# LODA's Environmental and Social Management Framework & Land Acquisition, Compensation and Resettlement Policy Framework

## Part I: General Introduction to LODA's ESMF and LACRPF

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## ABBREVIATIONS

| Abbreviation | Description |
|---|---|
| BMZ | Bundesministerium für Wirtschaftliche Zusammenarbeit und Entwicklung (Federal Ministry for Economic Cooperation and Development) |
| CESB | Capacity Development and Employment Services Board |
| DDS | District Development Strategy |
| ENRO | Environment & Natural Resources Officer (1) |
| E&S | Environmental and Social |
| 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 |
| EIA | Environmental Impact Assessment (used synonymously for Environmental and Social Impact Assessment / ESIA) |
| ESDD | Environmental and Social Due Diligence |
| ESIA | Environmental and Social Impact Assessment (throughout this document and in line with Rwandan wording the term "Environmental Impact Assessment" is used) |
| ESMF | Environmental and Social Management Framework |
| FAO | Food and Agriculture Organisation |
| FC | Financial Cooperation |
| FONERWA | Rwanda Green Fund / Rwanda National Fund for Environment |
| GIIP | Good International Industry Practice |
| IDP | Integrated Development Program |
| IFC | International Finance Corporation |
| ILO | International Labour Organisation |
| KfW | Kreditanstalt für Wiederaufbau |
| LACRPF | Land Acquisition, Compensation and Resettlement Policy Framework |
| LAR | Land Acquisition and Resettlement |
| LED | Local Economic Development |
| LGPAC | Local Authorities Project Advisory Committee |
| LODA | Local Administrative Entities Development Agency |
| M&E | Monitoring and Evaluation |
| MEIS | Monitoring and Evaluation Information System |
| MINAGRI | Ministry of Agriculture |
| MINALOC | Ministry of Local Government |
| MINECOFIN | Ministry of Finance and Economic Planning |

| Abbreviation | Description |
|---|---|
| MININFRA | Ministry of Infrastructure |
| NDP | National Decentralisation Policy |
| NST1 | National Strategy for Transformation No 1 |
| PAP | Project Affected Person(s) |
| PPD | Project Profile Document |
| RAP | Resettlement Action Plan |
| RDB | Rwanda Development Board |
| REMA | Rwanda Environmental Management Authority |
| RHA | Rwanda Housing Authority |
| RTDA | Rwanda Transport Development Agency |
| RUDP | Rwanda Urban Development Project |
| SPIU | Special Purpose Implementation Unit |
| ToR | Terms of Reference |
| VGGT | FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests |
| VUP | Vision 2020 Umurenge Programme |
| WB | The World Bank |

The following Annexes are part of this document:

- Part II – ESMF
- Part III - LACRPF

# 1 Incamake

Iyi nyandiko yifashishwa mu kugenzura uburyo bwo kubungabunga ibidukikije , kurengera ubuzima bw'abantu n'umutungo wabo mu gihe cyo gushyira mu bikorwa umushinga runaka. Iyi nyandiko yiswe ESMF/LACRPF mu magambo ahinnye y'Icyongereza ni inyandiko y'ikigo cy'igihugu gishinzwe guteza imbere ibikorwa by'iterambere mu nzego z'ibanze (LODA). Yasohotse bwa mbere muri 2017 . intego yayo nyamukuru ni ugushyiraho amabwiriza n'uburyo bwo kubungabunga ibidukikije n'ubuzima bw'abantu kuva mu igenamigambi ry'umushinga, igihe ushyirwa mu bikorwa kugeza ighe umushinga watangiye gukora icyo wagenewe. Aya mabwiriza agomba kubahirizwa kugirango abafatanyabikorwa ndetse na Leta muri rusange bazatere inkunga umushinga bawufitiye icyizere ko uzagera ku ntego zawo ntawe uhutaje. Iyi Nyandiko yongeye kuvugururwa mu 2022 mu rwego rwo kuyihuza n'amategeko mashya y'igihugu ndetse n'amabwiriza ya banki y'isi yo kubungabunga ibidukikije n'ubuzima bw'abantu.

Uburyo bwakoreshejwe mu gutegura inyi nyandiko ni: (i) Gusuzuma ibitabo nizinyandiko zisanzwe zihari (ii) Gukorana inama n'ubuyobozi bwa LODA (iii) Gukora ibiganiro n'abakozi b'uturere twatoranyijwe , (iv) Gukona ibiganiro n'abandi bafatanyabikorwa ba LODA harimo Minisiteri y'ibidukikije , RDB, REMA n'abandi.

Inyi nyandiko igizwe n'ibice bitatu bikurikira:

- Igice cya I: Iriburiro rusange rikomatanyije kuri ESMF/LACRPF
- **Igice cya II**: Amabwiriza yo kubungabunga ibidukikije n'ubuzima bw'abantu(ESMF)
- **Igice cya III**: Ambwiriza ku gukoresha ubutaka bw'undi , kwishyura ingurange ku mitungo no kwimura abantunbagirwaho ingaruka mbi n'umushinga (LACRPF)

Ibice byose uko ari 3 byakozwe byibanda ku mishinga y'ibikorwaremezo iterwa inkunga na LODA binyunze mu nkunga ya Leta y'u Rwanda hamwe n'abafatanyabikorwa bayo . iyo mishanga ibarizwa mu byiciro bikiriki: (i) Uburezi , (ii)Ubuzima, (iii) Amazi n'isukura, (iv)Kwegereza ubuyobozi abaturage, (v)Imiturire, (vi) Ibidukikije n'umutungo kamere, (vii)Ubwikorezi , (viii)Ingufu, (ix) Guteza imbere abikorera (x) Ubuhinzi.

Igice cya mbere cy'iyi nyandiko kigaruka cyane ku gusesengura , kugaragaza , kwegeranya no gutanga bimwe mu bisubizo ku ngaruka mbi z'umushinga ku bidukikije no kubuzima bw'abaturage. Ikindi kiri muri iki gice ni uburyo bwo kurinda umutekano n'ubuzima bw'umukozi uri mu kazi. Ibi bikurikira nibyo bizajya byifashishwa mu masuzuma atadukanye yo gushyira mu bikorwa ESMF:

1. Urutonde rwifashishwa mu isuzuma ryibanze
2. Inyadiko yifashinshwa mu gutanga umurongo wo gukora inyigo ku ngaruka kubidukikije no ku buzima bw'abantu .
3. Inyandiko yifashishwa mu gukora igenamigambi ry'uburyo ibyangijwe bizishyurwa cyangwa bizasimbuzwa

4. Inyandiko izifashishwa mu gutanga raporo ku byangijwe n'uburyo bizisanwa cg bizishyurwa
5. Inyandiko yifashishwa mu gutanga raporo ku mpanuka yabaye
6. Inyandiko yifashishwa mu kumenyekanisha ikibazo kitakemuwe
7. Inyandiko yifashishwa mu kugenzura amateka yerekeye ibisigazwa bya muntu

Inyadiko zose zo kwifashisha biteganyijwe ko zizakoreshwa n'abakozi b'uturere bakorera mu biro bishinzwe ibikorwaremezo no kubungabunga ubutaka, abakozi bashinzwe ibidukikije n'umutungo kamere , abakozi bashinzwe umurimo hamwe n'abakozi baba bakorana na rwiyemezamirimo mu kazi ka buri munsi.

LODA irashishikariza buri Karere gusoma bitonze inyandiko zose uko ari 3 kugirango bagire ubumenye ku mabwiriza y'ibanze mu gukumira , gukemura no gukurikirana ingaruka zishobora kuvuka zaba zibangamiye ibidukikije cyangwa ubuzima bw'abaturage kuva umushinga utangiye kubakwa kugeza igihe uzaba urimo gukoreshwa icyo wagenewe.

LODA izakora ibishoboka byose iyi nyandiko igere kubo yagenewe kandi izatanga amahugurwa ku bafatanyabikorwa mu rwego rwo gutanga ubumenyi bw'ibanze kuri iyi nyandiko yiswe ESMF/LACRPF

# 2 Executive summary

The Environmental and Social Management Framework (ESMF) and Land Acquisition Compensation Resettlement Policy Framework (LACRPF) is a LODA document which was initially published in 2017. The main objective of the document is to set up clear criteria and methods for E&S planning, perusal, approval, implementation, and Monitoring & Evaluation (M&E) of projects to be funded by government's entities or Development Partners (DP). It is amended in 2022 in light of complying with the National E&S legal framework as well as the latest World Bank Environmental and Social Standards (ESS).

The approaches applied to develop this document are: (i) desk review; (i) meeting with LODA management; (iii) interview with sampled District 's staff, (iv) interviews with main stakeholders such as MOE; REMA, and RDB as well as the site visits conducted to various ongoing and completed projects.

The document is subdivided into three parts which are:

- **Part I - General Introduction to LODA's ESMF and LACRPF** provides the general introduction for the methods and context of the ESMF and LACRPF for LODA
- **Part II - ESMF** describes the expected impacts associated with the projects and activities channelled through LODA and will include adequate safeguard measures to minimize, mitigate and manage these expected impacts.
- **Part III - LACRPF** assesses risks with regard to land acquisition, expropriation, and involuntary resettlement.

All parts are encompassing 10 sectors of infrastructure projects that are being supported by LODA's funding provided by Government and Development Partners. Those sectors of interventions do include: (i) education, (ii) health, (iii) water and sanitation, (iv) decentralisation, (v) urbanisation & rural settlements, (vi) environment and natural resources, (vii) transport, (viii) energy, (ix) private sector development, and (x) agriculture.

ESMF Part I is essentially assisting to analyse and understand the tools of identifying, quantifying, and mitigating environmental and social risks as well as the application of occupational health and safety (OHS). The materials that were proposed to apply the framework are set out as follows:

1 E&S Preliminary risk assessment checklist
2 Guide on ESIA
3 ESMP Template and Guidance
4 ESMP Monitoring Template
5 Incident Reporting Template
6 Complaint Form
7 Chance Finds Procedure

The LACRPF part provides guidance on expropriation and compensation processes that are basing on Rwandan Law relating to expropriation in the public interest. The key

elements of resettlement and compensation that were detailed in document are mainly expropriation request, expropriation approval, valuation report, grievance mechanisms and compensation payment. Resettlement Action Plan (RAP) is also proposed by the framework in the event of massive relocation and displacement of Project Affected People (PAP).

All suggested templates- depending on the project nature and area to be covered - are expected to be used by District One Stop Centre (DOSC) staff, Environment & Natural Resources Officer (ENRO), Labour Inspector and contracting personnel.

LODA is encouraging each District to read carefully all three documents in order to gain an insight of primary requirements in predicting, addressing, and monitoring environmental, social and health risks that might be associated with development project from its inception to its maintenance phase.

LODA will make sure to disseminate the document and train all relevant stakeholders to be able to acquire necessary knowledge in line with ESMF/LACRPF.

# 3 INTRODUCTION

## 3.1 Background

The Rwandan Local Administrative Entities Development Agency (LODA) is a public institution under the supervision of the Ministry of Local Government (MINALOC). LODA plays a key role of stimulating local economic development by mobilizing financial resources and channelling them to the local economic development and social protection initiatives for eradication of extreme poverty. The Government of Rwanda strives to plan and implement community development including local economic development projects in a sustainable manner without causing damage to the social or ecological environment.

LODA has been supporting the decentralisation programme in Rwanda through funding local infrastructure investments since 2002 focusing upon income generation and economic infrastructure such as construction of schools, health centres, water supply and electrification systems, roads, administrative buildings, and modern markets. These infrastructure measures are based on priorities stipulated in District Development Strategies (DDS) being operationalised in the annual planning and budgeting process. The activities overseen by LODA include project planning, implementation, and monitoring and evaluation (M&E) as well as funding and fund assignment.

The Rwandan regulatory framework is based upon the main principles of the international environmental and social guidelines[1] from some key institutions notably Kreditanstalt für Wiederaufbau Development Bank (KfW), The World Bank (WB), United Nations (UN) and Agence Française pour le Développement (AFD).

This document and the integrated international guidelines require that all projects implemented by the Districts[2] and coordinated and overseen by LODA minimise potential negative "Environmental, Social and Health & Safety (EHS)" impacts, while striving to enhance benefits for local communities and the environment.

