



**OFFICE OF THE AUDITOR GENERAL
OF STATE FINANCES, RWANDA**

**PERFORMANCE AUDIT REPORT OF THE EXPROPRIATION
FUNCTION FOR ROADS DEVELOPMENT**

BY

RWANDA TRANSPORT DEVELOPMENT AGENCY (RTDA)



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ABBREVIATIONS AND ACRONYMS

Abbreviation	Details
CoK	City of Kigali
EDPRS	Economic Development and Poverty Reduction Strategies
IRPV	Institute of Real Property Valuers
MINECOFIN	Ministry of Finance and Economic Planning
MININFRA	Ministry of Infrastructure
MoU	Memorandum of Understanding
NST	National Strategy for Transformation
PAP	Persons Affected by Projects
RAP	Resettlement Action Plan
RGB	Rwanda Governance Board
RMF	Roads Maintenance Fund
RTDA	Rwanda Transport Development Agency
SPIU	Single Project Implementation Unit
USAID	United States Agency for International Development

GLOSSARY OF TERMS

Terms	Definition
Expropriation	An act based on power of Government, public institutions and local administrative entities with legal personality to remove a person from his/her property in the public interest after fair compensation ¹ .
Fair compensation	An indemnity equivalent to the value of land and the activities performed thereon given to the person to be expropriated and calculated in consideration of market prices as well as compensation for disturbance due to expropriation.
Project	An activity in public interest to be implemented on land occupied by people.
Persons Affected by Projects	All persons losing assets or use of resources as a direct result of the project, therefore who need compensation or other form of assistance ² .
Resettlement Action plan (RAP)	A resettlement instrument (document) to be prepared when project locations are identified. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts. Those impacts include physical displacement of persons, loss of shelter, loss of livelihoods and loss, denial or restriction of access to economic resources.
Road development	The way a road is upgraded, constructed, widened, reconstructed or adjusted by installing on it other necessary facilities ³ .
Road maintenance	Works carried out on the road to ensure its safety, efficiency and remain strong. These works aim to keep road users safe and manage traffic.
Road rehabilitation	Works carried out on the road to repair portions of an existing pavement to reset the deterioration process.
Road reserve	The surface of the ground occupied by the carriageway and all the dependencies essential to its function namely the surface, the drainage ditches and the slopes, as well as the whole of spaces or ways necessary for its maintenance or its exploitation.
Road upgrading,	Works carried out on the road to upgrade and pave the roadway. It involves a series of activities of transforming unpaved road to paved roads.

¹ Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest

² Resettlement Action Plan for Ngoma-Nyanza road, 2017, pg. iv

³ Article 2 of the law N°55/2011 of 14/12/2011 governing roads in Rwanda

1. EXECUTIVE SUMMARY

The Government of Rwanda aims to accelerate sustainable urbanization and develop basic infrastructure to support urban and rural transportation services. To achieve this, the government targets to develop national, City of Kigali, districts and specific roads which enhance the transportation of goods and people⁴. Roads are crucial to improve the socio-economic welfare of citizens by connecting them locally as well as with the neighboring countries.

Road development makes expropriation of the people a prioritized activity for which the Government compensates people for their lost land and damaged properties by roads development. An effective expropriation in public interest saves and restores the disrupted livelihood of persons affected. An effective expropriation seeks to balance interest of the individual person and the public interest vested in the roads development. An effective expropriation must minimize wasteful expenditure. Therefore, the execution of an effective expropriation must constantly consider the sustainability of the standard of living of persons affected in particular and socio-economic welfare of citizens in general. Hence, compensation must be fair, timely and effective to facilitate the affected persons to relocate and restore their livelihood.

The expropriation law n° 32/2015 of 11/06/2015 minds public interest and interests of affected people by clearly outlining the procedures to be followed during expropriation function including determination of what constitutes fair compensation⁵. Thus, fair compensation comprises the value of land and the activities performed thereon calculated in consideration of market prices as well as compensation for any disturbance caused by the expropriation⁶.

Rwanda Transport Development Agency (RTDA) is responsible for undertaking expropriation and compensating persons affected by roads development activities. Works of road construction must be undertaken after fair compensation is received by persons affected by road projects.

Over the last five years, from 2015 to 2020, RTDA continued to upgrade national unpaved roads to paved roads. The works affected private land and properties. The Government through RTDA paid compensation amounting to Frw 34.2 billion in the expropriation of personal properties affected by roads construction projects. However, the issue of fair compensation of properties affected by those road projects remained a concern in the public domain.

Therefore, the foregoing motivated OAG to conduct a performance audit of the expropriation function for roads development. The main objective of the audit was to assess whether RTDA

⁴ National Strategy for Transformation (NST 1), 2017 – 2024, page.42

⁵ law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest

⁶⁶ Article 2 of the law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest

ensures fair and timely compensation of persons affected by projects of road development through effective planning, proper valuation and coordination of the expropriation exercise.

The audit covered the period of five years from July 2015 to November 2020. The audited entity is RTDA. The audit covered 21 sampled road projects. The audit team visited persons affected by road projects and met with district staff across 15 sampled districts and the City of Kigali. Data was collected through documentary reviews, interviews and field visits.

Below I highlight the key findings noted, conclusion and recommendations:

I. INEFFECTIVE PLANNING OF EXPROPRIATION FOR ROAD PROJECTS

The planning by RTDA for expropriation is not effective and does not exhaustively identify properties expected to be affected by road projects. This affects planning and payment of fair compensation prior to starting civil works.

- i. Out of the sampled 21 projects, there are no Resettlement Action Plans (RAP) established for 11(61%) of roads projects that involved expropriation of personal properties. The resettlement action plans guide the expropriation process by showing among others the number of persons to be affected, modalities of compensation and funds necessary to implement the plan. RAP would also indicate in advance all necessary actions to be taken to mitigate adverse effects including the needs of vulnerable people while and after receiving compensation. RTDA started road construction works before completion of expropriation and no time was dedicated to handle Persons Affected by Projects (PAPs)' complaints before undertaking works.
- ii. There were five road projects that were started without expropriation budget.
- iii. There were road projects where private land, properties and crops were damaged in order to continue road construction works without valuation or physical verification to assess the fair value and compensation before destruction. The contractor, supervising companies or local authorities did not record the properties, crops and trees before works for subsequent compensation. The valuation of land, properties and crops was done afterwards basing on estimates and negotiations since the subject matter was no more. This resulted into 609 known complaints of PAPs that were not yet addressed or resolved at the time of audit in November 2020. This may lead to loss on the side of the Government or the persons affected. The available information indicates that 3,334 files claiming **Frw 9,119,018,595** compensation arrears on sampled road projects were still pending at the time of audit.

II. LACK OF PROPER VALUATION AND COMPENSATION OF LAND AND PROPERTIES

Compensation for expropriated land and property is based on the prevailing market rates established by the Institute of Real Property Valuers (IRPV) in Rwanda every year⁷. The market rates by IRPV undergo a series of quality review including consultation with districts, property valuers and are approved by the Ministry of Environment before publication in the official gazette. The rates cover land in all districts, various crops and trees. The institute also sets basis for valuation of structures and buildings. The following are detailed shortcomings noted:

a) Land acquired without compensation for majority of PAPs in rural areas

Analysis indicated that out of 21 road projects audited, 10 of them especially those undertaken throughout the covered period in the City of Kigali, PAPs were compensated for land at rate of 100%. On the other hand, the audit noted that in the remaining 11 road projects developed in rural areas, 71% of persons affected by projects did not receive any compensation of their land. Significant gaps were noted on Base- Gicumbi-Rukomo road, Bugarama-Cimerwa road, Huye-Kitabi road, Gisiza-Rubavu road (lot 7), Rubengera-Gisiza road (lot 6), Base-Butaro-Kidaho road, Tyazo-Karongi road (lot 4& 5), Ngoma-Nyanza road (lot 1), Kagitumba-Kayonza-Rusumo road and Giticinyoni-Ruli-Rushashi-Gakenke road.

b) Valuation of land and properties without consideration of approved prices

The comparison between actual prices of land and properties on the valuation forms and reference prices published by IRPV indicated 101 cases where prices were higher than those published by IRPV. As a result, RTDA incurred additional cost above the fair compensation amounting to **Frw 401,584,085** on land. On the New Bugesera International Airport expressway, a specific case was noted where a PAP was compensated for disruption at the rate of 50% instead of 5% provided by the expropriation law.

The audit also noted 947 cases where compensation was less than the reference prices issued by IRPV on valuation of buildings. The prices were ranging between 17% and 88% of the reference prices issued by IRPV.

The main causes noted include that RTDA uses its employees to conduct valuation of land and properties without involving certified property valuers, inadequate quality review and lack of physical verification of the quantities and lack of reference of prices used by property valuers. RTDA employees valued 62% properties in the sampled road projects. Valuation conducted by RTDA employees creates room for conflict of interest because they represent the entity expropriating and paying the compensation.

⁷ Article 22 of law N° 32/2015 OF 11/06/2015 relating to expropriation in the public interest page 40

c) Expropriated surface area higher than actual size of land as per land title deeds

From the sampled valuation-forms and their corresponding land titles, the audit noted 14 cases where the area of compensated land was higher than the actual acreage as per land title deeds. The additional land acreage was in the range between 2% and 81% of the size of land indicted in the respective title deeds. There was no documentation to justify the extra non existence land compensated. Consequently, additional **Frw 17,252,027** was paid on 6,992.4 sqm not supported by land title deeds.

The cases above were noted in expropriation of the land in the following road projects: Rubavu One Stop Border Post, Base-Gicumbi-Rukomo, expressway to New Bugesera International Airport, Base-Butaro Kidaho, Kigali Convention centre, Rukomo-Nyagatare and Huye-Kibeho-Munini-Ngoma.

This is attributed to lack of follow-up and inadequate inspection of valuation forms and land title deeds by RTDA before processing compensation.

d) Long delay in compensation due to late submission of valuation forms and reports

Districts are responsible for coordination of land and property valuation and submission of valuation reports to RTDA for payment. The report must be signed by the land and property owners and district officials. Copies of land title deeds, identity cards and bank account details of PAPs are also submitted to RTDA for verification⁸.

However, the audit noted that districts delayed to collect and submit the required documents to RTDA, thus delaying payment of fair compensation. Consequently, 17.7% (194) of the sampled PAPs were not compensated within 120 days provided for by the expropriation law and suffered a delay in the range between 8 days and 3 years to receive their respective compensations. Failure to pay compensation within the time provided resulted into payment of an additional five percent (5%) for delay to 12 PAPs amounting to **Frw 40,570,890** on Kanombe deviation road.

The delay is attributed to lack of schedule and easy mechanism in place of collecting the supporting documents from PAPs. The administrative agencies near PAPs such as cells and sectors are not involved in collection of supporting documents required for compensation.

e) Transparency issues in valuation of land and property

Valuation of land and property must be transparent. Owners of land and property or their lawful representatives as well as local administrative authorities should be present during valuation. After

⁸ MoU signed between RTDA and districts on expropriation exercise.

the valuation, local authorities document the process and must produce the minutes indicating among others persons present and those absent⁹. However, the following were noted:

- **PAPs not given any documented evidences indicating valued quantities:** Valuation is done in presence of owners of land and properties. This exercise determines the quantities forming basis of payment of fair compensation. However, there are cases where valuers did not issue any documents to the PAPs immediately after the exercise or where PAPs did not sign the valuation minutes indicating the agreed quantities of affected land and properties. This raises complaints by PAPs who are not satisfied with valuation yet their properties have already disposed off. The audit noted 609 complaints on four road projects audited.
- **Forms not indicating the date of valuation:** The date of valuation serves as the basis of ranking PAPs by order of payment precedence to ensure fairness in expropriation exercise. However, 46% of expropriation files audited were not dated and thus no justification on why they were prioritized for payment over others. The absence of chronology of files may lead to unfairness in compensation.

The above weaknesses indicate low transparency in valuation exercise which could lead to unfair and untimely compensation of PAPs.

III. INADEQUATE MONITORING AND SUPERVISION OF EXPROPRIATION

a) Inadequate monitoring of property valuation in districts

RTDA committed to perform physical verification of properties marked for expropriation before districts submit lists of PAPs and signed valuation forms requesting payment of fair compensation. This physical verification aims at validating each and every valuation form and report produced by districts and City of Kigali on land and property to be expropriated.

However, the audit noted that RTDA does not effectively carry out this physical verification. Out of 21 road projects audited, RTDA carried out physical verification on 7 projects and this covered merely 3% of all properties compensated. There was no evidence of physical verification on the remaining 14 projects. Thus, it is not clear whether land and properties valued existed and reflected their realistic values.

Management explained that physical verifications were conducted but acknowledged that they were not properly documented. Documentation would provide a future reference in monitoring whether weaknesses noted in initial valuation were later corrected. Failure to conduct physical verification of land and properties before compensation leads to persistence complaints from PAPs that would have otherwise been addressed on time.

⁹ Article 25 of law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest

b) Lack of committees to supervise expropriation

The law of expropriation establishes committees in charge of supervision of projects of expropriation in the public interest. Those committees are established at the District, the City of Kigali and at the national levels to oversee expropriation matters¹⁰.

However, there are no committees established for supervising expropriation due to absence of the Order of the Prime Minister determining their functioning, responsibilities, composition and competence. Therefore, expropriation is done without oversight. Without such committees, expropriation may not be effectively conducted safeguarding rights of PAPs and general public. Equally, all arising complaints may not be properly addressed.

c) Valuation and compensation process not adequately tracked

Valuation and compensation reports help track the progress of expropriation. They provide details of PAPs whose land and property were valued, compensated or pending for timely action.

However, the audit noted that RTDA employees who valued properties in 13 (or 62%) of sampled road projects did not prepare consolidated valuation and compensation reports. Therefore, RTDA does not have an exhaustive number of pending PAPs for each project undertaken by its members of staff. This is one of the main cause of delays in compensating PAPs since there is no mechanism in place to track the process.

d) Land title deeds of PAPs not revised after expropriation

Each landowner who has been fully expropriated must transfer his/her land title deed to the Ministry of Environment. Those who ceded a portion of their land are required to register the remaining portion.

