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RWANDA RENEWABLE ENERGY FUND PROJECT (P160699)

RESETTLEMENT POLICY FRAMEWORK (RPF)

February, 2017

EXECUTIVE SUMMARY

Background

Government of Rwanda (GoR) has an ambitious target to increase access to electricity to 70 percent by 2018, of which at least 22 percent will be provided through off-grid solutions. The high cost of reaching rural households through the grid, together with limited available generation and low residential electricity consumption levels¹, have affected financial sustainability of grid-extension investments. In view of this, GoR is promoting off-grid access to electricity, where extending the grid is not financially viable, especially for light electricity users. Reaching off-grid energy access targets by 2018 will require unleashing significant private-sector investments in off-grid and mini-grid solutions.

The Proposed Renewable Energy Fund Project (REF) is a financial intermediary loan (FIL) to GoR as the borrower, funded by the SREP Trust Fund. GoR will transfer (grant portion)/ on-lend (loan portion) the funds to the Development Bank of Rwanda (BRD), which will administer the facility. The project will be structured around two components: (1) Line of credit and direct financing for off-grid electrification; and (2) Technical assistance, capacity building and project implementation support.

Component 1: Line of credit and direct financing for off-grid electrification (US\$45.0 million SREP)

This component will set up and operationalize a REF, a local-currency line of credit and direct financing facility that will help address access to finance and affordability constraints in Rwanda in order to accelerate growth of the off-grid electrification market. The REF will provide lines of credit to local financial institutions for sub-loans to households and micro, small and medium enterprises, as well as direct loans to private companies engaged in off-grid electrification (mini-grid developers and potentially locally-registered off-grid solar companies). The REF will use existing country systems to facilitate access to finance for households and businesses, improve affordability of solar electricity services, and maximize geographic coverage.

Component 2: Technical assistance, capacity building and project implementation support (US\$3.94 million SREP).

This component will provide necessary technical assistance and capacity building to BRD and participating entities (SACCOs, banks, and private companies engaged in off-grid electrification) as well as provide project implementation support to BRD as host of the facility. Technical assistance and capacity building will include, among others: (i) capacity building and awareness workshops for SACCOs, banks, and private companies engaged in off-grid electrification to facilitate partnerships between SACCOs, banks, and the private sector; (ii) technical assistance and capacity building for participating SACCOs and banks to ensure their successful partnerships with the private sector; (iii) capacity building of participating SACCOs

and banks to manage energy credit lines (including management, operational, and monitoring and evaluation capacities); (iv) capacity building of the Energy Division of BRD to manage direct energy lending; (v) technical assistance to BRD to develop pipeline of mini-grids projects; and (vi) technical assistance and capacity building for BRD and participating entities on quality assurance and enforcement of technical standards for off-grid solar systems, etc.

The proposed facility will be administered by Development Bank of Rwanda, an existing public financial institution in Rwanda. Using an existing institution to house the facility will ensure that existing capacity in the financial sector is utilized to operationalize the facility in a timely and efficient manner while building institutional and technical capacity of the selected institution to facilitate access to finance for the off-grid energy sector. The institutional capacity assessment of the potential hosts is currently underway and will facilitate the decision of GoR on the implementing agency.

REF is expected to support the provision of access to finance to (i) companies that manufacture and/ or sell quality-certified solar systems in Rwanda at terms that companies can afford at, while accelerating “connections” to solar electricity; and (ii) private sector mini-grid companies at terms that reflect the societal benefits (externalities) from mini-grid development, but do not result in undue financial market distortions. Different financing instruments are being considered, including working capital loans, partial risk guarantees, partial grant financing, and foreign exchange exposure protection.

Resettlement requirements

The Rwanda Renewable Energy Fund Project (REF) activities will not result in massive land acquisition since the installation of solar systems will take place within existing households and public facilities. However, the installation/construction of mini-grid systems may result in the acquisition of land. At this stage of project, all project site to be affected are not yet known, thus, the GoR by its national laws and the World Banks Operational and Procedural Policies, specifically O.P.4.12 requires that the borrower 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 borrower and the World Bank as a condition for Bank Appraisal of the Fund. 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 BRD, relevant government ministries and

Rwanda Environmental Management Authority (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.

Purpose of the Resettlement Policy Framework

The activities of the proposed Fund may lead to either land acquisition and/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 Renewable Energy Fund. The installation and construction of min-grid system are the only activity of the fund that is 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 Fund subprojects to 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 Fund subprojects 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 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 Fund that may be identified during implementation. During implementation of project activities, when required, appropriate

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

Reasons for the use of RPF

Knowing the exact location and magnitude of all mini-grid system to be financed by the fund 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.

Objectives of the Resettlement Policy Framework

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

- a) Establish the resettlement and compensation principles and implementation arrangements for Fund;
- b) Describe the legal and institutional framework underlying Rwandan and World Bank approaches for compensation, resettlement and rehabilitation;
- c) Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- d) Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- e) 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.

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 and group discussions. Activities included visits and discussions with selected stakeholders, including key individuals including the government staff, Potential fund beneficiaries and local NGOs. 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.

Principles of the RPF

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

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 Organic law n° 32/2015 of 11/06/2015 law relating to expropriation in the public interest 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 the REF activity 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.

Potential project impacts

The Fund activities which will include the installation/construction mini-grid system 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. 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 the fact that 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 measures

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.

Subprojects Screening

The Fund 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 sub-project developers 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.

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 REF sub-projects.

Monitoring and evaluation aspects

The monitoring and evaluation will be the main mechanism of measuring and reporting progress of compliance and to alert the Fund manager 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 BRD 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.

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 are provided by Developers.

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 BRD website information centre and at the World Bank Infoshop and the date for disclosure must precede the date for appraisal of the project.

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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 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).

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

“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 Project activities.

“Cut-off date” is the date of commencement of the census of PAPs or DPs within the Project area boundaries. This is the date on and beyond which any person whose land is occupied for the projects, 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 Rwanda Renewable Energy Fund, 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 Project 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 Project.

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

“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 Project Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre- Project 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 Fund 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 Project 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 Fund implementation. The RPF sets out the resettlement objectives and principles, organizational

arrangements and funding mechanisms for any resettlement, that may be necessary during Project 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 subprojects will therefore be prepared in consistency 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.

ACRONYMS AND ABBREVIATIONS

BRD:	Development Bank of Rwanda
CAS:	Country Assistance Strategy
CFL:	Compact Fluorescent Lamps
EA:	Environmental Advisor
EDCL:	Energy Development Corporation Limited
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
EUCL:	Energy Utility Agency
GDP:	Gross Domestic Product
GEF:	Global Environment Facility
GoR:	Government of Rwanda
HIV/AIDS:	Human Immunodeficiency Virus
IBs:	Incandescent Bulbs
IDP's:	Internally Displaced Persons
ISDS:	Safeguards Data Sheet
MININFRA:	Ministry of Infrastructure
MINERENA:	The Ministry of Natural Resources
NGO's:	Non-Governmental Organizations
OP:	Operational Policy
PACD:	Plan of Action to Combat Desertification
PCN:	Project Concept Note
PIU:	Project Implementation Unit
PRSP:	Poverty Reduction Strategy Paper
RAPs:	Resettlement Action Plans
REG:	Rwanda Energy Group
REMA:	Rwanda Environment Management Authority
RPF:	Resettlement Policy Framework
SIL:	Specific Investment Loan
UNEP:	United Nations Environment Programme
UNFCCC:	United Nations Framework Convention on Climate Change
UNICEF:	United Nations Children Education Fund
WB:	World Bank

CHAPTER ONE: INTRODUCTION

1.1. Project background

Government of Rwanda (GoR) has an ambitious target to increase access to electricity to 70 percent by 2018, of which at least 22 percent will be provided through off-grid solutions. The high cost of reaching rural households through the grid, together with limited available generation and low residential electricity consumption levels², have affected financial sustainability of grid-extension investments. In view of this, GoR is promoting off-grid access to electricity, where extending the grid is not financially viable, especially for light electricity users. Reaching off-grid energy access targets by 2018 will require unleashing significant private-sector investments in off-grid and mini-grid solutions.

