



**NILE BASIN INITIATIVE
NILE EQUATORIAL LAKES SUBSIDIARY ACTION PROGRAM
KAGERA RIVER BASIN MANAGEMENT PROJECT**

Consulting Services for

**ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND
DEVELOPING PRELIMINARY RESETTLEMENT ACTION PLANS FOR
FOUR (4) PROPOSED SMALL MULTIPURPOSE DAMS AT BUYONGWE,
TABA-GAKOMEYE, BUYONGWE AND KARAZI IN THE KAGERA
RIVER BASIN**

Burundi, Rwanda, Uganda and Tanzania
NBI/NELSAP/KAGERA/RFP02/2011



**PRELIMINARY RESETTLEMENT ACTION PLAN FOR BUYONGWE
SITE – FINAL REPORT**

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List of Acronyms

AIDS	-	Acquired Immune Deficiency Syndrome
BP	-	Bank Procedures
CBO	-	Community Based Organizations
DIZ	-	Direct Impact Zone
EIA	-	Environmental Impact Assessment
ENTRO	-	Eastern Nile Technical Regional Office
Ha	-	Hectares
MS EXCEL	-	Micro Soft Excel
HIV	-	Human Immunodeficiency Virus
NBI	-	Nile Basin Initiative
NEL	-	Nile Equatorial Lakes
NELSAP	-	Nile Equatorial Lakes Subsidiary Action Program
NELSAP-CU	-	Nile Equatorial Lakes Subsidiary Action Program – Coordination Unit
NGOs	-	Non Governmental Organizations
O.P	-	Operational Procedures
PAPs	-	Project Affected Persons
PRSP	-	Poverty Reduction Strategy Paper
PWDs	-	People with Disabilities
RAP	-	Resettlement Action Plan
SAPs	-	Subsidiary Action Program
SPSS	-	Statistical Package for Scientists
SVP	-	Shared Vision Program
TAC	-	Technical Advisory Committee
TV	-	Television
USD	-	United States Dollars
WB	-	World Bank
WB NBTf	-	World Bank Nile Basin Trust Fund

SUMMARY OF THE REPORT

This report presents the Preliminary Resettlement Action Plan for Buyongwe Multipurpose Project. This Preliminary RAP excludes the following aspects; actual census of the PAPs and actual inventory of affected property by name, owner, size. It should be noted that this is not the final RAP. The study was originally to assess the reservoir area and other components of the project. However, a decision by the Burundi government was made not to construct a dam but instead to construct irrigation dykes in the area originally proposed area for the reservoir and all the irrigable area downstream. After an assessment it is envisaged that fewer people and less property will be destroyed by this option and there will be no physical displacement of any household.

Objectives of the Preliminary Resettlement Action Plan

The objectives of the Preliminary Resettlement Action Plan are to:

- Establish the Buyongwe Multipurpose Dam Project resettlement and compensation principles and implementation arrangements;
- Describe the legal and institutional framework underlying *Burundian* approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Provide procedures for filing grievances and resolving disputes and
- To estimate the costs for resettlement, compensation and or land acquisition where applicable.

Project Location, Characteristics and Components

The project is located along River Buyongwe. The project components will include the following; diversion weir, primary and secondary channels, crossing structures, access roads, water supply channels etc.

Agriculture was found to be at subsistence level and entirely rain-fed. Rice farming takes place mainly in the valley while other crops like bananas, maize, cassava etc. are on the slopes. The valley in the proposed project area is used throughout the year for rice growing during the rainy season whilst in the dry seasons the area is used to grow Irish potatoes. An existing powerhouse is located a few km upstream of the diversion structure.

The preliminary RAP is prepared under the guidelines of both Burundian laws and policies and the World Bank Operational Policy on Involuntary Resettlement (OP4.12).

Legal and Institutional Framework

Several national policies and local legal frameworks that regulate the land relations in the country been reviewed and these include; The Land Code of the Republic of Burundi, Law

No.01/008 of 01/09/1986, Ministerial Decree on Compensation for Compulsory Acquisition of Land, Decree No.720/CAB/304/2008 of 20/03/2008 and Ministerial ordinance # 720/CAB/810/2003 dated May 28, 2003

Several of institutions will be involved in the overall implementation of this project, either by way of their mandate or because of the direct impact of the project on their areas of jurisdiction. These include: The Ministry of Water, Land Management, Environment and Urban Planning, Directorate of Land Management, Ministry of Agriculture, The Ministry of Finance, Provincial and Communal Land Committee and Local Authorities.

Public Consultations

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential land and alternative sites are being considered and is continuous throughout the project cycle.

It is always important to identify stakeholders at an early stage. In this project, stakeholders are those who have an interest in the project development, and who will be involved in the consultative process. Stakeholders for this project were thus identified purposively. Identified stakeholders include directly and indirectly affected people in the area, government or public sector agencies at national and local levels.

Continuous consultation of the stakeholders in all stages of the project is a key strategy for successful implementation and completion of the project.

Social Assessments and Socioeconomic Surveys

The population of Kiremba Commune as estimated by the end of 2007 was 91,719 people of whom 41,799 were male and 49,921 were female. The district covers a surface space of 245 km² with a density of 377 inhabitants per km². The number of household was estimated at 20,507 with an average of 4-5 persons per family. Settlements in the Kiremba commune are scattered from each other save for the trading centres where they are concentrated. There were no houses in the valley and in the proposed area for the project.

The main source of livelihood for households in the project area is agriculture as stated by 91.8% of the households. Other sources of livelihood include sand mining and brick making and pottery making by the Twa minority ethnic group.

Vulnerable groups in the area include the indigenous people, people displaced by the civil war, repatriated people, demobilized soldiers, women headed households, the elderly, orphans, People with Disabilities and people living with HIV/AIDS.

Potential Impacts

Approximately 27 Ha of land will be lost to the project for the irrigation channels, diversion structure and expansion of the existing power house. Most of the land belongs to the government. Other impacts of the project will include loss of crops and trees, loss of access to land and loss of community footpaths.

Compensation Framework

All affected persons irrespective of their status (whether they have formal title or not) are eligible for compensation and some assistance if they occupied the land before the

entitlement cut-off date. These will include people with or without land titles and sharecroppers on the land.

Methods of Valuing Assets

An inventory and registration of affected properties and persons shall be undertaken and shall include the surveying of land, taking a careful count of all affected property and undertaking of a socioeconomic profile for each PAP. There are several methods that could be used to calculate the compensation costs and these include the Replacement Cost Approach, Market Rates Approach, schedule of compensation rates and use of Rates from other Contractors with similar types of construction in the vicinity of the project.

Livelihood and Income restoration programs

Livelihood and income restoration can be done through, provision of employment and training in modern agriculture and irrigation practices.

Grievance Redress Mechanisms

Several channels have been proposed through which the grievances shall be resolved and these include, The Colline /Commune Level, Provincial Lands Office/Registrar and Courts of Law which will be the last resorts when all other avenues have failed.

Implementation Schedule

Before any project civil works activity is implemented, PAPs will have to be compensated in accordance with the Burundian and World Bank resettlement laws, regulations and guidelines. In other words, civil works should begin after all eligible PAPs have been compensated.

Costs and budget

The estimated budget cost for the RAP implementation for the Buyongwe dam project **BIF 1,895,303,232 (USD 1,353,788)**. It should however be noted that the figures are just estimates. The detailed and accurate figures of affected property and costs will be calculated during the preparation of the RAP.

Monitoring and Evaluation

There will be need to carry out both internal and external monitoring to ensure complete and objective information and to avoid biasness. Some of the indicators to be considered include number of grievances filed, number of sub-projects unable to settle compensation after two years; Changes (+/-) in PAPs conditions during transition process, Changes (+/-) in PAPs income and livelihood conditions etc.

1.0 INTRODUCTION

This report presents the Preliminary Resettlement Action Plan for Buyongwe Multipurpose Project. This Preliminary RAP excludes the following aspects; actual census of the PAPs and actual inventory of affected property by name, owner, size. It should be noted that this is not the final RAP. The study was originally to assess the reservoir area and other components of the project. However, a decision by the Burundi government was made not to construct a dam but instead to construct irrigation dykes in the area originally proposed area for the reservoir and all the irrigable area downstream. The feasibility consultant also recommended that the existing hydropower project in the area be expanded to provide an additional power capacity of 65kW. After an assessment it is envisaged that fewer people and less property will be destroyed by this option and there will be no physical displacement of any household.

1.1. Background

1.1.1. Project Description and Rationale

The Nile Basin Initiative (NBI), through cooperation and partnerships among nine member countries – Burundi, Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda – follows a common vision: “to achieve sustainable socio-economic development through equitable utilization of, and benefits from, the common Nile Basin water resources.” Under the current NBI institutional arrangement, the program has a: (i) Shared Vision Program (SVP) meant to build confidence and trust, as well as institutional capacity, so as to create a strong foundation for regional cooperation; and (ii) two sub-basin Subsidiary Action Programs (SAPs) to bring about tangible benefits on the ground through identification and implementation of investment projects that are under implementation as complementary elements of the NBI’s Strategic Action Program.

There are three main NBI institutions, namely the NBI Secretariat (Nile-SEC) in Entebbe, Uganda; the Nile Equatorial Lakes Subsidiary Action Program Coordination Unit (NELSAP-CU) in Kigali, Rwanda; and the Eastern Nile Technical Regional Office (ENTRO) in Addis Ababa, Ethiopia.

The NBI has taken steps to put in place systems and mechanisms to ensure environmental and social safeguards in all its interventions at the following key levels: (i) Basin-wide level; (ii) Sub-Basin (SAP) levels; and (iii) Project level.

1.1.2. Nile Basin Regional Background

The River Nile, an asset of extraordinary regional and global importance, is shared by 10 countries and home to more than 300 million people. Some of the poorest countries in the world, the riparian states, all rely on Nile waters for basic needs and economic growth, and the Nile remains at the nexus of security and development in the region.

Over the past decade, the NBI has developed a transitional regional institution, built capacity for basin-wide water management and launched a significant investment portfolio to support water development. Key outcomes thus far included increased communication, trust,

involvement and cooperation among Nile Basin governments and populations; enhanced basin-wide capabilities based on best practices; and increased convergence of institutional frameworks of Nile Basin countries on trans-boundary issues. Significantly, Nile cooperation has led to more than US\$1.0 billion in a first round of investments under the NBI, and an equal amount under other programs that have been enabled by the NBI. Subsequent rounds of investments are focused on complex joint regional projects that could reach into several billions of dollars.

Despite the Basin’s natural endowments, the countries of the Nile Basin face considerable challenges, including high levels of poverty, rapid population growth, lack of access to basic services, an energy crisis, and severe environmental degradation. Four of the Nile Basin states are among the world’s 10 poorest countries.

However, through joint management and development of the Nile Basin’s resources—which the NBI is designed to make possible—the Nile has the potential to catalyze sustainable economic growth for all 10 countries with benefits far beyond those that can be derived from the river itself.

1.1.3. Nile Equatorial Lakes Subsidiary Action Program (NELSAP)



The mission of NELSAP is to contribute to the eradication of poverty, to promote economic growth, and to reverse environmental degradation in the NEL region. NELSAP oversees implementation of the jointly identified SAPs and promotes cooperative inter-country and in country investment projects related to the common use of the Nile Basin water resources.

The NEL region includes the six countries in the southern portion of the Nile Basin— Burundi, Democratic Republic of Congo, Kenya, Rwanda, Tanzania, and Uganda -- as well as the downstream riparian countries of Egypt and Sudan. The water resources of the NEL region include one of the world’s great complexes of lakes, wetlands, and rivers. The region’s economies are characterized by rain-fed agriculture, subsistence farming, low industrialization, and poor infrastructure development.

Figure 1-1: The Nile River Basin

1.1.4. NELSAP Regional Safeguards

An important part of the regional NELSAP project identification phase is determining the regional project's safeguards category on the basis of a consolidated assessment covering all participating countries. The safeguards categories are defined as follows:

- *Category A:* Regional projects that have significant adverse environmental impacts that are sensitive, diverse, or unprecedented (which may include impacts broader than the regional projects' coverage of sites, facilities, and physical works).
- *Category B:* Regional projects with potential adverse environmental impacts on human populations or environmentally important areas, including wetlands, forests, grasslands, and other natural habitats, but the impacts are less adverse than those identified under Category A.
- *Category C:* Projects with minimal or no adverse in-country or regional environment impacts.
- *Category F1:* Projects that involve investment of Bank funds, through a financial intermediary, in sub-projects within countries or as a region-wide entity, which may result in adverse environmental impacts.

Delineating the NELSAP regional project's area of influence will require due diligence at the earliest stages of the project cycle. This includes identification of cross-country physical coverage (such as power transmission corridors, pipelines, canals and tunnels, relocation and access roads, borrow and disposal areas, construction sites, and unplanned developments) as well as new areas that the regional project may affect. These new areas may be physical sites inducing spontaneous settlement or migration, logging, shifting agriculture, or commercial activities. Most regional natural resources projects will cover an area of influence defined by a watershed within a project, an estuary or coastal zone, or off-site areas for resettlement and compensatory tracts of land. The boundary demarcation for social impacts should be consistent with the NELSAP regional environmental assessment covering effects like airborne pollution (dust or smoke) and migratory routes of humans, wildlife, or fish. As with national projects included in the NEL region, coverage will include trans-boundary health and safety, livelihood activities, and religious or cultural areas.