However, land title deeds of PAPs for land compensated on all 21 road projects audited were not revised to deduct the expropriated and compensated land by RTDA. This is attributable to lack of mechanism by RTDA to collect and revise all land title deeds affected by expropriation. In addition, there are no compensation reports and data tracking mechanisms indicating the land expropriated along all road projects.

The field visit conducted in districts revealed PAPs who started planting new crops and renovating properties on the expropriated land.

OVERALL CONCLUSION

OAG acknowledges the corrective steps taken by RTDA in the last two years including engaging districts and City of Kigali in expropriation, paying disruption compensation and minimizing time taken to process payments from RTDA to the Ministry of Finance and Economic Planning

¹⁰ Article 8 of the law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest

(MINECOFIN). RTDA also maintained a budget line to meet compensation claims related to completed projects.

However, the procedures to be followed while undertaking expropriation in public interest were not fully documented, respected and applied. Expropriation was not properly planned, executed and effectively monitored and completed before commencing the civil works of roads construction and taking into consideration the interest of persons to be affected by roads projects. Therefore, persons affected by road projects did not get fair and timely compensation for their expropriated land and properties.

OVERALL RECOMMENDATION

Going forward, RTDA should establish resettlement action plans and detailed roadmap for compensating PAPs for each road project and communicate it to the concerned PAPs. RTDA should endeavor to follow these compensation plans throughout expropriation. RTDA should collaborate with MINECOFIN to speed up compensation of arrears. RTDA should separate the coordination of expropriation from supervision of civil works of road construction. RTDA should carry out effective monitoring and verification of valuation reports before processing payment of compensation.

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Kigali

.....**2020**

2. INTRODUCTION

2.1 Terms of reference

In accordance with Article 165 of the Constitution of the Republic of Rwanda of 2003 revised in 2015, and Articles 6 and 14 of Law N° 79/2013 of 11/09/2013 determining the mission, organization and functioning of the Office of the Auditor General of State Finances (OAG); I carried out a performance audit of the expropriation function for roads development by RTDA for the period from 01 July 2015 to 30 November 2020.

2.2 Background

The development of roads requires the government to undertake expropriation exercise to acquire land. The need for land makes expropriation of land and properties a prioritized activity. Expropriation is a separate activity undertaken prior to works of construction, rehabilitation and upgrading of roads.

Expropriation causes displacement and disruption of people's livelihood because it removes persons to be expropriated from their properties in the public interest after giving them fair compensation¹¹. The fair compensation comprises the value of land and the activities performed thereon calculated in consideration of market prices as well as compensation for disturbance due to expropriation¹².

Expropriation exercise is done while aiming at sustaining the interest and well-being of the public. An effective expropriation saves and restores the livelihood of persons affected. It achieves the purpose of public interest projects. If not executed effectively, expropriation may lower the standard of living of persons affected in particular and socio-economic welfare of citizens in general. Therefore, the compensation must be fair, timely and effective to facilitate the affected persons to relocate and restore their livelihood.

The law of 2015 relating to expropriation in public interest describes the procedures to be followed during expropriation exercise. It helps to address problems arising from expropriation exercises of the projects in public interest.

Given that the legitimate right of expropriation lies with the government, they need to ensure that they adequately plan for it and effectively coordinate the valuation of land and properties as well ensure fair compensation of the affected persons prior to execution of works. Rwanda Transport Development Agency (RTDA) is the agency under Ministry of Infrastructure responsible for

¹¹ Article 2 of the law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest

¹² Article 2 of the law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest

transport infrastructural development, undertaking expropriation and compensating persons affected by projects of roads development across the country.

2.3 Necessity of the audit

The following issues motivated this performance audit:

In the year 2018/2019, RTDA owed Frw 13 billion as compensation to persons affected by projects of roads development and they relate to the completed projects¹³.

In the period 2015-2019, the Office of the Ombudsman received 715 complaints relating to expropriation across different districts of the country. These complaints brought to light cases where compensation had not been paid yet people's property was damaged by works of the infrastructural development including roads¹⁴.

RGB annual report for 2017-2018 revealed delays in compensation of persons for their land and property that were affected by public interest projects. The compensations remained outstanding for over 5 years. Twenty eight percent of the outstanding arrears of compensation to people was owed by the infrastructure sector including roads¹⁵.

In March 2016, Legal Aid Forum Rwanda presented a report to the World Bank on land and property, indicating that expropriated households faced severe declines in their income and restrictions on being able to make basic improvements to their properties while waiting for compensation. Fifty-six percent of people with complaints over expropriation indicated that they could not appeal, believing that their appeal would not change the outcome of valuation done on their land and property. This was attributed to implementation of the expropriation law thus affecting the population both economically and socially¹⁶.

These complaints relating to expropriation were also continuously highlighted in the media including newspapers, radio and television. Examples of cases in the media are the articles published by the New times¹⁷ and Rwanda Broadcasting Agency in 2019¹⁸, where persons affected by public interest projects indicated that they were asked to vacate their land before they received compensation.

It is against this background that I conducted a performance audit of the expropriation function for roads development to identify areas of further improvements.

¹³ The new times, <https://www.newtimes.co.rw/news/govt-pay-rwf30-billion-expropriation-arrears>.

¹⁴ Office of the Ombudsman, Rwanda: Annual reports for the period 2015/2016-2018/2019

¹⁵ RGB Annual Report for 2017-2018, page 51

¹⁶ Legal Aid Forum, Rwanda: The implementation of Rwanda expropriation law and its outcomes on the population, 2016

¹⁷ TheNewtimes, <https://www.newtimes.co.rw/news/govt-pay-rwf30-billion-expropriation-arrears, and https://www.newtimes.co.rw/section/read/188494>

¹⁸ Rwanda Broadcasting Agency, <https://rba.co.rw/post/Barataka-gutinda-kubona-ingurane-yahashyizwe-ibikorwa-byinyungu-rusange>

3. AUDIT DESIGN

The audit was conducted in accordance with the International Organization of Supreme Audit Institutions Auditing Standards and guidelines in the Office of the Auditor General's Performance Audit manual. The standards require that the audit is planned in a manner which ensures that an audit of high quality is carried out in an economic, efficient and effective way and in a timely manner.

3.1 Audit scope

The audit focused on the expropriation function; not the civil works of road construction, rehabilitation and upgrading. The audit covered various aspects of expropriation including planning, valuation and compensation of land and properties, monitoring and supervision of expropriation exercises.

Audit period: The audit covered a period from July 2015 to November 2020.

This includes a period of 3 years from 2015-2018 whereby valuation of land and properties was done by RTDA staff and; the period of 2 years from 2018-2020 whereby valuation was done by districts using certified valuers upon MoUs with RTDA.

Geographical coverage: The audit was carried out at RTDA which is responsible for expropriation and payment of fair compensation to PAPs. The audit team also visited districts and persons whose land and properties were affected by works of road construction, upgrading and rehabilitation and therefore eligible for fair compensation across the country.

Districts visited are Kicukiro in the City of Kigali; Huye, Nyaruguru and Nyamagabe in Southern Province; Gakenke, Rulindo, Burera and Gicumbi in Northern Province; Rubavu in Western Province; Bugesera, Nyagatare, Gatsibo, Kayonza, Ngoma and Kirehe districts in Eastern Province.

3.2 Audit objective

The main objective of the audit was to assess whether RTDA ensures fair and timely compensation of persons affected by projects of road development through effective planning, proper valuation and coordination.

3.3 Audit questions

The audit answered the following questions:

- Is the planning for expropriation effectively done with regard to guidelines?
- Are land and property affected by projects of expropriation fairly and timely compensated?

- Is the expropriation exercise effectively monitored and supervised?

3.4 Assessment criteria

Assessment criteria formed the basis for developing audit findings. The sources of criteria were laws governing expropriation in public interest, resettlement policy framework and reference prices of land and property issued by the Institute of Real Property Valuers in Rwanda (IRPV). Details on the assessment criteria are provided in the findings chapter and are listed in **appendix 1**.

3.5 Sampling methods

In the period under audit, RTDA undertook works of construction, upgrading and rehabilitation of 69 road projects). Those projects affected land and properties of around 37,000 (thirty-seven thousand persons. The expropriation was therefore imperative and owners had to relocate their activities from roadway in exchange of fair compensation.

Out of 69 road projects, the audit covered 21 projects, which affected 22,000 (twenty-two thousand) or (59%) owners. The sample selection was based on the road projects with highest number of persons affected and status of compensation at the time of audit.

The sampling of files of expropriation referred to the following methods:

- **Stratified:** sampling was used to stratify files of expropriation per road projects and financial year. Five strata of files per year were identified for each project from 2015/2016 to 2019/2020.
- **Purposive:** sampling was used to select districts and PAPs visited during the audit. The sampling criteria were mainly high number of PAPs not yet compensated and works of road construction and rehabilitation are ongoing or completed.
- **Random:** sampling was used to sample expropriation files per strata. Seventy-five (75) files of PAPs were sampled and reviewed for each project except where available files were less than 75. The audit reviewed expropriation files of 1,091 PAPs affected by 21 sampled projects to draw conclusion and recommendations on the expropriation exercise.

3.6 Methods of data collection

The audit team collected data to support audit findings. The methods of collecting qualitative and quantitative data from RTDA, districts and PAPs include document review, interviews and field visit.

- **Document review:** Various documents from RTDA and districts were reviewed purposely for assessing how RTDA plans and executes the expropriation exercises. The documents from districts helped assess the collaboration between RTDA and districts throughout the expropriation exercise. The team reviewed laws governing expropriation in public interest, MoUs signed between RTDA and districts, valuation and compensation reports, budgets,

reports of various stakeholders and correspondences between RTDA and districts. The detailed information about reviewed documents is provided in the **appendix 2**.

- **Interviews:** Interviews were conducted at RTDA with staff in charge of validating expropriation files and complaints of persons affected by road projects to identify causes of problems. The audit also conducted interviews with district staff and PAPs. The detailed information about officials interviewed are listed in the **appendix 3**.
- **Field visit:** The field visit was carried out to sampled road projects in districts to ascertain adequacy of valuation of land, properties and fairness of compensation. It covered both completed and ongoing road projects.

3.7 Methods of data analysis

After collecting data from documents, interviews and field visit, they were analysed with regard to audit objective and audit questions in order to draw appropriate conclusion and recommendations. The Microsoft Excel was used for data entry and analysis. Data were analysed using quantitative and qualitative analysis techniques including trend and descriptive analyses, tables, charts and graphs.

4. DESCRIPTION OF THE AUDIT AREA AND SYSTEMS

4.1 Introduction

The Government of Rwanda through RTDA targets to develop basic infrastructures facilitating the transportation services¹⁹. This involves constructing, rehabilitating and maintaining national asphalt roads of City of Kigali, district and specific roads. This intends to achieve socio-economic transformation of lives of citizens.

RTDA is an agency under the Ministry of Infrastructure responsible for transport infrastructural development including roads and bridges. It was established on 20 January 2010 by the law N° 02/2010 to focus on national road networks.

The development of transport infrastructure that benefits the public necessitates expropriation of people from areas where the infrastructure will be built. Expropriation of people in public interest requires that they are compensated fairly based on the value of land owned, activities carried out on the land as well as compensation for the disturbance caused by expropriation²⁰.

4.2 Responsibilities of RTDA

The detailed responsibilities of RTDA include:

- Implement programs to develop, rehabilitate and maintain transport infrastructure network, including roads and bridges;
- Manage and control national road network with a view of achieving road safety and maintenance;
- Ensure coordination and monitoring of works for projects related to road infrastructures in the City of Kigali and districts;
- Prepare and implement the plan of action for development and rehabilitation of road infrastructures upon approval by MININFRA;
- Undertake expropriation and compensate on PAPs affected by projects of developing road infrastructure.

4.3 Roles and responsibilities of key players

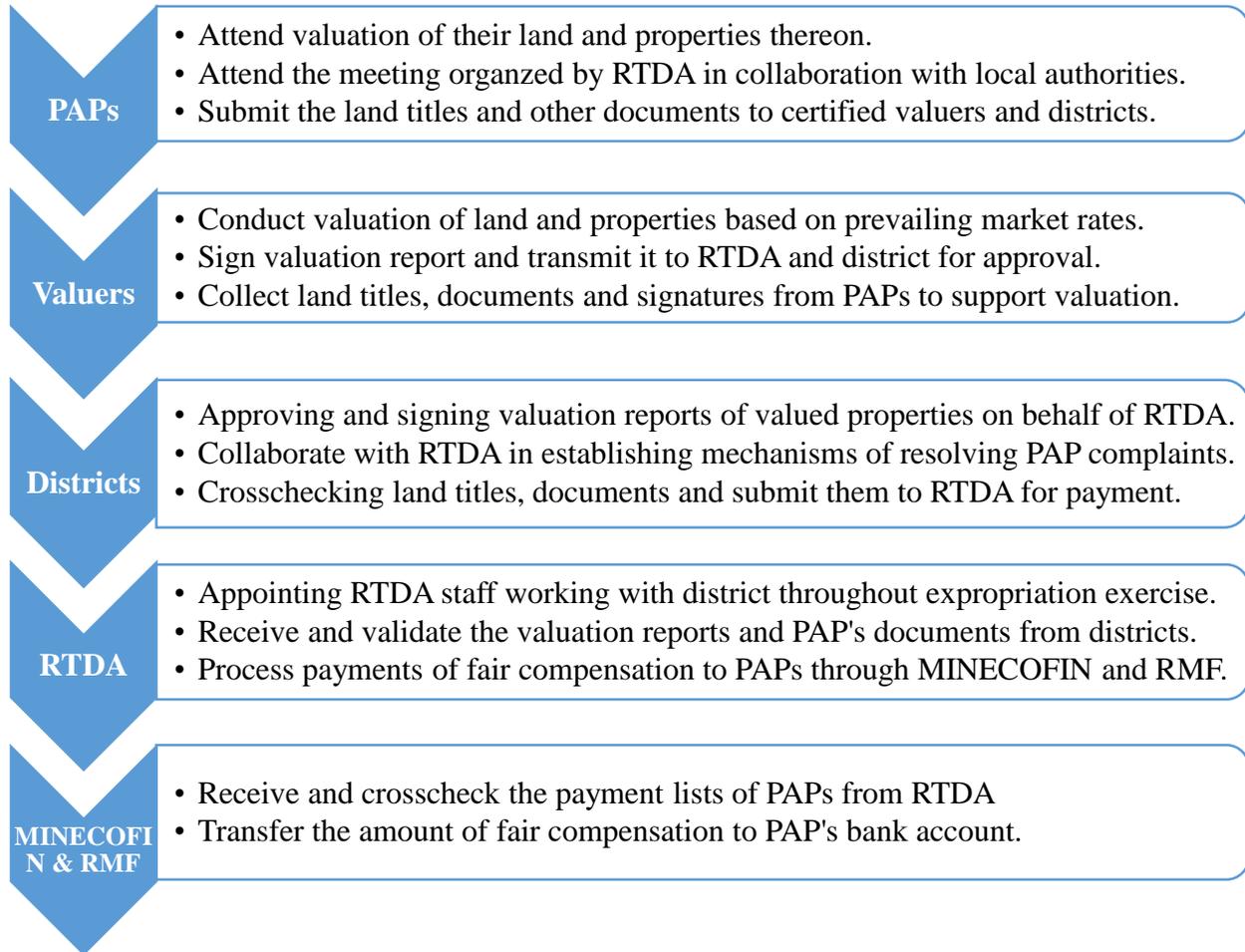
Institutions that have a key role in the projects of expropriation for roads development include MININFRA, MINECOFIN, RMF, districts, PAPs and IRPV Rwanda.

