valuing Assets and Establishing Entitlement and Special Compensation Assistance Requirements

5.1 Compensation framework

The RAP compensation framework specifies all forms of asset ownership or use rights among the population affected by the project and the project's strategy for compensating them for the partial or complete loss of those assets. The compensation framework should include a description of the following:

- (i) Compensation guidelines established by the government of Rwanda;
- (ii) Proposed types and levels of compensation to be paid;
- (iii) Compensation and assistance eligibility criteria; and
- (iv) How and when compensation will be paid.

5.2 Eligibility criteria for various categories of PAPS

This section sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people.

5.2.1. Eligibility

Eligibility for compensation as a result of expropriation is enshrined in articles 34 and 35 of the constitution of the Republic of Rwanda of 2003 revised in 2015 and articles 26, 27 and 35 of the law No 32 /2015 of 11/06/2015 relating to Expropriation in public interest.

The two laws regulate and give entitlement to those affected, whether or not they have written customary or formal tenure rights. WB ESS5/IFC PS5 requires that those who do not have formal legal rights to land at the time the census begins but have a recognized claim to such land or assets- are also eligible for compensation for the land they lose, and other assistance. Each category in the eligibility matrix has compensation calculations associated with it based on type of lost asset, type of tree, type of crop and yields.

FONERWA funded projects will provide compensation to all affected people eligible for compensation based on the nature or category of their losses for example physical assets or income and cut-off-date.

The following PAP categories are eligible for compensation:

- People who have been in the surveyed part of the proposed working areas;
- Landlords owning land affected by the proposed sub-projects;
- People whose structures are to be affected by the developments;
- People who rent land for cultivation (sharecroppers) and whose crops or trees are to be removed or damaged due to land acquisition activities.
- Any other group of persons that has not been mentioned above but is entitled to compensation according to the Rwandan laws and World Bank ESS5/IFC PS5, such as social and community organizations (schools, religious agencies, etc.).

- Those who can show proof of assets loss, apart from those categories mentioned above, before the census cut-off-date.

5.2.1.1 Eligibility of PAPs

According to FONERWA's ESS8, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for persons to be displaced, will be based on the following:

- (a) Persons that have formal legal rights to land, including customary and traditional rights recognized under the Rwandan law. These include people holding leasehold land, freehold land and land held within the family or passed on through generations.
- (b) Persons who do not have formal legal rights to land or assets at the time the census begins but have a recognized claim of use to such land or ownership of assets.
- (c) Persons who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from. This class of people includes encroachers, illegal occupants/squatters and ownerships under dispute etc.

The World Bank ESS5/IFC PS5 categorizes those eligible for compensation and resettlement in three groups as shown below:

- (a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Rwandan Law.
- (b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Rwanda or become recognized through a process identified in the resettlement plan.
- (c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from before the cut-off date, but are recognized under World Bank ESS5/IFC PS5.

5.2.1.2 Speculative structures

Opportunistic structures established after the cut-off date shall not be compensated. During RAP implementation, these will be established by:

- Comparing with property surveying/valuation records;
- Consultation with local authorities to ascertain whether the contested structure existed at the time of the cut-off date or census and whether it was established in good faith or for opportunistic compensation purposes.

5.2.1.3 Vulnerable groups

Vulnerable people are considered to be those who by virtue of gender, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

Vulnerable groups will be at possible risk of becoming more vulnerable due to displacement, compensation, and resettlement process. Vulnerable groups include households headed by women, households that are headed by children, households made up of the aged or disabled, households whose members are impoverished, households whose members are involved in conflicts and

households that are economically marginalized.

Assistance to these vulnerable groups of people may include:

- Assistance in the compensation payment procedure (e.g., going to the bank with the person to cash the cheque, if needed);
- Assistance in financial literacy training for people in need, e.g., women, in the post-compensation payment period to secure the compensation money and reduce risks of misuse/robbery;
- Provide specialized livelihood training appropriate to the disabled.
- Implement livelihood improvement programs;
- Ensuring that vulnerable people are included in the consultations regarding the RPF/RAP and compensation and have their share of the compensation;
- Support in nutritional and health status of elderly person's post-resettlement to ensure successful integration into the resettled community;
- Assistance in building i.e., providing materials, workforce, or building houses;
- Health care if required at critical periods i.e., moving and transition period.

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified during field consultations. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be made to PAP households and individuals. Where possible, affected persons will benefit, in addition to compensation for land-based, livelihood or asset-based compensation, from non land-based options centered such as opportunities for employment should be provided in addition to cash compensation for land and other assets lost.

In addition to these entitlements, households who are found in difficult situations and are at greater risk of impoverishment (i.e., widowed household heads, households without employment, single parent households, etc.) as identified by the census will be provided with appropriate assistance by the project. The assistance is meant to help them cope with the displacement caused by the project.

Table 4 Types of Compensation for Livelihood Restoration

Type of Compensation	Description
In Kind Compensation	<ul style="list-style-type: none"> • Compensation of affected community assets like water points. The project will provide building materials, transport and labor costs and reconstruct the affected community asset for all users. • Good varieties of tree, fruit inclusive, and grass will be provided to replace trees likely to be affected by project works and to protect constructed structures.
Cash for work payments	<p>It is expected that there will be some temporary loss of income or temporary loss of access to certain facilities due to projects activities.</p> <ul style="list-style-type: none"> (i) Those people, together with other job seekers, will be employed in projects works to restore the income loss. (ii) (ii) They will also be capacitated on other sources of income.
Economic Rehabilitation Assistance	<ul style="list-style-type: none"> (i) Capacity building of PAPs on small income generating projects; (ii) Provision of assistance to facilitate reestablishment of livelihood activities such as provision of seedlings and agricultural inputs (iii) Creation of income generating activities like farming in cooperatives, etc.
Additional assistance	<ul style="list-style-type: none"> (i) Encouraging PAPs to harvest their crops and mobilize PAPs for discouraging perennial

Type of Compensation	Description
	<p>crops within the area delineated for Projects works</p> <p>(ii) Facilitation/advocacy on government social protection support to vulnerable groups.</p>

The entitlement matrix is given in the following table and will form the basis for (resettlement planning through the preparation of RAPs and) compensation of project affected people. Support for the vulnerable will be provided as referenced in **section 5.2.1.3** above.

Table 5 Entitlement Matrix for Various Categories of PAPs

Land and Asset Acquired	Type of Impact	Category of PAP	Compensation/Entitlement/ benefits
Agricultural land	No displacement: Cash compensation for affected land equivalent to market Value Less than 20% of land holding affected, The remaining land remains economically viable.	Farmer/ title holder	<ul style="list-style-type: none"> Cash compensation for affected land equivalent to replacement value
		Tenant/ lease holder	<ul style="list-style-type: none"> Cash compensation for the harvest of the affected land equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Displacement: More than 20% of land holding lost or less than 20% of landholding lost but remaining land not economically viable	Farmer/ Title holder	<ul style="list-style-type: none"> Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
		Tenant/Lease holder	<ul style="list-style-type: none"> Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short- term crops mature; Relocation assistance (costs of shifting + allowance).
Commercial Land	No displacement: Land used for business partially affected, limited loss	Title holder/ Business owner	<ul style="list-style-type: none"> Cash compensation for affected land, Opportunity cost compensation equivalent to 5% of net annual ^[L]_{SEP} income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	<ul style="list-style-type: none"> Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Displacement: Premise used for business severely affected, remaining area insufficient for continued use	Title holder/ business owner	<ul style="list-style-type: none"> Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs.

Land and Asset Acquired	Type of Impact	Category of PAP	Compensation/Entitlement/ benefits
			<ul style="list-style-type: none"> Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person is lease holder	<ul style="list-style-type: none"> Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re-establishes the business.
Residential Land	No displacement: Land used for residence partially affected, limited loss, and the remaining land remains viable for present use	Title holder	<ul style="list-style-type: none"> Cash compensation for affected land
		Rental/Lease holder	<ul style="list-style-type: none"> Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
	Displacement: Premise used for residence severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Title holder	<ul style="list-style-type: none"> Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Relocation assistance (costs of shifting + allowance)
		Rental/ lease holder	<ul style="list-style-type: none"> Refund of any lease/ rental fees paid for time/ use after date of removal Cash compensation equivalent to 3 months of lease/ rental fee Assistance in rental/ lease of alternative land/ property Relocation assistance (costs of shifting + allowance)
Buildings and structures	No displacement: Structure partially affected but the remaining structure remains viable for continued use	Owner	<ul style="list-style-type: none"> Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
		Rental/ Lease holder	<ul style="list-style-type: none"> Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs
	Displacement: Entire structure affected or structure	Owner	<ul style="list-style-type: none"> Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is

Land and Asset Acquired	Type of Impact	Category of PAP	Compensation/Entitlement/ benefits
	partially affected but the remaining structure is not suitable for continued use		acceptable to the PAP. <ul style="list-style-type: none"> • Right to salvage materials without deduction from compensation, • Relocation assistance (costs of shifting + allowance) • Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/ Lease holder	<ul style="list-style-type: none"> • Cash compensation for affected assets (verifiable improvements to the property by the tenant). • Relocation assistance (costs of shifting + allowance equivalent to ¹²four months rental costs). • Assistance to help find alternative rental arrangements, • Rehabilitation assistance if required (assistance with job placement, skills training)
		Squatter/informal dweller	<ul style="list-style-type: none"> • Cash compensation for affected structure without depreciation • Right to salvage materials without deduction from compensation • Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project • Alternatively, assistance to find secure accommodation in rental housing or in grouped settlement scheme «imidugudu», if available). • Rehabilitation assistance if required assistance with job placement, skills training)
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	<ul style="list-style-type: none"> • Cash compensation equivalent to market value for the mature and harvested crop.
Trees	Lost of trees	Title holder	<ul style="list-style-type: none"> • Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	<ul style="list-style-type: none"> • Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)
Special assistance		Vulnerable groups/Person	<ul style="list-style-type: none"> • Livelihood restoration assistance in the form of: <ul style="list-style-type: none"> ✓ Training for income generation activities; ✓ Assistance in land registration if their land is affected, ✓ Priority in employment etc;

5.3 Methods of asset evaluation

5.3.1 Overview

Assets likely to be affected by FONERWA funded projects will be valued and compensated for according to the following guidelines and as appropriate for each site:

- ✓ Funded projects will compensate for assets and investments according to the provisions of the resettlement plan (cash/land, cash for works, supply of agricultural inputs, tree seedlings, etc.).
- ✓ Eligibility for compensation will not be valid for new persons occupying/using the project sites after the cut-off date, in accordance with this policy.
- ✓ PAPs will be encouraged to harvest their crops and discouraged to plant perennial crops in the project areas.

