Part III –LACRPF

Part III: LODA Land Acquisition, Compensation and Resettlement Policy Framework

Revision: V1

December 2022

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This report was funded by the German Development Cooperation through Kreditanstalt für Wiederaufbau (KfW) and the Embassy of the Kingdom of The Netherlands (EKN).

Acknowledgement

This report was prepared on behalf of LODA with the financial support of the German Cooperation implemented by the Kreditanstalt für Wiederaufbau (KfW), and EKN. All parts were originally developed in 2017 and have been updated in 2022. The development of the documents was based upon information and consultations with various institutions and LODA partners in Rwanda at national and local levels.

Contents

1 INTRODUCTION 1
1.1 Background of this assignment 1
1.2 Objective and scope of this LACRPF 1
2 PROJECT TYPES INVOLVING LAND ACQUISITION 3
3 REGULATORY FRAMEWORK 5
3.1 Rwanda 5
3.1.1 Legislation 5
3.1.2 Land tenure 6
3.1.3 Process of land valuation 6
3.2 International donor requirements 7
3.2.1 Internationals standards 7
3.2.2 Key requirements 8
4 LODA'S RISK MANAGEMENT PROCESS 10
4.1 Principles and procedures for land acquisition 10
4.2 Steps and intervention tools 11
4.3 Compensation eligibility and entitlements 13
4.4 Preparation of RAPs 18
4.4.1 Livelihood restoration plan 18
5 INSTITUTIONAL ROLES AND RESPONSIBILITIES 20
5.1 Implementation roles and responsibilities 20
5.2 Additional costs 21
6 STAKEHOLDER ENGAGEMENT AND GRIEVANCE MANAGEMENT 22
7 MONITORING AND REPORTING 22
Appendix 1: Suggested Template for Terms of Reference (ToR) for Resettlement Action Plan (RAP) 23
Appendix2: Template for a Resettlement Action Plan (RAP 29
Appendix 3: Comparative Analysis between World Bank ESS5 Principles and Rwandan Legislation regarding Resettlement Action Plans (RAP) 35
Appendix 4: Land Transfer Contract by Intervivos Donation/Legacy 49
Appendix 5: APPLICATION FORM FOR TRANSFER OF RIGHTS ON A PARCEL BY DONATION INTER VIVOS OR BY LEGACY 53

Figures

Figure 4-1: Process of Expropriation with new Interventions 12

Tables

Table 2-1: Infrastructure types that might involve land acquisition 3
Table 4-1: Entitlement Matrix 13
Table 5-1: Roles and Responsibilities 20

Abbreviations

Abbreviation	Description
BMZ	Federal Ministry for Economic Cooperation and Development
DDS	District Development Strategy
EIA	Environmental Impact Assessment
E&S	Environmental and Social - For the sake of simplicity, the acronym E&S is used throughout this document but addresses all aspects of "sustainability" including environmental, social, health and safety.
ESMF	Environmental and Social Management Framework
FAO	Food and Agriculture Organisation of the United Nations
HSE	Health, Safety & Environment
ICPC	Integrated Crafts Production Centers
IDP	Integrated Development Approach Model Village
IFC	International Finance Corporation
KfW	Kreditanstalt für Wiederaufbau
LACRPF	Land Acquisition, Compensation and Resettlement Policy Framework
LED	Local Economic Development
LG	Local Government
LODA	Local Administrative Entities Development Agency
MEIS	Monitoring and Evaluation Information System
M&E	Monitoring and Evaluation
MINALOC	Ministry of Local Government
MO	Ministerial Order
PAP	Project Affected Person
PMO	Prime Minister's Order
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
UN	United Nations
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure

1 INTRODUCTION

1.1 Background of this assignment

This document is **Part III: LACRPF** which is used to assess risks with regard to land acquisition, expropriation, and involuntary resettlement[1] and provides associated mitigation and compensation procedures.

1.2 Objective and scope of this LACRPF

One of the potential impacts from these projects is land acquisition and related impacts, such as economic and physical displacement/ resettlement. Therefore, Part III LACRPF has been developed to respond to these potential issues.

The specific objectives of this document are:

- To establish clear procedures and methodologies for planning, review, approval, implementation, and M&E of land acquisition activities caused by District projects and managed by LODA in line with the national regulations, and international donor and partner guidelines;
- To prescribe project-specific requirements for development and implementation of project specific Resettlement Action Plans (RAP) used in Rwanda;
- To manage social and economic impacts upon individual's and local communities caused by land acquisition, expropriation, and resettlement;
- To specify appropriate roles and responsibilities between the Districts, LODA, and other stakeholders, and outline the necessary reporting procedures, for planning, managing, and monitoring land acquisition incorporating MEIS;
- To improve the Districts' and LODA's performance in E&S risk management.

This Land Acquisition, Compensation, and Resettlement Policy Framework (LACRPF) covers direct economic and social impacts that will result from District activities displacing communities and therefore resulting in the following:

[1] Involuntary resettlement refers to both 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 livelihood) as a result of project-related land acquisition 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. Source: The World Bank ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement, 2017.

(i) Relocation or loss of shelter;
(ii) Loss of assets or access to assets (land, water, forest); or
(iii) Loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

Please note:

This LACRPF and especially its tools attached are primarily to be used by the District authorities and LODA to monitor that defined requirements are fulfilled.

2 PROJECT TYPES INVOLVING LAND ACQUISITION

This LACRPF addresses impacts caused by land acquisition, expropriation, and the issue of involuntary resettlement due to projects implemented at District level and coordinated by LODA. LODA and District project types with involuntary resettlement risks though land acquisitions are presented in **Table 2-1.**

Table 2-1: Infrastructure types that might involve land acquisition

Sector	Infrastructure types
Education	Day care centres, nursery, preschool, primary schools, secondary schools, technical and vocational training centres, and other education infrastructure
Health	Health posts, health centres, hospitals, and other healthcare infrastructure
Water and Sanitation	Water supply systems, water treatment plants, sewage systems, waste treatment plants, solid waste collection and treatment facilities and other waste and sanitation infrastructure.
Decentralisation	District, Sector Office Buildings, sports infrastructure, cultural infrastructure & heritage, other administrative infrastructure
Urbanisation & Rural Settlements	Informal settlements (upgrading), affordable housing, Integrated Development Approach Model Village (IDP) model villages / green villages, other urbanisation projects
Environment and Natural Resources	Afforestation and related activities, terraces (non-agriculture), erosion control ditches, flood prevention / standalone drainage, other environmental protection structures
Transport	District road class I and II, standalone bridges (for District roads class I and II), Bus Terminal / Car Park, other road infrastructure[2]
Energy	Grid electricity, mini–Hydro Power Plants, biogas, other energy supply infrastructure

[2] Road maintenance: maintenance/ rehabilitation is to restore a road in exactly the same state as it was after construction (that means no extension, upgrading of layers or similar activities)

Sector	Infrastructure types
Agriculture	Terraces (agricultural usage), irrigation systems, fruit tree planting, marsh land drainage, cold storage facilities, drying floors and storage facilities, feeder roads, greenhouses, other agricultural activities
Private Sector Development	Modern markets, selling points and other small market infrastructure, slaughterhouses, guesthouses and hotels, recreation centres / parks / touristic sites, development of Industrial Zones, non-agricultural processing units and incubators / Integrated Crafts Production Centres (ICPC), wholesale facilities and outlets (industry), Non-infrastructure LED activities

Social protection public works projects might also cause economic displacement in case certain district infrastructures to be rehabilitated need additional components that require additional land.