The proposed Rwanda Renewable Energy Fund Project (REF) is designed to facilitate private-sector participation in off-grid electrification through a financial intermediary facility. The facility will address financial barriers to private-sector entry, as well as help improve the investment environment for private-sector participation in off-grid electricity services. The proposed facility will be a pilot that would eventually be scaled up to a Rural Electrification Fund. The proposed project will be structured around two main components: (1) the Renewable Energy Fund (REF); and (2) Project implementation support.

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

BRD is also further required to disclose this document in-country as a separate and standalone 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 National Regulatory Bodies and the World Bank, prior to implementation of their planned project investments. The use of this RPF and a separately prepared ESMF by BRD would be the instrument, through which the project's environmental and social impacts are identified, assessed, evaluated, appropriate mitigation proposed. Management and monitoring measures designed shall be incorporated within the subproject itself.

1.2. Objective of the RPF

This framework document is designed to enable the BRD, the Fund hosting 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 will therefore provide procedures and methods to identify and compensate the affected persons.

1.2.1. Specific objectives

In some cases, resettlement of people may pave way for implementation of the REF subprojects 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 the Facility;
- 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 REF 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.

1.2.2. Justification for the RPF

The Rwanda Renewable Energy Fund activities are not likely to result in the relocation of people except perhaps in the areas where mini-grid systems are planned to be constructed/installed. 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.

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 facility investment 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 BRD 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 Fund 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).

1.3. Methodology of RPF preparation

1.3.1. 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.

1.3.2. 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, Draft Project Appraisal document and BRD Social and environmental Policy. The aim was to obtain background information on project justification and objectives; nature and extent of the proposed Fund 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° 32/2015 of 11/06/2015 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 REF and the incorporation of the same into the RPF as appropriate.

- **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 the Fund 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.

1.3.3. Stakeholders consultation

Comprehensive consultations were conducted with stakeholders at various levels, mainly government institutions officials and local government representatives. Consultation with BRD 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 BRD management. Upon the availability of draft ESMF and RPF a one day consultative workshop was organized and different stakeholders including potential fund beneficiaries, Energy sector

key players, environmental and social regulatory agencies. Issues of concerns raised by the stakeholder have been given due considerations in this RPF. Outcome of the consultation meeting and people consulted are presented in annex 1 and 2.

1.4. Structure of the RPF

This resettlement Policy framework is structure into the following Chapters:

Chapter 1: Introduction;

Chapter 2: Project description

Chapter 3: Legal and institutional requirements for Resettlement Policy Framework;

Chapter 4: Project resettlement impacts and mitigation measures;

Chapter 5: Principles and requirement for the preparation of resettlement instruments;

Chapter 6: RPF implementation and monitoring arrangements;

Chapter 7: RPF disclosure requirements;

Annexes

CHAPTER 2: DESCRIPTION OF THE PROJECT AND COMPONENTS

This chapter describes the proposed Rwanda Renewable Energy Fund including the different components and activities expected during the project implementation.

2.1. Project objectives and expected results

2.1.1. Project objectives

The Project Development Objective (PDO) is to increase electricity access in Rwanda through off-grid technologies and facilitate private-sector participation in renewable off-grid electrification. Increased access, reliability, and cost of energy services are among the GoR's main objectives under the country's Vision 2020 and the second EDPRS, which supports implementation of the Vision 2020. ESDPRS identifies rural development as a key thematic area and sets a target of increasing electricity access to 70 percent by mid-2018 through a combination of on-grid and off-grid solutions. Furthermore, the project will support implementation of the RES, which recognizes a prominent role for off-grid technologies in achieving the 70 percent access target.

Increased energy access in Rwanda through greater private-sector participation will foster economic growth and directly support the CPS's objective identified under the first theme, which calls for "accelerating economic growth that is private-sector driven" and places energy investments as high priority to tackle high costs and low reliability of energy. The provision of electricity through mini-grids and larger solar systems for productive uses will contribute to the objective of the second theme, which is "improving the productivity and incomes of the poor through rural development and social protection." The proposed project will provide electricity access to the rural households who are predominantly poor, thereby enhancing their ability to participate and contribute to the economic development of Rwanda. Moreover, the project is also aligned with the World Bank Group's (WBG) Energy Directions Paper, which is designed to help client countries secure affordable, reliable, and sustainable energy supply needed to meet the Bank's twin goals.

2.1.2. Project Beneficiaries

The final project beneficiaries are Rwandan households and businesses which will gain access to off-grid electricity services through solar systems or mini-grids and whose use of electricity will replace consumption of diesel, kerosene, and dry cell batteries as well as other alternative fuels. The direct project beneficiaries include (i) participating SACCOs and commercial banks, which will gain knowledge and experience in lending in a new sector; (ii) mini-grid developers who will gain access to finance to build mini-grids; and (iii) private companies engaged in off-grid electrification (mini-grid developers and potentially locally-registered off-grid solar companies), which will get access to financing for expanding their businesses in Rwanda as well as gain experience of working with local financial institutions. The Development Bank of Rwanda (BRD) will also benefit from capacity building in energy lending. The project will facilitate the

deployment of about 350,000 off-grid connections and benefit over 1,000,000 people, 52 percent of whom are women.

2.1.3. Project results indicators

The achievement of the PDO will be measured using the following indicators:

- a. People provided with new or improved electricity service (number) (Corporate Results Indicator);
- b. Enterprises provided with access to electricity (number);
- c. Increased private sector investment in renewable energy electrification (US\$); and
- d. Annual electricity output from renewable energy (MWh per year) (SREP).

2.2. Project Components

The REF project is a financial intermediary loan (FIL) to GoR as the borrower, funded by the SREP Trust Fund. GoR will transfer (grant portion)/ on-lend (loan portion) the funds to the Development Bank of Rwanda (BRD), which will administer the facility. The project will be structured around two components: (1) Line of credit and direct financing for off-grid electrification; and (2) Technical assistance, capacity building and project implementation support.

2.2.1. Component 1: Line of credit and direct financing for off-grid electrification (US\$45.0 million SREP)

This component will set up and operationalize a REF, a local-currency line of credit and direct financing facility that will help address access to finance and affordability constraints in Rwanda in order to accelerate growth of the off-grid electrification market. The REF will provide lines of credit to local financial institutions for sub-loans to households and micro, small and medium enterprises, as well as direct loans to private companies engaged in off-grid electrification (mini-grid developers and potentially locally-registered off-grid solar companies). The REF will use existing country systems to facilitate access to finance for households and businesses, improve affordability of solar electricity services, and maximize geographic coverage.

The REF will provide access to local-currency financing through the four financing windows described below. This will allow the facilitation of off-grid market development through mobilization of all the key market enablers at the same time: SACCOs, banks (commercial and microfinance), and private companies (mini-grid developers and potentially locally-registered off-grid solar companies).

Window 1 - On-lending through SACCOs to households and micro-enterprises: The window will provide a wholesale line of credit to BRD for on-lending to SACCOs that comply with established eligibility criteria. SACCOs will on-lend the funds to eligible households and micro enterprises for purchasing of at least Tier 1 solar systems.

Window 2 – On-lending through banks (commercial and microfinance) to households and small and medium enterprises (SMEs): The window will provide a wholesale line of credit to BRD for on-lending to eligible commercial and microfinance banks, which will then extend sub-loans to households and SMEs for the purchase (and possibly, in the case of SMEs, distribution) of solar systems of at least Tier 1 access level.

Window 3 – Direct financing of mini-grid developers: This window will provide direct financing to eligible mini-grid developers to finance construction of renewable-energy based mini-grid systems. This window could be used as a “bridge loan” to facilitate implementation of existing results-based financing (RBF) programs in Rwanda (e.g., EnDev) that provide subsidies on capital expenditure for mini-grids offering Tier 2 and above service levels upon validation of connections at commissioning of mini-grids. In this case, REF loans would be used to bring a mini-grid project to commissioning, when RBF becomes available from other donor-funded programs. Selection of projects will adopt a technology neutral approach. Hybrid systems, including diesel back-up, will be eligible for support under the condition that the diesel component is financed from sources other than SREP.