5.3.2 Valuation of assets and national law

According to law No. 32/2015 of 11/06/2015 related to expropriation in the public interest in Rwanda, any expropriated assets are to be 'justly' compensated with valuation undertaken by the Institute of Real Property Valuers in Rwanda. This RPF provides the basic principles for the valuation of affected assets.

The FONERWA funded project through a certified valuer's assessment will need to determine appropriate unit cost rates for each location. During the consultation with the PAPs, FONERWA Environment and Social Safeguard Specialist will outline the available options and their advantages to PAPs to assist them to make informed decisions.

5.3.3 Valuation methods

There are several methods that can be used for the valuation of affected assets. These are described below.

5.3.3.1 Replacement cost approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by subproject operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on- site management practices and thereby prevent damage. In applying this method of valuation, depreciation of structures and assets should not be taken into account.

The WB ESS5/IFC PS5 requires compensation at full replacement cost.

For losses that cannot easily be valued or compensated for in monetary terms such as access to water sources, public services, customers, and suppliers; or to fishing, grazing, or forest areas, attempts will be made to establish access to equivalent and culturally acceptable resources and earning opportunities. Where domestic law does not meet the standard of compensation at full replacement cost, the World Bank policy on involuntary resettlement will be adopted. The approach will involve direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

5.3.3.2 Gross current replacement cost

Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.

5.3.3.2 Other methods

Rates from Contractors: When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

During the implementation of this RPF, the replacement cost approach will be used in all project sites because it fully meets the requirements of the World Bank policy on involuntary resettlements (WB ESS5/IFC PS5).

5.3.4 Calculating compensation for assets

The following methods of calculation should be adopted for the preparation of standardized asset valuation tables and/or the application of specific case-by-case valuations in the case of projects that have significant impacts.

5.3.4.1 Compensation for crops and trees

PAPs will be permitted, where possible, to harvest their produce before loss of assets. To ensure that this is possible and that appropriate market prices are received for yields, there is need to be sufficient consultation beforehand so that harvesting can be properly planned for.

In the event that trees cannot be harvested within the project life and interfere with planned project works, compensation for loss of trees including lost income from fruit trees until maturity will be provided as follows:

- ✓ Provision of good quality seed or seedlings appropriate for the resettled areas, fruit tree materials inclusive and planting. Compensation for income lost on fruit trees,
- ✓ Cash for work in project works;
- ✓ Capacity building on farming, tree maintenance, etc.

5.3.4.2 Compensation for community assets

In all cases, these will be provided in kind and new facilities will be provided even if there are existing facilities at the new locations.

5.3.4.3 Compensation for sites with cultural and religious interests

The World Bank's ESS5/IFC PS5 does not permit the use of land that is defined to be cultural property. These might include genocide memorial sites and sacred sites comprising museums, altars, initiation centers, ritual sites, tombs and cemeteries. It also includes others such as sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or communities/homesteads, the use of sacred/religious sites or any other sites with cultural interests under FONERWA funded projects will not be permitted.

5.3.5 Cut-off date

The cut-off date is the date of commencement of the census of Project Affected Persons.

(PAPs). No structure or other development established in the project-affected area after the cut-off date will be eligible for compensation.

During community sensitization as well as household surveys, the cut-off date should be communicated to the PAPs where they are advised against further investments or speculative land and property development after existing assets are surveyed and valued for compensation.

The cut-off date should also be communicated and emphasized to the PAPs during the valuation exercise as well as to other important stakeholders who have some influence on community members, such as District officials and other local leaders and concerned NGOs. The project implementation unit will use tools such as bulletin boards, posters and local radio stations to remind the PAPs of the cut-off date.

The importance of a cut-off date necessitates clear communication to project affected persons and communities and this should be enshrined in the communication plan of the RAP preparation and implementation. Failure to set and clearly communicate the cut-off date often leads to speculative development along the project route in an effort to target compensation. This can affect the project schedule and unduly increase resettlement costs. Communicating and enforcing the cut-off date will be the role of project implementing institutions.

5.3.6 Displacement of people

Although the exact locations of FONERWA funded projects have yet to be determined, in case of the need for physical relocation of people, the following conditions shall be followed:

- ✓ The entitlement cut-off date shall be determined and agreed upon in consultation with the local governments and all the stakeholders, particularly the affected persons;
- ✓ An assessment of the time likely to be needed to restore their living standards, income earning capacity and production levels shall be made;
- ✓ The livelihood restoration activities shall ensure that the condition of the displaced persons shall be improved or at least maintained, at the levels prior to project implementation;
- ✓ The displaced persons shall be provided with development assistance, in addition to compensation measures described above. This shall include, for example, assistance for land preparation, credit facilities and training for job opportunities.

5.4 Livelihoods and community development

5.4.1 International Best Practice

Guidance notes that “simple restoration of livelihood may be insufficient to protect affected populations from adverse project impacts, especially induced effects such as competition for resources and employment, inflation, and the breakdown of social support networks. For this reason, projects should seek to promote the improvement of the living standards of people affected by the project”.

5.4.2 Livelihood Program Approach

The internationally recognized "Sustainable Livelihood Framework" (SLF) by DFID adopted by most international development practitioners presupposes that there are five types of resources that households require to assure their access to livelihoods. These five resources include: physical capital, human capital, natural capital, financial capital, and social capital, as described in below table.

Table 6 Livelihood assets

Livelihood Asset	Description
Physical	Farm equipment, seeds, tools, sewing machines, vehicles, livestock, houses
Natural	Agricultural and grazing land, water resources, food, timber, fish
Human	Labor power within a household, education, skills, vocational training
Financial	Wages, access to credit, savings
Social	Kinship structures, religious groups, neighborhoods

The SLF further shows how these assets and resources are interlinked, and when effectively combined, can lead to sustainable livelihood outcomes.

Therefore, Project Livelihood Programs could enhance these physical assets in the following ways:

Physical Asset: Through the provision of farm inputs for re-establishment of farming activities by significantly impacted project-affected households, combined with the provision of improved housing through comprehensive and adequate compensation.

Natural Asset: Ensuring households can resettle where necessary close to their home locations, with continuity of access to natural assets, and easily accessible clean water sources. Improving remaining land productivity through agricultural supports and inputs.

Human Asset: Provide farm extension training. In addition, displaced households will be prioritized for FONERWA funded project-related employment opportunities. Provide financial management training.

Financial Asset: The FONERWA funded projects will create employment opportunities, with displaced households prioritized. In addition, a micro-finance program could be developed with delivery partners. Money management and financial training will be provided to all affected households in receipt of compensation.

Social Asset: The FONERWA-funded projects will continue to foster social networks within the communities and ensure these networks are maintained. Where appropriate, existing community groups should be involved in the delivery of livelihood initiatives.

Agriculture is the backbone of the Rwandan local economy. Due to its high population density, Rwanda faces the problem that almost all available land is exploited to the very limits of agricultural possibilities and often beyond. Food crops hold a very dominant position in Rwandan agriculture. Beans, bananas, sorghum, Irish potatoes, sweet potatoes, cassava and maize are by far the dominant crops in terms of area planted by farmers. Therefore, agricultural assistance will be the key basis of the livelihoods program.

Livelihood Program Components: Based on the predominant livelihood in Rwanda, initiatives which restore and improve farming practice will be the key element of the Livelihood Program. The Livelihood Program will focus on:

- Agriculture
- Financial and business management
- Micro-finance.

For those with over 20% of their productive lands impacted the following is essential:

- Timely delivery of appropriate agricultural inputs,
- Training in agricultural methods and in management of agricultural schemes,
- The offer of agricultural extension programs, as support to the farmers,
- The option of credit facilities, with low affordable interest rates.

All impacted households should be eligible for the Financial Management Training element of the Livelihoods Program. Livelihood Programs developed will be complemented by a Community Development Program which will include community infrastructure projects.

Where possible, potential partners in delivery will be identified, including Community Based Organizations and NGOs.

The analysis and the Program components discussed below will be reconfirmed and agreed with government, communities and key stakeholders.

5.4.2.1 Agriculture program

The Agriculture Program is the primary mechanism to restore livelihoods, addressing issues of food security and income generation.

Table 7 Agriculture program objectives, outcomes & strategies

Objective	Desired Outcome	Strategy
<ul style="list-style-type: none"> ▪ Re-establish and improve productivity through use of sustainable farming systems 	<ul style="list-style-type: none"> ▪ Increased access to key agricultural inputs by farmers 	<ul style="list-style-type: none"> ▪ Provide agricultural farm inputs, mainly seeds and fertilizers, for farmers to re-establish and intensify productivity
	<ul style="list-style-type: none"> ▪ Increase availability and quality of key agricultural and livestock services 	<ul style="list-style-type: none"> ▪ Provision, support and strengthening of agricultural extension services. Partner with existing government extension agents and identified local community-based organization(s) in undertaking agricultural extension services for farmers ▪ Support introduction of improved farming techniques
	<ul style="list-style-type: none"> ▪ Adoption of improved farming systems by farmers, through an enabling social and policy environment 	<ul style="list-style-type: none"> ▪ With relevant government departments, encourage participation of project affected farmers in agricultural initiatives, such as associations and agricultural

Objective	Desired Outcome	Strategy
		open days.