3 REGULATORY FRAMEWORK

3.1 Rwanda

3.1.1 Legislation

There are three main laws guiding land acquisition, expropriation, and donations in Rwanda:

- Rwanda Constitution of 2003 revised in 2015, which recognizes private land ownership and other land rights granted by the State in Article 35;
- Law on Expropriation in Public Interest, No. 32/2015, which determines the procedures for land expropriation in the public interest,
- Ministerial order n° 006/MOE/22 of 12/05/2022 on Land Registration - Article 21 provides the legal means to provide land donations (see contract and form in Appendices 4 and 5 respectively in this framework).

Several land laws and orders have provisions on land use as follows:

- Law No. 24/2012 of 15/06/2012 relating to the planning of land use and development in Rwanda,
- Law governing land No 27/2021 of 10/06/2021,
- Prime Minister's Order No 008/03 of 03/07/2022 determining modalities for land allocation and acquisition, emphyteutic lease, and state land concession and lease,
- Ministerial Order No 003/MOE/22 of 15/02/2022 determining categories of land subject to freehold and modalities for granting freehold,
- Law N°10/2012 of 02/05/2012 governing urban planning and building in Rwanda,
- Law N°20/2011 of 21/06/2011 governing human habitation,
- Law N°32/2015 of 11/06/2015 relating to expropriation in the public interest,
- Law N°87/2013 of 11/09/2013 determining the organization and functioning of decentralized administrative entities,
- Ministerial Order No14/11.30 of 21/12/2010 determining the models of land consolidation,
- Ministerial Order No 04/CabM/015 of 18/05/2015 determining urban planning and building regulations,
- Ministerial Instructions relating to the implementation of the National Grouped Settlement Program in Rural Areas (27 May 2009).

3.1.2 Land tenure

There are two different types of land tenure in Rwanda[3]:

- **State owned land,** which consists of all the land meant to be used by the public, land reserved for organs of state services, as well as national land reserved for environmental protection, swamps, or forests.
- **Private owned land,** which can be owned or be subject to long-term leasehold. Land can be owned for a maximum of 99 years.

Land holdings tend to be small due to repeated subdivision of plots through the successive father-to-son inheritance system. The average parcel size is estimated at 0.33 hectares[4] across Rwanda.

Rwanda faces the situation that there are still landowners without a formal title deed. There may have different reasons, e.g., land was acquired but the name of ownership never changed, or land was owned and used over generations but never with a formal land title. Another challenge is that the boundaries of land plots are not always clearly documented. However, an advantage is that nearly all land parcels have been mapped across the entire country.

Agriculture and subsistence constitute the source of most livelihoods and economic activities for all the regions in Rwanda (FAO[5]).

3.1.3 Process of land valuation

Valuation of land is done by certified and independent land value assessors. These are engaged by the District on a case-by-case basis for those projects involving land acquisition. The valuation is based upon the following information:

- Market price observed in the area;
- Land reference prices which set the maximum, minimum and mean
- Location of the land;
- Land use plans;
- Surrounding uses;
- Connection to infrastructure (transport, electricity, water);
- Quality of structures (walls, floors, roofs) and estimate of compensation based on the quality and market price estimations for different types of "standard structures.

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3 http://fortuneofafrica.com/rwanda/land-tenure-in-rwanda/; https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/anrc/AfDB_RwandaLandReform_FA.pdf

4 NISR: National Institute of Statistics in Rwanda, 2012. The national average for land parcel size is .35 hectares with variations from .17 ha in areas of higher density, to .77 in those areas that are less densely populated (Sagashya & English, 2010).

5 http://www.fao.org/gender-landrights-database/country-profiles/countries-list/general-introduction/en/?country_iso3=RWA

The process of valuation involves interviews with the affected landowner and also land users, or surrounding properties. The "Asset Valuation Report" prepared by the accredited land valuers is based upon the valuation information and shared with landowners to reach an agreement.

Agreements signed by the landowner are taken for signature and approval to the Cell and sector authorities. The report is then shared with the District's One Stop Centre's land commission office, including the officer responsible for land valuation, land surveys and land administration, for verification. According to the expropriation law, the report is then presented to the District Council for approval before the payment process begins (see **Figure 4-1**).

3.2 International donor requirements

3.2.1 Internationals standards

This LACRPF incorporates international standards referenced below:

- World Bank's Environmental and Social Standards (ESSs),
- United Nations (UN) Basic Principles and Guidelines on Development-based Evictions and Displacement (namely §§ 42, 49, 52, 54 and 60)[6],
- Food and Agriculture Organisation of the UN (FAO) Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (VGGT)[7],
- BMZ (Federal Ministry for Economic Cooperation and Development) Guidelines on Incorporating Human Rights Standards and Principles, Including Gender, in Programme Proposals for Bilateral German Technical and Financial Cooperation[8],
- KfW's Development Bank Sustainability Guideline Assessment and management of Environmental, Social, and Climate Aspects: Principles and Procedures.

http://www.ohchr.org/Documents/Issues/Housing/Guidelines_en.pdf

7 http://www.fao.org/docrep/016/i2801e/i2801e.pdf

8 http://www.bmz.de/en/zentrales_downloadarchiv/themen_und_schwerpunkte/menschenrechte/_Leitfaden_PV_2013_en.pdf / https://www.kfw-entwicklungsbank.de/PDF/Download-Center/PDF-Dokumente-Richtlinien/Nachhaltigkeitsrichtlinie_EN.pdf

Furthermore, the following guidance books should also be consulted:

- IFC (2002) Handbook for Preparing a Resettlement Action Plan[9]
- World Bank (2004) Involuntary Resettlement Sourcebook[10]

3.2.2 Key requirements

The Rwandan legal and regulatory framework includes detailed procedures for land acquisition, expropriation, and compensation. However, there are some regulatory gaps regarding some international donor and partner organisations, which this framework acknowledges and will fulfil. Some regulatory issues are referred to in Appendix 3 and in part below:

- **Expropriation**[11]**:** The first step of land acquisition for infrastructure projects on District level is the announcement of expropriation. Landowners can negotiate and legally appeal the compensation they receive, but it is essentially involuntary. Therefore, LODA and District projects will only accept voluntary land donation with or without compensation. In addition, each step of the process will be transparent and can be recorded in the MEIS for scrutiny by all parties including international donors and partners, as required.
- **Payment against title deeds:** Compensation is only provided to persons with legal rights to the land since one of the criteria for payment is land lease title with names of the landowner. As international requirements state that PAPs occupying the land, but without any other recognisable rights, are also eligible to compensation. The compensation is in this case dependent upon their assets on the land.
- **RAP:** The equivalent of a Resettlement Action Plan (RAP) will be performed in Rwanda and include livelihood restoration measures.
- **Relocation Assistance:** Relocation assistance at cost will be provided within the compensation package if people have to be relocated to another property and/or lands.
- **Social baseline:** The social baseline will be included in the EIA process to support an eventual RAP, if required.
- **Monitoring:** Monitoring & evaluation of the compensation process and outcomes will be included in LODA's MEIS

9 https://commdev.org/userfiles/ResettlementHandbook.pdf
10 http://documents.worldbank.org/curated/en/206671468782373680/Involuntary-resettlement-sourcebook-planning-and-implementation-in-development-projects
11 Articles 2 of Law on expropriation in public interest, No. 32/2015 defines expropriation as "the taking of private property in the public interest aimed at development, social welfare, security and the territorial integrity."