¹⁹ 7 Years Government Programme: National Strategy for Transformation (NST 1), 2017-2024, page 6

²⁰ Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest, Article 2

The roles and responsibilities of those players remain key to ensure fair and timely compensation of PAPs. They actively participate in the process from community sensitization of projects in public interest to the payment of fair compensation due to PAPs. The summarized roles and responsibilities are outlined below.

Figure 1: Roles and responsibilities of key players



Source: Summary of roles and responsibilities of key players in the expropriation exercises undertaken by RTDA

Detailed roles and responsibilities are outlined in the **appendix 4** of this report.

4.4 Legal framework

- **Constitution of the Republic of Rwanda 2003 as revised in 2015:** Article 34 state that everyone has the inviolable right to private property, whether individually or collectively owned. The right to property is not encroached upon except in public interest and in accordance with the provisions of the law.

- **Law N°32/2015 of 11/6/2015 relating to expropriation in public interest:** This Law determines procedures relating to expropriation in the public interest. Article 5 of this law provides that activities of public interest include among others, roads and activities to implement land use and development master plans.
- **Law N° 55/2011 of 14/12/2011 governing roads in Rwanda modified and completed by the law N°42/2015 of 29/08/2015:** This law determines road reserves, classification and their management. It provides that the road reserve for national roads and district roads, Class 1 is 22 meters whereas the for district roads class 2 is 12 meters on both sides of the roads.
- **Law N°43/2013 of 16/06/2013 governing land in Rwanda:** This law determines the modalities for allocating, acquisition, transfer, use and management of land in Rwanda. The law provides that it is prohibited to subdivide plots of land reserved for agriculture and animal resources if the result of such subdivision leads to parcels of land of less than a hectare in size for each of them.
- **Law N°17/2010 of 12/05/2010 establishing and organizing the real property valuation profession in Rwanda:** The law establishes the Institute of Real Property Valuers in Rwanda and requiring any person wishing to practice as a real property valuer in Rwanda to be a member of the Institute.

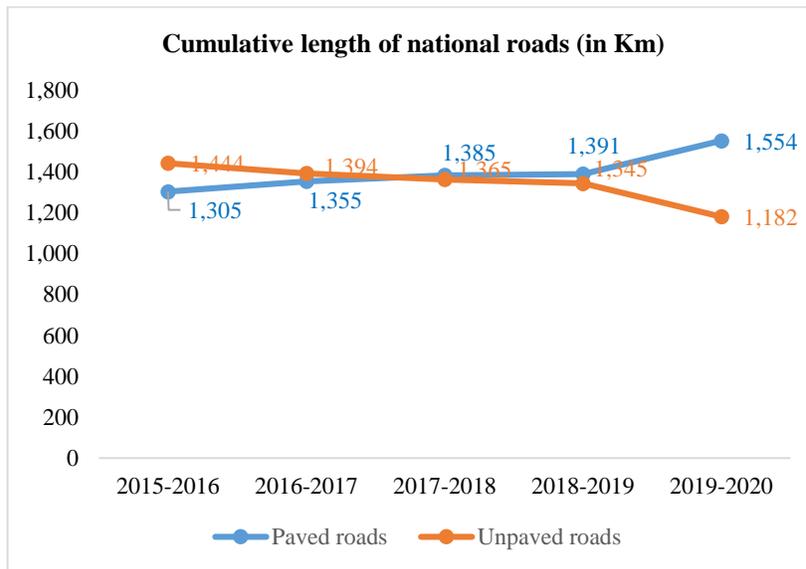
4.5 Organization structure

RTDA is organized into two administrative organs namely: Board of Directors and General Directorate. The General Directorate is headed by the Director General assisted by Deputy Director General. RTDA has five divisions headed by division managers. Those are Public Transport Division; Planning and Research Division; National and Urban Roads Division; Corporate Services Division; and District and feeder roads division.

4.6 Road construction and upgrading

The projects of road upgrading, rehabilitation and maintenance affected around 37,000 (thirty-seven thousand) persons in the period 2015 to 2020. They were subject to expropriation. The table below summarized the cumulative and annual length of roads achieved per year.

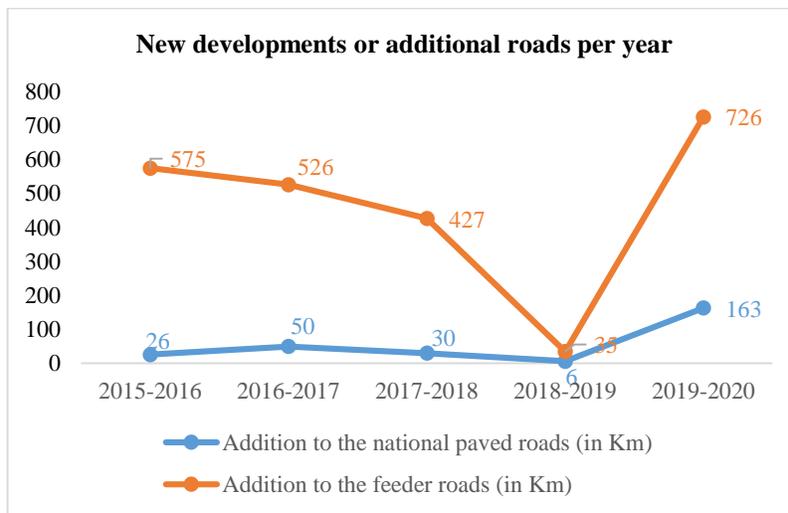
Table: The length of national and feeder roads



This figure indicates that the length of national paved roads is increasing from 2015/2016 to 2019/2020.

RTDA management explains that this progress is achieved under the government initiative to upgrade national unpaved into paved roads. This explains the decrease of length of unpaved roads.

This figure indicates the length of national unpaved roads upgraded to paved roads per year from 2015/2016 to 2019/2020.



It also indicates the length of feeder roads developed by RTDA per year across the country. It therefore depicts that major developments are those of feeder roads.

Source of data: RTDA annual reports from 2015/16 to 2019/20

To realise those works, RTDA undertakes expropriation of land and property affected. In addition to national roads, RTDA also supports the City of Kigali and districts to construct, rehabilitate and maintain their roads.

4.7 Funding of expropriation

Since 2015, the Government of Rwanda through RTDA spent Frw **34,223,294,827** in the expropriation of persons affected by roads projects. The following table summarises the budgeted amount and fair compensation paid from 2015/2016 to 2019/2020.

Table: Funding of expropriation of persons affected by projects of transport

Financial Year	Budgeted amount (Frw)	Actual amount spent (Frw)	Percentage of spending
2015-2016	7,695,932,150	6,617,356,466	86.0%
2016-2017	6,027,511,218	6,122,340,388	101.6%
2017-2018	5,751,786,405	4,950,511,229	86.1%
2018-2019	7,906,378,874	7,867,365,273	99.5%
2019-2020	8,526,794,513	8,665,721,471	101.6%
Total	35,908,403,160	34,223,294,827	95.3%

Source: Annual budgets, budget execution reports and financial reports of RTDA

The budget of expropriation is spent averagely at 95% per year as indicated in the table above. RTDA management explains that most of the time, the budget allocated to the expropriation is not enough to cover the compensation due.

4.8 System and process description

The system and process of projects of expropriation involves three stages namely planning of expropriation, valuation of land and property, and payment of fair compensation of PAPs. The monitoring and supervision are required at each stage for effective completion. The activities of each stage are summarized below.

4.8.1 Planning of expropriation

The planning of expropriation remains a milestone for effective and fair compensation of PAPs. It involves RTDA and other key players including districts.

After consulting the government priorities including Economic Development and Poverty Reduction Strategy (EDPRS 2) and National Strategy for Transformation (NST1), RTDA prepares and transmits road projects to prioritize in each financial year to the Ministry of Infrastructure for approval. The Ministry of Infrastructure in collaboration with other ministries approve them and give a greenlight to start planning activities.

The planning activities of RTDA include nominating RTDA project engineer and staff to coordinate the project of expropriation; aligning the road project with zonal master plans; signing MoU with beneficiary districts; scheduling meetings with districts and PAPs; assessing the

magnitude of displacement, potential impacts to persons and environment and mitigation measures through Resettlement Action Plan; and preparing an expropriation budget.

The application for undertaking expropriation for road projects is made to the district council, City of Kigali council or the ministry in charge of land, which approve or reject. The application describes the nature of the project, intended location, environmental impact assessment and confirmation on the availability of funds.

Sensitization of PAPs is done to inform them the project's benefits to the wider community and provide them with a platform to ask questions and seek clarifications. A grievance resolution committee comprising of representatives of PAPs, local administration and RTDA is established to address any grievances.

4.8.2 Valuation of land and property

The project approval by the districts, City of Kigali councils or the Ministry of Environment authorizes RTDA and district executive committees to start valuation of land and property. The valuation exercise is done in accordance with provisions of expropriation law and terms and conditions agreed between RTDA and districts. RTDA and each particular district coordinate and monitor the valuation on regular basis.

An independent certified valuer is hired to carry out valuation. Valuation is done within thirty days and is based on prevailing market rates published each year by the Institute of Real Property Valuers in Rwanda. Assets valued for expropriation purpose are land, activities carried out on the land and disruption caused by expropriation equivalent to 5% of the total value of the land and activities thereon.

Prior to commencement of valuation, PAPs are informed the dates of the exercise. The presence of the owners of the land and property or their legal representatives and local administration representatives is required.

After the valuation exercise is concluded, the valuers then submit their valuation report to the district or City of Kigali showing the list of persons to be expropriated, size of their land, value of property incorporated therein and the computed fair compensation to be paid. When each owner of the land and property is satisfied with the valuation done, PAP (or legal representative) signs or fingerprints the approved fair compensation report. After signature by all PAPs, districts collect land title deeds, other relevant documents and bank account details to support valuation done and then submit them to RTDA for verification and payment.

Any PAP who is not satisfied with the assessed value appeals to their respective district or City of Kigali and provide a counter-valuation report done by another certified valuer hired by him. In case his appeal is not addressed amicably, PAPs refer the matter to a competent court.

4.8.3 Payment of fair compensation

RTDA receives and validates land title deeds and other supporting documents of the valuation exercise. After validation, RTDA prepares payment order and submits it to MINECOFIN or RMF. The payment order indicates list of eligible PAPs and their bank account details for payment of compensation. The list is accompanied by land title deeds and other documents for reference.

The fair compensation is paid within a period not exceeding 120 days from the date of its approval by the district and City of Kigali councils. The payment of compensation in monetary form is done in cash transfer to the PAP's bank account. It is paid to the expropriated person before he/she relocates. Refer to the table below for more details of payment conditions:

Nature of fair compensation	Condition for payment
Fair compensation in case of joint ownership (to be paid to more than one person)	It is deposited into an agreed upon account and withdrawal of money shall require a written authorization from the other co-holders. When joint owners do not agree on their respective rights over the property, the fair compensation is deposited into public treasury, until provision of resolution of the disagreement.
When property of the person to be expropriated encumbered by a guarantee provided to a bank/ financial institution	The fair compensation is deposited into an account indicated by the bank or financial institution; however, if within a period not exceeding 30 days from the day he/she is informed thereof, the person to be expropriated fails to furnish the account into which fair compensation is to be deposited, such fair compensation is to be deposited into the public treasury from which he/she can withdraw it
When properties are abandoned	The amount of fair compensation is to be kept in accordance with relevant laws and deposited into a blocked account opened for this purpose

In case of compensation of land and property in other form (in kind), it must be mutually agreed upon between RTDA and PAPs.

The law governing expropriation in public interest in Rwanda provides for payment of fair compensation to PAPs in form of monetary or in kind. The monetary compensation represents the money paid to the PAP in exchange of land and property affected by projects. The compensation in kind is a modality of compensating PAP by giving them a substitute in form of assets to replace the destroyed ones. The substitute could be houses, land or any property agreed upon by both parties. The dominant modality applied by RTDA is monetary compensation.

4.8.4 Monitoring and supervision

The monitoring and coordination of projects of expropriation is a joint effort /responsibility of RTDA, City of Kigali and districts. It serves all players to understand the status and resolve issues

along the expropriation exercises. It is also a channel for the affected persons to make known their needs and grievances relating to the expropriation exercise²¹.

RTDA has to ensure regular coordination of activities and undertake monitoring of the expropriation hand in hand with City of Kigali and district staff and PAPs representatives, at least every quarter. Under this exercise, RTDA identifies the status of compensation, challenges and grievances, proposes way forward taking into account potential impacts to the persons to be expropriated.

