

THE GOVERNMENT OF RWANDA

Energy Utility Corporation Limited (EUCL)

**Rwanda Electricity Sector Strengthening Project
Project number (P150634)**

RESETTLEMENT POLICY FRAMEWORK

September, 2015

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iii. Glossary of Terms

DEFINITIONS

Unless the context dictates otherwise, the following terms will have the following meanings:

“Census” means a field survey carried out to identify and determine the number of RESSP Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions (LGIs).

“RESSP Affected Person(s) (PAPs)” are persons affected by land and other assets loss as a result of RESSP activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood.

“Compensation” means the payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from RESSP activities.

“Cut-off date” is the date of commencement of the census of PAPs or DPs within the RESSP area boundaries. This is the date on and beyond which any person whose land is occupied for RESSP, will not be eligible for compensation.

“Displaced Persons” mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the RESSP, will suffer direct economic and or social adverse impacts, regardless of whether or not they said Displaced Persons are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

“Involuntary Displacement” means the involuntary acquisition of land resulting in direct or indirect economic and social impacts caused by: Loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether the Displaced Persons has moved to another location or not.

“Involuntary Land Acquisition” is the possession of land by government or other government agencies for compensation, for the purposes of RESSP against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

“**Land**” refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the RESSP.

“**Land acquisition**” means the possession of or alienation of land, buildings or other assets thereon for purposes of the RESSP.

“**Rehabilitation Assistance**” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable RESSP Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre- RESSP levels.

“**Resettlement and Compensation Plan**”, also known as a “**Resettlement Action Plan (RAP)**” or “**Resettlement Plan**” - is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legal binding requirements to resettle and compensate the affected party before implementation of the RESSP subproject activities causing adverse impacts.

“**Replacement cost**” means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on **Market rate (commercial rate)** according to Rwanda law for sale of land or property. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre- RESSP or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;

“**Replacement cost for houses and other structures**” means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) transporting building materials to the construction site; (b) any labor and contractors’ fees; and (c) any registration costs.

“**Resettlement Assistance**” means the measures to ensure that RESSP Affected Persons and Displaced Persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement.

“**The Resettlement Policy Framework (RPF)**’ is an instrument to be used throughout the RESSP implementation. The RPF sets out the resettlement objectives and principles, organizational arrangements and funding mechanisms for any resettlement, that may be

necessary during RESSP implementation. The RPF guides the preparation of Resettlement Action Plans of individual subprojects in order to meet the needs of the people who may be affected by the project. The **Resettlement Action Plans (“RAPs”)** for the RESSP will therefore be prepared consistent with the provisions of this RPF.

“**Vulnerable Groups**” refers to:

- Widows, the disabled, marginalized groups, low income households and informal sector operators;
- Incapacitated households – those no one fit to work and;
- Child-headed households and street children.

This group is among other things, characterized by low nutrition levels, low or no education, lack of employment or revenues, old age and/or gender bias.

“**Grievance Redress Committee**” means the committee established to hear the complaints and grievances of PAPs regarding resettlement, including acquisition of land, houses and other assets, and loss of livelihoods caused by the Project.

iv. Acronyms and Abbreviations

CAS	Country Assistance Strategy
CFL	Compact Fluorescent Lamps
EA:	Environmental Advisor
EARP:	Electricity Access Rollout Programme
EDPRS:	Economic Development and Poverty Reduction Strategy
EIA:	Environmental impact assessment
EMP:	Environmental Management Plan
EPC:	Engineer, Procure, Construct
ESMF:	Environment and Social Management Framework
ESMP:	Environmental and social management plan
ESWG:	Energy Sector Working Group
GDP:	Gross Domestic Product
GEF:	Global Environment Facility
GoR:	Government of Rwanda
HFO:	Heavy Fuel Oil
HIV/AIDS:	Human Immunodeficiency Virus
IBs:	Incandescent Bulbs
IDP's:	Internally Displaced Persons
ISDS:	Safeguards Data Sheet
LV:	Low Voltage
MINAGRI:	The Ministry of Agriculture, Livestock and Forestry
MININFRA:	Ministry of Infrastructure
MINERENA:	The Ministry of Natural Resources
MV:	Medium Voltage
NEDA:	National Energy Development Agency
NEP:	National Policy on Environment
NGO's:	Non-Governmental Organizations
OP:	Operational Procedures
PACD:	Plan of Action to Combat Desertification
PCD:	Project Concept Document

PIU:	Project Coordination Unit
PIU:	Project Implementation Unit
PMU:	Project Management Unit
PRSP:	Poverty Reduction Strategy Paper
PV:	Photo Voltaic
RAPs:	Resettlement Action Plans
REMA:	Rwanda Environment Management Authority
RESSP:	Rwanda Electricity Sector Strengthening Project
ROW:	Right of Way
RPF:	Resettlement Policy Framework
SED	Sustainable Energy Development
SIL:	Specific Investment Loan
STIs:	Sexually Transmitted Infections
SWAp:	Sector-wide approach
T&D:	Transmission and Distribution
TA:	Technical Advisor
UERP:	Urgent Electricity Rehabilitation Project
UN:	United Nations
UNCED:	United Nations Conference on Environment and Development
UNCOD:	United Nations Conference on Desertification
UNEP:	United Nations Environment Programme
UNFCCC:	United Nations Framework Convention on Climate Change
UNICEF:	United Nations Children Education Fund
URC:	National Unity and Reconciliation
WB:	World Bank

0. EXECUTIVE SUMMARY

0.1 Background

The Government of Rwanda (GoR) through the Ministry of Infrastructure (MININFRA) initiated through Rwanda Energy Group (REG) in its subsidiary the Energy Utility Corporation Limited (EUCL), the Rwanda Electricity Sector Strengthening Project which will contribute to Economic Development and Poverty Reduction Strategy (EDPRS) I and II targets and shall be supported from different donors including World Bank as the main donor. This project complements the on-going EARP which will continue to lead on grid electrification in urban areas and rural settlement.

The main Project objective of RESSP is to improve access to reliable and cost effective electricity services for households, public institutions and productive use. RESSP will continue to construct the backbone of the power supply system to rural areas and will align generation capacity and demand to achieve an efficient tariff.

The EDPRS target regarding energy sector is to connect around 45% of households by 2017. Once the network has been extended and covers large rural centers, connection costs will be significantly reduced per connection. The RESSP network will also seek to connect industrial, mining, agriculture and commercial opportunities to the electricity grid.

Rwanda Electricity Sector Strengthening Project (RESSP) has been designed to address two major challenges faced by the energy sector in Rwanda:

- Electricity Sector Capacity Strengthening with an aim to improve the performance of the electricity sector institutions;
- Increased Access to Electricity

The activities and investments to be supported under the proposed project are organized into the following three main components:

Component A (Electricity Sector Capacity Strengthening) which has three subcomponents

- Integrated Business Management Information System
- Revenue Protection
- Strengthening technical management capacity of key function in the Electricity Utilities Corporation Limited (EUCL)
-

Component B (Increased Access to Electricity Services) which contains

- Strengthening the distribution network around Kigali Area
- Grid Extension to New Load Centers

Component C (Technical Assistance and Project Implementation Support)

- Technical Assistance and Project Implementation Support
- Project Implementation Support

The total project cost is estimated at US\$ 95 million. The project will be entirely financed by IDA. The lending instrument is the Investment Project Financing (IPF).

The donors including EU, AfDB and BTC will provide parallel funding of approximately US\$ 320 million that will support the sector reform and the access roll-out.

Implementation of these RESSP is expected to have a widespread positive impact on overall socio-economic status and livelihoods of the people in the country as a whole in terms of increasing access to electricity. Whereas the individual subproject will carry some risks of adverse environmental and social impacts, this report addresses the risks that might arise if a subproject will result into acquisition of land and hence disturbing the people's economic, social and/or physical aspects of life. This Resettlement Policy Framework (RPF) provides guidelines on how the sub-projects will avoid, manage or mitigate all these project related involuntary resettlement risks.

0.2 Resettlement Requirements

The GoR by its national laws and the World Bank's Operational and Procedural Policies, specifically O.P.4.12 requires that the government prepare a Resettlement Policy Framework (RPF) to ensure full compliance with the standards set out by the World Bank's operational policy on involuntary resettlement (OP4.12) and the requirements of the Government of Rwanda.

O.P.4.12 further requires that the RPF report must be disclosed as a separate and stand alone by the Government of Rwanda and the World Bank as a condition for Bank Appraisal of the RESSP. The disclosure of this document should be both in locations where it can be accessed by the general public and local communities using the media, and at the Infoshop of the World Bank. The date for disclosure must precede the date for appraisal of the project.

In keeping with this requirement and the further detail set out the draft report will firstly be made publicly available to project-affected groups and local NGOs in Rwanda by placing a public notice in a national newspaper and making the report available at the offices of relevant government ministries and REMA. This measure will also satisfy the Environmental Organic Law requirement that resettlement reports are disclosed and be subjected to review by the public. Following revisions, the RPF will be officially submitted to the World Bank, and made publicly available prior to Appraisal.

0.3 Purpose of the Resettlement Policy Framework

The activities of the proposed RESSP would inevitably lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources. This will trigger the relevant laws and policies of Rwanda and the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) and as a result there is need for resettlement planning and implementation.

The purpose of this Resettlement Policy Framework is to establish the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various sub-projects to be implemented under Rwanda Electricity Sector Strengthening Project (RESSP). As it will be seen from the details of the project components, Resettlement Policy Framework for RESSP the design and implementation of mainly the Component B (Increased Access to Electricity Services) of the project will mostly likely trigger O.P. 4.12 – Involuntary Resettlement. Some of the activities may result in land acquisition and so compensation and resettlement of the affected persons may be undertaken.

The RPF therefore is prepared to guide and govern RESSP subprojects are selected for inclusion and sets out the elements that will be common to all subprojects which by appraisal time are fully known. A Resettlement Action Plan (RAP) which is a detailed action plan for each subproject before implementation will be formulated and approved by the various government agencies and the World Bank. This is because the sub-projects that are likely to cause displacement of persons have not been identified particularly in location and extent. Both RPF and RAPs are prerequisites for development projects that involve significant involuntary resettlement.

The RPF presents the objectives, principles, organizational arrangements and funding mechanisms for any displacement and resettlements that may be necessary during implementation of RESSP whose components must comply with the applicable Rwanda laws and regulations and the World Bank safeguard Policy on Involuntary Resettlement (OP 4.12). This RPF will thus serve as the basis and the framework within which Resettlement Action Plans will be developed when the individual subprojects are certain of the locations and specific impacts of the project. Resettlement plans for specific subprojects causing displacement in the RESSP will be prepared using this RPF and submitted to the World Bank for approval.

Hence, the RPF will be used to screen all interventions for their potential land acquisition impacts and streamline all the necessary procedures to follow in mitigating and minimizing involuntary resettlement associated with the proposed RESSP that may be identified during implementation. During implementation of project activities, when required, appropriate

Resettlement Action Plans (RAPs) will be developed to address specific adverse social impacts propose mitigation measures.

0.4 Reasons for the use of a Resettlement Policy Framework

Owing the exact location and magnitude of all subprojects to be financed by the RESSP cannot yet be determined at the moment. Therefore it is neither possible to determine the demography and livelihoods of neither the PAPs nor the resettlement related impoverishment risks they might face.

Consequently it is not yet possible to prepare detailed Resettlement Action Plans, which specify the detailed mitigation measures and develop strategies for livelihood restoration.

In line with World Bank Operational Policy (OP 4.12), this Resettlement Policy Framework has been developed to provide guidelines on how the projects will avoid, manage or mitigate potential risks and the process by which Resettlement Action Plans will be prepared and implemented during the project implementation period. The preparation of Resettlement Action Plans will be required once the location and scope of individual subprojects is known.

The Resettlement Policy Framework serves to provide safeguards against severe adverse impacts of proposed project activities and proposes mitigation against potential impoverishment risks by:

- Avoiding displacement of people in the first place or,
- Minimizing the number of Displaced Persons or,
- Adequately compensating the displaced persons for losses incurred or
- Adequately providing other resettlement assistance or rehabilitation as seen necessary to address impacts of the intended interventions.

0.5 Objectives of the Resettlement Policy Framework

The objectives of the Resettlement Policy Framework (RPF) are to:

1. Establish the resettlement and compensation principles and implementation arrangements for RESSP;
2. Describe the legal and institutional framework underlying Rwandan and World Bank approaches for compensation, resettlement and rehabilitation;
3. Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;

4. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
5. Provision of procedures for filing grievances and resolving disputes;

This RPF seeks to ensure that any possible adverse impacts of proposed project activities to people's livelihoods are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks.

0.6 Methodology for RPF Preparation

In preparation of the RPF, qualitative methods of data collection were mainly employed to update the required information. These include a review of the key project documentation, interviews with project stakeholders, site visits and group discussions. Activities included visits and discussions with selected stakeholders, including key individuals both within the project sites, the government staff, local NGOs, and project beneficiaries including PAPs. In all the approaches, the methods assessed awareness/knowledge of the land acquisition processes and current land acquisition challenges, institutional capacities to handle land acquisition, suggestions and recommendations were sought. This guided the framework on appropriate recommendations in the preparation of RAPs and other social guidelines. Data was drawn from three broad data sources namely records, reports, stakeholders and observations

0.7 Principles of the RPF of RESSP

Principles governing this policy are:

- Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, where it cannot be eliminated.
- Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programmes, providing resources to give PAPs the opportunity to share project benefits.
- Make certain that affected people are meaningfully consulted and participate in planning and implementing the resettlement programme, informed about their options and rights, as well as consulted on the available choices;
- Ensure that all affected peoples, regardless of their tenure condition, receive proper compensation and/or assistance in their efforts to improve their livelihoods and standards of living, or at least to restore them to pre-project levels.

- Prepare, if necessary, a RAP consistent with the provisions of the Bank’s policy on resettlement for each activity that would involve resettlement (such plans should be sent to the Bank for approval before the sub-project is approved for financing).

Measures to address resettlement shall ensure that Project Affected Peoples (PAPs) are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the subproject(s).

The policy applies to all PAPs regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles.

The implementation of specific RAPs must be completed prior to the implementation of subproject activities causing resettlement, such as land acquisition.

0.8 Legal and regulatory framework

This section seeks to highlight major issues related to Rwandan land legislation with regards to resettlement. There are a number of national and local legal frameworks that regulate land in Rwanda. These frameworks define land rights, ownership, procedures and requirements of transfer and acquisition of land. They also provide procedures for the acquisition of land in the public interest. Among the most important legal instruments in this regard are the Rwandan Constitution (2003) provisions connected with land use, planning, management and tenure, the Organic Land Law No. 03/2013, Presidential and Ministerial orders and decrees connected with land and more specifically the legislation related with Expropriation Law N° 18/2007 which outlines rights and compensation procedures for land expropriated for public interest, whilst the real property valuation Law N° 17/2010 stipulates valuation methods to be applied to those assets expropriated.

Other pertinent laws relating to land administration, ownership and expropriation in

Rwanda, include:

- Presidential Order N° 54/01 of 12/10/2006 determining the structure, the responsibilities, the functioning and the composition of Land Commissions; and
- Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau.

For RESSP activities that may involve involuntary resettlement, impacts on livelihoods, land acquisition or restrictions of access to natural resources, the World Bank requires that the project

implementing agency screen subprojects to be financed by the Bank to ensure their consistency with its involuntary resettlement policy, OP 4.12. In comparison to Rwanda law that defines rights to ownership of property, the World Bank policy on involuntary Resettlement goes further to highlight the important relationship between property rights, human settlement and the need to maintain and sustain people's source of livelihood.

There are a number of differences between the Rwandan legislation and the World Bank Policy OP 4.12. The key differences relate to the general principles for resettlement including income restoration, eligibility criteria, and the notification period for expropriation and resettlement. Strategically, the Rwandan legislation will be compared with the World Bank provisions on resettlement, gaps will be highlighted and recommendations will be drawn to fulfill gaps.

0.9 Possible types of Resettlement

The subprojects may result in involuntary resettlement which could lead to either physical displacement (relocation or loss of shelter) or economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood). Resettlement is considered involuntary when affected individuals or communities is to have their private property transferred due to public interest as well as legally accepted local administrative entities and public institutions.

This resettlement policy framework focuses on direct economic and social impacts that result from the projects, and are caused by:

- The involuntary taking of land or other resources resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood.
- The involuntary restriction of access to legally designated protected areas and protected forests resulting in adverse impacts on the livelihoods of the displaced persons.

0.10 Potential Project Impacts and Mitigations

The project intends to expand and to improve access to reliable and cost effective electricity services for households, priority public institutions and productive use, which will require land acquisition and possible assets loss as will be defined through consultation.

Potential Impacts

The RESSP activities which will include grid connection in urban and rural areas, electrification of new districts and sectors including MV extensions and LV reticulation and backbone MV/LV grid strengthening and improvement, rehabilitation and improvements of access roads. These subprojects activities are likely to have two categories of effects. Permanent effects will result in a loss of use of property, vegetation and land by the affected persons. This is likely to occur

where permanent installations such as, transmission lines and substations facilities are established. Temporal effects will result into an interruption in the current use of property or land by the affected person as a result of the subproject activities. This is likely to occur during construction and rehabilitation of existing infrastructure especially road access.

However, during stakeholder consultations it was reported that communities are likely to appreciate the services and may donate the required land, nevertheless this does not eliminate that fact people will be displaced and land use changed especially in unforeseen situation. Therefore, displacement of people within the project areas is expected although it is not possible to estimate the number of people that are likely to be affected whatsoever but complete movement of people to new sites is not anticipated.

Mitigations

Provisions are made under this RPF to minimize all such impacts including those of socio-economic significance. Provisions are also made in this RPF to accommodate all potential situations, including cases that entail actual displacement and livelihood restoration assistance in accordance with the World Bank Policy on Involuntary Resettlement, OP 4.12. The potential social impacts to be addressed within the context of preparing this Resettlement Framework have been identified. It is expected that site specific social assessment studies will be carried out within specific sites, as and when required. The framework for the compensation/ resettlement will then be applied incorporating specific (1) institutional arrangements, (2) resettlement/compensation eligibility criteria, (3) implementation procedures, (4) financial responsibilities, and (5) monitoring and evaluation plan.

0.11 Project Screening and RAP Preparation

Subprojects Screening

The RESSP might have a social impact on the community. Potential socio-economic impacts that will require mitigation measures, resettlement and compensation will have to be identified. The subprojects will be screened to know whether involuntary resettlement, land acquisition, or loss, denial or restriction of access to land and other economic resources will be caused by the implementation of the sub-project or whether the sub-project result in the permanent or temporary loss of crops, fruits and household infrastructures such as outside toilets, kitchens, and other structures.

Preparation of RAPs

The RPF will guide the subproject specific Resettlement Action Plans (RAPs), which will be drafted by RESSP or independent consultant in consultation with other parties responsible for resettlement. The RAPs will define the actions to be taken to properly resettle and compensate affected people and communities as will be identified.

0.12 Stakeholder consultation and Participation

Public consultations in relation to the RAP will occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach is to be adopted as an on-going strategy throughout the entire project cycle starting with the RAP preparation.

As part of the preparation of this RPF several stakeholders were consulted to obtain an informed view of the land acquisition processes and current land acquisition challenges, institutional capacities to hand land acquisition in their respective districts, to solicit their suggestions and recommendations on how to handle land acquisition issues that may arise during the implementation of the RESSP.

0.13 Annual Reporting and Performance Review Requirements

Annual social progress reports will be prepared by the project social specialist during the commencement of the RESSP. The report preparation will be supported by the Safeguards Advisor. These reports will be submitted to EUCL before the Bank's supervision mission arrives. The annual reports will be shared with RESSP PMU, the World Bank and other relevant government agencies.

0.14 Capacity Building and Training

Effective implementation of the Resettlement Policy Framework for RESSP will require technical capacity in the human resource base of implementing institutions as well as logistical facilitation. Implementers need to understand inherent social and environmental issues and values and be able to clearly identify indicators of these.

The RESSP will be implemented by EUCL and will fund the capacity building of EUCL and EDCL staff. The existing EARP-PIU has the necessary capacity for the project coordination, fiduciary, and safeguards management aspects and has been rated satisfactory for the ongoing Bank-supported portfolio under its mandate. The EUCL shall enter into a Project Implementing Support Agreement (PISA) with EDCL to enable the former to engage the EARP-PIU services, in this regard the Safeguards aspects. The social and environmental experts to be hired in RESSP and the existing EARP-PIU social and environmental safeguards team will ensure compliance with environmental and social safeguards issues during the implementation of RESSP subproject activities, public awareness, particularly among construction contractors and their works about the importance of undertaking development work while safeguarding the environment both biophysical and social environment.

0.15 Key Highlights of the RPF

The RPF covers the following aspects:

- Principles and objectives governing resettlement preparation and implementation.
- A description of the process for preparing and approving resettlement plans.
- Land acquisition and likely categories of impact.
- Eligibility criteria for defining various categories of project affected persons.
- A legal Framework reviewing the fit between the laws of Rwanda and regulations and Bank policy requirements and measures proposed to bridge any gaps between them.
- Methods of valuing affected assets.
- Organizational procedures for the delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer.
- A description of the implementation process, linking resettlement implementation to civil works.
- A description of the grievance redress mechanisms
- A description of the arrangements for funding resettlement, including the preparation and review of cost estimates the flow of funds, and contingency arrangements.
- A description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring.
- Arrangements for monitoring by the implementation agency and, if required, by independent monitors.

This RPF governs all activities funded under the RESSP, and is to be used in conjunction with the Environmental and Social Management Framework (ESMF) that has also been prepared for this project as a separate stand alone document, also disclosed at the Bank info shop and in Rwanda.

0.16 Monitoring and Evaluation Aspects

The monitoring and evaluation will be the main mechanism of measuring and reporting progress of compliance and to alert the RESSP of any delays and problems and these activities will help to measure the extent to which the main objectives of the RPF have been achieved. To ensure that the implementation of resettlement is undertaken in line with this RPF, the activities will be monitored and evaluated internally by a Monitoring and Evaluation team at EUCL at the national level and on ground at the District level. The PIU will undertake the routine internal monitoring and evaluation of the implementation of the resettlement issues so as to ensure that all the responsible units follow the schedule and comply with the principles of the resettlement plan. A number of indicators shall be used to monitor the impacts of the assets loss and resettlement activities and the subproject implementation in general.

0.17 Budget and Funding

At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the technical designs and details have not yet been developed and the land needs have not yet been fully identified. The budget will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. The budget will cover resettlement activities including compensation cost for affected assets. Funds for implementing inventory assessments as well as land acquisition and resettlement action plans is provided by the Government of Rwanda through the Ministry of Finance, Planning and Economic Development.

0.18 Disclosure of RPF

This RPF will be disclosed in compliance with relevant Rwandan regulations and The World Bank Operational Policy 4.12. The documents will be disclosed in-country, available to any interested persons through the media, at information offices of the participating districts, at EUCL website information centre and at the World Bank Infoshop and the date for disclosure must precede the date for appraisal of the project.

I. INTRODUCTION

The Government of Rwanda (GoR) through the Ministry of Infrastructure initiated through Rwanda Energy Group (REG) and its subsidiary the Energy Utility Corporation Limited (EUCL), the Electricity Sector Strengthening Project which will contribute to Economic Development and Poverty Reduction Strategy (EDPRS) I and II targets and shall be supported from different donors including World Bank as the main donor. This project complements the on-going RESSP which will continue to lead on grid electrification in urban areas and rural settlement.

The activities that the RESSP will be financing would give rise to environmental and social concerns were not confirmed during the preparation of the project and the exact location of facilities to be constructed was also not finalized during this period.

Therefore, in compliance with Rwanda regulation and the World Bank's Safeguards Policies, the GoR, represented by the Ministry of Infrastructure and Energy Utilities Corporation Limited has prepared this RPF.

The objective of this Resettlement Policy Framework (RPF) is to provide a screening process, for any future RESSP subproject activities, to ensure that where land acquisition for RESSP activities is inevitable, resettlement and compensation processes for lost land and associated assets should be conceived and executed in a sustainable manner. This entails providing sufficient investment resources to meet the needs of the persons affected and/or displaced from their habitat and resources. It also requires adequate collaborative consultation and agreement with the RESSP affected persons to ensure that they maintain or improve their livelihoods and standards of living in the new environment.

The Resettlement Policy Framework provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by future RESSP activities whose exact locations are not known prior to RESSP appraisal. The RPF for RESSP is a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for RESSP subprojects activities.

The GOR is also further required to disclose this document in-country as a separate and stand alone document so that it is accessible to the general public, local communities, potential project affected people, local NGO's and all other stakeholders. The document must also be available at the Infoshop of the World Bank and the date for disclosure must precede the date for appraisal of the project.