- **Land valuation:** Certified and independent land valuation will assess the actual value of property and land assets in the respective Districts and specific site locations for all LODA projects.

4 LODA'S RISK MANAGEMENT PROCESS

4.1 Principles and procedures for land acquisition

This LACRPF defines the key principles for land acquisition and resettlement to close the identified gaps between the Rwandan regulations and international requirements from donors and other partners, whereby there are no contradictions. The key principles that need to be applied to all projects implemented at District level and coordinated through LODA include:

i. **Land acquisition and involuntary resettlement will be avoided** where feasible, or minimized, where it cannot be eliminated, when compensation for owners and/or those using the land or property. The processes will be transparent showing records and outcomes registered in the MEIS.
ii. Where land acquisition is unavoidable, **compensatory measures will be defined** and implemented to ensure that the all the project affected persons (PAPs) are:
    a. informed about their options and rights, consulted, offered choices, and provided with technically and economically feasible resettlement alternatives;
    b. provided with fair, prompt, and effective compensation at full replacement value[12] for losses of assets attributable directly or indirectly to the project.
    c. compensated and relocated (if applicable) before start of construction activities.
    d. provided with compensation for legal and official owners, unofficial owners (without title deeds) or users of land including value of assets, e.g., crop losses or allow for harvesting.
    e. provided with assistance (technically and financially) during relocation.
    f. assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them to the level before resettlement.
    g. Ensure that affected landowners are provided with written and transparent agreements for the negotiated compensation where the underlying objective is that all PAPs have clearly understood their rights and what they have signed and agreed upon.

[12] 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 allowing Project Affected Persons (PAPs) or communities 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

iii. All the documentation and agreements will be compiled into a Compensation Report which shall include an entitlement matrix and an implementation and monitoring plan. These documents will be uploaded in the LODA's MEIS as a basis for compliance monitoring.

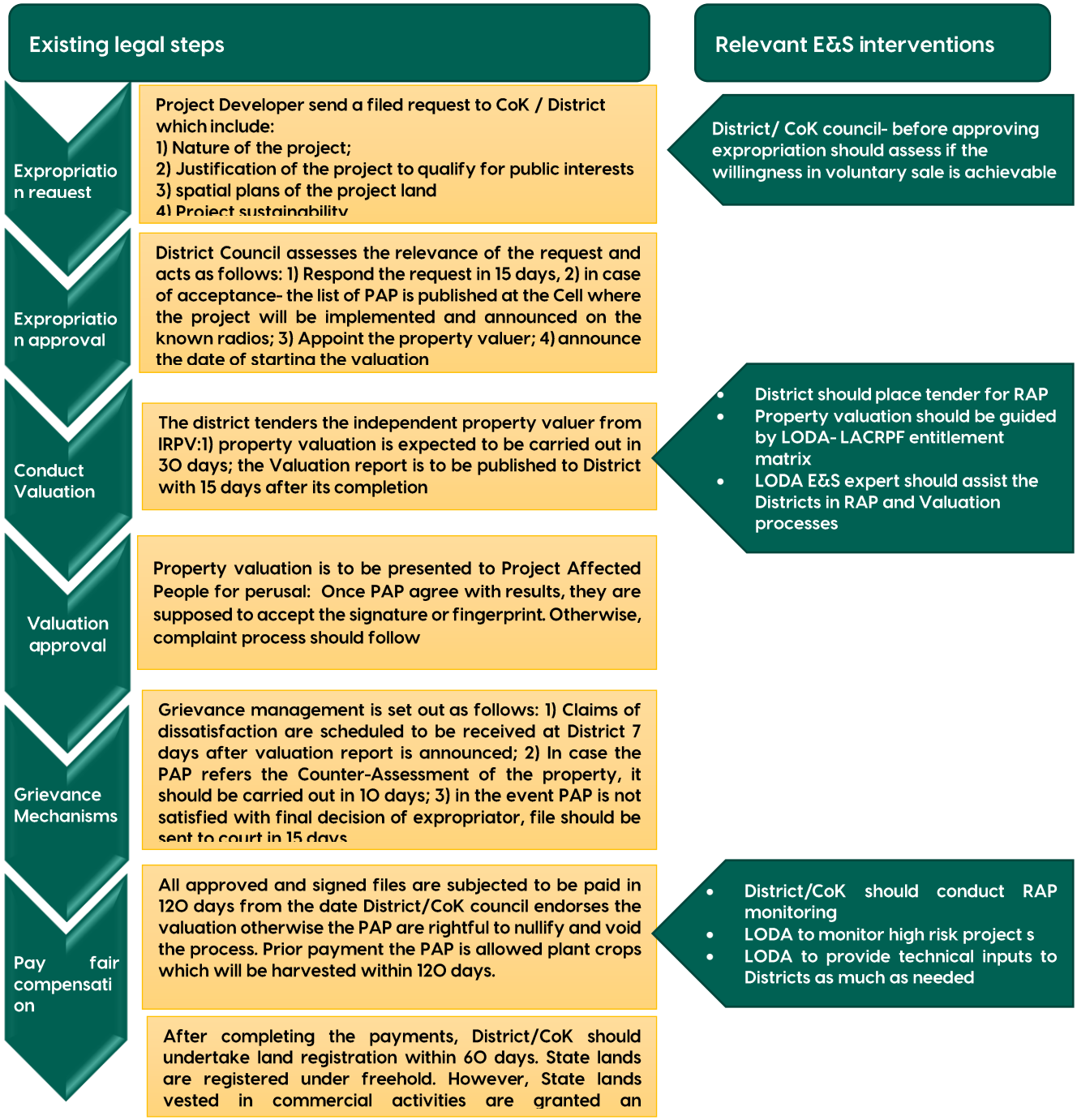
iv. Where donations are involved, the principle of national standards shall be applied to ensure that donations have to be voluntary, i.e., no structures or land can be donated without approval (owners and lessees), and the livelihoods of the donors cannot be endangered. Once the donation is agreed, official land transfer forms and contracts should be signed by the Project Affected Persons (PAPs) presented in the Appendices of this framework.[13]

4.2 Steps and intervention tools

The process of land acquisition in Rwanda according to the relevant laws plus interventions in alignment with this LACRPF is outlined in **Figure 4-1** below.

