

REPORT OF THE NATIONAL FORUM ON THE INVOLVEMENT OF LOCAL COMMUNITIES IN THE HYDRO-ELECTRICAL PROJECT OF RUSUMO FALLS

0. Introduction

The Burundian Forum of the Nile Basin Civil Society (FCBN) held, on the 24th February 2012, a one-day National Forum at Giteranyi District's chief town on the following topic « Involvement of the local communities in the hydro-electrical project of Rusumo Falls ».

There was a satisfactory and representative participation of the project's stakeholders in the activities of that national forum namely representatives of local populations, representatives of local associations including the representatives of women and Batwa (pygmies), local leaders, the villages 'elected officials of the constituencies which will be directly affected by the project, the different administrations found in Giteranyi District and in Muyinga Province , the delegates of the concerned Ministries , the MPs elected in Muyinga, different NGOs operating in the region , members of the FCBN's steering committee and media .

That forum focused on three objectives:

- Sensitization of the population of Giteranyi on the impact of the Rsumo Falls Project on their welfare;
- Sensitization of the local population on the new land code and procedures of compensation for the affected populations;
- Advocacy for the involvement of the civil society and local community in the implementation and monitoring of the project.

The following results were to be sought:

- The population of Giteranyi, local administration and MPs from the Muyinga constituencies are informed of the Rusumo Falls project;
- The local population is informed about the new land code, procedures of compensation and timeframe, and their role in the process and about the communal development;
- A declaration on the results of the forum

The language used in the forum was mainly Kirundi, the national language, in order to facilitate a better understanding of the content of communications and discussions for everyone.

1. The day's activities

The activities of the day were characterized by ceremonial speeches by different personalities, followed by informative and training presentations made by experts on the Rusumo Falls Project, the results of an evaluation of that project and the land

legislation with a particular focus on the procedures of compensation. Those basic communications were followed by plenary discussions and they enabled to collect some recommendations derived from the group works.

The day has begun with a short presentation of the schedule set up by the coordinator of FCBN and it was followed by different speeches.

1.1. Content of speeches

The Administrator of Giteranyi District and the Representative of the Muyinga Governor have wished a warm welcome to all participants. They, respectively, expressed their delight to have their constituency chosen in order to host the national forum and mostly to get such a strategic project not only for Burundi but also for the region. The two leaders have reminded that Giteranyi is the second most populated district of Burundi. « The expectations of the population with regard to the land, especially to the compensation in the event of an expropriation for a public interest , will be undoubtedly met following the explanations that will given by the different experts who are here », the Representative of the Governor said . They expressed their gratitude to the organizers, FCBN, of the workshop which brings into realization the recommendation derived from the Bujumbura forum.

The vice President of FCBN was happy of holding that forum and of the welcome extended to participants by leaders and the population of Giteranyi District and Muyinga Province, she has justified the opportunity of the project in recalling the burden of energy shortage which is the consequence of a continuous growing pressure on natural and energetic resources following a staggering growth of population .After having recalled the preceding milestones within the hydro-electrical project , she called upon those who would like to join FCBN whose mission is, inter alia, to sensitize people and other stakeholders on environmental challenges and sustainable development .Towards the end, she thanked authorities and participants who accepted the invitation.

The Director General of energy and mines, who opened the national forum, drew the attention of everybody on the demographic challenge with a population density amounting to 310 inhabitants per km², a 2.4% annual population growth while the economic growth is only 5.1% of GDP in 2012. Burundi is lagging behind in reference to other countries in terms of energy with an electric power which represents only 2% of the energy used in Burundi and only 3% of the populations are the beneficiaries. The energy is targeted by the documents of reference such as the Vision 2025 and the Strategic Framework for the Fight against Poverty (CSLP) of the second generation as one of the priorities for the economic recovery .He has mentioned that there is a room for hope mostly in different national and regional projects of which is the hydro-electrical project. He hailed the initiative of FCBN in underscoring that the role of the population is paramount and therefore that discussions on impacts of the project are also important. He expressed his gratitude to FCBN, DFID and NELSAP and wished that the discussions reach good

orientations in order to move forward preparations of the implementation of the project.

1.2. Presentation of the hydro-electrical Project of Rusumo Falls

The presentation was made by Madam Anne Marie BIHIRABAKE, an expert working for NELSAP (Nile Equatorial Lakes Subsidiary Action Program) in that project. Thanks to her rich presentation, participants came to know that the project was initiated by three countries namely Burundi, Rwanda and Tanzania and that it aims at building a hydro-electrical dam within the Kagera basin on the Rusumo Falls and fitting wires for electricity transportation. The implementation of the project is ensured by the Ministries of energy in the three countries and is supported by NELSAP. The built dam will trigger the increase in waters of Kagera River with a foreseeable overflow discharge of small rivers whose water goes straight to Kagera and they will increase in width and length. The waters could therefore invade lands of the neighbouring households, that was a motivation to conduct a thorough study on the impact of that project so that compensation measures are taken on time in order to avoid the deterioration of the neighbouring populations' living conditions, their living conditions should improve instead of degrading. Various activities of development and preservation of the environment will be conducted such as the population's access to electricity in order to improve development, to fight against land degradation, to use water in a streamlined way, to facilitate the access to public infrastructure and to remove development obstacles of the private sector.