The subsequent RAPs would then be cleared by the Rwanda Development Board (RDB) and the World Bank, prior to implementation of their planned project investments. The use of this RPF and a separately prepared ESMF by RESSP would be the instrument, through which the project's environmental and social impacts are identified, assessed, evaluated and have appropriate

mitigation, management and monitoring measures, designed and incorporated within the subproject itself.

1.1 Objectives

This framework document is designed to enable the EUCL, the RESSP implementing entity, other actors, communities and the World Bank to address the needs of the populations that could be affected by the project by establishing policies, principles, institutional arrangements for management of issues related to acquisition of land and hence displacement of persons and impact on their livelihoods. The legislation on resettlement of the government of Rwanda and OP 4.12 Involuntary Resettlement policy of the World Bank will be the frameworks that will govern any resettlement arising out of the activities of the project. This RPF for RESSP will therefore provide procedures and methods to identify and compensate the affected persons.

1.1.1 Specific objectives

In some cases, resettlement of people may pave way for implementation of the RESSP because the subprojects activities demand land acquisition. The people may be affected because of loss of agricultural land, loss of buildings, loss of access or proximity to water, health and social amenities.

The specific objectives of the Resettlement Policy Framework (RPF) are to:

- Establish the resettlement and compensation principles and implementation arrangements for RESSP;
- Describe the legal and institutional framework underlying Rwandan and World Bank approaches for compensation, resettlement and rehabilitation;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Provision of procedures for filing grievances and resolving disputes;

The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in Monitoring and Evaluation. When a Resettlement Action Plan (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Property Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). This RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12), as described in Annex 1.

This RPF seeks to ensure that any possible adverse impacts of proposed RESSP activities to people's livelihoods are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people without a well-designed compensation and relocation process;
- Minimizing either land acquisition or the number of PAPs or both, to the extent possible;
- Compensating for losses incurred, displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their well-being.

For unavoidable adverse impacts, this RPF is to ensure that people adversely affected by projects are fully compensated for loss of assets, livelihoods, access rights, etc. and successfully relocated, the livelihoods of impacted people are re-established and the standard of living improved.

The purpose is to restore the income earning capacity of the PAPs with the aim of improving or at the very least sustaining the living conditions of the PAPs prior to project operations or to resettlement. PAPs must be no worse off than prior to resettlement. Also critical to the resettlement process is that the PAPs are involved, through appropriate consultation, in drawing up the resettlement plans that affect them. It should be noted that even where there is no physical displacement but people lose access to assets, such as land for farming, the preparation and implementation of ARAP/RAP is required.

1.2 Justification for the RPF

The Rwanda Electricity Sector Strengthening Project activities are not likely to result in the relocation of people except perhaps in the areas where substations are planned to be constructed and the Right of Way that may be used or created to support network expansion requirements, new/additional land would have to be acquired by EUCL. However, Rwanda is such a small country, approximately 26,338 km², with a population of 10.5 million (census, 2012), average population density being as high as 416 inhabitants per sq.km in a majority of cases significant efforts to locate these physical infrastructure on sites that deliberately avoid or minimize impacts on people, land, property, including and especially peoples access to natural and other economic resources, will not be possible.

Different Resettlement Action Plans (RAPs) for network expansion and substations subprojects will be prepared. The RPF establishes the resettlement and compensation principles, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the RESSP when these sites are decided upon. The RPF is prepared to the standards of the GoR's own policy on resettlement and the policy of the World Bank, OP4.12.

When the land/sites are identified, for the sites that trigger OP 4.12, resettlement/compensation plans will be closely coordinated with the planning and implementation of civil works and then subsequently prepared consistent with this policy framework by EUCL and will be submitted to the World Bank for approval before any land acquisition, resettlement, loss, denial of, and

restriction to economic resources or any other adverse impact on livelihood occurs. This RPF is therefore necessary to provide guidelines for addressing concerns of Project Affected People (PAPs).

The guiding principle for land acquisition will be that where land is required for implementation of the investment programme appropriate safeguards will be observed to avoid or reduce the negative impacts of land acquisition on the affected community members.

This framework will be applied to all RESSP subprojects sites with the in-built mechanisms for resolving any forms of disputes on land acquisition and other assets damages (crops and forests). This RPF will apply to all activities implemented that are associated with this program. The RPF is presented in a much more comprehensive manner so as to guide and ensure that all conditions of population dislocation or loss of socio-economic benefits are taken into account during formulation of the resettlement action plans (RAPs).

II. DESCRIPTION OF THE PROJECT AND COMPONENTS

This chapter describes the proposed Rwanda Electricity Sector Strengthening Project (RESSP) including the different components and activities expected during the project implementation.

2.2 Project Components

Rwanda Electricity Sector Strengthening Project (RESSP) is proposed to have three components: Component - A, electricity sector capacity, Component-B, increased access to electricity services and Component-C (Technical Assistance and Project Implementation Support).

2.2.1 Component A: Electricity Sector Capacity Strengthening

the project will support EUCL to establish a comprehensive Integrated Business Management Information Systems (IBMIS) MIS to ensure efficient, transparent, and accountable processes covering network operations and maintenance (O&M); commercial functions; and management of corporate resources. The primary activities will include the design, supply, installation, and operationalization (including staff training) of an integrated management information system with several modules covering commercial, network operation, and corporate functions. The integrated Business Management Information Systems will have the following subcomponents:

Sub-component A-1: Integrated Business Management Information Systems

The proposed project will support development of an integrated business MIS that will cover core business functions, including network operations and maintenance, commercial functions, and management of corporate resources. The integrated Management Information System (MIS) will include a new Commercial Management System (CMS), an Incident Recording and Management System (IRMS), and an Enterprise Resource Planning (ERP) system.

- **Commercial Management System (CMS)**

This CMS will finance the design, procurement and implementation of a new commercial management system in order to provide support to the utility's business functions related to revenue and customer management. The objective is to improve customer service and at the same time strengthen business performance, especially reduction in commercial losses. The CMS will include aspects related to customer database, billing, and commercial processes and procedures.

- **Integrated Distribution Management System (IDMS)**

The IDMS will include several **system** modules: (i) a geographic information system (GIS); (ii) an outage management system, including incident recording; (iii) distribution systems operations and maintenance; and (iv) distribution supervisory control and data acquisition (SCADA). The IDMS will improve electricity supply reliability, operating efficiency, and outage management to assure increased customer satisfaction.

- **Enterprise Resource Planning (ERP) System**

The RESSP will cover core corporate functions including human resources, finance, procurement, and asset management. The objective is to support the utility to better plan and manage all of its resources for increased efficiency and accountability

Sub-component A-2: Revenue Protection Program

This sub-component will finance: (i) the creation of a Metering Control Centre (MCC) and investments in infrastructure needed for its operations; (ii) incorporation of state-of-the-art Meter Data Management software and training of staff of the MCC in its proper use to ensure systematic use of the information provided by the metering system so that corrective field action can be undertaken as needed; and (iii) supply and installation of advanced metering infrastructure (AMI) for the targeted 1,500 large customers. The AMI will include an integrated system of smart meters, communications networks, and data management systems to enable two-way communication between the MCC and the targeted customers.

The main objective of the Revenue Protection Programme (RPP) is to sustainably protect EUCL's revenues from electricity sales to large and medium customers who are currently less than 3 percent of the total customer base, but represent around 50 percent of total sales. Implementation of the RPP will ensure that the billing for these "high value" customers is systematic and accurate according to their full metered consumption. The RPP will protect utility revenues by providing accurate, reliable, and timely billing information, thus promoting greater billing transparency and reduced consumption disputes, while also identifying network theft, which will contribute to significant reduction/control of commercial losses. Deployment of the AMI, including smart meters together with the proposed IDMS, will not only contribute to EUCL's operations efficiency and customer service quality, but also provide a platform for further distribution grid modernization as the utility develops and deploys more functions related to "smart grid" functionality.

Sub-component A-3: Strengthening of Technical Capacity of key functions in EUCL

This subcomponent will support the strengthening of the technical capacity in key functions of the EUCL namely, operations, commercial services, finance, and corporate services. The TA support shall include but not be limited to: (i) coaching, mentoring, and enhancing the capacity of EUCL staff in areas of their technical expertise; (ii) assisting EUCL to develop and document functional processes and operational procedures; (iii) assisting EUCL to implement the MIS system and the RPP (components A-1 and A-2); (iv) assisting EUCL to collect and keep data records to be used as baseline data in performance targets setting; and (v) together with EUCL staff and assisted by a strategy execution consultant, preparing and implementing a corporate strategic plan and developing an all-inclusive performance based dashboard.

2.2.2 Component B: Increased Access to Electricity Services

The Increased Access to Electricity Services will support connection of new consumers all over Rwanda and network reinforcements, where required, to ensure that network expansion does not compromise the quality of supply; and strengthening of the Kigali 15kV distribution network to provide sufficient capacity to meet increased demand arising out of increased economic activities.

Sub-Component B-1: Strengthening the distribution network around Kigali Area

The subcomponent will finance (i) the rehabilitation of key 15kV medium voltage switching stations in the Kigali electricity distribution network to enhance safety; (ii) upgrading of the Kigali network to increase loading capacity thereby improving supply reliability and reduced technical losses; and (iii) installation of equipment that will facilitate monitoring and control of the network from the National Control Centre (NCC) to reduce unscheduled downtime. These improvements will enhance overall network operations efficiency.

Sub-Component B-2: Electricity Access

This subcomponent is aimed at continued support of the ongoing RESS and will finance activities to connect new consumers all over Rwanda through the purchase of equipment for grid extensions, reinforcements, consumer connections, and installation services, including upstream system reinforcements, where required, to ensure that network expansion does not result in the deterioration of the quality of supply. The project will support investments that will result in the connection of about 47,000 new customers to the national electricity grid.

2.2.3 Component C: Technical Assistance and Project Implementation Support

The Technical Assistance and Project Implementation Support component will include the Technical Assistance (TA) and Electricity Sector Strengthening Project Implementation Support. The TA will support Feasibility and Diagnostic Studies required to have in place the requisite plans, bankable projects, and management capacity to foster improved sector expansion and efficient operations

Sub-component C-1: Feasibility and Diagnostic Studies

This sub-component will support studies to address sector performance improvements in the medium to long term, especially those related to grid supply and reliability as well as options for sector development. For the former, assessments will include (but not be limited to) identification of investments required to (i) increase electricity distribution network reliability, and (ii) reduce network down time and operations costs through network automation. In addition, the assessments will include distribution network protection studies (fault calculations and protection grading) that will be required to enable the proposed network automation. For the latter, studies will support required feasibility studies and just-in-time policy advisory notes that are required to inform decision making regarding emerging sector issues. This subcomponent

will also finance TA activities to develop strategies, including strengthening the functions of investment planning covering aspects such as feasibility studies and projects due diligence.

Sub-component C-2: Project Implementation Support

This subcomponent will support the Project Coordination Unit (PIU), including project management, procurement, financial management, safeguards, and monitoring and evaluation (M&E) staff, as well as the Sector Working Group (SWG) secretariat, and capacity building and operating costs. Execution, design, and supervision consultants to assist with project implementation and sector coordination will also be supported as necessary.

2.3. Project cost and Financing

The total project cost is estimated at US\$ 95 million. The project will be entirely financed by IDA. The lending instrument is the Investment Project Financing (IPF).

Table 1: Project components and cost

Component	Subcomponent	Cost US\$ million equivalent	
A. Electricity Sector Capacity Strengthening	1. Integrated Business Management Information Systems	10.0	20.0
	2. Revenue Protection	5.0	
	3. Strengthening of Technical and Management (STM) capacity of key functions in the EUCL	5.0	
B. Increased Access to Electricity Services	1. Strengthening the distribution network around Kigali Area	15	50.0
	2. Grid Extension to New Load Centres	35	
C. Technical Assistance and Project Implementation Support	1. Feasibility and Diagnostic Studies	5.0	10.0
	2. Project Implementation Support	5.0	

Other donors will provide parallel funding of approximately US\$ 320 million that will support the sector reform and the access roll-out.

Table 2: Parallel funding of the electricity sector reform

DP (For ongoing and pipeline support)	Funds available (USD-millions)
WB (pipeline)	45.50
AfDB	41.0
EU (pipeline)	155
BADEA (ongoing)	11.0
Saudi funds (ongoing)	10.0
Kingdom of Belgium	37.74
ADF (pipeline)	22.0
Total	322.64

The implementation arrangements for the Project were discussed as summarized in the following sections.

III. METHODOLOGY USED TO THE RPF

3.1 Approach

The preparation of the RPF document was based on two main approaches, a review of the relevant literature and a thorough process of consultations with key stakeholders. Site visits to potential EARP subproject sites, a programme which is being implemented by EARP Coordination under EDCL were also undertaken.

3.2 Literature review

The preparation of the document entailed a comprehensive review of the literature, including that from the following sources.

Project documents

These include project appraisal document and project background briefs: World Bank Project Concept Note and Integrated Data Sheet, RESSP preparation brief-Status and Next steps, RESSP Preparation Country document. The aim was to obtain background information on project justification and objectives; nature and extent of the proposed RESSP description and activities; coverage /locations that the project will impact; key actors and institutional arrangements; and an analysis of project components and activities that are likely to trigger OP 4.12.

Rwanda land policies, guidelines, regulatory and administrative frameworks

These include: National Constitution, 2003, Land Policy, 2004 and Land Organic Law N°43/2013 of 16/06/2013 determining the use and management of land in Rwanda, Expropriation law N° 18/2007 of 19/04/2007 and Property valuation law No.17/2010 of 12/05/2010, National Energy Policy and Strategy, 2011, EDPRS I and II, Vision 2020; and Rwanda Environmental Organic Law, 04, 2005. The aim was to determine the legal requirements relevant to the RESSP and the incorporation of the same into the RPF as appropriate. Key among these are land ownership, tenure rights, user rights; taking of land and other assets i.e. valuing assets, compensation procedures, and grievance mechanism.

World Bank Operational Policies

Review of the Bank's ten Safeguard Policies was to (i) determine the policies that are likely to be triggered as a result of RESSP activities (ii) identify similarities and gaps between the Operational Policy 4.12 and the national legislation and make recommendations as to how to close these gaps, if any; and (iii) make recommendations as to how to implement the relevant Safeguard Policies in the context of the RPF.

3.3 Field Visits

In order to familiarize and get acquainted with the project types in terms of background issues on socioeconomic impacts, field visits to the existing EARP subproject areas and sites were done.

3.4 Stakeholders consultation

Comprehensive consultations were conducted with stakeholders at various levels, mainly government institutions officials and local government representatives. Consultation with EARP staff was undertaken to obtain a broader perspective. Consultations were held with staff of various sectors e.g. design and planning directorate, social safeguards specialists and EARP management. Interviews of key informants with open questions and focus group discussions were some of the tools used in the consultations. Issues of concerns raised by the stakeholder have been given due considerations in this RPF / future sub-project implementation arrangements.

Public consultations were conducted with Local Communities, including PAP, Traders and Cooperative Staff of the selected project areas that will benefited from the RESSP. Interviews were also conducted with different District Officials (Mayors or V/Mayor, District Infrastructure Officers, District Environment Officers, District Officers responsible of expropriation, Lands Officers and District Planners) of Gisagara, Nyamagabe, Huye, Ruhango, Gakenke, Kirehe, Bugesera and Muhanga District where the EARP subproject were either implemented or ongoing. In addition consultations were also held with officials from EDCL and EUCL, EARP, RURA, MINERENA, REMA, RNRA, RSB and land valuers. Stakeholders met and location where people were consulted is presented in Annex 1.

IV. LEGAL FRAMEWORK

This RPF applies the laws, legislation, regulations, and local rules governing the use of land and other assets in Rwanda as well and the standards of the World Bank OP 4.12 on Involuntary Resettlement. Rwanda's relevant legal framework is presented in four sections: (i) Laws on Property and land rights, as defined by Rwandan law and customary practice; (ii) Expropriation/acquisition of land and compensation of land and other assets, (iii) Grievance Resolution Mechanism, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of resolution; and (iv) Comparison between national legislation and World Bank OP4.12, using equivalence and acceptability standards. Strategically, in Table 4, the Rwandan legislation will be compared with the World Bank provisions on resettlement, gaps will be highlighted and recommendations will be drawn to fulfill gaps.

4.1 Laws on Property and Land law in Rwanda

4.1.1 Rwandan Constitution 2003

The Constitution of Rwanda, Article 11 stipulates that all Rwandans are born and remain free and equal in rights and duties. Discrimination of whatever kind based on, inter alia, ethnic origin, tribe, clan, colour, sex, region, social origin, religion or faith, opinion, economic status, culture, language, social status, physical or mental disability or any other form of discrimination is prohibited and punishable by law.

Rwandan Constitution recognizes that every person has a right to private property whether personal or owned in association with others (Article 29). The private property, whether individually or collectively owned is inviolable. The right to property may not be interfered with except in public interest, in circumstances and procedures determined by law and subject to fair and prior compensation.

Under Article 30, it is stipulated that private ownership of land and other rights related to land are granted by the State. The law specifies the modalities of acquisition, transfer and use of land.

Exceptionally, the right to property may be overruled in the case of public interest. In these cases, circumstances and procedures are determined by the law and subject to fair and prior compensation (Article 29). Laws on property are also found in various legal texts of Rwanda. Eligibility for compensation is also enshrined under the Rwandan constitution and the Expropriation Law.

The property of the State comprises of public and private property of the central Government as well as the public and private property of decentralized local government organs (Article 31). The public property of the State is inalienable unless there has been prior transfer thereof to the private property of the State.

4.1.2 National Land Policy, 2004

The Policy is premised in the National Development Strategy of Rwanda (Vision 2020). Its main objective is to put in place and operationalize an efficient system of land administration and land management that secures land ownership, promotes investment in land for socio-economic development and poverty reduction.

The policy provides for land tenure systems, guiding principles of land management, an effective & efficient land registry, and land transactions.

According to the National Land Policy, all Rwandese enjoy the same rights of access to land, implying no discrimination against women. All land should be registered for security.

The National Land Policy specifies that marshlands are a special category of public land and their use, for those earmarked for it, must be done in the form of concession. All marshlands must be governed by a special legislation which must be vigorously enforced. Marshlands meant for agriculture should not be cultivated except after adequate planning and environmental impact assessment.

4.1.3 The National Gender Policy, 2010

The Vision of the National Gender Policy is to set the Rwandan society free from all forms of gender based discrimination and see both men and women participate fully and enjoy equitably from the development processes. The main mission of this policy is to contribute to the elimination of gender inequalities in all sectors of national life, in order to achieve the nation's goal for sustainable development.

Resettlement activities for the RESSP will involve and affect both men and women in terms of loss of property and both genders are expected to be treated equally thus this policy will be relevant.

4.1.4 Law N°43/2013 of 16/06/2013 governing land in Rwanda

The Organic Law No. 03/2013/OL of 16/06/2013 repealing the Organic Law No 8/2005 of 14/7/2005, determines the use and management of land in Rwanda. In particular, it provides for the land use consolidation in Rwanda. This law governs land in Rwanda. It also institutes the principles that are to be respected on land legal rights accepted on any land in the country as well as all other appendages whether natural or artificial.

Organic Land Law categorizes land via two criteria: (1) Land Use and (2) Land Ownership.

Land Use (Article 9) is split into two categories: urban lands and rural lands. Urban lands are defined as lands confined within the legal boundaries of towns and municipalities as well as lands in suburbs and collective settlements of towns and municipalities. Any other land is rural land.

Land ownership is divided into the following categories: individual owned lands and State lands (whether urban or rural). Article 10 provides that individual land is comprised of land acquired through custom, written law. That land has been granted definitely by competent authorities or acquired by purchase, donation, inheritance, succession, ascending sharing, and exchange or through sharing.

Article 11 provides that public land consists of land in public and private domain of State, land belonging to public institutions and land that belongs to local authorities whether being in their public domain or in their private domain. It also states that the State may donate to any public institution or local authority its land reserved for public or private domain.

Article 12 states that State land in the public domain consists of all land meant to be used by the general public or land reserved for organs of State services as well as national land reserved for environmental protection.

Land tenure legal provisions in Rwanda

Although the Organic Land Law provides two types of formal land tenure: full ownership/freehold and long term leasehold, all land in Rwanda belongs to public entities: the State, the Cities and the Districts. "Public land" is reserved for public use or for environmental protection. "Private land" can be allocated by its public owners (State, Cities and District) to natural or legal persons. It then becomes "individual land". It is leased through a lease contract and against payment of an annual lease fee. The lessee obtains an ownership certificate (Emphyteutic Lease Contract and Certificate or Full Ownership Title) (Ministry of Natural Resources, 2012). RESSP might need compensation for individual land owned.

The Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts have been made to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary/indigenous land rights have been encouraged to register their land through decentralized land institutions like the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).

All types of land tenure must be in compliance with the designated land use and environmental protection measures as outlined in the Land Use Master Plan.

4.1.5 Ministerial Order No. 001/2006 of 26/09/2006 Determining the Structure of Land Registers, the Responsibilities and the Functioning of the District Land Bureau

This Order determines the structure of land registers, the responsibilities and the functioning of land bureau in each district (Article 1).

Article 3 of this Order stipulates the following land registers; Cadastral register, Short term lease and long term lease contract. Chapter 2 (Article 3-4) highlights the structures of land registers while responsibilities are stipulated in Chapter 3 (Article 5-7) of this order. According to this order, the overall responsibility of implementing the land policy lies with the Land Bureau (Article 5-7). Functioning of the land Bureau is stipulated in Chapter 4 of this order.

4.2 Expropriation / Acquisition of Land and Compensation of Land and other Assets

4.2.1 The Law No. 18/2007 relating to Expropriation in the Public Interest

The Law determines the procedures relating to expropriation in the public interest. Expropriation is the taking of private property in the public interest aimed at development, social welfare, security and/or territorial integrity. An expropriator is a government organ with responsibilities and powers conferred by law to carry out expropriation in public interest. An Act of public interest is defined as an Act of Government, public institution, non-governmental organization, legally accepted associations operating in Rwanda or an individual with a public interest aim. According to Article 5, acts of public interest include water dams, electric lines, basic infrastructure and any other activities aimed at public interest which are not indicated on this list but are approved by an Order of the Minister in charge of expropriation at his own initiative or upon request by other concerned persons.

Article 3 stipulates that expropriation can only be carried out by Government and only in the public interest and with prior fair and just compensation. Underground or surface activity may be carried out with a public interest aim, on land belonging to a person. No landowner is permitted to oppose such activity. In the event that the activity causes any loss to the land owner, he shall receive fair and just compensation for it.

Article 4 of the law provides that a project whose implementation shall entail expropriation is required to make financial provision for the expropriation process in terms of funds for inventory of assets of the person whose property is to be expropriated; and for just compensation on its budget. Compensation is only payable to persons who have a legally recognized interest in the real property in issue.

The **Expropriation Law** provides for public dissemination on the importance of the project to be established and the need for expropriation. Article 12 of the Expropriation Law stipulates that the relevant Land Commission, after receiving the request for expropriation, shall examine the basis

of that project proposal. In case it approves the basis of the project proposal, the relevant Land Commission shall request, in writing, the District authorities concerned to convene a consultative meeting of the population where the land is located, at least within a period of thirty (30) days after receipt of the application for expropriation, and indicating the date, time and the venue where the meeting is to be held. The relevant Land Commission shall take a decision within a period of at least fifteen (15) days after the consultative meeting with the population.

The final decision is normally communicated publicly to the population by the relevant Land Commission. The decision is also normally posted in the public offices where the land at issue is located as well as on radio Rwanda and in State newspapers. As such, this is intended to inform the concerned parties and it is normally done within 30 days after the decision has been made (Expropriation Law Article 13).

Article 17 stipulates that a person to be expropriated shall be informed of the beginning of the process of the land survey and the inventory of the properties thereon. Land survey and inventory activities shall be carried out in presence of the beneficiary or representatives, as well the representatives of the local administrative entities. The owner of the land is not allowed to carry out any activities after the land survey and the inventory of the properties thereon and coming to terms with the beneficiaries. In case he or she carries out any activities, they shall not be valued in the process of expropriation. In case the owner of the activity who was informed through procedures provided by this law does not appear, a report shall be made and signed by the representatives of the local administrative entities as well as those who conducted the survey and the inventory.

According to Article 18, the person who owns land intended for public interest shall provide evidence to confirm that he or she possesses rights on that land and presents a certificate of acknowledgement of the members of his or her family. Among the evidence to confirm ownership of the land, there shall be included: written evidence indicating that he or she purchased the land, received it as a donation or as a legacy or a successor; a document or a statement of local administrative entities indicating rights of the expropriated person on the land; a document or testimony of the neighbours confirming the ownership of the land; or a Court certificate. The person who occupied reserved land after the publication of relevant laws shall not be entitled to any compensation.

According to Article 21, the properties to be valued for just compensation due to expropriation include land and activities that were carried out on the land including different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity. The value of land and the activities thereon that belong to the person expropriated shall be calculated considering their size, nature and location and considering the prevailing market prices.