RTDA prepares a final closure report indicating the status of expropriation. The report indicates whether compensation payments were completed in a satisfactory manner and there are improvements in standards of housing or living conditions of PAPs. It also describes how challenges and grievances were addressed and way forward to start the implementation of projects of road development²².

²¹ MININFRA's Resettlement Policy Framework of 2016, section 1.2

²² Sections 14.1 and 14.2 of the resettlement policy framework

5. FINDINGS

This chapter of the report covers three sections. The first section highlights findings relating to planning of expropriation exercise; the second section contains findings noted in valuation and compensation of persons affected and finally, the third section focuses on findings relating to monitoring and supervision of expropriation exercise.

5.1 PLANNING OF EXPROPRIATION

Expropriation exercise is a separate project undertaken prior works of construction, rehabilitation and upgrading of roads. The expropriation is carried out to pave way for civil works. Therefore, the planning of expropriation involves a series of activities including but not limited to nomination of RTDA staff to coordinate expropriation exercise, engaging beneficiaries in expropriation, organizing meetings to sensitize people of the project in public interest, assessing the magnitude of displacement and securing sufficient expropriation budget.

RTDA signed MoUs with districts defining each party's responsibilities in the expropriation exercise. RTDA also prioritized ongoing road projects and created a budget line to meet claims of compensation on completed projects. However, the following gaps were noted:

5.1.1 Expropriation exercise executed along the road construction works

The Government of Rwanda put in place procedures to be followed when undertaking expropriation exercise in public interest. Expropriation should be properly and effectively planned, executed, monitored and completed as a separate project before commencing the works of road construction²³. The process facilitates the expropriating agency, RTDA to engage more efforts to complete promptly expropriation taking into consideration the interest of persons affected by road projects and the roadmap of construction works.

However, RTDA conducts both expropriation exercises and civil works of road construction simultaneously. There is no time dedicated to finalize expropriation and handling PAPs' complaints before undertaking civil works of road construction.

Construction of roads started before compensation of PAPs whose property had been valued. This resulted in PAPs relocating due to the effect of road construction before receiving compensation as noted on Nyagatre-Rukomo Road. It also contributed to parts of the road being skipped by the contractor during construction. See the photos below.

²³ Article 36 of law of 2015 relating to expropriation states that subsequent to receiving fair compensation, the expropriated person has a period of 120 days to relocate.



Photo taken on 16/11/2020: Nyagatare-rukomo road parts of the road (house) being skipped by the contractor during construction. The Owner is not yet compensated.

The main cause of running expropriation and construction works simultaneously is the fact that RTDA does not establish and execute a separate roadmap of expropriation. This roadmap would clearly indicate the timeline of compensating PAPs and secure sufficient funds as required.

The analysis indicates that for 21 (100%) sampled road projects there were no expropriation roadmaps established to indicate the timelines for expropriation exercise.

Moreover, expropriation and civil works of road construction are run by one road project engineer responsible for designing, executing and coordinating the expropriation exercise and the civil works of road construction, notwithstanding the fact that expropriation and civil works start almost at the same time. Therefore, the management of both projects at the same time poses a challenge for timely monitoring and handling expropriation files.

As a result, the following were noted as consequences of inadequate planning of expropriation:

Land, properties and crops damaged prior valuation and physical verification: Land, properties and crops were damaged to continue road construction works before any valuation or physical verification having been done to assess the fair compensation price before demolition. The contractor, supervising companies or local authorities did not record for subsequent compensation the properties, crops and trees before commencement of road excavation.

PERFORMANCE AUDIT REPORT OF THE EXPROPRIATION FUNCTION FOR ROADS DEVELOPMENT BY RTDA FOR THE PERIOD 01 JULY 2015- 30 NOVEMBER 2020

RTDA requests PAPs to get signatures of the local leaders at village and cell levels certifying that the properties of those PAPs were actually demolished by civil works of road excavation prior to valuation. Therefore, the value of demolished properties is based on the estimates and negotiations with the PAPs since they do no longer exist. This resulted into numerous complaints of PAPs some of which had not been addressed at the time of audit November 2020. Examples are provided in the table below:

Table: Complaints of PAPs on damaged properties, crops and trees

Road	District	Number of affected PAPs with complaints	Complaints pending by November 2020
Giticyinyoni-Ruli-Rushashi-Gakenke	Gakenke	673	540
Base-Gicumbi-Rukomo	Rulindo	18	18
Base-Butaro-Kidaho	Rulindo	782	51
Kigali Convention Center	Gasabo	1	0
Total		1,474	609

Source: RTDA and district reports collected in November 2020

The compensation was based on the estimates and was therefore not realistic because it was not based on the actual size and nature of the properties. RTDA may be misled in compensation in case properties are no longer available.

Expropriation exercises not completed on road projects: PAPs were not compensated prior to starting road project execution. The audit revealed seven road projects where PAPs complaints were pending yet the civil works were ongoing or completed. There was no plan in place indicating the timelines for compensating those PAPs. Pending PAPs were not aware of when they will ever get compensated. Projects concerned and proportion of PAPs pending are provided in the table below.

Table: Pending PAPs and compensation arrears

No	Road	Status of road project	Pending versus total PAPs
1	Nyagatare-Rukomo Road	Ongoing since July 2018	69%
2	Giticyinyoni-Ruli-Rushashi-Gakenke Road	Completed	61%
3	Rubavu Bralirwa Bushyushya Bralirwa And Symbion Gaz Methan Nyamyumba	Ongoing since March 2019	48%
4	Rusororo-Masaka Road and Kabutare - Bambino Road	Ongoing since May 2019	45%
5	Sonatube - Gahanga Road	Ongoing since March 2019	41%
6	Base- Gicumbi- Rukomo	Completed	27%
7	Bugarama-Cimerwa Road	Completed since February 2017	1%
	Total pending PAPs		3,334
	Fair compensation not paid in Frw		9,119,018,595

Source: RTDA status report of October 2020

PERFORMANCE AUDIT REPORT OF THE EXPROPRIATION FUNCTION FOR ROADS DEVELOPMENT BY RTDA FOR THE PERIOD 01 JULY 2015- 30 NOVEMBER 2020

The field visit conducted on sampled road projects revealed cases of PAPs who were not able to relocate but were living in damaged houses due to delay in assessing and paying their fair compensation. The photos below depict examples of PAPs.



Photo taken on 26/11/2020: A house formerly owned by family nicknamed (A) collapsed by cracks from Base-Gicumbi-Rukomo road construction and not yet compensated.



Photo taken on 26/11/2020: The same family nicknamed (A) relocated and struggled to live in damaged house at Base sector, Rulindo district while waiting for compensation.



Photo taken on 16/11/2020: Damaged house where another family live and not compensated. The damage was caused by cracks from Rubavu-Bralirwa-Symbion-Gaz Methan-Nyamyumba road construction.



Photo taken on 26/11/2020: The damaged house of PAP in Base sector, Rulindo district not yet compensated. The cracks result from Base-Gicumbi-Rukomo road construction.

Failure to establish and follow roadmap of expropriation, create the room of not giving priority of persons directly affected by road projects.

Recommendations

- RTDA should establish an expropriation roadmap for each road project to ensure that the civil works start reasonably after phasing out expropriation exercise.
- RTDA and districts should ensure that the value of those damaged properties are compensated to the PAPs on timely basis.
- RTDA should separate the management of expropriation from the civil works of road construction.
- RTDA and districts should undertake a thorough analysis of complaints so that any affected PAPs are compensated fairly and timely.
- RTDA in collaboration with districts should identify PAPs living in the highly damaged houses and expedite their compensation to avoid any possible loss of lives.

Management comments

For time dedicated to finalize expropriation and handling PAPs' complaints: Sometimes expropriation exercises and civil works of road construction were done simultaneously. This was due to the budget constraints and lack of supporting documents of PAPs. However, to resolve the above problem, we avail a section for construction while conducting expropriation on the next section. Valuation of properties is done before starting civil works and valuation is done based on availability of budget approved by MINECOFIN.

We will work with MINECOFIN to ensure that expropriation exercise was done before starting construction work. RTDA in collaboration with districts will continue to ensure that all affected people are recorded and get supporting documents before implementation of project.

Regarding management of expropriation and civil works of road construction: The expropriation of road projects done before 2018, districts jointly with RTDA project engineers were conducting the expropriation process. Starting 2018, RTDA has signed MoUs with District to jointly conduct expropriation process. Therefore, valuation is coordinated by the District under the supervision of social safeguards specialist.

RTDA has four social safeguards specialists who are positioned in each province who coordinate with the District expropriation process for all projects located in related province. We acknowledge that the number of safeguards is not enough and are supported by project engineers. However, as projects increase, RTDA/SPIU is under restructuring to create a dedicated programme (with 19 staffs) who will be in charge of safeguards compliance including expropriation processes.

For land, properties and crops damaged prior valuation and physical verification: As construction works are progressing, due to compaction or excavated soil, some properties that are

beyond the right of way are affected. Those records (quantities) are basis of valuation of these affected properties (using prices published by IRPV) and RTDA handles them in consultation with District authorities and other stakeholders.

Even after completion of civil works, RTDA requests Districts to provide the final lists of claims. After reception of claims, assessment is done jointly with districts and other stakeholders. Depending on outcome of assessment, valuation and payment are done accordingly.

For PAPs whose properties were not valued, RTDA and districts will assess their claims and to be paid before January 2021. The valuation based on estimation was done as the best way of negotiations in the following way: (i) asking PAPs the quantities of crops incorporated on the land, (ii) enquiring from neighbours and existing extension agricultural rules because the crops were no longer there. The mentioned cases were caused by road excavation activities and so far, some of them were compensated.

For expropriation exercises not completed on road projects: *The recommendation is well noted and we are going to elaborate a plan to settle all the pending claims and expropriation arrears according to the received budget. In addition, we are working with districts so that they collect the supporting documents for the remaining PAPs not compensated.*

For PAPs living in the houses damaged due to delay in assessing complaints of persons affected and delay of fair compensation: *For highlighted cases of Base-rukomo, we acknowledge the recommendation. The properties were affected by road compaction and runoff water and the file is under payment process to be completed by February 2021. In mind time, we worked with the District, they were relocated in other houses while waiting their payment.*

For the case of Rubavu-Bralirwa-Burushya, Assessment of claims related to houses (affected by compaction) is ongoing to be completed in January 2021.

5.1.2 Resettlement action plan not established prior expropriation exercise

The resettlement action plan serves to explore socio-economic considerations in the design and implementation of expropriation exercise. Prior to commencing expropriation, the general welfare the PAPs affected by the project must be established, including an assessment of whether the magnitude of displacement and the degree of risk of harms to affected persons is reasonable and proportional to the project's benefits²⁴.

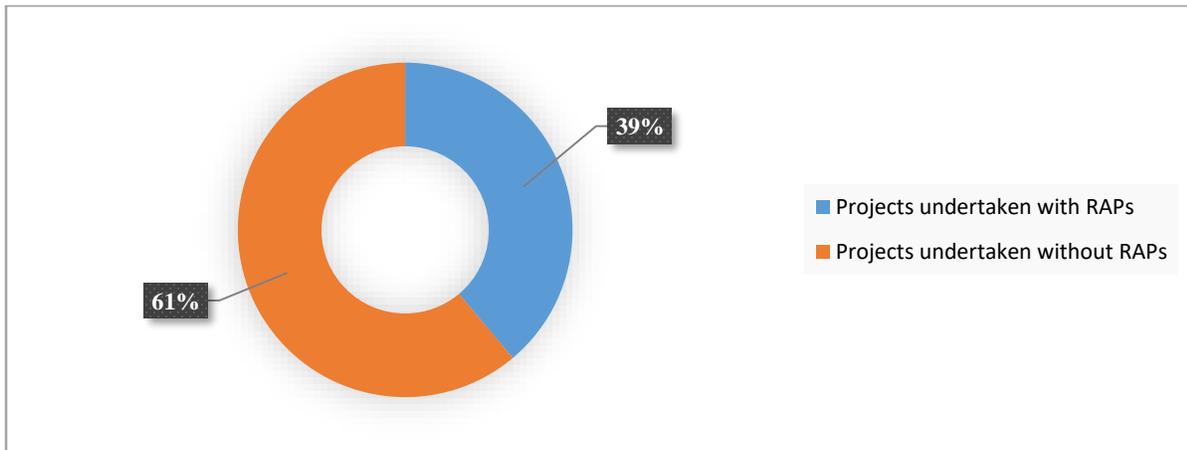
However, there are no Resettlement Action Plans (RAP) established for 11 (or 61%)²⁵ of road projects that expropriated people. The resettlement action plans would have guided the

²⁴ MININFRA Resettlement Policy Framework, January 2016, pg.8 and World Bank: Reforming the World Bank Policy on Involuntary Resettlement, April 2013, parag.44-45

²⁵ Three road projects were excluded from computation since they were implemented under emergency condition without RAPs.

expropriation process including the number of PAPs to be affected, modalities of compensation and determine funds necessary to implement the plan. RAP would have indicated in advance necessary actions to be taken to mitigate adverse effects including the needs of vulnerable people before and after receiving compensation. Refer to the figure below for summary.

Figure 3: Resettlement action plans in roads projects



Source: OAG analysis of RAPs

The review of seven available resettlement action plans revealed weaknesses whereby the execution of expropriation did not consider the preliminary information set in the resettlement action plans that should have guided the expropriation process. Expropriation budgets were not based on the costs indicated in the resettlement plans. For instance, the compensation availed on Huye Kibeho Munini Ngoma Road and sonatube-Gahanaga Akagera Road represented 56% and 64% of the actual compensation required per RAPs respectively.

Absence of RAPs could lead to inadequate planning for funds to compensate affected persons and delay in compensating affected people. It is therefore difficult to track the time to start the expropriation, number persons to be affected, and the completion period among others.

Recommendation

RTDA should also ensure that resettlement action plans are prepared to guide the process of expropriation.