This document including **Part II - ESMF** and **Part III - LACRPF** are the principal tools and summarised below:

- **Part I - General Introduction to LODA's ESMF and LACRPF** provides the general introduction for the methods and context of the ESMF and LACRPF for LODA

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1 KfW Development Bank. Sustainability Guideline Assessment and Management of Environmental, Social, and Climate Aspects: Principles and Procedures. 28 February 2022. The World Bank. Environmental and Social Framework. 2017. AFD. Transforming Financial Systems for Climate - Environmental and Social Framework including Resettlement Policy Framework and Indigenous Peoples Planning Framework. February 2018.

2 Districts are referred to as the Local Governments/ Local Authorities in charge of proposing and implementing the projects under coordination and financing by LODA and other ministries and agencies.

- **Part II - ESMF** describes the expected impacts associated with the projects and activities channelled through LODA and will include adequate safeguard measures to minimize, mitigate and manage these expected impacts.
- **Part III - LACRPF** assesses risks with regard to land acquisition, expropriation, and involuntary resettlement.

## 3.2 Objectives

On average approximately 700-1,000 projects under LODA coordination are implemented by Local Government annually across the five provinces, 27 Districts, the City of Kigali and 416 sectors of Rwanda, with different timelines and under different conditions.

It is **LODA's objective that E&S impacts that result from the projects (including their components and sub-projects) are adequately identified and managed in alignment with Rwandan legislation and LODA's requirements of the ESMF and LACRPF.**

The specific objectives of this introductory document and its Parts II and III form the entire framework for LODA and provide the means to:

- **Establish clear procedures and methodologies** for E&S planning, review, approval, implementation, and M&E of projects to be financed by governmental entities or donors through LODA in line with the national regulations, and aforementioned international guidelines;
- **Prescribe project-specific requirements** for development and implementation of project specific EIAs according to existing legislation, Environmental and Social Management Plans (ESMPs) and further management plans to adequately minimise, mitigate and compensate identified E&S risks and impacts (see Part II-ESMF);
- **Manage possible negative impacts** on local communities caused by land acquisition, expropriation, and resettlement (see Part III - LACRPF);
- Outline **provisions for stakeholder engagement**, consultation, and complaint management;
- Specify **appropriate E&S roles and responsibilities** between the Districts, LODA, and other stakeholders, and outline the necessary reporting procedures, for planning, managing, and monitoring E&S risks;
- Improve the Districts' and LODA's performance in E&S risk management and therewith attract further donors.

*Please note:*
All three parts of the LODA E&S framework including this introduction, the ESMF and the LACRPF are primarily prepared to be used by the District authorities and by LODA to monitor and check that the defined requirements are correctly fulfilled.

## 3.3 Structure of this introduction and the ESMF and LACRPF annexes

This general introduction document and the ESMF and LACRPF annexes are composed of the components presented in the following table.

Table 3-1: Content of E&S relevant LODA documents

| Document | Content |
|---|---|
| Part I: General introduction (this document) | • Introduction: background and objectives of<br>• Applicable national and international policy, legal and regulatory frameworks<br>• Description of LODA activities<br>• Assessment of existing E&S risk management process<br>• Capacity building plan<br>• Continuous review and improvement of ESMF & LACRPF outlook and timelines |
| Part II: ESMF (interlinked with other parts but can be used alone) | • E&S baseline conditions in Rwanda<br>• Expected impacts and general mitigation<br>• Review of LODA's existing E&S risk management process<br>• LODA's E&S intervention tools<br>• Stakeholder engagement and grievance management<br>• Monitoring and reporting<br>• Roles and responsibilities |
| Part III: LACRPF (interlinked with other parts but can be used alone) | • Description of project types potentially causing resettlement<br>• Compensation eligibility and entitlements<br>• Resettlement Action Plans minimum requirements<br>• Roles and responsibilities |

This general introduction presents the method and context of the ESMF and LACRPF for LODA. The individual ESMF and LACRPF documents are presented as separate documents (Parts II & III) to facilitate practical use by LODA and Districts. However, to avoid duplication, references are made between documents if sections are identical or important to be considered.

# 4 NATIONAL REGULATORY, POLICY AND INSTITUTIONAL FRAMEWORKS WITH REFERENCE TO INTERNATIONAL GUIDELINES

## 4.1 National regulations and policies

The key regulations and policies for the ESMF and LACRPF are presented in this sub-section. In addition, Table 2-1 of Section 2.4 also discusses the relevance on these regulations and some other laws and policies in relation to the World Bank's Environmental and Social Standards (ESSs).

### 4.1.1 The Constitution of the Republic of Rwanda

The Constitution of the Republic of Rwanda was revised in 2015 and refers to environmental and land issues. *Article 22* specifies that everyone has the right to live in a clean and healthy environment, while *Article 53* specifies that everyone has the duty to protect, safeguard and promote the environment. The constitution also gives way too many laws, policies, and strategies for protecting, safeguarding, and promoting the environment.

*Article 34* determines the rights to private properties and stipulates that every person has right to hold a private property whether individually or collectively owned. The private property, individual or collective is inviolable. The right to private property shall not be encroached upon except in public interest and in accordance with the provisions of law. In addition, *Article 35* specifies the right to private ownership of land and other rights that are related to land are granted by the State, where laws determine the modalities of concession, transfer, and use of land.

*Article 169* also prohibits through international agreements the transit or dumping of toxic and other hazardous materials in national territory.

### 4.1.2 Environmental Law No48/2018 of 13/08/2018

The most relevant legislation for this document is the Environmental law. This is the law that regulates the protection of environment in Rwanda. The law sets out the general legal framework for environment protection and management in Rwanda. It also constitutes environment as a one of the priority concerns of the Government of Rwanda. The fundamental principle on national environmental protection policy develops national strategies, plans, and programs, aiming at ensuring the conservation and use of sustainable environmental resources.

The law gives right to every natural or legal person in Rwanda to live in a healthy and balanced environment. They also have the obligation to contribute individually or collectively to safeguard country's natural, historical, and socio-cultural heritage. The framework of the law on the protection and management of natural resources centres on avoiding and reducing the disastrous consequences on the environment. It measures results from environmental evaluation of policies, programmes and projects aimed at preventing the consequences of negative activities. The principle of sustainability of

environment and equity among generations emphasises human beings at the core of sustainable development. Therefore, they have a right to a healthy and productive life in harmony with nature. The protection and management of environment is currently registered in the environmental law that has been published in the official Rwanda Gazette in September 2018. The Ministry of Environment (MOE) which is responsible for the environment under the *Article 65* has put in place Rwanda Environment Management Authority (REMA) which is the institution now charged with the responsibility of ensuring environmental protection by demanding for EIA studies to be undertaken before development projects are executed, which are orchestrated by the Rwanda Development Board (RDB). The present organic law has the following objectives.

- To protect human and natural environment;
- To establish **fundamental principles of management and protection of environment** against all forms of degradation so as to develop natural resources and to fight all kinds of pollutions and nuisances;
- To **improve the living conditions of the population** while preserving ecosystems and available resources;
- To **ensure sustainable environment and resources** as well as rational and sustainable use of resources, taking into account the equality between the present and future generations;
- To guarantee to all Rwandans an economically viable, ecologically rational, and socially acceptable development;
- To **establish the precaution principle** in order to reduce the negative effects on Environment and ensure the rehabilitation of degraded areas.

Chapter 5 of Environmental law, *Article 30* clearly calls for the need to subject projects to **mandatory Environmental Impact Assessments (EIAs)**. *Article 3* states that every person has the duty to protect safeguard and promote environment. The State shall protect, conserve, and manage the environment.

*Article 33* states that the review and approval of environmental impact assessments, environmental audit, and strategic environmental assessment must be approved by the Authority or another state organ authorised in writing to do so by the Authority. If the approval is done by an authorised, such organ does so on behalf of the Authority which also responsible for its audit. With regards to the costs of conducting Environmental Assessments, Article 34 stipulates that consultancy cost for environmental audits and environmental assessments are borne by the project initiator.

Further to this law, through the Ministerial Order No 001/2018 of 25/04/2018, a list of **all the projects that must be subjected to mandatory EIA** has been put in place under articles 3 and 4 of this ministerial order.

### 4.1.3 Environmental Impact Assessment (EIA) regulations

REMA developed the EIA regulations which provide a guideline and requirements for EIA in Rwanda and orchestrated by the RDB. Projects with identified adverse impacts on environment call for a full EIA process for mitigation measures and thus the Ministerial Order No 001/ 2019 of 15/04/2019 **establishing the list of projects that must undergo environmental impact assessment, instructions, requirements, and procedures to conduct environmental impact assessment**. The order specifies the works, activities and projects that have to undertake an environmental impact assessment. The list of works, activities and projects that must undergo a full environmental impact assessment before being granted authorisation for their implementation is found in Annex I of the Order. The list of works, activities and projects that must undergo a partial EIA before being granted authorisation for their implementation is found in Annex II of the Order. Projects, works and activities which are not listed on the Annex I and II to the Order are not subject to the EIA. However, when it is evident that work, activity or project not listed on the Annex I and II to this Order has a negative and irreversible impact on the environment and is similar in nature to the work, activity or project listed in Annex I and II of this Order, the Authority or authorized organ may request the developer to conduct an environmental impact assessment.

### 4.1.4 Law N°27/2021 of 10/06/2021 governing land

This law determines the terms of use and management of land in Rwanda. It also fixes the principles to be applied to the recognized rights on the whole lands located along the national territory together with anything connected to it and which is incorporated to it, either naturally or artificially. The *Article 3*, precise that the land is involved (included) within the common inheritance of all the Rwandan people; the ancestors, the presents, and future generations. Notwithstanding the rights recognized to people, only the Government (State) holds the distinguished related to the land's management along the national territory that it uses in the general interest of all in order to assure the rational economic and social development in a way defined by the law. Related to this issue, only the Government has power to grant the rights of occupation and use of the land, it also has the right to order the expropriation due to a public cause of public necessity, housing conditions and development (fixing up) of the national territory in the way defined by law against a fair and previous compensation. The *Article 4* mentions that any kind of discrimination, in particular the one focused on gender and to the use of land's rights shall be prohibited. The people have the same rights related to the land's property regardless of their gender.

### 4.1.5 Law no 32/2015 of 11/06/2015 relating to expropriation in the public interests

The "Expropriation Law" provides for public dissemination on the importance of the project to be established and the need for expropriation. *Article 11* of the expropriation law stipulates that the relevant organ, after receiving the request for expropriation, shall examine the basis of that project proposal. In case it approves the basis of the project proposal, the relevant Land Committee shall request, in writing, the District

Council concerned to **convene a consultative meeting with the concerned 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 competent authority shall take a decision within a period of at least fifteen (15) days after the consultative meeting with the population.

*Article 9* stipulates that it is only the Government that shall order expropriation in the public interest and **must be done with prior and fair compensation**. The law also bars anybody from interfering of stopping expropriation "on pretext of self-centred interests." Accordingly, **Article 3** provides for any underground or surface activity carried out with in public interest on any land but with due and fair compensation to the landowner. **Article 4** requires that any project, at any level, which intends to carry out acts of expropriation in the public interest, must budget and provide funding for valuation of the property of the person to be expropriated and for fair compensation.

### 4.1.6 Ministerial Order No2 of 17/05/2012 determining conditions for occupational health and safety

This order aims to improve health, safety, and general wellbeing of workers in workplaces by promoting occupational health and safe practices[3] in order to eliminate occupational accidents and diseases, hence achieve better productivity in the workplaces. In addition, it provides for the protection of persons other than those at work against hazards to health and safety arising out of or in connection with activities of persons at work. For instance, *Article 24* which is related to the passage for people living with disabilities specifies that every workplace including schools shall have specific passage for person with disabilities such as the passage for wheelchairs, guardrails, and other devices. *Article 29* relates to the control of air pollution, noise and vibration stipulates that when there is any dust, fume or other impurities which are harmful to persons employed, protective measures shall be taken to protect employees against inhalation of dusts or fumes or their accumulation in the workplace. For noise and vibration, the same article indicates that all practicable protective measures shall be taken by the employer to protect the safety of workers against noise by reducing, eliminating, or controlling of sounds, as well as protection from vibration.