Table 8 Agriculture program practices and services

Activity	Desired Practices	Services
<ul style="list-style-type: none"> ▪ Livestock 	<ul style="list-style-type: none"> ▪ Vaccination of animals ▪ Improved pasturing 	<ul style="list-style-type: none"> ▪ Provision of drugs and vaccines ▪ Extension Services
<ul style="list-style-type: none"> ▪ Crop Production 	<ul style="list-style-type: none"> ▪ Crop diversification ▪ Land preparation ▪ Cropping ▪ Seed Selection ▪ Use of organic manure ▪ Storage 	<ul style="list-style-type: none"> ▪ Provision of crop farming inputs ▪ Provision of extension services ▪ Strengthening of Farmer Associations

5.4.2.2 Financial Management Training Program

This RPF prescribes that FONERWA funded projects-affected households should receive cash compensation in relation to structures, crops and land, as well as additional allowances (e.g. 5% of disturbance, loss of income). For many households this will be much more cash than they are used to managing. Therefore, it is important that *all impacted households* have access to financial management and basic business training in order to ensure households understand that cash compensation should be utilized to restore lost assets and needs to be held securely to ensure livelihood improvement.

Table 9 Financial management training Objectives, Outcomes & Strategies

Objective	Desired Outcome	Strategy
<ul style="list-style-type: none"> ▪ Increased knowledge & skills in basic financial management 	<ul style="list-style-type: none"> ▪ Improve PAPs utilization and management of cash resources 	<ul style="list-style-type: none"> ▪ Training in money management, access to bank accounts and financial advice
	<ul style="list-style-type: none"> ▪ Improved utilization of compensation money for long term sustainable livelihood initiatives 	<ul style="list-style-type: none"> ▪ Provision of training in basic business management and enterprise establishment
		<ul style="list-style-type: none"> ▪ Strengthening of community groups (farmer associations, cooperatives, etc.)

Table 10 Financial management program practices and services

Activity	Desired Practices	Services
<ul style="list-style-type: none"> Financial Management 	<ul style="list-style-type: none"> Utilizing cash compensation for livelihood strategies Enterprise establishment Undertake income-generating activities Use of credit facilities Market driven production Formation of saving schemes Small projects planning for livelihood improvement 	<ul style="list-style-type: none"> Money management training Business Training Formation of associations and credit groups

5.4.2.3 Micro-Finance Program

Limited funding to undertake income-generating activities (IGA) can be a significant obstacle to development of households and communities.

The common practice is for community based groups to rely on members contributions as a savings base for setting up a revolving fund to buy required materials, benefiting from economies of scale, and selling to members at a subsidized rate. Though this approach encourages enterprise development, vulnerable or poor households are disadvantaged.

The Livelihood Program proposes establishing a microcredit scheme, focused on assisting less advantaged households, whose income/savings base is low. Again, this can be linked to the village level, participatory poverty assessment that has been undertaken in almost every village in Rwanda by the *Ubudehe* program.

Table 11 Micro-finance program objectives, outcomes and strategies

Objective	Desired Outcome	Strategy
<ul style="list-style-type: none"> Increased incidence of profitable income generating initiatives and marketing practices 	<ul style="list-style-type: none"> Increase access to key income generating and marketing inputs & services 	<ul style="list-style-type: none"> Establishment of revolving fund micro-credit scheme
	<ul style="list-style-type: none"> Increase quality of key income generating and marketing services 	<ul style="list-style-type: none"> Strengthening of finance base for community-based self-help groups (farmer associations, cooperatives, etc.)
		<ul style="list-style-type: none"> Strengthening of community groups (farmer associations, cooperatives, etc.)

Table 12 Micro-finance program practices and services

Activity	Desired Practices	Services
<ul style="list-style-type: none"> Income-Generating Initiatives 	<ul style="list-style-type: none"> Enterprise establishment Undertake/start IGA Use of credit facilities Market driven production Formation of saving schemes 	<ul style="list-style-type: none"> Strengthening self-help groups, farmers' associations, youth enterprises, etc. Available credit

Livelihood Program Management & Partnership: The District has primary responsibility for execution of the Livelihood and Vulnerable Programs.

The Livelihood Program should be undertaken in partnership, through identifying existing government agencies, NGOs and community-based groups undertaking such initiatives. These may include the existing community programs in Rwanda such as One Cow per Poor Family program, Vision 2020 *Umurenge* Program (VUP) and *Ubudehe* Program.

The Program should cover a three-years period, to ensure restoration, and ideally improvement of livelihoods for the most significantly impacted households. Many of the Programs developed for the Livelihoods Program may in turn be expanded to other indirectly affected communities through community development plans and initiatives.

Clear roles and responsibilities will be agreed upon in advance of program implementation, and various skills will be required to execute the Program.

It is envisaged that a Livelihood Management Team would be established within the FONERWA's Environment and Social Team, to liaise with Districts, and oversee the program as a whole.

6 Resettlement Grievance Management and Redress Mechanisms

6.1 Purpose

It is inevitable that complaints and grievances will arise for FONERWA funded projects, especially given the emotive nature of displacement issues. It is therefore essential that a GM be designed and implemented proactively as of the scoping process. Grievances are likely to peak during asset surveys, further negotiations, and finalization of compensation agreements. The **key purpose of the GM** is to proactively and effectively resolve any complaints or issues before they escalate.

In practice, the RAP GM needs to accommodate information such as affected plot numbers and/or household numbers per the RAP database, as well as a categorization of grievances that is relevant to land-acquisition, for instance:

- Land registration issue
- Disagreement on inventory
- Disagreement on compensation rates
- Disagreement on resettlement package
- Disagreement on plot allocation at resettlement site
- Defect in resettlement house
- Damage to crops or other plants during works or surveys
- Dispute over the ownership of a given asset (two individuals claim to be the owner of this asset); e.g. due to recent change of asset ownership;
- Disagreement over the valuation of a plot or other asset; and
- Successions, divorces, and other family issues, resulting in disputes between heirs and other family members, over ownership or ownership shares for a given asset.

6.2 Establishing a RAP GM for FONERWA-funded projects

The following are key aspects to address when establishing a RAP GM for FONERWA funded projects:

- Assign staff to implement and be responsible for the management of the RAP GM. For small projects it may be possible to assign this task to one person, but for larger projects a team may be required.
- Ensure that adequate resources (people, systems and processes, budget, time, leadership, and management) are available to implement the RAP GM, especially at times when land grievances concerning acquisition are likely to peak (during asset surveys, compensation negotiations, and physical relocation to resettlement sites).
- Ensure consistency of the RAP GM with the RAP database, particularly in terms of the identification of the grievance, which must relate to and be consistent with the identification of plots or households in the overall RAP database.
- Ensure that decisions taken to resolve grievances are supported by project management. The project manager should chair RAP GM team meetings to agree on corrective actions to address grievances, so that decisions can be readily confirmed, and resources allocated to implement

the agreed actions. This is particularly important where corrective actions involve third parties beyond the RAP team—for example, government authorities or contractors.

- Ensure that all project staff and contractors involved with the land-acquisition process and implementation of the RAP are fully aware of the RAP GM.
- Ensure that the community affected by land acquisition is fully aware of the RAP GM and the process to address grievances.
- Make provision in the RAP GM for a recourse mechanism in the event that a complainant is not satisfied with the RAP implementation team's proposed corrective actions. This should include independent arbitration to attempt to find an acceptable solution to both parties and to avoid recourse to the judicial system. However, the project will not impede access to judicial redress.
- Tailor the independent recourse mechanism to the scale of the project, land-acquisition and displacement impacts, and the likely number and types of grievances.

The following sections summarize the structure and operation of a GM (Refer to IFC “Good Practice Note: Addressing Grievances from Project-Affected Communities”²⁰ for more details on grievance management techniques).

6.3 Key principles

Key principles of the GM process should include the following:

- **Proportionality:** The process should be scaled to the stage of the project and land-acquisition process. Grievances are likely to be relatively few at the feasibility and planning stages and most frequent during the land-acquisition and construction stages.
- **Cultural appropriateness:** Take into account specific cultural and traditional mechanisms for raising and resolving grievances.
- **Accessibility:** Ensure clear communication and ease of use. Consider locations for receiving complaints, literacy and education levels, local languages, gender issues, and access by vulnerable and marginalized groups.
- **Transparency and accountability:** Ensure that all complaints are taken seriously and treated fairly. Provide clarity on roles and responsibilities, distribute information widely and regularly, incorporate stakeholder input into the design and implementation of the GM process, commit to a certain timing to respond to grievances, and monitor, measure, and share grievance resolutions, agreements, and commitments.
- **Appropriate protection:** Encourage use of the GM, provide assurance that there will be no retribution for participation, protect the identity of complainants, and communicate the rights of stakeholders to use remedies such as external mechanisms, third parties, or the judicial system.

6.4 Key implementation steps

Key steps to implement a GM should include the following:

²⁰ Refer to International Finance Corporation. 2009. “Good Practice Note: Addressing Grievances from Project-Affected Communities.” Washington, DC: IFC. www.ifc.org/GPN-Grievance

- 1) **Publicize GM procedures:** Promote awareness through stakeholder meetings, focus group discussions, pamphlets, hand-outs, radio announcements, cell phone messaging, and so forth.
- 2) **Receive and track grievances:** Ensure accessibility to all stakeholders affected by land acquisition and log all complaints into a database (this can range from a simple spreadsheet to complex data management systems).
- 3) **Make preliminary assessment of grievance:** Categorize complaints and decide how and who will be responsible to address the complaint.
- 4) **Give initial response to complainant:** Communicate (written or verbally) how the grievance will be addressed, including a timeline.
- 5) **Investigate the grievance and develop solution options**
- 6) **Implement and follow up on the agreed solution:** Seek sign-off from the complainant, and record and file documents.
- 7) **Follow up with further action if necessary:** Deepen community or independent third- party engagement to strengthen trust and find solutions.
- 8) **Monitor, evaluate, and report on the GM:** Monitor numbers of grievances received and whether they are resolved or outstanding. Monitor trends and systemic issues and report results.