When the OP4.12 (Involuntary Resettlement) policy is triggered—even if it only applies to one country in the NEL region, it is required that a Resettlement Action Plan (RAP) be prepared. An abbreviated plan (RAP) may be developed where less than 200 persons are affected by the project or where the impacts are minor (no one is physically displaced or loses more than 10 percent of their land).

1.1.5. The Buyongwe Multipurpose Dam Project

The Terms of Reference required the Consultant to prepare a resettlement policy framework for Buyongwe Multipurpose Dam site. However, the Project Implementation Unit and the World Bank Social Specialist advised that a preliminary /preparatory RAP be prepared instead. This report therefore presents a Preliminary Resettlement Action Plan for the Buyongwe Multipurpose Project. An actual RAP or Abbreviated RAP shall be prepared after the final design of the project. It is likely that this project will affect less than 200 people and therefore may require an abbreviated resettlement plan.

1.2. Objectives of the Preliminary Resettlement Action Plan

The objectives of the Preliminary Resettlement Action Plan are to:

- Establish the Buyongwe Multipurpose Dam Project resettlement and compensation principles and implementation arrangements;
- Describe the legal and institutional framework underlying *Burundian* approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of project affected persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Provide procedures for filing grievances and resolving disputes and
- To estimate the costs for resettlement, compensation and or land acquisition where applicable.

1.3. Main Objectives of the WB Operational Policy on Involuntary Resettlement

- Avoid involuntary resettlement where feasible, or minimize it, exploring all viable alternative project designs;
- Consult affected persons meaningfully and provide opportunities to participate in planning and implementing resettlement programs, and;
- Assist affected persons in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels.

1.4. Project Location and Components

The project is located along River Buyongwe. The project components will include the following; diversion weir, primary and secondary channels, crossing structures, access roads, water supply channels etc.

Agriculture was found to be at subsistence level and entirely rain-fed. Rice farming takes place mainly in the valley while other crops like bananas, maize, cassava etc. are on the slopes. The valley in the proposed project area is used throughout the year for rice growing during the rainy season whilst in the dry seasons the area is used to grow Irish potatoes. The crops grown in the area are mainly used for food consumption though some of them are sold for income. There is severe erosion on the steep slopes in the catchment causing heavy siltation of the Buyongwe River. An existing powerhouse is located a few km upstream of the diversion structure.

The preliminary RAP is prepared under the guidelines of both Burundian laws and policies and the World Bank Operational Policy on Involuntary Resettlement (OP4.12).

1.5. Methodology

- *Review of Documentation*

The Consultant reviewed the following documents:

World Bank Safeguard Policies [WB OP4.12 (14, 15) eligibility for benefits; WB OP 4.12 (8) attention to vulnerable groups; WB OP4.12 (12a) payment of cash compensation; WB OP4.12 Para (6b and c) assistance to cases of physical relocation/ displacement; WB OP4.12 Para 13 (a) grievance mechanisms]; Burundi National Laws and Regulations and Policies regarding land acquisition, compensation and resettlement among others.

- *Stakeholder Consultation*

The Consultant carried out consultations with the relevant stakeholders who included the District staff, national stakeholders in the Ministry of Water, Environmental and Land Management, TAC members, the National Liaison officer, local authorities and also local people at the project sites that might be affected by the project among others. The information provided was mainly about the land tenure systems, existing conflicts in regard to natural resources, impacts and socioeconomic information among others.

- *Rapid Assessment of Potential Affected Persons and Property*

The Consultant carried out foot surveys of property in the proposed project. Maps including topography maps and locational maps showing administrative boundaries were also used to determine the extent and size of the areas to be affected. During the assessment, the Consultant took note of the type of property and the approximate numbers that would be affected.

- *Household Surveys*

The socio economic survey was done using a questionnaire administered at household level. In addition, discussions with the local authorities were held to assess the socio economic conditions of the potential project affected persons. The data collected by use of questionnaires was analyzed by use of MS Excel and MS SPSS.

Observations were also used to supplement and cross check the data from the various sources

1.6. Structure of the Report

The Preliminary RAP Report has been organized in twelve chapters as described below.

Chapter 1 of the report provides a background and description of the project, objectives of the PRAP, main objectives of the World Bank Policy on Involuntary Resettlement, and the study methodology.

Chapter 2 gives a description of the policy, legal and institutional framework within which land acquisition and compensation will be carried out. It also gives the difference between World Bank Safeguard Policies on Involuntary Resettlement and Burundian Laws.

Chapter 3 provides an overview of the stakeholder consultation process and gives a summary of issues raised in regard to land acquisition and compensation.

Chapter 4 presents the socioeconomic baseline conditions of the people likely to be affected by the project.

Chapter 5 presents the potential impacts of the project. The different categories of PAPs and estimated number of people likely to be affected are also discussed under this chapter.

Chapter 6 provides the compensation system/framework. Under this chapter, the criteria and eligibility criteria and is discussed.

Chapter 7 presents the methods for valuation of affected assets. Methods for public information and disclosure of compensation payments are also presented.

Chapter 8 gives an overview of the livelihood and income restoration programs/strategies.

Chapter 9 gives the grievance mechanism and different stages of grievance resolution are presented.

Chapter 10 presents the implementation Schedule. It gives the time schedule for implementing the RAP, implementing schedule linking resettlement to civil works.

Chapter 11 presents the Indicative Costs and Budget for resettlement and the sources of funding for resettlement activities.

Chapter 12 presents the Monitoring and Evaluation Plan of resettlement activities.

2.0 LEGAL AND INSTITUTIONAL DESCRIPTION

This chapter discusses the policy, legal and institutional framework within which the RAP for the proposed Buyongwe Multipurpose Project is to be carried out and under which the project is to be implemented. The laws, legislation, regulations and local rules governing the use of land and other assets in Burundi will be described.

2.1. Legal and Institutional Description

2.1.1. Country Laws

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

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

The procedures for resettlement are provided within the Land Code. Responsibility for resettlement lies with the Ministry of Water, Lands, Environment & Urban Affairs, but if the land is in a wetland, the responsibility lies with the Ministry of Agriculture.

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

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

Land will be required to construct irrigation channels, water supply channels and to expand the existing hydropower plant therefore compliance to this law will be necessary.

2.1.1.2. *Ministerial Decree on Compensation for Compulsory Acquisition of Land, Decree No.720/CAB/304/2008 of 20/03/2008.*

This decree governs the compensation. The Land Code established the National Commission for land and this has a responsibility to validate all resettlement. The Commission is not yet in place but preparations are under way for the issuance of a presidential decree to actualize this Commission. In the meantime, the Adhoc Technical Committee will probably continue in place as the final decision maker.

Compensation for land will be expected in this project; therefore this decree will be relevant

2.1.1.3. *Procedures under the Land Act*

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

Expropriation in this context refers to the taking away of private land for public purpose by the government with or without the owner's consent, subject to laws of eminent domain, which stipulates prompt and adequate compensation among other things. Expropriation of land is an important aspect of land management since it is a key instrument by which land is made available for various development needs that are deemed to promote public benefit.

In case of acquisition, the private property is established by the National Land Assets Service, which delivers the certification. Article 356 of the Land Act is precise on how to get land rights resulting from a regular use (or a customized one) by registration.

2.1.1.4. *Ministerial ordinance # 720/CAB/810/2003 dated May 28, 2003*

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

According to article 3 “the compensation in case of expropriation for public usefulness can be either a monetary compensation, or an exchange with, if needed, a partial compensation to help the expropriated individual to resettle.” As for the compensation rate, this ordinance defines the base for its calculation according to the location of the expropriated land and the plants and structures existing on that land.

The proposed Buyongwe multipurpose project will affect land and crops and thus making this ministerial ordinance relevant.

2.1.2. Institutional framework

There are several institutions that are responsible for the expropriation of land in Burundi as described below.

The Ministry of Water, Land Management, Environment and Urban Planning: Overall responsibility for land expropriation and resettlement lies with the Ministry of Water, Lands, Environment and Urban Affairs. The Ministry will be the overall coordinator and overseer of these activities and the project in general.

Directorate of Land Management: The Directorate of Land Management will play a crucial role in regard to compensation of the affected people. The Directorate is responsible for all compensation of land in rural areas. The Department of Land at Provincial level will issue titles to resettled PAPs.

Ministry of Agriculture: If the land is in a wetland the responsibility of resettlement falls with the Ministry of Agriculture.

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

Provincial and Communal Land Committee will be responsible for approval of subdivision and transfer of land titles to PAPs at Communal and Provincial Levels.

Local Authorities from the Province, Commune will be responsible for the monitoring the progress of the monetary compensation. The Communal Council will be responsible for approval of Provincial proposals for relocation sites

Civil Society Organizations (CSOs) /NGOs shall have a key role in the implementation process of the RAP. Their main roles shall include implementation of livelihood restoration programs, witnessing of the compensation process, strengthening local institutions through capacity building and implementing HIV/AIDS awareness programs and campaigns.

NBI/NELSAP will undertake the role of overall monitoring of the RAP process and will ensure that there is compliance to the necessary laws, regulations and the World Bank Safeguards

2.1.3. The World Bank Social Safeguard Policies

2.1.3.1. *Involuntary Resettlement (OP/BP 4.12)*

The World Bank Resettlement Policy Framework (OP 4.12 and BP 4.12) is usually applied for projects that require international financing. It is assumed that development of this

project will be financed by World Bank Nile Basin Trust Fund (WB NBTF). Thus this policy will be applicable to this project.

The World Bank OP 4.12, Annex 'A' (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include. These include objectives, potential impacts, socio economic studies, legal and institutional framework, eligibility, valuation and compensation of losses, resettlement measures, relocation planning, community participation, grievance redress procedures, implementation schedule, costs and budgets, and monitoring and evaluation. The most relevant paragraphs from the policy are listed below.

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

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

WB OP4.12 (12a) states that payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

WB OP4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors is at least equivalent to the advantages of the old site.

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

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

WB OP4.12 Para 13 (a) requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising.

The World Bank's Operational Policy on Environmental Assessment (WB. OP 4.01 - point 14a and b) prescribes that public consultation is carried out at least 2 times, after environmental screening or during the process, and after submission of the EIA. Thus the

consultations have been carried out during the preliminary phase of Resettlement Action Plan (RAP) and are expected to be carried out during preparation of RAP.

2.1.3.2. *World Bank Policy on indigenous people (OP.4.10)*

The World Bank Operation OP 4.10, (Paragraph 4) asserts that the term “Indigenous Peoples” is used in a generic sense to refer to a distinct, vulnerable, social and cultural groups who identify themselves as members of a distinct indigenous cultural group, are collectively attached to geographically distinct habitat, are separate customary, cultural, economic, social, or political institutions from those of the dominant society or are an indigenous language, often different from the official language of the country or region.

WB OP 4.10 (Paragraph 6(a-e) – 10c) requires that the World Bank screens to identify whether Indigenous Peoples are present in, or have collective attachment to, the project area, a social assessment and consultation be undertaken by the borrower and participation of the indigenous people.

In the special conditions, the WB OP4.10 (Paragraph 18) provides that, If the project involves the commercial development of natural resources such as water, on land that Indigenous Peoples traditionally owned, or customarily used or occupied, the borrower ensures that during consultation process the affected communities are informed of their rights, the scope and nature of the proposed commercial development and the parties interested and the potential effects of such development on the Indigenous Peoples’ livelihoods, environments, and use of such resources.

WB OP4.10 (Paragraph 22 (a)-(i)) provides that the development of indigenous people can be financed by the World Bank to support the development priorities of Indigenous Peoples through programs (such as community-driven development programs and locally managed social funds) developed by governments in cooperation with Indigenous Peoples.

There are indigenous people in the project area (Batwa). In case they affected in any way, this policy will be triggered.

2.2. **Difference between Burundian Laws and World Bank Safeguards Policies on Resettlement**

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

The laws of Burundi only provide compensation for land that is legally owned by PAPs and no compensation to those without formalized rights. The World Bank OP 4.12 provides for compensation for land to both legal owners and those without formalized and/or fully legalized rights. OP 4.12 states that where there is a conflict between the Bank and government frameworks, those of the Bank shall take precedence. A comparison between the Laws of Burundi and the World Bank OP 4.12 is contained in **Table 2-1** below:

Table 2-1: Comparison of Burundi Laws and World Bank Policies on Resettlement and Compensation

Category of PAP/Type of lost assets	Burundi Law	World Bank OP 4.12
Land Owners	Cash compensation based upon market value. Land for Land under Customary Law – the land should at least be of the same size as land acquired	Land-for-land exchange is the preferred option; compensation is based on replacement cost. Land should be of the same size as or bigger than acquired land.
Land Tenants	Entitled to compensation based upon the amount of rights	Are entitled to some form of compensation whatever the legal recognition of their occupancy.
Land Users	Land users are entitled to compensation for crops and any other economic assets.	Entitled to compensation for crops, may be entitled to replacement land and income must be restored to pre-project levels at least.
Owners of “Non-permanent” buildings	Cash compensation based on market value	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.
Owners of “Permanent” buildings	Cash Compensation is based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.
Vulnerable groups	No specific measures provided in the Law.	Particular attention paid to the identified group.
Perennial Crops	Cash compensation based upon market rates.	There is no specific provision However, they may be compensated upon approval by the Bank
Compensation	Prompt and adequate compensation Compensation should be done before a PAP relocates	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions

In regard to this project, land to be acquired will be subject to the Laws of Burundi and the World Bank OP4.12. In the event of divergence between the two, the policy which will be considered to be of a comparatively higher standard shall apply. It is therefore important to streamline the compensation review process under Burundian law to ensure that approval are consistent with those required by the Bank for timely project approval and implementation.