### 4.1.7 Rwanda National Strategy for Transformation

The Rwanda National Strategy for Transformation (NST1) is the national development plan. It considers **environment and climate change as key strategic areas**. With regard to environmental management, the focus is on improving cross-sectoral coordination to ensure smooth implementation of environmental policies and regulations. In this regard, critical sectors identified for strengthening include: (i) agriculture, (ii) urbanization, (iii) infrastructure and land use management. Additional emphasis will be put on strengthening monitoring and evaluation. High impact areas selected include implementation of: Environmental (and Social) Impact Assessments, biodiversity and ecosystem management, pollution, and waste management. With

[3] Referred to as Environment , Health, and Safety - EHS issues in the frameworks

regard to disaster management, interventions are focused on the sectors of agriculture, infrastructure, education, environment and natural resources, information and communication technology, health, the private sector, youth, and social protection.

### 4.1.8 Rwanda Land Policy

The Rwanda Land Policy calls for rational use and sound management of national land resources, and that land use is based on established Master Plans. The policy also provides development of land use plans based upon suitability of areas/lands, thus distinguishing the different categories of land and their respective purposes. For the use and management of hillsides and marshlands, the policy stipulates that marshlands meant for agriculture should only be developed after adequate planning and an EIA.

### 4.1.9 National Wetland Conservation Programme

Though not a policy as such, the wetland convention implementation office in Rwanda has formulated a National Wetland Conservation Program for 2002-2030 jointly working with the National Commission for Development and Reform, and the Ministries of Finance, Education, Scientific Research and Technology, Environment, Lands, Water and Natural Resources and Agriculture. The programme aims to engage various Government ministries in wetland conservation to ensure a comprehensive approach to wetland management. All authorities concerned will have to coordinate any activities associated with wetland management and policies. To avoid further exploitation of the resources, the Rwandan Government has established rules governing wetlands in the country. Any activities concerning water and its resources, such as the use of wetlands, are subject to an EIA, which is submitted for approval to REMA and associated authorities, i.e., the RDB. During the project site selection, the proponent should effectively avoid wetlands.

### 4.1.10 Water and Sanitation Policy

The sectoral policy on water and sanitation is based on Sustainable Development Goals (SDGs) and the Poverty Reduction Strategy. The policy provides for decentralisation in line with the national decentralisation policy, institutional aspects, integrated watershed management, monitoring and assessment and participatory approach to water and sanitation among other sectoral reforms in Rwanda. The policy identifies the sub-sector constraints and proposes measures to achieve policy objectives for improving the living conditions of the population through optimal use of water resources and access for all to water and sanitation services.

One of the programmes of this policy is the water supply and sanitation programme in rural areas in order to achieve the goals and objectives of the SDGs. National programmes aim to improve the population rates for access to water and sanitation facilities. Objective 7 of the policy also recommends the enhancement of storm water management to mitigate impacts on properties, infrastructure, human health, and the environment.

## 4.2 National institutions

The responsibility for the formulation and implementation of environmental regulations and polices rests with the Ministry of Environment (MOE). Meanwhile, some environmental management aspects related to development projects are also dealt with by several other institutions, among which the most prominent is the Rwanda Development Board (RDB) for EIAs with support from Rwanda Environment Management Authority (REMA). These authorities decide if there is a need to apply either a partial or full EIA for different projects.

### 4.2.1 Ministry of Environment

The MOE has the principal responsibility for developing land utilisation policies (including surveying, land classification, land laws and land tenure); the development of environmental policies and procedures (including environmental impact assessments), protection of natural resources (water, land, flora, and fauna), environmental legislation, biodiversity, and other environmental aspects provided by the Environment Law, among others.

### 4.2.2 Rwanda Environmental Management Authority (REMA)

The overall responsibility of the management of the environment lies with the REMA as stipulated by its establishment law of 2003. The functions of REMA are to:

- Advise the Government on legislative and other measures for the management of the environment or the implementation of relevant international conventions, treaties, and agreements in the field of environment, as the case may deem necessary;
- Take stock and conduct comprehensive environmental audits and investigations, and to prepare and publish biannual reports on the state of natural resources in Rwanda;
- Undertake research, investigations, surveys, and such other relevant studies in the field of environment and disseminate the findings;
- Ensure monitoring and evaluation of development programmes in order to control observance of proper safeguards in the planning and execution of all development projects, including those already in existence, which have or are likely to have significant impact on the environment;
- Participate in the setup of procedures and safeguards for the prevention of accidents and phenomena which may cause environmental degradation and propose remedial measures where accidents and those phenomena occur;
- Render advice and technical support, where possible, to entities engaged in natural resource management and environmental protection;
- Provide awards and grants aimed at facilitating research and capacity building in matters of environmental protection.

### 4.2.3 Rwanda Development Board (RDB)

RDB is a one stop institution bringing together several government bodies in Rwanda focused on promoting investment in Rwanda. RDB has a department responsible for EIA processes including screening and reviewing all projects' EIA reports, prior to approval before the implementation of development projects. This duty was previously undertaken by REMA, which now supports the RDB in the EIA process.

## 4.3 KfW guidelines

### 4.3.1 Introduction

KfW finances investments and related advisory services in developing and emerging countries on behalf of the German Federal Government. Priority areas are social development, environmental and climate protection, and the conservation of natural resources, and applies guidelines presented in their publication Sustainability Guideline Assessment and Management of Environmental, Social, and Climate Aspects: Principles and Procedures (February 2022).

The main objectives of KfW's guidelines are to:

- Define a common binding framework to incorporate environmental, social and climate standards into the planning, appraisal, implementation, and monitoring of Financial Cooperation (FC) measures;
- Enhance transparency, predictability, and accountability in the decision-making processes of the internal Environmental and Social Due Diligence (ESDD) and climate assessments;
- Improve the due diligence of economic risks associated with FC Measures by taking account of the environmental, climate and social aspects.

The KfW Sustainability Guideline points out that Environmental and Social Impacts Assessments (ESIAs), or EIAs in Rwanda, and climate change assessments are core elements of the assessment procedure for KfW. They are, first and foremost, intended as a management tool to steer and shape projects over their entire life cycle, i.e., from planning to operation & maintenance. The essential steps of an ESIA and climate change assessment (screening, scoping and ESIA) are summarised in sub-sections below.

### 4.3.2 Pre-screening

The District Environment & Natural Resources Officer (ENRO) in close collaboration with project initiation unit should be able to undertake an exercise of visiting the site and reviewing the existing laws and ministerial orders that are guiding the decision of conducting an EIA prior to contacting an independent consultant The following steps should be considered to be able to determine if the partial of full EIA is needed or not:

- Visit the site to observe the magnitude of anticipated impacts upon the project site and surrounding areas,
- Check on land ownership to understand the land rights of the project developer,
- Consider the business plan, land-use master plan, project's structural design and land measurements/occupancy,

- Acquire information about similar projects that were implemented somewhere else,
- Review the list of projects published by Ministerial order to determine if a project has to undergo an EIA.

### 4.3.3 Screening

Preliminary appraisal, called 'Screening', aims at determining the environmental, climate and social relevance of a project. All projects are classified into one of the following three categories A (high risk), B+" (substantial risk), "B" (moderate risk) or C (low risk), according to the relevance of their potentially negative E&S impact.

- *Category A*: Potential significant adverse environmental or social risks and/or impacts that are diverse, irreversible, or unprecedented.
- *Category B*: potential impacts and risks of Category B are limited to a local area, are in most cases reversible and easier to mitigate through appropriate measures. The need, scope, priorities, and depth of an ESIA are determined on a case-by-case basis. If it is expected that a Category B has single significantly adverse environmental and social impacts or risks, i.e., Category B+, an ESIA and an ESMP as well as an ESMS adapted to these impacts and risks are required, as described under Category A.
- *Category C*: Minimal or no adverse environmental or social risks and/or impacts. In the KfW context this is usually not the rehabilitation, extension, upgrading or construction of infrastructure.

Most of the projects coordinated and funded through LODA are expected to be categorized as "Category B" and "Category B+". "Category A" projects are usually not implemented at decentralised level (e.g., construction of new roads and waste treatment facilities). A screening checklist to guide the categorization is provided in Appendix 1 of the KFW guidelines. But it is important to add that EIA is performed for all the LODA projects according to the national legislation. RDB is mandated to confirm the categorisation of the project after conducting the field visits, as well as checking the project brief and draft Terms of Reference (ToR)

### 4.3.4 Scoping

During the Scoping stage for KfW's projects, an appropriate E&S assessment is fulfilled in close cooperation with the executing agency (Rwanda Development Board – RDB), in order to identify and assess more accurately each project's potential environmental, climatic, and social consequences and risks. This process includes detailed Terms of Reference (ToR) for the EIA as discussed in Part II: ESMF, and further potential studies, e.g., RAP, as discussed in Part II: LACRPF.

### 4.3.5 Environmental and Social Impact Assessment

The final step in KfW guidelines is to conduct the Environmental and Social Impact Assessment (ESIA), or EIA in Rwanda, and any further complimentary studies. These are based upon the outcomes of the screening and scoping stages, and foremost the ToR for the project.

### 4.3.6 Application of the Federal Ministry for Economic Cooperation and Development's (BMZ) guidelines on human rights, 2011

KfW applies BMZ's guidelines on human rights to ensure the systematic mainstreaming of human rights in German development policy. In May 2011, the BMZ published its "Human Rights in German Development Policy" strategy paper. This strategy paper is binding for all institutions involved in bilateral German development cooperation including KfW. It provides for the mainstreaming of the human rights-based approach throughout all priority areas and sectors of development cooperation. The human rights-based approach requires that civil and political, economic, social, and cultural rights as well as human rights standards and principles are systematically referred to. As prescribed by international human rights law, the human rights-based approach comprises special protection and targeted support for disadvantaged or marginalised groups.

## 4.4 The World Bank Environmental and Social Standards

### 4.4.1 Environmental and social standards of the World Bank

The following **Table 2-1** presents the ten World Bank's "Environmental and Social Standards" (ESSs) and their relevance to the LODA framework regarding the national regulatory framework and specific and relevant gaps, which need to be addressed for LODA and their international donors and partners.