Table 13 Independent recourse mechanisms

Recourse mechanism	Applicability	Key issues to consider
Independent third- party moderator or mediator	Independent third-party acceptable to both community and project, such as a trusted NGO with land experience, retired judge, or other notable and impartial person.	Independence and impartiality of the moderator (entirely independent of the affected community and project).
Independent consultant or specialist	Small-scale resettlement projects with few households and a limited number of grievances. Independent technical assessment of a specific issue, such as recourse to an apiculture specialist concerning project impacts on a household's or community's honey production.	Useful in providing independent assessment of grievances concerning technical issues (for example, technical defects at replacement houses) Provides a means to bridge the gap in technical knowledge between project and complainants.
External independent panel (for example, experts with experience in land, other specialists, and trusted and respected notable persons)	Large-scale projects with complex land-acquisition grievance issues and large numbers of affected households.	The core panel should remain the same, even if specialists are brought in to address specific issues. Panels can be expensive and time consuming to organize.

6.5 Grievance mechanism and Rwandan expropriation law

6.5.1 Rwandan expropriation law

The Article 33 and 34 of the Expropriation Law No 32/2015 of 11/06/2015 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Article 33 of the

expropriation Law stipulates that dissatisfied persons have a period of 10 days from the application for counter valuation by the person to be expropriated. This application should be done within 7 days after the approval of the valuation report by the expropriator.

6.5.2 Grievance prevention

There are ways to proactively solve issues before they even become grievances. FONERWA should be aware and accept that grievances do occur, that dealing with them is part of the work, and that they should be considered in a work plan. Project implementers should do the following:

- **Provide sufficient and timely information to communities:** Many grievances arise because of misunderstandings; lack of information; or delayed, inconsistent or insufficient information. Accurate and adequate information about a project and its activities, plus an approximate implementation schedule, should be communicated to the communities, especially PAPs, regularly. Before the implementation of each project activities, beneficiaries and other stakeholders with specific emphasis on PAPs should be communicated using appropriate communication channels and means of communication.
- **Conduct meaningful community consultations:** The developer will be required to continue the process of consultation and dialogue throughout the implementation of the funded project. Sharing information, reporting on project progress, providing community members with an opportunity to express their concerns, clarifying and responding to their issues, eliciting community's views, and receiving feedback on interventions will benefit the communities and the project management.
- **Build capacity for project staff, particularly community facilitators and other field-level staff:** The local leaders and developer staff should be provided with adequate information on the project such as project design, activities, implementing schedules, and institutional arrangements as well as enhanced skills in effective communication, understanding community dynamics and processes, negotiation and conflict resolution, and empathising with communities and their needs. Building trust and maintaining good relations with the communities by providing relevant information on the project and responding effectively to the needs and concerns of the community members will help solve issues before they even become grievances. It is also important that local leaders and field-level staff provide regular feedback on their interactions with the communities to the higher levels of the implementing agencies.

6.5.3 Grievance redress process

At the time that the individual resettlement plans are approved, and individual compensation contracts are signed, affected individuals and homesteads will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

The developer will be required to make every effort to achieve an amicable settlement of all identified resettlement issues under the RAP at the community using Community Coordination Committees at sector or cell level and then Project level. If this attempt fails, the PAP may bring his/her grievance to local leaders especially the district, if it fails the grievance can be escalated to other levels like Project Steering Committees and then to office of Ombudsman and if all these fails to handle issue, it can be taken to court.

The proposed redress procedure and mechanisms will be presented to and discussed with the PAPs at the early stages of the RAP preparation process. To effectively collect all grievances from the potential

PAPs, a specific site(s) may be designated for timely depositing and collection of all complaints. The PAPs can deposit complains orally (these shall be properly documented at the moment of depositing complain at the designated site) or in writing.

All the grievances will be channeled to the existing structures in Rwanda for handling grievances beginning with the local leader of the affected people as the first step before resorting to mediators (Abunzi) at cell, sector level and the Rwanda Courts of Law as the last resort. A grievance log will be established by the project and copies of the records kept with all the relevant land authorities at the district, sector, cell and village level and will be used in monitoring of complaints. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants.

6.5.4 Grievance Redress Mechanism (GRM) for FONERWA-funded projects

The developer being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the local leader/committee for resolution.

As it is normal practice under customary law, all disputes in communities are solved by the leaders after a thorough investigation of the facts using the services of his officials. The grievances are first to be addressed to Project Resettlement and compensation committee²¹ and then the local leaders at the cell and sector level, if not satisfied he or she shall continue to District Land Bureau (DLB), if not satisfied she or he shall forward the grievance to Project Steering Committee, if not satisfied he or she shall escalate it to Office of Ombudsman and final if not satisfied he or she can forward the issue to the civil courts of law.

A handbook for public communication and stakeholder engagement has been developed for FONERWA funded projects as a part of FONERWA's ESMF & RPF (see Volume 4). A detailed communication strategy for grievances redress mechanism for funded projects which should include an explanation on the methods used in carrying out the project's activities and such compensation payments, etc. The response time will depend on the issue to be addressed but it should be addressed with efficiency. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife. Furthermore, in case the affected persons (PAPs) are orphans, all children regardless of their sex will be eligible for a fair and just compensation. The grievance mechanism for the implementation process is as follows:

Once, Project Affected Persons (PAPs) raise a complaint or a dispute, Village Leaders and a representative (s) of Developer will address the grievances through public hearings and meetings. If not satisfied he or she shall forward the grievance at cell level, all grievances will be heard by the already in place cell-level mediators (abunzi) whose work is to hear disputes, especially land disputes and complete a Grievance Form which will be signed by mediator leader and the PAP/complainant.

Notwithstanding that the grievance redress mechanism accepts that the compensation and resettlement plans will be (contracts) binding under statute, but it also recognises that customary law is the law that governs land administration and tenure in the rural/village areas, i.e. areas outside Kigali,

²¹ The project Resettlement and Compensation committee will be composed by:

- One representative of the local Administration;
- One Representative of Funded Project acting as an observer;
- Three representatives of the affected people, including at least one woman,
- One representative of an NGO or of a religious organization present in the project area.

and is what most Rwandans living in these areas are used to and understand.

The grievance redress mechanisms are designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time. All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their local leaders or the appropriate district authority will in turn inform and consult with FONERWA, homestead/household representatives and leaders and other records to determine a claim validity.

If valid, the local leader or the appropriate district authority will notify the complainant and it will be settled within 7 days from the day of receiving grievance. If the complainant's claim is rejected, then the matter if it fails the grievance can be escalated to other levels like Project Steering Committees and then to office of Ombudsman and if all these fails to handle issue, it can be taken to court. The decision of the lowest court (i.e. Magistrate or high court) would be final and all such decisions must be reached within a full growing season after the complaint is lodged. This is designed to ensure a speedy and affordable adjudication.

If a complaint pattern emerges, developer, the district administrations, with the local leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. Developer, the district administrations and the local leaders and representatives will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins. Developers report to FONERWA will also contain GRM report and FONERWA will carry out due diligence as appropriate.

6.5.5 Steps of the grievance process

Step 1 – Receipt of complaint: During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances. The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.

Step 2 – Determination of corrective action: If in their judgment, the grievance can be solved at this stage, the grievance will be reviewed by project developer and will determine a corrective action in consultation with the aggrieved person. A description of the action; the time frame in which the action is to take place; and the party responsible for implementing the action will be recorded in the grievance database.

Grievances will be resolved, and the status reported back to complainants within 30 working days. If more time is required, this will be communicated clearly and in advance to the aggrieved person. Relevant details of grievances, with outcomes, will be made available to the affected parties through personal notification. The preferred course of action will be discussed with the person bringing the grievance. Wherever possible, grievances will be resolved at this level within seven (7) working days. For cases that are not resolved within the stipulated time, detailed investigations will be undertaken and results discussed in the meeting with affected persons which has to take place within seven (7) working days. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations. Written agreement to proceed with the corrective action will be sought from the complainant (e.g. by use of an appropriate consent form). If no agreement is reached, Step 2 will be revisited.

Step 3 – Implementation of corrective action: Agreed corrective actions will be undertaken by the

Project implementer agency or its contractors not more than three 3 days. The date of the completed action will be recorded in the grievance database.

To verify satisfaction, the aggrieved person will be approached by the FONERWA to verify that the corrective action has been implemented. A signature of the complainant will be obtained and recorded in the log and/or on the consent form (see Step 2). If the complainant is not satisfied with the outcome of the corrective action additional steps may be undertaken to reach agreement between the parties. If additional corrective action is not possible alternative avenues maybe pursued.

Step 4 – Action by Grievance Committee (mediator at cell and sector level): If the developer and the PAP cannot solve the grievance, it will be referred to relevant parties such as Project Community Coordination Committee for consultation and relevant feedback provided. If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Grievance Committee.

A dedicated Grievance Committee starts by established cell level mediators and sector level mediators to assess grievances that arise from disputes. The Grievance Committee will resolve the complaint within fourteen (14) working days. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied however, the complainant notes the outstanding issues, which may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings. The effectiveness of the Grievance Committee will be evaluated during the periodical performance reporting and as part of the post RPF/RAP evaluations. It should be noted that all the documentation resulting from the grievance redress should kept safely by project developer with copies at the District headquarters and FONERWA for further reference in case need arises.

In case of failure to agree on compensation, the individual PAP has the right to take his/her case to the civil court for litigation. In this grievance redress process, it is important to note that the timeframe will depend on number of complainants and complexity of the grievances. However, FONERWA in collaboration with project developers shall work closely with the PAPs and their local leaders to minimize backlog of complaints.

6.5.6 Grievance log

The GRM Committee will ensure that each complaint has an individual reference number and is appropriately tracked and recorded actions are completed. The log will contain record of the person responsible for an individual complaint, and records dates for the following events:

- Date the complaint was reported;
- Date the Grievance Log was added onto the project database;
- Date information on proposed corrective action sent to complainant (if appropriate);
- Date the complaint was closed out; and
- Date response was sent to complainant.

Furthermore, a website and a free hotline where stakeholders can present their grievances will be developed and made available by the project developers, and a GM will also be available on project site.