Window 4 – Direct financing of locally-registered off-grid solar companies supporting Tier 1 or higher solar systems: This window will provide direct financing to eligible locally-registered off-grid solar companies offering at least Tier 1 solar-home systems and ongoing maintenance services to its clients through delayed payment options. Eligible companies will have to leverage REF financing.

Access to financing for all four windows will be on a first-come-first-served basis to allow for flexibility during project implementation. All SACCOs, banks, mini-grid developers, and locally-registered off-grid solar companies interested to receive REF financing will be required to comply with eligibility criteria agreed with the Bank. For Windows 1 and 2, participating SACCOs and banks will be required to enter into service agreements with solar companies to ensure that solar systems supported by these windows are appropriately serviced during sub-loans’ tenor; participating SACCOs and banks will extend sub-loans to households and enterprises for solar systems purchases only from companies with whom they have active service agreements. All supported systems will be required to meet the Lighting Global Quality Standards. The Project OM will describe the eligibility criteria and on-lending process for each window.

2.2.2. Component 2: Technical assistance, capacity building and project implementation support (US\$3.94 million SREP).

This component will provide necessary technical assistance and capacity building to BRD and participating entities (SACCOs, banks, and private companies engaged in off-grid electrification) as well as provide project implementation support to BRD as host of the facility. Technical assistance and capacity building will include, among others: (i) capacity building and

awareness workshops for SACCOs, banks, and private companies engaged in off-grid electrification to facilitate partnerships between SACCOs, banks, and the private sector; (ii) technical assistance and capacity building for participating SACCOs and banks to ensure their successful partnerships with the private sector; (iii) capacity building of participating SACCOs and banks to manage energy credit lines (including management, operational, and monitoring and evaluation capacities); (iv) capacity building of the Energy Division of BRD to manage direct energy lending; (v) technical assistance to BRD to develop pipeline of mini-grids projects; and (vi) technical assistance and capacity building for BRD and participating entities on quality assurance and enforcement of technical standards for off-grid solar systems, etc.

Project implementation support will include, among others: (i) establishment of the Project Implementation Unit (PIU) and provision of operational support to the PIU in the areas of project management, supervision, and monitoring; (ii) outreach to key off-grid market enablers-potential direct project beneficiaries; (iii) knowledge-sharing events between participating project entities; (iv) sector-wide knowledge-sharing and project results dissemination workshops; (v) preparation of required studies related to the project, including impact assessment; (vi) preparation of consolidated annual project audits; and (vii) financing of incremental operating costs, etc. Cooperation and co-financing opportunities with other donors, e.g., Belgian Technical Cooperation (BTC), GIZ, Swedish International Development Agency (SIDA), will be explored.

2.3. Project cost and Financing

The total project cost is estimated at US\$ 48.94 million. The project will be entirely financed by IDA. The lending instrument is the Investment Project Financing (IPF).

Table 1: Project components and cost

Project Components	Project cost	IBRD or IDA Financing	Trust Funds	Counterpart Funding
Component 1: Line of credit and direct financing for off-grid electrification	45.0	-	45.0	
Component 2: Technical assistance, capacity building and project implementation support	3.94	-	3.94	
Total Costs	48.94		48.94	

2.4. Project Institutional and Implementation Arrangements

BRD will be the project implementing agency. For Component 1, BRD will function as a wholesale institution for Windows 1 and 2, as well as lend directly to mini-grid developers under Window 3 and locally-registered off-grid solar companies under Window 4, if it is activated.

BRD will host the PIU and will be responsible for monitoring indicators, supervising the credit lines and direct loans, and implementation of the necessary technical assistance to the beneficiaries. This includes collecting necessary information from project beneficiaries, assessing and monitoring SACCOs' and banks' compliance with the respective eligibility criteria, supervision of withdrawal applications and loan books, and reporting on progress during implementation. BRD will also review annual audited financial statements of the intermediaries and conduct periodic on-site supervision to assess compliance and progress.

SACCOs and banks will report to BRD on their sub-loan portfolio on a semi-annual basis. To do so, the PIU will have personnel with experience in off-grid energy, project management, procurement, accounting, and environmental and social management. Additionally, the PIU will undertake technical due diligence of proposals for mini-grid financing and, if necessary, direct lending to off-grid solar companies with support from specialized technical consultants, institutions with experience in the off-grid energy sector (e.g., EDCL), and donor programs (e.g., EnDev). BRD will receive capacity building and technical assistance to enhance its performance and project implementation capacity.

For the wholesale windows, SACCOs and banks will enter into service agreements with off-grid solar companies to coordinate their energy lending, disbursement and customer service processes. The solar companies will need to provide product warranty and servicing for the whole duration of loan tenors extended by SACCOs and banks. The project OM will provide a template of the agreement.

A Steering Committee will be established for effective coordination and project oversight. The Ministry of Infrastructure (MININFRA), Ministry of Finance and Economic Planning (MINECOFIN), BRD, and the World Bank will be members of the Steering Committee for the project; other key energy sector stakeholders could be invited to steering committee meetings, if necessary. The Steering Committee will meet at least every six months, or as needed during project implementation to review implementation progress, discuss emerging challenges, and identify mitigating measures. Key basic functions of the Steering Committee will include: (i) monitor project implementation progress; (ii) identify and address challenges with participating entities; and (iii) approve changes to the project OM.

CHAPTER 3: LEGAL FRAMEWORK FOR RPF PREPARATION AND IMPLEMENTATION

This RPF applies the laws, legislation, regulations, and local rules governing the use of land and other assets in Rwanda as well as 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.

3.1. Requirement for REF Resettlement Policy Framework

3.1.1. Objective and principles of the RPF for REF

The overall objectives of this RPF are to avoid involuntary resettlement where feasible, or minimized, exploring all viable alternative project designs. Where it is not feasible to avoid resettlement, resettlement will be executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by REF activities to share in project benefits. Displaced persons will be meaningfully consulted and will have opportunities to participate in planning and implementing resettlement programs. Displaced persons will be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

The RPF for REF will therefore adopt the following principles:

- Involuntary resettlement and land acquisition will be avoided where feasible, or minimized, where it cannot be eliminated.
- Where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation will be provided to the PAPs which provide sustainable development programs, providing resources to give PAPs equal opportunity to share project benefits.
- PAPs will be meaningfully consulted and will participate in planning and implementing the REF sub projects;
- PAPs will be assisted in their efforts to ideally improve their livelihoods and standards of living or at least to restore them, in real terms, before displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher. Impacts on the PAPs are measured by the quantity of land to be acquired / lost and residual land and its economic viability. Once the severity of impact has been considered an entitlement option is selected.

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).

3.1.2. 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.

3.1.3. 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.

3.1.4. 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.

3.2. National regulations for involuntary resettlement

3.2.1. 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.

3.2.2. 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.

3.2.3. 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 Fund 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.

3.2.4. 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.

3.2.5. 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). The Fund 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.

3.2.6. Ministerial Order No. 001/2006 of 26/09/2006 Determining the Structure of Land Registers

The Ministerial Order No. 001/2006 of 26/09/2006 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.

3.2.7. Expropriation / Acquisition of Land and Compensation of Assets

- **Organic law No 32/2015 of 11/06/2015 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 as 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.

- **Law Establishing and Organizing the Real Property Valuation Profession in Rwanda**

The Law Establishing and Organizing the Real Property Valuation Profession in Rwanda, complement 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.

3.2.8. Grievance Resolution Mechanism

- **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.

3.3. World Bank Policy OP 4.12 on Involuntary Resettlement

3.3.1. General principles

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.

3.3.2. WB Involuntary resettlement Instruments

The World Bank OP 4.12 on involuntary resettlement provides four main resettlement instruments including Resettlement Action Plan(RAP) Abbreviated Resettlement Action Plan (ARAP), a Resettlement Policy Framework(RPF), and a resettlement process framework([OP 4.12](#), paras. 17-31).