Table 4-1: Rwanda's Policy and Legal Framework compared with WB

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| ESS No 1: Environmental and Social risks assessment and management | | |
| The ESS No. 1 defines the responsibilities of programme implementing agencies to assess, manage and monitor the environmental and social risks and impacts associated with each stage of a programme, in order to achieve E&S outcomes consistent with the SES.<br>Its main objectives are to:<br>1. Adopt a hierarchical approach to mitigation (anticipate and avoid, then minimize or reduce, then mitigate, then compensate for residual impacts)<br>2. Adopt differentiated measures to ensure that disadvantaged or vulnerable people are not disproportionately affected by negative impacts and are not disadvantaged in the sharing of benefits and | • Law on environment N°48/2018 of 13/08/2018<br>• Ministerial order No 001/ 2019 of 15/04/2019 establishing the list of projects that must undergo EIA, instructions, requirements, and procedures to conduct EIA<br>• Ministerial order no 002/2021 of 08/02/2021 determining procedures for conducting strategic environmental assessment<br>• Law n°36/2016 of 08/09/2016 establishing Rwanda association of professional environmental practitioners and determining its organization and functioning | Programme activities may include farming, social protection, rehabilitation or construction buildings and roads, which will have to comply with the procedures defined in this ESMF, in accordance with the World Bank's sustainable National Legislations such as Law on environment as well as the ministerial orders that is establishing projects to undergo ESIA<br>No gap between ESS and national regulation |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| development opportunities resulting from the programme<br>3. Use national environmental and social institutions, systems, laws, regulations and procedures in the assessment, development, and implementation of programmes, where appropriate<br>4. Promote improved environmental and social performance in a way that recognizes and builds the capacity of programme implementing agencies. | | |
| ESS No 2: Labour and working conditions | | |
| The main ESS 2 objectives are to:<br>1. Promote safety and health at work<br>2. Promote the fair treatment, non-discrimination, and equal opportunity of project workers<br>3. Protect project workers, including vulnerable workers such as women, persons with disabilities, children (of working age, in accordance with this ESS) and migrant workers, contracted workers, community workers, and primary supply workers, as appropriate<br>4. Prevent the use of all forms of forced labour and child labour | The LODA activities are also subjected to follow the national legislations which include:<br>1. Law No 66/2018 of 30/08/2018 regulating labour in Rwanda (labour law)<br>2. Ministerial order No 01 of 17/05/2012 determining modalities of establishing and functioning of occupational health and safety committees<br>3. Ministerial order No 02 du 17/05/2012 determining conditions for occupational health and safety | No Gaps between ESS and the national regulation. However, OHS practices rarely applied at the project site. No regular reports are being produced by District staff since the OHS task is being overseen by Labour inspector who is normally working and Ministry labour and public service not under District directives |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| 5. To support the principles of freedom of association and collective bargaining of project workers in a manner consistent with national law.<br>6. Provide project workers with accessible means to raise workplace concerns | 4. Ministerial order No 005/19.20 of 17/03/2020 determining modalities for the implementation of working hours a week in the private sector<br>5. Ministerial order No 001/19.20 of 17/03/2020 relating to labour inspection<br>6. Ministerial order No 007/19.20 of 17/03/2020 determining core elements of a written employment contract | |
| ESS No.3: Resource efficiency and pollution prevention and management | | |
| The main ESS 3 objectives are to:<br>1. Promote the sustainable use of resources, including energy, water, and raw materials<br>2. To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from program activities<br>3. Avoid or minimize program-related emissions of short- and long-term climate pollutants<br>4. Avoid or minimize the generation of hazardous and non-hazardous waste<br>5. Minimize and manage the risks and impacts associated with pesticide use | • Law on environment N°48/2018 of 13/08/2018<br>• Law N° 18/2016 of 18/05/2016 governing the preservation of air quality and prevention of air pollution in Rwanda<br>• National Sanitation Policy (2016) published by Ministry of Infrastructure | LODA in close partnership with District will ensure to implement all projects with strict enforcement of protecting water bodies, natural and man-made forests. All project stakeholders will work together to combat all form of pollution.<br>No gaps between ESS and notional regulation- even the penalties are being applied |
| ESS No 4 : Community health and safety | | |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| The main ESS 4 objectives are to:<br>1. Anticipate and avoid adverse impacts on the health and safety of project-affected communities during the project life cycle from both routine and non-routine circumstances<br>2. Promote quality and safety, and considerations relating to climate change, in the design and construction of infrastructure, including dams<br>3. Avoid or minimize community exposure to project-related traffic and road safety risks, diseases, and hazardous materials<br>4. Have in place effective measures to address emergency events<br>5. Ensure that the safeguarding of personnel and property is carried out in a manner that avoids or minimizes risks to the project-affected communities | • Health Sector Policy (2015) published by Ministry of Health<br>• National Occupational Safety and Health Strategy(2019-2024) by Ministry of Public Service and Labour | The LODA Environment, Health, and Safety(EHS) user manual as well as Kinyarwanda OHS booklet will be useful tools for Districts to prevent diseases that might attack the communities that is involved or surrounding the project. Voluntary testing for non- communicable diseases(NCD) will be applied for workers and surrounding communities<br>No gap observed. However, the enforcement is far from being effective. The contractors are often reluctant in running the required testing for workers as well as for surrounding community |
| ESS No 5: Land acquisition, restrictions on land use and involuntary resettlement | | |
| The main ESS 5 objectives are to:<br>1. Avoid involuntary resettlement or, when unavoidable, minimize involuntary | • Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest<br>• Law governing land No 27/2021 of 10/06/2021 | The expropriation law of 2015 is providing guidelines of avoiding unnecessary and involuntary resettlement. However, they |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| resettlement by exploring project design alternatives<br>2. Avoid forced eviction<br>3. Mitigate unavoidable adverse social and economic impacts from land acquisition or restrictions on land use by: (a) providing timely compensation for loss of assets at replacement cost and (b) assisting displaced persons in their efforts to improve, or at least restore, their livelihoods and living standards, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher<br>4. To improve living conditions of poor or vulnerable persons who are physically displaced, through provision of adequate housing, access to services and facilities, and security of tenure<br>5. To conceive and execute resettlement activities as sustainable development programs, providing sufficient investment resources to enable displaced persons to benefit directly from the project, as the nature of the project may warrant<br>6. To ensure that resettlement activities are planned and implemented with appropriate | • Law No 20/2011 of 21/06/2011 Governing Human Habitation in Rwanda<br>• Prime Minister's order n° 008/03 of 03/07/2022 determining modalities for land allocation and acquisition, emphyteutic lease, and state land concession and lease<br>• Ministerial order no 003/MOE/22 of 15/02/2022 determining categories of land subject to freehold and modalities for granting freehold<br>• Ministerial order n° 006/MOE/22 of 12/05/2022 on land registration<br>• Rwanda Building Code – version of 2019<br>• Law No 10/2012 of 02/05/2012 governing urban planning and building in Rwanda<br>• Law No 17/2010 of 12/05/2010 establishing and organising the real property valuation profession in Rwanda | compliance in far from the standard. Districts and LODA will continue to mobilise necessary funding to cover the RAP, property valuation as well the payment for project affected people.<br>According to Rwanda building code of 2019 For any building illegally erected without a building permit, the owner shall not be compensated in case of expropriation for public interest<br>Urban planning law states that Expropriated land in public interest shall become the private domain of the expropriating institution<br>• There is a big gap in regulating RAP/ARAP, Livelihood Restoration plan (LRP) and other social related assessments<br>• No guidance on determining an entitlement matrix<br>• Compensation is only required for landowners with formal land title.<br>• Compensation cost is based on market price but does not include relocation assistance |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| disclosure of information, meaningful consultation, and the informed participation of those affected. | | • No guidance on implementation monitoring & evaluation of the resettlement process. |
| ESS No 6: Biodiversity conservation and sustainable management of living natural resources | | |
| The main ESS 6 objectives are to:<br>1. Protect and conserve biodiversity and habitats<br>2. Apply the mitigation hierarchy4 and the precautionary approach in the design and implementation of projects that could have an impact on biodiversity<br>3. Promote the sustainable management of living natural resources<br>4. Support livelihoods of local communities, including Indigenous peoples, and inclusive economic development, through the adoption of practices that integrate conservation needs and development priorities. | • Prime minister's order no006/03 of 30/01/2017 drawing up a list of swamp lands, their characteristics and boundaries and determining modalities of their use, development, and management<br>• Law n°47bis/2013 of 28/06/2013 determining the management and utilisation of forests in Rwanda<br>• Law n° 064/2021 of 14/10/2021governing biological diversity<br>• Ministerial order No 007/2008 of 15/08/2008 establishing the list of protected animal and plant species<br>• law n°62/2008 of 10/09/2008 putting in place the use, conservation, protection, and management of water resources regulations | The 2018 Law on Environment in its article 14 has illustrated that The following acts are subjected to be granted a permission prior its implementation for:<br>• Keeping of wild animals or products from wild animals;<br>• Hawking, sale, exchange of and trade in wild animals<br><br>No gaps observed |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| ESS No 7: Indigenous peoples/sub-Saharan African Historically Underserved traditional local Communities | • The constitution of the republic of Rwanda of 2003 revised in 2015 | *Article 16*: Protection from discrimination All Rwandans are born and remain equal in rights and freedoms. Discrimination of any kind or its propaganda based on, inter alia, ethnic origin, family or ancestry, clan, skin colour or race, sex, region, economic categories, religion or faith, opinion, fortune, cultural differences, language, economic status, physical or mental disability or any other form of discrimination are prohibited and punishable by law. Therefore, the protection of Indigenous people is envisaged in equal rights of all Rwandans |
| ESS No 8 : Cultural heritage | | |
| The main ESS 8 objectives are to:<br>1. Protect cultural heritage from the adverse impacts of project activities and support its preservation<br>2. Address cultural heritage as an integral aspect of sustainable development<br>3. Promote meaningful consultation with stakeholders regarding cultural heritage<br>4. Promote the equitable sharing of benefits from the use of cultural heritage | • The Constitution of the Republic of Rwanda of 2003 revised in 2015<br>• Law No 28/2016 of 22/7/2016 on the preservation of cultural heritage and traditional knowledge<br>• Presidential Order N° 082/01 of 28/08/2020 establishing the Rwanda Cultural Heritage Academy<br>• Law No 48/2018 of 13/08/2018 on environment | Article 11 of the Constitution states that that in order to build the nation, promote national culture and restore dignity, Rwandans, based on their values, initiate home-grown mechanisms to deal with matters that concern them.<br>Article 47 has provided to state the duty safeguarding and promote national values based on cultural |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| | • Law No 62/2018 of 25/08/2018 governing public procurement | traditions and practices so long as they do not conflict with human rights, public order, and good morals.<br>The law on environment, the stated is committed to honour the following obligations:<br>• To establish the list of species of animals and plants that must be protected depending on their role in ecosystems, their scarcity, their aesthetic value, their threat to extinction and their economic, cultural, and scientific role<br>• To identify areas to be protected for conservation or rehabilitation of ecosystems, forests, woodlands, species of biodiversity and protected zones, monuments, historical sites, and landscapes.<br>The procurement law of 2018 promotes the use of local materials in all sectors of country life<br><br>The Presidential Order defines cultural heritage as a tangible and intangible heritage of a local community or of a natural person related to the cultural |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| | | tradition passed down from generation to generation and with a particular value in terms of science, technology, history and archaeology, philosophy, crafts and religion and other areas related to culture.<br><br>No gap observed |
| ESS No 9 : Financial intermediaries | | |
| The main ESS 9 objectives are to:<br>1. Set out how the financial Intermediaries(FI) will assess and manage environmental and social risks and impacts associated with the subprojects it finances<br>2. Promote good environmental and social management practices in the subprojects the FI finances<br>3. Promote good environmental and sound human resources management within the FI | • Law N° 39/2017 of 16/08/2017 establishing the National Fund for Environment and determining its mission, organisation, and functioning<br><br>• N°161/03 of 28/11/2018 Prime Minister's Order determining the supervising organ of the National Fund for Environment | Article 35 of the 2018 law on environment has captured the role of state in providing financing mechanisms to support Government initiatives, initiatives of administrative entities, national and international non-governmental organisations aiming at protecting environment and building climate resilience<br><br>No gap observed |
| ESS No. 10: Stakeholder engagement and information disclosure | | |
| The main ESS 10 objectives are to:<br>1. Establish a systematic approach to stakeholder engagement that will help | • Law n° 04/2013 of 08/02/2013 relating to access to information | The article 10 of Ministerial order that determines projects that must undergo the ESIA indicates the stakeholders |

| World Bank Environmental and Social Standards (ESS) | Relevance on National Regulatory Framework | Remarks and Gaps Analysis |
|---|---|---|
| Borrowers identify stakeholders and build and maintain a constructive relationship with them, in particular project-affected parties<br>2. Assess the level of stakeholder interest and support for the project and to enable stakeholders' views to be taken into account in project design and environmental and social performance<br>3. Promote and provide means for effective and inclusive engagement with project-affected parties throughout the project life cycle on issues that could potentially affect them<br>4. Ensure that appropriate project information on environmental and social risks and impacts is disclosed to stakeholders in a timely, understandable, accessible, and appropriate manner and format | • National decentralization policy (2021) released by Ministry of Local Government (especially under Pillar No 5)<br>• Ministerial Order No 001/ 2019 of 15/04/2019 establishing the list of projects that must undergo EIA, instructions, requirements, and procedures to conduct EIA<br>• Ministerial order no 002/2021 of 08/02/2021 determining procedures for conducting strategic environmental assessment | may comment on the environmental impact assessment report and express views on the impacts of the proposed project. The authorised organ covers all costs of the public hearing process. Realistically, this process is rarely implemented<br>Communication and stakeholder's engagement is one of the key tools to implement decentralisation of each policy and program in Rwanda.<br>No gap observed |

### 4.4.2 The World Bank Group Environment, Health, and Safety guidelines

The Environment, Health, and Safety (EHS) guidelines are technical reference documents with general and industry-specific examples of Good International Industry Practice (GIIP), as defined in IFC's Performance Standard 3: Resource Efficiency and Pollution Prevention. The World Bank uses the EHS Guidelines as a technical source of information during project appraisal activities.

The EHS Guidelines contain the performance levels and measures that are normally acceptable to the World Bank, and that are generally considered to be achievable in new facilities at reasonable costs by existing technology. When host country regulations differ from the levels and measures presented in the EHS Guidelines, projects will be required to achieve whichever is more stringent.