6.5.7 Monitoring Complaints

The monitoring of complaints will be done by FONERWA-funded project developer on regular basis and FONERWA as required. The monitoring team will be responsible for:

- Providing the project Resettlement and Compensation Committee with a weekly report detailing the number and status of complaints;
- Any outstanding issues to be addressed; and
- Monthly reports, including analysis of the type of complaints, levels of complaints, actions to reduce complaints and initiator of such action.

7 FONERWA'S RPF Implementation, Monitoring and Institutional Arrangements

The preparation and implementation of the resettlement strategies will require the participation of several institutions at different levels. Coordination of the participating institutions is a critical requirement to a successful resettlement program. It is always preferred to have this addressed early into the FONERWA funded project cycle, so that all participating parties are made aware of each other's responsibilities, lines of reporting, communication channels, expectations and authority limits.

7.1 Overview

The overall coordination of FONERWA funded projects will be provided by FONERWA, which will be responsible for overall technical and fiduciary oversight for the funded projects. This will include review and appraisal of projects. FONERWA will oversee all resettlement planning and supervise all issues relating to the compensation. FONERWA will collaborate with Local Government Authorities falling within the funded projects area in coordination and implementation. The implementation arrangements of FONERWA funded projects build on:

- The implementation arrangements for the funded projects, including agencies at the National, District and Local levels; and
- The implementation arrangements for resettlement and compensation activities in line with the Rwandan legislation.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for funded projects. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each FONERWA funded project.

7.2 Institutional roles in resettlement and compensation

7.2.1 FONERWA

The development of this Resettlement Policy framework (Volume 3) together with FONERWA ESME, volumes 1, 2 & 4 is an important step to equip FONERWA with a robust climate, social and environmental safeguarding instrument, which is compliant with Rwandan regulatory framework and international standards that pertain to the climate, social, environment, land use, labour health and safety issues, vulnerable and marginalized groups and cultural artefacts.

FONERWA together with Rwanda Development Board (RDB) will be responsible to determine whether the RAP/A-RAP is required for a proposed funding project. If RAP/ARAP is required, FONERWA and RDB will provide Terms of reference to the project developer.

FONERWA will also play a role in overall monitoring and evaluation of resettlement implementation (i.e., annual audits and review of funded projects) and will ensure that the RAP/ARAP is implemented in accordance with Rwandan laws and FONERWA's RPF.

7.2.2 Project developers

Project developers will play a critical role in the implementation of this resettlement policy framework. As fund beneficiaries, Project developers will have the responsibility of preparing and implement safeguards instrument (RAPs, ARAPs, ESAs, ESMP). These instruments will be prepared in compliance with this resettlement policy Framework and in accordance with national regulations related to land

acquisition. The RAP/ARAP prepared by developer will be cleared by National Regulatory authority.

7.2.3 Ministry of Environment (MoE)

The Ministry of Environment is responsible for addressing issues of policy, in particular through Ministerial orders and/or orders that set out laws and procedures for the administration, planning and allocation of land. It governs the implementation and application of the Organic Land law and the Land Use Master Plan. Whilst they will govern alignment with these Laws at the national level, responsibilities for their implementation locally has been devolved, following decentralization, to Rwanda Land Management and Use Authority (RLMUA) and District Advisory Council, committees at Sector and Cell levels.

7.2.4 Rwanda Land Management and Use Authority (RLMUA)

Rwanda Land Administration and Use Authority is a key Institution set up to implement the National Land Tenure Reform Program as provided for by the National Land Policy and the Organic Law determining the use and management of land in Rwanda. This program aimed at improving land tenure security by putting in place an efficient, transparent and equitable system of land administration.

Cadastral surveys, mapping and land registration are the core components of land administration. The new and modern land administration is embedded in a broader land information system, fully co-ordinated and automated, without separation of land registration, cadastral surveys and mapping, because they complement each other; more importantly, they belong together as a whole.

The Authority has the following main missions:

- To implement national policies, laws, strategies, regulations and Government resolutions related to the management and use of land;
- To provide advice to the Government, monitor and coordinate the implementation of strategies related to the management and use of land;
- To promote activities relating to investment and value addition in the activities related to the use and exploitation of land resources in Rwanda;
- To register land, issue and keep land authentic deeds and any other information relating to land of Rwanda;
- To supervise all land-related matters and represent the State for supervision and monitoring of land management and use;
- To execute or cause to be executed geodetic, topographic, hydrographic and cadastral surveys in relation to land resources;
- To initiate research and study on land, publish the results of the research and disseminate them;
- To prepare, disseminate and publish various maps and master plans relating to land management using the most appropriate scales;
- To establish and update basic topographic maps and thematic maps; 10° to define standards for: land administration, land surveys; the geo-information, spatial information and land information data collection; cartographic representations of geographic features and national spatial data infrastructure;
- To set up principles and guidelines related to use of land; etc.

7.2.5 Institute of Real Property Valuers

The Institute of Real Property Valuers of Rwanda was established as a body corporate with autonomy. To be recognized as a real property valuer in Rwanda, a person must be a member of the Institute. A Council for the Regulation of the Real Property Valuation Professionals in Rwanda is established as a regulatory agency. The Institute proposes regulations, guidelines and standards for valuation while the function of approval lies with the Council. A register of real property Valuers is maintained by the Council who can enter or remove a real property Valuer from the register of certified Valuers. The Chairperson of the Council approves valuation and is equivalent to the Chief Government Valuer in other jurisdictions.

A person dissatisfied with a real property valuation shall refer the matter to the Council for determination. The Council shall select other certified Valuers who shall decide other valuation methods to be used. If the dispute remains unsettled, it shall be submitted to a court of law for adjudication. For all FONERWA funded projects, the valuation of assets for PAPs during RAP development will only be carried out by professionals certified by this institution.

7.2.5 Rwanda Association of Professional Environmental Practitioners (RAPEP)

The Rwanda Association of Professional Environmental Practitioners (RAPEP) was established in 2016 by the Government of Rwanda under Law No 36/2016 of 08/09/2016, to manage the practice of Environmental Assessment and the quality of Environmental Impact Assessments (EIAs) in both public/private interest and in the interest of the environment. An Environmental Experts Association which functions efficiently in mobilizing all communities, Government and non-Government entities, to be proactive in reducing environmental vulnerability to various adverse impacts, hazards and provides an effective, coordinated, National post impact response.

To be recognized as an Environmental Assessment Expert in Rwanda, a person must be a member of the RAPEP and every year RAPEP publishes the list of authorized EA Experts (Firms of Experts and individual Experts). Only recognized experts are allowed to conduct Environmental Assessment studies. Consultants to conduct ESIA/ESMP, RAP/ARAP of FONERWA funded projects will be hired from RAPEP or any other organization recognized by the law.

7.2.6 District authorities

The Executive Committee at the District where FONERWA-funded project sites are located, initiates the expropriation (article 8 expropriation law, 2007) and will be the coordinating body at district level using its existing structure. As well it will oversee, coordinate and facilitate the implementation process of funded projects across local governments under its jurisdiction. The District-level directorate will provide a review and monitoring role and provide political and administrative support for the implementation of the RAPs/ARAPs.

7.2.7 District Land Bureaus (DLBs)

This is the institution mandated to oversee all the land administration issues including technical duties at the district level. The land bureaus carry out technical and administrative land duties including registration etc it is headed by a District Land Officer. The land bureau will be engaged in the preparation of all the RAPs/ARAPs including involvement in all the negotiations before transferring the land as required by law.

The District Land Bureaus (DLBs) will be the executive bodies responsible for ensuring activities undertaken comply with the National and District level Land Use Master Plans.

They will assess the validity of land tenure rights of affected persons and eventually provide the land use permit for the new activity proposed by the project. In addition, they will be responsible for ensuring effective grievance mechanisms are in place. They will also be used in the design of the RAP/ARAP as much as possible to ensure that community buy in is present at an early stage hence reducing disputed or grievances. Their activities will be monitored by the District authority.

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

- Establishing the funded project level Resettlement and Compensation Committees at Sector/Cell level;
- Clarifying the policies and operational guidelines of these Resettlement and Compensation Committees;
- Establishing standards for unit rates of affected assets and compensation estimates, according to the standard units appended to the RPF, adjusted for local conditions where necessary; and
- Coordinating and supervising implementation by Resettlement and Compensation committees as stipulated in the RPF and national/ district guidelines.

7.2.8 Resettlement and Compensation Committees

According to the land policy for Rwanda, land resettlement committees exist at various levels of the local administration. In keeping with Rwanda's decentralization policy, the responsibility for the development and implementation of the RAPs/ARAPs will be at District, Sector and Cell level. Once resettlement has been identified via the screening process in relation to FONERWA funded project, resettlement and compensation committees will be charged with the responsibility of ensuring that any form of resettlement is just and conforms to FONERWA's RPF and to National Land Law. The committees exist at the district; sector and village level and they will be a significant entry point by the FONERWA funded project in moving forward any process related to compensation, land valuation, and grievance redress.

This committee will plan for, coordinate and monitor resettlement, compensation and relocation activities, as well as supervise compensation payments to the recipient project affected parties (PAPs). A large part of their responsibility will be consultation with potential PAPs. They will also be used in the design of the RAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances.

7.3 RPF implementation schedule

7.3.1 Overview

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required.

Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to

assist the displaced persons are implemented in accordance with the individual RAP/ARAP.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land that PAPs are using.

The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall funded project must also be agreed between the parties. The screening process must ensure that RAPs/ARAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by FONERWA and the national authorities, the RAP should be sent to the national authority (RDB) for final review and approval.

7.3.2 Implementation schedule

The timing of the resettlement will be coordinated with the implementation of the funded project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a target date when the expected benefits for resettled persons and hosts would be achieved. Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution.

Target dates for achievement of expected benefits to resettled persons and hosts should be set and the various forms of assistance to the resettled persons should be disseminated to them. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every project identified to have adverse social impacts. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) settling institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan.

The stakeholders will be requested to participate in the decision-making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule. PAPs will also be consulted with the aim of obtaining their positions on the issues at stake.