3.0 PUBLIC CONSULTATION

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

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential land and alternative sites are being considered and is continuous throughout the project cycle.

Public consultation and participation are essential because they provide PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts. It also provides room for proposal of feasible mitigation measures by the stakeholders. One key factor that exists in all successful approaches to project development and implementation is participation by all stakeholders and communities in all the stages of the project. The more direct involvement of the local level people in the planning and management processes, the greater the likelihood that resource use and protection problems will be solved as well as the likelihood of development opportunities occurring in a balanced way and to the broad benefit of all communities in the project. In addition, involvement of stakeholders provides a sense of ownership for the project.

It should be noted that the public consultations were carried out when the decision of no dam had not yet been made. The issues raised therefore were in regard to project components including the reservoir.

3.1. Stakeholders Identification

It is always important to identify stakeholders at an early stage. In this project, stakeholders are those who have an interest in the project development, and who will be involved in the consultative process. Stakeholders for this project were thus identified purposively.

Different categories of stakeholders were identified and these included those directly and indirectly affected by the project. These included stakeholders at different levels that is, at national level, local government level, NGOs and communities in the project area. Their participation will make them understand and appreciate the likely impacts of the dam over their livelihood. In the context of the resettlement activities in the project area, extending and distribution of opportunities to PAPs is very important.

The four main groups of stakeholders are:

- **Directly Affected people-** All those who reside or derive their living from areas where the project will have a direct impact, often referred to as the Direct Impact Zone (DIZ), consisting of all the project components. For Buyongwe dam, directly affected persons are persons who live in the villages of Musanga, Kiremba, Gatwaro,

Mugerera and Gisuka in Kiremba Commune and who have property in the proposed dam area and its sub-components.

Consultations were held with the directly affected communities in the villages where the reservoir will be located (upstream). These were informed about the project including its location, purpose, features, objectives of the study and the consultation meetings, the team of experts and the different activities to be carried out throughout this phase of the assignment. Their views and concerns in regard to the project were sought and suggestions to mitigate the negative impacts were recorded.

- **Indirectly Affected Persons**-All those who reside near project features or are reliant on resources in the project area and will have to change or adjust their livelihoods. For this project, these include communities living in the villages affected by the dam but do not own property in the earmarked locations for the reservoir and communities downstream of the reservoir and the surrounding area. These include people in the villages of Ciri, Ruyumpu, Kigina, Higiuro and Nyamugari among others. Consultations were held with communities in the downstream area of the project.
- **Government or public sector agencies and community based organizations:**
These include;

- *National Stakeholders*

National Liaison Officer, TAC Members, Ministry of Water, Environment & Land Management

- *Local Government stakeholders*

Secretary Development Committee, Rural Planning Officer, Ngonzi Province Ngonzi Province Water Officer, Head of Kiremba Commune (Mayor), Agronomist, Communal Councilor etc.

- *Colline leaders* - Colline leaders for both the directly affected villages and indirectly affected villages.
- *NGOs and CBOs*

Two NGOs were consulted in and these include Commission Nationale des Terres et Autres Biens and Programme de Gestion, Decentralise'e Terres Province de Ngonzi

- **Other stakeholders**

These include; The Client (Nile Basin Initiative), donors, companies with an indirect interest, external advisors and consultants and private sector. At this stage of the project, only NBI has been consulted.

3.2. Summary of Consultations Undertaken

Meetings were held with the relevant officers at national and local government level. The meetings were held in the officers' respective offices and most of these were impromptu meetings. A list of the different stakeholders consulted is attached to this Report as Appendix I.

In addition, a total of 2 public meetings were held with potential PAPs, 1 Focus Group was held with the women and 1 Focus Group Discussion was held with the Technical Staff of Kiremba Commune. The village leaders mobilized people for the meetings. A schedule of meetings is attached to this report as Appendix II. An average of 25 participants turned up for each public meeting of which only about 12% participants were women. The public meetings were held in the local language of Kirundi.

3.3. Summary of issues raised in regard to land acquisition and compensation

Consultations were held with some of the stakeholders and potential affected persons mentioned in Section 3.1 of this report and these were carried out in the months of January and March 2012. Information regarding aspects of the project was disseminated. The Consultant also sought for information regarding policies, general socioeconomic trends among others. Hard copies and soft copies of secondary information were provided to the Consultant by the different stakeholders. In addition, their views and concerns in regard to the project were sought and suggestions to mitigate the negative impacts were also sought. Through the discussions and consultations with the potential affected communities and other stakeholders, a number of issues were raised in regard to compensation and resettlement and these are summarized as below;

Loss of land for cultivation and loss of livelihood:

The loss of livelihood was an issue that was raised in all meetings. The participants highlighted that they depended on the valley for their livelihood therefore with the dam in place they feared that they would lose their source of income and food. They informed the Consultant that 98% of production for food and commercial purposes was mainly from the valley and this is what was used to support their families. They therefore feared that they had nowhere to relocate as almost all sections of the valley were occupied and utilized by other people. The participants proposed that the project should provide new agricultural skills and equipment to the farmers such as training in modern agriculture, seeds and fertilizers to increase production at the slopes since the valley will no longer be used. The participants also proposed that that affected people should be compensated for the loss.

The stakeholder consultation process initiated during this preliminary RAP will continue throughout the next stages of the RAP.

3.4. Public Participation & Consultation framework

A key strategy for implementation of the RAP is collaboration both in the vertical and horizontal levels between the affected communities/people, central and local government

executives to enhance co-ordination, enabling sharing of experiences to consolidate the RAP process.

Consultation and community participation is a continuous process which will be followed in all stages of the project (that is, during project inception and planning, the feasibility assessment stage, preparation and development of project designs, implementation of the project and implementation of after-project community support activities).

All levels and different types of stakeholders shall be consulted, such as directly affected communities, indirectly affected communities and host communities among others. The consultation process will ensure that all identified stakeholders are consulted. Information about the project will be shared with the public, to enable meaningful contribution, and enhance the success of the project

There are several methods that could be used for communication and consultation and these include; stakeholder meetings, use of questionnaires, use of the media (radio, newspapers, TV) with particular emphasis on local media using the local language, use of notice boards at the local administration offices, posters in strategic locations frequented by the local people such as trading centres and offices of the local leaders among others. Where necessary, representatives of the different stakeholders shall be chosen and involved in the consultation process.

All concerns, views and issues raised by the stakeholders will be documented by written minutes. Attendance lists and photographs of the meetings will form part of the RAP Report and will be used as evidence that the consultation took place.

Different stakeholders at the national, local and community level will thus be involved in the process of land acquisition and RAP implementation. In addition, NGOs and CBOs currently working in the area can also be involved in the RAP process. These can be involved through acting as witnesses for the compensation process, strengthening local institutions, enhancing the positive impacts and implementing the mitigation measures among other things. In case of relocation of households, it is important to consult the host communities so as to ensure that the new comers are accepted and measures put in place to ensure that there is no increased stress to the existing social services in the new locations.

4.0 SOCIAL ASSESSMENT AND SOCIO-ECONOMIC SURVEYS

To assess the impacts of the project on the potential Project Affected Persons (PAPs), baseline surveys were conducted by the Consultant in the month of April 2012. Households considered for the survey included households in the vicinity of the project. This section of the report gives baseline conditions of the project area and the people that are likely to be affected during the implementation of the proposed Buyongwe Multipurpose Project. Details of each individual PAP will be got at the stage of preparation of the RAP.

4.1. Socio-economic Baseline Information

4.1.1. Population

According to the Kiremba Commune Development plan, the population of Kiremba Commune as estimated by the end of 2007 was 91,719 people of whom 41,799 were male and 49,921 were female. The district covers a surface space of 245 km² with a density of 377 inhabitants per km². The number of household was estimated at 20,507 with an average of 4-5 persons per family.

4.1.2. Settlement patterns and size distribution of settlements

Settlements in the Kiremba commune are scattered from each other save for the trading centres where they are concentrated. There were no houses in the valley and in the proposed area for the project. Majority of the houses are roofed with grass and a big number of them are roofed with tiles. Very few houses are roofed with iron sheets and this was attributed to the high prices of the roofs and lack of money by the local people. Because of the civil war that rocked the country sometime back many houses were destroyed. Observations showed that the Batwa, referred to as the indigenous people owned the worst type of dwelling places where the roofs and the walls were all made of grass.

4.1.3. Social capital and mechanisms for social cohesion

The mechanisms of social capital and social cohesion in the area include working together in small scale groups. The people in the area belong to several groups through which different donor groups and the government provide them with support such as seeds, fertilizers in a bid to help them improve their lives. Such groups include farmers' groups where the people are provided with equipment, improved seeds and agricultural trainings. The people also use these groups to access some credit.

Consultations with the local people showed that people in the project relied much on cooperatives, associations, farmers' groups and self-help groups to support each other in various ways like income generation, farming.

4.1.4. Social structure

Historically, Burundi had four social groups and these were the Twa potters, hunters and entertainers; the Ganwa the ruling aristocracy, the Tutsi who were cattle keepers and the Hutu who were cultivators. The Ganwa enjoyed the highest status while the Twa enjoyed the lowest status. In the middle there were the Hutu and the Tutsi. The Burundians recognized themselves according to Clan.

After the independence of the country and the civil wars that rocked the country in the 1990s, family, clan, and local kin group affiliations continued to be the focal points of societal unity. Close-knit family units are maintained under unquestioned paternal authority. The ethnic groups have continually stayed together with the same values and they live in the same villages. Nevertheless, the Twa are not well integrated into the social order.

The society is largely patrilineal in nature where the man is considered as supreme to the woman and is the head of the households and makes the crucial decisions regarding ownership of resources including land.

4.1.5. Livelihood Activities

Agriculture

The main source of livelihood for households in the project area is agriculture as stated by 91.8% of the households. Majority of the households are involved in crop farming and the main crops grown include bananas, cassava, sweet potatoes, rice beans, irish potatoes and maize and the main cash crop grown is coffee. Animal rearing is practiced by a few households and the animals reared include cattle, goats, sheep, pigs, poultry, rats and rabbits.

Sand mining and brick making

In the project area sand mining and brick making were observed. Consultations revealed that these activities were mainly practiced by the youth. The clay in the proposed area of the dam is used by the some of the local people to make bricks which are a source of income.

Pottery making

This activity was reported to be mainly carried out by the Twa, a minority ethnic group in the area. The Twa use the clay and sand from the river as raw materials for the pots. Consultations with some of the Twa women indicated that there is little market for the pots and when they get buyers they are paid little money. On average a pot costs 300-400 Burundi Francs.

4.1.6. Vulnerable Groups

Like in any area in the country, there are vulnerable groups in the project area. These include women headed households, the elderly, orphans, People with Disabilities, people living with HIV/AIDS, the indigenous people, people displaced by the civil war, repatriated people and demobilized soldiers. The vulnerable groups face a number of challenges and these include lack of resources and access to resources like land, discrimination, high levels of poverty, high levels of illiteracy and heavy workloads among others.

All the vulnerable groups identified will need special attention in terms of rehabilitation and livelihood support and ensuring that their status does not get worse than the pre project period. Details of the directly affected vulnerable groups will be given in the next stage of RAP preparation.

4.1.7. Potential conflicts inherent in dealing with natural resources

Conflicts inherent with natural resources include land conflicts which come as a result of land boundaries between neighbours and family members. The existing conflict resolution mechanisms include the Kiremba Commune Administration, the Police, the County Court and Bashingantahe. The Colline Chiefs are also instrumental in solving conflicts in the area.

5.0 POTENTIAL IMPACTS OF THE PROJECT

The project will require land for the diversion weir, irrigation channels (primary and secondary), crossing structures, expansion of the existing 65kW hydropower project camp site and access roads. This preliminary RAP provides information on the potential impact and likely project affected persons that could be affected by the project.

Households will be affected by one or a combination of categories of losses below:

- Loss of access to farmland
- Loss of crops and trees
- Loss of community paths

5.1. Categories of PAPs and Estimated number of PAPs

5.1.1. Categories of PAPs

Land acquisition for the proposed Buyongwe Multipurpose Project and its associated components will result in negative impacts to different categories of PAPs. The likely displaced (economically or physically) persons can be categorized into three groups namely:-

Project affected persons (PAPs) are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or economic resources as a result of activities related to sub-project(s) of proposed Buyongwe Multipurpose Project.

Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the proposed Buyongwe Multipurpose Project. These include members like the head of household, male, and female members, dependent relatives, and tenants among others.

Vulnerable Persons/Households. The proposed Buyongwe Multipurpose Project will pay special attention to the needs of the vulnerable groups that will in one way or another be affected by the project. The studies have so far revealed that there are several vulnerable groups in the project area and these include the female headed households, the elderly headed households, the disabled, families affected by HIV/AIDS, households with orphaned children, the indigenous people, people displaced by the civil war, repatriated people and demobilized soldiers, among others.

Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them. The RAP will identify the different categories of vulnerable households and persons and an analysis of their socioeconomic situation will be undertaken.