Relevant EHS Guidelines for LODA activities comprise:

- General EHS Guidelines,
- Waste Management Facilities,
- Water and Sanitation,
- Electric Power Transmission and Distribution,
- Health Care Facilities,
- Toll Roads (for heavy transport).

## 4.5 United Nations guidelines

### 4.5.1 FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests (VGGT), 2012

The VGGT[4] seek to improve governance of tenure of land, fisheries, and forests. They seek to do so for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development, environmental protection, and sustainable social and economic development. All programmes, policies, and technical assistance to improve governance of tenure through the implementation of these Guidelines should be consistent with States' existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments.

[4] FAO : Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security is accessible via http://www.fao.org/nr/tenure/voluntary-guidelines/en/

### 4.5.2 UN basic principles and guidelines on development-based evictions and displacement

The UN Basic Principle on Development-based Evictions and Displacement, namely §§ 42, 49, 52, 54 and 60 address the human rights implications of development-linked evictions and related displacement in urban and/or rural areas. The UN basic principle applies to acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection. In the context of the guidelines, development-based evictions include evictions often planned or conducted under the pretext of serving the "public good".

### 4.5.3 ILO Core Labour Standards

International labour standards are legal instruments drawn up by the ILO's constituents (governments, employers, and workers) setting out basic principles and rights at work. They are either Conventions, which are legally binding international treaties that may be ratified by member States, or Recommendations, which serve as non-binding guidelines. Ratifying countries commit themselves to applying the Convention in national law and practice and to reporting on its application at regular intervals. The ILO's Governing Body has identified eight Conventions as "fundamental":

1. Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)[5]
2. Right to Organise and Collective Bargaining Convention, 1949 (No. 98)[6]
3. Forced Labour Convention, 1930 (No. 29)[7]
4. Abolition of Forced Labour Convention, 1957 (No. 105)[8]
5. Minimum Age Convention, 1973 (No. 138)[9]
6. Worst Forms of Child Labour Convention, 1999 (No. 182)[10]
7. Equal Remuneration Convention, 1951 (No. 100)[11]

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5 According to ILO's Information System on International Labour Standards (NORMLEX) in force since 1988 (Source : https://www.ilo.org/dyn/normlex/en/)

6 Idem

7 According to ILO's Information System on International Labour Standards (NORMLEX) in force since 2001

8 Idem

9 According to ILO's Information System on International Labour Standards (NORMLEX) in force since 1981

10 According to ILO's Information System on International Labour Standards (NORMLEX) in force since 2000

11 According to ILO's Information System on International Labour Standards (NORMLEX) in force since 1980

8. Discrimination (Employment and Occupation) Convention, 1958 (No. 111).[12]

## 4.6 AFD guidelines

AFD uses similar steps to KfW as described in Section2.2.1 of this framework document. AFD also requires the following:

- *Environmental and social commitments plan development and monitoring*: AFD makes its financing conditional to the implementation of an Environmental and Social Commitment Plan (ESCP) to be defined with the project owner, and which shall be monitored on a regular basis during the implementation of project activities, and similar in part to WB and LODA procedures;
- *E&S monitoring review by AFD*: During the project implementation phase, AFD reviews the findings of the environmental and social commitments monitoring. Upon completion of the operation, AFD oversees the ex-post evaluation mission, in partnership with the project owner, and similar in part to WB and LODA procedures.

For AFD partnership projects with LODA, AFD will assist LODA to develop, implement, and strengthen its Environmental and Social Management Systems (ESMS). Effectively this aligned with LODA frameworks and would support the MEIS for at least the following elements:

- Exclusion list[13],
- E&S policy validation assistance,
- E&S risk management procedures based upon the categorisation of investments,
- E&S due diligence fully integrated to the credit cycle,
- E&S manager and teams trained and fully involved,
- Annual reporting on E&S management,
- Satisfactory working conditions.

## 4.7 Separate E&S agreements for international partners and donors

It is important to note that specific E&S articles may also be agreed within contractual separate agreements between international organisations and LODA. This would allow for additional robust E&S measures to complement LODA frameworks, if applicable.

12 According to ILO's Information System on International Labour Standards (NORMLEX) in force since 1981

13 See AFD's Environmental and Social Framework, 2018

# 5 DESCRIPTION OF LODA AND DISTRICT STRUCTURES AND LODA ACTIVITIES

## 5.1 LODA's mandate

LODA is one of the nine agencies under the supervision of the Ministry of Local Government (MINALOC) in Rwanda. The LODA law No 62/2013 of 27/08/2013 establishing the Local Administrative Entities Development Agency (LODA) and determining its mission, organisation and functioning defines in its Article 3 the mandate and main functions that are summarised in the context of these E&S guidelines as following:

- **Local development planning and resource mobilisation**: supporting development in local administrative entities; mobilisation and collection of funds for projects serving as an intermediary between the administrative entities and donors that fund development projects; putting in place mechanisms for distribution of funds at decentralised administrative entities and acting as intermediary between Central and Local Government.
- **Implementation of development strategies and Social Protection**: develop strategies for job creation (through work-intensive infrastructure activities) for a large number of people; develop strategies to assist those unable to perform such jobs; and contribute to public awareness for the culture of saving money and working with banks and microfinance institutions.
- **Awareness, capacity building and citizen participation**: contribute to awareness raising and capacity building of LG staff and local populations through analysis and finding solutions to problems, and to contribute to awareness of benefits from participating in development activities for them.
- **Monitoring and Evaluation**: Monitor the use of funds invested by Districts in social protection and local economic development.

## 5.2 LODA's organisational chart

The organisational structure of LODA pivots around one office and three divisions, namely:

- Director General's Office (DGO)
- Community Development Strategy and Coordination Division (CDSC)
- Local Government Strategic Planning Division (LGSP)
- Corporate Services Division (CS)

In addition, there is a Single Project Implementation Unit (SPIU) that manages internationally supported activities, such as WB, KFW etc. In short, the SPIU unit is responsible to manage the implementation of all projects to ensure the achievement of projects goals and the sustainability of expected outcomes under the guidance of the Director General.

E&S risk management and monitoring is an integral responsibility of the Director of the Local Economic Development Unit (LEDU). This responsibility includes the updating of and compliance with monitoring and evaluation through the MEIS. The LODA organisational chart is shown in Figure 3-1.

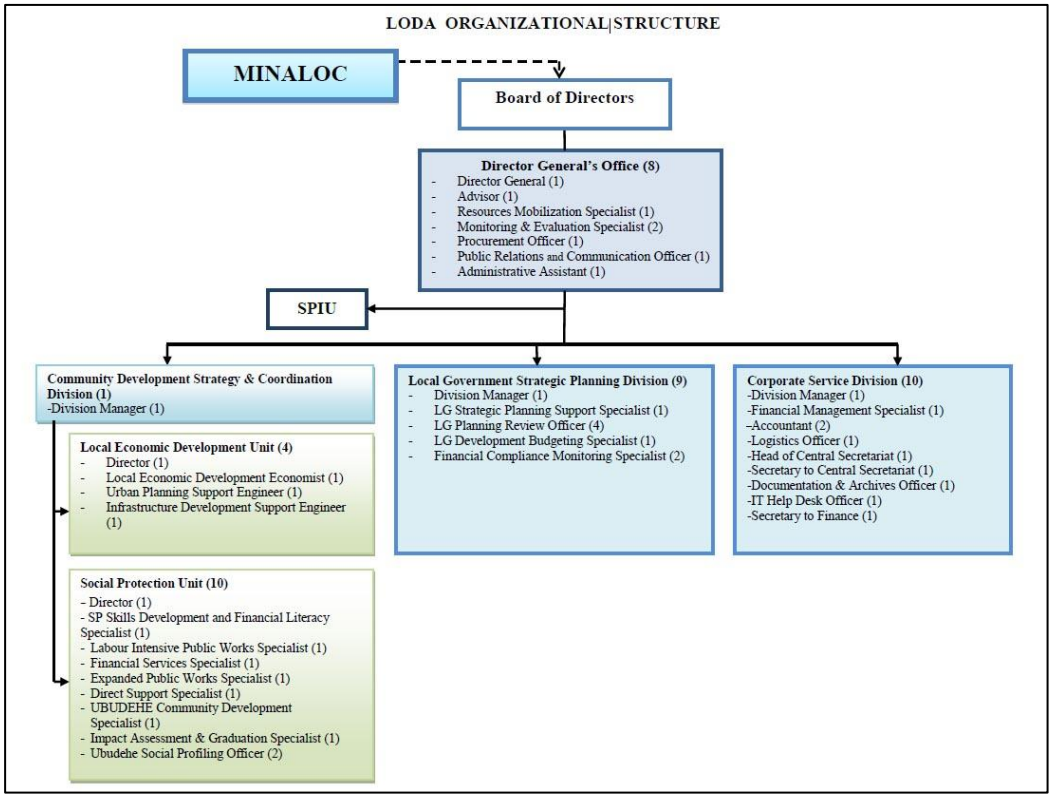



Figure 5-1: LODA organisational chart (20/08/2020)

## 5.3 District organisational chart

The organisational structure of the rural Districts includes the leading persons (District Council, Major and Executive Secretary), the administrative bodies (Finance and Human Resources), and the Executing Units below:

- Infrastructure One-Stop Centre,
- Business Development and Employment,
- Agriculture & Natural Resource,
- Good Governance,
- Social Development,
- Health,
- Education.

In addition, there is the Infrastructure One Stop Centre in the District offices including an Environmental Officer, Land Valuation Officer, Land Surveyor and Land Administrator, who are responsible for all issues related to permitting and licensing at District levels. The Planning, Monitoring & Evaluation Unit is responsible for oversight and for reporting to the ministries and agencies at country level and

inputting key indicators into LODA's MEIS. The Rural District organisational chart is shown in Figure 3-2.

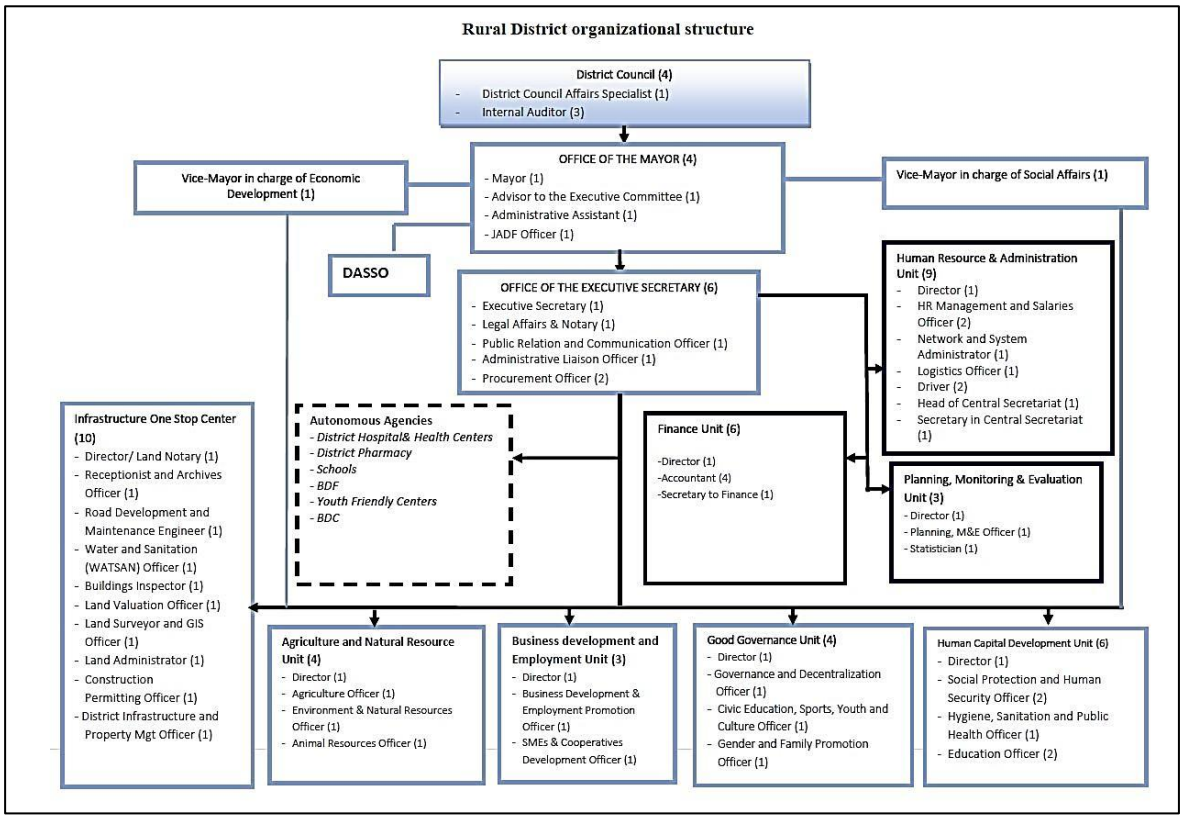



Figure 5-2: Rural District Organisational Structure (as of 23/08/2020)

## 5.4 Project types funded by LODA and subject to LODA's ESMF & LACRPF

The types of projects coordinated through LODA at District level are included in the table below.