Article 23 provides that through agreement between the person to expropriate and the one to be expropriated, the just compensation may be monetary or an alternative land and a building

equivalent to the determination of just monetary compensation. In order for the expropriation to be implemented, the just compensation shall be awarded to the expropriated person before he or she relocates.

Article 24 stipulates that the just compensation approved by the Land Commission shall be paid within a period not exceeding one hundred and twenty (120) days from the day of approval of the just compensation. In case it exceeds that period, the expropriation shall be invalid except in case the person to expropriate and the one to be expropriated come to terms. Subsequent to receiving just compensation, the expropriated person has a period that does not exceed ninety (90) days, in order to relocate. At any time the person to be expropriated is still waiting for payment, he or she has a right to cultivate crops within a period not exceeding ninety days (90) and harvest the crops still on his or her land. Forceful relocation is permitted where a person receives an award and refuses to relocate. Such relocation shall be undertaken by competent authorities. In case the expropriator does not pay the agreed just compensation on time as provided by Article 24, he or she shall pay an annual interest on delays of 5% in addition to the just compensation agreed or awarded to the expropriated person. Such a period shall not exceed two (2) years

According to Article 25, the amount for just compensation shall be deposited into the account of the person to be expropriated in a bank or any financial institution recognized by law and of his or her own choice in the country. In case the just compensation is to be paid to more than one person to be expropriated, if they share the rights on that property as a family or as a legally married spouse, the amount shall be deposited on a joint account such that any person wishing to withdraw money from the account shall receive written permission from those with whom they share the account. In case the property of the person to be expropriated is mortgaged to the bank as a security, the amount for just compensation shall be deposited on the account which he or she agrees with the bank.

4.2.2 Law Establishing and Organising the Real Property Valuation Profession in Rwanda, Law No.17/2010 of 12/05/2010

This law aids the law on expropriation in terms of undertaking valuation. Valuation of real property can only be done by a person certified as a Valuer under this law (Article 26). A Valuer may use one or more of the valuation methods mentioned in order to determine the value of real property. The Valuer shall select the best valuation method to determine the fair market value of the real property (Article 27). The methods used shall be clearly explained in the valuation report. Upon approval by the Council for the Regulation of Real Property Valuation in Rwanda (established under this law) a Valuer may use any other relevant worldwide methods not provided in this Law in order to carry out the assigned work.

There has been establishment of an Institute of Real Property Valuers of Rwanda as a body corporate with autonomy. In order to be recognized as a real property valuer in Rwanda, a person must be a member of the Institute. A Council for the Regulation of the Real Property Valuation

Professionals in Rwanda is established as a regulatory agency. The Institute proposes regulations, guidelines and standards for valuation while the function of approval lies with the Council. A register of real property Valuers is maintained by the Council who can enter or remove a real property Valuer from the register of certified Valuers. The Chairperson of the Council approves valuation and is equivalent to the Chief Government Valuer in other jurisdictions.

A person dissatisfied with a real property valuation shall refer the matter to the Council for determination. The Council shall select other certified Valuers who shall decide other valuation methods to be used. If the dispute remains unsettled, it shall be submitted to a court of law for adjudication.

4.3 Grievance Resolution Mechanism

4.3.1 Ministerial Order No. 002/2008 of 2008 Determining Modalities of Land Registration

Annex 3 of the Ministerial order provides for dispute resolutions procedures and some provisions related to the Cell Adjudication Committee (CAC). Articles 17, 20, 22, and 23 provide the process for resolving disputes. Article 17 grants parties with a dispute, the right to take that dispute to the mediation committee. That article also provides that where a dispute arose during demarcation and adjudication but, with the assistance of the CAC, the parties were able to resolve the dispute, the parties are bound by that agreement, and may not later attempt to raise the issue. Article 20 provides procedures for the CAC when hearing disputes, including that the hearing is open to the public and announced eight days in advance, among other requirements. Articles 22 and 23 govern the lodging and processing of objections and corrections during a 60-day period.

The CAC is comprised of all five members of the cell land committee and five members of the particular *Umudugudu* where demarcation and adjudication is taking place. The cell Executive Secretary acts as the CAC secretary, although he or she has no voting rights. This order can be used to resolve resettlement conflict in the project area.

The **Expropriation Law** Article 26 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19).

The first step of redress is to inform those to be expropriated of their rights during the expropriation process. Articles 17-20 of the Expropriation Law obliges the representative government authority (that which is implementing the project requiring expropriation) to inform affected people of their rights at each stage of the process.

According to Article 26, all the grievances concerning non-compliance with the provisions of the contract, the value or timing of compensation or seizure of land assets without compensation

shall be addressed to the Land Commission at the level at which the issue is based. The aggrieved party is provided with a legal expert in the matters of Land Law or any other survey expert with value verification skills, who will proceed to recalculate the value of compensation due. In the event that the new value is rejected by the Land Commission hearing the complaint, the aggrieved party may appeal to the immediate higher Land Commission within 15 working days which must then deliver its verdict within 30 days. If the aggrieved party is still dissatisfied with the decision, their final resort shall be to file the case to the competent Court of Law. According to Article 26, filing a case in courts of law does not stop the expropriation process from being effected.

To ensure that the affected parties are fully aware and to reduce possible backlog of complaints, it should be noted in advance that most members of the rural communities take time to decide to complain when aggrieved and as a result, may miss the 30 day period required to file their complaints. As per international standards, grievances logged outside this timeframe may still be valid and legitimate. Customarily, the government expropriation authorities ensure that all affected people are fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people are informed of the procedures before their assets are taken.

4.4 World Bank Policy OP 4.12 on Involuntary Resettlement

The primary objective of the WB OP 4.12 is to explore all alternatives to avoid, or at least minimize, involuntary resettlement. Where resettlement is unavoidable, the living standards of displaced persons should be restored or improved relative to those conditions that prevailed prior to the Project. The policy applies to the taking of land and other assets when land acquisition results in the loss of shelter, the loss of all or part of productive assets, or access to them, and the loss of income sources or other means of livelihood. The project should compensate for lost assets at full replacement cost, meaningfully consult displaced persons and give them opportunities to participate in planning and implementing resettlement programs.

The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include. These include objectives, potential impacts, socioeconomic studies, legal and institutional framework, eligibility, valuation and compensation of losses, resettlement measures, relocation planning, community participation, grievance management procedures, implementation schedule, costs and budgets, and monitoring and evaluation.

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

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

WB OP4.12 (12a) states that for households depending on land for their livelihoods preference should be given to land based solutions; however, payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

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

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

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

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

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

4.5 Comparison between National Legislation and WB OP 4.12

This section compares differences between the laws of Rwanda related to expropriation and the World Bank's safeguards on Involuntary Resettlement. In the RESSP activities, where the Rwanda law differs with the Bank's OP 4.12' the latter will apply or take precedence.

The promulgation of the Expropriation Law, N° **18/2007 OF 19/04/2007** introduces a legal framework within which expropriation activities must be conducted, and above all, attempts to bring Rwandan legislation more in line with international best practice requirements.

Despite this, there are still some gaps between the national Rwandan legislation and the World Bank Policy OP 4.12. These relate to the general principles for resettlement, eligibility criteria, the notification period for expropriation and resettlement, and the procedures required throughout the resettlement process.

The key differences are as follows.

Avoid Resettlement: While OP 4.12 stipulates that projects should first avoid involuntary resettlement as much as possible, there are no similar provisions in Rwandan national legislation, which states that ‘expropriation of land will be done when deemed necessary for public purposes.’ Rwandan national legislation regards expropriation of land for public interest as inevitable (provided under article 6 of the Expropriation Law). Secondly, the notification period under national legislation requires that property must be handed over 90 days after financial compensation has been paid, while OP 4.12 requires that displacement must not occur until all necessary measures for resettlement are in place. i.e., measures over and above simple compensation. Measures pertaining to provision of economic rehabilitation however can and often do occur post displacement.

Meaningful and participative consultation: OP 4.12 requires that persons to be displaced should be meaningfully consulted and should have the opportunity to participate in planning and design of resettlement programs. The Rwandan Expropriation Law simply stipulates that affected peoples be fully informed of expropriation issues and goes further to prohibit any opposition to the expropriation program if considered to be under the pretext of self-centered justification.

Eligibility determination: Eligibility determination entitles those who have formal rights, those with claims to land, and those with no recognizable legal right to some compensation under OP4.12 but Rwandan legislations entitle only those who are “landholders” with legal possession of property. The World Bank OP4.12 therefore allows a broader range of eligibility than the national policy.

Fair and just compensation: Furthermore, whilst the Expropriation and Valuation Laws provide for fair and just compensation to expropriated people eligible for compensation, the definition of ‘fair and just’ is not clear. Equally, whilst OP4.12 stipulates a clear preference for non-cash compensation for land based livelihoods to be provided, this preference is not as evident in the Expropriation Law.

Monitoring: Whilst monitoring measures are provided for in Rwandan legislation, the focus is to ensure that contracted compensation has been provided in full. It does not require assessment as to whether the compensation provided was appropriate, and whether the PAPs livelihoods have been restored or improved as stipulated by OP4.12.

Table 3 outlines the gaps between Rwanda law and World Bank requirements for resettlement and compensation

Table 3: Comparisons of Rwanda Laws and the World Bank Policies on Resettlement and Compensation

Category of PAPs/Type of Lost Assets	Rwanda Law	World Bank OP 4.12	Comparison/Gaps	Recommendation to address gaps
Land Owners	Cash compensation based upon market value. Under statute. Land for Land under Customary Law	Land-for-land compensation is the preferred option; Other compensation is to be based on replacement cost.	No major difference other than the bank preferring land for land compensation other than land for cash.	NA
Land Squatters (i.e. those who have no recognizable legal right of claim to the land that they are occupying)	Rwandan legislations entitles only those who are “landholders” with legal possession of property Land tenants, under Rwandese Law, are entitled to compensation based upon the amount of rights they hold upon land under relevant laws.	Must be compensated for houses and other structures whatever the legal recognition of their occupancy Entitled to compensation for loss of crops, and assistance for relocation, as the case may be, and assistance for restoration of livelihoods	The Bank diverges with the Rwanda Law whereas the law in Rwanda refuses to recognize illegal land owners and does not provide any compensation, the bank provides resettlement and rehabilitation assistance in addition to compensation for the use of land , e.g crops and houses on the land but not for the land.	Design RESSP to avoid resettlement or minimize displacement of people e.g. siting and routing of the network and other activities will try to avoid land held by illegal tenants. The program will have a strategy for enabling then PAPs restore their incomes to at least pre-RESSP subproject levels. Dialogue with policy makers will be initiated to explore the possibility of compensating for use of land irrespective of the ownership of land
Land Users/ Land Sharecroppers Tenants (These include family members, and/or tenants or any other persons using the land to grow crops).	Land users, in some cases, have some form of secured tenure extended to them under new laws. In other cases land users are not entitled to compensation for land, entitled to compensation for crops and any other economic assets.	No specific provisions to land compensation. Entitled to compensation for loss of crops, and assistance for relocation, as the case may be, and assistance for restoration of livelihoods		Families should be consulted on and offered options to choose from.
Owners of	Entitled to cash compensation based on	Entitled to in-kind compensation or	Similarity is evident	Dialogue with policy

permanent buildings	market value.	cash compensation at full replacement cost including labour and relocation expenses, prior to displacement. Materials can be taken to the relocation site.		makers will be initiated to explore the possibility of including labor and relocation expenses prior to displacement
Owners of nonpermanent Buildings	Owners of “non-permanent” buildings are entitled to cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods. Recommends in-kind compensation or cash compensation at full replacement cost including labour. Recommends resettlement assistance	Similarity is evident	Dialogue with policy makers will be initiated to explore the possibility of including labor and relocation expenses prior to displacement
Perennial Crops	Perennial crops are compensated with cash based upon market value	Market value for lost crops. Income restoration assistance (such as land preparation, credit facilities, training etc). Land for land compensation allows people to re-establish annual crops immediately.	Similarity is evident	NA
Seasonal crops	crops are compensated with cash based upon rate calculated as an average net agricultural income	Market value for lost crops when arrangements cannot be made to harvest.		
Livelihood restoration and development assistance	There are no legal provisions requiring the government to restore livelihood or to provide assistance towards the restoration of such livelihoods. Indeed, compensation is not payable in the case of restrictions to access to areas of livelihood opportunities. Moreover there are no provisions that require the government to pay special attention to vulnerable groups or indigenous peoples	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better. WB OP 4.12 provides that the resettlement plan or policy include measures to ensure that the displaced persons are (i) offered support after displacement for a transitional period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standard of living; and, (ii) provided with	There are no measures provided for under Rwanda expropriation law and practice; nor are there provisions for compensation as a result of restrictions to access to livelihood. Rwanda law does not make provisions requiring the government to pay special attention to	Follow op 4.12 guidelines and principles

		development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.	vulnerable groups in the administration of compensation	
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Principles	Rwanda Law	World Bank OP 4.12	Comparison/Gaps	Recommendation to address gaps
Timeframe of compensation payments and displacement	Rwanda expropriation law stipulates a timeframe upon when The compensation payment must be done (120 days from the day of approval compensation) and the property to be expropriated must be handed over (90 days after payment of compensation).	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	Follow the OP. 4.12 guidelines and principles
Calculation of Compensation and of valuation	Valuation is covered by the Expropriation Law and the Land Valuation Law and stipulates that the affected persons receive fair and just compensation.	Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; Replacement cost is the method of valuation of assets that helps determine the amount sufficient to replace lost assets and cover transaction costs. Depreciation is not to be taken into account when applying this method. (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.	Rwanda law provides for the calculation of compensation on the basis of the market value of the lost land and unexhausted improvements There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.	Where possible, apply 'replacement cost' method for valuation.

		For losses that cannot easily be valued or compensated in monetary terms (eg access to public services, customers and suppliers, or to fishing, grazing or forest areas) attempts are made to establish access to equivalent and culturally acceptable resources and earning opportunities.		
Relocation assistance and resettlement assistance	The person to be expropriated is defined to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be legally entitled to payment of compensation.	Avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Rwanda laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement in case of public interest	
Disclosure, Participation and consultation	The Expropriation Law governs the specifics of land acquisition. The law provides for public dissemination on the importance of the project to be established and the need for expropriation. In addition to dissemination, the Expropriation Law requires prior consultative meetings and examination of the project proposal involving expropriation, with a view to avoid eventual prejudice on the person or entity subject to expropriation. Normally, a consultative meeting is held within 30 days after receipt of the application for expropriation. Based on these consultations, the relevant Land Commission or Committee (from the Cell level to the National level) takes a decision to approve the project within a period of 15 days.	WB OP 4.12 requires that displaced persons are (i) informed about their options and rights pertaining to resettlement; and, (ii) consulted on, offered choices among, and provided with technically and economically feasible resettlement alternatives. Provide to PAPs opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	The Rwandan Expropriation Law simply stipulates that affected peoples be fully informed of expropriation issues The provisions in WB OP 4.12 requiring consultation and disclosure have no equivalent in Rwandan law and practice	Apply OP 4.12 methods of participation.

Completion of resettlement and compensation	The government can, under the law, take possession of the acquired land at the end of the notice to acquire period, before paying compensation.	WB OP 4.12 stipulates that it is necessary to ensure that displacement or restriction to access does not take place before necessary measures for resettlement are in place. In particular, taking of land and related assets may take place only after compensation has been paid, and where applicable, resettlement sites and moving allowance have been provided to the displaced persons.	There is no equivalence between Rwanda legislation and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	The project will conform to WB and best practices during implementation of the RAP.
Grievance mechanism and dispute resolution	The Expropriation Law Article 26 provides complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that the dissatisfied person has a period of 30 days after the project approval decision has been taken to appeal (Article 19).	WB OP 4.12 provides that displaced persons and their communities, and any host communities receiving them, are provided with timely and relevant information, consulted on resettlement options, and offered opportunities to participate in planning implementing and monitoring resettlement. Appropriate and accessible grievance mechanisms must be established for PAPs	The law in Rwanda does not provide for the establishment of grievance resolution mechanisms specific to particular resettlement cases.	Grievance committees to be instituted within the procedure but will not replace the existing legal process provided by Rwanda laws; rather it seeks to resolve issues quickly so as to expedite receipt of entitlements and smooth resettlement without resorting to expensive and time consuming legal action. If the grievance procedure fails to provide a settlement, complainants can still seek legal redress.

Conclusions: Bridging the Gaps

In principles, Rwandan laws and regulations relevant to land acquisition and resettlement and WB OP 4.12 adhere not only to the objective of compensation for affected families or persons, but also to the objective of rehabilitation. However, Rwandan laws are unclear on how rehabilitation is to be achieved and in practice the provision of rehabilitation is left to ad hoc arrangements taken by the local governments and the specific project proponents. Another and rather major difference between the Rwanda laws and the WB policies is that the WB OP 4.12 recognizes titled and non-titled owners/users as well as registered and unregistered tenants, i.e. lack of legal title is no bar to compensation and rehabilitation. To clarify these issues and reconcile eventual gaps between the Rwandan laws and regulations and WB OP 4.12, this RPF mandates compensation at full replacement cost for houses and structures and market value for land and crops/trees, including the rehabilitation of informal/non-titled settlers, and rehabilitation packages (as appropriate, to be determined in the RAP) for PAPs that may need to be relocated, suffer business losses, or may be severely affected.

Furthermore, public disclosure and consultation are not well articulated in the Rwandan laws and the EUCL will ensure due inclusion of PAPs and, in particular, of vulnerable groups affected by the subproject, in the public consultation and participation process prior to and during project implementation. In addition, an accessible grievance redress mechanism will be institute and physical project implementation works will not commence until all compensation and rehabilitation measures of a subproject are completed.

In a number of cases, as shown in Table 1, the WB requirements are more favorable to PAPs than the provisions of the Rwandan Law. Therefore, in the event of divergence between the two, the policy which will be considered to be of a comparatively higher standard shall apply.

V. POTENTIAL IMPACTS OF THE PROJECT

Preparation and implementation of the RESSP's three components have made it possible to realize a better understanding of project activities and indicate the potential impacts of the various sub-components that may trigger displacement and resettlement of people affected. It is very unlikely that involuntary physical resettlement will occur during the implementation of the subprojects. However, land acquisition will occur with respect to sub-projects that will be developed under component of grid rollout.

Therefore, OP 4.12 is triggered. Because the sub-projects and feasibility studies will be identified and carried during the implementation of the subprojects, this RPF has been prepared for the purpose of establishing the principles and procedures to be applied in the event that involuntary resettlement, loss of land or other fixed assets, or natural resource limitations leading to nonphysical displacement would arise as a result of the project implementation. The RPF was drafted based on World Bank Operational Policy 4.12 and the relevant Rwanda laws and regulations, and will form the basis for resettlement planning.

5.1 Definition of Project Affected People (PAP)

This Resettlement Policy Framework considers project affected people as those who stand to lose as a consequence of the project, all or part of their physical and non-physical assets, including homes, communities, productive lands, resources such as forests, fishing areas or important cultural sites, commercial properties, tenancy, income-earning opportunities as well as social and cultural networks and activities. Such impacts may be permanent or temporary. This might occur through land expropriation, using eminent domain or other regulatory measures, and include restricted or reduced access to legally designated fishing areas and protected areas such as protected forests.

The RPF guidelines apply to all components under the project, whether or not they are directly funded in whole or in part by the World Bank. The policy framework applies to all economically and/or physically displaced persons regardless of the total number affected the severity of impact and whether or not they have legal title to the land. Particular attention will be paid to the needs of vulnerable groups among those economically and/or physically displaced especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other historically disadvantaged groups or other economically and/or physically displaced persons who may not be protected through Rwanda's land compensation legislation.

5.2 Project Activities requiring displacement

The main project activities envisaged to have displacement potential are:-

- Land acquisition for construction of the substation and installation of the transmission towers which will potentially lead to the destruction of structures and property that might fall along the selected transmission routes or selected sites for the sub stations, loss and or destruction of crops and vegetation
- Land acquisition for construction of access road leading to the substation and could lead to property destruction, crop loss etc
- Land acquisition to construct camps for workers could lead to crop and vegetation loss, property loss etc.
- Land acquisition under the Right of Way of the power line to clear the area from any construction or tall trees

Table 4: Potential Negative Impacts

Adverse Impact	Mitigation	Responsible party to ensure mitigation
Component B. Increased Access to Electricity Services		
Land acquisition : Location of infrastructure, ROW and access roads which will facilitate the transport of construction materials will lead to some land take	<ul style="list-style-type: none"> • A RAP entailing equitable compensation, resettlement and grievance management should be prepared to ensure that PAPs are equitably and fairly compensated 	<ul style="list-style-type: none"> • EUCL • Local government
Asset damages: Site preparation for construction works, ROW clearing, improving or upgrading of access road may lead to loss of assets such as crops and trees or some encroachment on community land due to expansion of the access roads	<ul style="list-style-type: none"> • Provide due compensation or resettlement to affected entities, as guided by the RPF. • Ensure all grievances are conclusively addressed as per RPF. • Compensate for any economic displacement occasioned by RESSP development 	<ul style="list-style-type: none"> • EUCL • Local government authorities
Creation of borrow pits/ quarries sites Issues of construction material extraction areas as well as access routes represent potential negative impacts	<ul style="list-style-type: none"> • These will be mitigated through: restoration and re-vegetation of material extraction sites. Where compensation is to be effected, a Resettlement Action Plan (RAP) based on cash compensation at replacement value should be prepared. • The restored borrow pits at the end of the project will have to be inspected and approved by the respective REMA and EUCL at the end of the Project's Defects Liability Period and it is also important that, access routes to and from the borrow pits will be restored/ripped off and replanted with grass. 	<ul style="list-style-type: none"> • EUCL • Local government authorities • Contractors
Establishment and operation of equipment yard and workers' <i>camps</i> workers could lead to crop and vegetation loss, property loss etc.	<ul style="list-style-type: none"> • Contractors to secure lease consent from landowners • Compensate the rightful owners of the land that might be required for expansion of irrigation scheme since they may become for the general community benefit. 	<ul style="list-style-type: none"> • Contractors • Local Government Authorities

	<ul style="list-style-type: none"> • Where necessary, prepare a RAP in order to identify the rightful owners and promptly compensate them 	
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5.2.1 Categories of PAPS

Land acquisition for sub-projects may result in negative impacts to different categories of PAPS. Until the exact sub-project locations are determined it is not possible to estimate the likely number of people who may be affected. However, the likely displaced (economically or physically) persons can be categorized into three groups namely:-

- ***Affected individuals***

These are individuals who risks losing assets, investments, land, property and/or access to natural and/or economic resources as a result of a subproject.

- ***Affected households***

A household is affected if one or more of its members are affected by any sub-project. This includes:-

- Any member in the households, men, women, children, dependent relatives and friends, tenants;
- Vulnerable individuals who may be too old or ill to farm along with the others;
- Members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence;
- Members of households who may not eat together but provide housekeeping or other activities critical to the family’s maintenance; and
- Other vulnerable people who cannot participate, due to being physically challenged or for cultural reasons, in production, consumption, or co-residence.

In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately. Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labour contributions are critical to the functioning of the “household”.

- ***Vulnerable Households***-In Rwanda because of the still lingering ravaging effects of the genocide of 1994, past conflicts and present day fears of rebel incursion, Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them. Vulnerable households include:-

- ***Internally Displaced Persons, returning and returned refugees***- this group from the past troubles have little or no rights, are often the poorest of the poor, destitute, unskilled, unemployed and unemployable and often shunned by rest of contemporary society.
- ***Unmarried women***-These are women who may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom he/she is linked in dependency as part of the household, resettlement will not sever this link.
- ***Elderly persons***-Elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm or how much they produce because, by producing even small amounts of food to “exchange” with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith, kin and neighbours. Losing land will affect their economic viability. However, resettlement would damage their economic viability even more than losing land since it will separate them from the person or household on whom they depend for their support.
- ***HIV/AIDS afflicted persons***-Relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programmes from the government, international organizations and the NGO community.
- ***Orphans and street children***-Due to the impacts of the AIDS crisis and the past conflicts, there are a considerable number of orphaned children, who have lost at least one parent. These children today fall into three categories of care namely (i) those being looked after by close relatives, (ii) those being looked after by the government, local authorities or NGOs and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard.

Orphaned children engage in any form of economic activity to provide for themselves and their siblings, by engaging in activities such as manual work at open air markets, transporting loads for short distances, scavenging for waste paper and metals and other exploitative employment. Compensation for these orphans and street children, if they are affected by the projects in a way which requires their physical relocation, would take the form of paying for their rehabilitation and training to acquire useful vocational skills.

- ***Widow-Female-headed households***-These may depend on husbands, sons, brothers, or others for support. However, in other cases, women are the main breadwinners in their household and therefore need relatively easy access to health service facilities, as mothers and wives. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.
- ***Small-scale female farmers***-Small-scale female farmers are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks. Either male relatives in other households help them voluntarily, or they hire men for cash, or food. Land compensation specifically includes the labour costs of preparing new land, so these women are provided for by the compensation plan.