- **Resettlement Action Plan**

The scope and level of detail of the resettlement plan vary with the 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 the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as

relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan. Main element of Full RAP includes:

Includes a statement of objectives, policies and principles, and typically covers the following:

1. Project description;
2. Project resettlement potential Impacts;
3. Objectives;
4. Socioeconomic baseline data, expected consequences
 - Number of potentially affected people
 - Demographic and social economic profile
 - Income services and livelihood practices in the subproject area
5. Legal and institutional Framework;
 - National legal requirements
 - World Bank Operational Policies and Procedures
 - 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

- **Abbreviated Resettlement Plan (ARAP)**

When 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). An abbreviated plan covers the following minimum elements:

1. A census survey of displaced 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.

- **Resettlement Policy Framework (RPF)**

The purpose of the policy framework is to clarify resettlement principles, organizational arrangements, and design criteria to be applied to subprojects to be prepared during project

implementation (see [OP 4.12](#), paras. 26-28). Subproject resettlement plans consistent with the policy framework subsequently are submitted to the Bank for approval after specific planning information becomes available (see [OP 4.12](#), para. 29). The resettlement policy framework covers the following elements, consistent with the provisions described in [OP 4.12](#), paras. 2 and 4:

1. a brief description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan as described in paras. 2-21 or an abbreviated plan as described in para. 22 cannot be prepared by project appraisal;
2. Principles and objectives governing resettlement preparation and implementation;
3. a description of the process for preparing and approving resettlement plans;
4. Estimated population displacement and likely categories of displaced persons, to the extent feasible;
5. Eligibility criteria for defining various categories of displaced persons;
6. A legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
7. Methods of valuing affected assets; ;
8. organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
9. a description of the implementation process, linking resettlement implementation to civil works;
10. a description of grievance redress mechanisms;
11. a description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
12. a description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
13. Arrangements for monitoring by the implementing agency and, if required, by independent monitors.

When a resettlement policy framework is the only document that needs to be submitted as a condition of the loan, the resettlement plan to be submitted as a condition of subproject financing need not include the policy principles, entitlements, and eligibility criteria, organizational arrangements, arrangements for monitoring and evaluation, the framework for participation, and mechanisms for grievance redress set forth in the resettlement policy framework. The subproject-specific resettlement plan needs to include baseline census and socioeconomic survey information; specific compensation rates and standards; policy entitlements related to any additional impacts identified through the census or survey; description of resettlement sites and programs for improvement or restoration of livelihoods and standards of living; implementation schedule for resettlement activities; and detailed cost estimate.

- **Process Framework**

A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities (see [OP 4.12](#), paras. 7 and 31). Specifically, the process framework describes participatory processes by which the following activities will be accomplished:

(a) **Project components will be prepared and implemented.** The document should briefly describe the project and components or activities that may involve new or more stringent restrictions on natural resource use. It should also describe the process by which potentially displaced persons participate in project design.

(b) **Criteria for eligibility of affected persons will be determined.** The document should establish that potentially affected communities will be involved in identifying any adverse impacts, assessing of the significance of impacts, and establishing of the criteria for eligibility for any mitigating or compensating measures necessary.

(c) **Measures to assist affected persons in their efforts to improve their livelihoods or restore them, in real terms,** to pre-displacement levels, while maintaining the sustainability of the park or protected area will be identified. The document should describe methods and procedures by which communities will identify and choose potential mitigating or compensating measures to be provided to those adversely affected, and procedures by which adversely affected community members will decide among the options available to them.

(d) **Potential conflicts or grievances within or between affected communities will be resolved.** The document should describe the process for resolving disputes relating to resource use restrictions that may arise between or among affected communities, and grievances that may arise from members of communities who are dissatisfied with the eligibility criteria, community planning measures, or actual implementation.

Additionally, the process framework should describe arrangements relating to the following

(a) **Administrative and legal procedures.** The document should review agreements reached regarding the process approach with relevant administrative jurisdictions and line ministries (including clear delineation for administrative and financial responsibilities under the project).

(b) **Monitoring arrangements.** The document should review arrangements for participatory monitoring of project activities as they relate to (beneficial and adverse) impacts on persons within the project impact area, and for monitoring the effectiveness of measures taken to improve (or at minimum restore) incomes and living standards.

3.4. 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, **32/2015 of 11/06/2015** 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 2: 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
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.
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.
Land Users/ Land Sharecroppers Tenants (These include family members, and/or tenants or any other persons using the	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	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	

land to grow crops).	other economic assets.		
Owners of permanent buildings	Entitled to cash compensation based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement. Materials can be taken to the relocation site.	Similarity is evident
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
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
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.	

<p>Livelihood restoration and development assistance</p>	<p>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</p>	<p>Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better.</p> <p>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 development assistance in addition to compensation measures, such as land preparation, credit facilities, training or job opportunities.</p>	<p>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 vulnerable groups in the administration of compensation</p>
<p>Timeframe of compensation payments and displacement</p>	<p>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).</p>	<p>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.</p>	<p>There is no equivalence on Implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.</p>
<p>Calculation of Compensation and of valuation</p>	<p>Valuation is covered by the Expropriation Law and the Land Valuation Law and stipulates that the affected</p>	<p>Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project;</p>	<p>Rwanda law provides for the calculation of compensation on the basis of the market value of the</p>

	<p>persons receive fair and just compensation.</p>	<p>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.</p> <p>(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.</p> <p>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</p>	<p>lost land and unexhausted improvements</p> <p>There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.</p>
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		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	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

	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.		
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.
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.

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 BRD 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.

CHAPTER 4: POTENTIAL IMPACTS OF THE PROJECT

The project will deliver positive social impacts since promoting off-grid solar systems and mini-grids will bring diverse social benefits for current underserved rural communities in Rwanda. Positive social benefits include provision of cheaper and cleaner sources of energy for charging phones and other devices, electrifying businesses, helping to create employment and village-level jobs/businesses, increasing shelf-life of pharmaceuticals and vaccines, improving socialization, etc.

The installation of solar systems under the project will not lead to land acquisition given that the installation will take place within existing households and public facilities. However, the construction of mini-grid systems may lead to some insignificant acquisition of land. Thus, the Bank's operational policy on Involuntary Resettlement (OP/BP 4.12) will be 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.

4.1. 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.

4.2. Project Activities requiring displacement

The social risk assessment made revealed that this Project will not result in massive land acquisition since the installation of systems will take place upon existing households and public facilities. However, the installation/ construction of mini-grid systems may result in the acquisition of land and hence displacement of land owners. Land acquisition may also occur if the construction of access road is required and it could lead to property destruction, crop loss etc

Table 3: Potential Negative Impacts

Adverse Impact	Mitigation	Responsible party to ensure mitigation
<i>Sub-component 1-A: Access to Finance for Off-Grid Solar and Mini-grids.</i>		
<p>Land acquisition and loss of assets especially at sites for mini-grid installation/construction</p> <p>Asset damages: This may include loss of assets such as crops and trees or some encroachment on community land due to expansion of the access roads</p>	<ul style="list-style-type: none"> • A Resettlement Action Plan(RAP) or Abbreviated Resettlement Action Plan (A-RAP), as appropriate entailing equitable compensation, resettlement and grievance management should be prepared to ensure that PAPs are equitably and fairly compensated • Provide due compensation or resettlement to affected entities, as guided by the RPF/RAP. • Ensure all grievances are conclusively addressed as per RPF/RAP. • Compensate for any economic displacement occasioned by project 	<ul style="list-style-type: none"> • BRD • Mini-grid Company • Local government

4.2.1. 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.

Vulnerable Households-in may have different land needs from most households, or needs unrelated to the amount of land available to them. Vulnerable households include: Elderly persons (above 65 years old), HIV/AIDS affected persons, Orphans, Widow-Female-headed households.

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 once project sites are identified and PAPs identified. In addition to that, these 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.

4.3. 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 RAP or A-RAP 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/A-RAP which will be elaborated before the sub-project is approved.

4.3.1. 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.

CHAPTER 5: PROCESS FOR SCREENING, PREPARING AND APPROVING RAPS/ARAPs

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 REF complies with the requirements of OP 4.12 and the Rwanda law relating to land acquisition/use and resettlement.