Table 5-1: Project and infrastructure types coordinated through LODA

| No | Sector (2nd Level) | Project type (3rd level) |
|---|---|---|
| 1 | Education | Day Care Centres, Nurseries, Preschools, Primary Schools, Secondary Schools, Technical and vocational training centres, and other educational infrastructures. |
| 2 | Health | Health posts, health centres, hospitals, and other healthcare infrastructures. |
| 3 | 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 infrastructures. |

| No | Sector (2nd Level) | Project type (3rd level) |
|---|---|---|
| 4 | Decentralisation | District, Sector Office Buildings, sports infrastructure, cultural infrastructure & heritage, and other administrative infrastructures. |
| 5 | Urbanisation & Rural Settlements | Informal settlements (upgrading), affordable housing, IDP model villages / green villages, and other urbanisation projects. |
| 6 | Environment and Natural Resources | Afforestation and related activities, terraces (non-agricultural), erosion control ditches, flood prevention / standalone drainage, and other environmental protection infrastructures. |
| 7 | Transport | District roads: class I and II, standalone bridges (for District roads: class I and II), bus terminals / car parks, public lighting, PW Road Maintenance, and other LG road infrastructure |
| 8 | Energy | Grid electricity, solar energy, mini-hydropower pants, biogas, household energy saving systems, and other energy supply infrastructures. |
| 9 | Agriculture | Terraces (agricultural usage), irrigation schemes, fruit tree planting, wetland drainage, cold storage facilities, drying floors and storage facilities, feeder roads, greenhouses, and other agricultural activities. |
| 10 | Private Sector Development | Modern markets, selling points and other small market infrastructures, slaughterhouses, guesthouses and hotels, recreation centres / parks / tourism sites, development of industrial zones, non-agricultural processing units and incubators / ICPC, wholesale facilities and outlets (industrial), and non-infrastructure LED activities. |
| 11 | Ubudehe | Ubudehe community projects and Ubudehe household projects |
| 11 | VUP Public Works | Public works projects implemented under VUP |

The most common project types that have been implemented with the support of donor funds are transport projects, mainly district roads and bridges, agricultural projects such as radical and progressive terraces and reforestation, water supply schemes, schools, health centres, modern markets, electrification, and administrative building.

## 5.5 Projects to be excluded from LODA activities

The following activities that are excluded from LODA activities and this ESMF and LACRPF derive from the KfW exclusion list[14]:

- Production or trade in any product or activity deemed illegal under host country laws or regulations or international conventions and agreements, or subject to international bans, such as pharmaceuticals, pesticides/herbicides, ozone depleting substances, PCBs, wildlife, or products regulated under CITES;
- Production or trade in weapons and munitions;
- Production or trade in alcoholic beverages (excluding beer and wine);
- Production or trade in tobacco;
- Gambling, casinos, and equivalent enterprises;
- Production or trade in radioactive materials. This does not apply to the purchase of medical equipment, quality control (measurement) equipment and any equipment where IFC considers the radioactive source to be trivial and/or adequately shielded;
- Production or trade in unbounded asbestos fibres. This does not apply to purchase and use of bonded asbestos cement sheeting where the asbestos content is less than 20%;
- Drift net fishing in the marine environment using nets in excess of 2.5 km. in length;
- National and international sourcing of products for LODA projects will exclude sources which contravene any international human rights conventions.

## 5.6 Project activities causing E&S Impacts

The main activities causing E&S impacts during the key phases of projects are presented in the sub-sections below.

### 5.6.1 Planning phase

Project activities causing E&S impacts include:

- Land take and resulting threats to local peoples' livelihoods,
- Lack of early planning of project design and project's resource use with resulting potential threats to local peoples' livelihoods,
- Lack of early community engagement and resulting loss of community trust,
- Lack of early site assessment and resulting potential damage to cultural heritage, critical habitats, and other sensitive natural resources, due to poorly planned siting of project,

[14] KfW Development Bank only supports new projects that are in line with the "Exclusion List of KfW Group"3. Further, for FC-measures with financial intermediaries (FI) the IFC Exclusion List4 applies complementary. Source: Section 4.8 of KfW's Sustainability Guideline Assessment and Management of Environmental, Social, and Climate Aspects: Principles and Procedures, February 2022.

- Lack of assessment of potential impacts from other projects in the area and resulting cumulative impacts due to lack of communication and foresight associated with other project development in an area.

### 5.6.2 Construction phase

Project activities causing E&S impacts include:

- Use of resources e.g., land, water, and trees, and resulting threats to local peoples' livelihoods;
- Earth works and use of heavy equipment and vehicles and resulting air and noise emissions;
- Use of hazardous materials and resulting potential pollution of soil and water resources;
- Movement of soil and excavations and resulting potential soil erosion;
- Construction activities involving workforces including subcontractors and resulting potential risks to workers' health and safety;
- Hiring of workforces including subcontractors and resulting potential human rights issues;
- Construction activities and resulting potential impacts to critical habitats and other sensitive natural resources;
- Use of heavy machinery and vehicles and potential resulting accidents and potential risks to the health and safety of communities.

### 5.6.3 Operation & maintenance phase[15]

Project activities causing E&S impacts include:

- Use of trucks and vehicles and resulting potential accidents and risks to health and safety of communities;
- Use of water resources and resulting potential degradation of water quality and erosion patterns;
- Use of resources (e.g., water and land) and resulting potential long-term impacts upon local peoples' livelihoods;
- Traffic, operational activities and use of resources and the potential resulting disturbance of communities, e.g., noise, littering, dust.

15 Operational impacts are expected to be more relevant for waste treatment facilities, wastewater treatment plants and small-scale hydropower plants

### 5.6.4 Environmental protection and agricultural projects

*Project activities causing E&S impacts include:*

- Disturbance of critical habitats and other sensitive natural resources;
- Pollution of the environment and health risks due to use of pesticides;
- salinization of lands due to irrigation schemes;
- Labour intense work (without use of heavy equipment and machines) and resulting potential risks to workers' Health and Safety.

## 5.7 LODA project implementation process

The ideal implementation process includes project definitions planning, implementation, and monitoring between LODA, MINECOFIN, MINALOC and Local Governments/ Districts, as outlined in the flow chart in Figure 5-3. Feasibility studies and the EIA[16] should be available when the Project Profile Document (PPD) is submitted to LODA by the Districts. The PPD is effectively a risk assessment "screening" of each project.

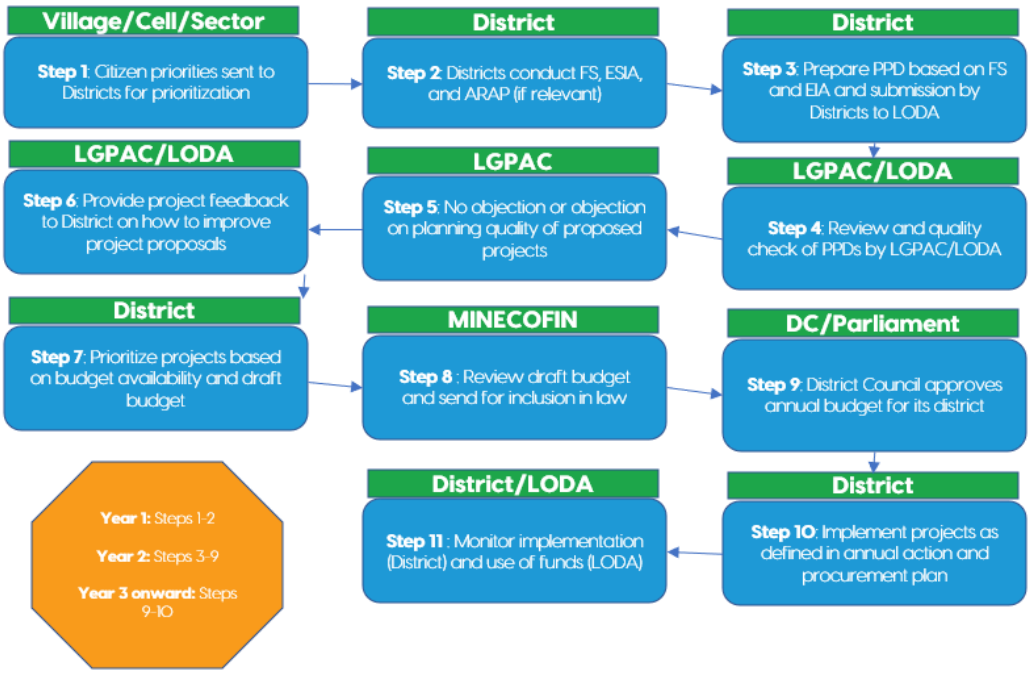



Figure 5-3: LODA project implementation process

16 2015/19 Ministerial Order for full or partial Environmental Impact Assessments (EIAs)

**Year 1 : Step 1 - Citizen priorities**

The Districts collect proposed projects through two main channels:

i. One is from citizen priorities or needs consolidated along the administrative entities from the villages, to cells, to sectors and then finally by Districts. The identified needs are finally subject to review by the Districts in line with the District and National Development Strategies and Plans. The projects that are identified to be in line with the Strategies and Plans are then prioritised for the next stage.

ii. In another scenario, the National Government, in line with sector strategic plans or other national directives, may request Districts to prioritise certain projects aimed at achieving components of the development agenda. These projects are then prioritized by the District and may be included in the District's priority list of projects to be submitted to the Local Government Project Advisory Committee (LGPAC), a committee which entails Ministry officials from all relevant Ministries (MINALOC and MINECOFIN), , representatives of the Province and LODA to technically review and provide recommendations to LG on the planned investment decisions. LODA is the responsible secretariat of the LGPAC.

iii. Emergency incidents in a District may also cause prioritisation of particular projects that may provide remedies, even if they do not align with the District Development Strategy.

**Step 2 - Feasibility and EIA/RAP**

The LG project funding process requires that the prioritised projects at District level are subject to feasibility studies and their technical, financial, legal, operational, environmental, and social parameters are understood. Once the Districts are sure of their new infrastructure project plans, they will embark on detailed feasibility studies, including the EIAs, and RAPs as required (see Part III-LACRPF). These studies are done as stipulated in the *Guideline for Commissioning and Managing Feasibility Studies*. The feasibility studies include:

- Technical feasibility,
- Economic feasibility,
- Social feasibility,
- Environmental feasibility,
- Legal, political, and institutional feasibility, and
- Operational feasibility.

During the environmental feasibility study phase, an EIA is prepared for on the specific project, as required by the Rwanda's 2015/19 Ministerial Order for full or partial EIAs establishing the list of works, activities and projects that have to undertake an EIA. EIAs are required by law, and an authorised consultant is hired to conduct the EIA.

The first task is that a "EIA Project Brief" is completed and submitted to the RDB, which includes the draft ToR for the EIA to be conducted. Based upon this document, RDB develops the final ToR for the completion of a detailed and complete EIA for a planned project. The studies are then conducted and later submitted to RDB for review. If accepted, RDB issues the EIA certificate including the conditions which

have to applied during works implementation and operation of the future infrastructure. These conditions are the basis for the later monitoring of the mitigation measures required. Before funding the initialisation of any project, all feasibility requirements have to be met.

**Year 2 (after feasibility studies)**

Step 3 - Submission of the PPDs via MEIS

After review and vetting of project requests, each District submits their prioritised projects to LODA, by filling out an online Project Profile Document (PPD) provided in the Monitoring and Evaluation Information System (MEIS). Relevant technical, financial, legal, environmental and social information are registered into the PPD to enable the LGPAC supported by LODA to begin the project review process. Districts are also required to submit separately their Feasibility Study reports, EIA certificates or what is available, and any other planning documents, by uploading to LODA's MEIS.