The major aims of identifying these groups is to provide additional assistance to restore their pre-project living standards, to ensure that their already vulnerable situations are not

made worse by the existence of the project and to ensure that resettlement provides an opportunity to enhance their socioeconomic conditions.

5.1.2. Estimated affected population

Most of the land that will be affected belongs to the government. However, the people utilize government land especially in the valley for cultivation. Consultations revealed that the average land size owned per household is 0.2 Ha. The project will require about 27ha of land therefore about 135 people are likely to lose access to land.

It should however be noted that the exact number of PAPs will be determined at the next stage of the RAP which will take place after the final design of the project is completed. The figures given above are thus just indicative figures.

5.1.3. Loss of land and access to land

The irrigation channels will require about 10ha of land and the diversion structure will also require 7ha of land. In addition, upgrading of the existing hydropower plant will require about 10ha of land making a total of 27ha that could be lost to the construction of the project. Most of the land belongs to the government but some of it could be owned by individuals. The land is largely used for cultivation of rice, vegetables and sweet potatoes throughout the year.

5.1.4. Loss of trees and crops

There are several crops that are being grown in the proposed area for construction of the project and these include rice, sweet potatoes, cabbages, irish potatoes, yams, bananas, cassava, sugarcanes and sorghum. However rice takes up most of the cultivated area. Besides, there are trees like *gravelia* and *eucalyptus* near the hydropower power station that are likely to be affected by its expansion. It was noted that most of the crops were seasonal crops that could be harvested before construction of the project could commence. **Figure 5-1** shows the crops cultivated in Buyongwe valley.



Figure 5-1: Crop cultivation in the proposed area for the reservoir

5.1.5. Impact on structures

There are currently no houses in the area proposed for the project therefore physical displacement is envisaged. In addition, there is a local fence is also likely to be affected by the reservoir.

5.1.6. Loss of Community footpaths

Several footpaths currently used by the community are likely to be destroyed by the project.

5.2. Alternatives considered to avoid or minimize resettlement

One of the main objectives of the World Bank Operational Policy on Involuntary Resettlement is to avoid involuntary resettlement where feasible, or minimize it by exploring all viable alternative project designs. The project has thus considered several options as a way of minimizing land acquisition and resettlement.

Option 1: This option had a dam height of 14m and storage capacity of 9.52 mm³ and reservoir surface area of 1.27km². This option would inundate about 142 ha of land and would destroy infrastructure such road and a bridge.

Option 2: This option had a dam height of 14m, storage capacity of 9.8mm³ and a surface area of 1.53km². This option would inundate about 172 ha of land and would affect infrastructure like a road, a bridge, a transmission line for the existing hydropower project and about 24 structures would be affected.

Option 3: This option required having no dam but improving on existing irrigation with multiple dykes, improve water supply and increasing the capacity of HPP upstream. With this option, there would be no physical displacement; infrastructure like a bridge and a road would be avoided and only 27ha of land would be acquired.

6.0 COMPENSATION SYSTEM/Framework

6.1. Criteria and Eligibility for Compensation

The involuntary taking of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. The WB OP 4.12 Para 15 (a, b, & c) categorizes those eligible for compensation and resettlement in three groups as shown below.

- (a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Burundi Law;
- (b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under the laws of Burundi or become recognized through a process identified in the resettlement action plan; and
- (c) Those who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from, but are recognized under World Bank OP 4.12.

WB OP 4.12 Para 16 states that Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

The persons covered under (a) and (b) above are to be compensated for the land they lose, and other assistance in accordance with the guidelines of the World Bank. Persons covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, to achieve the objectives set out in Resettlement Action Plan.

In regard to the proposed Buyongwe Multipurpose Project, all affected persons irrespective of their status (whether they have formal titles or not) are eligible for compensation and some assistance if they occupied the land before the entitlement cut-off date. These will include people with or without legal rights on the land.

6.2. Eligibility for Community Compensation

It is worth noting that a Community may claim compensation as a group such as farmer's group/association, religious group or commune among others. Communities on communal land that are permanently losing land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. The rationale for this is to ensure that the pre-project socio-economic status of communities adversely impacted is also restored.

6.3. Compensation Guidelines by the Host Government

According to the Land Code of the Republic of Burundi, Law N°.01/008 of 01/09/1986, compensation, whether monetary or physical (in kind) must take place before a person who is eligible for compensation can relocate.

The law further provides that affected persons should be provided with land of the same size as the land acquired.

Ministerial ordinance # 720/CAB/810/2003 dated May 28, 2003 stipulates that when expropriation is mandated to benefit a collective entity under public law, the general rate for compensation is determined by an ordinance issued by the Minister of Agriculture and Livestock or the Minister in charge of Urban Development. The ordinance updates the compensation rates for land, crops and structures in case of expropriation for public usefulness.

The Land Act under Article 407 and the Ministry decree No. 720/304 stated on March, 20th 2008 provide guidelines for compensation based on the market value and on land for land replacement.

Table 6-1 gives a summary of the entitlement matrix for compensation of assets regardless of whether the PAP has legal documents or not.

Table 6-1: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Cash compensation for affected land equivalent to market value	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
	Less than 20% of land holding affected Land remains economically viable.	Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value
	Greater than 20% of land holding lost Land does remains economically unviable.	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Relocation assistance
		Tenant/Lease holder	Cash compensation at market value Relocation assistance
Commercial Land	Land used for business partially affected, limited loss	Title holder/ business owner	Cash compensation for affected land Opportunity cost compensation

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Assets used for business severely affected If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Relocation assistance
		Business person is lease holder	Opportunity cost compensation Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to reestablish the business.
Residential Land	Land used for residence partially affected, limited loss Remaining land viable for present use.	Title holder	Cash compensation for affected land
		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
	Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	Refund of any lease/ rental fees paid for time/ use after date of removal Cash compensation equivalent to 3 months of lease/ rental fee Assistance in rental/ lease of alternative land/ property Relocation assistance (costs of shifting + allowance)
Buildings and structures	Structures are partially affected Remaining structures viable for continued use	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
		Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Remaining structures not suitable for continued use		available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/lease holder	Cash compensation for affected assets Relocation assistance Rehabilitation assistance if required (assistance with job placement, skills training)
		Squatter/informal dweller	Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation Relocation assistance Rehabilitation assistance if required assistance with job placement, skills training)
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	Owner/tenant/squatter	Cash compensation
Trees	Trees lost	Title holder	Cash compensation
Temporary Acquisition	Temporary acquisition	Owner/tenant/squatter	Cash compensation for any assets affected

6.4. Cut-off Date

The entitlement cut-off date refers to the time when the valuation assessments of the land and assets/developments on the land and a census of all the affected people are complete. Cut-off dates are essential in the process of drawing up lists to ensure that ineligible persons do not take the opportunity to claim eligibility. The date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. The cut-off date may also be discussed with the local administration and the implementing team.

All stakeholders including PAPs, local administration and relevant ministries will be informed of the cut-off date and its implications. Information about the cut-off date will be

disseminated mainly through public meetings, notices in local newspapers, radio announcements and use of local authorities.

6.5. Proof of Eligibility

The RAP implementing team shall consider several aspects for proof of eligibility and these will include among others the following; legal documents like land titles, customary certificates, tenancy agreements, consultations with and witnesses like local authorities, neighbors, family members, customary leaders/clan leaders, elders and the general community. This will ensure that the right beneficiaries of the project are compensated. Consultations revealed that people in the area were being encouraged to register ownership of their land.

7.0 METHODS FOR VALUING AFFECTED ASSETS

7.1. Inventory and Registration of Affected Properties and Persons

An inventory of all property that will be in the designated areas for the different project components like irrigation channels, access roads among others will be made. The land inventory will specify the different customary tenures under which the different affected plots of land fall.

During the survey, each asset will be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The quantities of each asset will then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person and the Valuation Expert will retain the original. At this time, a copy of the grievance procedure will also be given to the affected person.

7.2. Calculation of compensation costs

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

7.3. Forms of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice. **Table 7-1** below shows the forms of compensation.

Table 7-1: Forms of compensation

Cash Payments	Compensation will be paid in Burundi local currency.
In-kind Compensation	Compensation may include items such as land, houses, buildings, seedlings, agricultural inputs and financial credits for equipment.
Assistance	Assistance may include moving allowance, transportation and labour

Inflation, security and timing of compensation shall be put into consideration. The advantage of in-kind compensation is that it ensures that inflationary pressure on the cost of assets and services is reduced. Local inflation and market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The issue of security, especially for people who will be receiving cash compensation payments should be addressed by the local administration. In case of any in-kind

compensation, the time and place for the compensation payments will be decided upon by the Compensation Committee in consultation with each recipient.

Each person who will receive compensation will sign a compensation payment form acknowledging receipt of the compensation.

7.4. Disclosure of Compensation Payments

PAPs compensation payments will be disclosed to them individually in the presence of the colline and commune leaders. The different compensation options will also be explained to the affected person. It is recommended that a spouse and children be present during this meeting so as to act as witnesses to the process.

8.0 LIVELIHOOD AND INCOME RESTORATION STRATEGY

8.1 Introduction

WB OP4.12 Para (6c) states that displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living and provided with development assistance in addition to compensation measures. Such as land preparation, credit facilities, training, or job opportunities.

In addition, WB OP4.12 Para (2c) requires that displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

8.2 Income Restoration/Rehabilitation Measures

The Buyongwe Multipurpose project will not have adverse negative impacts on the livelihoods of the local people. This is mainly because the government of Burundi made an option of a no dam and instead opted for irrigation dykes. The project will thus require less land. However, the following measures are proposed as measures to improve people's incomes and livelihoods.

8.2.1 Provision of employment

The people shall improve their incomes by getting employment offers during construction of the project. The nature of the project will require a big number of casual labourers mainly to dig the irrigation and water supply channels. The involvement of the people will thus boost their incomes and restore any livelihood that they will have lost as a result of the project.

8.2.2 Training in modern agriculture and irrigation practices

Training of PAPs in technical aspects of agriculture and modern irrigation practices will increase the productivity of the land and thus improve and rehabilitate their incomes.

The Provincial Directorate of Agriculture and Livestock is responsible for coordinating all agricultural activities in the province. Together with the Colline administration the directorate may arrange for the required training for the people.

9 GRIEVANCE MECHANISMS

9.1. Introduction

Disputes/grievances between the project implementers and the affected persons and the community in general may arise during project implementation. Such grievances may be as a result of delay in disbursement of the compensation packages, dispute about ownership of property, losses not identified properly, inadequate assistance, dissatisfaction with the eligibility criteria, compensation packages and community planning measures among others. This Chapter therefore describes the necessary channels through which aggrieved people can file their complaints so as to ensure successful project development and implementation.

WB OP4.12 Para 13 (a) requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising.

The grievance mechanisms should

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

9.2. Grievance redress mechanisms

The project will as much as possible try to follow the existing grievance resolution mechanisms in the area at the different levels.

(i) Stage I: The Colline /Commune Level

The grievances shall first be lodged with the Colline Chief who will try to solve them. However, if the Colline Chief is not able to solve the grievance then he will seek guidance from the Commune Administration or just forward the case to the administration. The Commune administration will try all avenues to solve the problem at this level. If the grievance is unresolved then it will be forwarded to the Province.

(ii) Stage II: Provincial Lands Office/Registrar

The Provincial Lands Office shall take over the case from the Commune and shall invite the PAP to produce documents that support the PAP's claims. It will be expected to provide a verdict within one week in order to expedite the process. If the case is unresolved, the case will then be forwarded to the Courts of Law;

(iii) Stage III: Courts of Law

If the PAP or aggrieved party is not satisfied with the outcome of the grievance at provincial level, then the matter will be appealed in a court of law as provided for by law. However, this will be a last resort after all channels to settle the grievance have failed.

9.3. Grievance Resolution Process

Through sensitization meetings the PAPs will be informed of the different grievance mechanisms in place for them to lodge their complaints and dissatisfactions. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will be channeled via Colline Chief. Complaints will be filled in a Grievance Resolution Form (Sample attached as Appendix III.).

After registration of the complaint, an investigation will be carried out by the Colline Chief and/or the Commune designated personnel to verify its authenticity: thereafter a resolution approach will be selected based on the findings. The decisions of the action to be taken or taken will be communicated to all involved parties mainly in written form. All measures will be undertaken to ensure that the grievance is solved amicably between the concerned parties and the courts will be the last resort. Efficiency in solving of the grievances will be of paramount importance. Grievances shall be resolved within a maximum of period of 60 days after the date of registration.

9.4. Monitoring Complaints

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

10 IMPLEMENTATION SCHEDULE

This section outlines the different activities that will be undertaken to ensure successful implementation of the project and their expected timeframes. It should be noted that all construction activities for the different sub-projects will commence after compensation has been paid to the PAPs.

10.1. Time Schedule for Implementation of the RAP

The compensation payments should occur in the Pre-Construction phase to avoid delays in the project construction and stress to the PAPs. In general, all affected persons should be given adequate time to relocate or to stop utilizing the acquired land.