13 The principles defined in ESS No 5 Footnote No 10 will be applied except for communal land as this is not applicable in LODA projects. Where more than one landowner is concerned, the consent of all landowners has to be obtained prior to the donation. This includes that(a) the potential donor or donors have been appropriately informed and consulted about the project and the choices available to them; (b) potential donors are aware that refusal is an option, and have confirmed in writing their willingness to proceed with the donation; (c) the amount of land being donated is minor and will not reduce the donor's remaining land area below that required to maintain the donor's livelihood at current levels; (d) no household relocation is involved, and (e) the donor is expected to benefit directly from the project.

Figure 4-1: Process of Expropriation with new Interventions



4.3 Compensation eligibility and entitlements

The Entitlement Matrix in **Table 4-1** gives guidance on the rights of the Project Affected Persons (PAPs) during resettlement and compensation with the primary objective to avoid or minimise negative impacts upon the livelihoods due to project activities.

Table 4-1: Entitlement Matrix

Type of Loss	Eligibility under Rwandan Laws and Regulations	Eligibility aligned to international requirements linked to LACRPF	Entitlement under this LACRPF *
Permanent Land Take			
Loss of Building/ House	Only the Person with legal rights of the land, since no structure can be legally built on another person's land	• Person with formal legal rights to the land • Person with no recognizable legal right • Land User	• Replacement house for house lost for all PAPs Where no replacement house available: • Cash compensation at full replacement cost for entire structure and other fixed assets without depreciation. • The right to salvage materials from the displaced house. • All PAPs (owners with or without title and users of land or property) will be compensated for their property and land
Loss of other structures .e.g., pens, kraals,	Person with legal rights of the land only.		• Cash compensation at full and current replacement value. • The right to salvage materials from the displaced house.

Type of Loss	Eligibility under Rwandan Laws and Regulations	Eligibility aligned to international requirements linked to LACRPF	Entitlement under this LACRPF *
irrigation facilities, stores			
Loss of land, crops, and trees due to expropriation	Person with legal rights to the land only, since the criteria is payment against land lease title with names of the landowner	• Person with formal legal rights to the land • Person with no recognizable legal right • Land User	• Replacement land, when possible • Land for land compensation where possible • Cash compensation for lost crops (based on age and type of crops) • Allow to harvest crops, when and where possible Where no replacement land available: • Cash compensation of lost assets at replacement value (including all transaction fees) determined by a Certified Independent Property Valuation Expert. • Cash compensation for lost crops (based on age and type of crops). • Allow to harvest crops, when and where possible • For those that lost land as a result of construction and are still within the area, priority for employment opportunities associated with the construction. • Awareness on saving schemes of cash compensated and access to credit.
Loss of trees	• Person with legal rights to the land only, since the	• Person with formal legal rights to the land.	• Cash compensation at replacement value based on type, age, and productive value of affected trees.

Type of Loss	Eligibility under Rwandan Laws and Regulations	Eligibility aligned to international requirements linked to LACRPF	Entitlement under this LACRPF *
	criteria is payment against land lease title with names of the landowner	• Person with no recognizable legal right. • Land User	
Loss of public land (Land owned by the districts and public institutions)	Public Institution with legal rights to the land	• Entity with formal legal rights to the land.	• Land for land compensation where possible. OR • Cash compensation at replacement value (including all transaction fees) determined by a Certified Independent Property Valuation Expert.
Loss of businesses	Not mentioned	• Business owner losing his/her business	• Resettlement assistance: Provide assistance with relocation and cover all the costs of moving any salvageable parts of existing structures and reinstallation and start-ups. • In addition, provide appropriate financial allowance to cover the income foregone. • Economic rehabilitation assistance: Provide assistance to restore business including training and capacity building if deemed appropriate.
Waged employment. e.g., traders, employees	Not mentioned	• Employees losing employment	• Employment opportunities during the construction works to offset jobs lost.

Type of Loss	Eligibility under Rwandan Laws and Regulations	Eligibility aligned to international requirements linked to LACRPF	Entitlement under this LACRPF *
Access to natural resources. e.g., water sources, firewood	Not mentioned	• Communities denied access to natural resources by project activities.	• Provision of alternative sources of natural resources accessible to the community before project works commence.
Temporary Land Take *			
Loss of crops due to construction activities	Person with legal rights to the land only, since the criteria is payment against land lease title with names of the landowner	• Person with formal legal rights to the land. • Person with no recognizable legal right. • Land User	• Cash compensation for leasing the land temporarily. • Cash compensation for crops lost (based on age and type of crops). • Priority for employment opportunities associated with the construction to offset losses • Allow to harvest crops, when and where possible.
Loss of trees due to construction activities	Person with legal rights to the land only, since the criteria is payment against land lease title with names of the landowner	• Person with formal legal rights to the land. • Person with no recognizable legal right. • Land User	• Cash compensation at replacement value based on type, age, and productive value of affected trees.
"Orphan Land" Reduction of	Landowner may ask to be expropriated to be	Landowner	Landowner may ask to be expropriated to be able to seek for another piece of land elsewhere.

Type of Loss	Eligibility under Rwandan Laws and Regulations	Eligibility aligned to international requirements linked to LACRPF	Entitlement under this LACRPF *
cultivation area on remaining land	able to seek for another piece of land elsewhere.		

* If the land is rented out to any PAPs and the land user owns the affected crops, structure or trees, compensation will be paid as follows:

- *For owners of the land*: cash compensation to be paid directly by MINECOFIN into bank accounts or SACCOs or via Mobile Money accounts if the person does not have a bank account (this is advantageous as many PAPs may not have an account, which would cost money to open and maintain).
- *For users of the land*: cash compensation will be allocated to the land user.
-

4.4 Preparation of RAPs

If LODA project require land, then compensation under a RAP will be provided. This process will also be in alignment with international guidelines. RAPs shall be prepared by the District with support from LODA. The main objectives of this approach are to:

- Put a planning tool in place to guide and implement land acquisition (and resettlement or compensation) in a structured way;
- Ensure that Rwandan legislation and the requirements as stipulated in this LACRPF are met;
- Put provisions in place for project specific compensation, livelihood support and monitoring aligned with MEIS.

Key steps to be undertaken include:

- Identification of affected landowners and land users with official ID and their contacts;
- Asset inventory and valuation;
- Preparation of RAP and Entitlement Matrix in alignment with this LACRPF;
- Implementation of RAP;
- Monitoring of implementation and situation of affected landowners and land users aligned with MEIS;
- Completion audit after implementation and reported in MEIS.

The main content of an RAP is as follows:

(i) A census survey of displaced persons and valuation of assets;
(ii) Description of compensation and other resettlement assistance to be provided (Entitlement Matrix);
(iii) Consultations with displaced people about acceptable alternatives;
(iv) Institutional responsibility for implementation and procedures for grievance redress;
(v) Arrangements for monitoring and implementation;
(vi) Timetable and budget for process.

A proposal for the Terms of Reference for a RAP is provided in Appendix 1. The general outline of an RAP is provided in Appendix 2.