Though resettlement instrument will be prepared and implemented by REF borrowers/developers, BRD will play a critical role in preparation and approval of different safeguards instrument. Therefore, this chapter provides guidelines and principles that shall guide both BRD and developers in preparation, implementation and approval of resettlement instruments.

5.1. Process for preparing and approving Resettlement Action Plans (RAPs)

This section provides guidelines that shall guide the preparation and implementation of Resettlement Action Plans (RAPs) or Abbreviated Resettlement Plan (ARAP) for Rwanda Renewable Energy Fund.

5.1.1. 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 REF 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.

5.1.2. Scope of Resettlement Action Plans (RAPs)

Overall responsibility for preparing a RAP/A-RAP will be the responsibility of fund beneficiaries under the guidance of REF Implementation Unit (PIU) and in accordance with this RPF. 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.

5.1.3. 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.

5.1.4. Preliminary information on the subproject design and screening checklist

Screening is required to be prepared by BRD 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 or A-RAP needs to be prepared. The screening checklist form will be incorporated into the Project's Implementation Manual. The screening checklist will be completed by the REF social safeguard specialist with the support of the Local Authorities at various levels.

5.1.5. 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 (persons with disabilities, 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 by fund beneficiaries 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, Fund beneficiary will prepare a Resettlement Action Plan (RAP) or an Abbreviated Resettlement Action (A-RAP) depending on the level of resettlement impact and the number of affected Person.

5.2. Preparation of a sub-project RAP and approval process

A RAP/ARAP shall be prepared by the Fund beneficiary/ project developer, in consultation with the local authorities and community leaders with the support of BRD Safeguards office 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 BRD 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 BRD to approve funding for any project activity that needs to acquire land to support proposed investments under this project, Subproject developer 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 Developer, BRD will carry out due diligence to ensure that were acquired in compliance with provisions of this RPF in cases where OP 4.12 apply, i.e. that affected persons, if any, on its land are treated consistent with this RPF.

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).

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 for the preparation of the full RAP.

5.2.1. Process for identifying need for RAP

To establish if RAP is indeed needed screening will be undertaken at the sub project design stage. After screening and it is known that land acquisition is required, the RAP process can now start. The RAP will entail identification of PAPs, socio-economic survey of the PAPs, census and land asset inventory of the area Throughout the RAP process, transparent consultation and public disclosure will take place with all the stakeholders including the PAPs, ensuring that the affected persons are informed about the process. During the whole process, the PAPs should be informed of their right to have access a grievance mechanism.

5.2.2. Sub-Project Screening

The first step in the process of preparing sub project RAPs is the screening process. Screening will consist at identify the land/ areas that may result in resettlement impacts. Sub-project screening is used to identify the types and nature of potential impacts related to the activities proposed under REF, and to provide adequate measures to address them. It also ensures that the avoidance or minimization of resettlement is a key sub-project selection criterion. The screening process presented below will ensure that sub-projects presented for REF funding complies with the requirements of WB OP 4.12 and Rwandan Organic Law and Land Use Master Plan.

Screening will take place as early in the sub-project process as possible, and it will identify land that will be required for resettlement. This process will be undertaken in consultation with the PAPs to ensure that it takes all considerations into account, and that all potential impacts are identified. The screening form will then be submitted to the BRD PIU Coordination for review. Should the screening process show that resettlement will be required, the next step will be to conduct a socio-economic survey, census and land asset inventory to determine the extent of resettlement required. This will be followed by the preparation of a RAP for the subproject.

5.2.3. Socio Economic Survey

To enable identify the numbers and socioeconomic impact of PAP, a socioeconomic survey should be conducted. This should include quantitative household survey of the project affected persons or households. The objective of the quantitative household survey will be to generate a baseline description of pertinent demographic and social characteristics of the affected households. The target population for the quantitative household survey will be those affected persons within the project area.

The socio-economic survey will be initiated by the relevant Districts responsible for managing the sub-project (via the sub-project Resettlement and Compensation Committees), with the use of the sample socio-economic surveys.

5.2.4. Project Affected Person's Census

To determine the population of those affected, PAPs census should be undertaken for the displaced. The methodology will encompass all people adversely affected by the project, regardless of their legal status – landowner, holder of land rights, tenant, and illegal squatter – or whether they are actually living on an affected site at the time of the census. The lack of land title does not disqualify people from resettlement assistance. Private landowners and holders of rights to land as well as any person currently occupying public or private land for shelter, business purposes or other sources of livelihood (caretakers, squatters, scavengers) should be included in the census. The census will serve five important and interrelated functions:

- Establishing a list of legitimate beneficiaries before the subproject's onset that counters spurious claims from those moving into the project area solely in anticipation of benefits,
- Provide indicators for monitoring and evaluation;
- Provide initial information on the scale of resettlement to be undertaken
- Laying a framework for subsequent socioeconomic research needed to establish fair compensation rates and to design, monitor and evaluate sustainable income restoration or development interventions,

It's advisable that an independent consultant will need to be contracted to undertake the census, under close supervision of the sub-project Resettlement and Compensation Committees.

5.2.5. Preparation of asset inventory

To prepare inventory of the land and development on it, a field team should visit the affected area to carry out an asset valuation survey. The team should include village resettlement committee representative, local administration, a representative of the PAPs among others. During the survey, each asset should be enumerated and inscribed on an inventory and a valuation of the asset carried out using the approach described above. The values of each asset should then be recorded in a register and shown to the affected person for agreement. The register will be signed and a copy given on the spot to the affected person.

The document will say 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.

5.3. Public consultations and participation

Public consultation and participation by the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, all stakeholders must be adequately consulted and involved. The need for stakeholder's consultation is to secure the informed participation and consent of all people affected consultation should be particularly in the following areas

- Alternative project design
- Assessment of project impacts
- Resettlement strategy
- Compensation rates and eligibility for entitlements
- Choice of resettlement sites and timing of relocation
- Development of opportunities and initiatives
- Development of procedures for redressing grievances and resolving disputes
- Mechanisms for monitoring and evaluation and for implementing corrective actions

5.3.1. 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, persons with disabilities 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.

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 REF. 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.

5.3.2. Consultation at inception phase

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 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 village 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 village/umudugudu leaders as part of the individual resettlement and compensation plans and overall the monitoring and evaluation mechanism of the entire project. This requirement is in line with the Bank policy on disclosure.

5.3.3. Consultation at data collecting phase

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. Once all the data about the PAPs have been collected and valuation undertaken, 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.

5.3.4. Consultation at implementation, monitoring and evaluation phases

Before implementation, the PAPs will be informed about their rights and options, at which point they will provide their views. 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.

5.4. Eligibility criteria for various categories of PAPS

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

5.4.1. 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 Subproject developer and local administration 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 for m 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 I 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.

5.4.2. 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 in charge of lands will also help in this assignment that will be undertaken by the BRD 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 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 following Table.

Table 4: 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	<ul style="list-style-type: none"> • 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)
		Tenant/ Lease holder	<ul style="list-style-type: none"> • 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 + allowance).
Commercial Land	No displacement: Land used for business partially	Title holder/ Business owner	<ul style="list-style-type: none"> • Cash compensation for affected land • Opportunity cost compensation equivalent to 5% of net annual

	affected, limited loss		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- establishes 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)

	Displacement: Premise used for residence severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	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 law/ s 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)
		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 • 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 secure accommodation in rental housing or in grouped settlement scheme «imidugudu», if available) • Rehabilitation assistance if required assistance with job placement, skills training)
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)
Special assistance		Vulnerable groups/Person	<ul style="list-style-type: none"> • Training for income generation activities; • Connection to electricity at reduced cost; • Assistance in land registration if their land is affected, • Priority in employment etc;

5.4.3. 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 is determined by other development approval as issued by the government. The consultant will interview key government officers in the district including provincial administration.

5.4.4. 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).

5.4.5. 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.

5.4.6. 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.

5.4.7. 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 developer, 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 Developer 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.

5.5. Assets inventory and valuation methods

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.

5.5.1. Valuation methods

- **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.

- **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

- **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.

- **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.

- **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.

5.5.2. 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.