Management comment

We acknowledge that there are gaps in preparation of RAPs. There were some projects implemented with no RAPs. In the future, RTDA will ensure RAPs are prepared for all the concerned projects.

For budget below data of RAPs, it is true that the budget is below the amount of compensation needed as per RAPs and could not be achieved fully before starting civil works. It is achieved progressively upon the timeline of the project.

5.1.3 Lack of guideline on expropriation of land and properties outside the roadway

Expropriation intends to acquire of land necessary to develop road infrastructure. As RTDA did not secure enough funds to expropriate the road reserve areas of all roads. The management explained that they resolved to carry out expropriation of properties within the roadway, directly affected by the road and any other properties left in the risky area arising from the civil works of road construction. The roadway is a main component of the road composed of carriageway, drains and shoulders.

However, it was noted that RTDA did not put in place a guideline to be followed while expropriating land and properties in the road reserve area and not directly affected by the road. The guidelines should clarify among others, possible reasons of expropriating a person not directly affected by the road, minimum and maximum distance from the road, mechanisms of relocating a person from risk zones and minimum approval levels. It should also clarify the nature of damage of buildings and structures acceptable for full expropriation or eligible for financial support for renovation.

The field visit revealed that 8 PAPs expropriated in the distance ranging between 6 and 20 meters away from the roadway; whereas on the other roads 8 PAPs remained within 5 meters from the roadway. They were noted on roads such as Base-Gicumbi-Rukomo road, Bralirwa-Nyamyumba-Gaz Methan road, Kagitumba Kayonza Rusumo road (lot 1), Huye-Kitabi road, Nyagatare-Rukomo Road and Huye-Gisagara road. See the example in the photo below:



Photo taken during field visit on 24/11/2020: House on Base-Gicumbi-Rukomo road remained within the side of road

Failure to establish a guideline may lead to expropriation of properties not affected by the road and leaving out those in high-risk zone not expropriated. Therefore, persons affected by the roadway may be denied timely compensation in favour of those who are not affected by the roads directly.

Recommendation

RTDA should put in place clear guidance for approving expropriation of person not directly affected by the roadway. Any exceptional case that arises during the expropriation of activities within the required roadway should be assessed and approved by appropriate levels.

Management comment

RTDA expropriate PAPs within the roadway based on the project demarcated needed land (carriage way, drainage, shoulders, etc) and the available budget. All payments on PAPs outside the roadway is a result of claims from road works activities not limited to compaction, runoff, safety, excavated soil.

In order to improve processes and procedures with regards to expropriation, RTDA hired an individual consultant to prepare environmental social procedure manual, providing guideline on

the expropriation process in the roadway and the road reserve area. The manual is at final stage and will be available early January 2021.

5.1.4 Low involvement of districts and City of Kigali in expropriation exercise

The expropriation exercise requires collaboration between RTDA, districts and City of Kigali. Districts and City of Kigali are key players in the expropriation because of their role of handling issues of land title deeds, grievances, conducting valuation of land and properties and community mobilization. Because districts and City of Kigali are autonomous entities, there is a need of MoUs clarifying responsibilities of those entities in expropriation exercise for each road project.

However, review of the provided MoUs between RTDA and districts revealed that only 8 (or 38%) projects were implemented after signing MoUs with districts or City of Kigali; while the remaining 13 (or 62%) of sampled projects do not have, hence they were implemented without clear role of districts in expropriation. The road projects without MoUs are Base-Gicumbi-Rukomo, Tyazo-Karongi, Rubengera-Gisiza, Gisiza-Rubavu, Base-Butaro-Kidaho, Bugarama-Cimerwa, Kigali Convention Centre, Kanombe deviation, Huye-Kitabi, Rusumo-Kayonza-Kagitumba, Kinigi-Kabuhanga, Ngoma-Nyanza and Sonatube-Gahanga roads.

The main reason for this low participation is because valuation of the land and properties on the mentioned roads was conducted by RTDA staff. Therefore, non-involvement of local government entities leads to inadequate planning of expropriation.

Recommendation

RTDA should continuously engage districts in the expropriation exercises. The collaboration should be based on MoUs clearly indicating the responsibilities of each party on ongoing and completed road projects.

Management comment

Concerning the 13 road projects, the valuation process was done jointly by RTDA and districts even though there were no MoUs signed with them initially. Some of those which were ongoing by 2018, RTDA has started to sign MoUs with districts and the City of Kigali to define the roles and responsibilities of each party in expropriation process. RTDA will continue to ensure that MoUs are signed with districts before starting road construction project.

5.1.5 Inadequate budget for expropriation exercise

Article 4 of the expropriation law of 2015 requires that every project, at any level, which intends to carry out acts of expropriation in the public interest, should budget for valuation and fair compensation of the property of the person to be expropriated. The adequate budgeting is a critical phase in the planning for fair compensation. However, the following was noted:

- **No budget planned for expropriation:** The works of construction of five roads started and demolished properties of persons to be expropriated before paying them fair compensation. At the time of audit, those roads registered 1,084 pending PAPs not yet compensated. However, there is no budget planned for these projects in the financial years 2017/2018 and 2019/2020 yet the construction works on these roads were ongoing. The payment of fair compensation on these projects is done by utilizing expropriation budget planned for other projects. The main cause of this is the fact that budget released by MINECOFIN is below the actual money needed²⁶.
- **Budget is below the fair compensation due:** Instances were noted where RTDA budgeted below the compensation required in a given financial year. The main cause of under-budgeting was due to the fact that RTDA does not collaborate closely with districts to have an exhaustive number of pending expropriation files kept by districts. The budgeted amount represents between 15% and 61% of the actual compensation paid during the sampled financial years. The extra unbudgeted payment of fair compensation on these projects is done by utilizing expropriation budget planned for other projects.

Table: Budget executed for other projects not budgeted

Description	Financial year 2017/2018	Financial year 2018/2019	Financial year 2019/2020
Number of ongoing road projects (A)	13	15	15
Number of road projects with budget gap (B)	7	6	7
Percentage (C=B/A*100)	53.8%	40%	46%
Amount of compensation budgeted for road projects in B above (D) in Frw	3,458,770,018	519,525,636	670,531,270
Amount of compensation paid to PAPs for road projects in B above (E) in Frw	5,687,006,390	2,213,413,711	4,423,956,951
Budget vs compensation paid (F=D/E*100)	61%	23%	15%

Source: RTDA budget execution reports from 2017/18 to 2019/2020

The inadequate budgeting leads to shortage of funds meant for expropriation. This results into delay in compensating PAPs for land, damaged property and works.

²⁶ Analysis of RTDA correspondences to MINECOFIN indicating the budget gap on expropriation in the financial years 2017/2018, 2018/2019, 2019/2020.

Recommendations

- RTDA should collaborate closely with MINECOFIN to budget realistically the number of PAPs and amount of fair compensation due at the start of financial year.
- RTDA should adequately budget for expropriation exercises of all road projects.

Management comments

Expropriation is always prioritized during the planning phase. However, RTDA experiences budget gap which is always tabled during budgeting process with MINECOFIN. Therefore, expropriation costs for some ongoing road projects are covered under the budget line of claims of expropriation on completed road projects. This mainly happened for emergency projects where no expropriation budget was planned.

For other projects, we sent the first expropriation files to MINECOFIN for payment after obtain budget. In order to improve the process, the budget for the next financial year, expropriation budget will be specific for each project.

5.1.6 Lack of sensitization and participation of people affected by projects

Persons to be expropriated need to be informed about the intended public interest project that will affect their land and property²⁷. This can be done through postings on notice boards of relevant cell offices, announcements on radio and newspapers. Sensitization and awareness meetings should be organized by RTDA in collaboration with City of Kigali, districts or relevant Ministry so as to inform the persons to be expropriated about the upcoming project and its importance before expropriation takes place.

The persons to be expropriated should be consulted and informed about their rights and entitlements through official communication letters, organized meetings and public gatherings where they can ask questions and are answered²⁸.

However, it was noted that out of 21 sampled projects, only the Huye-Kibeho-Munini-Ngoma road project had official announcements written by Nyaruguru district informing persons of the intended expropriation exercise. In addition, none of the twenty-one sampled projects had a committee responsible for addressing expropriation grievances.

Due to failure to organize consultative meetings, it was not possible to confirm that persons to be expropriated were informed about the expropriation exercise. Furthermore, complaints among the affected people may not be addressed effectively.

²⁷ Law N° 32-2015 of 11-06-2015 on expropriation in public interest, Article 24

²⁸ Law N° 32-2015 of 11-06-2015 on expropriation in public interest, Article 10

Recommendation

RTDA should endeavor to undertake and record sensitization done for each expropriation project to ensure that affected people contribute in expropriation exercise. Grievance-handling committees should be formed to ensure that complains are effectively handled during valuation.

Management comment

Sensitization of people is done before starting the expropriation on positive and negative impacts of the road project by both RTDA and the Districts. We have now started the documentation of sensitization on expropriation for every project.

For Grievance Redress committes (GRCs), this is a good practice initiated by RTDA (as per the requirements of road projects funded by World Bank). GRC members were trained how to handle claims, to communicate and record all grievances in grievance logbook. For the projects not funded by World Bank, the claims are handled as per the prevailing laws.

5.2 VALUATION AND COMPENSATION OF LAND AND PROPERTIES

Valuation of properties constitutes a milestone step in the expropriation exercise. It helps determine the fair compensation due to the persons affected by road projects. As per law governing expropriation in public interest, the properties subject to expropriation include land and activities carried out on the land such as buildings, planted trees, crops and other man-made structures. The valuation is conducted based on the prevailing market rates published by the IRPV Rwanda. Out of 21 road projects audited, 9 of them especially those undertaken in the City of Kigali during the period under audit were compensated at rate of 100%. In addition, PAPs were given compensation for disruption of 5% on the total value computed on their land and properties. However, the following was noted:

5.2.1 Land acquired without compensation for majority of PAPs in rural areas

The properties subject to valuation for expropriation purpose are land, activities carried out on the land and compensation for disruption caused by expropriation. Compensation for disruption is computed based on the total value of the property to be expropriated²⁹.

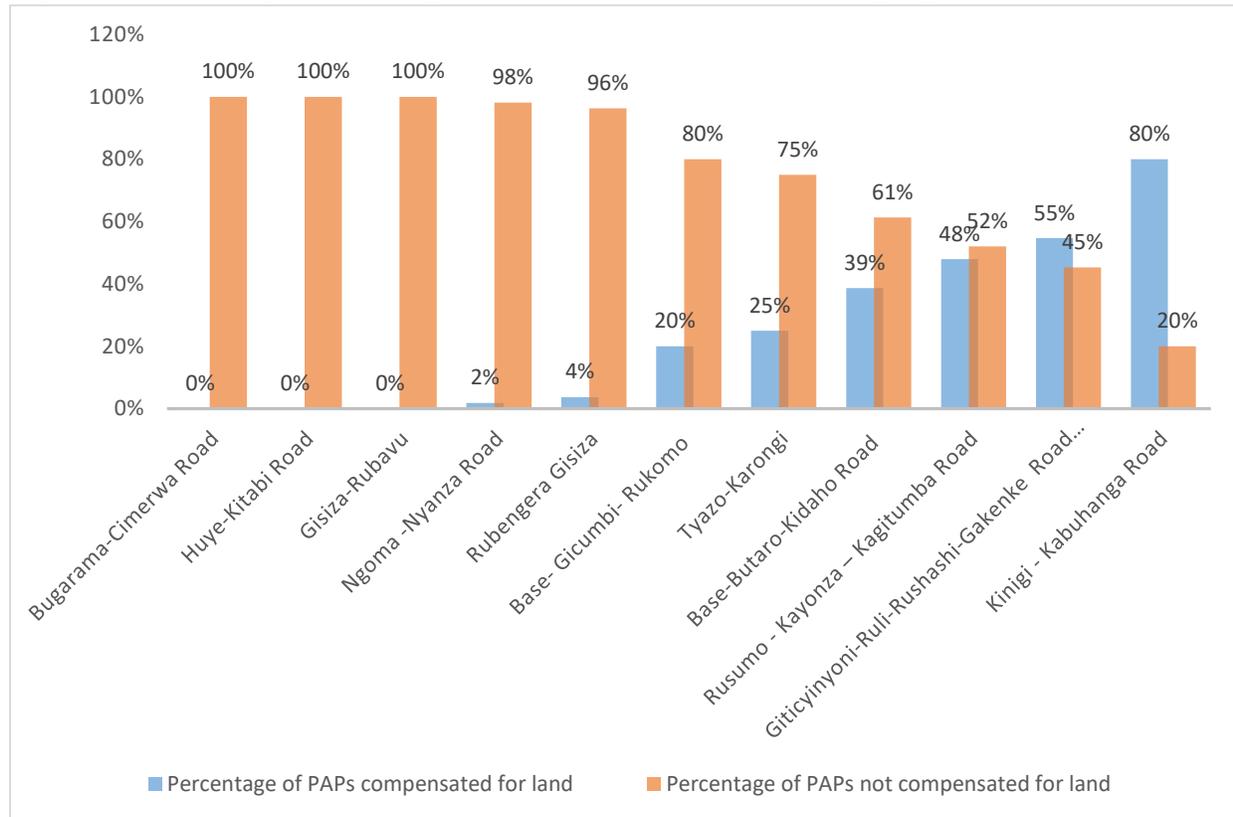
However, it was noted that in the 11 road projects developed in rural areas, only 29% of persons affected by road projects were compensated for their land while 71% were left out. On the other hand, however, on sampled roads in the City of Kigali, PAPs were fully compensated for land during the period covered by the audit.