4.4.1 Livelihood restoration plan

Since the Rwanda national regulations did not provide the room to restore Project Affected People (PAP) who do not hold pieces of lands, this framework should assist the RAP expert to explore possibilities of identifying people's livelihoods that are likely to be strongly affected in terms of loss of land, increase of distance to access to resources, displacement that would cause long distances to reach schools, health centres and other livelihood facilities. In case of economic displacement (loss of market, supermarket access, etc.), Project Affected People will be assisted and monitored in the rehabilitating

their livelihoods, during and after the transition period. Livelihood restoration alternatives shall be examined throughout the RAPs preparation and monitoring. Among the options that would be proposed by the livelihood restoration plan, they might include:

- Capacity building to improve access to the employment market,
- Creation of direct job opportunities (e.g., guards, night guard, cleaner in a new infrastructure), and
- Provision of grants and bank loans to initiate economic activities and revenues.

5 INSTITUTIONAL ROLES AND RESPONSIBILITIES

5.1 Implementation roles and responsibilities

The implementation of the LACRPF as well as project specific RAPs will depend upon different entities at national and District levels, while land governance institutions in Rwanda exist.[14]

Table 5-1: Roles and Responsibilities

Stakeholder	Main responsibility
LODA	LODA will be responsible for overall monitoring of RAP preparation and implementation
Ministry of Environment (MoE)	Will be responsible for developing institutional and human resources capacities in the sector of environment and natural resources and sub-sectors during the implementation and governing resettlement arrangements through the Land Bureau
Rwanda Land Management and Use Authority (RLMUA)	RLMUA has under its mandate land register, keeps land title deeds and any other information relating to land and handles any issues land related. Districts will facilitate PAPs in obtaining land documents from RLMUA in time to enable them to receive their compensation packages. Provide the legal means to provide land donations under Ministerial Order n° 006/MOE/22 of 12/05/2022 on Land Registration - Article 21. Copies of the donation contract and form are provided in Appendices 4 and 5 respectively of this framework
Infrastructure one Stop centre and district land commission	Primary responsibility is to implement land use planning and registration relying on sectors, cells and Umudugudu[15] as the primary point of contact with the landholder

14 https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/anrc/AfDB_RwandaLandReform_FA.pdf

15 Lowest administrative unit in Rwanda

Sector- and cell-level committees	The main function is to collect land-related information, sensitize the community about land laws, witness and confirm land transactions, implement processes of demarcation, adjudication, dispute resolution and issuance of interim land certificates. In addition, out of 416 Sectors, 372 have sector-level managers in charge of land notary and infrastructures. All sectors have land managers in charge of land notary and infrastructure.

The legal process of land acquisition includes interventions that account for the following:

- Districts aim to avoid any expropriation through planning and rerouting options with project planners and other decision-makers prior to EIA studies and the potential need for a RAP or an equivalent;
- Districts issue the ToR and tender for the RAP with support from LODA (also refer to ESMF). The District is ultimately responsible for RAP implementation;
- Compensation values with landowners are on a willing seller basis or similar willing compensation for land users (lessees);
- District will conduct monitoring of RAP implementation and report to LODA on performance, critical issues, corrective actions via the LODA Monitoring and Evaluation Information System (MEIS);
- LODA will oversee the activities via the MEIS,
- LODA will conduct random site visits for potential high-risk projects involving physical displacement or higher numbers of landowners/users affected by land acquisition.

Steps concerning the points mentioned above are described in **Figure 4-1**.

5.2 Additional costs

The RAPs will include compensation and livelihood support measures that may go above and beyond the legal compensation requirements in Rwanda. Additional costs caused by these measures will be borne by the project budget. As such, the initial cost estimate for a project included in the budget law needs to consider these additional costs. Thus, it is important to identify the need for an RAP early in project planning as part of the screening process (see LODA ESMF) and prepare the RAP in time, before defining project budgets. The cost for the RAP-related studies will be carried by the funding mechanism for the District/LODA projects, although compensation cost will be paid for by Local Government, which will require inclusion in the Annual Development Budget of the concerned district.

Projects requiring compensation schemes will only proceed with a de facto compensation budget in place in line with the conditions set out in the national expropriation law.

6 STAKEHOLDER ENGAGEMENT AND GRIEVANCE MANAGEMENT

The consultation provisions and grievance mechanisms are described in the Part II: LODA ESMF.

7 MONITORING AND REPORTING

The general monitoring provisions are described in the Part II: LODA ESMF. Project specific monitoring for land acquisition and compensation will be detailed in the RAPs. Key indicators and records for the process will be reported in the MEIS.

Appendix 1: Suggested Template for Terms of Reference (ToR) for Resettlement Action Plan (RAP)

The grey *highlighted text* gives instructions to the author of the ToR

Suggested Template for ToR for Resettlement Action Plan - RAP

RAP should be structured and follow the template. It shall be used to influence in advance, as well as extend/ upgrade, the ToR issued by RDB, as it will be included with the draft ToR prepared by LODA with Districts for EIA process. These will be submitted to RDB prior to development of their respective ToRs. This process will assist the estimation of costs for the RAP in advance.

Project Background

The Project Background shall include at a minimum the following information if available:

Project setup (explain who the Project Executing Agency is – PEA (LODA/District), the involvement of donors/partners, if applicable) and rationale for the project and assignment;

Concise summary of the project in terms of:

- Project type, (e.g., road construction, waste management facility, hydropower plant etc), size/area (m^2, ha), capacity (e.g., MW, throughput), number of employees (construction/operations);
- Project location- and layout maps if available; and
- Stage of the project e.g., conceptual design/feasibility, detailed design/engineering, or construction, and tentative development/ implementation schedule.

Information on land acquisition/resettlement

- Resettlement status
- Affected lands (approximate size of land subject to land acquisition, number of PAPs (owners and lessees), current land use, future land use etc.)
- Available documentation from PEA or authorities responsible for the project's land acquisition and resettlement e.g., resettlement plans, social baseline studies, documentation on compensation, stakeholder engagement activities, grievances, lawsuits etc. [If deemed appropriate these documents can be attached to the ToRs.]

Not all of this information may be available while preparing the ToR but this description is an important source of information for the Tenderer and thus should be as detailed as possible.

Objective of the Assignment

The objective of the Assignment is to enable the Project Executing Agency (PEA) i.e., LODA/District to successfully manage voluntary and potential involuntary land acquisition and economic/ physical displacement by developing a Resettlement Action Plan (RAP). According to the ESMF and LACRPF, involuntary displacement should be avoided or minimised where feasible. However, if displacements and expropriation are unavoidable, certain measures shall be applied to protect the PAPs from harm. Displaced and expropriated persons should be consulted and compensated for the losses at full and current replacement costs prior to any impacts from the project or move. Secondly, all PAPs should be assisted if a move is required and supported during the transition period at the resettlement site. Thirdly, assistance should be provided to PAPs in their efforts to improve on their former living standards, or at the very least maintain them.

Measures to achieve these goals shall be outlined in a RAP or an equivalent document that is tailored to the specific project circumstances and background. The RAP shall be a comprehensive document that provides compensation packages for each PAP, i.e., affected landowners and land users.

Scope of the Assignment

The Assignment shall include but may not be limited to the following tasks:

Task1: Kick-off and review of available data,

Task 2: Social baseline survey/ census,

Task 3: Preparation of the RAP.