- **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.

- **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 meters 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.

- **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 5: Example of method to be used to determine a monetary compensation rate for land*

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.	

(Rwandan Francs payments will be revised to reflect crop values and labor rates in effect at the time of compensation). 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 staple 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 staple 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 6: 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		

- **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 7: 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.

- **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.

- **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.

- **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.

- **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 8: 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	800 to 1,300 kg/year

tree	
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 9: 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

- **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 10: 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 &	0-1 year	

equipment	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 meters of surface area removed. The total surface area of the tree will be calculated using the following formula: $(\frac{1}{2} \text{ diameter of canopy})^2 \times 3.14$.

5.5.3. 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.

- **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.

- **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.).

- **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.

- **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 and another necessary transaction costs to cover administrative charges, registration or title fees, etc.

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.

5.5.4. 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 11: 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 subproject Developer 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.

5.5.5. 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.

5.5.6. Disclosure and notification

All eligible PAPs will be informed about the REF 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.

5.5.7. 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 district and subproject. 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.

5.5.8. 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.

5.5.9. 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

5.6. Voluntary land donation and commercial transaction

This section provides details on standards and documentation required in the case the land, where the project will be implemented, is obtained via Voluntary land donation or commercial transactions.

5.6.1. Protocol for Voluntary Land Donation

Subproject Proposals including voluntary land donation will not be submitted for approval where they would significantly harm incomes or living standards of individual owners or users. During project implementation district multi-stakeholders committee (“Committee”) will be established to oversee the process and ensure that voluntary land donations process is followed and implemented. The process will include the following protocols:

- **Official information and initial assessment** determining the appropriateness of VLD in the circumstances of the project. Record and documentation on the reasons why donation of land is appropriate for the project. For such documentation, the following details will be considered:
 - What the land will be used for;
 - How much land the project will require on both a permanent and temporary basis;
 - How much of the land will be donated;
 - What alternatives to donation exist (e.g., right of use, right of way);
 - The terms of the donation;
 - The identities of the parties who intend to donate;
 - The beneficiary of the donation; and
 - Any details that are relevant to why donation may be appropriate.

- **Verification of voluntary donations**

The following conditions will be confirmed by the Committee including the village chief.

- Confirmation that affected people agree to donate land or asset, based on a face to face meeting without presence of sub-project developer;
- No one would lose more than 5% of the total productive assets.
- The total land holding of the affected person should be 200m² or more.
- No physical relocation necessary.

- **Initial Village Consultation.**

Under the village head leadership, a consultation process will be launched to invite different interest parties, including land owners to discuss and ratify the appropriateness of the voluntary basis of land donation.

5.6.2. Transferring and formalizing the land.

REF process for land donation includes very clear procedures that explain the process that should be followed to transfer the land, and appropriate ways to formalize the respective transfer. The process includes consideration of the legal and administrative requirements based on Rwanda legal framework. The process will describe a clear and transparent decision making process.

5.6.3. Verification process (surveys) to identify land ownership and use.

BRD will carry out specific surveys to understand the type of land rights that exist in the project area, and to identify any particular issues relating to land ownership and use. Preliminary findings indicated (for the size of the land that will be donated about 30X30 cm for each pole) that the land is under private landownership. Moreover, more specific surveys must be conducted on each parcel of land proposed for donation to identify:

- The owner or owners of the land;
- The users of the land, or any parties that occupy the land (either physically or through ownership of an asset or conduct of livelihood or business activities on the land);
- Any competing claims of ownership or use;
- Structures and assets on the land;
- Any encumbrances on the land.

It is important to: (i) identify the right that is being transferred (an ownership right, a use right, a right of way, etc.); and (ii) check whether the transferee actually has the right s/he claims to have. In many circumstances where careful due diligence has not been carried out, significant conflict has arisen at a later stage when another party claims that they have the same or a competing right. In some circumstances – but not all – the transferee will have documentary evidence of such right. Where no such evidence exists, the due diligence can establish rights by speaking with local community officials and neighbors.

5.6.4. Public consultations and disclosure

The decision to donate must be taken on the basis of a full understanding of the project and the consequences of agreeing to donate the land. Accordingly, the parties that will be affected by the donation (the owners and users of the land) must be provided with accurate and accessible information regarding what the land will be used for, for how long, and the impact the donation will have on them and their families. It is important that prior written notification indicating the location and amount of land that is sought be provided and that its intended use for the project is disclosed.

Where the intention is to deprive the parties affected by the donation of the land permanently, or for a significant length of time, this must be made clear. It should be noted that in many communities the concept of alienation of land is uncommon and difficult to understand, and care needs to be taken to ensure that the implications of this are fully understood. It is also important to decide who else should be consulted about the proposed donation; for example, spouses and older children.

There should be a clear agreement as to which party will pay the costs associated with the donated land. This could include measurement costs, documentation and notarial fees, transfer taxes, registration fees. It should also include the costs of re-measuring/re-titling the transferee's remaining land and any new documentation relating to it.

5.6.5. Establishing informed consent

BRD in coordination with the Committee will verify the informed consent or power of choice by the people who would donate land or asset. In particular, the following will be verified and documented in the voluntary donation report:

- What the land is going to be used for, by whom and for how long;
- That they will be deprived of the ownership or right to use the land, and what this really means;
- That they have a right to refuse to donate the land;
- Whether there are alternatives to using this land;
- What they will need to do to donate the land (e.g., execute documents, get spousal consents, pay taxes);
- The effect of the donation on their family, and what they can do if they (or their family or heirs) want the land back.
- All conditions provided in the para 2 above.

The right to refuse must be a legitimate right, unconditional, and the potential transferee must be capable of exercising it in the local community and political context. For this reason, it is important to be sure that the decision to donate is undertaken without coercion, manipulation, or any form of pressure on the part of public or traditional authorities. For collective or communal land, donation must be based upon the informed consent of all individuals using or occupying the land.

5.6.6. Proper documentation.

During the VLD process, it is important to distinguish between: (a) the agreement to donate the land; and (b) the document that carries out and evidences the legal transfer of the land. While it is important to have evidence of an intention and agreement to donate the land, it is equally important to ensure, where required and appropriate, that the land is legally transferred. While the process relating to the legal transfer of the land is frequently complicated and time consuming, it must be addressed. [In specific circumstances, for example where the land is being transferred to the community, it may not be necessary to legally transfer the land. However, experience indicates that lack of formal transfer can create significant uncertainty in the future, which impacts on the sustainability of the infrastructure and services, and can have a negative effect on community relations.] (see form 1 VLD, for reference)

BRD should:

- Identify the appropriate documentation, including the agreement to make the transfer and any legal documentation that may be required;
- Ensure that the agreement:
 - Refers to the consultation has taken place;
 - Sets out the terms of the transfer;
 - Confirms that the decision to transfer was freely made, and was not subject to coercion, manipulation, or any form of pressure;
 - Attaches an accurate map of the land being transferred (boundaries, coordinates);
 - Sets out who will bear the costs of the transfer (e.g., notarial fees, taxes, title issues) and documenting the residual land rights;
- Ensure that all necessary parties sign the documents, including obtaining consent from spouses and children over a certain age;
- Ensure that the transfer and title is registered or recorded; and
- Ensure that the land remaining after the donated land is excised is properly titled, registered or recorded.

It is also important to maintain a record of the process that has been followed. Such documents could include the following:

- The notification indicating the location and amount of land that is sought and its intended use for the project, with a record of when and where this was made public;
- Records of the consultations that were held and what was discussed;
- A copy of the due diligence that was conducted;
- Copies of each of the formal statements of donation, establishing informed consent as described above, and signed by each owner or user involved;
- Copies of all documents, registrations or records evidencing the legal transfer of the land;
- A map, showing each parcel of land.

The project implementing agency should maintain a record with documentation for each parcel of land donated. Such documentation must be available for World Bank review, and for review in relation to any grievances that may arise.

The project specifies means by which donors (and, potentially, persons whose use or occupancy was not recognized in the transfer of land) may raise grievances, and measures to ensure consideration of, and timely response to, grievances raised. The grievance process includes participation of reviewers not directly affiliated with the project implementing agency. The grievance process imposes no cost upon those raising grievances, and participation in the grievance process does not preclude pursuit of legal remedies under the laws of the country.