Specifically, precise details must be provided when preparing the implementation schedule for each RAP/ARAP. The schedule for the implementation of activities agreed to between Developer/FONERWA and the PAPs and will include aspects such as target dates for start and completion of project activities, timetables for transfers of completed activities to PAPs, dates of possession of land that PAPs are using (this date must be after transfer date for completed activities to PAPs and payments of all compensation), and how these activities are linked to the implementation of the overall project.

When the developer presents its RAP/ARAP to FONERWA and RDB for approval, part of the screening process would use to approve RAP/ARAP to confirm that the resettlement plans contain acceptable measures that link resettlement activity to project activities in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to project activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected.

7.4 RPF monitoring and evaluation framework

To assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan should be developed. The monitoring plan defines and identifies monitoring activities that will take place, when and by whom and identifies the indicators and data collection methods, and training and capacity building needs of the institutions and persons to implement the plan.

The objective of the monitoring and evaluation process will be to determine whether PAPs/ARAPs have been paid in full and before implementation of the funded project, and people who were affected by the funded project have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are actually poorer than before. The arrangements for monitoring the resettlement and compensation activities will fit into the overall monitoring program of the entire FONERWA funded projects, which will fall under the overall responsibility of FONERWA.

7.4.1 Monitoring indicators

Verifiable indicators for measuring the impact of physical relocation on the health and welfare of affected population and the effectiveness of impact mitigation measures, including livelihood restoration and development initiatives. These indicators verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions.

- **Indicators to determine Status of Affected People:** A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success: Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and the local communities remain supportive of the project.
- **Indicators to measure RAP performance:** In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following provides a list of potential indicators for monitoring, which assess the change in the following for those who have been resettled.

In terms of the resettlement process, the following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementation the RAP:

- Percentage of individuals selecting cash or a combination of cash and in-kind compensation; the number of contentious cases as a percentage of the total cases;
- Number of grievances and time and quality of resolution;
- The ability of individuals and families to re-establish their pre- displacement activities, land and

crops or other alternative incomes; number of impacted locals employed by the civil works contractors; General relations between the project and the local communities.

These will be determined through the following activities:

- Questionnaire data will be entered into a database for comparative analysis at all levels of local government;
- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.

The District authorities will maintain a complete database on every individual impacted by the funded project land use requirements including relocation/resettlement and compensation, land impacts or damages; and the developer should prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports.

It is the responsibility of the District authorities to document information ideally integrated into existing databases. The District authorities will need to design a robust reporting system at the beginning of the project to ensure that these data are collated at appropriate intervals and in sufficient quantity and quality. The funded project Resettlement and Compensation Committee will facilitate coordination of information collation activities (such as surveys, supervising documentation) in accordance with procedures put in place. The Developer and FONERWA will provide training, technical support and funding to ensure that this happens. To assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance.

- Questionnaire data will be entered into a database for comparative analysis at all levels of Government.
- Each individual will have a compensation signed dossier recording his or her initial situation, all subsequent programme use of assets/improvements, and compensation agreed upon and received.
- The project will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages,
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation, Proposed use of payments,
- The number of contention cases out of the total cases, The number of grievances and time and quality of resolution,
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes,
- Number of impacted locals employed by the project civil works contractors, and General relations between the project and the local communities.

7.4.2 Monitoring of RPF implementation

Local Government Authorities together with the developer who benefited funds assisted by Districts will

compile basic information on all physical or economic displacement arising from the project, and convey this information to FONERWA, on a quarterly basis. They will compile the following statistics:

- a) Number of sub-projects requiring preparation of a RAP;
- b) Number of households and individuals physically or economically displaced by each funded project;
- c) Length of time from funded project identification to payment of compensation to PAPs;
- d) Timing of compensation in relation to commencement of physical works;
- e) Amount of compensation paid to each PAP household (if in cash), or
- f) The nature of compensation (if in kind);
- g) Number of people raising grievances in relation to each funded project;
- h) Number of unresolved grievances.

FONERWA will scrutinize these statistics to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert FONERWA management, if there appears to be any discrepancies. The statistics will also be provided to an independent consultant that will be contracted on an annual basis. The indicators will be used to monitor implementation of the RPF will include.

- Outstanding compensation contracts not completed before next agricultural season
- Subprojects unable to settle compensation after two years
- Grievances recognized as legitimate out of all complaints lodged.

Financial records will be maintained at district level with copy to project developer and FONERWA, to permit calculation of the final cost of resettlement and compensation per individual or household.

7.4.3 Storage of PAPs details

Each PAP household will be provided with a signed report recording his or her initial situation, all subsequent project use of assets and compensation agreed upon and received. At the same time, before compensation all household heads representing the PAPs will be required to provide passport size photographs. The Local Authority and FONERWA will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages.

Each recipient of compensation will have a record containing individual bio data, number of household dependents and amount of land available to the individual or household when the report is opened. Additional information to be acquired for individuals eligible for resettlement and/or compensation include the level of income and of production, inventory of material assets and improvements in land and debts. Each time land is used by a funded project; the report will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives.

These reports will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for. It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle. The developer, FONERWA, RDB and, District Administrations will implement changes through the Change Management Process in

the Monitoring and Evaluation manuals of the project, which will require feedback from indicators monitored by the local regional governments to determine whether goals are being met, and a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

7.4.4 Annual audit

The annual audit of RPF implementation will include (i) a summary of the performance of each funded project vis-à-vis its RAP, (ii) a summary of compliance and progress in implementation of the process and (iii) a presentation of compliance and progress in the implementation of the RPF. The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced. The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions.

7.4.5 Socio-economic monitoring

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. During implementation of each funded project RAP/ARAP, an assessment will be undertaken on payment of compensation, restoration of income delivery of resettlement objectives. Monitoring of living standards will continue following resettlement. A number of indicators will be used to determine the status of affected people and appropriate parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance.

For each funded project with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP.

7.5. Budget to implement RPF

Based on funded projects locations and when these locations are known, and after the conclusion of the site specific socio- economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budget for each RAP/ARAP will be prepared.

Each RAP/ARAP will include a detailed budget, using the following template thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. Every investment requiring land acquisition will include the budget for the preparation and implementation of resettlement instruments and the budget will be part of the funded project cost. At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows.

The budget will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to:

- The preparation of the resettlement action plan;
- Relocation and transfer,

- Income and means of livelihood restoration plan, and
- Administrative costs.

Table 14 Illustrative template of a resettlement budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
Crops and economic trees			
Community infrastructure			
Land acquisition			
Compensation for Household Structures			
Compensation for Crops and others			
Compensation for Community Assets			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

7.6 Capacity assessment and capacity building

The RAP preparation process will undertake an assessment of the capacity and capability of the indicated implementing agencies in managing and implementing the social safeguards (including the future RAPs and any other related social issues). The scope of assessment is to cover human resources - numbers and skills; tools; structural arrangements and operating environments. The RAPs will include information on how any identified gaps could be bridged (including types of capacity building activities) and will be taken forward in advance of, and during, the RAP implementation.

The existing structure in FONERWA has the necessary capacity for this RPF implementation. The Environmental and Social Specialist will be in charge of supervising the implementation of Resettlement Policy Framework. In addition to that, Project developers shall be trained on FONERWA's ESMF and RPF.

For funded projects requiring land acquisition and resettlement, trainings should be focused on the application of FONERWA's RPF on how to prepare a Resettlement Action Plan (RAP). Thematic focus of trainings could be put on:

- Survey Methodologies (Census and Inventory of Losses);
- Livelihood Analysis to recognize PAPs perspectives and vulnerability context;
- Institutional setup and process for Land Acquisition and Compensation Payments;
- Grievance Mechanism and Grievance Redress Committees;

- Resettlement process and setup of Resettlement Committees;
- Legal support and PAPs difficulties to have access to legal support;
- Opportunities and Implementation of specific Livelihood Restoration plan
- Measures as a compensation and local development option;
- Internal and External Monitoring / Audit.

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9 Annexes

9.1 Annex 1 Resettlement Screening Form

Project name	
Project location include map/sketch	
Type of activity	(e.g. District, Sector, Cell etc) (e.g. new construction, rehabilitation, periodic maintenance)
Estimated Cost (Rwandan Francs)	.
Proposed date of Commencement of Work	
Technical Drawing/ Specifications Renewed (circle answer)	Yes No

1. Site Selection: When considering the location of a project, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity			Rating
	Low	Medium	High	
Involuntary resettlement	Low population density; dispersed population; legal tenure is well defined.	Medium population density; mixed ownership and land tenure	High population density; major towns and villages; low-income families and/or illegal ownership of land; communal properties.	

2. Checklist questions:

Physical data	Yes/No answers and bullet lists preferred except where descriptive detail is essential
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to project	

Any plans for new construction	
--------------------------------	--

Refer to project application for this information.

Land and resettlement	Yes/No answers and bullet lists preferred except where descriptive detail is essential.
Will the subproject involve loss of land and other resources?	
Will the project result into temporary or permanent loss of crops, household infrastructure like shelter, granaries or latrines?	
What is the likelihood of land purchase for the project?	
How will the proponent go about land purchase?	
What level or type of compensation is planned?	
Who will monitor actual payments?	

Refer to the FONERWA's Resettlement Policy Framework

Actions	
List outstanding actions to be cleared before Project appraisal.	
Approval/Rejection	Yes/No answers and bullet lists preferred except where descriptive detail is essential.

Recommendations

Requires a RAP to be submitted on date: _____

Does not require further studies

Reviewer: Name:

Signature:

Date:

9.2 Annex 2 Content of Resettlement Action Plan

The scope and level of detail of the resettlement plan vary with the magnitude and complexity of resettlement. The plan is based on up-to-date and reliable information about (a) the proposed resettlement and its impacts on the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

1. Executive Summary

2. Description of the project: General description of the project and identification of the project area.

3. Potential impacts: Identification of (a) Project component or activities that give rise to resettlement; (b) The zone of impact of such component or activities; (c) The alternatives considered to avoid or minimize resettlement; and (d) The mechanisms established to minimize resettlement, to the extent possible, during project implementation.