Compensation Payments Implementation Schedule

Time Frame (Months)	Activity	Responsibility
8	Preparation of the RAP. This will include consultation and sensitization of PAPs and all stakeholders about the process of RAP, surveying, taking an inventory of all affected properties, carrying out a census of all PAPs and undertaking a social economic profile for each PAP. A RAP Report will be prepared and submitted to the relevant authorities for approval.	RAP Team, Ministry of Water, Environment, Land and Urban Planning, Local Government at Provincial, Commune and Colline levels
9	Implementation of the RAP	
1	Sensitization of PAPs This will be done through meetings, media announcements, posters in strategic places, use of local leaders. Information sharing and consultation with PAPs will continue throughout the planning and implementation phase of the project	RAP Team, Ministry of Water, Environment, Land and Urban Planning, Local Government, Commune Administration
1	Verification of PAPs and disclosure of entitlements. Verification of PAPs shall be done to ensure that the claimants are the rightful owners of the property. After verification, the entitlements will be disclosed to the rightful owners.	RAP Team, Local authorities.

1	<p>Agreement of entitlements.</p> <p>If the PAPs agree with the package, they will then sign forms showing consent and any other necessary forms.</p>	RAP Team, Local Government, PAPs.
4	<p>Compensation Payments.</p> <p>All PAPs who will have agreed to the entitlements will be paid based on the agreed form of payment. Civil works should not begin before compensation payments are done.</p>	RAP Team, Directorate of Land Management, The Ministry of Finance.
5	<p>Grievance Resolution</p> <p>PAPs with complaints will lodge them in writing and submit to the relevant authorities for handling. The implementing team will ensure that all channels are utilized to solve the grievances amicably. The courts of law will be considered as last resort.</p>	Grievance Resolution Committee, Provincial Lands Office/Registrar, RAP Implementing Team.
6	<p>Livelihood Restoration Programs</p> <p>These will be put in place in close collaboration and consultation with the PAPs.</p>	The Communal Council, Ministry of Agriculture, Provincial Directorate of Agriculture and Livestock RAP Implementing Team
2	<p>Physical project mobilization and site clearing.</p> <p>This will be done after completion of compensation payments. PAPs will be allowed to salvage any materials, trees, crops</p>	Consultant, Contractor, Provincial Environment and Social Development Officers.
	<p>Construction.</p> <p>All construction activities will commence after the affected communities have been paid and resettled.</p>	Contractor, Provincial staff, Communal Council.
	<p>Final Report</p> <p>After the implementation process, the implementing team will write an End Project Report and submit to the implementing agency and to the World Bank.</p>	RAP Team

Figure 10-1: Implementation Schedule

Tasks	Month																							
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24
Preparation of the RAP	█	█	█	█	█	█	█	█																
Approval of RAP								█																
RAP Implementation									█	█	█	█	█	█	█	█	█	█	█	█				
Sensitization of PAPs									█															
Verification of PAPs and Disclosure of entitlements										█														
Agreement of Entitlements											█	█												
Payment of Compensation to PAPs												█	█	█	█									
Grievance Resolution												█	█	█	█									
Livelihood Restoration Programs													█	█	█	█	█	█						
Physical project mobilization and site clearing																					█	█		
Monitoring and Evaluation of Impacts										█	█			█	█							█		
Construction										█	█	█	█	█	█								█	█

Key:
 Resettlement activities █ Construction activities █

Consultation will be an ongoing activity throughout all the phases of the project. Comprehensive time frames shall be given in the comprehensive work plans of the procured Consultants.

10.2. Implementation Schedule, Linking Resettlement Implementation to Civil Works

For each sub-project, the resettlement schedules will be coordinated with construction schedules. Before any project civil works activity is implemented, PAPs will have to be compensated in accordance with the Burundian and World Bank resettlement laws, regulations and guidelines. In other words, no individual or affected household should be displaced due to civil works activity before compensation is paid.

Land acquisition should be completed within the preparatory stage of the engineering construction and before the beginning of relevant engineering works. Land will have to be evacuated prior to beginning of construction works. The PAPs will be given adequate time to vacate the land after compensation.

The proposed schedule is thus expected to ensure that all PAPs, prior to their physical relocation will;

- have been adequately consulted about the project, its impacts and compensation entitlements,
- have received compensation entitlements in a timely manner, and
- have been provided with means to establishing livelihoods.

10.3. RAP Implementation Responsibilities

The major stakeholders with statutory and administrative roles and functions in compensation and resettlement endeavors are the Ministry of Water, Environment, Land and Urban Planning, Ministry of Agriculture, Ministry of Finance, Local Government at provincial, commune and colline levels, the Communal Council and the RAP Implementing Team/Consultant.

- Ministry of Water, Environment, Land and Urban Development
 - Overall coordinator and overseer of the project and its activities.
 - Responsible for land expropriation and resettlement.
- Directorate of Land Management
 - Responsible for all compensation of in rural areas.
 - Issue of land titles to resettled PAPs.
- Ministry of Agriculture
 - Responsible for resettlement if land is in a wetland.

- The Ministry of Finance
 - Responsible for making the compensation funds available and transferring them into the account of the Ministry in charge of compensation for payment to the relevant affected persons.
- Provincial and Communal Land Committee
 - Approval of subdivision and transfer of land titles to PAPs at Communal and Provincial Levels.
- The Provincial Directorate of Agriculture and Livestock
 - Coordinating all agricultural activities in the province.
- Local Authorities

The Province, Commune

- Monitor progress of the monetary compensation.
- Monitor environmental and social issues.
- Grievance resolution

The Communal Council

- Community sensitization.

Colline Leaders

- Witness ownership claims.
- Community mobilization.
- Adjudication over ownership and boundaries.
- Provide local guidance during the compensation process.
- Receive grievances from PAPs.

- Civil Society Organizations (CSOs) /NGOs
 - Implementation of livelihood restoration programs
 - Witnessing the compensation process
 - Strengthening local institutions through capacity building
 - HIV/AIDS awareness programs
- The RAP Implementing Team/Consultant
 - Monitoring and supervision, quality control and ensuring compliance with the relevant laws, regulations and guidelines.
 - Community sensitization and consultation.
 - Survey and valuation of assets.
 - Grievance resolution.

- NBI/NELSAP
 - Overall monitoring of the RAP process.
 - Ensure that there is compliance to the necessary laws, regulations and the World Bank Safeguards.

11 COSTS AND BUDGET

11.1. Schedule of Compensation Rates

A schedule of compensation rates for the different property (crops, trees, building and land) was provided to the Consultant by officials from Burundi, a copy of which is attached as Appendix IV. The characteristics and value of land for case 4.1 in the given schedule were used, thus a rate of 4,000 Burundian Francs for each square meter of land was used to estimate the cost of land in the project area. A total of 27ha will be acquired for the Buyongwe Multipurpose Project.

11.2. Crops and trees

As a result of the change from a dam project to a no dam project, there are very few crops and trees that are likely to be affected. A lump sum figure has been put to cater for any crops and trees that might be affected by the project.

11.3. Total Compensation Costs

The estimated budget cost for the RAP implementation for the Buyongwe dam project **BIF 1,895,303,232 (USD 1,353,788)**. Table 11-1 shows a breakdown of the estimates. It should however be noted that the figures are just estimates. The detailed and accurate figures of affected property and costs will be calculated during the preparation of the RAP.

Table 11-1: Estimated Compensation Costs

Item	Cost (BIF)	Cost (USD)	Assumptions
Compensation for Land 270,000 meters (=27 Ha)	1,080,000,000	771,428	Based on given compensation schedule (Appendix IV.)
Compensation for Crops and trees	56,600,000	40,000	
Sub-Total	1,136,600,000	811,857	
Inflation (15.8%)	179,582,800	128,273	Based on the inflation rate in the country by end of September
Sub Total	1,316,182,800	940,131	
Implementation of the Resettlement activities (10% of compensation)	131,618,280	94,013	
Income restoration (10% of the compensation)	131,618,280	94,013	
Sub Total	1,579,419,360	1,128,157	

Contingency (10%)	157,941,936	112,816	Includes any local changes in design or alignment and for any unforeseen circumstances during construction.
Administrative costs (5%)	78,970,968	56,408	Includes administrative costs for the respective local institutions (local authorities)
Monitoring budget (5%)	78,970,968	56,408	
Total Budget	1,895,303,232	1,353,788	

Dollar rate at the time of study = 1400 BIF

11.4. Sources of Funding

For any resettlement activities for the proposed Buyongwe Multipurpose Project, the government of Burundi under the Ministry of Water, Environment, Land and Urban Development and the Ministry of Finance will be responsible financing them. The government should ensure prompt and adequate provision plus efficient flow of funds for resettlement. It should further ensure that the resettlement activities are adequately funded and carried out in accordance with applicable laws, rules and guidelines.

12 MONITORING AND EVALUATION

This Section sets out requirements for the monitoring and evaluation of the implementation of the RAP in order to successfully complete the resettlement management as per the implementation schedule and Compliance with the policies and entitlement framework.

12.1. Purpose of Monitoring and Evaluation (M & E)

The RAP team will be expected to develop and implement a Monitoring and Evaluation Plan (MEP) so as to assess whether the goals of the resettlement and compensation plan are being met. The monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities. Key indicators will be: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) duration to pay compensation expenses; (iii) management of disputes or conflicts.

- Project Affected Persons have been paid in full and before implementation of the subproject, and
- Project Affected Persons' and communities' living conditions are similar to pre-project status or are of a higher standard than before the project

12.2. Arrangements for monitoring by Implementing Agency

The WB's safeguard policy (OP 4.12) states that the project sponsor is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution.

The Project Implementing Unit (PIU) will establish a reporting system for the sub-project RAP that will:

- (i) Provide timely information about all resettlement and compensation issues arising as a result of RAP related activities;
- (ii) Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels
- (iii) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses;
- (iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RAP and that PAPs have better living conditions and livelihoods; and
- (v) Identify mitigation measures, as necessity, when there are significant changes in the indicators that may require strategic interventions (e.g. vulnerable groups are not receiving sufficient support from the sub-project).

12.3. Internal and External Monitoring

There will be need to carry out both internal and external monitoring to ensure complete and objective information and to avoid biasness.

12.3.1. Internal Monitoring

For internal monitoring, the resettlement offices of the executing agency, will take full responsibility for conducting regular internal monitoring of the implementation of the project. This will be done hand in hand with the Commune staff, the PAPs representatives and will be done after every six weeks. Post resettlement monitoring will be undertaken internally every three months.

The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

- (i) Number of sub-projects requiring preparation of a RAP;
- (ii) Number of households and individuals physically or economically displaced by each sub-project;
- (iii) Length of time from sub-project identification to payment of compensation to PAPs;
- (iv) Timing of compensation in relation to commencement of physical works;
- (v) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- (vi) Number of people raising grievances in relation to each sub-project;
- (vii) Number of unresolved grievances.

The PIU will review these statistics to determine whether the RAP implementation arrangements, as defined in the RAP, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PIU, to determine the final cost of RAP implementation.

Indicators

The following indicators (*Table 12-1*) can be used to monitor implementation of the RAP.

Table 12-1: Indicators of RAP Impacts

Monitoring (of Issues)	Evaluation (of Impacts)
Number of compensation (and valuation) not completed	Changes (+/-) in PAPs conditions during transition process
Number of sub-projects unable to settle compensation after two years	Changes (+/-) in PAPs income and livelihood conditions
Number of grievances filed	Nature of grievances or disputes resolved

Number of livelihood restoration programs completed	Changes (+/-) in affected households income levels
Pre project production versus present production levels (crops for crops, land for land)	Equal or improved production per affected household/homestead

12.3.2. External Monitoring

External monitoring will be undertaken by an independent agency or Consultant. These will have extensive experience in social surveys and resettlement monitoring. External monitoring will be done at least 2 years after completion of the construction phase. Journalists and Civil Society Organizations may be involved in this exercise.

This will include an independent impact evaluation that will determine:

- (i) If compensation payments have been completed in a satisfactory manner; and
- (ii) If there are improvements in livelihoods and well-being of PAPs.

Indicators

Several indicators are used to measure these impacts. These include, among others,

- A comparison of income levels before-and-after;
- Access to livelihoods and employment;
- Changes in standards of housing and living conditions;
- And improvements in level of participation in sub-project activities.

Specific indicators may include the following;

- Yield / produce quantity/quality from farming
- Access/ distance/ quality of agricultural plots
- Quality of, and access to, water
- Source of income
- Number of children in-school
- Changes in health standards;
- Changes in access to markets or roads – all of which may reflect overall improvements in standards of living.
- Number of ‘vulnerable’ people
- Yield/ produce quantity/quality from livestock
- Number of PAPs employed by the project
- Number of people with agricultural plots
- General relations between the project and local communities

Methods for measuring impacts

The following methods will be used for measuring impacts:

- (i) Questionnaires with data stored in a database for comparative analysis (before-after and with-without);
- (ii) Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
- (iii) Compensation Reports
- (iv) Number of grievances and time and quality of resolution; and
- (v) Ability of individuals and families to re-establish their pre-resettlement activities, in terms of improvements in land and crop production, and/or presence of other alternative incomes.

12.4. Annual audit

The annual audit of RAP implementation, and as applicable RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines as provided in RAP.

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP sub-project activities. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country. Finally, the audit will ascertain whether the resettlement entitlements were appropriate. Annual audit reports will be submitted for scrutiny to the World Bank.