²⁹ Article 27,28 of Law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest page 43

PERFORMANCE AUDIT REPORT OF THE EXPROPRIATION FUNCTION FOR ROADS DEVELOPMENT BY RTDA FOR THE PERIOD 01 JULY 2015- 30 NOVEMBER 2020

RTDA could not provide the basis for selecting who to compensate and not to compensate for land and the reason for not compensating other PAPs for their land. It is worth noting that the land in question was used by RTDA for road construction. The percentage per road project developed in rural areas are provided on the figure below:

Figure 2: Percentage of uncompensated PAPs out of the total expropriated in rural areas



Source: OAG analysis of valuation forms kept by RTDA

The bar chart above indicates that majority of the PAPs whose land was not compensated are those expropriated on Base-Gicumbi-Rukomo road, Bugarama-Cimerwa road, Huye-Kitabi road, Gisiza-Rubavu road (lot 7), Rubengera-Gisiza road (lot 6), Base-Butaro-Kidaho road, Tyazo-Karongi road (lot 4 & 5), Ngoma-Nyanza road (lot 1), Kagitumba-Kayonza-Rusumo road and Giticyinyoni-Ruli-Rushashi-Gakenke road.

It is worth noting that for Giticyinyoni-Ruli-Rushashi-Gakenke road, 55% PAPs compensated for land are those situated in Nyarugenge district (urban area) while the remaining 45% people are from Gakenke and Rulindo districts (rural areas).

The major cause of land not valued in rural areas was the fact that RTDA staff who conducted valuations were not certified by IRPV. This was contrary to the provision of law of 2015 governing expropriation, which requires expropriating agencies including RTDA to use valuers certified by

the Institute of Real Property Valuers in Rwanda when conducting valuation of land and property incorporated thereon³⁰.

Valuation conducted by non-certified staff increases the risk of different valuation methodologies being used, which could lead to non-uniformity and possible dissatisfaction among the people to be expropriated. Valuation conducted by RTDA staff creates room for conflict of interest because they represent the same entity that is expropriating and paying compensation.

Recommendations

- RTDA in collaboration with districts should use certified valuers to ensure standardised methodologies are followed during valuation.
- RTDA in collaboration with districts should ensure that valuation methodologies are harmonized in line with the guidelines and regulations in force.

Management comments

RTDA did not compensate PAPs for land in rural areas before 2016. Then, in 2016 the legal opinion of MINIJUST was requested regarding compensation for land in road reserve. In reference to their letter Ref 2858/08.25/FD/LSD of 02/12/2016, they advised that land in road reserve should be paid for during expropriation.

For projects started before this date, land was not valued in rural area and PAPs were not compensated for land; but for projects started after this legal opinion, land was valued. Actually, valuation used in rural area is similar to valuation used in urban area. Currently MoUs are signed between RTDA and Districts and valuation is done by valuers accredited by IRPV.

For Giticyinyoni-Gakenke road, initially these PAPs agreed to provide their land for free and after changed their mind while the project was already completed. Therefore, RTDA requested Gakenke district to re-submit the remaining expropriation files with the inclusion of the value of land in order for them to be paid. Compensation will be done upon reception of completed files.

5.2.2 Inadequate valuation and compensation of land and properties

According to the law of expropriation in the public interest, land values and prices for property incorporated on land can be established by the Institute of Real Property Valuers in Rwanda (IRPV) in line with the prevailing market rates. The land values and prices for property are reviewed and approved every year³¹. However, the following was noted:

³⁰ Article 23 of Law N° 32-2015 of 11-06-2015 on expropriation in public interest

³¹ Article 22 of law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest page 40

a) Valuation of land without consideration of reference prices published by IRPV Rwanda

The comparison between actual prices of land on the valuation forms and reference prices of land published by IRPV shows 101 cases where prices used to value land were higher than those published by IRPV. As a result, RTDA over- compensated PAPs additional money amounting to **Frw 401,584,085** in excess to the compensation due. This was caused by non-observance by RTDA staff of the maximum reference land prices set by the IRPV Rwanda and lacking standardized reference prices referred to by its staff during valuation.

Valuation of buildings

In order to assess valuation of buildings, the audit team sampled three items of buildings randomly. These are wall elevation in burnt bricks, levelling and foundation excavation.

- (i) **Wall elevation in burnt bricks:** Analysis of valuation done on wall elevation in burnt bricks of houses affected by two roads indicates that the prices used in valuation are not harmonized. The analysis was done on Base-Gicumbi-Rukomo and Base-Butaro-Kidaho roads. The analysis covered 100 buildings sampled on random basis. The table below indicates that PAPs are compensated at different prices although the valuation was done in the same year and same road.

Table: Different prices in valuing same item of wall elevation in burnt bricks Base-Gicumbi-Rukomo road

Prices used in valuation (Frw)	Number of PAPs per year of valuation					Total
	2015-2016	2016-2017	2017-2018	2018-2019	2019-2020	
22,500	-	-	-	1	-	1
25,750	1	-	-	-	-	1
30,941	-	-	1	-	-	1
35,941	1	-	-	-	-	1
49,500	-	3	3	1	5	12
50,237	-	-	1	-	-	1
51,364	-	2	-	1	-	3
59,000	-	5	13	15	2	35
59,500	-	-	3	5	2	10
60,000	-	-	1	-	-	1
65,000	-	-	-	1	-	1
78,500	-	-	1	-	-	1
80,000	-	-	1	-	-	1

Source: OAG Analysis of RTDA valuation forms on Base-Gicumbi-Rukomo road

Table: Different prices in valuing same item of wall elevation in burnt bricks at Base-Butaro-Kidaho road

Base-Butaro-Kidaho Prices used in valuation (Frw)	Number of PAPs per year of valuation				
	2015-2016	2016-2017	2017-2018	2018-2019	Total
22,500	-	1	-	-	1
45,650	-	1	-	-	1
49,500	-	2	2	1	5
51,364	-	-	1	-	1
59,000	1	5	5	2	13
59,500	2	3	3	1	9
78,500		1			1

Source: OAG Analysis of RTDA valuation forms on Base-Butaro-Kidaho road

The analysis indicates that valuation of wall elevation in burnt bricks was not similar across PAPs compensated at Base-Gicumbi-Rukomo and Base-Butaro-Kidaho roads. RTDA could not provide reference prices used in valuating buildings that might form basis of different prices for similar items.

b) Valuation and compensation of structures not considering the prices established by IRPV

RTDA used reference prices different from those established by IRPV for valuation and compensation for structures and buildings. Same items on the buildings were compensated at different values from PAP to PAP in the same period.

- ii) **Levelling:** on sampled valuation forms, the audit noted 11 PAPs who were compensated at higher prices compared to the reference prices of IRPV. This was noted on Base-Gicumbi-Rukomo road.

Table: Prices used for valuation and compensation of levelling above IRPV prices

RTDA Prices used per sqm (Frw)	Number of PAPs	Total Cubic meters valued	Total compensation	Max/ reference price as per IRPV	Min	Amount that should be compensated	Over /(under) compensation
A		B	(C=A*B)		D	(E=D*A)	(F=C-E)
8,800	9	4,133.09	36,371,231		5,833	24,108,340	12,262,891
10,000	1	100.44	1,004,400		5,833	585,867	418,533
12,000	1	213	2,556,000		5,833	1,242,429	1,313,571
Total	11	4,446.53	39,931,631			25,936,636	13,994,995

Source: RTDA valuation forms

It was also noted that 488 PAPs where the levelling was compensated less than the reference prices of IRPV. The prices were ranging between 17% and 87% of the reference prices of IRPV. Refer to the table below for more details:

Table: Prices used for valuation and compensation of levelling below IRPV prices

Number of PAPs	RTDA Prices used per sqm (Frw)	Max/ Min reference price as per IRPV	Percentage of RTDA reference compared to IRPV prices
2	500	2,917	17%
20	882	2,917	30%
1	1,000	2,917	34%
4	1,200	2,917	41%
64	1,219	2,917	42%
334	1,260	2,917	43%
6	1,261	2,917	43%
1	1,269	2,917	44%
23	1,500	2,917	51%
1	1,512	2,917	52%
1	1,756	2,917	60%
23	1,759	2,917	60%
1	2,200	2,917	75%
7	2,530	2,917	87%

Source: RTDA valuation forms

- iii) **Foundation excavation:** the audit noted 459 PAPs where the foundations of their buildings were compensated less than the reference prices of IRPV. The prices were ranging between 40% and 88% of the reference prices of IRPV. *Refer to the table below for more details*

Table: Prices used for valuation and compensation of foundation of buildings below IRPV prices

Number of PAPs for each price	RTDA Price used to value foundation per sqm (Frw)	IRPV established prices range (minimum)	Percentage of RTDA reference compared to IRPV prices
1	1,000	2,500	40%
2	1,200	2,500	48%
4	1,219	2,500	49%
2	1,260	2,500	50%
9	1,500	2,500	60%
381	1,512	2,500	60%
35	1,759	2,500	70%
1	1,800	2,500	72%
23	2,000	2,500	80%
1	2,200	2,500	88%

Source: RTDA valuation forms

c) Expropriated surface area higher than actual size of land as per land titles

The value of land is calculated based on its size (square meters) on the land title deeds if the whole land was expropriated. In no circumstances, the expropriated land exceeds the size of the land per the land title deeds. The size of land is evidenced by the land title deeds or documentary evidences that he is the owner of land³².

However, from the sampled valuation-forms and their corresponding land title deeds, it was noted that there were 14 cases where the compensated land was higher than the actual size of land as per land title deeds. There was no documentation to justify the additional land compensated. The additional land was in the range between 2% and 81% of the actual size per the respective land title deeds. Consequently, extra additional compensation equivalent to **Frw 17,252,027** was ineligibly paid. Lack of follow up and physical verification at RTDA level contributed to paying non-existence land.

d) PAPs compensated above the value of properties

The quantities assessed during valuation are documented immediately on the valuation forms. The quantities are thereafter multiplied with prevailing market rates to determine the fair compensation. The valuation is then submitted to finance specialist for review and approval before payment of fair compensation. However, the review of the valuation forms revealed wrong compensation rate used in the valuation forms. For instance, it was noted that, on New Bugesera International Airport expressway, PAPs were compensated for disruption at the rate of 50% instead of 5% of value of land as provided for by the expropriation law. This led to paying additional compensation of **Frw 2,716,097**. Refer to the table below for more details:

The additional compensation indicates that there were no measures in place to assess the accuracy of valuation forms of individual PAPs by checking the items valuated, unit prices used and amount to be compensated.

e) Valuation of land and properties using outdated IRPV reference prices

In 2018, the Institute of Real property Valuers in Rwanda published land values and prices for property, three (3) years after the initiation of the expropriation law implementation. By the time of audit, in November 2020 those land values and prices had not been revised. Currently, the valuers refer to the references prices, which are outdated, which are not prevailing market price. This was due to the IRPV being unable to gather and publish the same data annually. This may result into unfair compensation and deviation of tariff published by IRPV by the time expropriation exercise.

³² Article 26 of expropriation Law (2015)

Recommendations

- RTDA should investigate the reasons for compensating PAPs at higher rates and ensure that their prices are harmonized across PAPs. Where exceptional cases arise, RTDA and valuers document appropriately and seek necessary approvals.
- RTDA should ensure that the prices of the land used in valuation exercise are the ones published by Institute of real property valuers in Rwanda (IRPV).
- RTDA should strengthen its physical verification exercise to ensure that the quantity of the land to compensate are the land indicated on the land title deeds.
- RTDA should thoroughly review reports from valuers taking into consideration the due care required in this exercise.
- The Ministry of Environment should work closely with IRPV to publish the market prices of land every year.
- RTDA should consult RLMUA on the matters of difference between land measured and land size on the land titles.

Management comments

Valuation of land without consideration of reference prices published by IRPV Rwanda: For the 126 files where the unit price of land used is higher than the one published by IRPV, the valuation was conducted before the publication of reference prices by IRPV. The unit prices was published the first time in November 2018. The main reason of irregularity of prices used during valuation was due to the lack of clear guidance of reference prices. For the case of access road to NBIA, it was caused by replacement costs approved by MININFRA. For other projects, prices used after agreement between RTDA and District based on the average of three (3) recent land transfer.

RTDA will continue to use prices for land and property published in the Official Gazette of the Republic of Rwanda.

Valuation of buildings (burnt bricks): We acknowledge recommendation. Currently RTDA is using prices for wall elevation published by IRPV.

Valuation and compensation of structures not considering the prices established by IRPV: For Base-Gicumbi Rukomo, In Gakenke, Gashenyi Sector, Nyakina Cell, PAPs valuation was done in 2017 before publication of reference prices by IRPV. Prices were higher comparably to other area because the excavation was on the rock. The reference price was in the contract of Base-Rukomo as there was no reference price.

For the case of 459 PAPs where the foundations of their buildings were compensated less than the reference prices of IRPV, the valuation was done before publication of reference prices by IRPV and prices were set based on agreement between RTDA, owner and District.

Land compensated exceeding the actual size on the land titles: For the case of compensated land exceeding the size of the land on the land title, sometimes there is mistake in land mapping and size written on land title is less than the real size of the land taken using the tape measure on ground during valuation. The size taken during measurement (valuation) was greater than what was on land titles, this is the reason why we respected the right of the landowner while paying compensation.

Next time we will request Rwanda Land Management and Use Authority (RLMUA) to approve the real size of land before processing the payment.

*PAPs compensated above the value of properties: we acknowledge recommendation. RTDA in collaboration with Bugesera district requested the management of Sacco Mwogo to return back the money equivalent to **Frw 2,716,096** resulted from the wrong calculation of 5% for disturbance.*

Valuation of land and properties using outdated IRPV reference prices

About the lack of new market price, RTDA will request officially the Ministry of Environmental to instruct the IRPVR to publish the updated price.

5.2.3 Long delay in compensation due to late submission of valuation forms and reports by districts

According to the MoUs between RTDA and districts, districts are responsible for coordination of land and property valuation and submission of the valuation reports to RTDA for payment, after they have been signed by the land and property owners and district officials. Copies of land title deeds, identity cards and bank account details of PAPs are also submitted to RTDA for verification³³. This practice of engaging districts was adopted by RTDA since 2018 to strengthen their commitment towards completion of expropriation.

However, it was noted that districts do not collect and submit documents of property ownership from PAPs to RTDA on a timely basis for payment of fair compensation. Consequently, 17.7% (194) of the sampled PAPs were not compensated within 120 days provided for by the expropriation law. Delays ranged between 8 days and 3 years.

Failure to pay compensation within 120 days resulted into payment of an additional five percent (5%) for delay to 12 PAPs amounting to **Frw 40,570,890** on Kanombe deviation road.