- ***Non-farming females***-These women earn income from other sources and/or depend on relatives for “exchanges” of staple foods. Since they do not farm they will not be affected by the sub-projects need for agricultural land. However, if their buildings lie on land needed by a subproject, they will receive replacement cost compensation. These household types are not mutually exclusive, and a female heading a household may be a small-scale farmer or an orphan may be an AIDS afflicted person. These groups could be identified as being particularly vulnerable to land acquisition activities, and as such the following considerations will be made when project sites are identified and PAPs listed:-
 - Special consideration should be paid to these groups outlined above by identifying their needs from the socio-economic and baseline studies undertaken as part of the RAP process;
 - The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;
 - Consultation with these groups should ensure that resulting resettlement and compensation restores and or improves their pre-project livelihood;
 - The RAPs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed restored and or improved upon;
 - PAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required;
 - Decisions concerning them should be made in the shortest possible time.

5.3 Approximate number of PAPs

It is not possible at this stage to determine the number of Project Affected People in the project as the sub-projects have not been determined. The purpose of this RPF is therefore to establish the mechanisms by which the appropriate tools, screening checklists and RAPs will be implemented to mitigate potential resettlement impacts once sub-projects have been identified. Due to this, the location, nature and magnitude of these sub-projects cannot be determined before implementation. For each sub-project which might require physical and/or economic resettlement, the number of PAPs will be established through a resettlement action plan which will be elaborated before project implementation.

Project descriptions do not exist for any of the sub-projects to allow estimation of PAPs. For each sub-project that will be considered during screening, the number of PAPs will be established through a RAP which will be elaborated before the sub-project is approved.

5.3.1 Potential relocation areas

The location for resettlement where necessary will be identified during development of individual sub-project RAPs, which will involve consultation with relevant authorities and the PAPs involved.

VI. PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

The impacts due to involuntary resettlement from development projects, if left unmitigated, often gives rise to severe economic, social and environmental risks resulting in production systems being dismantled, people facing impoverishment when their productive skills may be less applicable and the competition for resources greater; community institutions and social networks being weakened; kin groups being dispersed; and cultural identity, traditional authority, and the potential for mutual help are diminished or lost. The World Bank Safeguard policy OP 4.12, in most cases, is not triggered because people are being affected by physical displacement. It is triggered because the project activity causes land acquisition, whereby a physical piece of land is needed and people may be affected because they are cultivating on that land, they may have buildings on the land, they may use the land for water and grazing of animals or they may otherwise access the land economically, spiritually or any other way which may not be possible during and after the project is implemented. Therefore, people are in most cases compensated for their loss (of land, property or access) either in kind or in cash of which the former is preferred.

Unless properly managed, involuntary resettlement may result in long term hardship and impoverishment for affected persons and communities, as well as environmental damage and social stress in areas to which they have been displaced. For these reasons, the project will avoid involuntary resettlement, or if this is not feasible at least minimize it to the extent possible. However, where it is unavoidable, appropriate measures to mitigate adverse impacts on displaced persons and host communities will be carefully planned and implemented following the general framework outlined in this document.

6.1 Principles of the RPF for RESSP

The RPF is guided by a set of policy principles to:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be avoided
- Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities will be conceived and executed as sustainable development programmes, providing resources to give PAPs the opportunity to share project benefits.
- Make certain that affected people are meaningfully consulted and participate in planning and implementing the resettlement programme, informed about their options and rights, as well as consulted on the available choices;

- Ensure that all affected peoples, regardless of their tenure condition, receive proper compensation and/or assistance in their efforts to improve their livelihoods and standards of living, or at least to restore these to pre-project levels.
- Prepare, if necessary, a RAP consistent with the provisions of the Bank's policy on resettlement for each activity that would involve resettlement (such plans should be sent to the Bank for approval before the sub-project is approved for financing).

Measures to address resettlement shall ensure that project affected peoples are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives. They will also be provided prompt and effective compensation at full replacement cost for losses of assets and access attributable to the subproject(s).

The policy applies to all PAPs regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles.

The implementation of individual RAPs must be completed prior to the implementation of RESSP activities causing resettlement, such as land acquisition.

6.2 Involuntary Resettlement

Involuntary resettlement, if left unmitigated, normally gives rise to severe economic, social, and environmental risks. People face impoverishment when their productive assets or income sources are lost and social networks are weakened. The nine most common impoverishment risks are:-

- ***Landlessness:*** Expropriation of land removes the main foundation on which many people build productive systems, commercial activities and livelihoods. Often land is lost forever and sometimes it is partially replaced, seldom fully replaced or fully compensated. This is the main form of de-capitalization and pauperization of the people who are displaced, and both natural and man-made capital is lost.

Joblessness: Loss of salaried employment occurs both in rural and urban displacement. People losing jobs may be industrial or service workers, landless agricultural labourers, or artisans. Unemployment or under-employment among those who are resettled may linger long after physical relocation. Creating new jobs for them is difficult and requires substantial investments, new creative approaches, and reliance on sharing project benefits.

- ***Homelessness:*** Loss of shelter may be only temporary for many people, but for some it remains a chronic condition and is also felt as loss of identity and cultural

impoverishment. Loss of housing may have consequences on family cohesion and on mutual help networks if neighbouring households of the same kinship group get scattered. Group relocation of neighbours is therefore usually preferable over dispersed relocation.

- ***Marginalization:*** This occurs when relocated families lose economic power and slide down towards lesser socio-economic positions. Middle income households may become small landholders while small shopkeepers and craftsmen may lose business and fall below poverty thresholds. Economic marginalization tends to be accompanied by social and psychological marginalization.
- ***Increased morbidity and mortality:*** Vulnerability of the poorest people to illness is increased by forced relocation, because it tends to be associated with increased stress, psychological traumas, or the outbreak of parasitic diseases. Decreases in health levels result from unsafe water supply and sewage systems that proliferates epidemic infections, diarrhea, dysentery, etc.
- ***Food insecurity:*** Destruction of crops diminishes self-sufficiency, dismantles local arrangements for food supply, and thus increases the risk of chronic food insecurity. This is defined as calorie-protein intake levels below the minimum necessary for normal growth and work.
- ***Educational loss:*** Involuntary displacement disrupts all public services at the departure sites, with heavy effects particularly on school programmes. Interruption of school attendance causes prolonged loss of access to education; some children do not return to school at all and are prematurely sent by their families to join the labour force.
- ***Loss of access to common property:*** Poor farmers, particularly those without assets, suffer loss of access to the common property goods belonging to communities that are relocated (e.g., loss of access to forests, water bodies, grazing lands fishing areas, cemetery lands, etc.). This represents a form of income loss and livelihood deterioration that is typically overlooked by planners and therefore uncompensated.
- ***Social displacement:*** The dismantling of community structures and social organization, the dispersion of informal and formal networks, local associations, etc. is a massive loss of social capital. Such displacement undermines livelihoods in ways usually not recognized and not measured by planners, and is a cause of disempowerment and impoverishment. Because those resettled are non-homogeneous groups, the risks highlighted above differentially affect various categories of people.

Maximum safeguarding is achieved when involuntary displacement is avoided altogether. Avoidance is the first response to risks that should be considered. Recognizing risks upfront and their financial implications is often a powerful stimulus to search for an alternative that eliminates the need for displacement or cuts down its size. This is technically possible, for instance, by changing the site of a substation or by re-routing a transmission or distribution line around (rather than through) a dense human settlement.

6.3 Physical displacement

If people must move to another location due to the implementation of a sub-project, the project will offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate. The project will also provide relocation assistance suited to the needs of each group of displaced persons, with particular attention paid to the needs of the poor and the vulnerable. Alternative housing and/or cash compensation will be made available prior to relocation. New resettlement sites built for displaced persons will offer improved living conditions.

In the case of physically displaced persons with recognized or recognizable rights, the project will offer the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location or cash compensation at full replacement value.

Where these displaced persons own and occupy structures, the project will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost. Compensation in kind will be offered in lieu of cash compensation where feasible. Based on consultation with such displaced persons, the client will provide relocation assistance sufficient for them to restore their standards of living at an adequate alternative site.

There are no known ethnic groups categorized as indigenous people in the project area. However, during the implementation of the RPF, the project will identify and mitigate any adverse impacts on any vulnerable groups of people in the project area.

In exceptional circumstances, when it is not feasible to avoid relocation, the project will not carry out such relocation and/or provide funding for any subproject, which would require such relocations, without obtaining broad support for it from the affected vulnerable groups of people as part of the free, prior, and informed consultation process. However, if this need arises in the context of RESSP, the project will prepare a resettlement action plan and a community development action plan to help restore the community livelihoods.

6.4 Economic displacement

If land acquisition for a subproject causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the project will meet the following requirements:-

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost;
- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the cost of transfer and reinstallation of plants, machinery and other equipment;
- Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable;
- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost;
- Provide additional targeted assistance (e.g. credit facilities, training or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected;
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living.

Therefore, the principal governing objectives of this policy are based on ensuring that;

- Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, exploring all viable alternatives.
- Where involuntary resettlement and land acquisition is unavoidable, resettlement and compensation activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to give the persons economically or physically displaced by the project the opportunity to share in the project benefits.
- Displaced and compensated persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- Displaced (economically or physically) and compensated persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of project implementation, whichever is higher.

Affected people, according to the Bank Safeguard Policy OP 4.12, refers to people who are directly affected socially and economically by the bank assisted investment projects, caused by:

- Involuntary taking of land and other assets resulting in:
 - relocation or loss of shelter

- loss of assets or access to assets
 - loss of income sources or means of livelihood, whether or
 - not the affected persons must move to another location;
- The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the economically or physically displaced persons.

The Bank Safeguard Policy OP 4.12 applies to all components under the program, whether or not they are directly funded in whole or in part by the Bank.

The policy applies to all (economically or physically) displaced persons regardless of the total number affected, the severity of impact and whether or not they have legal title to the land. Particular attention should be paid to the needs of vulnerable groups among those (economically or physically) displaced especially those below the poverty line; the land less, the elderly, women and children, or other (economically or physically) displaced persons who may not be protected through the GoR's land compensation legislation.

In particular for the RESSP, the policy also requires that the full implementation of individual resettlement plans by EUCL are a prerequisite for the implementation of the project activities requiring land acquisition/land use, to ensure that displacement(economic or physical) or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and of other assistance required for relocation, prior to (economical or physical) displacement, and preparation and provision of resettlement sites with adequate facilities, where required.

In particular, land acquisition and related assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and transport allowances have been provided to economically or physically displaced persons.

Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons are implemented in accordance with the resettlement plan of action.

In this project, the implementation of RESSP's activities are expected to have overall positive social impacts, simply because increased access reliable power services in urban and peri-urban, in health and education facilities, in agriculture and employment creation opportunities will thereby significantly increase the standard of living of the Rwandese people. Notwithstanding, there are considerable risks to the success of the programme as a whole if the negative social impacts on some of the targeted beneficiaries (i.e. the poor) are left unmitigated.

These negative social impacts include denial, restriction or loss of access to the economic resources in the areas that may be required by EUCL in pursuance of their activities. When this happens, people will be impacted and resettlement and compensation cannot be avoided and the World Bank Safeguard Policy OP 4.12 will be triggered even though those affected may not necessarily have to physically move to another location.

This may also lead to considerable conflicts between those affected in this way and EUCL. The perception of those affected that a few should sacrifice for the benefit of the many may exacerbate these tensions, even though no one may be implying (implicitly or explicitly) that notion. It is also very likely that those affected may reside next to the grid but will continue not have access to it or benefit from power supply in any way from this project.

It is therefore, particularly important to neutralize to the extent possible any socio-economic pressures in affected areas that are likely to be exacerbated by involuntary resettlement, by facilitating the consultation and participation of those impacted in the project activities, where feasible to do so. Therefore, offering impacted people the opportunity to continue to participate in the planning process that would lead to the preparation of Resettlement Plans is mandatory and Section L of this RPF deals with this requirement.

Offering impacted people the opportunity for employment in project activities or to be providers of services during construction of the civil works, e.g. for supply of construction materials (e.g. gravel, sand etc.), will provide additional income generating opportunities to a significant number of impacted persons who may potentially have to be resettled.

Therefore, this opportunity for local employment is encouraged this RPF, by including it for discussion in the consultative process with the affected people. This RPF prefers to encourage potential civil works contractors and EUCL through the provision of incentives in their contracts (civil works contracts that is) to show preference for employing project affected persons and not through legal provision.

Furthermore, it is worthy to note that rush migration to selected land sites may occur by those wishing to take advantage of the rules of eligibility of this RPF. Were this to happen it would bring to bear additional pressures on the whole planning process, compensation budgets and increase the tendency for conflict among users. This has major considerations therefore when establishing the cut-off dates. The establishment of cut of dates is discussed in this report too.

A major object of this RPF is to ensure that project affected persons are meaningfully consulted, have participated in the planning process, are adequately compensated to the extent that at least their pre-displacement incomes have been restored and that the process has been a fair and transparent one.

VII. RPF IMPLEMENTATION ARRANGEMENTS

The preparation and implementation of the resettlement strategies will require the participation of several institutions at different levels. Coordination of the participating institutions is a critical requirement to a successful resettlement program. It is always preferred to have this addressed early into the project cycle, so that all participating parties are made aware of each other's responsibilities, lines of reporting, communication channels, expectations and authority limits.

7.1 Overview

The overall coordination of the project will be provided by the Ministry of Infrastructure through the EUCL which will be responsible for overall technical and fiduciary oversight for the RESSP subproject, which will include the preparation of the feasibility study, detailed designs, ESIA and RAPs for the RESSP. EUCL will oversee all resettlement planning and coordinate all issues relating to the compensation. Given the importance of the activities under the various sub-components, EUCL will collaborate with Local Government Authorities falling within the subproject area in coordination and implementation.

The implementation arrangements of the RPF build on:

- The implementation arrangements for the overall RESSP, including agencies at the National, District and Local levels; and
- The implementation arrangements for resettlement and compensation activities in line with the Rwandan legislation.

Actors involved in both these sets of institutional arrangements need to be taken into account in the implementation of resettlement and compensation activities for RESSP sub-projects. This section describes the optimal arrangements that build on responsibilities already in place to ensure that the requirements of this RPF are met for each sub-project.

7.2 Institutional Roles in Resettlement and Compensation

7.2.1 Ministry of Infrastructure

The main institutions in electricity supply for Rwanda is the Ministry of Infrastructures (MININFRA). MININFRA is responsible for policy development, advisory and monitoring. It is responsible for setting policies related to energy; urbanization and settlements; road and communication infrastructure and Water supply. It ensures the follow up and evaluation of the policies, strategies. The Ministry is also charged with constructing infrastructures that protect fragile ecosystems where development projects which may destroy natural habitat are being implemented. Besides organizing human settlement MININFRA has the mandate for town planning, public infrastructure and transport; the management of water supply as well as actions

to encourage water harvesting in the settlement and housing sector. It also ensures the proper use, management and rehabilitation of all public infrastructures and other related.

7.2.2 Energy Utilities Corporation Limited

The main agency involved in implementation of the RPF for RESSP will be Energy Utilities Corporation Limited (EUCL). It is the national company responsible for energy service management. It has as mission to create conditions for the provision of sufficient, safe, reliable, efficient, cost-effective and environmentally appropriate energy services to households and to all economic sectors on a sustainable basis.

The Rwanda Energy Group (REG) is divided into Energy Development Corporation Limited (EDCL) in charge of energy infrastructure development and Energy Utilities Corporation Limited (EUCL) in charge of energy service management.

EUCL as executing agency will have overall responsibility for implementing RESSP subprojects and will act as the central agency responsible for holding all information relevant to the RPF.

EUCL attaches great importance to environmental issues and embraces principles of sustainable development in all its undertakings. Like any other development venture, construction of the RESSP subproject can hardly be without any impacts on the environment whether positive or negative. However, EUCL believes that what is cardinal is to systematically identify all potential impacts and put measures in place aimed at either minimizing to the required level or enhancing impacts through both elaborated Environmental Management and Monitoring Plan that cover all stages of project development and Resettlement Action Plan.

7.2.3 Rwanda Electricity Sector Strengthening Project Coordination

The EUCL will be responsible for the RESSP. Its role is the day-to-day coordination and implementation of the subproject. RESSP Implementation Unit will therefore play an important role in the implementation of RAPs and will ensure that the procedures and requirements of the Rwandan laws as well as the requirements under OP 4.12 are enforced. A key role will be to review all RAPs and other resettlement-related documentation to ensure that all procedures have been adhered to and that there is consistency in approach between sub-projects.

The RESSP will fund the hiring of the Social and Environmental safeguard specialists to ensure the compliance with social and environmental safeguards policies. The Social and environmental safeguards experts will be responsible for providing technical support to the EUCL. In implementing this project, the EUCL will ensure close coordination with other on-going country projects, to ensure information exchange. They will also undertake the main monitoring and evaluation role of resettlement activities during and post implementation.

7.2.4 Ministry of Natural Resources

Ministry of Natural Resources (MINERENA) is responsible for addressing issues of policy, in particular through Ministerial orders and/or orders that set out laws and procedures for the administration, planning and allocation of land. It governs the implementation and application of the Organic Land law and the Land Use Master Plan. Whilst they will govern alignment with these Laws at the national level, responsibilities for their implementation locally has been devolved, following decentralization, to Rwanda Natural Resource Authority (RNRA) and District Advisory Council, committees at Sector and Cell levels.

MINERENA is also the key Ministry governing resettlement arrangements in Rwanda. They do this by working directly with the Ministry/Institution developing the land on which resettlement is required. For instance the implementation of RPF/RAP for the RESSP subprojects will involve the EUCL, RDB and the districts.

7.2.5 Rwanda Natural Resources Authority

Rwanda National Resources Authority (RNRA) is an authority under the Ministry of Natural Resources that heads the management of promotion of natural resources including land, water, forests, mines and geology. It plays a significant role in the management and protection of Environment through its department namely department of land and mapping, department of forests and critical ecosystems management, department of integrated water resources management and the department of mining and geology.

Particularly, RNRA is responsible for:

- implementing national policies, laws, strategies, regulations and government resolutions in matters relating to the promotion and protection of natural resources;
- registering land, issuing and keeping land authentic deeds and any other information relating to land
- making follow up and to implement international conventions Rwanda ratified on matters relating to natural resources management

RNRA has the specific responsibility to register land, issue and keep land authentic titles and any other information relating to land of Rwanda, that is executed through its Department of Lands and Mapping. The Office of the Registrar is housed within RNRA. The Office has the (among other) powers of signing certificates of Land Titles and long term leases, certifying that land has been allocated on freehold terms and certifying that land is leased under a long term contract.

Rwanda Natural Resources Authority will therefore play a critical role in ensuring that appropriate and consistent compensation is provided to all affected persons resulting from the RESSP activities.

7.2.6 Institute of Real Property Valuers

Institute of Real Property Valuers of Rwanda was established as a body corporate with autonomy. In order to be recognized as a real property valuer in Rwanda, a person must be a member of the Institute. A Council for the Regulation of the Real Property Valuation Professionals in Rwanda is established as a regulatory agency. The Institute proposes regulations, guidelines and standards for valuation while the function of approval lies with the Council. A register of real property Valuers is maintained by the Council who can enter or remove a real property Valuer from the register of certified Valuers. The Chairperson of the Council approves valuation and is equivalent to the Chief Government Valuer in other jurisdictions.

A person dissatisfied with a real property valuation shall refer the matter to the Council for determination. The Council shall select other certified Valuers who shall decide other valuation methods to be used. If the dispute remains unsettled, it shall be submitted to a court of law for adjudication.

7.2.7 Ministry of Local Government

Under the framework of decentralization, Ministry of Local Government (MINALOC) oversees the implementation of the decentralization process as well as relevant community and social protection programmes. This Ministry is also responsible for environment governance and therefore for mobilizing the public to participate in the management and protection of natural resources. The National Decentralization Policy adopted in May 2000 holds local populations responsible for managing resources, including natural resources.

Province and Districts are responsible for protection of public infrastructures and the environment. Similarly, cities, towns, and villages are responsible for land and environmental management, urban planning, road maintenance and energy and water resources management. MINALOC is overseeing various community development related programme in the districts. MINALOC is engaged in ensuring the development of rural areas through the implementation of settlement policies and ensuring their access on basic infrastructures through advocacy and collaboration with various stakeholders in different sectors including the energy sector.

7.2.8 District authorities

The Executive Committee at the District in which RESSP subproject sites are located initiate the expropriation (article 8 expropriation law, 2007) and will be the coordinating body at the district level using its existing structure. As well it will oversee, coordinate and facilitate the implementation process of RESSP across local governments under its jurisdiction. The District-level directorate will provide a review and monitoring role, and provide political and administrative support for the implementation of the RAPs.

7.2.9 District Land Bureaus

This is the institution mandated to oversee all the land administration issues including technical duties at the district level. The land bureaus carry out technical and administrative land duties including registration etc it is headed by a District Land Officer. The land bureau will be engaged in the preparation of all the RAPs including involvement in all the negotiations before transferring the land as required by law.

The District Land Bureaus (DLBs) will be the executive bodies responsible for ensuring activities undertaken comply with the National and District level Land Use Master Plans. They will assess the validity of land tenure rights of affected persons and eventually provide the land use permit for the new activity proposed by the sub- project. In addition they will be responsible for ensuring effective grievance mechanisms are in place. They will also be used in the design of the ARAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances. Their activities will be monitored by the District authority. The District Land Bureaus will play a major role in RAP implementation by:

- Establishing the sub-project level Resettlement and Compensation Committees at Sector/ Cell level;
- Clarifying the policies and operational guidelines of these Resettlement and Compensation Committees;
- Establishing standards for unit rates of affected assets and compensation estimates, according to the standard units appended to the RPF, adjusted for local conditions where necessary; and
- Coordinating and supervising implementation by Resettlement and Compensation committees as stipulated in the RPF and national/ district guidelines.

7.2.10 District Land Commission

This is a consultative/ advisory institution which has the mandate to monitor and evaluate work done by the District Land Bureaus. As an advisory body the District Land Commission is in charge of establishing Sector/Cell Land Committees.

7.2.11 Project Management Unit

The Rwanda Electricity Strengthening Project Management Unit, especially will work with the District authorities (including the District Land Bureau) responsible for resettlement to ensure that the RPF is properly applied across all relevant subprojects. Its initial role will be to undertake screening and assessment of potential subprojects to determine whether resettlement and/or compensation will be required. The PMU will provide capacity building and technical support in all aspects of the project, including resettlement. It will work closely with the District authority to ensure that funds are allocated as per the approved RAP.

It is recommended that these committees would play a major role during RAP implementation by ensuring that appropriate compensation procedures are followed; and Review and sign-off of all documentation (e.g., screening forms, completed RAPs, grievance forms, consultation plans).

7.2.12 Resettlement and Compensation Committees

According to the land policy for Rwanda there exist land resettlement committees at various levels of the local administration. In keeping with Rwanda's decentralization policy, the responsibility for the development and implementation of the RAPs will be at District, Sector and Cell level. Once resettlement has been identified via the screening process in relation to RESSP subproject, resettlement and compensation committees will be charged with the responsibility of ensuring that any form of resettlement is just and conforms to the Land Law of the country. The committees exist at the district; sector and village level and they will be a significant entry point by the RESSP in moving forward any process related to compensation, land valuation, and grievance redress. This committee will plan for, coordinate and monitor resettlement, compensation and relocation activities, as well as supervise compensation payments to the recipient project affected parties (PAPs). A large part of their responsibility will be consultation with potential PAPs. They will also be used in the design of the RAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances.

7.2.13 Cell Level Land Committees

At the Cell level, there are in place village-level mediators (*abunzi*) whose work is to hear disputes, especially land disputes. The *abunzi*, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than five million Rwandan francs, which means over most land disputes. The *Abunzi* also have mandatory jurisdiction over succession and boundary disputes involving less than five million Rwandan Francs. The *abunzi* will be used in the RESSP subproject as the first stop for resolving disputes and grievances following land acquisition. They will be involved in the compensation process from the beginning to the end. They will also be used in the design of the RAP as much as possible in order to ensure that community buy in is present at an early stage hence reducing disputed or grievances.

VIII. PROCESS FOR SCREENING, PREPARING AND APPROVING RAPs

According to the World Bank Operational Policies on involuntary resettlement preparation of a resettlement instrument is a condition for appraising projects involving potential for involuntary resettlement. In case of programs/projects, the Bank requires that a satisfactory resettlement action plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the project is accepted for Bank financing (WB OP 4.12).

People who are affected and are eligible will have to be compensated before any implementation is commenced as per both World Bank OP 4.12 and Rwanda expropriation law. The acquisition of land and the related impact on assets may take place only after the affected persons have been provided compensation. It is also a requirement of the WB OP 4.12 that measures to assist the affected persons be implemented as per the project's resettlement and compensation plan of action.