4. Objectives: The main objectives of the resettlement program.

5. Socioeconomic studies: The findings of socioeconomic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including:

- (a) the results of a census survey covering:
 - (i) Current occupants of the affected area to establish a basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
 - (ii) standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
 - (iii) the magnitude of the expected loss total or partial of assets, and the extent of displacement, physical or economic;
 - (iv) information on vulnerable groups or persons as provided for in IFC PS5 for whom special provisions may have to be made; and
 - (v) provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- (b) Other studies describing the following:
 - (i) Land tenure and transfer systems, including an inventory of common property natural

resources from which people derive their livelihoods and sustenance, non- title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;

- (ii) The patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project;
- (iii) Public infrastructure and social services that will be affected; and
- (iv) social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

6. Legal framework: The findings of an analysis of the legal framework, covering:

- (a) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- (b) the applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the project;
- (c) Relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights; customary personal law related to displacement; and environmental laws and social welfare legislation;
- (d) Laws and regulations relating to the agencies responsible for implementing resettlement activities;
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the IFC's resettlement Safeguards and the mechanisms to bridge such gaps; and
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land—including claims that derive from customary law and traditional usage.

7. Institutional Framework: The findings of an analysis of the institutional framework covering:

- (a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) An assessment of the institutional capacity of such agencies and NGOs; and
- (c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

8. Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

9. Valuation of and compensation for losses: The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

10. Resettlement measures: A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of the policy. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

11. Site selection, site preparation, and relocation: Alternative relocation sites considered and explanation of those selected, covering: (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources; (b) any measures necessary to prevent land speculation or influx of ineligible persons at the selected sites; (c) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and (d) Legal arrangements for regularizing tenure and transferring titles to resettlers.

12. Housing, infrastructure, and social services: Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services); plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

13. Environmental protection and management: A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

14. Community participation: Involvement of resettlers and host communities, including: (a) A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities; (b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan; (c) a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individuals families or as parts of preexisting communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and (d) Institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, the landless, and women are adequately represented.

15. Integration with host populations: Measures to mitigate the impact of resettlement on any host communities, including: (a) Consultations with host communities and local governments; (b) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers; (c) Arrangements for addressing any conflict that may arise between resettlers and host communities; and (d) Any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

16. Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

17. Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

18. Implementation schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

19. Costs and budget: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

20. Monitoring and evaluation: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors.

9.3 Annex 3 Content of an Abbreviated Resettlement Plan

An abbreviated plan covers the following minimum elements:

- (i) A census survey of displaced persons and valuation of assets;

- (ii) Description of compensation and other resettlement assistance to be provided;
- (iii) Consultations with displaced people about acceptable alternatives;
- (iv) Institutional responsibility for implementation and procedures for grievance redress;
- (v) Arrangements for monitoring and implementation.

9.4 Annex 4 Socio-economic and land asset inventory forms

Annex 4.1 Socio-economic Household Datasheet of PAPs

Name of interviewer ID Code		Signature
Name of supervisor ID Code		(after verification of interview)

Cell Name		Number of Concession in Village (GPS Coordinates)	
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Date:

Day Month Year

Name of Head of Extended Family	
Number of Nuclear Families in Extended Residential Group (including household of head of extended family)	

Name	Relationship to head of family	Sex		Place of birth	Age	Marital Status	Residence Tenure	Religion	Education Level	Income Earner		Economic activities	
		M	F							Yes	No	Primary	Secondary

1.										
2.										
3.										
4.										
5.										
6.										

Relation to Head of Family: 1 HOH; 2 Spouse of HoH; 3 Child of HoH; 4 Spouse of child of HoH; 5 Grandchild of HoH; 6 Parent of HoH; 9 Other (specify);

Marital Status: 1 Married; 2 Widowed; 3 Divorced; 4 Unmarried; 0 No answer

Residential status: 1PRP (Permanent Resident); 2 RA (Resident Absent), 3 Member of non-resident HH; 4 Visitor; 9 other (specify); 0 No answer

Occupations

Principle Occupation: 1 Farmer; 2 Shepherd; 3 household; 4 Merchant; 5 Religious leader; 6 Artisan; 7 Transport; 8 Unemployed; 9 Other (specify); 0 No answer

Secondary Occupations:.....

Educational Level: 1 Illiterate; 2 Three years or less; 3 Primary School; 4 Secondary school; 5 Technical School; 6 Religious School; 0 No Answer

Religion: 1 Christian (Specify denomination); 2 Muslim; 3 Other (specify); 0 No Answer

Annex 4.2 Land asset inventory for Project Affected People**Village:****Cell:****Date:**

Survey No.	Name of HH Head	No of persons in Household	Total land holding of Household (m ²)	Land to be acquired (m ²)	Land use Type	Loss of % total	Loss of assets	Loss of crops	Loss of other assets	Other losses
							Structures permanent (m ²); Structures temporary	Fruit trees lost type and number; Agricultural land lost (m ²) Other (specify)	e.g. graveyards, wells etc (type & no)	Residence rented; Business lost; Income loss

Entitlements of Project Affected People**Sector****Cell****Date**

Survey No.	Name of Head of Household	Compensation for Land	Compensation for Structures	Compensation for crops and trees	Compensation for other assets and losses (e.g. graveyards, wells, businesses, etc)	Total (Rwf)
		<ul style="list-style-type: none"> Quantity/(m²) Unit Price (Rwf) per m² Entitlement (Rwf) 	<ul style="list-style-type: none"> Quantity (m²) Unit Price (Rwf) per m² Entitlement (Rwf) 	<ul style="list-style-type: none"> Quantity Unit Unit Price (Rwf) Entitlement (Rwf) 	<ul style="list-style-type: none"> Quantity Unit Unit Price (Rwf) Entitlement (Rwf) 	
		•	•	•	•	

9.5 Annex 5 Sample Grievance Redress Form

Grievance Form		
Grievance Number	..	Copies to forward to:
Name of the recorder		(Original) Receiver Party
District/ Sector/Cell	.	(Copy)- Responsible Party
Date	..	
INFORMATION ABOUT GRIEVANCE		
DefinetThe Grievance		
INFORMATION ABOUT THE COMPLAINANT		Forms of Receive
Name-Surname	.	Phone line Community/Information meetings Mail Informal Other
Address	..	
Village/ Cell		
Sector/ District	.	
Signature of Complainant		

DETAILS OF GRIEVANCE				
1. Access to land and Resources Fishing grounds <ul style="list-style-type: none"> • Lands • Pasture lands • House • Water • Latrines • Commercial site • Other 	2. Damage to <ul style="list-style-type: none"> • House • Land • Latrines • Livestock • Means of livelihood • Water • Road access • Other 	3. Damage to Infrastructure or Community Assets <ul style="list-style-type: none"> • Road • Bridge/ Passageways • Power • Water sources, canals and water infrastructure for irrigation and animals • Drinking water • Other 	4. Decrease or Loss of Livelihood <ul style="list-style-type: none"> • Agriculture • Animal husbandry • Beekeeping • Small scale ^[11]trade • Other 	5. Traffic accident <ul style="list-style-type: none"> • Injury • Damage to property • Damage to livestock • Other
6. Incidents Regarding Expropriation and Compensation (Specify)	7. Resettlement Process (specify)	8. Employment and recruitment (Specify)	9. Construction Camp and Community Relations <ul style="list-style-type: none"> • Nuisance from dust • Nuisance from noise • Vibrations due to explosions 	10. Other (specify)

Grievances Close Out Form

Grievance Number:.....

Define immediate action required:.....

Define long term action required (if necessary).....



Verification of corrective action and sign-off

Corrective action taken	Due date

Responsible Party

Notes: This part will be filled in and signed by the complainant when he/she receives the compensation or file is closed out

Complainant

Name and Signature..... Date:

Representative of Responsible Party

Title, Name and Signature..... Date:.....

9.6 Annex 6 Example Monitoring and Evaluation Indicators

Input and output indicators

Input indicators	Additional notes	Frequency of measurement
Overall spending on land acquisition (including a breakdown of costs)	An example breakdown: <ul style="list-style-type: none"> • Cash compensation • Costs of providing assistance, by type of assistance • Consultation and engagement costs • Costs of evaluators and surveyors • Costs of legal fees • Costs of taxes and registration fees • Costs of consultancy inputs • Costs of vehicles, computers, and so on • Other costs (and type). 	Monthly
Number of client staff/external associates dedicated to resettlement and livelihood restoration	An example breakdown: <ul style="list-style-type: none"> • Members of client implementation team • Members of other departments and sectors • Social workers • Skill trainers • Resettlement consultants. 	Monthly
Total number of owners and total number of formal and informal users of affected land plots	Initial data will be received through the census/survey. Updates will be made continuously as the implementation team identifies all owners/users of all land plots (for example, through the management of grievances).	Monthly
Number of formal and informal households that have to be physically displaced Number of formal and informal businesses that have to be relocated	Data will be received through the census/survey.	Monthly
Output indicators	Additional notes	Frequency of measurement
Number (and percentage) of land plots/houses/businesses for which compensation agreements were signed Number (and percentage) of owners/ users	The percentage should be calculated from the total number of affected land plots/houses/businesses, as identified by the census/survey.	Monthly

who signed compensation agreements		
Number (and percentage) of land plots /houses/businesses for which compensation agreements were refused/are still pending Number (and percentage) of owners/users who refused to sign compensation agreements/ are still deliberating	If possible, a breakdown of reasons why compensation agreements have been declined (or have still not been accepted) should be provided (land/houses/businesses).	Monthly
Number (and percentage) of compensation agreements executed (compensation paid)	The percentage should be calculated from the number of compensation agreements signed.	Monthly
Number (and percentage) of households that have been physically displaced (moved to another location) Number (and percentage) of businesses that have been relocated	The percentage should be calculated from the number of households/businesses which were identified as having to be physically displaced/relocated (see input indicators).	Monthly
Number of persons/households assisted by the implementation team by type of assistance and by category (owners/users)	<ul style="list-style-type: none"> • Assistance to prepare ownership documents (monetary assistance, provision of information, legal aid, and so on) • Assistance to identify replacement land/houses for purchase • Assistance to construct/identify new business facilities • Assistance to move or payment of moving costs • Skill training • Access to employment/small loans • Other assistance (and type) 	Monthly