5.7. RAP grievance redress mechanism

Impacts on property by REF 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. 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 REF 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.

5.7.1. 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.

5.7.2. Anticipated grievances in REF subprojects

Potential grievances and disputes that arise during the course of implementation of the resettlement and compensation program for REF 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 developer 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.

5.7.3. Procedures and timeframe

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:

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

5.7.4. 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.**

The developer will be required to 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 developer staff 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.

5.7.5. 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.

The developer will be required to 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.

5.7.6. Mechanism of GRM for REF

The developer 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. The grievances are first to be

addressed to Resettlement and compensation committee and then local leaders the local leaders at the cell and 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.

BRD 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 Developer 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 REF 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 Francs 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 BRD, 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, developer, 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. Developer, 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. Developers report to BRD will also contain GRM report and BRD will carry out due diligence as appropriate.

5.7.7. 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 subproject developer 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 developer 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 kept safely by subproject developer with copies at the District headquarters and BRD REF PIU 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.

5.7.8. Grievance Log

The GRM Committee will ensure that each complaint has an individual reference number, and is appropriately tracked and recorded actions are completed. The log will contain record of the person responsible for an individual complaint, and records dates for the following events:

- Date the complaint was reported;
- Date the Grievance Log was added onto the project database;
- Date information on proposed corrective action sent to complainant (if appropriate);
- The date the complaint was closed out; and
- Date response was sent to complainant.

5.7.9. Monitoring Complaints

The monitoring of complaints will be done by REF subproject developer on regular basis and BRD PIU as required. The monitoring team will be responsible for:

- Providing the sub-project Resettlement and Compensation Committee with a weekly report detailing the number and status of complaints;
- Any outstanding issues to be addressed; and
- Monthly reports, including analysis of the type of complaints, levels of complaints, actions to reduce complaints and initiator of such action.

5.8. Approval of Resettlement Action Plans

In Rwanda involuntary resettlement is governed by expropriation law and valuation law. Both laws do not have provisions on RAP preparation and approval. Instead, the expropriation defines the process of expropriation and valuation while the resettlement impacts are assessed together with the EIA report. The chapter III of the law n° 32/2015 of 11/06/2015 relating to expropriation in the public interest expropriation law defines steps to be undertaken for expropriation as follows:

5.8.1. Organs determining projects of expropriation in the public interest

Organs which determine projects of expropriation in the public interest are the following:

- 1) the executive committee at the district level, in case such activities concern one district;
- 2) the executive committee at the level of the City of Kigali, in case such activities concern more than one district in the boundaries of the City ;
- 3) the relevant ministry, in case planned activities concern more than one district or if it is an activity at the national level, subject to provisions of item 2° of this Article.

5.8.2. Organs supervising projects of expropriation in the public interest

Organs in charge of supervising projects of expropriation in the public interest are hereby established as follows:

- 1) the committee in charge of supervision of projects of expropriation in the public interest at the district level where the project concerns one district;
- 2) the committee in charge of supervision of projects of expropriation in the public interest at the City of Kigali level where the project concerns more than one district within the boundaries of the City ;
- 3) the committee in charge of supervision of projects of expropriation due to public interest at the national level where the project concerns more than one district or it is a project at the national level, subject to the provisions of item 2° of this article.

5.8.3. Organs approving expropriation in the public interest

The organs approving expropriation in the public interest are the following:

- at the district level, it is the district council after considering the recommendation of the committee in charge of supervision of projects of expropriation in the public;
- at the level of the City of Kigali, where the project concerns more than one district within the boundaries of the City of Kigali, it is the council of the City of Kigali after considering the recommendation of the committee in charge of supervision of projects of expropriation in the public interest at the level of the City of Kigali;
- at the level of more than one district, the ministry in charge of land, upon proposal by the committee in charge of supervision of projects of expropriation in the public interest at national level subject to provisions of item 2 of this Article. A ministerial order shall be used;
- at the national level and in case of activities related to security and national sovereignty, the Prime Minister's Office upon proposal by the committee in charge of supervision of projects of expropriation in the public interest at the national level by way of a Prime Minister's order.

5.8.4. Procedure for expropriation in the public interest

Procedures for expropriation are as follows:

- Request for expropriation in the public interest by project proponent/ developer;
- Consideration of the relevance of the project proposal for expropriation in the public interest by relevant committee.
- Decision on the relevance of a project of expropriation in the public interest;
- Approval of expropriation in the public interest;
- Publication of the decision on a project for expropriation in the public interest;
- Valuation of assets and agreement on compensation measures;
- Compensation.

5.8.5. RAP process for REF subprojects

The preparation of RAP/ARAP under REF financing shall be done in accordance to the organic law on expropriation for public interests. However, 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. Once the RAP has been finalized, the World Bank shall also make the RAP available to the public through its Info-Shop.

5.8.6. Resettlement Action Plan's Implementing Agencies

Per as national laws, only government is authorized to expropriate land owners for public interest and the valuation of assets should be done by independent valuar. To this end, the subproject proponent will work with local administration in the entire process of RAP preparation and Implementation. BRD will have overall responsibility of monitoring and evaluating the resettlement and compensation activities while the World Bank shall periodically supervise the resettlement and compensation action plan activities to ensure compliance with the RPF/RAP provisions.

CHAPTER 6: RPF IMPLEMENTATION, MONITORING AND INSTITUTIONAL 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.

6.1. Project need and justification

6.1.1. Overview

The overall coordination of the REF project will be provided Development Bank of Rwanda which will be responsible for overall technical and fiduciary oversight for the REF. This will include review and appraisal of subprojects. BRD will oversee all resettlement planning and supervise all issues relating to the compensation. Given the importance of the activities under the various sub-components, BRD will collaborate with Local Government Authorities falling within the subproject area in coordination and implementation. The implementation arrangements of the REF build on:

- The implementation arrangements for the overall REF, 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 REF 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.

6.2. Institutional Roles in Resettlement and Compensation

6.2.1. Development Bank of Rwanda

The Development Bank of Rwanda (BRD) will be the project implementing agency. For Component 1, BRD will function as a wholesale institution for windows 1 and 2, as well as lend directly to mini-grid developers under window 3 and locally-registered off-grid solar companies under window 4, if it is activated. BRD will also be in charge of implementation of Component 2. BRD REF management functions include: (i) REF administration; (ii) approval and supervision of REF subsidiary finance; and (iii) financial management and disbursements. These functions include the following responsibilities. REF administration will be covered by REF Project Implementation Unit (PIU). The PIU functions include the following:

- Maintain relationships with the MINECOFIN and the World Bank.
- Assist in re-appraisal of eligibility of the SACCOs, Participating Banks (PFI), Off-grid Solar Companies (OSC)

- Coordinate implementation of all four windows
- Maintain relationships with the SACCOs, Participating Banks (PFI), Off-grid Solar Companies (OSC) and Mini-grid Developers (MGD)
- Sign Subsidiary Finance Agreements with eligible SACCOs, PFIs and OSCs
- Sign Sub-Loan agreements with SACCOs, PFIs and OSCs for tranche-based financing
- Sign Sub-Loan Agreements for larger sub-loans with PFIs for back-to-back financing of eligible SMEs for eligible solar-system investment projects
- Sign Sub-Loan Agreements with eligible MGDs for eligible mini-grid projects
- Provide reports to MINECOFIN and World Bank necessary for REF implementation reviews and take a lead in REF impact assessments
- Ensure integrity of procurement process
- Ensure integrity of environmental and Social screening
- Ensure compliance with World Bank's Anti-Corruption Guidelines

BRD will host the Project Implementation Unit (PIU) to successfully fulfill functions described above. BRD PIU will be responsible for monitoring indicators, supervising the credit lines and direct loans, as well as implementation of the necessary technical assistance to the beneficiaries. This includes collecting necessary information from project beneficiaries, assessing and monitoring SACCOs and bank compliance with the respective eligibility criteria, supervision of withdrawal applications and loan books, and reporting on progress during implementation. BRD will also review annual audited financial statements of the intermediaries and conduct periodic on-site supervision to assess compliance and progress. SACCOs and banks will report to BRD on their sub-loan portfolio on a semi-annual basis. To do so, the PIU will have personnel with experience in off-grid energy, project management, procurement, accounting, environmental and social management. Additionally, the PIU will undertake technical due diligence of proposals for mini-grid financing and, if necessary, direct lending to off-grid solar companies with support from specialized technical consultants, institutions with experience in the off-grid energy sector (e.g., EDCL) and donor programs (e.g., EnDev). BRD will receive capacity building and technical assistance to enhance its performance and project implementation capacity.