Step 4 - PPD review and quality check

Once the PPD's are submitted, LGPAC's role is to review the submitted project details, again in line with District and National Development Plans, development partners' interest areas, available budgets, and the adequacy of supplied information. During reviews, LGPAC is supported by LODA for the analysis of each project proposal and the quality of its underlying planning documents. This serves as the basis to object or non-object upon a project proposal, as described in the following step.

Step 5 – Feedback by LGPAC

The draft list of reviewed and classified projects is finally presented to the LGPAC. Based upon the analysis provided by LODA as secretariat and MINECOFIN's Fiscal Decentralisation, the LGPAC meets for consultation and discusses the submitted project proposals. The LGPAC can object to a project proposal if the quality of planning is considered insufficient. A final list of approved projects is generated following these consultations.

Step 6 - Feedback to Districts

After the LGPAC process, the final list of approved projects is communicated to the Districts. This communication is done as a means to update the planning process where required and to prepare for the budgeting phase.

Step 7 – Prioritisation during budgeting

Once LODA has issued the budget ceilings for development budgets in the PBCC 2, the District has to further prioritise project proposals based upon the available budget for the next financial year. Often Districts "over-plan" when project proposals may have to be excluded from the next financial year for Districts to remain under their budget ceilings.

Step 8 – Budgeting

LODA under guidance of MINECOFIN Fiscal Decentralisation monitors the budget entry into IFMIS for each approved project proposal and engages with the District Planners as necessary in this process.

Step 9 – Budget approval

Once all requisite corrections/adjustments are made, final draft budgets are approved by the District authorities and Council. The District Council finally approves the budget including the new investment projects to be funded in the forthcoming financial year as stipulated in the decentralisation law. The next step includes the organic budget law which has to pass through the National Parliament for local and national budgets, although this process lies outside the responsibilities of LGPAC or LODA.

Step 10 – Implementation

Funds are disbursed by MINECOFIN and LODA to the Districts for project implementation in the new financial year. LODA is responsible for the management of funds of development partners as long as no budget support or basket funding is applied.

After procurement, Districts can make first disbursement requests to pay advance payments of works and supervision contracts.

Step 11 – Monitoring

Once the works start, Districts should monitor the works implementation closely. This is managed by the Infrastructure One Stop Centre and monitored by the LG Planning, Monitoring and Evaluation Unit, which both report to the District Executive. The monitoring includes to monitor the compliance with the requirements set out within the annex to the EIA certificate issued by RDB. This can be considered as the analogue to ESMP monitoring.

LODA also provides technical support where needs arise and conducts additionally the technical and for DP funded projects also the financial compliance monitoring. Furthermore, in line with its mandate LODA monitors the use of funds including technical and financial compliance monitoring of LODA and DP funds used for District infrastructure and/or Social Protection interventions.

LODA also conducts nationwide monitoring and evaluation of project implementation, through a digital platform called the Monitoring and Evaluation Information System (MEIS), as well as site visits and District monitoring report reviews, which includes key E&S topics linked to both the ESMP and LACRFP, as described in **Section 6: Data for LODA's MEIS.**

# 6 ASSESSMENT OF EXISTING E&S RISK MANAGEMENT PROCESS

E&S compliance guidelines for ESMF and LACRPF processes require the following:

- Availability of E&S experts (LODA and Districts)
- Capacity and competency (LODA and Districts)
- Alignment with other Ministries and agencies

The situation is elaborated below at District and LODA levels.

## 6.1 Availability of E&S experts

### 6.1.1 LODA level

Officially the head of the LED Unit is nominated as LODA's ESMF responsible within LODA. The mandate can also be shifted to other staff. There is no permanent staff with a respective full time position for ESMF or E&S. Currently the responsibility is crosscutting between the LED Unit under CDSC Division and the LGSP Division.

### 6.1.2 District level

Each District should have one Environment & Natural Resources Officer (ENRO). His or her responsibilities are to:[17]

- Ensure that District infrastructure projects financed through LODA and other agencies and ministries are implemented in accordance with the environmental permits/RDB EIA certificates and underlying conditions on the mitigation of identified E&S risks;
- Review of EIAs, ESMPs and other management plans prepared by accredited RAPEP consultants on behalf of Districts;
- Oversight of contractors' and supervisors' E&S performance and E&S monitoring and reporting.

The ENRO is based in the District Infrastructure's One Stop Centre. The Infrastructure One Stop Centre is the central organ in each District to obtain construction permits and manage district infrastructure projects including the construction of LG infrastructure. The Infrastructure One Stop Centre also includes the position for a land valuer dealing with the topic of land acquisition and expropriation. The land valuation itself has to be conducted by accredited consultants being members of the Institute of Real Property Valuers (IRPV) in Rwanda.

Each District also has a Human Capital Development Unit dealing with social protection (family promotion, support to disabled and disaster management).

[17] By mid-2022 all Districts were staffed with at least one District Environment Officer (DEO).

However, there is no dedicated position, such as a District Social Officer, dealing with stakeholder engagement and the management of social impacts, which effectively falls under the responsibility of the Environment & Natural Resources Officer (ENRO).

Health and safety issues at project sites are assessed by the Labour/Works Inspector from MIFOTRA working at District level. Memorandums of Understanding (MoUs) could be used to provide a means of formally sharing of data between MIFOTRA and Districts for EHS monitoring purposes by LODA, as required.

The reporting of social and environmental indicators on the MEIS system is the responsibility of the District Planner, who is informed by the ENRO.

### 6.1.3 Construction contractor and supervisor

In larger construction projects, technical specifications for the works may define an obligation for the construction contractor to have an Environmental Expert in place who is responsible for the ESMP implementation. Likewise, in such projects, the ToR for the Supervision Company might define the need for environmental staff, or an equivalent position to oversee the contractor's performance. Typically for most District projects, these needs are not usually the case.

## 6.2 Assessment of existing capacities and competencies

### 6.2.1 LODA level

LODA does not have the necessary resources to follow up the entire EIA process and ESMP implementation for all LG projects funded or co-funded by LODA. There is no full-time ESMF position in the current organisational structure and E&S monitoring is undertaken mainly by technical staff that is also charged with technical monitoring. This implies that the appliance and compliance of this ESMF will be monitored on sample basis of selected infrastructure projects.

As regards the required communication and document exchange between LG and LODA, LODA operates the Monitoring and Evaluation Information System (MEIS). The MEIS is the central planning and monitoring tool for LG interventions operated by LODA and used by the Districts. This online tool is in place since 2016 and the planning module since 2017.

District staff members have been trained in the use of the MEIS to submit planning and project implementation documents and report on technical and financial performance indicators and progress. MEIS is used by approximately 6,000 users at District and Central Government level including LODA level and other Ministries. Approximately 1,700 projects per year are usually managed using the MEIS. During the planning phase, LODA uses the MEIS platform to check if EIAs and expropriations are correctly processed by verifying if respective documentation is available and have been uploaded into MESI.

### 6.2.2 District level

District level capacities in the area of E&S management and monitoring are being reinforced and focus upon the following:

- Good level of capacity and competency of ENROs across all Districts,
- Distribution of ENRO's tasks to allow for a focus upon E&S issues of each project,
- Improvement of planning (budget and timing) for EIA/RAP studies,
- Development of RAPs at District level, as required,
- Enhancing of Project Briefs submitted to RDB and influencing their preparation of ToRs for project EIAs,
- Ensuring that infrastructure projects implemented at District level have been through the consulting process with RDB i.e., fully permitted,
- Reinforcement of EHS monitoring at construction sites, as required by law,
- Develop E&S risk analysis, ESIA quality assurance, ESMP monitoring and reporting capacities for ENROs,
- Create clearer lines of responsibility for activities aligned with ESMF/ LACRPF frameworks as follows:
    - Stakeholder engagement during project planning stage and ESIA disclosure,
    - Documentation of grievances from different units,
    - Oversight of RAPs preparation (if prepared by external consultants) or preparation of RAPs and implementation thereof,
    - Monitoring of EHS performance at the construction sites.[18]

## 6.3 Other Ministries and agencies

### 6.3.1 Rwanda Development Board – RDB

RDB is responsible for the environmental permitting process under guidance of REMA. Districts or project developers need to submit Project Briefs via an online-tool to RDB to inform about a project and start the process to obtain the environmental permit. RDB reviews the Project Brief and issues ToR for the EIA including RAP (if required) in alignment with the Rwandan Ministerial Orders on Environment. Site visits are conducted as needed to confirm the scope by environmental experts in RDB across the whole country. RDB directly interacts with the One-Stop Centres at District level (see above). RDB regularly conducts trainings on how to prepare a Project Brief but sees challenges in the quality of these documents from District level, also due to the fact that the ENROs have too many responsibilities and duties. A general issue is that project briefs are generic and not customized to different project types.

[18] EHS monitoring is principally the responsibility of the Labour / Works Inspector from the Ministry of Public Service and Labour (MIFOTRA) at District level.

### 6.3.2 Rwanda Environment Management Authority - REMA

REMA is the main authority for environmental protection in Rwanda. REMA is in charge of monitoring of EIA permit requirements at all levels including District level. There are environmental officers for the whole country. Only high-risk projects are being monitored. REMA does not look at social topics, e.g., with regard to land acquisition and resettlement which is considered as a shortcoming, which remain the responsibility of RDB. REMA has a requirement for annual environmental and social reporting during project implementation, which needs to be encouraged to be attained by REMA. The Ministerial Orders on the Environment provide lists of projects which are obliged to have a full or partial EIA.

### 6.3.3 Rwanda Transport Development Agency – RTDA

RTDA is responsible for construction of national major roads and bridges in Rwanda. There are dedicated positions for an Environmental Specialist and one Social Specialist responsible for quality assurance of ToR, EIA studies (with associated management plans) and RAPs for RTDA projects. These experts are doing regular site visits (at least annually) together with REMA, the construction contractor, and the supervising companies to monitor, which is aligned to the ESMP's implementation. They interact directly with the One Stop Centre at District level for implementation of ESMPs and RAPs (as and if required).

### 6.3.4 Ministry of Agriculture – MINAGRI (Feeder Road program)

The feeder road programme comprises of upgrading, rehabilitation, widening, and maintenance of existing feeder roads. The MINAGRI has one dedicated Environmental Expert who is also in charge of RAP preparation. There is an E&S and Resettlement Policy Framework for the Feeder Road programme stipulating processes and responsibilities for E&S risk management (in alignment with World Bank Safeguards). MINAGRI has 5-6 dedicated staff for management, finances and E&S for their feeder road projects at District level.

### 6.3.5 Ministry of Public Service and Labour (MIFOTRA) – Labour/Work's Inspector (EHS issues)

The mission of MIFOTRA is in part to provide favourable environments for the creation of decent jobs and to equip workforces with imperative skills to increase productivity and competitiveness for sustainable development. Most importantly for the framework and EHS issues, MIFOTA provides the following support through:

- Promoting inclusive labour standards and fundamental Principles and rights at work,
- Promoting Occupational Health and Safety (OHS) linked to EHS issues,
- Enhancing social dialogue.

# 7 CAPACITY BUILDING PLAN

## 7.1 Introduction to capacity building in E&S

During preparation of this document an assessment of capacities around E&S topics was conducted both at LODA and at District level as described in Chapter 4. It is important that capacity building through training will continue to be reviewed regularly by all actors associated with the E&S frameworks and capacity building activities are adopted and planned for accordingly. Capacity building concerns development of human resources but also the development and application of tools such as the MEIS.

## 7.2 E&S experts

To support the successful implementation of the frameworks: ESMF and LACRPF, sufficient human resources are to be maintained at LODA and District levels.