The screening process presented below will ensure that RESSP comply with the requirements of OP 4.12 and the Rwanda law relating to land acquisition/use and resettlement.

8.1 Screening Mechanism for Resettlement Action Plans

Resettlement Action Plans (RAP) which would be prepared shall include measures to ensure compliance with Rwanda and WB policy directives. Furthermore, the implementation schedule of these policy measures should ensure that no individual or affected household would be impacted by RESSP subproject's civil works activity before compensation is provided.

Subproject screening is used to identify the types and nature of potential impacts related to the activities proposed under the project and to provide adequate measures to address the impacts. Screening for resettlement issues shall be part of the environmental and social screening. Measures to address resettlement shall ensure that PAPs are:

- Informed about their options and rights pertaining to resettlement;
- Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives;
- Provided prompt and effective compensation at full replacement cost for; and
- Losses of assets and access attributable to the subprojects.
- Enabled to restore and preferably improve their living standards compared to pre-project ones.

Therefore, the first stage in the process of preparing the individual resettlement plans is the screening process to identify the land acquisition and land use needs that will cause resettlement. The resettlement and compensation plans will contain the analysis of alternative sites undertaken during the land screening process.

8.2 Scope of Resettlement Action Plans (RAPs)

Overall responsibility for preparing a RAP will lie with the RESSP Coordination Unit (PIU). The PIU shall ensure that a RAP that conforms to this RPF and to the Rwanda regulation and the World Bank OP 4.12 is prepared. The RAP is a detailed time bound plan of action plan outlining the following among others: - resettlement objectives, strategic options, responsibilities, approvals, entitlements, actions; and monitoring and evaluation. The process to be followed in preparing a RAP shall involve several steps as outlined in the following sections. It is designed to take advantage of and to build upon the existing planning structures that EUCL has in place and have successfully been using in the past to plan especially from the existing EARP.

8.2.1 Preliminary Assessments

The initial preliminary assessments and surveys should include (i) potential social impacts, (ii) direct consultations with individuals and groups who are expected to be directly affected by project activities; and (iii) identification of the major population groups that may be affected by the proposed project. These surveys and assessments at this preliminary stage would form the basis for preparing the terms of reference for the RCAPs Social Assessment Component.

8.2.2 Preliminary Information on the Subproject design and Screening checklist

Screening is required to be prepared by EUCL as early as possible. The required information shall include a description of the nature, scope and location of the proposed project impacts, accompanied by location maps and any other details as may be required by the PIU. If the screening indicates that a subproject requires in its present layout the physical or economic resettlement, advice to consider feasible alternative sub-project designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social and financial costs and benefits will be sought.

If the screening indicates that the project has potential for land acquisition, impact on assets, loss of livelihood or restriction of resource use, then this RPF is triggered and a RAP needs to be prepared.

Once the decision on which areas the substation and transmission lines will be located under the RESSP, EUCL will meet the administrative and local leaders of those potentially affected to decide a cut – off date for each affected land/area and communicated to all those potentially affected in the chosen areas.

The screening checklist form will be incorporated into the Project's Implementation Manual. The screening checklist will be completed by the RESSP social safeguard specialist with the support of the Local Authorities at various levels and EUCL staff.

The cut of date when finalized will be the date when RESSP will commence its socio- economic study and census on the chosen site so as to identify the potential PAPs on the individual, household and vulnerable groups' level. The carry-out of the socio-economic study and the census is the first step in the preparation of the RAPs.

8.2.3 Baseline and Socio-economic data

An important aspect of preparing a RAP is to establish appropriate socioeconomic baseline census to identify the persons who will be displaced by the individual subproject, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. This shall be carried out to provide baseline data on various factors including the following:

- **Identification of current occupants of the affected area**, to establish the basis for the design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- **Standard characteristics of affected households**, including a description of production systems, labour, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the PAPs;
- **The magnitude of the expected loss** of assets, total or partial, and the extent of impact; Baseline data for sub-project RAPs will include number of persons; number, type, and area of the houses to be affected; number, category and area of residential plots and agricultural land and crops to be affected; and productive assets to be affected as a percentage of total productive assets.
- **Information on vulnerable groups** or persons for whom special provisions may have to be made; Identification of the potentially affected people on the individual and household levels, vulnerable groups (women, children, the elderly, female headed households, affected internally displaced people, affected internally displaced households, etc.)
- **provisions to update information** on affected peoples' livelihoods and standards of living at regular intervals to ensure most recent information at the time of impact ;
- **Land tenure and transfer systems**, including an inventory of common property natural resources from which people derive their livelihoods and sustenance and any issues raised by different tenure systems in the project area;
 - Those who have formal legal rights to the land they occupy;

- Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or
 - Those who have no recognizable legal right or claim to the land they have occupied before the cut-off date.
- **The patterns of social interaction** in the affected communities, including social networks and social support systems, and how they will be affected by the project;
 - **Public infrastructure and social services** that will be affected; and
 - **Social and cultural characteristics of affected communities**, including a description of formal and informal institutions (e.g., community organizations, ritual groups; and Non-Governmental Organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

The preliminary assessments and information and the socio-economic baseline data will assist in determining the cut-off date, period of registration of claims and valuation of land and immovable assets.

In summary, the census consolidates information that (i) provides initial information on the scale of resettlement to be undertaken; (ii) gives an indication of further socio-economic research needed to quantify losses to be compensated and, if required, to design appropriate development interventions; and (iii) establishes indicators that can be measured at a later date during monitoring and evaluation.

The purpose of the socio-economic study is also to collect baseline data within the chosen/targeted sites/areas/homesteads/villages thereby enabling the social assessment of potentially affected populations/communities/homesteads/villages.

Detailed calculation of individual and household economies and identification of all impacts will be undertaken as part of the socioeconomic study and be the determinant in the potential compensation process.

The socio-economic study and baseline census will be carried out on behalf of EUCL by its qualified staff aided where necessary by specialist consultants with the support and technical backing of the social specialist to be hired under this project.

On completion of the socio- economic study and the baseline census, EUCL will prepare a Resettlement Action Plan (RAP) for each site that is affected by resettlement and compensation.

Where the impacts on the entire displaced population are minor (i.e. if affected people are not physically displaced and less than 10% of their productive assets are lost) or fewer than 200 people are displaced (economically or physically) for the entire project, and then the bank will approve the preparation of an Abbreviated Resettlement Plan (ARAP).

Table 5: Contents for RAP and Abbreviated RAP

Full RAP	Abbreviated RAP
<p>Includes a statement of objectives, policies and principles, and typically covers the following:</p> <ol style="list-style-type: none"> 1. Project description; 2. Project resettlement potential Impacts; 3. Objectives; 4. Socioeconomic baseline data, expected consequences <ul style="list-style-type: none"> • Number of potentially affected people • Demographic and social economic profile • Income services and livelihood practices in the subproject area 5. Legal and institutional Framework; <ul style="list-style-type: none"> • National legal requirements • World Bank Operational Policies and Procedures 6. Eligibility criteria 7. Methodology for valuation of assets and potential loss of all other income opportunities and assets – including: <ul style="list-style-type: none"> • specific compensation rates and standards • detailed cost estimates 8. Resettlement measures <ul style="list-style-type: none"> • Alternative income generation opportunities • Income restoration plans for specific subprojects 9. Site selection, site preparation, and relocation 10. Housing, infrastructure, and social services 11. Environmental protection and management 12. Public participation, Consultation mechanisms 13. Grievance redress mechanism 14. Organizational responsibilities 15. Implementation process and schedule 16. Cost estimate and budget 17. Monitoring and evaluation of resettlement 	<p>Covers the following minimum elements:</p> <ol style="list-style-type: none"> 1. A Census survey of displaced (economically or physically) persons and valuation of assets; 2. Description of compensation and other resettlement assistance to be provided. 3. Consultations with displaced people about acceptable alternatives; 4. Institutional responsibility for implementation and procedures for grievance redress; 5. Arrangements for monitoring and implementation; and 6. A timetable and budget.

For impacts that are not considered minor, the preparation of a Resettlement Plan (RAP) is required for each site, World bank OP 4.12 article 25 sets the requirements of the full RAP to include;

8.3 Preparation of a sub-project RAP and Approval Process

A RAP shall be prepared by the EUCL Social Specialist, in consultation with the local authorities and community leaders with the support of the Safeguards Advisor for subprojects that have been determined to result in potential involuntary resettlement and/or land acquisition.

The resettlement and compensation plans would then be forwarded for screening and approval to the Rwanda Development Board (RDB) in compliance with the national and project institutional and administrative requirements.

All sites that trigger OP 4.12 and their resettlement and compensation plans would be subject to the final approval of the World Bank to ensure compliance with bank safeguards. Thus ensuring that before land is actually acquired or access to resources is lost, denied or restricted, that the individual resettlement and compensation plans are consistent with this RPF.

For network expansion cases, this process will only differ in the following ways;

In planning for expansion and/or provision of access to new areas, as is current practice, the first step in this process would be for EUCL to commission their Technical Teams of Engineers and Surveyors (TTES) to carry out the required technical work. The TTES will carry out a fairly comprehensive land survey in the areas where the work is being planned to enable engineering drawings to be prepared that would provide precise and comprehensive detailed information for planning, costing and designing. On these drawings also, will be information on the exact location and land site parameters that the planned expansion will need. This is the modus operandi of EUCL at the moment.

Now for this project however, during the land surveying exercises, the TTSE will meet with the District administration and sector leaders to carry out a preliminary assessment to determine whether there may be potentially affected people on the sites they have identified on the drawings that may trigger the provisions of OP4.12 as detailed in this RPF. If there are no resettlement and compensation issues, then the provisions of this RPF do not apply.

However if there are resettlement and compensation issues, at this stage, the TTSE2 will use their discretion based on their acquired skills, to determine the impact of these issues and whether they would be fairly large and too costly to mitigate according to the provisions of this RPF.

Based on the decision of the TTSE a further decision would be made to identify alternative sites/routes that have little or no resettlement and compensation issues. If no resettlement and compensation issues are involved or if there are no alternative routes/sites possible, then the originally proposed route will be maintained. The reason is to arm the decision makers of RESSP with good information and choices from the field.

Once these drawings are ready and information on the site location and land use requirements are available, before a final decision by EUCL is made to go ahead with the project, for cases where resettlement and compensation issues arise, the consultative and participatory process with local communities must begin at this stage by sensitizing the respective local/traditional administration and leaders about the tentative land needs of the expansion exercise. The respective local leaders will meet consistent with their local practices, with all the respective leaders of the homesteads/villages involved. It is at this first meeting of the local community leaders and administration and homesteads/villages that the cut – off- date is to be decided for each affected land/area and communicated to all the homesteads/villages in the potentially affected areas.

Once the cut-off dates are decided, EUCL will commence on those dates the socio-economic study and census, consistent with the requirements detailed above in this section of the RPF. The process continues for substation sites described above, with preparation of the RAP, submission for approval to RDB and the World Bank, etc.

For the World Bank to approve funding for any project activity that needs to acquire land to support proposed investments under this project, EUCL must first secure legal title to the land that is acquired, consistent with the provisions of this RPF and Rwandan law. For investments on land that is already owned by EUCL, the World Bank will only approve funding for the investment activities once it is satisfied that the provisions of this RPF were met in cases where OP 4.12 apply, i.e. that affected persons, if any, on its land are treated consistent with this RPF.

In cases where the land was acquired and there were no resettlement and compensation issues EUCL could inform the World Bank that provisions of OP 4.12 do not apply before funding will be approved and must secure the site and also chose a cut-off date for that site so that opportunistic invasions can be avoided. Furthermore, the Rwanda Development Board (RDB) should as a guideline consider the cumulative factor and not approve multiple sites that have individual high impact intensity. For example, where land acquisition is required to such an extent that it would require more than 20% of a community's/village or individual's/homestead's total land under use or when the mitigation measures are so cumbersome that their efficacy cannot be predetermined or they cost more than 15% of the investment budget.

For network expansion cases, the proposed investments are expected to be significantly large (in terms of geographical coverage) and in the context of Rwanda's long and strong cultural practices governing rural life, the cumulative effect of even minimal resettlement in this project,

on the entire country's way of life must be made and reviewed at the level of RDB on the possible impact these mitigation measures would have on future land reform and residential planning.

Using RESSP funds, capacity will be built at the level of EUCL and EDCL by providing technical assistance through the project to allow EUCL themselves to screen their proposed productive investments/network expansion for environmental and social concerns. This training will also include the capacity to develop mitigation measures to meet environmental and social impacts and to prepare implementation of such measures. This would build capacity at the level of EUCL with regards environmental and social safeguards issues, which is crucial for success of this project.

8.4 Approval of Resettlement Action Plans

After clearance, the compensation, resettlement and rehabilitation activities of the RAP, overseen by the Local Authorities and EUCL and verified by RDB before funds can be disbursed for civil works under the subproject. The EMPs and RAPs developed for subprojects will also be reviewed by the PIU and the World Bank. For quality assurance, it is required that RAP prepared for subprojects be submitted to the World Bank for review to ensure that they are produced in line with the OP 4.12. Gaps in quality shall be addressed through training at the district level for relevant service providers and reviewers, funded by the project as part of the budget for capacity building.

Once the RAP has been finalized, the World Bank shall also make the RAP available to the public through its Info-Shop. The final RAP will also be disclosed in-country at District and National level. RAP implementation will commence once the World Bank is satisfied with the public disclosures and has approved the RAP.

8.5 Resettlement Action Plan's Implementing Agencies

The overall responsibility of monitoring and evaluating the resettlement and compensation activities shall lie with EUCL's Environmental and Social Safeguard Team, while the World Bank shall periodically supervise the resettlement and compensation action plan activities to ensure compliance with the RAP provisions. The EUCL shall be responsible for the overall smooth implementation of the RAPs.

8.6. Grievance Mechanism

As the screening process is mostly carried out by the sub-projects, the project will establish an independent grievance mechanism, through the Local Authorities including land committees and local community leaders to inform all PAPs about the project and receive and address specific

concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner. Further description on the grievance redress mechanism is found in chapter 12. However as a summary all the grievances will be channeled to the existing structures in Rwanda for handling grievances beginning with the traditional institutions as the first stop before resorting to the Rwanda Courts of Law as the last resort. A grievance log will be established and used in monitoring of complaints.

8.7 Compensation and Benefits for Displaced Persons

The Local Authorities will oversee the implementation of resettlement activities and ensure that the displacement or restriction of access does not occur before necessary measures for resettlement are in place. When displacement cannot be avoided, the project will offer displaced persons and communities' compensation for loss of assets at full replacement cost and other assistance to help them improve or at least restore their standards of living or livelihoods. Where livelihoods of displaced persons are land-based, or where land is collectively owned, the project will offer land-based compensation. The project will further provide opportunities to displaced persons and communities to derive appropriate development benefits from the project.

8.8 Consultation

Following disclosure of all relevant information through the project communication channels and the independent grievance mechanism, the project will provide for resettlement action plans to consult and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to resettlement.

The Local Authorities and EUCL will ensure that consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to ensure that the living conditions of the PAPs are enhanced or at least restored.

IX. ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF AFFECTED PEOPLE

This chapter sets out eligibility criteria, which are necessary to determine who will be eligible for resettlement and benefits, and to discourage inflow of ineligible people.

9.1 Principles

The involuntary taking of land results in relocation or loss of shelter; and loss of assets or access to assets or loss of income sources or means of livelihood, whether or not the PAPs must move to another location or not.

Meaningful consultations with the affected persons, local authorities and community leaders will therefore allow for establishment of criteria by which displaced persons will be deemed eligible for compensation and other resettlement assistance. The WB OP 4.12 Para 15 (a, b, & c) categorizes those eligible for compensation and resettlement in three groups as shown below.

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

Those covered under (a) and (b) above are to be provided compensation for the land they lost, and other assistance in accordance with this RPF. Persons covered under (c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this RPF, if they occupy the project area prior to a cut-off date established by the EUCL in close consultation with the potential PAPs, local community leaders and the respective local leader and acceptable to the World Bank. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land.

It is therefore clear that all PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the cut-off date. Persons who occupy the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

9.2 Eligibility Criteria for Compensation

Determination of the eligibility of PAPs to be compensated shall be done through a transparent and legal process, taking into consideration all the existing laws of Rwanda and the World Bank policies and local customs. Compensation will be paid only to those persons:

The process will involve review of tenure documents owned by occupants, interviews with households and groups in the affected area. Local Authorities and the Ministry of Lands will also help in this assignment that will be undertaken by the EUCL Social Specialist and consultants if needed.

PAPs covered in (a) and (b) will be compensated for the land they lose, and other assistance ensuring that they are (i) informed about their options and rights pertaining to resettlement, (ii) consulted and provided with technically and economically feasible resettlement and (iii) provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project.

Land for land compensation will be applied to PAPs who might lose their land. All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or encroaching illegally on land, are eligible for some assistance if they occupied the land before the entitlement cut-off date.

Persons who encroach on the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance. There will therefore be a package of compensation and other resettlement measures to assist each category of eligible PAPs to achieve the objectives of the policy. Eligibility criteria will also be determined by loss of property, loss of wages and cut-off date.

An entitlement matrix is given in **Table 6**.

Table 6: Entitlement Matrix for Various Categories of PAPs

Land and Asset Acquired	Type of Impact	Entitled Person	Compensation/Entitlement/ benefits
Agricultural land	No displacement: Cash compensation for affected land equivalent to market Value Less than 20% of land holding affected, The remaining land remains economically viable.	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value
		Tenant/ lease holder	Cash compensation for the harvest of the affected land equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Displacement: More than 20% of land holding lost or less than 20% of land holding lost but remaining land not economically viable	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short- term crops mature) Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
		Tenant/ Lease holder	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short- term crops mature) Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short- term crops mature) Relocation assistance (costs of shifting + allowance).

Type of loss	Type of Impact	Entitled Person	Compensation/Entitlement/ benefits
Commercial Land	No displacement: Land used for business partially affected, limited loss	Title holder/ Business owner	<ul style="list-style-type: none"> • Cash compensation for affected land • Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is lease holder	<ul style="list-style-type: none"> • Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
	Displacement: Premise used for business severely affected, remaining area insufficient for continued use	Title holder/ business owner	<ul style="list-style-type: none"> • Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. • Transfer of the land to the PAP shall be free of taxes, registration & other costs. • Relocation assistance (costs of shifting + allowance) • Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)
		Business person is lease holder	<ul style="list-style-type: none"> • Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. • Relocation assistance (costs of shifting) • Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re-establish the business.
Residential Land	No displacement: Land used for residence partially affected, limited loss, and the remaining land remains viable for present use	Title holder	<ul style="list-style-type: none"> • Cash compensation for affected land
		Rental/lease holder	<ul style="list-style-type: none"> • Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Title holder	<ul style="list-style-type: none"> • Land for land replacement or compensation in cash according to PAP's choice. • Land for land replacement shall be of minimum plot of acceptable size under the zoning laws or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. • When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. • Transfer of the land to the PAP shall be free of taxes, registration & other costs. • Relocation assistance (costs of shifting + allowance)
Displacement: Premise used for residence severely affected, remaining area insufficient for	Rental/lease holder	<ul style="list-style-type: none"> • Refund of any lease/ rental fees paid for time/ use after date of removal • Cash compensation equivalent to 3 months of lease/ rental fee • Assistance in rental/ lease of alternative land/ property 	

	continued use or becomes smaller than minimally accepted under zoning laws		<ul style="list-style-type: none"> Relocation assistance (costs of shifting + allowance)
Buildings and structures	No displacement: Structure partially affected but the remaining structure remains viable for continued use	Owner	<ul style="list-style-type: none"> Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
		Rental/Lease holder	<ul style="list-style-type: none"> Cash compensation for affected assets (verifiable improvements to the property by the tenant). Disturbance compensation equivalent to two months rental costs
	Displacement: Entire structure affected or structure partially affected but the remaining structure is not suitable for continued use	Owner	<ul style="list-style-type: none"> Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job placement, skills training)
		Rental/Lease holder	<ul style="list-style-type: none"> Cash compensation for affected assets (verifiable improvements to the property by the tenant) Relocation assistance (costs of shifting + allowance equivalent to four months rental costs) Assistance to help find alternative rental arrangements Rehabilitation assistance if required (assistance with job placement, skills training)
		Squatter/informal dweller	<ul style="list-style-type: none"> Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) Rehabilitation assistance if required assistance with job placement, skills training)
	Street vendor (informal without title or lease to the stall or shop)	<ul style="list-style-type: none"> Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re- establish the business. 	
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	<ul style="list-style-type: none"> Cash compensation equivalent to market value for the mature and harvested crop.

Trees	Trees lost	Title holder	<ul style="list-style-type: none"> • Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP(whether owner, tenant, or squatter)	<ul style="list-style-type: none"> • Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)

9.3 Eligibility for Community Compensation

It is important to note that the eligibility may be claimed collectively e.g. as a community or religious group and does not necessarily have to be individuals or families. Communities on communal land that permanently lose land and/or access to assets and or resources under statutory or customary rights will be eligible for compensation. Example of community compensation could be for public toilets, market places, taxi parks, schools and health centres. The rationale for this is to ensure that the pre project socio-economic status of communities where adversely impacted, is also restored.

Eligibility criteria will also be determined by the status of development up to when the study starts and will further be determined by other development approval as issued by the government. The consultant will interview key government officers in the district including provincial administration.

9.4 Loss of property

This includes loss of houses, crops and trees, structures, fixed improvements, businesses which should be compensated at market value, negotiated settlements, productivity valuation, material and labour valuation. In cases where the loss is partial, disposition of salvage material will be exercised. Cash payments may also be made if a small fraction of property is lost instead of replacing the whole property, but if the partial loss results in the PAPs not being economically viable then the property will be replaced. Those who lose houses will also be assisted with temporary residence (if necessary).

9.5 Loss of Income and Livelihood

These are persons who will lose their income due to the project. Workers losing employment in the process of relocation should be entitled to transitional income support.

In addition, PAPs will be entitled to transitional assistance, which include moving expenses, temporary residence (if necessary), and employment in the project while waiting for employment. In difficult cases, local administration shall be used to judge eligibility as well as village committees.

9.6 Assistance to Vulnerable Groups

The compensation principles shall entail special measures and assistance for vulnerable affected persons, such as female headed households, disabled persons and the poor. PAPs will be entitled to compensation and resettlement assistance that will help in the restoration of their livelihoods to at least, pre-project standards.

9.7 Cut-off date

Compensation eligibility will be limited by a cut-off date. The OP 4.12 recognizes that PAPs who occupy project-affected areas after the cut-off date are not eligible for compensation. The fact that the Project will identify a cut-off date for compensation eligibility will be communicated to affected communities during preliminary public consultations. The cut-off date is to be determined at a meeting of the respective local authorities and community leaders and the representatives of EUCL, soon after the affected site is chosen. This date and its significance will then be disseminated to all the various members of each household or to every individual by local leader. This is thoroughly consistent with the way planning meetings and other meetings are held in rural areas in Rwanda. The precise cut-off date will be publicly announced by the PIU and local leaders in advance and the census survey of PAPs and assets inventory will commence immediately following this announcement.

The cut-off date will be the date of commencement of the census survey of PAPs. Affected assets description protocols will be prepared during the assets inventory. Unfinished structures will be identified and secured, and unused materials for individuals' constructions will be gathered at the site so that the cut-off survey can estimate PAPs' investment which should be compensated for in lieu of expenses (including labour) incurred until the cut-off date. Information on the affected assets will be registered in the presence of PAP and/or local leader. Then, the protocol will be signed by the PAP or its eligible representative. Every effort will be made to arrange signing at a convenient time for the PAP and to postpone signing until the PAP is available. If the PAP remains unavailable, the reasons of the PAPs' absence should be documented and attached to the protocol.

Cut-off dates are essential in the process of drawing up lists to ensure that ineligible persons do not take the opportunity to claim eligibility. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land thereby posing a major risk to the sub-project. All people, organizations moving into the project area and/or people conducting construction works, planting trees, etc. after the cut-off date are non-eligible PAPs and thus will not receive any compensation.

There will be a time lapse between the cut-off date and the time that actual productive investments would start thus the need for special attention to secure the sites from rush and opportunistic invasion. These measures will include close consultation with the recognized PAPs, signs that inform general public of intended use of site and security patrols to identify opportunistic invaders. Further patrols and monitoring of any violation of the cut-off date could be carried out by local administrations and be reported to the local resettlement committee. This will also be done by the local PAPs representatives or the local community. Because the time period between the cut-off date and the time actual productive investments (civil works, etc.) would start, bearing also in mind that only after PAPs have been compensated and any replacement structures built according to the requirements of this RPF, is likely to be anytime

period from six months on, special attention needs to be taken to secure the sites from rush and opportunistic invasion. These measures should include close consultation with the recognized PAP's, signs that inform general public of intended use of site, security patrols to identify opportunistic invaders etc.