In addition, on the Bugarama-Cimerwa and Kivu Belt lot 7-Gisiza-Rubavu road projects, civil works were completed before completing payment of fair compensation and therefore PAPs were denied timely receipt of fair compensation.

³³ MoU signed between RTDA and districts on expropriation exercise.

It is worth noting that the civil works of roads were completed before finalization of expropriation exercise. This was mainly observed at Bugarama-cimerwa and Kivu belt, lot 7-Gisiza-Rubavu roads. Therefore, PAPs were denied timely receipt of fair compensation.

The main causes of delay in submission of valuation forms and reports to RTDA are delay to submit land title deeds by PAPs and lack of schedule of collecting supporting documents from PAPs. It was noted that in all the visited districts the required PAP documents are collected by valuers who sometimes do not reside in the district³⁴, and not by the local administrative agencies that are nearer to the PAPs such as cells and sectors.

There is no properly defined schedule and easy mechanism in place to assist in the collection of the required PAP supporting documents.

The current process results in delay in collecting supporting documents and compensation yet the local administrative agencies could facilitate timely collection of supporting documents and submit them to districts.

Recommendations

- RTDA and districts should establish a schedule and through working with the local administrative agencies collect and submit required PAP supporting documents.
- RTDA should monitor expropriation closely to address the delay of compensation. All valuation forms cleared and duly signed by landowners and districts should be gathered and compensated on time.
- Districts should ensure that valuation forms are signed and submitted to RTDA on time.

Management comments

The issues of lack of land titles are due to: (i) Non-transfer of the land ownership after selling the properties, (ii) Succession and family conflicts, (iii) Non-registered land and (iv) People not residing near their land. Accordingly, sometimes PAPs do not fulfil all required documents on time due to different reason (family conflict, lack of land title and active accounts) in that case we cannot pay them on time because it takes time to obtain them. They are paid after fulfilling required documents.

In our view, the delay to secure supporting documents can be addressed if the expropriation law is revised to make it flexible.

RTDA works closely with District to make sure that all valuation forms fulfilled required documents are sent to RTDA on time.

³⁴ It was observed in all districts visited: Kicukiro; Huye, Nyaruguru, Nyamagabe; Gakenke, Rulindo, Burera, Gicumbi; Rubavu; Bugesera, Nyagatare, Gatsibo, Kayonza, Ngoma and Kirehe districts

For the case of Kanombe deviation project, the delay of payment was due to the lack of cashflow. The files were sent to MINECOFIN in April 2017 and were returned back due to lack of cash flow. The payment was done in August 2017 after 120 days were expired. PAPs claimed for delay payment, and after consultation with various institutions, they were paid the 5% delay penalties. For the payment done after works completion, these are claims for the properties affected by construction works (compaction, excavated soil, storm water etc.) or PAPs which were not fulfilling all the required supporting documents.

5.2.4 Transparency issues in valuation of land and property

The transparency is important and necessary in the valuation of land and property. Owners of land and property or their lawful representatives and local administrative entities should be present in the valuation of land and property. After the valuation, local authorities document the minutes indicating persons present and absent when the valuation was conducted³⁵. However, the following weaknesses were noted:

- **PAPs not given documented evidence indicating valued quantities:** Valuers undertake valuation in presence of owners of land and properties. The valuation exercise determines the quantities forming basis of paying fair compensation. However, valuers do not issue any documents immediately to the PAPs, publishing valuation report or signing the valuation to indicate the agreed quantities of land and properties. This raises complaints of PAPs not satisfied with valuation yet the civil works of road construction have demolished their properties.
- **Forms not indicating the date of valuation:** The date of valuation serves to prioritise PAPs as they arise to ensure transparency in the expropriation exercise. However, 46% of the expropriation files audited were not dated to justify how they were prioritized for payment over others.
- **Valuation of land and properties not involving local authorities:** It was noted that RTDA does not involve local authorities at village, cell and sector levels in the valuation of land and properties for road projects undertaken in the City of Kigali. Expropriation of PAPs affected by four road projects in the city of Kigali were undertaken by certified valuers without any public official witnessing the valuation exercise. This could lead into unfair or fraudulent valuation of non-existing properties.
- **Valuation and compensation process not adequately tracked:** Valuation and compensation reports help track the progress of expropriation. They provide details of PAPs whose land and property were valued, compensated or pending for timely action. However, the audit noted that RTDA employees who valued properties in in 62% (13) of sampled road projects did not prepare consolidated valuation and compensation reports. Therefore, RTDA does not have an exhaustive number of pending PAPs for each project

³⁵ Article 25 of law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest

undertaken by its members of staff. This is one of the main cause of delays in compensating PAPs since there is no mechanism in place to track the process.

The above weaknesses indicate low transparency in valuation exercise which could lead to unfair and untimely compensation of PAPs.

Recommendations

- RTDA should ensure that valued quantities are agreed with owners of land and properties immediately and issue a documented evidence of quantities to PAPs.
- RTDA should ensure that forms of valuation are date and prioritized chronologically in payment of fair compensation.
- RTDA should involve districts in the valuation of land and properties to represent the public interest in the valuation exercise.
- RTDA should put in place to track the progress and completion of expropriation exercises.

Management comments

PAPs are not given any documented evidences indicating valued quantities: Valuation is done in presence of PAPs and local authorities where both parties (PAPs and the valuer) agree on the quantities and value of properties. Subsequently PAPs agree on the valuation amount and sign on valuation forms and provide all supporting documents for further process of payment.

However, the report containing the list of persons to be expropriated, the size of land and the value of property incorporated thereon belonging to each person to be expropriated, and the fair compensation to be paid to any person whose property is expropriated in the public interest is not published. For the future, we will make sure that the report is published on cell office for all our projects.

Forms not indicating the date of valuation: The date considered for the approval of the valuation forms is the date of transmission of the valuation forms from the District. The District transmits the valuation forms with all the supporting documents in chronological order. Before receiving valuation forms, RTDA will make sure that all files are dated.

Valuation of land and properties not involving local authorities: Local authorities are involved in the expropriation process as per the MoUs signed between RTDA and the Districts. Formally, the expropriation forms were not approved by local authorities in the City of Kigali but currently, we ensure that all the expropriation forms are approved by local authorities.

Valuation and compensation process not adequately tracked: For the projects whereby valuation was done jointly by RTDA staff and local authorities, we only have payment lists and payment orders. We are planning to create information system that will help RTDA to monitor and track data for expropriation (database).

5.3 MONITORING AND SUPERVISION OF EXPROPRIATION

5.3.1 Long period taken in addressing complaints and counter valuations

Any person contesting the assessed value of land and property indicates in writing grounds for his/her dissatisfaction with the valuation report within 7 days after the approval of the valuation report. He/she engages the services of a valuer at his/her own expense, to carry out a counter-assessment of the value. The counter-assessment report must be available within 10 days from the application for counter valuation by the person to be expropriated. This appeal should be replied to within 5 days from reception³⁶.

However, review of complaint letters, response letters and payment vouchers of Kigali convection center and Huye-Kitabi road projects indicated that RTDA addressed complains with significant delays. The complaints were about 5% of compensation for disruption and houses demolished before valuation. The people suffered delays ranging between 8 days and 3 years to receive their compensation.

Moreover, the field visit revealed 1,923 complaints of PAPs whose houses were either destroyed or cracked during the construction of roads. These houses were not valued and/or owners were not supported to renovate them. This was due to failure by RTDA to plan for expropriation of land and properties located in roads reserve areas.

The complaints were submitted to RTDA and districts at various dates but had not been addressed by the time of audit in November 2020. Accordingly, owners may not get fair compensation in case the concerned houses collapse before valuation.

Table: PAPs complaints over cracks on houses

Roads	Number of claims	Number of pending claims to the time of audit	Date of claims	Period from claim to the time of audit
Huye-Kitabi	821	240	15 January 2020	317
Huye-Gisagara	249	249	11 September 2020	77
Rusumo-Kayonza-Kagitumba	831	831	27 January 2020	305
Rubavu-Bralirwa-Burushya-Gaz Methan road	10	10	October 2020	57
Base-Gicumbi-Rukomo	12	12	Not provided	n/a

Source: Data collected from districts in November 2020

See examples shown by the photo below:

³⁶ Article 33 of the law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest



Photo taken on 26/11/2020: Cracked houses at Base-Gicumbi-Rukomo road

Recommendations

- TDA in collaboration with districts should analyse complaints and take corrective actions in due time.
- RTDA should ensure that counter-valuation reports are analysed in order to compensate PAPs.

Management comments

Complaints were received progressively in collaboration with districts. Currently, the assessment and handling of those complaints is ongoing and to be completed by January 2021.

For counter-valuation, RTDA in collaboration with districts will assess the reports received.

The delay in analyzing claims related to cracks is due to the insufficient number of safeguards in RTDA. After restructuring of SPIU, the number of safeguards will increase and the delay in handling claims will decrease accordingly. For the case of claims related to 5% of compensation for disruption on Access road to Kigali Convention Centre road project; payment was done on due time based on time that City of Kigali has submitted the claim to RTDA.

The houses were damaged due to blasting, however a detailed assessment and valuation where necessary will be done in collaboration with districts to ensure fair compensation.

5.3.2 Inadequate monitoring of property valuation in districts

RTDA signed MoUs with districts to strengthen the collaboration in the expropriation. Under those MoUs, districts have to conduct valuation of land and property, gather documents of expropriation, and submit them to RTDA for payment of fair compensation. On the other hand, RTDA committed to perform physical verification of properties marked for expropriation before districts submit lists of PAPs and signed valuation forms requesting payment of fair compensation³⁷. This physical verification aims at validating the valuation forms and reports produced by districts and City of Kigali on land and property to be expropriated.

However, it was noted that RTDA does not effectively carry out physical verification on valuation done by districts. Out of 21 road projects audited, the physical verification was conducted on seven road projects and covered 3% of all valuations compensated.

There were no evidences of whether physical verification was done on the remaining 14 road projects. This would indicate whether land and properties valued existed and reflected the realistic value. Management explained that the physical verifications were conducted but acknowledged that they were not properly documented to serve as future reference in monitoring whether the weaknesses noted in initial valuation were later corrected.

Failure to conduct physical verification of PAPs' land and properties before compensation may lead to compensation for inexistent properties and potential complaints not addressed on time.

Recommendation

RTDA should carry out effective monitoring and verification of properties to be affected by roads before processing payment of compensation.

Management comment

RTDA staffs conduct physical verification of the property to be expropriated on all projects but supporting documents were provided on seven road projects. It is done progressively for valuated sections. We recognize that not all physical verification done were documented. Eleven reports are available for seven road projects. Going forward, RTDA will ensure that before any payment physical verification is done and documented.

³⁷ MoU between RTDA and districts of the period 2017 to 2019

5.3.3 Lack of committees to supervise expropriation

The law on expropriation establishes committees in charge of supervision of projects of expropriation in the public interest. Those committees are established at the District, the City of Kigali and at the national levels to oversee expropriation matters³⁸.

However, due to the absence of the Order of the Prime Minister determining their functioning, responsibilities, composition and competence, the committees exist only on paper. Therefore, expropriation is done without oversight. Without such committees, expropriation may not be effectively conducted safeguarding rights of PAPs and the general public. Equally, all arising complaints may not be properly addressed.

It is worth noting that Nyaruguru district was the only one that had put in place a (provisional) committee responsible for monitoring and supervision of expropriation in public interest for the Huye-Kibeho-Munini-Ngoma road project.

Recommendation

RTDA should work closely with districts to establish active grievance redress committees at cell, sector and district levels across all road projects. RTDA in collaboration with district should establish mechanisms and tools of monitoring expropriation.

Management comments

The establishment of committees in charge of supervision of expropriation in public interest is pending due to absence of the related Prime Minister Order determining the organization, functioning, responsibilities and composition of those committees. However, RTDA collaborates with Districts in expropriation process through out MoUs signed between RTDA and different Districts.

Meanwhile we are waiting for an Order of the Prime Minister to be established.

5.3.4 Land title deeds of PAPs not revised after expropriation

Land acquired through expropriation should be deregistered from the previous owner and registration made to the Ministry of Environment. The landowner who has been fully expropriated must transfer their land title to the Ministry of Environment. Those who ceded a portion of their land are required to register the remaining portion.

However, land titles of PAPs for land compensated on all 21 road projects audited were not revised to deduct the land compensated by RTDA. This is attributable to the lack of a mechanism by

³⁸ Article 8 of the law N° 32/2015 of 11/06/2015 relating to expropriation in the public interest

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RTDA to collect and revise all land titles affected by expropriation. In addition, there are no compensation reports and data tracking mechanisms indicating the land expropriated along all road projects.

The field visit conducted in districts revealed PAPs who started planting new crops and renovating properties on the land expropriated. See example of planted bananas on the land where the house had been removed after compensation.



Photo taken on 24 November 2020 at Huye-Kitabi Road: Planted bananas on the land where the compensated house has been demolished.

The field visit also revealed instances where RTDA compensate land but not wholly affected by the roadway. RTDA however does not keep proper records of land expropriated and be communicated to the local authorities to avoid encroachment. There was no plan to identify the land compensated and not used across the road projects to determine its future land use. Examples are provided in the table below:

Table: Land and buildings compensated and not affected by roads

No	Road	Status of road	Number of PAPs	Land and buildings compensated and not affected by the roadway
1	Base-Gicumbi-Rukomo	Completed	11	5,221 square meter of land
2	Sonatube-Gahanga	Ongoing	4	land of 774 square meters and buildings being used by the owners
3	Rubavu-bralirwa-Bushyushya	Ongoing	6	land and houses
4	Huye-Kitabi	Completed	3	Houses buildings being used by the owners.
5	Rusumo-Kayonza-Kagitumba	Completed	2	houses buildings being used by the owners.

Source: OAG field visit in November 2020

There is therefore risk that the same PAPs may continue to incur costs of land taxes on the same land size in future for land they do not own.