To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the completion of financial commitments to the programme. This will allow for flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

12.5. Socio-economic assessment

The purpose of socio-economic assessment, which is part of the evaluation process, is to ensure that PAPs livelihood and wellbeing have improved, and have not worsened as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihoods, and provision of sufficient community development activities. Monitoring of living standards will continue after resettlement. Additionally a reasonable period (usually two years) must be established for monitoring post-resettlement impacts. A number of indicators will be used for measuring status of affected people.

The socio-economic assessments will use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment will be made for each sub-project. Additionally, since a baseline household survey will have been completed during RAP preparation, the end-RAP assessment will measure changes from this baseline.

12.6. Storage of PAPs Details

Details of each PAP including his/her socioeconomic status prior to the project, amount of compensation received per sub-project will be compiled. Compensation Certificates will bear each PAPs' photograph and in case of additional land acquisition, the respective PAP's reports or files will be updated. Copies of the reports will be kept by the Project Implementing Team, the PAP, and copies sent to the Ministry of Water, Environment, Land and Urban Development, NBI and World Bank.

REFERENCES

Kiremba Commune Development plan

O.P. 4.12 – Involuntary Resettlement

World Bank Projects and Operations, OP 4.10 –Indigenous Peoples - July 2005
- URL <http://go.worldbank.org/TE769PDWN0>.

APPENDICES

APPENDIX I: List of Persons Contacted

DATE	Person consulted	Designation
20 th March 2012	Mr. Nahayo Claude	Governor, Ngozi Province
	Mr. Nyabenda Aaron	Ingenieur, Project ol' Appus' or la Decentralisation – TWITEZIMBERE (PAD)
	Mr. Pierre Claver	Mvuki yu Mwami, Commission Nationale des Terres et Authes Biems (CNTB)
	Irakiza Thierry	Program de Gestion Decentralisee Terres Province du Ngonzi
21 st March 2012	Ndikunana Bernard	Director, Kiremba hospital
	Mutama Michael	Director, Schools Map Planning
	Sinamenye Jean	Agronome Communal
	Icimanishatse Jean	Representative of Ex-soldiers and Farmers' leader
	Ndayisenga Isaac	Deputy Head of Police, Kiremba
	Mduyekure Pasteur	Technician, water supply maintenance
	Karimanzira Daniel	President, Communal Development Committee (CCDC)
	Nduwayo Juvenal	Vetereaire
	Ngendahayo Claude	Member of Communal Council

APPENDIX II: Schedule of Public Meetings

Date	Venue	Time	Participants	Nature of the meeting	Number of participants
21/03/2012	Kiremba Commune Headquarters	10.00am	Kiremba Commune Technical Staff	Focus Group Discussion	9
22/03/2012	Kiremba Commune Headquarters	10.00am	Communities in the villages of the proposed reservoir	Public meeting	26
23/03/2012	Ruyumpu Primary school	11.00am	Communities downstream	Public meeting	25
23/03/2012	Ruyumpu Primary school	4.30pm	Women	Focus Group Discussion	8

APPENDIX III: Sample Grievance Resolution Form

Name (Filer of Complaint): _____

ID Number: _____ (PAPs ID number)

Contact Information : _____ (Village; mobile phone)

Nature of Grievance or Complaint:

<input type="checkbox"/>	Valuation	<input type="checkbox"/>	Survey
<input type="checkbox"/>	Payment	<input type="checkbox"/>	Others
<input type="checkbox"/>			Specify

<u>Date</u>	<u>Individuals Contacted</u>	<u>Summary of Discussion</u>
_____	_____	_____

Signature _____ Date: _____

Signed (Filer of Complaint): _____

Name of Person Filing Complaint : _____ (if different from Filer)

Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____

Was Filer Present? : Yes No

Was field verification of complaint conducted? Yes No

Findings of field investigation: _____

Summary of Conciliation Session

Discussion: _____

Issues _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____

Independent Observer

Date: _____



APPENDIX IV: Compensation Rates

Acte de Planif. Urb.

**ORDONNANCE MINISTERIELLE N°720/CAB/3.05/2008 DU 20.1.9.2008
PORTANT ACTUALISATION DES TARIFS D'INDEMNISATION DES TERRES, DES
CULTURES ET DES CONSTRUCTIONS EN CAS D'EXPROPRIATION POUR
CAUSE D'UTILITE PUBLIQUE.**

Le Ministre de l'Agriculture et de l'Elevage ;
Le Ministre de l'Environnement, de l'Aménagement du Territoire et des Travaux Publics ;
Le Vice -Ministre chargé des Travaux Publics et de l'Equipement ;

- Vu la Constitution de la République du Burundi ;
- Vu l'accord d'Arusha pour la Paix et la Réconciliation au Burundi ;
- Vu la loi n° 1/008 du 1^{er} septembre 1986 portant Code Foncier de la République du Burundi ;
- Vu le Décret- Loi n° 1/005 du 1^{er} septembre 1983 portant délimitation des Provinces et Communes de la République du Burundi tel que modifié à ce jour ;
- Vu le Décret –Loi n° 1/40 du 26 novembre 1997 portant délimitation du Territoire Urbain de Bujumbura ;
- Vu le Décret n° 100/140 du 07 novembre 2000 portant délimitation des périmètres des Centres Urbains du Burundi ;
- Vu le Décret n° 100/111 du 31 juillet 2000 portant recatégorisation des Centres Urbains ;
- Vu l'Ordonnance Ministérielle n° 540/83 du 13 mars 2000 portant fixation de la base de la taxe de transaction pour les ventes immobilières ;
- Vu l'Ordonnance Ministérielle n° 540/577 du 31 juillet 2000 complétant l'Ordonnance Ministérielle n° 540/188 du 13 mars 2000 portant fixation de la base de la taxe sur les transactions pour les ventes immobilières ;
- et vu l'Ordonnance Ministérielle n° 720/CAB/810/2003 du 28 mai 2003 portant actualisation des tarifs d'indemnisation des terres et cultures en cas d'expropriation pour cause d'utilité publique ;
- Vu la nécessité de donner la juste valeur économique aux biens concernés par l'expropriation pour cause d'utilité publique ;
- Après avis conforme du Conseil des Ministres ;

ORDONNENT :

- Article 1 :** Le paiement de l'indemnité d'expropriation pour cause d'utilité publique, est en tous les cas préalable, à toute action de déplacement de la personne expropriée.
- Article 2 :** En cas d'urgence constatée et dans tous les cas après paiement de l'indemnité d'expropriation, l'autorité compétente peut ordonner le déguerpissement préalable de l'exproprié nonobstant tout recours judiciaire.
- Article 3 :** L'indemnisation d'expropriation pour cause d'utilité publique peut prendre la forme, soit d'une indemnité pécuniaire, soit d'un échange assorti le cas échéant d'une indemnité partielle destinée à la réinstallation de l'exproprié.

Article 4 : Les tarifs d'indemnisation en cas d'expropriation pour cause d'utilité publique applicables aux cultures vivrières annuelles et bisannuelles sont obtenus par l'application de la formule suivante :

$$T = 0,8 \times RE \times S \times P$$

Article 5 : La formule de l'article 4 précédent s'applique en interprétant T comme tarif d'indemnisation en Fbu ; RE comme rendement espéré exprimé en tonne par hectare ; S comme superficie du champ et P comme prix moyen par kg au cours des 6 derniers mois du produit vivrier, référence faite aux publications de l'Institut des Statistiques et Etudes Economiques du Burundi (ISTEEBU)

Les tarifs d'indemnisation pour certaines cultures annuelles et bisannuelles sur base des prix de janvier 2008 sont donnés en annexe n° 1.

Article 6 : En cas d'expropriation pour cause d'utilité publique applicables aux cultures pérennes en production sont obtenus par l'application de la formule suivante :

$$T = I + 0,8 \times RE \times S \times P \times N$$

Article 7 : La formule de l'article 6 précédent s'applique en interprétant T comme tarif d'indemnisation ; I comme coût d'investissement moyen ; RE comme rendement espéré exprimé en tonnes par hectares ; S comme superficie du champ ; P comme moyen du produit au cours des 6 derniers mois référence faite aux publications de l'ISTEEBU et N comme nombre moyen d'années entre le moment de la plantation de la culture et celui de son entrée en production.

Les tarifs applicables sur base des prix de janvier 2008 pour certaines cultures pérennes sont donnés en annexe n°2.

Article 8 : Les rendements des cultures annuelles, bisannuelles, et pérennes peuvent être appréciés au cas par cas au moment de l'expropriation sur base de la variété cultivée et de l'état de leurs champs.

Article 9 : Les tarifs d'indemnisation en cas d'expropriation pour cause d'utilité publique applicables aux différentes essences forestières sont repris au tableau de l'annexe n°3.

Article 10 : Les tarifs d'indemnisation en cas d'expropriation pour cause d'utilité publique aux essences forestières dont les références ne sont pas précisées par l'article 9 seront négociés à l'amiable entre la personne expropriée et les représentants de l'Administration.

Article 11 : Les tarifs d'indemnisation en cas d'expropriation pour cause d'utilité publique applicables aux terres aménagées et non encore aménagées situées en zones urbaines et péri-urbaines sont fixés référence faite au document annexe n°4.

Article 12 : Les tarifs d'indemnisation en cas d'expropriation pour cause d'utilité publique applicables aux constructions sont fixés références faite au document annexe n°5.

Article 13 : Tous les autres cas de constructions non repris à l'article 12 seront estimés au cas par cas référence faite au document annexe n°6.

Article 14 : La présente Ordonnance fera l'objet d'une révision périodique dans un intervalle de 3 à 5 ans pour répondre aux réalités socio- économiques.

Article 15 : Toutes dispositions antérieures contraires à la présente Ordonnance sont abrogées.

Article 16 : La présente Ordonnance entre en vigueur le jour de sa signature.

Fait à Bujumbura, le 20/3/2008

LE VICE-MINISTRE CHARGE
DES TRAVAUX PUBLICS
ET DE L'EQUIPEMENT

IE. Elias BUREGURE

LE MINISTRE DE L'ENVIRONNEMENT,
DE L'AMENAGEMENT DU TERRITOIRE
ET DES TRAVAUX PUBLICS

Ir. Apollite KANYENKIKO

LE MINISTRE DE L'AGRICULTURE
ET DE L'ELEVAGE

Ferdinand NDERAGAKURA

DOCUMENT ANNEXE N°1

TARIFS D'INDEMNISATION POUR CERTAINES CULTURES ANNUELLES ET BISANNUELLES

Base de calcul : prix de janvier 2008

N°	CULTURE	RE (T/Ha)	P/kg	Tarif/are (en FBU)
1	Maïs	3,00	300	7.200,0
2	Sorgho	1,20	456	4.377,6
3	Froment	1,20	739	7.094,4
4	Eleusine	1,20	714	6.854,4
5	Riz irrigué ou de marais	2,50	771	15.420
6	Manioc	15,00	227	27.240
7	Pomme de terre	10,00	343	27.440
8	Patate douce	10,00	181	14.480
9	Colocase	8,00	279	17.856
10	Igname	15,00	178	21.360
11	Haricot	1,20	675	6.480
12	Petit pois	1,30	851	8.850,4
13	Arachides	1,50	825	9.900
14	Soja	1,4	883	9.890
15	Choux	10,00	186	14.880
16	Poireaux	6,00	478	22.944
17	Epinards	4,00	379	12.128
18	Salade	6,00	1.578	75.744
19	Tomate	20,00	522	83.520
20	Ananas	25,00	206	41.200
21	Aubergine	10,00	577	46.160
22	Oignons	4,00	934	29.888
23	Céleri	2,00	1.579	26.864
24	Carottes	10,00	474	37.920
25	Tournesol	1,00	1.079	8.632
26	Piment, Pili pili	1,50	1.319	15.828
27	Cotonnier	1,00	300	2.400
28	Irengarenga	10,00	186	14.880

Vu et approuvé pour être annexé à l'Ordonnance n°720/CAB/04 du 20.12.2008 portant actualisation des Tarifs d'indemnisation des Terres, Cultures et des Constructions en cas d'expropriation pour cause d'utilité publique.

Fait à Bujumbura, le 20/3/2008

LE VICE-MINISTRE CHARGÉ
DES TRAVAUX PUBLICS
ET DE L'EQUIPEMENT

Ir. Elias BUREGURE



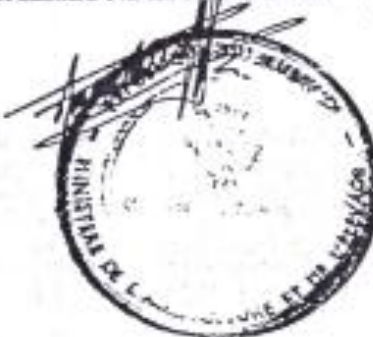
LE MINISTRE DE L'ENVIRONNEMENT,
DE L'AMENAGEMENT DU TERRITOIRE
ET DES TRAVAUX PUBLICS

Ir. Anastole KANYEMBEKO



LE MINISTRE DE L'AGRICULTURE
ET DE L'ELEVAGE

Ferdinand NDERAGAKURA



DOCUMENT ANNEXE N° 2

TARIFS D'INDEMNISATION APPLICABLES A CERTAINES CULTURES PERENNES

Base de calcul : prix de janvier 2008

N°	Culture	RE (T/HA)	P/kg	N	L/are	Tarif/are	Plants/ha	Tarif/pied
1	Bananier	15	230	2	2.300	57.500	1.000	5.750 (ingundu)
2	Caféier	1,6	675	4	3.800	38.360	2.500	1.379
3	Théier	6	150	3	13.500	35.100	12.000	413
4	Sisal	5	410	3	1.800	51.000	12.000	422
5	Manguier	20	300	4	4.480	196.480	1.500	24.300
6	Palmier/huile	9	710	5	3.700	259.300	500	51.875
7	Avocatier	10	409	5	2.700	166.300	500	13.361
8	Agrumes	25	1.050	5	3.000	1.053.000	2.500	42.120
9	Papayer	24	280	2	2.380	109.900	1.000	11.032
10	Goyavier	15	183	3	3.182	69.062	1.000	6.906
11	Cœur de boeuf	20	270	3	3.000	132.600	1.000	13.260
12	Tripsacum,	40	21	1	2.100	8.820	-	-
13	Pennisetum	50	21	1	2.100	10.500	-	-
14	Sétaria	60	21	0,6	2.100	8.148	-	-

Vu et approuvé pour être annexé à l'Ordonnance n°720/CAB/2008 du 20.13.2008 portant actualisation des Tarifs d'Indemnisation des Terres, Cultures et des Constructions en cas d'expropriation pour cause d'utilité publique.