This date must also be in full compliance with the conflict resolution mechanisms in this RPF and this date must be communicated effectively to the potential PAP's and the surrounding local villages/communities. The local leaders will play a crucial role in identifying users of land since most of them would have acquired their customary rights to use the land from their local authorities and leaders.

X. METHODS OF VALUING AFFECTED ASSETS

This section describes the methods to be used in valuing assets that will be eligible for compensation consistent with either Rwandan laws or policies or World Bank policy on involuntary resettlement (OP 4.12).

Law No.17/2010 of 2010 establishes and organizes the Real Property Valuation Profession in Rwanda. It provides the registration of land valuers in Rwanda and conditions for registration. The law also allows the Government to conduct valuation when mandated by their government institutions. Articles 27, 29, 30 and 31 of the law deal with valuation methods and stipulate that the price for the real property shall be close or equal to the market value. Land values could also be compared country wide. Where comparable prices are not available to determine the value of improved land, the replacement cost approach shall be used to determine the value of improvements to land by taking real property as a reference. The law also allows the use of international methods not covered by the law after approval of the Institute of Valuers.

10.1 Valuation methods

10.1.1 Use of Standard Valuation Tables

Due to the large number and the localized nature of the majority of subproject interventions, it is anticipated that a relatively large number of small-scale asset valuations will need to be carried out during the course of the project. It would therefore be cumbersome and inefficient to deploy an individual valuation expert in each and every case.

Compensation will be based on market rates for the different assets. The role of the Land Valuation Bureaus as outlined in the Land Valuation law promulgated in 2007 is to provide independent ‘fair and just’ valuation of land and affected assets in the event of expropriation. Land valuation bureaus are free to be established all over the country. The Land Valuation Bureau will be responsible for assessing all affected property and attaching compensation costs to each property. The District Land Bureaus are to establish these rates as part of the preparation of each subproject, using as a benchmark the rates prevailing for other government land acquisition schemes in the Districts. Market rates must also be taken into consideration in compensating people for land.

The compensation rates / valuation tables would be developed using legally acceptable valuation procedures accepted by both the Government of Rwanda and World Bank for purposes of fairness and consistency. The approach will consider replacement costs and types and levels of compensation under the Rwanda law. Valuation of lost assets will be made at their replacement cost.

10.1.2 Comparison of Land/Property Values Countrywide

In case there are no compensation rates, the Valuer shall compare prices by referring to the prices recently assigned to a real property that is similar or comparable to the real property subject to valuation. Where comparable prices are not available for land in a particular area, the Valuer may use comparable prices of similarly classified land from other areas of the country

10.1.3 Replacement Cost Approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project operations. These costs are taken as a minimum estimate of the value of measures that will reduce the damage or improve on on-site management practices and thereby prevent damage. The approach involves direct replacement of expropriated assets and covers an amount that is sufficient for asset replacement, moving expenses and other transaction costs.

10.1.4 Gross Current Replacement Cost

Gross Current Replacement Cost (GCRC) is defined as the estimated cost of erecting a new building having the same gross external area as that of the existing one, with the same site works and services and on a similar piece of land.

10.1.5 Other methods

Rates from Contractors: When rate schedules do not exist or are out of date, recent quotations by contractors for similar types of construction in the vicinity of the project can be used for calculating replacement costs. In projects offering the options of cash compensation or alternative accommodation, the construction cost estimates for alternative accommodation could be used for calculating cash compensation payable.

The Construction Departments have a schedule of rates for preparing estimates for construction projects, which the consultant can use to assess costs for construction materials and labour. When applied to calculate replacement cost, rates current for the period of actual replacement must be used.

10.2 Calculation of compensation by assets

The following methods of calculation should be adopted for the preparation of the aforementioned standardized asset valuation tables and/or the application of specific case by case valuations in the case of projects that have significant impacts.

10.2.1 Compensation for Land

Compensation for land is aimed at providing a farmer whose land is acquired and used for project purposes, with compensation for land labour and crop loss. For this reason, and for transparency, land is defined as an area or homestead (i) in cultivation, (ii) being prepared for cultivation, or (iii) cultivated during the last agricultural season. This definition recognizes the farmer's labour as the biggest investment he/she makes in producing a crop which is higher than all other inputs such as seed and fertilizer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost.

10.2.2 Land Measurement

For purposes of measuring land, the unit of measurement would be that which is used and understood by the affected farmers and if a traditional unit of measure exists in the rural areas, that unit should be used. If a traditional unit of measurement does not exist in a particular area then it is recommended that land should be measured in metres or any other internationally accepted unit of measurement.

However, in such an event, the unit that is being used must be explained to the affected farmers/users and must somehow be related to easily recognizable land features that the communities are familiar with, such as using location of trees, stumps, etc as immovable pegs. The most important concern of this exercise is to ensure that the affected person is able to verify using his/her own standards/units of measurement, the size of land that is being lost. This will ensure transparency in the system and will thus avoid subsequent accusations of wrong measurements or miscalculation of areas. A farmer should know how much land he/she is losing, in terms of size and the replacement land must be at least of that same size and comparable value as land lost.

10.2.3 Calculation of Crops Compensation Rate

The current prices for cash crops will be determined and all crops will be valued using a single rate regardless of the crop grown. This rate incorporates the value of crops and the value of the labour invested in preparing new land.

Determining compensation using a single rate creates transparency because anyone can measure the area of land for which compensation is due and multiply that by a single rate known to all. This approach also allows assignment of values to previous year's land (land in which a farmer has already invested labour) and land that have been planted but crops have not germinated. Further, it avoids contention over crop density and quality of mixed cropping.

The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation

should be updated to reflect values at the time compensation is paid. Table 5 below, derives a total value for a one hectare land from the value of the crops on the land and the value of labour invested in preparing a replacement land.

Table 7: Example of method to be used to determine a monetary compensation rate for land*

(Rwandan Francs payments will be revised to reflect crop values and labor rates in effect at the time of compensation)

Item Compensated	Basis of Value	Rwandese Francs/ha
	Average of the highest 2007 official and market survey land prices per ha of staple food crops (maize, rice etc.), plus cash crops (e.g. sugar cane, corn).	
	Labor costs of preparing a replacement land.	
Total	Replacement value of crops plus labor.	

- Note: This example assumes a one-hectare land.

Crop values will be determined on:-

- A combination of staple foods and cash crops. The 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.
- The value of stable crops to be taken as the highest market price (over 3 years) reached during the year, in recognition of the following factors:-
- Although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market.
- Farmers most often purchase cereals when they have run out, during drought when prices are high. Compensating at a lower value might put the individual or household at risk.
- On average, the highest price of stable food yields a high per hectare value reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.
- The labour cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop.

The labour costs will be paid in Rwandan Francs (FRW) at the prevailing market rates. All agricultural labour activities are included for two reasons. First, because of the need for transparency, all land labour will be compensated for at the same rate. Secondly, it is difficult to forecast when during the growing season, a farmer might need to give his/her land. In certain cases, assistance may be provided to land users in addition to compensation payments e.g. if the farmer is notified that his/her land is needed after the agriculturally critical date when he/she will not have enough time to prepare another land without assistance. In such a case, assistance will be provided in the form of labour intensive village hire, or perhaps mechanized clearing, so that

replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation to enable him/her to pay for sowing, weeding and harvesting.

The following table presents an example of a compensation schedule for a one-hectare land. The cost is based on arbitrary labour rates, which will need to be validated at the time payments are made.

Table 8: Example of land compensation schedule of payments

Activity	Month Paid (generic, may be different depending on climate zones)	Labour in Rwandese Francs/ha Rate Cost/day x no. of days
Clear	March	
Plough	May	
Sow	May	
Weed	May	
Harvest	November	
Total		

All agricultural labor activities are included for two reasons. First, because of the need for transparency, all land labor will be compensated for at the same rate. Second, it is difficult to forecast when during the growing season a farmer might need to give up his/her land. Thus, the land compensation covers all investments that a farmer will make. In certain cases, assistance may be provided to land users in addition to compensation payments, for example, if the farmer is notified that his/her land is needed after the agriculturally critical date of March (generic date, may be different in Rwanda and across climate zones) when s/he will no longer have enough time to prepare another land without help. Assistance will be provided in the form of labor intensive village hire, or perhaps mechanized clearing, so that replacement land will be ready by the sowing dates. The farmer will still continue to receive his/her cash compensation so that /s/he can pay for sowing, weeding and harvesting.

10.2.4 Compensation for Buildings and Structures

Compensation will be paid by replacing structures such as huts, houses, farm houses, latrines and fences. Any homes lost will be rebuilt on acquired replacement land and cash compensation would be available as a preferred option for other structures lost, which are not inhabited by the farmer. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis. Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

Replacement values will be based on:

- Drawings of individual’s house and all its related structures and support services.
- Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures.
- Prices of these items collected in different local markets.
- Costs for transportation and delivery of these items to be acquired or replacement land or building site.
- Estimates of construction of new buildings including labour required.

Buildings and structures will be replaced by an equivalent structure or, on an exception basis, cash and/or credits will be paid based on replacement costs.

Table 9: Compensation for buildings and structures

Item	Example
House	Raw or Baked brick Straw or tin roof Varying sizes (small, medium large)
Kitchen	Open, closed
Stables/sheds/pens	Cattle, goat, donkey, sheep, other
Coops	Chicken, duck, other
Fence	Straw/poles (per unit poles & mat), raw and/or baked brick/cement blocks (per 1-m length)
Private Bathing	-
Latrine	Replacement latrines will be similar to those currently operational and financed by the bank or other donor agencies at health centers, schools.
Open well	Internally lined with concrete rings and provided with a hand driven pump.
Storage building	Cement/sand block walls with thatched roof on z-profiled metal sheets.
Sun Screen open huts/shades	Similar to those replaced, on thatched roof on wood poles.

10.2.5 Compensation for Community Assets

Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be provided even if there are existing facilities at the new location. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least to the same standard or equivalent or better standard required by local planning regulation.

10.2.6 Compensation for Sacred Sites

This policy does not permit the use of land that is defined to be cultural property by the Banks Safeguards OP 4.11. Sacred and genocide war memorial sites include but not restricted only to; museums, altars, initiation centers, ritual sites, tombs and cemeteries. It includes other such sites or places/features that are accepted by local laws (including customary), practice, tradition and culture as sacred. To avoid any possible conflicts between individuals and/or

communities/homesteads/chiefdoms the use of sacred sites for any project activity, is not permitted under this project.

10.2.7 Compensation for vegetable gardens and beehives

Until a replacement garden starts to bear, the family displaced (economically or physically), will have to purchase vegetables in the market for daily use. The replacement costs therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market.

Beehives are placed in various locations in the bush by individuals specializing in honey gathering. If such hives will be disturbed by the project activities, or access to hives is denied, beekeepers will be free to move them, and hopefully the bees will adapt to the new locations. Beekeepers will be compensated by the value of one season's production costs of honey for each hive that is moved and any reasonable costs associated with moving the hive.

10.2.8 Compensation for horticultural, floricultural and fruit trees

Banana and Mango trees are featured here below as two examples of the set of primary fruit trees that are likely to be found in project targeted area and are estimated to account for a significant amount of all fruit bearing trees. They are primarily important as a source of:

- Subsistence food for families
- Cash produce that contribute to the export economy
- Petty market income in some areas, and
- Shade (in the case of mango trees).

For banana trees, they have a relatively much shorter productive life, normally, than mango trees. For species, banana trees will not bear fruit more than once. Therefore, compensation for banana trees would be compensated at the full market rates for bananas harvested in that year and for another year. The second year payment is for the replacement cost of planting a new tree, looking after it and harvesting it which could all be done in one year. Therefore, the farmer should have restored his pre-project position by the end of the second year. This example of bananas is an example for trees/plants that have a relatively short life.

Given their significance to the local subsistence economy, which this project intends to positively impact, mango trees will be compensated on a combined replacement/market value. Mango trees used for commercial purposes will be compensated at market value based on historical production records.

If households chose to resettle, they will be compensated for the labor invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in

some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household chooses to transfer ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation rate will be based on information obtained from the socio-economic study. From this study, a compensation schedule for mango trees can be developed incorporating the following goals:

- Replace subsistence mango production yields as quickly as possible.
- Provide subsistence farmers with trees to extend the number of months of the year during which mangoes are produced and can be harvested as a supplemental source of food for their families during their “hungry season”.
- Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at offseason periods.
- Provide cash payments to farmers to replace pre-project income derived from the sale of excess mango production until replacement trees produce the equivalent (or more) in projected cash income.

The compensation schedule is based on providing a combination of new grafted and local trees to farmers, as well as cash payments to offset lost yearly income. The schedule could assume the following (the figures in Rwandese Francs (X no.) to be determined in the socio-economic study):

Table 10: Fruit Compensation

Local Mangoes	
Estimated Avg. Fruit Yield (kg) of Mature tree	800 to 1,300 kg/year
Estimated Yield used	Ten sacks(1,000kg)/tree/year
Market Price, Height of harvest season (March/April) End of season (late May)	Rwandese Franc/kg Rwandese Franc/kg
Price used as basis of this estimate	80% height of season;20% end of season
Years to Production	Six to seven
Years to Maximum Production	Twenty
Costs of Sapling	RWANDESE FRANC, locally available
Grafted Mangoes	
Estimated Avg. Fruit Yield (kg) of Mature tree	800 to 1,300 kg/year
Estimated Yield used	Almost entire yield due to market value
Market Price, (varies according to variety) Height of harvest season (June/September)	Rwandan Franc /kg
Price used as basis of this estimate	Price per fruit or sac (100kg) as quoted by growers
Years to Production	four to five
Years to Maximum Production	Eight
Costs of Sapling	Rwandan Franc, not locally available.

Table 11: Proposed Schedule for Mango Trees Cut Down

Type/Age of Tree	Est. Years	In-kind replacement for Local Mangoes	Credits/Financial Support
Sapling Trees planted after project cut-off date in area will not be eligible for compensation	0-1	Deliver to Farmer: Choice of two mango trees (local and/or improved grafted) Supplies: fencing to protect Tree, a bucket for watering, and a spade.	Rwandan Franc
Sapling/Young Tree First minor production 12-50 fruits occurs about age 4-5	1-6	Deliver to farmer: Choice of two mango trees (local and/or improved grafted) Supplies: fencing to protect Tree, a bucket for watering, and a Spade	Equivalent of X no. Rwandan Franc in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment.
Mango Trees Fruit Producing	6-30+	Deliver to farmer: Choice of two mango trees (local and/or improved grafted) Supplies: fencing to protect Tree, a bucket for watering, and a Spade	Equivalent of X no. Rwandan Franc in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment. Equivalent of X no. Rwandan Franc in credits or other financial support, representing eight years, (8 years x 10 sacks x Rwandan Franc /sack) lost income/subsistence until replacement trees begin production. This rate to be agreed by farmers. Total: Equivalent of X no. Rwandan Franc in cash or equivalent financial support to be paid in one installment.
Mature Trees – Low or Non-Fruit Producing	30+	Same as for mature trees above	Same as above

11.2.9 Other domestic fruit and shade trees

As defined in this policy, individuals will be compensated for wild trees which are located in their land. Wild productive trees belong to the community when they occur in the bush as opposed to fallow land. These trees will be compensated for under the umbrella of the community compensation.

Table 12: individual compensation

Sub-Category	Unit	Compensation Value (X no. of Rwandan Francs)
foodstuffs & others(e.g. cocoa)	To be determined	
Rubber, wood, timber	To be determined	
Domestic Fruit Trees		
Avocado	Non-productive productive	
Plantain	Non-productive productive	
Lemon	Non-productive productive	
Grapefruit	Non-productive productive	
Papaya	Non-productive productive	
Shade Trees		
	Young	
	Adult	
Individual owned wild productive trees		
Palm Kernel	Non- productive	
	productive	
Coconut	Non- productive	
	productive	
Mango Trees		
2 saplings & equipment	0-1 year	
	1-6 years	
2 saplings & equipment	6+ years	
Catch	Demonstrable loss	according to case
Kitchen Garden		
Beehive		

No compensation will be paid for minor pruning of trees. Compensation for removal of limbs will be prorated on the basis of the number of square metres of surface area removed. The total surface area of the tree will be calculated using the following formula: ($\frac{1}{2}$ diameter of canopy) 2×3.14 .

10.3 Preparation of Asset Inventory and PAPs

In order to prepare for compensation and other resettlement benefits, it is imperative that a comprehensive asset and affected persons inventory in the designated areas for the different project components is done. The inventory will specify the different assets, properties affected in each plot of land and their owners. The Land Valuation Bureau which is the entity responsible for undertaking valuation of assets will be responsible for the valuation exercise and will therefore provide independent valuation experts. The valuation document will indicate when the affected person will be notified, and that the inventory will not be official until a second signed

copy, verified by project supervisory staff, is returned to the affected person. At this time, a copy of the grievance procedure will also be given to the affected person as stated in the grievance redress mechanism. The valuation experts will work hand in hand with the local leaders of the area.

10.3.1 Valuation Procedure

At each affected land/plot, the Property Valuer will take careful count of all crops and trees. In addition, the Valuer will count and measure all the affected land, buildings / structures in the presence of the affected person and a local leader. A Compensation Assessment Form will be filled to record all the properties affected. The licensees or sharecroppers crops will also be noted and recorded on a separate Compensation Form bearing the names of the licensee or sharecropper. The property of the sharecropper/licensee will be recorded in the presence of the landowner, the licensee/sharecropper and the area leader. All the participating parties will verify the contents of the Compensation Assessment Form and will thereafter append their signatures to this form. The affected persons will take a copy of the Compensation Assessment while the original will be retained by the Valuer.

10.3.2 Land Survey

A Land Surveyor will demarcate the boundary of the project land required for acquisition. He will then demarcate individual affected property so as to determine the different land areas/sizes acquired from each PAP. The surveyor will work hand in hand with the affected persons, other community members and the Local authorities Cell Executive Secretary and village ('mudugudu) leader'). This is mainly for purposes of transparency and confirming land boundaries and ownership of the affected property. In cases where the land owners will be absent, family members, caretakers or spouses will be encouraged to be present and represent the household. The land inventory will specify the different customary tenures under which the different affected plots of land fall (e.g. customary, leasehold, freehold etc.).

10.3.3 Socioeconomic Profile of each PAP

Structured questionnaires will be administered by a team of trained Research Assistants in order to document each Project Affected Person's profile. The team will be supervised by a Resettlement Expert. The questionnaires will be entered in a database and analysed to estimate the magnitude of the impacts and for monitoring purposes.

The socio-economic survey will reveal a substantial amount of information on the economy and social organization of the affected community. The Resettlement Expert is expected to review this data so as to identify appropriate and sustainable interventions. Special attention will be paid to the needs of vulnerable people among the PAPs especially households with incomes below the national poverty line, including the landless, elderly, disabled, women, children, and other disadvantaged groups.

For these reasons, the project sponsor should bear in mind that resettlement may provide opportunities to an affected community to improve housing, public infrastructure and services and to engage in land use planning that contributes to the long term development objectives.

10.4 Computation of Compensation Packages

Valuation and Calculation of the affected property will be based on the following;

Land:

Valuation will be based upon market value

Crops and Trees

Valuation will be based upon current market values

Structures

Valuation will be based upon full replacement cost. Replacement cost will be based upon sizes of structures, materials used and their prices, transportation costs of delivery of these materials.

Community asset/resource

These will be provided in kind. The alternative community asset will be at least of the same standard as or better standard than the affected asset.

Loss of Business income

Compensation will be paid for the lost income and production during the transition period (the time between losing the business and full re-establishment of livelihood). This will be estimated based on the daily or monthly income of the affected parties.

Inflation Tendencies

The fact that normally the period between valuation and compensation of assets is long, inflation allowances shall be considered when computing compensation costs.

10.5 Forms of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice although every effort will be made to instill the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets. Table 10 describes the forms of compensation.

Table 13: Forms of compensation

Cash Payments	Compensation will be calculated at new replacement (i.e. un-depreciated) value, and paid in Rwandan Francs Rates will be adjusted for inflation.
In-kind Compensation	Compensation may include items such as land, houses, and other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment of equal or better value If building materials are provided transport and labor costs must also be provided.
Assistance	Assistance may include moving allowance, transportation and labour associated with resettlement as well as financial assistance for the period when access to land (and therefore income/ subsistence crops) is unavailable.
Economic Rehabilitation Assistance	Economic Rehabilitation Assistance may include training, capacity building as well as provision of assistance to facilitate reestablishment of livelihood activities such as provision of seedlings, agricultural inputs and financial credits for equipment

Compensation payments raises issues regarding inflation, security and timing that must be considered. One purpose of providing in-kind compensation is to reduce inflationary pressure on the cost of goods and services. Local inflation may still occur and thus market prices will be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The issue of security, especially for people who will be receiving cash compensation payments should to be addressed by the local administration.

The time and place for in-kind compensation payments will be decided upon by each PAPs in consultation with EUCL and the District, local and traditional administrations. Monetary payments should be paid at a time in relation to the seasonal calendar.

Local Banks and micro-finance institutions should work closely with the local administration at this level to encourage the use of their facilities, which will positively impact the growth of the local economies.

10.6 Consultation and Participatory Approaches

For all stages of the RAP all the relevant stakeholders including the PAPs will be consulted and sensitized. This will be done through a series of individual and public meetings. All types of compensation and valuation principles to be followed will clearly be explained to the individuals or households involved. A participatory approach will be adopted for all meetings. Stakeholders and PAPs will be given a chance to freely participate in the meetings and to raise any queries, concerns or questions. All concerns raised will be taken into consideration when preparing the Resettlement Action Plans.

10.7 Disclosure and Notification

All eligible PAPs will be informed about the RESSP subproject and the RAP process. Disclosure and notification of entitlements will be carried out by the compensation teams responsible for implementing the respective RAPs to enable the dissemination of the results of the land and property compensation assessment process. The individual household database will be updated

after individual consultation disclosure. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; local leaders and representatives – may help to identify eligible PAPs.

The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification and through local leaders.

10.8 Documentation and Verification of Land and Other Assets

The inventory of all assets and persons shall be compiled in a Valuation Report and A strip map which shall be submitted to the implementing agency and to the Ministry of Finance. A Resettlement Action Plan Report shall also be prepared and submitted to the World Bank, as financier of the preparation of the project (feasibility study, detailed design, ESIA and RAP) for approval. The RAP report will contain all the necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts.

The verification of ownership of land and other assets shall be done with the help of local authorities, neighbours, clan members, family members and documents like land titles and land sale agreements.

A form (Consent Form) detailing the quantities of the affected properties and the total compensation shall be signed by each PAP and witnessed by a spouse, or child above 18 years or any other person as chosen by the PAPs. In addition, the property valuer, the respective village leaders, the implementing agency’s representative and representatives of the Sector and Cell will also append their signatures to the consent form. The form shall be also signed by the respective district mayor for approval.

The implementing agency will keep all copies of the documentation of the whole process. The documents will be referred to during monitoring and evaluation of the resettlement activities.

The RAP implementing team shall consider several aspects for proof of eligibility and these will include among others the following: Identity Card or passport

Consultations with and witnesses like local authorities (Sector/Cell Land Committees and Community leaders, neighbors, family members, elders and the general community will also be undertaken and a copy of Identity Card and a copy of bank cheque or book to prove the right beneficiaries. Identity Card and the Account number of the eligible PAPs will be attached to each PAPs file. This will ensure that the right beneficiaries of the project are compensated.

10.9 Individual / Household Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice. However, PAPs will be advised on the importance of accepting in-kind compensation especially when more than 20% of the land has been affected as stated in OP4.12. All in kind compensation will be handed over to the PAP in the presence of the local leaders (Sector, Cell and village/*mudugudu*), district representatives and representatives of the implementing agency.

10.10 Procedures for delivery of compensation

It is recommended that compensation be made through reputable local banks. This will ensure security of the PAPs money especially for those receiving large sums. Forms acknowledging receipt of the compensation packages shall be signed by each PAP.

XI. IMPLEMENTATION SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

11.1 Overview

Before any project activity is implemented, PAPs will need to be compensated in accordance with the resettlement policy framework. For activities involving land acquisition or loss, denial or restriction to access, it is further required that these measures include provision of compensation and of other assistance required for relocation prior to displacement and preparation of resettlement sites with adequate facilities, where required. Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons. For project activities requiring relocation or loss of shelter, the policy further requires that measures to assist the displaced persons are implemented in accordance with the individual RAPs.

The measures to ensure compliance with this RPF will be included in the RAPs that will be prepared for each land involving resettlement or compensation. The schedule for the implementation of activities must be agreed to between the Resettlement Committee and the PAPs. These include the target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, and dates of possession of land that PAPs are using. The dates must be after transfer date for completed civil works to PAPs and payments of all compensation. How these activities are linked to the implementation of the overall subproject must also be agreed between the parties. The screening process must ensure that RAPs contain acceptable measures that link resettlement activity to civil works in compliance with this policy.