Recommendations

- RTDA should carry out an inventory and track the land expropriated and not affected by road projects.
- RTDA should ensure that expropriated land (both fully and portioned land) have been registered in the Ministry of Environment and be followed up in collaboration with the districts to avoid encroachment.
- RTDA should collaborate with districts and City of Kigali to track landowners whose land was expropriated to revise their land titles.

Management comments

There is ongoing data gathering of land expropriated with supporting documents to enable starting land subdivision and transfer to competent government entity in collaboration with Ministry of Environment to be completed by June 2021.

For ongoing road projects, the portion of land acquired are being recorded by the certified valuers. A follow up will be made by the concerned parties to remove the acquired land after submission of shape files by the certified valuers.

There are also PAPs where land was not compensated, they continue using it and will be paid during compensation of the whole road reserve upon availability of funds.

6. CONCLUSION

Rwanda Transport Development Agency did not effectively plan and coordinate expropriation to ensure fair and timely compensation of people affected by road projects in order to minimize complaints of damaged properties without compensation. This conclusion is based on the following reasons:

Firstly, the planning of RTDA for expropriation is not effective to identify exhaustively people to be affected by road projects and plan for fair compensation prior starting civil works. There are no Resettlement Action Plans (RAP) established for 61% (11) of roads projects that expropriated people. RAPs would guide the expropriation process including the number of persons to be affected, modalities of compensation and funds necessary to implement the plan.

The audit noted that RTDA conduct both expropriation exercises and civil works of road construction simultaneously. There is no time dedicated to finalize expropriation and handling PAPs' complaints before undertaking civil works of road construction.

The civil works of road construction start before compensation of PAPs and they are obliged to vacate their properties and shelters due to the effect of road construction before receiving compensation.

Even if the government put in place procedures governing expropriation in public interest, their implementation by RTDA is constrained by expropriation budget not being availed prior to starting civil works, land issues not addressed and lack of roadmap of expropriation indicating the completion timeline to compensate the persons affected by road projects. The audit noted that expropriation budget was not adequate as noted in the last five financial years where the budgeted funds represents between 15% and 61% of the compensation paid annually.

Secondly, RTDA do not conduct valuation and compensation of land and properties fairly and on a timely basis. With aforementioned reasons, there was delay in payment of compensation ranging between 8 days and three years. The delay was attributed to untimely submission of supporting documents of PAPs to RTDA. As result, the works of construction of five roads started and demolished or affected properties of people to be expropriated before paying them fair compensation. There are PAPs living in the houses damaged due to delay in assessing their complaints and delays of fair compensation.

The audit noted that valuation exercise is not harmonized across all road projects and persons affected. This was observed mainly on road projects whereby valuation of land properties was done by RTDA staff. In the sampled projects developed in rural areas, only 29% of people affected by projects received compensation of land. In addition, RTDA failed to do valuation based on the prevailing market rates published by the IRPV Rwanda.

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The valuation of land and properties using outdated IRPV reference prices. By the time of audit, in November 2020 those land values and prices had not been revised. Valuers refer to the references prices, which are outdated, which are not prevailing market prices.

Finally, RTDA do not monitor and supervise expropriation exercise effectively. RTDA does not carry out physical verification on valuation reports done by districts or their staff. The progress of expropriation exercise was not monitored progressively to constitute database and the status of compensation of persons affected by road projects (valuated, compensated and pending expropriation files including causal reasons) for timely action.

The audit noted that land expropriated was not deducted from the land title deeds owned by persons affected. There is a risk that the same PAPs may continue to incur costs of land taxes and/or be compensated on the same land size in future for land they do not own.

It was further noted that there are no committees established for supervising expropriation. The project engineer of RTDA is also the only road project engineer responsible for designing, executing and coordinating the expropriation exercise and the civil works of road construction. Therefore, the management of both projects at the same time poses a challenge for timely monitoring and handling expropriation files.

The above highlighted concerns should be addressed so that the expropriation exercises for road development could be improved.

7. RECOMMENDATION

In view of the weaknesses highlighted in the findings chapter of this report, I recommend that:

7.1. Recommendations to Rwanda Transport Development Authority (RTDA)

To ensure effective expropriation activities, RTDA should:

Planning of expropriation

- Separate the coordination of expropriation exercises from the supervision of civil works of road construction and dedicate sufficient time to finalize expropriation and handling PAPs' complaints before undertaking civil works of road construction.
- Establish resettlement action plans and a detailed roadmap for compensating PAPs for each road project and communicate it to the concerned PAPs. Endeavor to follow these compensation plans throughout the expropriation exercise.
- Put in place mechanisms for reporting and consolidating data from districts and City of Kigali of all PAPs whose properties have been valued across road projects on regular basis.
- Prepare expropriation budget realistically based on the number of PAPs and amount of fair compensation due at the start of financial year. Also ensure that budget for expropriation of ongoing road projects is considered and approved.
- Ensure effective demarcation of roadway before the start of expropriation exercise to facilitate upcoming valuation of land and properties by districts and City of Kigali.
- Put in place clear guidance for approving expropriation of persons not directly affected by the roadway. Any exceptional case should be assessed and approved by appropriate levels.

Valuation and compensation of land and properties

- Receive and thoroughly verify valuation forms and supporting documents to ensure that PAPs' land and properties are fairly and timely valued.
- Ensure that PAPs who have accepted the valued quantity and prices for their land and property are immediately issued with copies of documents showing acceptance and signature.
- Ensure standardized methodologies of valuation of land and properties in urban and rural areas and among PAPs.

Monitoring and supervising expropriation

- Carry out effective monitoring and verification of properties to be affected by roads including counter-valuation reports before processing payment of compensation.

- Put in place mechanisms for tracking the progress and completion of expropriation exercises, constitute database and the status of compensation of persons affected by road projects.
- Put in place strategies to record and track the land and properties along expropriation exercise for subsequent registration by the Ministry of Environment. RTDA should also track landowners whose land was expropriated to revise their land titles.

7.2. Recommendations to districts and City of Kigali

To ensure effective expropriation activities, districts and City of Kigali should:

Planning of expropriation

- Put in place mechanisms for sensitizing and identifying persons to be affected including those without land title deeds and other supporting documents to give them enough time to find them.
- Plan special sessions for handling land issues and issuing land titles to PAPs in the areas likely to be affected by road projects.
- Reporting regularly to RTDA necessary information on expropriation and any challenge encountered so as to be catered for in the planning expropriation and civil works of road construction.

Valuation and compensation of land and properties

- Put in place strategies for conducting valuation of land and properties of PAPs before start of civil works of road construction.
- Promptly submit to RTDA valuation forms and supporting documents of PAPs to allow timely verification and payment of compensation.
- Handle timely the complaints over valuation of land and properties including counter-valuation reports.

7.3. Recommendations to the Ministry of Finance and Economic Planning (MINECOFIN)

The Ministry of Finance and Economic Planning (MINECOFIN) should ensure that funds are released considering the number of PAPs and fair compensation due for each road project in a given financial year.

7.4. Recommendations to the Ministry of Environment (MoE)

The Ministry of Environment, being the ministry having land in their attributions should collaborate closely with IRPV to ensure that reference prices of land and properties to be used in expropriation are updated and availed every year as required by the law governing expropriation. Any challenges encountered should be addressed to ensure that compensation of PAPs is based on updated reference prices.

APPENDICES

Appendix 1: Audit criteria

Specific audit objective	Audit criteria	Source of criteria
To Assess whether RTDA effectively plans for expropriation taking into account guidelines.	The proposal of any activity, which intends to carry out expropriation, should include a Resettlement Action Plan (RAP). RAP ensures that any possible adverse impacts of proposed project activities to people's livelihoods are minimized. This is through avoiding displacement of people as much as possible; having a well-designed compensation and relocation process in place; minimizing the number of PAPs, to the extent possible; compensating for losses incurred and displaced incomes and livelihoods to address impacts on PAPs and their well-being.	MININFRA Resettlement Policy Framework, 2016
	Every project, at any level, which intends to carry out acts of expropriation in the public interest, should budget for valuation and fair compensation of the property of the person to be expropriated.	Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest
	A master plan and maps indicating the demarcations of land where project will be carried out should support the application for expropriation.	Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest
To ascertain whether RTDA ensures fair and timely valuation of properties and compensation of PAPs.	The valuation consider the basis of size of land and other properties to be expropriated, their nature and location and the prevailing market rates established by the Institute of Real Property Valuers in Rwanda every year.	Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest
	The recent market rates were published by the Institute of Real Property Valuers on 08 November 2018.	Official Gazette no. Special of 08/11/2018
	Owners of land and properties should have land titles and proof of property damaged in the course of expropriation exercise.	Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest
	It is prohibited to subdivide plots of land reserved for agriculture and animal resources if the result of such subdivision leads to parcels of land of less than a hectare in size for each of them.	The law n° 43/2013 of 16/06/2013 governing land in Rwanda
	The compensation in kind should be mutually agreed upon by both expropriator and people to be expropriated.	Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest
	In order for the expropriation to be authorized, the fair compensation must be paid to the expropriated person before he/she relocates.	Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest
	The landowner is not allowed to develop any other long-term activities on the land.	Law n° 32/2015 of 11/06/2015 relating to

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		expropriation in the public interest
	The organ carrying out expropriation in the public interest shall immediately look for certified valuers to conduct valuation of land and property incorporated thereon.	Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest
To assess whether RTDA and districts effectively monitor and supervise expropriation exercise.	There must be committees in charge of supervision of projects of expropriation in the public interest. Those committees should be established at the district, the City of Kigali and at the national levels. The composition and responsibilities of those committees with regards with supervision of expropriation would be determined by the Prime Minister order.	Law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest
	The resettlement policy framework of 2016 developed by MININFRA states that there will be monitoring of project of expropriation. The monitoring is done hand in hand with key districts' (implementing agency) staff, the PAPs representatives and will be done on quarterly basis (every three months).	MININFRA Resettlement Policy Framework, 2016

Appendix 2: Reviewed documents

No	Document	Information needed from the document
01	Status of compensation of affected people for projects of expropriation from 2013 to 2020 in RTDA.	The status of compensation of affected people for roads development projects.
02	Minutes of management meetings in MININFRA	The resolutions taken on challenges encountered in expropriation exercises.
03	Resettlement Action plans	The number of people to be affected by projects of expropriation and measures to mitigate impacts on people's livelihood.
04	Progress and handover reports on projects of expropriation	The status of implementation of projects that expropriated people.
05	Tariffs of properties, contracts and valuation reports	The tariff used in the valuation of properties and prevailing market prices.
06	Databases of people expropriated	Number of people affected by the projects of expropriation.
07	Expropriation law of 2015	The procedures of expropriation in Rwanda
08	Annual reports of RGB and office of the Ombudsman	The outcry of people on the expropriation exercises
09	Annual budgets and budget execution reports of RTDA from 2015 to 2020	The yearly budgets of projects of expropriation

Appendix 3: Interviewed officials

No	Position of the interviewee	Institution	Purpose of the interview
01	Division Manager of planning	RTDA	- Understand the strategic development plans and annual action plans for the national road networks.

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			<ul style="list-style-type: none"> - Understand aspects of consideration while planning for expropriation of PAPs.
02	Division Manager of Corporate Services	RTDA	<ul style="list-style-type: none"> - Understand the procedures in place and considerations for allocating budget for expropriation on the projects related to the transport infrastructure. - Understand the monitoring of allocated budget and its execution.
03	Social Scientist Specialist	RTDA	Understand projects of expropriation in RTDA and processes of compensating affected people.
04	RTDA-SPIU Coordinator	RTDA	Understand projects of expropriation in RTDA and processes of compensating affected people.
05	Project engineers	RTDA	<ul style="list-style-type: none"> - Understand challenges encountered in the process of compensating affected people. - Understand the collaboration between RTDA and districts throughout the expropriation exercise.

Appendix 4: Roles and responsibilities of key players

No	Key player	Roles and responsibilities
01	MININFRA	<ul style="list-style-type: none"> - Orient and supervise the functioning and management of RTDA, which compensate PAPs affected by transport infrastructure. - Approve the plan of action prepared by RTDA for development and rehabilitation of road infrastructures. - Initiate programs to develop, rehabilitate and maintain national transport infrastructure network, including roads and bridges which will contribute towards economic development and regional integration. - Supervise activities meant to elaborate, monitor and assess the implementation of national policies and programs on matters relating to transport.
02	Ministry of Environment and IRPV Rwanda	<ul style="list-style-type: none"> - Carry out research on prevailing market prices - Publish prevailing market prices every year. - Publish the list of certified valuers who conduct valuation of land and properties based on prevailing market prices and upon contracts with RTDA and districts.
03	RMF	Roads Maintenance Fund (RMF) has the following mission ³⁹ : <ul style="list-style-type: none"> - To expropriate the public and compensate their damaged works and property. - Implement projects of roads maintenance at national level. - Plan and budget for expropriation costs.
04	MINECOFIN	<ul style="list-style-type: none"> - Receive and crosscheck the payment list of PAPs from RTDA. - Receive and crosscheck the supporting documents before payment of fair compensation. - Request for corrections of errors identified in the payment lists submitted by RTDA. - Expedite payment of fair compensation to PAPs on their bank account.
05	Districts	Districts are responsible for, but not limited to the following ⁴⁰ :

³⁹ law n°49/2013 of 28/06/2013 establishing RMF and determining its mission, organisation and functioning

⁴⁰ MoUs signed between districts and RTDA

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		<ul style="list-style-type: none"> - Hire certified valuers and perform the valuation of properties affected by projects of expropriation, if required in the memorandum of understanding. - Submit to RTDA or any other stakeholders the documents of expropriation files signed by PAPs and local authorities. - Request funds from MINECOFIN to expropriate the affected people and compensate their damaged works and property. - Establish mechanisms of grievance management during and after expropriation exercise. - Mobilize and involve local communities. - Attend meetings and actively participate in the projects of expropriation.
06	People Affected by Projects (PAPs)	<ul style="list-style-type: none"> - Attend meetings and actively participate in the projects of expropriation. - Attend the valuation of his/her land and property and sign the valuation report. - Submit the documents of land and property ownership for fair compensation. - Submit the active bank account to the district and/or certified valuer.