Task 1 – Kick-Off and Review of Available Data

Kick-off the assignment and agree on the work plan and social survey action plan;

Review of applicable country laws/ regulations, as well as this framework, i.e., LODA's ESMF and LACRPF;

Review of all relevant studies prepared for the Project and available documentation related to land acquisition and displacement as listed above (all available documents should be listed under "Project Background").

Review of existing publicly available studies related to social aspects within and near to the project area of influence (social, political, economic, cultural, and land use characteristics of communities) produced by e.g., United Nations (UN), International Labour Organisation (ILO), World Health Organisation (WHO), host country government and Non-Governmental Organisations (NGOs).

Task 2 – Social Baseline Survey/ Census

Primary social baseline data shall be collected within the project's Area of Influence (AoI) in the form of a social field survey and census. This survey should complement the social/socio-economic baselines in the EIA for the project.

The objective of this task is to:

- Define the baseline environment, upon which the post-expropriation / resettlement state of affairs can be benchmarked,
- Collect the data required to define compensation packages for the PAPs affected by expropriation and/or physical/economic displacement.

The social survey and census shall be conducted in close cooperation with the PEA i.e., LODA/District and the responsible government authorities.

The social field survey and census shall include the following activities (the following list may be adapted in line with the project requirements):

- Discussion with local government authorities to confirm the survey action plan;
- Interviews with local leaders and key informants e.g., teachers, spiritual leaders, physicians;
- Transect walks and field observations of direct impact areas, or representative portions of the areas of disturbance, including resettlement locations, if applicable;
- Focus group discussions with various stakeholder groups e.g., PAPs including potential vulnerable groups;
- Census of the PAPs via standardised interviews with questions e.g., household size, livelihoods, standard of living, vulnerability, magnitude of the expected loss - total or partial – of assets, and the extent of displacement - physical or economic;
- Support of the asset inventory by the PEA i.e., LODA/District to evaluate and document the affected property (both movable and immovable assets) of the PAPs.

The social survey shall be conducted by a trained team of social surveyors with appropriate professional and cultural understanding for the project's area. They will be the main source of information for defining the approach for compensation and the compensation packages for each PAP. The social surveys for compensation may be conducted in conjunction with the social/socio-economic baseline surveys for other studies, e.g., Environmental Impact Assessments (EIAs).

Task 3 Preparation of the RAP

A RAP shall be prepared in alignment with the current LODA ESMF and LACRPF and based upon data review and social surveys. Templates for this process are provided in Appendix 2 of this LACRPF. The RAP shall include an Entitlement Matrix for PAP groups as required by the LACRPF and a detailed Entitlement and Cost Matrix for each identified PAP. The detailed Entitlement and Cost Matrix should include information on the PAP, the parcel number, the specific project impacts, entitlements, expected loss of income or livelihood risks, costs for the proposed mitigation measures and any underlying assumptions.

Staff

The Tenderer shall provide a detailed description of tasks to be performed by each team member as well as details on the selection and experience of the proposed members with regard to their tasks. Key staff should have adequate education, professional experience, language skills and experience in the region/ with similar tasks.

Minimum staff requirements in the proposal should include the following:

- Key local RAP/resettlement expert,
- Other experts, as required.

Appendix2: Template for a Resettlement Action Plan (RAP)

The grey *highlighted text* gives instructions to the author of the RAP
Template for preparation of Resettlement Action Plan - RAP International best practise guide for structure of RAP. It should be used by Districts and Consultants to prepare the RAP and based upon the ToR.

Resettlement Action Plan

<Project Name/ Location>

<Author>

<Date/ Version>

Introduction

The Project Implementing Agency (PIA) <Name of the PIA> is planning to construct a <Name intervention>, e.g., school, water distribution system etc.> being "the Project". The Project will be constructed at a site in <Name of location/ village/ country>. The construction activities will be executed by the construction contractor "Contractor" <Name of the Contractor> with the following supervisor and sub-contractors: <Name of the sub-contractors, if known already>.

The purpose of this Resettlement Action Plan (RAP) is to identify the households affected by land acquisition linked to the Project and to define suitable mitigation, compensation, and other forms of support to them. The objective is to assist the affected households in developing their social and economic potential and to improve or at least restore their incomes and living standards to pre-Project levels.

The RAP provides information for:

- Land acquisitions for the project,
- Expected socio-economic impacts and identification of the groups of affected households and PAPs,
- Entitlement Matrix in tabular format with details on entitlements to compensation measures under the provisions of this RAP, referring to different impacts,
- Provisions, responsibilities, and processes to implement the RAP,
- Timeframe for expropriation and RAP implementation.

The main content of an RAP is as follows:

(i) a census survey of displaced[16] persons and valuation of assets,
(ii) description of compensation and other resettlement assistance to be provided (Entitlement Matrix),
(iii) consultations with displaced people/PAPs about acceptable alternatives;
(iv) institutional responsibility for implementation and procedures for grievance redress;
(v) arrangements for monitoring and implementation;
(vi) timetable and budgets.

Project description

Include a short Project description based on available documentation and site observations (in alignment with the project's overall Environmental and Social Management Plan (ESMP) including the Project's Context and Project Activities.

Include a map of the area indicating the planned project and affected areas.

Explain how the project endeavoured to avoid the acquisition of private lands and why this attempt was not successful.

Project Affected Households or Persons (PAPs)

Include a short description of the households and/or PAPs affected by land acquisition:

- Amount of land affected by acquisition,
- Current land use,
- Income sources and general socio-economic situation of the affected household(s),
- Types of impact (e.g., permanent loss of land, temporary loss of land, loss of access to land, loss of income, resettlement etc.),
- Types of affected households (landowner with a formal land title, landowner without a formal land title land user, community land etc.),
- Vulnerable persons (elderly, disabled, female headed households).

Compensation approach / Entitlement Matrix

Copy the Entitlement Matrix from Chapter 4 of this LACRPF.

The Entitlement Matrix should include compensation packages for each affected landowner/ household and needs to be treated confidentially. The compensation packages need to be negotiated with the affected households/persons (see template below). This table needs to be treated confidentially as it contains personal information for households and/or persons.

[16] Displaced refers to Project Affected Persons (PAPs), i.e., those who are affected by land take/ expropriation

Suggested content of the Entitlement and Cost Matrix

Affected person	Impacts	Entitlements	Cost-estimate
Landowner A (Name, Address, ID)	Loss of Structure/ House	Compensation to owners for value of land and immovable assets The PIA will coordinate with the landowner to find alternative land for cultivation. If this is not found compensation will be provided to cover any reasonable expenses that are not covered by the compensation payment under the law, as well as differential between replacement cost and valuation of the asset per host country law	*Cost estimate to be filled*
Landowner B (Name, Address, ID)	Loss of Other structures .e.g., pens, kraals, irrigation facilities, stores	...	*Cost estimate to be filled*
Landowner C (Name, Address, ID)	...	...	*Cost estimate to be filled*

Implementation schedule

Table O-1 Summary of the Key Steps

Summary of key steps	Responsibility	Indicative date	Estimated Budget

Include an outline of the planned schedule for the land acquisition activities as follows:

- Identify affected households
- Notify affected households
- Implement land acquisition/ sign purchase contracts
- Conduct resettlement (if any)
- Provide supporting measures for livelihood restoration
- Conduct Monitoring aligned to LODA's MEIS

Public consultation and stakeholder engagement

Apply a project specific stakeholder engagement approach and grievance procedure (aligned with LODA's ESMF).