The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the RAP is approved by the local and national authorities, the RAP should be sent to the World Bank for final review and approval.

11.2 Project launching

At each sub-project launching, an assessment of the social impacts of each sub-project will be conducted particularly for subprojects presumed to induce extensive adverse social impacts. The assessment will help to determine which mitigation measures to be taken and establish whether or not detailed RAPs with timetables and budgets should be prepared.

Issues to be addressed by the screening process will include demography, land tenure and socio-economic structures for larger sub-projects involving more than 20 households and consultations with local authorities and PAPs for all sub-projects.

A key task to be conducted under this process is a household survey describing the extent of the social impacts. At this stage, all PAPs will be listed in order to avoid an influx of people trying to take advantage of the compensation and rehabilitation. A cut-off date from which eligibility for compensation will be terminated will be proclaimed and new inhabitants coming to the project affected areas will not be considered for compensation. The principles of compensation will be triggered wherever there will be land acquisition and adverse social impacts.

11.3 Implementation schedule

The timing of the resettlement will be coordinated with the implementation of the main investment component of the project requiring resettlement. All RAPs will include an implementation schedule for each activity covering initial baseline and preparation, actual relocation, and post relocation economic and social activities. The plan should include a target date when the expected benefits for resettled persons and hosts would be achieved.

Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution. Environmental and Social Impact Assessments, if deemed necessary through the application of the ESMF, will be conducted parallel with the design of the subprojects, and will determine the number of PAPs and to assess demand of needs of the displaced persons which could be housing, water, health facilities and sanitation.

Target dates for achievement of expected benefits to resettled persons and hosts should be set and the various forms of assistance to the resettled persons should be disseminated to them. Planning and coordination of the tasks of the various actors is key to successful implementation. To achieve this, workshops will be organized with the stakeholders and other relevant government agencies, at project launching and at the commencement of every subproject identified to have adverse social impacts. The workshops will focus on (i) taking stock of the legal framework for compensation, (ii) settling institutional arrangements and mechanisms for payment of compensation, (iii) defining tasks and responsibilities of each stakeholder and (iv) establishing a work plan.

The stakeholders will be requested to participate in the decision making process and provide inputs in the area of their expertise in order to establish a coherent work plan or schedule. PAPs will also be consulted with the aim of obtaining their positions on the issues at stake.

Specifically, precise details must be provided when preparing the implementation schedule for each RAP. The schedule for the implementation of activities agreed to between EUCL and the PAPs and will include aspects such as target dates for start and completion of civil works, timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs

are using (this date must be after transfer date for completed civil works to PAPs and payments of all compensation), and how these activities are linked to the implementation of the overall project.

When EUCL presents its RAP to the RDB for approval, part of the screening process that RDB would use to approve RAPs would be to confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works in compliance with this policy. The timing mechanism of these measures would ensure that no individual or affected household would be displaced (economically or physically) due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected. Once the resettlement plan is approved by the local and national authorities, the resettlement plan should be sent to the World Bank for final review and approval.

XII. GRIEVANCES REDRESS MECHANISMS

Impacts on property by RESSP subprojects could be inevitable and may give rise to grievances among affected people. This could vary from rates of valuation, compensation eligibility criteria and actual compensation payments. Timely redress or resolution of such grievances is vital to ensure successful implementation of the project. EUCL always puts in place procedures that allow affected people to lodge complaints or claims with the Project Coordination Unit (PIU). The PIU ensures that all such grievances are resolved within a reasonable timeframe.

Grievance mechanisms provide a way to reduce risk for projects, provide an effective avenue for expressing concerns and achieving remedies for communities, and promote a mutually constructive relationship and enhance the achievement of project development objectives. Grievance mechanisms are increasingly important for RESSP subprojects where ongoing risks or adverse impacts are anticipated. They serve as a way to meet requirements, prevent and address community concerns, reduce risk, and assist larger processes that create positive social change.

12.1 Community expectations when grievances arise

When local people present a grievance, they generally expect to receive one or more of the following:

- Acknowledgment of their problem
- An honest response to questions about project activities
- An apology
- Compensation
- Modification of the conduct that caused the grievance
- Some other fair remedy.

In voicing their concerns, they also expect to be heard and taken seriously. Therefore, the PIU must convince people that they can voice grievances and the project will work to resolve them.

12.2 Anticipated grievances in RESSP

Potential grievances and disputes that arise during the course of implementation of the resettlement and compensation program for RESSP subprojects may be related to the following issues:

- Inventory mistakes made during census survey as well as inadequate valuation of properties;
- Mistakes related to identification and disagreements on boundaries between affected individual(s) and specifying their land parcels and associated development;
- Disagreements on plot/asset valuation;

- Divorces, successor and family issues resulting into ownership dispute or disputes shared between heirs or family;
- Disputed ownership of a given assets (two or more affected individual(s) claim the same); and
- Where affected individual(s) opt for are settlement based option, disagreement on their settlement package (the location of the resettlement site does not suit them).

Despite best efforts with regard to the public consultation and community relations, there will be times when the EUCL and PAPs disagree. Affected persons will be informed of their rights to raise grievances via RAP information sharing initiatives. Mechanisms will be put in place to ensure that grievances are recorded and considered fairly and appropriately.

12.2.1 Procedures and Time Frames

There is no ideal model or one-size-fits-all approach to grievance resolution. The best solutions to conflicts are generally achieved through localized mechanisms that take account of the specific issues, cultural context, local customs, and project conditions and scale. In its simplest form, a grievance mechanism can be broken down into the following primary components:

- Receive and register a complaint.
- Screen and validate the complaint.
- Formulate a response.
- Select a resolution approach, based on consultation with affected person/group.
- Implement the approach.
- Settle the issues.
- Track and evaluate results.
- Learn from the experience and communicate back to all parties involved.

12.2.2 Grievance Prevention

There are ways to proactively solve issues before they even become grievances. PIU should be aware and accept that grievances do occur, that dealing with them is part of the work, and that they should be considered in a work plan. Implementers should do the following:

- **Provide sufficient and timely information to communities**
Many grievances arise because of misunderstandings; lack of information; or delayed, inconsistent or insufficient information. Accurate and adequate information about a project and its activities, plus an approximate implementation schedule, should be communicated to the communities, especially PAPs, regularly. Appropriate communication channels and means of communication should be used.

- **Conduct meaningful community consultations.**
EUCL should continue the process of consultation and dialogue throughout the implementation of the subproject. Sharing information, reporting on project progress, providing community members with an opportunity to express their concerns, clarifying and responding to their issues, eliciting community's views, and receiving feedback on interventions will benefit the communities and the project management.
- **Build capacity for project staff, particularly community facilitators and other field-level staff.** The local leaders and field level staff of EUCL should be provided with adequate information on the project such as project design, activities, implementing schedules, and institutional arrangements as well as enhanced skills in effective communication, understanding community dynamics and processes, negotiation and conflict resolution, and empathizing with communities and their needs. Building trust and maintaining good rapport with the communities by providing relevant information on the project and responding effectively to the needs and concerns of the community members will help solve issues before they even become grievances. It is also important that local leaders and field-level staff provide regular feedback on their interactions with the communities to the higher levels of the implementing agencies.

12.3 Grievance redress process

At the time that the individual resettlement plans are approved and individual compensation contracts are signed, affected individuals and homesteads will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency.

EUCL will make every effort to achieve an amicable settlement of all identified resettlement issues under the RAP at the community and then Project level. If this attempt fails, the PAP may at his/her grievance to local leaders, mediators at cell and sector levels and court. The proposed redress procedure and mechanisms will be presented to and discussed with the PAPs at the early stages of the RAP preparation process. In order to effectively collect all grievances from the potential PAPs, a specific site(s) may be designated for timely depositing and collection of all complaints. The PAPs can deposit complains orally (these shall be properly documented at the moment of depositing complain at the designated site) or in writing.

All the grievances will be channeled to the existing structures in Rwanda for handling grievances beginning with the local leader of the affected people as the first stop before resorting to mediators (Abunzi) at cell, sector level and the Rwanda Courts of Law as the last resort. A grievance log will be established by the project and copies of the records kept with all the relevant land authorities at the district, sector and village level and will be used in monitoring of

complaints. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants.

12.3.1 Mechanism of RESSP

EUCL being a party to the contract would not be the best office to receive, handle and rule on disputes. Therefore, taking these concerns into account, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the local leader/committee for resolution. As is normal practice under customary law, all disputes in communities are solved by the leaders after a thorough investigation of the facts using the services of his officials. For cases affecting land in Kigali, grievances are first to be addressed to the local leaders at the sector level, if not satisfied he or she shall continue to District Land Bureau (DLB), if not satisfied she or he shall forward the grievance to civil courts of law.

EUCL will develop a communication strategy for grievances redress mechanism for the project which should include an explanation on the methods used in carrying out the project's activities and such compensation payments, etc. The response time will depend on the issue to be addressed but it should be addressed with efficiency. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife. Furthermore, in case the affected persons (PAPs) are orphans, all children regardless of their sex will be eligible for a fair and just compensation.

The grievance mechanism for the implementation process is as follows:

Once, Project Affected Persons (PAPs) raises a complaint or a dispute, Village Leaders and a representative (s) of PIU from EUCL will address the grievances through public hearings and meetings. If not satisfied he or she shall forward the grievance at cell level, all grievances will be heard by the already in place cell-level mediators (*abunzi*) whose work is to hear disputes, especially land disputes and complete a Grievance Form which will be signed by mediator leader and the PAP/complainant. The *abunzi*, or mediation committees, have a mandatory jurisdiction over disputes involving amounts less than five million FRW, which means disputes over the latter amount, will not be handled by them. The *Abunzi* also have mandatory jurisdiction over succession and boundary disputes involving less than five million Rwandan Franks (Frw). The *abunzi* at cell level will be used in the RESSP subprojects as the first step for resolving disputes and grievances regarding resettlement and compensation processes. This is because *Abunzi* is the existing structure established by the GoR to mediate all disputes with amount not over than five million Rwandan Franks at cell level as well as sector level. The affected person has the right to submit the complaint at cell and she or he can appeal at sector level if unsatisfied by cell level mediator's decisions. The PAP should expect a response from the mediators within seven (7) days of filing the complaint at each mediation levels (cell and sector).

If there is no resolution to the grievance, the complainant has the option to pursue appropriate recourse via judicial process in Rwanda. Courts of law will be a “last resort” option, in view of the above mechanism.

Notwithstanding that the grievance redress mechanism accepts that the compensation and resettlement plans will be (contracts) binding under statute, but it also recognizes that customary law is the law that governs land administration and tenure in the rural/village areas, i.e. areas outside Kigali, and is what most Rwandans living in these areas are used to and understand.

The grievance redress mechanisms is designed with the objective of solving disputes at the earliest possible time which will be in the interest of all parties concerned and therefore implicitly discourages referring such matters to the law courts for resolution which would otherwise take a considerably longer time.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their local leaders or the appropriate district authority will in turn inform and consult with EUCL, homestead/household representatives and leaders and other records to determine a claims validity.

If valid, the local leader or the appropriate district authority will notify the complainant and it will be settled. If the complainants claim is rejected, then the matter will be brought before the law courts for settlement. The decision of the lowest court (i.e. Magistrate or high court) would be final and all such decisions must be reached within a full growing season after the complaint is lodged. This is designed to ensure a speedy and affordable adjudication.

If a complaint pattern emerges, EUCL, the district administrations, with the local leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once they agree on necessary and appropriate changes, then a written description of the changed process will be made. EUCL, the district administrations and the local leaders and representatives will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

12.4 Steps of the grievance process

Step 1: Receipt of complaint

During the initial stages of the valuation process, the affected persons will be given copies of grievance procedures as a guide on how to handle the grievances.

The process of grievance redress will start with registration of the grievances to be addressed for reference, and to enable progress updates of the cases.

Step 2: Determination of corrective action

If in their judgment, the grievance can be solved at this stage, the grievance will be reviewed by Project Implementation Unit (PIU) and will determine a corrective action in consultation with the aggrieved person. A description of the action; the time frame in which the action is to take place; and the party responsible for implementing the action will be recorded in the grievance database.

Grievances will be resolved and status reported back to complainants within working 30 days. If more time is required this will be communicated clearly and in advance to the aggrieved person. Relevant details of grievances, with outcomes, will be made available to the affected parties through personal notification. The preferred course of action will be discussed with the person bringing the grievance. Wherever possible, grievances will be resolved at this level within seven (7) working days. For cases that are not resolved within the stipulated time, detailed investigations will be undertaken and results discussed in the meeting with affected persons which has to take place within seven (7) working days. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations. Written agreement to proceed with the corrective action will be sought from the complainant (e.g. by use of an appropriate consent form). If no agreement is reached, Step 2 will be re-visited.

Step 3: Implementation of corrective action

Agreed corrective actions will be undertaken by the Project implement agency or its contractors not more than three 3 days. The date of the completed action will be recorded in the grievance database

To verify satisfaction, the aggrieved person will be approached by the PIU to verify that the corrective action has been implemented. A signature of the complainant will be obtained and recorded in the log and/or on the consent form (see Step 2). If the complainant is not satisfied with the outcome of the corrective action additional steps may be undertaken to reach agreement between the parties. If additional corrective action is not possible alternative avenues maybe pursued.

Step 4: Action by Grievance Committee (Mediator at cell and sector level)

If the PIU and the PAP cannot solve the grievance, it will be referred to relevant parties such as local leaders and Mediators (*abunzi*) for consultation and relevant feedback provided.

If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Grievance Committee. A dedicated Grievance Committee starts by established cell level mediators and sector level mediators to assess grievances that arise from disputes. The Grievance Committee will resolve the complaint within fourteen (14) working days.

If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied however, the complainant notes the outstanding issues, which may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings. The effectiveness of the Grievance Committee will be evaluated during the periodical performance reporting and as part of the post RPF/RAP evaluations.

It should be noted that all the documentation that is as a result of grievance redress should be kept safely at the EUCL with copies at the District headquarters for further reference in case need arises.

In case of failure to agree on compensation, the individual PAP has the right to take his/her case to the civil court for litigation.

In this grievance redress process, it is important to note that the timeframe will depend on number of complainants and complexity of the grievances. However, the PIU shall work closely with the PAPs and their local leaders to minimize backlog of complaints.

XIII.MECHANISM FOR CONSULTATIONS AND PARTICIPATION OF DISPLACED PERSONS IN PLANNING, IMPLEMENTATION AND MONITORING

13.1 Overview

The involvement of involuntary resettled persons and hosts in planning prior to the move is critical and initial resistance to the idea of involuntary resettlement is expected. To obtain cooperation, participation and feedback, the resettled persons and hosts will be systematically informed and consulted during preparation of the resettlement plan about their options and rights. They will also be able to choose from a number of acceptable resettlement alternatives. Particular attention will be given to vulnerable groups such as the landless, and women to ensure that they are represented adequately in such arrangements.

The plan will address and mitigate the resettlement's impact on host populations who should be informed and consulted. Any payments due to the hosts for land or other assets provided to resettled persons should be promptly made. Conflicts between hosts and resettled persons may develop as increased demands are placed on land, water, forests, services etc., or if the resettled persons are provided services and housing superior to that of the hosts.

Conditions and services in host communities should improve, or at least not deteriorate and provision of improved education, water, health and production services to both groups will foster a better social climate for their integration. In the long run, the extra investment will help prevent conflicts and secure the project's aim. Successful resettlement requires a timely transfer of responsibility from settlement agencies to the resettled persons. On the other hand, local leadership must be encouraged to assume responsibility for environmental management and infrastructure maintenance.

Public consultation and participation are essential because they afford potential PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts between and among PAPs and EUCL. The way land administration is undertaken in Rwanda today based on long standing traditional and cultural practices makes public consultation with the rural communities, indispensable. Effective and close consultation with PAPs is a pre-requisite for project success. In recognition of this, particular attention would be paid to public consultation with potentially affected individuals/households/homesteads when resettlement and compensation concerns are involved.

Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place throughout the entire project cycle. For example, public

consultation would also occur during the preparation of the (i) the socio-economic study, (ii) the resettlement and compensation plan (iv) the environmental impact assessment and (v) during the drafting and reading of the compensation contract.

Public participation and consultation would take place through meetings, radio programs, request for written proposals/comments, filling in of questionnaires/ application forms, public readings and explanations of project ideas and requirements, making public documents available at the National, local and homestead levels at suitable locations like the official residences/offices of local chiefs/elders. These measures would take into account the low literacy levels prevalent in these rural communities by allowing enough time for responses and feedback.

Notwithstanding, the best guarantor for public interest are the traditional and other local leaders who are responsible members of their local communities and can inadvertently be part of the potentially displaced (economically or physically) individuals/households either in part or in whole.

Monitoring of this process would be through the local leaders as part of the individual resettlement and compensation plans and overall the monitoring and evaluation mechanism of the entire project. This requirement is line with the Bank policy on disclosure.

13.2 Data collecting phase

After familiarizing themselves with the project area through reading and consultations with the EUCL, EARP-PIU and the consultants will design appropriate questionnaires intended for data collection at project location levels. The levels will vary from households to community groups, based on the TOR. The consultant will design questionnaires for data collection from various households, organizations and institutions such as women groups, farmers' Associations, individual farm units, primary and/or secondary schools, health centres and agricultural cooperative unions or individual farm units, depending on the nature of information source.

All the actors will constitute the main taskforce in the data collecting phase and PAPs will be consulted to participate in the process by providing socio-economic information about their livelihoods. This could be done through use of forms, questionnaires and interviews. Persons or groups of persons at the project sites, location, village levels, or household levels to be interviewed will also be identified and selected through stratified random sampling.

Those to be interviewed will include those directly affected by physical works and a scientifically accepted number of respondent households for each sub-project location. The PAPs will be consulted through meetings to share information about the project, discuss social impacts of project operations and the mitigation measures suggested. The contribution of the PAPs will be integrated into the subproject implementation process, from planning to evaluation. Furthermore, data about socio-impacts of the subprojects and the mitigation measures suggested

will be provided to the media. This data will serve as instruments for the monitoring of the social mitigation measures.

13.3 Implementation operation

During implementation, the PAPs will be informed about their rights and options, at which point they will air their views. Cash compensation amount and size of land offered for compensation will be presented to each eligible PAP for consideration and endorsement before cash payment or land compensation can be effected.

13.4 Monitoring and Evaluation phase

The PAPs representatives will participate in the project completion workshops, to give their evaluation of the impacts of the project. They will also suggest corrective measures, which may be used to improve implementation of other subprojects. After completion of all expropriation/compensation operations, the PAPs will be consulted in a household survey to be undertaken as a monitoring and evaluation exercise.

XIV. ARRANGEMENTS FOR MONITORING

This chapter sets out requirements for the monitoring of the implementation of the RPF. In addition, monitoring of social indicators will be mainstreamed into the overall monitoring and evaluation system for RESSP subprojects.

14.1 Objectives and Scope

It is important that the objective of the Policy on Involuntary Resettlement is achieved and therefore monitoring and valuation whether the project affected people have had their livelihoods restored to levels prior to project or improved is critical. Evaluation and monitoring are key components of the Resettlement Policy Framework. The monitoring plan will indicate parameters to be monitored, institute monitoring guidelines and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities. Objectives include:

- Monitoring of specific situations or difficulties arising from the implementation and of the compliance of the implementation with objectives and methods as set out in this Resettlement Policy Framework;
- Evaluation of the mid- and long-term impacts of the Resettlement Action Plan on affected households' livelihood, environment, local capacities, on economic development and settlement.

To ensure that the implementation of resettlement is executed in line with this RPF, the activities will be monitored and evaluated internally by a Monitoring and Evaluation team at EUCL. The arrangements for monitoring will fit the overall monitoring plan of the entire RESSP subprojects.

The EUCL will undertake the routine internal monitoring and evaluation of the implementation of the resettlement issues so as to ensure that all the responsible units follow the schedule and comply with the principles of the resettlement plan. The EUCL Environmental and Social Safeguards Specialists will monitor and evaluate the environmental and social impacts at all project sites, regularly and as frequently as required and will maintain suitable records to be made available to the REMA. The social and environmental safeguards specialists will also be responsible for monitoring impacts and mitigation measures resulting from the actions of their contractors, transporters, suppliers and all third parties in the course of their duties under this project.

Therefore, wherever the resettlement and compensation needs are or can be attributed to Rwanda Electricity Sector Strengthening Project activities, the PAP will be compensated consistent with this RPF and their RAP, and the Social safeguard team would be responsible for monitoring and evaluating the same. The EA will prepare and submit periodic monitoring reports to EUCL and the REMA.

An evaluation programme will be implemented periodically to also check on compliance with action plan and provide lessons to amend strategies, especially in the longer term. Progress will be reported against a schedule of required actions. The arrangements for monitoring the resettlement and compensation activities will also fall under the overall responsibility of EUCL.

All RAPs will set major socio-economic goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts. In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. Through the monitoring and evaluation, EUCL will establish a reporting system for the project RAP that will:

- Provide timely information about all resettlement and compensation issues arising as a result of RESSP activities;
- Identify any grievances, especially those that have not been resolved at the local level and require resolution through the involvement of the higher levels;
- Document the timely completion of project resettlement obligations for all permanent and temporary losses;
- Evaluate whether all PAPs have been compensated in accordance with the requirements of this RAPs and that PAPs have higher living conditions and livelihoods in comparison to their living standards before physical or economic displacement.
- alerts project authorities to the necessity for land acquisition in REG/EDCL 's planned activities

14.2 Impact Monitoring

Impact monitoring to be undertaken will provide assessments of the effectiveness of the RAP strategies in meeting the affected populations' needs. Quantitative and qualitative indicators will be used to compare the effects of the RAPs activities with the baseline conditions of the affected populations before and after the resettlement exercises. The satisfaction of the affected population with the resettlement initiatives will be assessed for their adequacy or deficiency, while the census assets inventories and socio-economic studies will constitute the baseline for the affected population, for the purpose of evaluating impact assessment.

14.3 Completion Report

Completion reports(s) shall be carried out after the completion of all RAP inputs. The main aim of the completion report is to assess how far the project efforts have gone in the restoration of the living standards of the affected population; and also assess whether the strategies for the restoration for the living standards of the affected people have been properly conceived and implemented.

The following are some of the several issues which need to be verified in the completion monitoring and report:

- Delivery of services provided in the RAPs
- The effects of Mitigation measures prescribed in the RAPs
- The affected populations’ social economic status after project activities measured against the baseline conditions reported during initial census.

14.4 Development of Verifiable Indicators

In order to ensure that monitoring the impacts of the compensation and resettlement activities for the project are done successfully, a number of objectively verifiable indicators shall be used. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social well-being. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, the following table provides a set of indicators which can be used:

Table 14: Verifiable indicators

Monitoring	Evaluation
Outstanding compensation contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts
Subprojects unable to settle compensation after two years	Outstanding compensation contracts
Grievances recognized as legitimate out of all complaints lodged	All legitimate grievances rectified
Pre project production and income (year before land used) versus present production and income of resettled persons, off farm-income trainees, and users of improved agricultural techniques	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation
Pre-project production versus present production(crops for crops, land for land)	Equal or improved production per affected household/homestead

14.5 Indicators to determine status of affected people

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socioeconomic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the project.

14.5.1 Indicators to measure RAP performances

In order to access whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities.

The following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance:

- Questionnaire data will be entered into a database for comparative analysis at all levels of Government,
- Each individual will have a compensation signed dossier recording his or her initial situation, all subsequent program use of assets/improvements, and compensation agreed upon and received.
- EUCL will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages
- Percentage of individuals selecting cash or a combination of cash and in-kind compensation,
- The number of households compensated,
- number of structure demolitions,
- to amounts disbursed,
- change in livelihoods, and
- number of grievances registered,
- addressed and pending; time and quality of resolution.

14.5.2 Indicators to monitor and evaluate implementation of RAPs

Financial records will be maintained by the EUCL to permit calculation of the final cost of resettlement and compensation per individual or household. Every PAPs receiving compensation will have a dossier containing;

- Individual socio-economic and bio-data information,
- Number of people she/he claims as household dependents
- Amount of land available to the individual or household when the dossier is opened.
- Level of income and of production
- Inventory of material assets and improvements in land, and Debts

With mitigation measures to reduce and avoid impacts, the cost for compensation can be significantly reduced. Utilizing land currently owned by the Government, will further reduce the need for compensation for land and assets. However, the following table will be used to estimate the cost of compensation arising from the subproject.

Table 15: Estimation of the cost of compensation

No	Description of Property to be Affected	Cost of Compensation (FRW)
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1	Fruit trees and other crops	
2	Land	
3	Structures and other auxiliaries	
Sub total		
4	Awareness campaign	
Grand total		

14.6 Monitoring of RPF Implementation

Local Government Authorities at the district level will assist in compiling basic information on all physical or economic displacement arising from the project, and convey this information to the PIU, on a quarterly basis.