Outcomes indicators

Outcome indicators	Additional notes	Frequency of measurement
Number of newly received, open and closed grievances; any trends; and average time for grievance processing	Measure the time interval between grievance registration and closure. Grievances should be reviewed by the implementation team to flag up significant issues in implementation.	Quarterly
Average time for payment of compensation	Average time between acceptance of the offer/signing of the contract and the execution of compensation. This should also be regularly monitored by the implementation team to determine if there are delays which could put affected people in a difficult position.	Quarterly
How was the received cash compensation used/invested?	Survey to determine what affected people used compensation for, such as: <ul style="list-style-type: none"> • Replacement land • Replacement housing • Replacement business facilities • Other assets or investments (and types). 	Annually
Has compensation been paid at full replacement cost?	Investigate whether recipients of cash compensation who bought replacement properties (land, houses) were able to purchase a similar (or better) property.	Annually
Satisfaction with replacement housing/residence	<ul style="list-style-type: none"> • Conduct a survey to determine whether households that moved are satisfied with new living arrangements (and why) • Assess whether the standard of living seems improved or deteriorated (for example, is the household reporting that they bought new furniture, cars, equipment, and so on?) 	Annually
Re-establishment of incomes/ livelihoods	<ul style="list-style-type: none"> • Have those who were using land as a source of livelihood/ income managed to re-establish this source and level of livelihood/income? • Assess specifically the situation of any users of land, particularly informal ones 	Annually
Re-establishment of businesses	<ul style="list-style-type: none"> • Have relocated businesses been successfully re-established? Survey of net income and comparison to baseline data • Are business employees still working after re-location? (If not, reasons why). Survey of employees and their earnings and comparison with baseline data. 	Annually

9.7 Annex 7 Resettlement Completion Audit: Template for Terms of Reference

This appendix provides suggested TOR for consultants to be used when requesting proposals for resettlement completion audits.

A) General Requirements of Completion Audit Contractor

i) Capabilities: The consultants in charge of the completion audit should have significant and demonstrated international experience in resettlement (planning, implementation, and monitoring), including land acquisition, expropriation, livelihood restoration, and SE, and should be perfectly familiar with the application of international resettlement standards such as WB'ESS5/ IFC PS5 in the context of Rwanda.

ii) Timeframe: This section of the TOR should describe the timeframe requirement for the completion audit (suggested timeframe for typical projects: 6 months—including surveys). The services should be broken down into three phases as follows:

- a. Scoping of completion audit, preparation of detailed terms of reference for surveys (typically one month);
- b. Surveys (qualitative and quantitative), contracted separately (typically three months); and
- c. Completion review and report write-up (typically one month).

iii) List of Available Documentation: This section of the TOR should provide the list of available documentation. As a minimum:

- RAP/ARAP (or LRP)
- ESIA and/or ESMP
- Internal monitoring reports
- Initial baseline reports
- Initial socioeconomic questionnaires and raw data
- Compliance review reports

B) Project Background

This section of the TOR should provide essential elements of the project description as well as a description of key displacement impacts (economic and physical), and of the compensation, resettlement, and livelihood restoration strategy

C. Scope of Work

i) General: The objectives of the resettlement completion audit are the following:

- Determine whether requirements of FONERWA'sESS8, key commitments made in the RAP (or LRP—as the case may be), and other commitments deriving from the ESMP, ESIA or any other relevant documentation, have been met by the sponsor.
- Assess the effectiveness of measures to avoid and minimize displacement impacts by comparing actual project impacts on land and people versus those documented in the RAP.

- Verify that entitlements described in the RAP have been delivered.
- Determine whether RAP measures have been effective in enhancing (or as a minimum restoring) affected persons' living standards and livelihoods.
- Check on any systemic grievances that may have been left outstanding.
- Identify any corrective actions necessary to achieve completion of RAP commitments.

ii) Scoping Phase: The scoping phase of the Resettlement Completion Audit will include the following tasks:

- Review of available documentation, including RAP (or LRP) and compliance review reports;
- Based on the above, and particularly on the M&E commitments in the RAP/LRP, establishment of a list of key compliance indicators, against which the completion audit will seek to check compliance of the actual performance of the project; establishment, based on commitments in the RAP/LRP, of clear completion objectives (for example, XX% of affected households have improved or restored their livelihoods); submission of the list of key compliance indicators and of the compliance criteria to the client for review and endorsement, as part of the completion audit scoping report (see below);
- Site visit, rapid review of key resettlement issues, engagement with the client, PAPs (or their representatives), and key stakeholders, including local government authorities and any government agencies involved in the RAP/LRP planning, implementation, and monitoring;
- Detailed review of baseline surveys, including data storage and possibility to process the baseline data and compare to data acquired as part of the completion audit;
- Preparation of a detailed strategy for replicate surveys to be undertaken as part of the completion audit, including both qualitative and quantitative surveys, and development of an implementation plan for surveys (timeline, resources, procurement strategy if surveys are outsourced);
- Development of a completion audit scoping report, including key compliance indicators and survey strategy.

iii) Surveys: Surveys will be implemented under the client's responsibility (either internally or outsourced) based on the strategy established by the resettlement completion audit consultant in the scoping stage.

iv) Assessment of completion: A comparison for the relevant categories of PAPs of their socioeconomic circumstances will be carried out between the baseline and post-resettlement situations, using both qualitative and quantitative surveys. Comparisons will be disaggregated by gender, by PAP category (for example, economically and physically displaced) and along any relevant social or economic parameter (for example, vulnerable, ethnic group, community, geographic area, and so forth). Where needed, statistical tests will be carried out to ascertain the significance of the observed differences.

- Qualitative: Compare qualitative indicators such as (suggested list, to be complemented to

match the characteristics of the project and area):

- ✓ Perceived quality of housing;
 - ✓ Perceived quality of life, including, but not limited to insertion in social networks, access to social and cultural events, quality of environment, etc.;
 - ✓ Perceived standards of living, including income and perceived evolution with the resettlement (or compensation) process, access to assets, access to livelihood streams such as agricultural land (quantity and quality) and employment, access to services including education and health, access to utilities including power water and sanitation;
 - ✓ Use of cash compensation (where relevant) and perceived impact of compensation on the household economy;
 - ✓ Perceived changes in gender equality, gender distribution of household tasks and responsibilities, respective female and male access to services, utilities, land, employment and sources of income;
 - ✓ Perceived changes in household economy, including any increase in expenditures associated with resettlement, diminution of ability to consume self-produced agricultural products, access to natural resources including fuel wood and/or other important natural products.
- Quantitative: Compare quantitative indicators such as (suggested list, to be complemented to match the characteristics of the project and area):
 - ✓ Income from different sources (as relevant: agriculture, employment, informal and formal business, social welfare allowances, remittances, pensions, and so on);
 - ✓ Access to agricultural land (number of hectares/acres available to household, transportation time to agricultural land);
 - ✓ Cost of housing, water, power;
 - ✓ Transportation time to employment areas and to other areas important to peoples' life and livelihoods;
 - ✓ Morbidity, with particular focus on diseases that may have environmental causes such as water-borne and respiratory diseases.

Any outstanding grievances and court cases shall be reviewed.

Lastly a systematic qualitative review of all commitments made in the RAP/LRP shall be carried out and detailed completion tables for all of these commitments shall be prepared.

v) Completion Audit Report: The Completion Audit Report shall reflect all relevant conclusions of the Completion Audit. For commitments for which the auditor concludes that completion has not been reached, a detailed action plan (activities, responsibilities, timeframe, success indicators) shall be prepared.

9.8 Annex 8 Organs determining projects of expropriation in the public interest

Organs which determine projects of expropriation in the public interest are the following:

- (i) the executive committee at the district level, in case such activities concern one district;
- (ii) the executive committee at the level of the City of Kigali, in case such activities concern more than one district in the boundaries of the City ;
- (iii) the relevant ministry, in case planned activities concern more than one district or if it is an activity at the national level, subject to provisions of item 2° of this Article.

9.9 Annex 9 – Organs supervising projects of expropriation in the public interest

Organs in charge of supervising projects of expropriation in the public interest are hereby established as follows:

- (i) the committee in charge of supervision of projects of expropriation in the public interest at the district level where the project concerns one district;
- (ii) the committee in charge of supervision of projects of expropriation in the public interest at the City of Kigali level where the project concerns more than one district within the boundaries of the City ;
- (iii) the committee in charge of supervision of projects of expropriation due to public interest at the national level where the project concerns more than one district or it is a project at the national level, subject to the provisions of item 2° of this article.

9.10 Annex 10 Organs approving expropriation in the public interest

The organs approving expropriation in the public interest are the following:

- At the district level, it is the district council after considering the recommendation of the committee in charge of supervision of projects of expropriation in the public;
- At the level of the city of Kigali, where the project concerns more than one district within the boundaries of the city of Kigali, it is the council of the city of Kigali after considering the recommendation of the committee in charge of supervision of projects of expropriation in the public interest at the level of the city of Kigali;
- At the level of more than one district, the ministry in charge of land, upon proposal by the committee in charge of supervision of projects of expropriation in the public interest at national level subject to provisions of item 2 of this article. A ministerial order shall be used;
- At the national level and in case of activities related to security and national sovereignty, the Prime Minister’s Office upon proposal by the committee in charge of supervision of projects of expropriation in the public interest at the national level by way of a Prime Minister’s order.

9.11 Annex 11 Procedure for expropriation in the public interest

Procedures for expropriation are as follows:

- Request for expropriation in the public interest by project proponent/ developer;
- Consideration of the relevance of the project proposal for expropriation in the public

interest by relevant committee.

- Decision on the relevance of a project of expropriation in the public interest;
- Approval of expropriation in the public interest;
- Publication of the decision on a project for expropriation in the public interest;
- Valuation of assets and agreement on compensation measures;
- Compensation.

National Fund for Environment

ESMF and RPF, Volume Three

October 2020

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