Provisional figures of forecasts are available in order to characterize the land and demographic impacts; some lands, mainly marshes, with areas on sidelong ground and some houses located near marshes will be flooded.

Some households which are economically and physically affected will be relocated completely while others will be partially relocated. Some vulnerable groups will be affected especially women, pygmies, orphans, older people, the disabled and landless casual workers; they could be in need of a particular assistance .

The communication has put forward strategies to revive livelihoods departing from compensation to a catering programme comprising the agricultural enhancement on the remaining lands, the support to livestock and to small and medium enterprises so as to facilitate the diversification of livelihoods. The sub-villages which are seriously affected will have accommodations and a plan of local development for local populations will be applied.

Discussions which followed that communication have shown that participants would like to see that the implementation of that project is more participatory, that all different ministries are involved especially the one in charge of agriculture, that the dividends of the project are provided first of all to dwellers of Giteranyi, that the water

ponds which will be created by that dam are exploited (example: beekeeping) and that the civil society is effectively involved in the process.

The MPs and other elected officials who were present, have been invited to advocate for a favourable treatment for the Giteranyi population when it comes to job opportunities generated by that project. Some people of Giteranyi often go to Tanzania to seek a seasonal job. The population of Giteranyi should also get ready to face a competition for some jobs which demand possibly a certain expertise.

1.3. Presentation of results from an evaluation of the involvement of local communities

The evaluation, whose results were showcased by the coordinator of FCBN, aims at helping the Nile Basin Discourse to draft a document on key issues of advocacy related to the Hydro-electrical Project of Rusumo as well as an outline of policies for the commitment of decision makers, for the welfare of beneficiaries. The presentation dealt with the results, methodology of the study, the legal and political framework and finally the impacts of the project on the living conditions of local communities, including the economic benefits of the project and its adverse effects. Committees have been set up at different levels: national, provincial and communal.

The evaluation study has put forward, from the failures found within the structure and working of those committees, the following recommendations:

- To review the committees which are set up at all levels: national, provincial and communal levels, by taking into account the gender, civil society, private sector and religious faiths.
- To restate the plans of community development of districts that are affected so as to take into consideration the socioeconomic data induced by the impacts of the project in such a way that the entire development of the district is taken into account.
- To build capacities in coordinating provincial services in such way that they are able to coordinate different interventions which aim at restoring living conditions of people.
- To promote the integrated management of water resources by taking the watershed as one geographic unit and by taking into account the needs of all users and by involving women in the whole process of decision making . (the anti-erosion practices and others must be applied at the level of the whole sub-basin of lake Rweru and not only in the district of Giteranyi)
- To position the District Council on the top of the process of compensation and local development and to involve all the stakeholders interested in the issues of community development in the design,

implementation and monitoring of the enforcement of measures of restoring living conditions of people affected by the project .

- To initiate trans-boundary projects about water resources management like tools for the adaptation to climate change
- To promote the representation, consultation mechanisms and the regional communication among transboundary stakeholders around the hydro-electrical project of Rusumo Falls.

1.4. Presentation on the land code and procedures of compensation in Burundi

The consultant, Julien Bareguwera, Lawyer, made a brief overview on the land problematic, by starting from the importance of land in the Burundian society characterized by a context of extreme poverty and an increased reliance on land exacerbated by a sociopolitical unrest. That situation is conducive to conflict.

After that introduction, participants caught up with the content of the law n°1/13 of the 9th August 2011 dealing with the revision of the land code of Burundi, a law dealing with a rather incomplete reform for some aspects but with major innovations especially on the modalities of expropriation and distribution of state-owned lands, as well as on the creation of new land services.

The consultant gave explanations of that law mostly the provisions of articles 411 to 437 relating to the expropriation for a public interest. Participants have come to know that the property right is strongly protected; that the expropriation is an exceptional measure which is subjected to a transparent procedure and failure to respect it triggers the nullity. The compensation, which may be monetary, in kind by means of exchange or a combination of the two first forms, is no longer unilaterally fixed but proceeds to a negotiated agreement between the victim of expropriation and the requesting authority.

He insisted on the role of the judge which is a strong guarantee for a citizen against the unfettered will; the victim of expropriation is entitled to make an appeal against the expropriation measure or to request compensation in the competent jurisdiction. The consultant has suggested that the victims of expropriation make an association and look for assistance from experts in law within jurisdictions .The compensation of expropriation must be fair, that is, it must be based on the value of the asset expropriated at the judgment date. In waiting for the ministerial order that will fix the amount of compensation, the Ministerial Order n° 720/CAB/304/2008 of the 20th March 2008 provides an evaluation basis which is relatively beneficial for land ownerships of Giteranyi District which , according to the Decree N° 100/111 of the 31st July 2000, would be urban suitability.