They will compile the following statistics:

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

The PMU will scrutinize these statistics in order to determine whether the resettlement planning arrangements as set out in this RPF are being adhered to. They will alert the Project Coordinator, and the MININFRA, if there appears to be any discrepancies. The PIU will directly monitor compensation and loss of wages. Financial records will be maintained by the subprojects and the PMU, to permit calculation of the final cost of resettlement and compensation per individual or household. The statistics will also be provided to an independent consultant that will be contracted on an annual basis.

14.6.1 Storage of PAPs details

Each PAP household will be provided with a signed report recording his or her initial situation, all subsequent project use of assets and compensation agreed upon and received. At the same time, before compensation all household heads representing the PAPs will be required to provide Identity Card (ID) or passport or other document to facilitate identification. The Local Authority and PMU will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages.

Each recipient of compensation will have a record containing individual bio-data, number of household dependents and amount of land available to the individual or household when the report is opened. Additional information to be acquired for individuals eligible for resettlement and/or compensation include the level of income and of production, inventory of material assets and improvements in land and debts.

Each time land is used by a sub-project; the report will be updated to determine if the individual or household is being affected to the point of economic non-viability and eligibility for compensation or its alternatives. These reports will provide the foundation for monitoring and evaluation, as well as documentation of compensation agreed to, received, and signed for.

It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle. EUCL, RNRA and the District Administrations and MININFRA, will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project (Project Implementation Manual), which will require feedback from: Indicators monitored by the local regional governments to determine whether goals are being met, and a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

This framework is suggesting that the office of the REMA is structured into the whole M&E component of the project. This would take the form of giving the REMA the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their report would then be sent to the MININFRA, MINERENA, the World Bank and EUCL and become part of the official documents of the project.

14.6.2 Annual Audit

The annual audit of RPF implementation, and as applicable RAP implementation in sub-project(s), includes: will include (i) a summary of the performance of each sub-project vis-à-vis its RAP; (ii) a summary of compliance and progress in implementation of the process; and (iii) a presentation of compliance and progress in the implementation of the RPF. The audit will verify results of internal monitoring and assess whether resettlement objectives have been met irrespective of whether livelihood and living standards have been restored or enhanced. The audit will also assess the resettlement efficiency, effectiveness, impact and sustainability, drawing lessons for future resettlement activities and recommending corrections in the implementation. Finally, the audit will ascertain whether the resettlement entitlements were appropriate to meeting the objectives and whether the objectives were suited to PAPs conditions. Annual audit reports will be submitted for scrutiny to the World Bank.

14.6.3 Socio-economic monitoring

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. During implementation of each subproject RAP, an assessment will be undertaken on payment of compensation, restoration of income delivery of resettlement objectives. Monitoring of living standards will continue following resettlement. A number of indicators will be used to determine the status of affected people and appropriate parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance. For each sub-project with adverse social impacts, a monitoring and evaluation plan of the mitigation measures will be established. As part of the preparation of each RAP, a household survey will be conducted of all PAPs, prior to physical or economic displacement, and this will provide baseline data against which to monitor the performance of the RAP.

XV. RPF IMPLEMENTATION BUDGET AND FUNDING

15.1 Budget to Implement RPF

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details of all subprojects have not yet been developed the land needs have not yet been fully identified. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of RESSP. However, when these locations are known, and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data will be available, a detailed and accurate budgets for each RAP will be prepared. Each RAP will include a detailed budget, using the following template thus facilitating the preparation of a detailed and accurate budget for resettlement and compensation. EUCL will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. This budget will be subject to the approval of the World Bank. At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows;

The budget will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to:

- the preparation of the resettlement action plan;
- Relocation and transfer,
- Income and means of livelihood restoration plan, and
- administrative costs

15.2 Estimates and Funding Sources

Funds for implementing inventory assessments as well as land acquisition and resettlement action plans will be provided by the Government of Rwanda through the Ministry of Finance, Planning and Economic Development (MINECOFIN). The respective resettlement budgets will be financed through the administrative and financial management rules and manuals issued by the Government of Rwanda.

15.3 Capacity Assessment and Capacity building

The RAP preparation process will undertake an assessment of the capacity and capability of the indicated implementing agencies in managing and implementing the social safeguards (including the future RAPs and any other related social issues). The scope of assessment is to cover human

resources -numbers and skills; tools; structural arrangements and operating environments. The RAPs will include information on how any identified gaps could be bridged (including types of capacity building activities) and will be taken forward in advance of, and during, the RAP implementation.

The RESSP will be implemented by EUCL. The existing EARP-PCU has the necessary capacity for the project coordination, fiduciary, and safeguards management aspects and has been rated satisfactory for the ongoing Bank-supported portfolio under its mandate. The EUCL shall enter into a Project Implementing Support Agreement (PISA) with EDCL to enable the former to engage the EARP-PCU services, in this regard the Safeguards aspects. The social and environmental experts to be hired in RESSP and the existing EARP-PCU social and environmental safeguards team will ensure compliance with environmental and social safeguards issues during the implementation of RESSP subproject activities, public awareness, particularly among construction contractors and their works about the importance of undertaking development work while safeguarding the environment both biophysical and social environment

The RESSP will fund the capacity building of EUCL and EDCL staff. The main objective of the training is to support the newly created entities to develop capacity and in the medium term to have in-house capacity to mainstream safeguard activities and to upgrade skills and carry regular outreach about the utility benefits of compliance. This will help to improve the effectiveness of stakeholders at various levels in the management of environmental and social impacts during planning, implementation and operation of RESSP subproject, and this is good for continued implementation and sustainability of project activities.

As regards the institutional capacity building of EUCL and EDCL and the district environmental and social officers as the key stakeholders of RESSP implementation at local level are necessary in different aspects of the implementation of the ESMF, including interpretation and implementation of environmental impact management guidelines and the World Bank safeguard policies.

Trainings should be focused on the application of OP 4.12 safeguards and the Guidelines on how to prepare a Resettlement Action Plan (RAP). Thematic focus of trainings could be put on:

- Survey Methodologies (Census and Inventory of Losses);
- Livelihood Analysis to recognize PAPs perspectives and vulnerability context;
- Institutional setup and process for Land Acquisition and Compensation Payments;
- Grievance Mechanism and Grievance Redress Committees;
- Resettlement process and setup of Resettlement Committees;
- Legal support and PAPs difficulties to have access to legal support;
- Opportunities and Implementation of specific Livelihood Restoration
- Measures as a compensation and local development option;
- Internal and External Monitoring / Audit.

Practice orientation of trainings would be essential.

Table 16: Illustrative Template of a Resettlement Budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Compensation for Household Structures			
Compensation for Crops and others			
Compensation for Community Assets			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

Table 15: Assumption to be used in compensation

Number	Item	Costs (in FRW)	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on cost realized in projects involving similar issues in Rwanda
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labor invested and average of highest price of staple food crops as per methods described in Section G of this RPF.
3	Compensation for loss of access to pastoralists	N/a	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	Say, /fishmonger	Data provided from revised socioeconomic study will determine market values of catch, fish products etc. that is produced.
5	Compensation for Buildings and Structures		This compensation would be in-kind. These new buildings would be built and then given to those affected. Cost based on basic housing needs for a family of ten, including house with four bedrooms, ventilated pit latrines, outside kitchen and storage.
6	Compensation for Trees	/year/tree	Based on methods described on page of this RPF for compensation for trees.
7	Cost of Relocation Assistance/Expenses	/household	This cost is to facilitate transportation, etc.
8	Cost of Restoration of Individual Income	Say	Assumed to be higher than the GDP/capita.
9	Cost of Restoration of Household Income	Say	Through employment in Program Activities.
10	Cost of Training Farmers , pastoralists and other PAPs		This is a mitigation measure which seeks to involve those affected by the project activities. This figure represents a costs of around frw/person

The PIU will manage and monitor the resettlement budget and will finance it through the administrative and financial management rules and manuals as for any other activity eligible for payment under EUCL.

ANNEXES

Annex 1: Itinerary of Stakeholder Consultations and visited sites

Dates	Consulted person/ Position	Venue	Observation / Points raised	Suggestions by stakeholders and how they are taken into account by the project (proposed actions in the ESMF and RPF)
Gisagara District				
May 1,2015	District Infrastructure and environmental officers	District Headquarter ' offices	Considerable delays in compensation payments; Some cases of expropriation are also pending; Delays are generally due to errors not because of lack of funds but due to errors in account numbers; There is no problem with assets valuation. Access to electricity is expanded throughout the district but connectivity to households is very low, but the process is on a good track.	Local authorities should work hand in hand with SACCOs (bank) in order to avoid errors in accounts numbers. Compensation payments should be done before the commencement of project works <i>The project will conduct a RAP and will diligently compensate the people affected by the project.</i>
May 1,2015	Community including PAPs	Duwane, Rwanza and Save centres	The poles are installed along the road and no need for compensation People residing along local main roads have access to electricity; the majority is connected with local government support but there is a number of those who cannot afford the service. Those who are able to afford the electricity costs in remote rural areas claim that REG targets public institutions only and ignore <i>imidugudu</i> in which they reside.	The incapacity to afford the costs of electric power for household lighting and other services is due to poverty. Therefore, poverty reduction strategies have to be strengthened. <i>The project will advocate for electricity be extended to settlement areas in remote areas (imidugudu)</i>
Nyanza District				
May 2, 2015	Gasoro local community	Butara Centre Butara Cell	Assistance to PAPs in connecting their households. Highlights lots of positive socioeconomic impact of access to electricity in rural areas; Some delays of compensation due to the availability of annual budget	Expand access to electricity in remote areas, particularly trade centers and <i>imidugudu</i> <i>The project will advocate for electricity be extended to settlement areas (imidugudu)</i>
Muhanga District				
May 2, 2015	Shyogwe local	Shyogwe Kinini	The beneficial impact of the electricity Adverse impact of the subproject	-

	community	Centres		
Huye District				
May 28, 2015	Mayor District Environmental officer	District Headquarter, Offices	Assistance to PAPs in connecting their households. Highlights lots of positive socioeconomic impact of access to electricity in rural areas; Some delays of compensation due to the availability of annual budget	Expand access to electricity in remote areas, particularly trade centers and imidugudu <i>The project will advocate for electricity be extended to settlement areas (imidugudu)</i>
May 8, 2015	Ngoma and Karama local communities	Karama and Matyazo Centres	People are generally happy praise the government for having connected their villages and trade centres. There are some cases of laws/regulations infringement while connecting electricity	<i>The project will avoid electric cables over houses (M kv and L kv) as per EUCL guidelines on power transmissions lines</i>
Nyamagabe District				
May 28, 2015	Vice Mayor (Economic affairs)	District Headquarters, office	The geographical aspect of the region doesn't smooth electricity connectivity; The process of compensation is slow but this is not a district fault. Compensation payment is REG responsibility, which means that delay issues should be addressed to REG not to the district. Gender is neglected in many aspects including the responsibility of managing money from compensation or taking a decision on household properties. Less than 5% of one's land is not compensated, i.e. a piece of land where an electric pole is implanted.	<i>The project will encourage gender equality approach in households' resources management</i>
May 28, 2015	REG/EDCL technicians in Nyamagabe)	EDCL/Nyamagabe station office	Safety and health measures during construction works	-
May 27, 2015	Rukarara I and II officials	Rukarara I and II station	Losses have been calculated since March 2014, but since then people wait for compensation payments. However, there is a number of those who have been compensated including the owner of the land where the Rukarara station II was built. Land acquisition along the road is not considered in expropriation and compensation process.	Advocacy for compensation payment <i>Land acquisitions under the ROW as well as crops/trees destroyed are considered for compensation and the project will conduct a RAP and will diligently compensate the people affected by the project.</i>
May 27,	Uwinkingi	Uwinkingi	Compensation payment is a challenge because	Advocacy for compensation payment

2015	Sector staff in charge of land	Sector office	local authorities don't have an answer to it. They have to wait for budget People residing close to the sector premises are connected and praise the project performance. Electricity distribution and connectivity to other households is expected soon on condition that they join planned sites for imidugudu.	
May 27, 2015	Local community	Uwinkingi Centre	People claim not only their compensation but also to have access to electricity in their villages.	Compensation payment should be paid beforehand <i>The project will conduct a RAP and will diligently compensate the people affected by the project.</i> <i>The project will advocate for electricity be extended to settlement areas (imidugudu)</i>
Ruhango District				
May 28, 2015	District Environmental/social officer District infrastructure officer	District Headquarters, Office	Some regulations are not implemented. i.e. the distance from the main roads to where poles are supposed to be planted is violated. Private project implementers violate laws most often and cut down public forests without compensation. When EDCL/EARP collaborates in advance, even compensation payment is quick and laws and regulations are followed.	EDCL/EARP should actively involve local authorities in preparation and implementation of electricity projects. Land acquisitions under the ROW as well as crops/trees destroyed are considered for compensation and the project will conduct a RAP and will diligently compensate the people affected by the project. <i>The project will actively involve and consult local government and the PAPs throughout the RAP preparation and implementation</i>
May 28, 2015	Local community	Ruhango Centre	Impact of EARP subproject	<i>Local government involvement during subproject planning. As key stakeholders in resettlement and compensation process, local government officers will be consulted during different sub projects stages</i>
Gakenke District				
May 29, 2015	Janja substation staff		Neighbouring population to Janja substation has been compensated but they complain about confusing and unclear boundaries between their land and expropriated land. Local staff was not able to explain that phenomenon.	The Boundaries of the substation are not clearly demarcated. It is a sine qua none condition in order to avoid conflict escalation <i>The project will conduct public consultations during environmental and social studies and reports will be disclosed to the public</i>

May 29,2015	Local community	Mugunga, Kabiganda Centres	People living close to the station complain about lack of electricity access and connectivity while they are close to Janja sub station Delays of compensation for lost crops during construction activities	They requested to be connected to electricity <i>The project will advocate for electricity be extended to settlement areas (imidugudu)</i>
Rulindo District				
June 1, 2015	New Rulindo substation surrounding community	Rebero Village, Kayenzi Cell, Bushoki sector	Compensation process. In case of wrong bank accounts and inadequate identification of beneficiary, the compensation process takes too long	Some PAPs requested some facilitation in providing the bank account in order to get their compensation package <i>The project will conduct a RAP and will diligently compensate the people affected by the project. The Project and District staff will facilitate administration process for payment of compensations to the PAPs</i>
Kirehe District				
June 2, 2015	District officials (urban planning in charge of and expropriation District environmental officer	District headquarter/ offices	Compensation of losses is an issue since the payments process is long. After having collected the signed lists of beneficiaries on which the damaged assets and owed amount is mentioned, the lists are sent to Ngoma Branch , then continue the journey to Kigali EDCL/EARP headquarter and then follow the payment the same channel downwards. The process is too long.	District officers suggested the decentralization of not only the funds for compensation and expropriation but also to be given the EIA report and involve its officers in the planning and implementation of EARP subprojects <i>The project will conduct public consultations during environmental and social studies and reports will be disclosed to the public.</i>
June 2, 2015	Nyarubuye Sector officials (executive secretary and staff in charge of social affairs)	Executive secretary's office	Compensation is an issue. In a project where the district is directly involved, compensation is immediate, but when EARP takes the initiative alone without involving the district, compensations delay and people are discontented. In order to be compensated, property title is a condition, which means that those who lease and tenant don't have to claim when their assets are damaged	Find a way of handling the problem of tenants and leases compensation when their crops are damaged <i>Land acquisitions under the ROW as well as crops/trees destroyed are considered for compensation and the project will conduct a RAP and will diligently compensate the people affected by the project.</i> <i>District officers are key stakeholders in the preparation of EIA and RAP reports and will be fully involved in the expropriation process</i>
June 2, 2015	Mareba local	Mareba cell	They are happy with EARP program.	Assure people that any damaged asset due to technical

	community	centre	But their worry is about lack of guarantee in case the power cut and back damages their electronic machines or burns their houses. They don't know who would be responsible of damages	failure would be refunded
Rusizi District				
June 5, 2015	Gishoma-CIMERWA	Gishoma Centre	Compensation process and Grievance Redress Mechanism They received their compensation payments	-
Bugesera District				
June 8, 2015	District Coordinator of one stop centre District environmental officer	District Headquarters/ offices	People are generally enthusiastic when they have access to power in their area. Very few claim compensation for loss crop or used land, but the majority don't require any compensation	-
June 8, 2015	Community in Karumuna Centre	Karumuna Centre	In this area, people are generally ready to pay any costs provided that they have access to electricity. They don't need any compensation; their concern is only to have access power.	-
June 8, 2015	A Welder	Karumuna Centre	Two main concerns in this area: (i) frequent power cuts (ii) Insufficient power due to a weak power convertor in Karumuna	Minimize power cuts in order to facilitate the development of rural income generating activities and small industries

Public institution consulted (MINIRENA, REMA, RNRA, RURA, RSB, EUCL, EDCL/EARP) and Property valuers				
June 15, 2015	Environmental Protection Specialist /MINIRENA	MINIRENA head office	Instrument of wetland protection Adverse impact of EARP subprojects on wetland and forest	<i>The project will not be implemented in critical ecosystems such as wetlands and/or natural forests</i>
June 12, 2015 June 13, 2015	Forestry protection officer/RNRA Monitoring and Evaluation Specialist	RNRA head office	Instrument of forest protection The way of minimizing adverse environmental and social impacts such as minimize tree cuttings Consultation between EARP and RNRA before clearing state and district forest	They highlighted the need for involvement of RNRA and district before commencement of state and district tree cutting <i>The RESSP project will not be implemented in critical ecosystems such as wetlands and/or natural forests. In case of tree cutting in the ROW, district officers will be involved in the process</i>
June 13, 2015	Land valuer	Property valuer office in Kigali	Property valuation process	The replacement cost method should be used for structures and house Market value is used for crops and trees <i>The RESSP project will conduct a RAP following international standards and will diligently compensate the people affected by the project.</i>
June 15, 2015	Director ER and PC/REMA	REMA head office	Complaint of local schools about bad smells from creosote-treated poles. No significant environmental impact of transmission lines in sensitive ecosystems such as wetlands	Determine the extent of potential solid and liquid waste generation, including hazardous wastes such as creosote, and appropriate material/waste storage facilities Regular monitoring to ensure health and safety for the general public in areas of operation <i>The project will prepare and implement an Environmental Management Plan following international standards and national guidelines</i>
June 16, 2015	Director of Energy regulation /RURA	RURA head office	Affordability of the electricity services Instruments in electricity regulation (laws, guidelines)	To facilitate the vulnerable group (poor) to afford the electricity services <i>The project will advocate for electricity be extended to settlement areas (imidugudu)</i>
June 17, 2015	Metrology Division Manager /RSB	RSB head office	Quality of transmission lines, substation construction materials used at EARP	-
June 17, 2015	Head commercial cycle performance/EUCL	EUCL head office	Cost of electricity and current connection and production capacity of Rwanda, Affordability	-

June 18, 2015	EARP Coordinator	EDCL/EA RP head office	The structure and responsibility of EARP coordination Expropriation and compensation procedures	-
June 18, 2015	Director of construction and contract management	EDCL/EA RP head office	ROW for LV, MV Monitoring of construction activities	-
June 15, 2015	Director of general services	EDCL/EA RP head office	Construction of transmission line and affected assets	-
June 15, 2015	Monitoring and evaluation specialist	EDCL/EA RP head office	Background of EARP	-
June 15, 2015	EARP/ GIS supervision	EDCL/EA RP Kiyovu Office	Provision of different maps and localization of the transmission lines	-
June 15, 2015	EARP/planning engineer	EDCL/EA RP Kiyovu Office	Background and the planning of EARP subproject	-
June 18, 2015	EARP environmental safeguard specialists	EDCL/EA RP head office	Implementation of the proposed EMP and monitoring	The environmental safeguard specialists should be actively involved in subproject planning Monitoring of the implementation of EMP is necessary for contractors <i>The project will prepare and implement an Environmental Management Plan following international standards and national guidelines. The role of Environmental specialists will be detailed in the report.</i>
June 18, 2015	EARP Social safeguard specialist	EDCL/EA RP head office	Process of conducting RAP and Grievance Redress Committee	The social safeguard specialist should be actively involved in subproject planning. Social safeguard specialist is overloaded because his in charge of handling all social aspect in all EARP subprojects. EARP should increase the number of social safeguards to deal with monitoring of the implementation of EMP and RAP. <i>The RESSP will prepare and implement a Resettlement Action Plan following international standards and national guidelines. The role of Social specialists will be detailed in the report.</i>

June 19, 2015	EARP/ in charge of Remera electrical equipments and creosote treated poles storage site	Remera store for transmission line construction materials	Solid waste management Bad smells from creosote treated poles	The EARP management is aware and is searching the new storage sites The project will prepare and implement an Environmental Management Plan following international standards and national guidelines.
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Annex 2: World Bank Resettlement Policy Framework

[Extract from the World Bank OP4.12 Involuntary Resettlement, Revised April 2004]

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by OP / BP 6.00, Bank Financing - that is, those in countries with approved country financing parameters. Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects.

Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing

Resettlement Policy Framework

For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see Annex A, paragraphs 23-25). The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs.

For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see Annex A, paragraphs 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects (See Annex A, paragraph 26) that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paragraphs 23-25). For

other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

For each subproject included in a project described in paragraphs 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

For projects described in paragraphs 26-28 above, the Bank may agree, in writing, that subproject resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

Annex 3: Template for Preparing Resettlement and Compensation Plans (RAPs).

This template is extracted from OP 4.12.

The scope and level of detail of the resettlement plan vary with magnitude and complexity of resettlement. The plan is based on up-to—date and reliable information about (a) the proposed resettlement and its impacts on displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers elements, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

Description of the subproject: General description of the subproject and identification of subproject area.

Potential Impacts: Identification of (a) the subproject component or activities that give rise to resettlement, (b) the zone of impact of such component or activities, (c) the alternatives considered to avoid or minimize resettlement; and (d) the mechanisms established to minimize resettlement, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation and with the involvement of potentially displaced people, including;

(a) The results of a census survey covering;

(i) Current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.

(ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population

(iii) The magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic

(iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and

(v) Provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.

(b) Other studies describing the following;

(i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the subproject area.

- (ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the subproject
- (iii) Public infrastructure and social services that will be affected; and
- (iv) Social and cultural characteristics of displaced communities, including a description of formal and informal institutions (e.g. community organizations, ritual groups, non governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The findings of an analysis of the legal framework, covering,

- (a) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the subproject,
- (c) relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law related to displacement, and environmental laws and social welfare legislation,
- (d) Laws and regulations relating to the agencies responsible for implementing resettlement activities,
- (e) gaps, if any, between local laws covering eminent domain and resettlement and the Bank's resettlement policy, and the mechanisms to bridge such gaps, and,
- (f) any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage .

Institutional Framework: The findings of any analysis of the institutional framework

- (a) The identification of agencies responsible for resettlement activities and NGOs that may have a role in project implementation;
- (b) An assessment of the institutional capacity of such agencies and NGOs; and
- (c) Any steps that are proposed to enhance the institutional capacity of agencies and NGOs responsible for resettlement implementation.

Eligibility: Definition of displaced persons and criteria for determining their eligibility for compensation and other resettlement assistance, including relevant cut-off dates.

Valuation of and compensation for losses: The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law and such supplementary measures as are necessary to achieve replacement cost for lost assets.

Resettlement Measures: A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP

4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

Site selection, site preparation, and relocation: Alternative relocation sites considered and explanation of those selected, covering,

(a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources,

(b) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,

(c) Procedure for physical relocation under the project, including timetables for site preparation and transfer; and

(d) legal arrangements for regularizing tenure and transferring titles to resettlers.

Housing, infrastructure, and social services: Plans to provide (or to finance resettler's provision of) housing, infrastructure (e.g. water supply, feeder roads), and social services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

Environmental protection and management. A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community Participation: a description of the strategy for consultation with and participation of resettlers and host communities, including

- a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of resettlement activities,
- a summary of the views expressed and how these views were taken into account in preparing the resettlement plan,
- a review of the resettlement alternatives presented and the choices made by displaced persons regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
- institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups as indigenous people, ethnic minorities, landless, and women are adequately represented.

Integration with host populations: Measures to mitigate the impact of resettlement on any host communities, including,

- consultations with host communities and local governments,
- arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers,
- arrangements for addressing any conflict that may arise between resettlers and host communities, and
- any measures necessary to augment services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

Grievance procedures: Affordable and accessible procedures for third-party settlement of disputes arising from resettlement, such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

Organizational responsibilities: The organizational framework for implementing resettlement, including identification of agencies responsible for delivery or resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

Implementation Schedule: An implementation schedule covering all resettlement activities from preparation through implementation, including target dates for the achievement of expected benefits to resettlers and hosts and terminating the various forms of assistance. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

Costs and budget: Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

Monitoring and evaluation: Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Bank, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the displaced persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.