- LODA has a Director in the Local Economic Development Unit (LEDU) who is responsible for environmental and social support across LODA's Divisions and other Units. The Unit is appropriately supported by any environment and social experts in the other Units and Divisions including Monitoring and Evaluation Division linked to MEIS, which monitors key indicators for effective management of environmental and social risks for all project operations. All LED Unit staff should be familiar with the E&S requirements and processes and monitor their compliance during the technical monitoring visits conducted for a sample of infrastructure projects funded or co-funded by LODA.
- The Districts have dedicated persons for the following topics:
    - Stakeholder engagement during project planning stages and EIA disclosure,
    - Documentation of grievances from different units and reporting via the MEIS,
    - Overview of preparation of RAPs (by external consultants) or their preparation and implementation thereof,
    - Monitoring of EHS performance at construction sites.
- District Environment & Natural Resources Officer (ENRO) undertakes that all environmental and social safeguards tasks are completed, as stipulated in Part II - ESMF. Assessment of staff is provided as it is important to guarantee that existing and new personnel are able to fulfil all their responsibilities, while additional staff members are recruited, as required. The ENRO will only focus upon tasks that are related to the management of environmental and social impacts and monitoring.

## 7.3 Training objectives

To ensure effective implementation of the frameworks: ESMF and LACRPF, adequate capacity building in form of trainings is provided to both LODA and Districts. This process is long-term and provides continuous reassessment. Training is done in collaboration with local institutions and experts, e.g., CESB (Capacity Development and Employment Services Board).

The overall objective of these training activities is to:

- Familiarise the stakeholders with international E&S requirements, as described in the frameworks: ESMF and LACRF,
- Mainstream E&S considerations into the everyday thinking and responses aligned to the users of the frameworks: ESMF and LACRPF,
- Ensure that users of the frameworks: ESMF and LACRPF understand the structure, procedures, and tools within frameworks, and how to apply them to the projects, both at LODA and District levels,
- Understand roles and responsibilities between the different stakeholders involved with project planning and implementation.

## 7.4 Capacity building plan

The capacity building plan is taking into consideration the roles and functions of different LODA units as defined in the LODA Procedures Manual, the findings of the capacity needs assessment conducted at District level and recommendations on capacity development of lower administrative levels. The needs identified in these guidelines only consider the E&S relevant capacity development needs.[19]

Table 7-1 overleaf shows the outline for the Capacity Building Plan to further build capacities at LODA, Districts, and respective local bodies. Respective outlines and materials for training courses are available on the e-learning platform under Module 2.[20] The training courses listed are aiming to increase the skills level of the training target group and enable them to cope with the requirements of the ESMF & LACRPF. Additionally, LODA can organise quarterly coaching sessions with the district staff already trained via the e-learning platform and its big blue button allowing to organise in an economic manner the exchange of experiences, peer learning and information exchange. For intensive on-the-job trainings, LODA can consider to outsource this to qualified consultants or seek direct cooperation agreements with RAPEP.

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[19] More details are provided in the following documents: LODA' s Capacity Development Plan for District s, Sectors and Cells of May 2022, Local Government Survey: Usage of LODA manuals and guidelines by Local Government of May 2021, Report on Institutional Assessment and Implications of new LODA Structure as approved on 14.08.2020 for Institutional Development of LODA of October 2020, LODA Strategic Plan 2020/21 - 2024/25 of February 2021 (please refer to output 5.2).

[20] Module 2 was implemented under the LGCD Quick Wins programme by LODA ending in June 2022. The e-learning platform is available under https://academy.aht-group.com/my/.

Table 7-1: Capacity Building Plan

| Training Theme | LODA Senior Management | LODA Project Managers and M&E Specialists | LODA LED & SP Units, & Directors responsible for ESMF and LACRPF | Province and District senior executives and councillors | District Environment & Natural Resources Officer (1), Social Protection & Human Security Officers (2), and Planning, M&E Officer(1) | District Land Valuation Officer (1) | Sector land officer (1) | Works contractors and supervisor | Training duration (days) | Training material |
|---|---|---|---|---|---|---|---|---|---|---|
| ESMF and LACRPF Introduction | X | X | X | X | X | | | | 0.25 | Available as e-learning course |
| ESMF/ LACRPF (details) | | X | X | | X | X | X | | 2 | |
| Preparation & Implication of RAP | | | X | | X | X | X | | 1 | |
| Details for EHS | | X | X | | X | X | X | X | 1 | |
| Monitoring & Reporting per ESMF & LACRPF and introduction to MEIS | | X | X | | X | | | | 0.5 | |
| Train the trainer to ESMF, LACRPF | | X | | | | | | | 3 | |

# 8 DATABASE FOR LODA's MEIS

## 8.1 Expropriation & other potential negative socio-economic impacts

This section of the report provides a table which should be used as a checklist for all projects as a means to check that the state and progress of projects fulfil framework requirements. The information is also recorded in the MEIS as a means to monitor framework compliance. This checklist will be used during PPD analysis and be integrated or uploaded into MEIS for every project with an EIA.

Table 8-1: Checklist for EIA

| Key points to be verified | | |
|---|---|---|
| Does the project require an EIA? | | |
| Yes ( ) | No ( ) | |
| If yes, does the project require a full or partial EIA? | | |
| Full ( ) | Partial ( ) | |
| If Yes, is the EIA submitted already? | | |
| Yes ( ) | No ( ) | |
| EIA is submitted as annex to this SFA | | |
| Yes ( ) | No ( ) | |
| EIA is submitted as annex to this SFA | | |
| If yes, please indicate the date: | If no, when will it be submitted? Please indicate a date. | |
| Date: | Date: | |
| Questions concerning the EIA: | Yes ( ) | No ( ) |
| If EIA submitted, does the EIA contain the entitlement matrix? | | |
| If EIA submitted, does the EIA contain information on the public hearing / stakeholder engagement plan? | | |
| Are there people affected by project (PAP) issues or other negative impacts (loss of harvest, loss of access rights, loss of labour, etc.)? | | |
| Yes | No | |
| If yes, does the project have a Resettlement Action Plan (RAP)? | | |
| Yes | No | |

## 8.2 Key issues for Environmental Impact Assessment

This section of the report provides a table which is used as a checklist for key issues for the EIA for all projects, as a means to check that the state and progress of projects fulfil the framework requirements. The information is also recorded in the MEIS as a means to monitor framework compliance.

Table 8-2: Key EIA issues to be checked

| # | Project impacts | Yes | No | Comments on quantity of impact and proposed mitigation measures |
|---|---|---|---|---|
| 1 | Does the project site affect gazetted forest? If yes, to what extent. | | | |
| 2 | Are there surface watercourses or natural springs at the project site? If yes, what type of water resources are they and what are they used for? | | | |
| 3 | Do wetlands (lakes, rivers, swamp, seasonally inundated areas) exist at the project site? If yes, what type of natural resources are they and what are they used for? | | | |
| 4 | Is there any habitat with endangered/vulnerable/ threatened species for which protection is required under Rwanda national law/local law and/or international agreements at the project site?<br>If yes, describe. | | | |
| 5 | Is there any nationally of internationally protected area (national park, national reserve, world heritage site etc.) at the project site or in its immediate surrounding?<br>If yes, explain in detail. | | | |
| 6 | Would the proposed project pose a risk of introducing invasive alien species? If yes, how? | | | |
| 7 | Does the project involve extraction, diversion or containment of surface or ground water that could cause depletion of water sources? If yes, what volumes will be extracted and what is the estimated reserve that exists? | | | |
| 8 | Does the project pose a risk of degrading soils?<br>If yes, in what manner? | | | |
| 9 | Would the proposed project result in the release of pollutants to the environment due to routine or non-routine circumstances with the potential for adverse local, regional, and transboundary impacts? If yes, how? | | | |
| 10 | What are the most likely project impacts? | | | |
| 11 | Is there a potential for the release to the environment of hazardous materials resulting from their production, transportation, handling, storage and use for project activities? If yes, how? | | | |

| # | Project impacts | Yes | No | Comments on quantity of impact and proposed mitigation measures |
|---|---|---|---|---|
| 12 | Will the proposed project involve the application of pesticides and fertilizers that have a known negative effect on the environment or human health? If yes, in what quantities and for what purpose? | | | |
| 13 | Would the proposed project be susceptible to or lead to increased vulnerability to earthquakes, subsidence, landslides, erosion, flooding, or extreme climatic conditions? If yes, explain. | | | |
| 14 | Is there a possibility that the project will adversely affect the aesthetic attractiveness of the local landscape? If yes, please explain how. | | | |
| 15 | Based on available sources, consultation with local authorities, local knowledge and/or observations, could the project alter any historical, archaeological, cultural heritage traditional (sacred, ritual area) sites or require excavations in area? If yes, describe. | | | |
| 16 | Is the project likely to significantly affect the cultural traditions of affected communities, including gender-based roles? If yes, explain. | | | |
| 17 | Would the proposed project produce a physical "splintering or break up into small fragments" of a community? If yes, explain. | | | |
| 18 | Indicate if the project will require expropriations. If yes specify how many Households (HH) are concerned as well as the type of property (business, residence, land, crops, and trees, etc.), the number of the properties, area of land taken by the project (i.e., percentage % of each affected person) and that land left per affected person (percentage %). In case of expropriation, specify what the mitigation measures are, e.g., financial compensation, relocations, etc. | | | |
| 19 | Is the project likely to result in migration of people into the affected community / communities? If yes, explain. | | | |
| 20 | Is there any other project or potential project nearby likely to be affected by the project, or to affect this project? If yes, explain. | | | |

# 9 References:

LODA, 2017. Environmental and Social Management Framework (ESMF). Kigali, Rwanda

1. LODA, 2021. Simplified User Manual for the Environment, Health, and Safety. Kigali , Rwanda
2. LODA, 2021. Technical Guidelines: "Made in Rwanda & Climate Resilience," Kigali ,Rwanda
3. LODA Local Government Survey: Usage of LODA manuals and guidelines by Local Government of August 2021
4. LODA' s Capacity Development Plan for District s, Sectors and Cells of February 2022
5. LODA PRACTICAL TOOL FOR LOCAL GOVERNMENT INFRASTRUCTURE PROJECTS MANAGEMENT of September 2018
6. LODA Role of District Councillors in the Planning and Monitoring of March 2021
7. Role of District Councillors in Expropriation in the Public Interest of March 2021
8. LODA M&E GUIDELINES of July 2021
9. MIFOTRA, 2012. Ministerial order n°02 of 17/05/2012 determining conditions for occupational health and safety. Kigali, Rwanda
10. MIFOTRA, 2015. ministerial order n°01/MIFOTRA/15 of 15/01/2015 determining modalities of establishing and functioning of occupational health and safety committees. Kigali, Rwanda
11. MIFOTRA, 2019. National Occupational Safety and Health strategy( 2019-2024). Kigali, Rwanda
12. Ministry of Environment, 2019. Ministerial order no 001/2019 of 15/04/2019 establishing the list of projects that must undergo environmental impact assessment, instructions, requirements, and procedures to conduct environmental impact assessment. Kigali, Rwanda
13. Ministry of Environment, 2021. Ministerial order no 001/2021 of 08/02/2021 establishing the list of projects that must undergo environmental audit, instructions, and procedures for conducting environmental audit. Kigali, Rwanda
14. Republic of Rwanda , 2008 . law N°62/2008 of 10/09/2008 putting in place the use, conservation, protection, and management of water resources regulations. Kigali Rwanda
15. Republic of Rwanda , 2021. Law N° 27/2021 of 10/06/2021 governing land. Kigali , Rwanda
16. Republic of Rwanda, 2013 . law N°47bis/2013 of 28/06/2013 determining the management and utilisation of forests in Rwanda. Kigali, Rwanda
17. Republic of Rwanda, 2015. Law N° 32/2015 of 11/06/2015, relating to expropriation in the public interest. Kigali, Rwanda
18. Republic of Rwanda, 2017. 7 Year Government Programme: National Strategy for Transformation (NST1)2017–2024. Kigali, Rwanda
19. Republic of Rwanda, 2018 . Law N°48/2018 of 13/08/2018 on environment. Kigali, Rwanda
20. Republic of Rwanda, 2018. Law N° 66/2018 of 30/08/2018 regulating labour in Rwanda. Kigali, Rwanda

21. Republic of Rwanda, 2020. Updated Nationally determined Contributions(NDC). Kigali, Rwanda
22. World bank group, 2017. the world bank environmental and social framework. Washington DC, USA
23. LODA Feasibility Study Guidelines of September 2020
24. LODA Procedures Manual : Updated Version of March 2022
25. LODA Strategic Plan 2020/21 - 2024/25 of February 2021
26. Report on Institutional Assessment and Implications of new LODA Structure as approved on 14.08.2020 for Institutional Development of LODA of February 2020