Fait à Bujumbura, le 20.13.2008

LE VICE - MINISTRE CHARGE
DES TRAVAUX PUBLICS
ET DE L'EQUIPEMENT

Ir. Elias BUREGURE

LE MINISTRE DE L'ENVIRONNEMENT,
DE L'AMENAGEMENT DU TERRITOIRE
ET DES TRAVAUX PUBLICS

Ir. Anatole KANYENSIKO

LE MINISTRE DE L'AGRICULTURE
ET DE L'ELEVAGE

Ferdinand NDERAGAKURA

DOCUMENT ANNEXE N°3

TARIFS D'INDEMNISATION RELATIFS AUX ESSENCES FORESTIERES.

1. BOIS DE CHAUFFAGE : 2700 FBU/Stère

- Eucalyptus
- Callitris
- Cassia siamea
- Acacia
- Pithélobium
- Albizia
- Dodonéa
- Simarouba
- Eméline
- Euphorbia
- Myrianthus
- Pinus
- Spathodea
- Flamboyant
- Jacaranda
- Autres

2. BOIS D'ŒUVRE ET DE SERVICE

Les tarifs ci-dessous sont fixés en fonction du cubage sur pied, c'est-à-dire de la circonférence à 1,50 m du sol (hauteur de poitrine) et d'une longueur de 8 m ou plus.

N°	Circonférence à 1,50 m du sol	Redevance au F/arbre
1	Inférieur à 10 cm	270 F/pièce
2	Entre 10 et 29 cm	900 F/ pièce
3	Entre 30 et 59 cm	1.350 F/pièce
4	Entre 60 et 69 cm	1.800 F/pièce
5	Entre 70 et 79 cm	2.700 F/pièce
6	Entre 80 et 89 cm	3.600 F/pièce
7	Entre 90 et 99 cm	4.500 F/pièce
8	Entre 100 et 109 cm	4.900 F/pièce
9	Entre 110 et 119 cm	9.450 F/pièce
10	Entre 120 et 129 cm	11.250 F/pièce
11	Entre 130 et 139 cm	13.230 F/pièce
12	Entre 140 et 149 cm	15.300 F/pièce
13	Entre 150 et 159 cm	18.000 F/pièce
14	Entre 160 et 169 cm	21.600 F/pièce
15	Entre 170 et 179 cm	25.200 F/pièce
16	Entre 180 cm et plus	31.050 F/pièce

3. AUTRES

- Les plantes médicinales et ornementales (pour mémoire)
- Les ficus (pour mémoire)
- Une souche de bambou de diamètre compris entre 5 et 10 cm : 1.030 F/pièce.

Vu et approuvé pour être annexé à l'Ordonnance n°720/CAB/544 du 21/3/2008 portant actualisation des Tarifs d'Indemnisation des Terres, Cultures et des Constructions en cas d'expropriation pour cause d'utilité publique.

Fait à Bujumbura, le 21/3/2008

LE VICE - MINISTRE CHARGE
DES TRAVAUX PUBLICS
ET DE L'EQUIPEMENT

Ir. Elias BUREGURÉ

LE MINISTRE DE L'ENVIRONNEMENT,
DE L'AMENAGEMENT DU TERRITOIRE
ET DES TRAVAUX PUBLICS

Ir. Anatole KANYENRIKO

LE MINISTRE DE L'AGRICULTURE
ET DE L'ELEVAGE

Ferdinand NDERAGAKURA



DOCUMENT ANNEXE N°4

TARIFS D'INDEMNISATION APPLICABLES AUX TERRES AMENAGEES ET NON AMENAGEES SITUÉES EN ZONES URBAINES ET PERI-URBAINES

I. BUJUMBURA

I.1. Catégorie des terrains viabilisés de très haut standing.

Caractéristiques : Connexion au réseau téléphonique, raccordement à l'eau et électricité, voirie primaire emprise comprise entre 20 et 25 m, voiries secondaire et tertiaire asphaltées emprise inférieure ou égale à 15 m, équipement haut niveau (parc, stade, services publics et commerciaux, raccordement aux égouts publics, caniveaux maçonnés.

Quartiers répondant aux caractéristiques :

Noyau Centre Ville,
Valeur au m² : 45.000 FBU

I.2. Catégorie des terrains viabilisés de haut standing.

Caractéristiques : Voirie primaire asphaltée avec caniveaux maçonnés, emprise comprise entre 12 m et 15 m, connexion à l'eau, l'électricité, le téléphone. Voirie secondaire et tertiaire en terre rechargée avec caniveaux primaires maçonnés et caniveaux secondaires en terre.

Quartiers répondant aux caractéristiques :

KIRIRI, GATOKÉ, ROHERO, KIGOBE, MUTANGA SUD,
SOROREZO,
Valeur au m² : 30.000 FBU

KININDO, KINANIRA II, III, IV, GIKUNGU, GIHOSHA, Q.
ASIATIQUE, Q. INDUSTRIELLE,
Valeur au m² : 22.500 FBU

N.B : Des quartiers aux mêmes caractéristiques peuvent avoir des prix différents en raison de l'utilisation (commercial, industriel), de leur situation géographique (centre ville, hauteurs) et du revenu des ménages y résidant.

I.3. Catégorie des Terrains viabilisés de moyen standing.

Caractéristiques : Existence de voies inter quartiers asphaltées. Raccordement à l'eau et électricité, téléphone voies secondaires et tertiaires rechargées, emprise 7 m, caniveaux en terre.

Quartiers répondant aux caractéristiques :

NGAGARA, JABE, GASENYI, NYAKABIGA, KINANIRA I,
Valeur au m² : 12.000 FBU

1.4. Catégorie des Terrains viabilisés de bas standing.

Caractéristiques : Viabilisation sommaire (sans rechargement) emprise entre 5 et 10 m, existence de bornes fontaines et éclairage public, absence de caniveaux.

Quartiers répondant aux caractéristiques :

BWIZA, BUYENZI, KAMENGE, KINAMA, CIBITOKÉ,
MUTAKURA, MUSAGA et KANYOSHA, Valeur au m² : 7.500
FBU

1.5. Catégorie des Terrains non viabilisés.

Caractéristiques : Voies de desserte tracées manuellement non structurées, quelques bornes fontaines, éclairage public quasi inexistant ;

Valeur au m²: 2.500 FBU

1.6. Zones périphériques.

Caractéristiques : Sans objet.

Quartiers répondant aux caractéristiques :

Quartiers spontanés,
Valeur au m² : 2.500 FBU

2. VILLES PRINCIPALES : GITEGA, KAYANZA, RUMONGE, NGOZI
(Référence : Décret n° 100/111 du 31 juillet 2000)

2.1. Catégorie des terrains viabilisés de haut standing.

Caractéristiques : Idem cas 1.2.

Quartiers répondant aux caractéristiques

Centre ville et ses environs ;
Valeur au m² : 15.000 FBU

2.2. Catégorie des Terrains viabilisés de moyen standing.

Caractéristiques : Idem cas 1.3.

it

it

Quartiers répondant aux caractéristiques

Quartiers résidentiels structurés,
Valeur au m² : 9.000 FBU

2.3. Catégorie des Terrains viabilisées de bas standing,

Caractéristiques : Idem cas 1.4.

Quartiers répondant aux caractéristiques :

Quartiers résidentiels non structurés,
Valeur au m² : 6.000 FBU.

2.4. Catégorie des Terrains non viabilisées,

Caractéristiques : Sans objet

Quartiers répondant aux caractéristiques :

Zones périphériques,
Valeur au m² : 1.500 FBU

3. VILLES SECONDAIRES: BURURI, RUYIGI, MAKAMBA, MURAMVYA, KIRUNDO, CANKUZO, CIBITOKI, BUBANZA, MUYINGA, RUTANA, NYANZA-LAC, KARUZI, MWARO, ISALE, MATANA (Référence : Décret n° 100/111 du 31 juillet 2000)

3.1. Catégorie des Terrains viabilisées de moyen standing,

Caractéristiques : Idem cas 1.3.

Quartiers répondant aux caractéristiques :

Centre ville et ses environs,
Valeur au m² : 7.500 FBU

3.2. Catégorie des Terrains viabilisées de bas standing,

Caractéristiques : Idem cas 1.4.

Quartiers répondant aux caractéristiques :

Quartiers résidentiels structurés,
Valeur au m² : 4.500 FBU.

3.3. Catégorie des Terrains non viabilisées,

Caractéristiques : Idem 1.5.

Quartiers répondant aux caractéristiques :

Zones périphériques,
Valeur au m² : 1.250 FBU

CENTRES A VOCATION URBAINE: MABANDA, GIHOFI, RUGOMBO, GATUMBA, KIREMBA NORD, IJENDA, MUYANGE-TORA, BWAMBARANGWE, BUKEYE, KINYINYA, GIHETA, KIGANDA, GISHUBI, MUTUMBA, GIHANGA, MUTAHO, RUTOVU, MUSONGATI, MURORE, BUKIRASAZI, MUSENYI-TANGARA, MATONGO-BANDAGA, MABAYI, KABEZI, RUKAGO-GAHOMBO, BUTEZI, MAKEBUKO, BUHIGA, MINAGO, KIBUMBU, BUGABIRA, KIRYAMA, NTEGA, MUZINDA, KIREMBA-SUD, RUMEZA, RUHORORO, SHANGA, NYANGWA, MISHIHA, BISORO, BUTA, MUTOYI, GASHOHO, KAYERO, JENE, MAHWA, MPARAMIRUNDI, GITERANYI (Référence : Décret n° 100/111 du 31 juillet 2000)

4.1. Catégorie des Terrains viabilisés de bas standing.

Caractéristiques : Idem 1.4

Quartiers répondant aux caractéristiques :

Centre ville et ses environs, Valeur au m² : 4.000 FBU

4.2. Catégorie des Terrains non viabilisés.

Caractéristiques : Idem 1.5.

Quartiers répondant aux caractéristiques :

Zones périphériques, Valeur au m² : 1.000 FBU

Vu et approuvé pour être annexé à l'Ordonnance n°720/CAB³⁰⁴ du 20/3/2008 portant actualisation des Tarifs d'Indemnisation des Terres, Cultures et des Constructions en cas d'expropriation pour cause d'utilité publique.

Fait à Bujumbura, le 20/3/2008

LE VICE - MINISTRE CHARGE DES TRAVAUX
PUBLICS ET DE L'EQUIPEMENT

Ir. Elias BUREGURE

LE MINISTRE DE L'ENVIRONNEMENT,
DE L'AMENAGEMENT DU TERRITOIRE
ET DES TRAVAUX PUBLICS

Ir. Anatole KASYENKIKO

LE MINISTRE DE L'AGRICULTURE
ET DE L'ELEVAGE

Ferdinand NDIRAKOZURU

DOCUMENT ANNEXE N°5

TARIFS D'INDEMNISATION APPLICABLES AUX CONSTRUCTIONS

5.1. CATEGORIE DURABLE : DUREE DE VIE PRESUMEE : 100 ans.

5.1.1. DESCRIPTION

5.1.1. A. PAVILLONNAIRE

Postes	STANDING			
	FAIBLE	MOYEN	HAUT	TRES HAUT
Fondation	Dur : maçonnerie de moellons ou béton armé	Idem cas précédent	Idem cas précédent	Idem cas précédent
Elévation	Maçonnerie dur ou structure en B.A. remplissage semi-dur.	Idem cas précédent	Idem cas précédent	idem cas précédent
Plafond	Nattes ou papyrus non traité	Plaques unalut ou en asbeste ciment	Idem cas précédent	Lattis en bois
Charpente	Bois non travaillé, perche	Métallique, bois traité	Idem cas précédent	Métallique
Couverture	Tôles galvanisées ép. ≤ 0,169mm, tôles asbeste ciment ép. ≤ 4mm.	Tôles galvanisées ép. ≥ 0,169 mm, tôles asbeste ciment ép. ≤ 5mm, tuiles artisanales.	Bac aluzino ép. inférieur ou égale à 5mm tuiles industrielles.	Idem cas précédent
Electricité	Installation électrique apparente	Installation encastrée	Luminaire et lustres haute qualité.	Idem cas précédent
Plomberie	Point d'eau extérieure	Sanitaires internes	Idem cas précédent	Idem cas précédent
Evacuation	Fosse arabe	Fosse septique et PP	Fosse septique et PP	Fosse septique et PP
Huisseries	Bois sommairement travaillé	Bois bien traité, métallique, vitres 3mm, porte bois contreplaqué	Porte bois plein + chambranles, vitres 3mm	Châssis aluminium, vitres teintes 5mm
Pavement	Ciment gris	Ciment teinté, Tomettes artisanales	Carreaux sol haute qualité, Tomettes industrielles	Carreaux sol très haute qualité, parket en bois
Peinture et Revêtement muraux	Chaulage	Glycéro, vinylique	Revêtement muraux : carreaux de faïence haute qualité	Revêtement muraux : carreaux très haute qualité, éléments décoratifs en bois importés, tissus.