After that presentation, discussions have showed that the population was very interested in the content of that law mostly the provision in terms of expropriation for

a public interest. The participants have raised concerns especially on the long procedures of compensation which may hamper the implementation of the project within time limits, the evaluation of the compensation, the guarantees of a streamlined use of the compensation for the welfare of households' victims of expropriation (a concern raised mostly by women).

Emergency procedures could be instituted without undermining the right to prior and fair compensation, in order not to delay the implementation of that project; calculations are being conducted so as to well evaluate the amount of compensation , this compensation must be delivered in presence of two spouses in order to address any problem of mismanagement by one of them and to avoid the risk of cases of polygamy which are already numerous in that region .

2. Group Works

Participants have been divided into 3 groups of work as follows:

- The administrative staff: local leaders, decentralized services, central ministries, security service, etc.
- The elected officials: MPs elected in Muyinga Province and the elected officials in the constituency of Giteranyi ;
- Population, local associations and NGOs

Three issues have been discussed by members of each group and viewpoints have been collected.

- a. Which kind of role would you like to have in that project ?
- b. With regard to light shed in the communication, what is your opinion on the regulations of compensations ?
- c. Give your additional suggestions and wishes on that project of building a hydro-electrical dam on Rusumo Falls

3. Results of group works

Group	Role	Compensation	Other suggestions
Populations, associations and NGOs	To have means (documentation, transport, etc.) in order to go sensitizing the people they represent	<ul style="list-style-type: none"> - The compensation should not be imposed ; the victim of expropriation should have right to choose the kind of compensation either in kind or in money ; - Construction of houses in the villages for victims of expropriation in order not to separate neighbours and to facilitate public infrastructure such as schools, health centers ,electrical connection ,markets, etc ; - to set up associations in charge of the monitoring of the compensation procedure at the level of village but also other levels (zone, District, province, Country) ; - to refer to international texts , in addition to the national legislation, which guarantee the right of citizens to a fair compensation 	<ul style="list-style-type: none"> - to protect lands belonging to refugees who are not yet returnees ; - to give jobs to Burundians at large and mostly the dwellers of Giteranyi District ; - to conduct in the District other development activities such as water supply, electricity, roads and schools ;
Administrations	<ul style="list-style-type: none"> - to sensitize the population on the benefit of the project ; - to keep an eye on the evolution of that project in order to assist the 	<ul style="list-style-type: none"> - the decision makers should prepare the necessary compensation on time so as not to undermine the implementation of the project ; 	<ul style="list-style-type: none"> - May those who conducted this study facilitate or organize a field visit on the project building site of the dam on Rusumo Falls

	<p>experts and to support for the good conducting of the project 's works ;</p> <ul style="list-style-type: none"> - To help in the collection or provision of the necessary compensation and on time ; - to oversee the respect of the balance in the project's benefits among the three countries which are beneficiaries ; - to facilitate the good implementation of the project ; 	<ul style="list-style-type: none"> - the local leaders should collaborate by showing state-owned lands which are likely to be proposed for compensation; 	<ul style="list-style-type: none"> - May the District of Giteranyi benefit from the electrification as a priority ; - May jobs within that project be given to many Burundians ; - The local leaders should contribute to fixing the compensation which is equivalent to the loss caused by the expropriation ; - The State should fix the compensation on the basis of a well conducted study on the living conditions of those who will benefit from the compensation ; -
Elected officials and MPs	<ul style="list-style-type: none"> - to go sensitizing the people who elected them on their objectives , advantages and results of the project ; - to keep an eye on the activities related to that project ; - to advocate for those who will be unfairly treated by that project ; 	<ul style="list-style-type: none"> - May a dialogue between the State and the citizens be initiated over that issue of compensation ; - to pay the compensation at the chief town of the zone and in presence of two spouses in order not to favour dissipation by one of the spouses 	<ul style="list-style-type: none"> - to guarantee jobs to dwellers of Giteranyi ; - May the study on the socioeconomic impact be extended to all concerned villages especially the ones of Kayove and Nzove so that they are considered in the delivery of compensations; - May those who have been skipped because they were absent during the study for different

			<p>reasons (in a mission work) benefit from services of that study ;</p> <ul style="list-style-type: none"> - May the State and its development partners help the victims of expropriation to fight against poverty ; - The elected officials should benefit from additional trainings in order to go explaining that project ; - The land laws which are not yet in force should be considered in the basic documents while giving compensations
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The activities of the forum have been closed by successive speeches made by the Administrator of Giteranyi District, the Vice President of FCBN and the Director General in charge of energy and mines. All of them expressed gratitude to the organizers of that forum and called upon all participants to contribute to the success of that important project whose benefits are beyond compare for Burundi and the region.

Rapporteur : Blaise Gahungu

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