Landowners and users need to be properly informed in advance about how to file grievances or how to take legal action against the land acquisition/ resettlement at the start of the process.

Monitoring of implementation

The overall objectives of monitoring in the RAP are to verify the following points:

- Actions and commitments described in the RAP are implemented fully and on time;
- Affected households understand their rights;
- Vulnerable people have been assisted according to their special needs (illiterate, deaf, not able to walk);
- Special attention was paid to reach out to female landowners;
- Eligible households receive their full compensation entitlements or other mitigation measures within the agreed time;
- RAP compensation and livelihood support are effective with regard to the enhancement or at least the restoration of livelihoods;
- Complaints and grievances expressed/submitted by affected households or PAPs are followed up and resolved and that, where necessary, corrective actions are implemented;
- If necessary, changes in RAP procedures are made to improve delivery of compensation/assistance to affected households or PAPs;
- All households or PAPs are considered according to their entitlements.

The overall responsibility of monitoring is with the PIA with oversight performed by LODA. The monitoring will be done by internal or external staff who will receive training with regard to monitoring techniques and recording of monitoring results. Additional experts may be included in monitoring activities on a "as needs basis".

Include a description of how monitoring considerations are addressed within the project. Specify responsibilities and timelines for monitoring.

Roles and Responsibilities

Include an outline of responsibilities for the land acquisition, compensation (and resettlement) activities. Provide names, positions, including external agencies, if needed, with all their contact information.

Appendix 3: Comparative Analysis between World Bank ESS5 Principles and Rwandan Legislation regarding Resettlement Action Plans (RAP)

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Eligibility criteria	ESS5 recognizes Affected persons who: • Have formal legal rights to land or assets; • Do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under national law; or have no recognizable legal right or claim to the land or assets they occupy or use	National regulations recognize Project Affected People who have land titles and documentary evidence that he/she is the owner of property incorporated on land. A person dispossessed of land or unlawfully occupying land or having developed activities on land on which such activities are prohibited after the enactment of relevant laws shall receive no compensation	The Bank diverges with the Rwanda Law whereas the law in Rwanda refuses to recognize illegal landowners and does not provide any compensation	The compensation and resettlement measures should be provided to all affected persons (PAPs) including those with no land title and tenants for all Development Partner (DP) projects.

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Assessment of alternatives	The ESS5 requires borrower to consider feasible alternative project designs to avoid or minimize land acquisition or restrictions on land use, especially where this would result in physical or economic displacement, while balancing environmental, social, and financial costs and benefits, and paying particular attention to gender impacts and impacts on the poor and vulnerable.	The national law on environment and EIA procedures requires the developer to explorer project alternatives but imperceptive about avoiding or minimising involuntary resettlement.	While ESS5 requires the Borrower to explore alternatives that avoid or minimise resettlement impacts, the national regulations only requires the provision of compensation.	The proposed projects will be designed in a way that attempts to avoid physical relocation and developed during the feasibility phase between socio-environmental specialists, planner, and engineers.

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Compensation and benefits for Project Affected Persons (PAPs)	When land acquisition or restrictions on land use (whether permanent or temporary) cannot be avoided, the ESS5 requires Borrower to offer affected persons compensation at replacement cost, and other assistance as may be necessary to help them improve or at least restore their standards of living or livelihoods.	The national regulations (Expropriation Law, Art. 27) defines properties subject to valuation for the payment of fair compensation due to expropriation in the public interest are: 1° land; 2° activities carried out on land for its efficient management or rational use; 3° compensations for disruption caused by expropriation	Loss of income is not covered under national regulations and regulations are silent on livelihood measures or assistance to vulnerable people	During the preparation of resettlement plan, livelihood restoration measures will be considered for where physical relocation is expected. Vulnerable people will be identified and special attention provided to them to ensure that all affected people improve or restore livelihood

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Timeframe for compensation and provision of resettlement measures	ESS5 requires that the Borrower takes possession of acquired land and related assets only after compensation in accordance with this ESS has been made available and, where applicable, displaced people have been resettled and moving allowances have been provided to the displaced persons in addition to compensation. In addition, livelihood restoration and improvement programs will commence in a timely fashion in order to ensure that affected persons are sufficiently prepared to take advantage of alternative livelihood opportunities as the need to do so arises	Article 36 of the Expropriation law (2015) state that approved fair compensation shall be paid within a period not exceeding one hundred and twenty (120) days from the day of its approval. Subsequent to receiving fair compensation, the expropriated person shall have a period not exceeding one hundred and twenty (120) days to relocate	The ESS5 requires providing compensation measures before land take while the national regulations allows the project developer to take the land even before the compensation as long as the compensation is made in 120 days	Compensation and provision of RAP measures will be provided prior to land been taken or any construction works in line with national legislation

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Community engagement	ESS5 requires the Borrower to engage with affected communities, including host communities, through the process of stakeholder engagement described in ESS10. Decision-making processes related to resettlement and livelihood restoration will include options and alternatives from which affected persons may choose. Disclosure of relevant information and meaningful participation of affected communities and persons will take place during the consideration of alternative project designs and thereafter throughout the planning, implementation, monitoring, and evaluation of the compensation process, livelihood restoration activities, and relocation process.	Article 24 of expropriation law requires the District or City of Kigali administration or the relevant Ministry to inform the persons to be expropriated in the public interest of the expected start date of measurement of land and inventory of property incorporated thereon. Such a communication shall be made through an announcement posted on the office of the Cell of the place designated for the implementation of the project. The communication shall also be made through at least one radio station with a wide audience in Rwanda and at least one of Rwanda-based newspapers with a wide readership	While the ESS5 requires consultation with all affected communities and other stakeholders. However, the national regulations require only communication to the PAPs when the District Committees visit the sites and analyse if the expropriation is justified, beneficial or neither.	This RAP ToR will provide specific process and guidance for grand public consultation and community engagement. Public consultation and information disclosure will be part of preparation and implementation of instruments for the RAP. The objective is to assess all potential community members and stakeholders before definitive PAPs are confirmed.

Grievance Mechanism	ESS5 requires borrowers to ensure that a grievance mechanism for the project is in place, in accordance with ESS1O as early as possible in project development to address specific concerns about compensation, relocation or livelihood restoration measures raised by displaced persons (or others) in a timely fashion. Where possible, such grievance mechanisms will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements designed to resolve disputes in an impartial manner.	Article 33 of expropriation law state that Within seven (7) days after the approval of the valuation report by the expropriator, any person to be expropriated who is not satisfied with the assessed value of his/her land and property incorporated thereon shall indicate in writing grounds for his/her dissatisfaction with the valuation report. Any person contesting the assessed value shall, at his/her own expense, engage the services of a property value agents or a valuation firm recognised by the Institute of Real Property Valuers in Rwanda to carry out a counter- assessment of the value. When the person to be expropriated is not satisfied with that decision, he/she can refer the matter to the competent court within	WhileESS5 requires the establishment of Grievance Redress mechanism for the proposed project, for all persons or organisations affected by the project beyond potential expropriation. National regulations provides only steps and timeframes for contesting of valuation report	Grievance mechanisms will be established at project, district, and site levels, and linked to the RAP. The Grievance Mechanism encompasses the expropriation process, but is more comprehensive addressing project related complaints, complains from communities and other local or national stakeholders in a systematic and transparent manner, and defines corrective measures to address these complaints (see Part II: ESMF).