5.1.1. B. REZ DE CHAUSSEE + 1 NIVEAU A REZ DE CHAUSSEE + 3 NIVEAUX

Poste	STANDING			
	FAIBLE	MOYEN	HAUT	TRES HAUT
Fondation	Idem cas précédent	Idem cas précédent	Idem cas précédent	Idem cas précédent
Elévation	Idem cas précédent	Idem cas précédent	Idem cas précédent	Idem cas précédent
Plafond	Plagues unalut ou en asbeste ciment	Idem cas précédent	Profilé en aluminium	Idem cas précédent
Charpente	En bois	Métallique, bois traité	Métallique	Idem cas précédent
Couverture	Tôles galvanisées ép. ≤ 0,169mm, tôles asbeste ciment ép. ≤ 6mm.	Idem pavillonnaire moyen	Bac alu zinc ép. ≥ 0,4mm ou asbeste ciment ép. ≥ 6mm.	Idem cas précédent
Electricité	Installation encastrée	Idem pavillonnaire moyen	Idem pavillonnaire haut	Idem pavillonnaire très haut
Plomberie	Sanitaires internes	Idem pavillonnaire moyen	Idem pavillonnaire haut	Sanitaires très haute qualité (type hôtels classe)
Evacuation	Fosse septique et PP	Fosse septique et PP	Fosse septique et PP	Fosse septique et PP
Huisseries	Idem bas standing pavillonnaire	Idem pavillon moyen	Idem pavillon haut	Idem pavillon très haut
Pavement	Ciment gris	Idem pavillon moyen	Idem pavillon haut	Idem pavillon très haut
Peinture et Revêtement muraux	Idem pavillon bas	Idem pavillonnaire, moyen	Idem pavillonnaire haut	Idem pavillonnaire très haut

5.1.1. C. PLUS DE 4 NIVEAUX (ETAGE)

Poste	STANDING		
	FAIBLE ET MOYEN	HAUT	TRES HAUT
Fondation	Sans objet	Idem cas précédent	Idem cas précédent
Elévation	Sans objet	Idem cas précédent	Idem cas précédent
Plafond	Sans objet	Profilé en aluminium	Idem cas précédent
Charpente	Sans objet	Métallique	Idem cas précédent
Couverture	Sans objet	Bac aluzinc ép. ≥ 0,4mm ou asbeste ciment ép. ≥ 6mm.	Idem cas précédent
Electricité	Sans objet	Idem pavillonnaire haut	Idem pavillonnaire très haut
Plomberie	Sans objet	Idem pavillonnaire haut	Sanitaires très haute qualité (type hôtels classe)
Evacuation	Sans objet	Fosse septique et PP	Fosse septique et PP
Huisseries	Sans objet	Idem pavillon haut	Idem pavillon très haut
Pavement	Sans objet	Idem pavillon haut	Idem pavillon très haut
Peinture et Revêtement muraux		Idem pavillonnaire haut	Idem pavillonnaire très haut
Equipement	Sans objet	Equipement hydraulique	Idem de cas précédent, climatisation

5.1.2. TARIF D'IDEMNISATION AU m² BATI (EN MILLIER DE FRANCS BURUNDI)

Catégorie durable : Durée de vie présumée 100 ans.

5.1.2. A. PAVILLONNAIRE

STANDING							
FAIBLE		MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese	Auto	Ese
150	180	255	300	425	450	525	600

5.1.2. B. REZ DE CHAUSSEE + 1 NIVEAU A REZ DE CHAUSSEE + 3 NIVEAUX

STANDING							
FAIBLE		MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese	Auto	Ese
300	330	330	375	450	525	600	675

5.1.2. C. PLUS DE 4 NIVEAUX

STANDING					
FAIBLE ET MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese
300	350	700	750	850	900

Moins-values déductibles.

1. Vétusté légale V : $P \times A/D$

où P : Valeur à neuf
A : Age de l'immeuble
D : Durée de vie présumée

3. Manque d'entretien : Estimable

4. Manque de finition : Estimable

Vu et approuvé pour être annexé à l'Ordonnance n°720/CAB/3^{ey} du 20/3/2008 portant actualisation des Tarifs d'Indemnisation des Terres, Cultures et des Constructions en cas d'expropriation pour cause d'utilité publique.

Fait à Bujumbura, le 20/3/2008

LE VICE-MINISTRE CHARGE
DES TRAVAUX PUBLICS
ET DE L'EQUIPEMENT

Ir. Elias BUREGURE



LE MINISTRE DE L'ENVIRONNEMENT,
DE L'AMENAGEMENT DU TERRITOIRE
ET DES TRAVAUX PUBLICS

Ir. Anatole KANYENKIRO



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5.2. CATEGORIE SEMI-DURABLE : DUREE DE VIE PRESUMEE : 50 ans.

5.2.1. DESCRIPTIF

5.2.1. A. PAVILLONNAIRE

Posts	STANDING	
	FAIBLE	MOYEN
Fondation	Maçonnerie de moellons au mortier de ciment	Idem cas précédent
Élévation	Briques adobes avec mortier de pose en terre, crépissage mortier en terre	Idem cas précédent
Plafond	Nattes ou papyrus non traité	Idem cas précédent
Charpente	Bois non travaillé, perche	Bois travaillé sommairement
Couverture	Tôles galvanisées ép. ≤0,169mm, tôles asbeste ciment ép. ≤4mm.	Tôles ép. ≤ 0,169 mm, tôles asbeste ciment ép. ≤5mm, tuiles artisanales.
Electricité	Installation électrique apparente	Installation encastrée
Plomberie	Point d'eau extérieur	Sanitaires internes
Evacuation	Fosse arabe	Fosse septique et PP
Huisseries	Bois sommairement travaillé sans vitrage	Idem cas précédent, vitrage réduit au minimum
Pavement	Ciment gris	Ciment teinté tomettes artisanales
Peinture et Revêt. muraux	Chaulage	Glycéro, vinylique

5.2.1. B. REZ DE CHAUSSEE + 1 NIVEAU A REZ DE CHAUSSEE + 3 NIVEAUX

Sans objet

5.2.1. C. PLUS DE QUATRE NIVEAUX

Sans objet

5.2.2. TARIFS D'IDEMNISATION AU m² BATI (EN MILLIER DE FRANCS BURUNDI)

CATEGORIE SEMI-DURABLE : DUREE DE VIE PRESUMEE : 50 ans

PAVILLONNAIRE.

STANDING							
FAIBLE		MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese	Auto	Ese
120	-	180	-	-	-	-	-

REZ DE CHAUSSEE + 1 NIVEAU A REZ DE CHAUSSEE + 3 NIVEAUX

STANDING							
FAIBLE		MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese	Auto	Ese
Sans objet							

PLUS DE 4 NIVEAUX

STANDING					
FAIBLE ET MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese
Sans objet					

Moins-values déductibles

1. Vétusté légale $V : P \times A/D$ où
P : Valeur à neuf
A : Age de l'immeuble
D : Durée de vie présumée
2. Manque d'entretien : Estimable
3. Manque de finition : Estimable

Vu et approuvé pour être annexé à l'Ordonnance n°720/CAB/304 du 20/3/2008 portant actualisation des Tarifs d'Indemnisation des Terres, Cultures et des Constructions en cas d'expropriation pour cause d'utilité publique.

Fait à Bujumbura, le 20/3/2008

LE VICE-MINISTRE CHARGE
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5.3. CATEGORIE NON DURABLE : DUREE DE VIE PRESUMEE : 30 ans.

5.3.1. DESCRIPTIF

5.3.1. A. PAVILLONNAIRE

Poste	STANDING	
	FAIBLE	MOYEN
Fondation	Maçonnerie de moellons au mortier de ciment	Idem cas précédent
Élévation	Briques adobes avec mortier en terre.	Crépissage en terre, péripère ciment
Plafond	Sans	Papyrus ou nattes non traités
Charpente	Bois non travaillé, perche	Idem cas précédent
Couverture	Tôles galvanisées ép. ≤0,169mm, tôles asbeste ciment ép. ≤ 4mm.	Tuiles artisanales
Evacuation	Fosse arabe	Fosse arabe
Huisseries	Bois sommairement travaillé sans vitrage	Bois travaillé avec vitrage réduit au maximum
Pavement	Sans	Ciment gris
Peinture et Revêtement muraux	Sans	Chaux

5.3.1. B. REZ DE CHAUSSEE + 1 NIVEAU A REZ DE CHAUSSEE + 3 NIVEAUX

Sans objet

5.3.1. C. PLUS DE TROIS (3) NIVEAUX (ETAGES)

Sans objet

5.3.2. TARIFS D'IDEMNISATION AU m² BATI (EN MILLIER DE FRANCS BURUNDI), CATEGORIE NON DURABLE : DUREE DE VIE PRESUMEE : 30 ans

PAVILLONNAIRE.

STANDING							
FAIBLE		MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese	Auto	Ese
30	-	60	Sans objet				

REZ DE CHAUSSEE + 1 NIVEAU A REZ DE CHAUSSEE + 3 NIVEAUX

STANDING							
FAIBLE		MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese	Auto	Ese
Sans objet							

C. PLUS DE 3 ETAGES

STANDING					
FAIBLE ET MOYEN		HAUT		TRES HAUT	
Auto	Ese	Auto	Ese	Auto	Ese
Sans objet					

Moins-values déductibles.

1: Vétusté légale V : P x A/D où

P : Valeur à neuf

A : Age de l'immeuble

D : Durée de vie présumée

2. Manque d'entretien

: Estimable

3. Manque de finition

: Estimable

Vu et approuvé pour être annexé à l'Ordonnance n°720/CAB/ du 24/3/2008 portant actualisation des Tarifs d'Indemnisation des Terres, Cultures et des Constructions en cas d'expropriation pour cause d'utilité publique.

Fait à Bujumbura, le 20/3/2008

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DOCUMENT ANNEXE N°6

TARIFS D'INDEMNISATION APPLICABLES AUX CONSTRUCTIONS

PRIX UNITAIRES COMPLEMENTAIRES

Cette base de calcul est applicable aux ouvrages non estimables de manière globale tels que les ouvrages non achevés, les murs de clôture, les hangars ainsi que les piscines

Désignations		Unités	Prix unitaires
Béton	Armé	m ³	480.000
	Non armé	m ³	90.000
Maçonneries	Moellons	m ³	90.000
	Briques + mortier ciment	m ²	18.000
	Briques + mortier en terre	m ²	13.500
Crépissage	Au mortier de ciment	m ²	7.500
Charpente	Bois	m ²	18.000
	Métallique	m ²	34.500
Couverture tôles galvanisées	USG 37	m ²	13.500
	USG 32	m ²	19.500
	USG 26	m ²	30.000
Couverture Aluzinc	0.4 mm	m ²	33.000
	0.5 mm	m ²	37.500
Couverture asbeste ciment	0.169 mm	m ²	15.000
	0.4 mm	m ²	25.500
	0.5 mm	m ²	30.000
	0.6 mm	m ²	33.000
Couverture Tuiles	artisanales	m ²	6.000
	industrielles	m ²	9.000
Carrelage		m ²	60.000
Peinture	eau	m ²	4.500
	huile	m ²	5.250

304
approuvé pour être annexé à l'Ordonnance n°720/CAB/du 26.3/2008 portant actualisation
des tarifs d'indemnisation des Terres, Cultures et des Constructions en cas d'expropriation pour
d'utilité publique.

Fait à Bujumbura, le 26/3/2008

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APPENDIX V: Glossary of Terms

Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
Cutoff Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the EASP program area boundaries. This is the date on and beyond which any person whose land is occupied for EASP program, will not be eligible for compensation.
Directly Affected Persons	All those who reside or derive their living from areas where the project will have a direct impact, often referred to as the Direct Impact Zone (DIZ), consisting of all the project components.
Involuntary Resettlement	The unavoidable displacement of people arising from development projects that creates the need for rebuilding their livelihood, income and asset bases in another location. It includes impacts on people whose livelihood and assets may be affected without displacement.
Land	Land refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
Land Acquisition	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.

Project Affected Persons (PAPs) or Displaced Persons (DPs)	Project affected persons (PAPs) or Displaced Persons (DPs) are persons affected by land and other assets loss as a result of project activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Project Impacts	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project.
Rehabilitation Assistance	Rehabilitation assistance is the provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, needed to assist PAPs or DPs restore their livelihoods.
Replacement Cost	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs.
Resettlement Action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when sub-project locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement Assistance	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households.

Rights and Entitlements	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.
Stakeholders	Any individuals, groups, organizations and institutions interested in and potentially affected by a project or having the ability to influence the project.