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
		fifteen (15) days from the day he/she appends his/her signature to the minutes indicating points of disagreement.		

Planning and implementation	Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits.	Article 10 of expropriation law requires the project developer to prepare application that shall indicate: 1. the nature of the project; 2. the indication that the project aims at the public interest; 3. the master plan of land where the project will be carried out; 4. the document indicating that the project has no detrimental effect on the environment; 5. the document confirming the availability of funds for fair compensation; 6. the explanatory note detailing that such land or place suits the project; 7. the minutes indicating that the concerned	The gaps are in terms of planning and implementation, where there is an absence of socio-economic assessment of project affected persons (PAPs) including an inventory of affected sites in the application report during decision making process	The socio-economic assessment of project affected people and inventory of affected assets will be part of RAP

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
		population was sensitized about the project and its importance;		

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Social assessment	The social assessment will also address the claims of communities or groups who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users	The social assessment is part of Environmental Impact Assessment	Regulations on land acquisition do not require social assessment.	Social assessment will be part of RAP

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Cut-off date	The Borrower will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and will be disseminated throughout the project area at regular intervals in written and (as appropriate) non-written forms and in relevant local languages. This will include posted warnings that persons settling in the project area after the cut-off date may be subject to removal.	The District or City of Kigali administration or the relevant Ministry must inform the persons to be expropriated in the public interest of the expected start date of measurement of land and inventory of property incorporated thereon, such as communication shall be made through an announcement posted on the office of the Cell of the site designated for the implementation of the project. The communication shall also be made through at least one radio station with a wide audience in Rwanda and at least one of Rwanda-based newspapers with a wide readership for the relevant parties to be informed thereof.	The only gap identified is that the national regulations do not include warnings to the persons settling in the project area after the cut-off date may be subject to removal	The cut-off date will be established and communicated to all eligible PAPs in the RAP

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Economic displacement	In the case of projects affecting livelihoods or income generation, the Borrower's plan will include measures to allow affected persons to improve, or at least restore, their incomes or livelihoods. The plan will establish the entitlements of project affected persons (PAPs) and/or communities, paying particular attention to gender aspects and the needs of vulnerable segments of communities, and will ensure that these are provided in a transparent, consistent, and equitable manner. The plan will incorporate arrangements to monitor the effectiveness of livelihood measures during implementation, as well as evaluation once implementation is completed	National regulations are silent about economic displacement and does not provide any livelihood restoration program	Livelihood restoration and economic displacement are not considered under national regulations	Both physical and economic displacement will be considered and livelihood plans prepared as appropriate in the RAP

Principles	World Bank ESS5	Rwanda Regulations	Gaps	Measures to bridge the gaps
Collaboration with other Responsible Agencies or Subnational Jurisdictions	The Borrower will establish means of collaboration between the agency or entity responsible for project implementation and any other governmental agencies, subnational jurisdictions or entities that are responsible for any aspects of land acquisition, resettlement planning or provision of necessary assistance	Section one of the expropriation law provide the implantation arrangement for land acquisition from approving, implementation, and implementation of decisions. Further, the land law of 2013 defines roles and responsibility of various stakeholders involved in land administration and expropriation	No major gap identified apart from technical capacity of local entities that need to be enhanced	RAP and implementation arrangements will be included in the projects RAP ToR is provided if the screening of the project identifies potential issues for PAPs requiring compensation.

Appendix 4: Land Transfer Contract by Intervivos Donation/Legacy

Edition May 2020

FORM 14.b

LAND TRANSFER CONTRACT BY INTERVIVOS DONATION / LEGACY

I, (we) .....

Identification Number:

Co-owner with: .....

Identification Number:

Registered at Physical Address:

District: .....

Sector: .....

Cell: .....

Village: .....

In consideration of the payment of transfer fees equivalent to thirty thousand Rwandan Francs (30,000 RWF), as reflected on the application summary with billing number .....

I (we) have donated .....% of my/our land to

Mr .....

Identification Number:

and: .....

Identification Number:

Registered at Physical Address:

District: .....

Sector: ...

Cell: .....

Village: .....

Details of the land in Question:

UPI: ...../...../...../.....

Land Use:

Location of the Land: The City of Kigali, District:....., Sector: ....., Cell: .....,

Village: .....

Type of donation (Choose one of the following):

Inter vivo donation ☐

☐

The Donor(s) agree(s) that the land and development over land being donated is (are) hers/theirs and authorize the Registrar of land titles to transfer the land on the name(s) of the donee(s) in the land register1.

Attached to this contract are all the identification papers of the land which are also proof of ownership.

Signed on: ...../...../.....

Donor(s):

..... Signature:.....

..... Signature: .....

Donee(s):

..... Signature:.....

..... Signature: .....

FOR OFFICIAL USE ONLY

I, Land notary in .....Sector certify that the above signed contract was brought to us; and fulfils all conditions required by the seller(s) and the buyer(s) for the transfer of land and that transfer and service fees equivalent to thirty thousand Rwandan Francs (30,000Rwf) has been paid.

I also acknowledge their above identities and signatures.

Number: ....., Dated on Year 2020, day .....; .....

In case of legacy, land transfer and the full ownership is acquired by the legatee only after the death of the testator.

Appendix 5: APPLICATION FORM FOR TRANSFER OF RIGHTS ON A PARCEL BY DONATION INTER VIVOS OR BY LEGACY

APPLICATION FORM FOR TRANSFER OF RIGHTS ON A PARCEL BY DONATION INTER VIVOS OR BY LEGACY

Person's information (By the Donor)

I/We: .....

ID/Passport: .....

Address:.....District.....Sector.....Cell Village

Telephone number: ..... E-mail: .....

OR

Company/NGO/Professional association/Church/Cooperative/Other:.....

..... I (authorised representative): .....
ID/Passport:.....
Address:.....District.....Sector.....Cell.....Village Telephone number: ..... E-mail: .....

Kindly request for transfer of rights on a parcel by donation inter vivos or by legacy Parcel information

UPI: .....

City of Kigali/Province: .....

District .....

Sector: .....

Cell: .....

Percentage of rights to be transferred %

Telephone number of the donee:.....

Motivation for the request

.....

.....

.....

Required documents for the transaction

Proof of identity of the donee	
Civil status certificate of the donee	
Notarised donation agreement or legacy, signed by the donor and the donee	
Land documents for the parcel to be transferred	
Death certificate of the donor (In case of legacy)	
Notarised Memorandum of Association indicating shares of every shareholder, in case among persons to be registered there are foreigners and Rwandans co-owning land or a company business company, an organisation or association with legal personality in which foreigners are shareholders	

…… ……

Date of application Signature of the applicant(s)

Received and verified by: ……

Function: ……

Date……. Stamp

Signature……