A Steering Committee will be established for effective coordination and project oversight. The Ministry of Infrastructure (MININFRA), Ministry of Finance and Economic Planning (MINECOFIN), BRD and the Bank will be members of the Steering Committee for the project; other key energy sector stakeholders could be invited to steering committee meetings, if necessary. The Steering Committee will meet at least every six months, or as needed, during project implementation to review implementation progress, discuss emerging challenges, and identify mitigating measures. Key basic functions of the Steering Committee will include: (i) monitor project implementation progress; (ii) identify and address challenges with participating entities; and (iii) approve changes to the project OM.

In relation to environmental and social safeguards, BRD role is the day-to-day coordination and implementation of the subproject. Whereas the sub-projects safeguards instrument (RAPs, ESMP) will be prepared and implemented by fund beneficiaries, BRD will be responsible for appraising and approving sub-projects, organizing the management and implementation of sub-projects, and supervising the implementation of sub-projects, including the implementation of safeguards activities.

BRD is implementing a robust social and environmental policy prepared in 2013 and updated in 2016 and an Environmental and Social Management System, which is compliant with Rwandan regulatory framework that pertains to the environment, land use, labour health and safety issues, vulnerable and marginalized groups and cultural artefacts. BRD is well equipped with professionals who over the years have received training in environmental and social risk management and therefore should be up to the task under the proposed Project. However, BRD may have to hire additional staff and dedicate them to the proposed Project. BRD will appoint Social Safeguards and Environmental Safeguards officers who will be responsible for supervising the implementation of safeguards instruments and ensure that activities comply with ESMF/RPF and, if necessary, an Environmental Management Plan/Resettlement Action Plan are developed as appropriate.

BRD together with Rwanda Development Board (RDB) will also be responsible to determine whether the RAP/A-RAP is required for a proposed funding activity. If RAP/A_RAP is required, the BRD and RDB will provide Terms of reference to the subproject developer.

6.2.2. Min-grid companies/sub-project developers

Mini-grid Companies will play a critical role in the implementation of this resettlement policy framework. As fund beneficiaries, mini-grid companies will have the responsibility of preparing and implement safeguards instrument (RAPs, ESMP). These instruments will be prepared in compliance with this resettlement policy Framework and in accordance with national regulations related to land acquisition. The RAP prepared by developer will be cleared by National Regulatory authority and send to World Bank for review and Clearance.

6.2.3. 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 Institution developing the land on which resettlement is required. For instance the implementation of RPF/RAP for the REF subprojects will involve the BRD, RDB Mini-grid Companies and the districts.

6.2.4. 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 REF activities.

6.2.5. 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.

6.2.6. District authorities

The Executive Committee at the District in which REF 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 REF 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.

6.2.7. 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.

6.2.8. 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 REF 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 REF 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.

6.3. RPF implementation schedule

6.3.1. 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.

6.3.2. 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 Developer/BRD 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 the developer presents its RAP to the RDB and BRD for approval, part of the screening process 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.

6.4. RPF monitoring and evaluation framework

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan should be developed. The monitoring plan defines and identifies monitoring activities that will take place, when and by whom and identifies the indicators and data collection methods, and training and capacity building needs of the institutions and persons to implement the plan.

The objective of the monitoring and evaluation process will be to determine whether PAPs have been paid in full and before implementation of the subproject, and people who were affected by the subproject have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are they are actually poorer than before. The arrangements for monitoring the resettlement and compensation activities will fit into the overall monitoring program of the entire REF activities, which will fall under the overall responsibility of BRD.

6.4.1. Monitoring Indicators

Verifiable indicators for measuring the impact of physical relocation on the health and welfare of affected population and the effectiveness of impact mitigation measures, including livelihood restoration and development initiatives. These indicators verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions.

- **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 socio-economic 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.

- **Indicators to Measure RAP Performance**

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 provides a list of potential indicators for monitoring, which assess the change in the following for those who have been resettled.

In terms of the resettlement process, the following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementing the RAP:

- percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- the number of contentious cases as a percentage of the total cases;
- the number of grievances and time and quality of resolution;
- the ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
- number of impacted locals employed by the civil works contractors;
- General relations between the project and the local communities.

These will be determined through the following activities:

- questionnaire data will be entered into a database for comparative analysis at all levels of local government;
- Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received.

The District authorities will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages; and the developer should prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports. It is the responsibility of the District authorities to document information ideally integrated into existing databases. The District authorities will need to design a robust reporting system at the beginning of the project to ensure that these data are collated at appropriate intervals and in sufficient quantity and quality. The subproject Resettlement and Compensation Committee will facilitate coordination of information collation activities (such as surveys, supervising documentation) in accordance with procedures put in place. The Developer and BRD will provide training, technical support and funding to ensure that this happens. In order to assess 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.
- The project 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, Proposed use of payments,
- The number of contention cases out of the total cases, The number of grievances and time and quality of resolution,
- Ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes,
- Number of impacted locals employed by the project civil works contractors, and
- General relations between the project and the local communities,

6.4.2. Monitoring of RPF Implementation

Local Government Authorities together with the developer who benefited REF funds at the will District assist in compiling basic information on all physical or economic displacement arising from the project, and convey this information to BRD PIU, on a quarterly basis. They will compile the following statistics:-

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

The PIU 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 BRD management, if there appears to be any discrepancies. The SPIU will directly monitor compensation and loss of wages. Financial records will be maintained by the subprojects and the SPIU, 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. The indicators will be used to monitor implementation of the RPF will include.

- Outstanding compensation contracts not completed before next agricultural season
- Subprojects unable to settle compensation after two years
- Grievances recognized as legitimate out of all complaints lodged

Financial records will be maintained at district level with copy to subproject developer and BRD PIU, to permit calculation of the final cost of resettlement and compensation per individual or household.

6.4.3. 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 passport size photographs. The Local Authority and BRD PIU 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. The developer, BRD PIU, RDB and, District Administrations will implement changes through the Change Management Process in the Monitoring and Evaluation manuals of the project (PIM or 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.

6.4.4. Annual Audit

The annual audit of RPF implementation 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.

6.4.5. 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.

6.5. 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 REF activities.

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. Every investment requiring land acquisition will include the budget for the preparation and implementation of resettlement instruments and the budget will be part of the subproject cost. 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

Table 12: Illustrative Template of a Resettlement Budget

Asset acquisition	Amount or number	or Total estimated cost	Agency responsible
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Land			
Structure			
crops and economic tress			
Community infrastructure			
Land Acquisition			
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			

6.6. 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 REF will be implemented by BRD and the existing structure in the Bank has the necessary capacity for the project coordination, fiduciary, and safeguards management aspects. However, BRD will have to appoint recruit a social safeguards officer who will be in charge of supervising the implementation of Resettlement Policy Framework. In addition to that, experts working in investment department and in the Risk Assessment and Compliance Department shall be trained on World Bank Environmental and Social safeguards 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.

Chapter 7: DISCLOSURE OF SOCIAL SAFEGUARDS INSTRUMENTS

Development Bank of Rwanda will disclose this Resettlement Policy Framework by making copies available at its head office. It will also make copies available to the local government's agencies, the Environmental Protection Agency and other stakeholders of the REF. The RFP will be also disclosed to the BRD websites and Project Websites.

BRD will also authorize the World Bank to disclose this RPF electronically through its Info Shop. Likewise, all RAPs to be prepared under REF, will be disclosed by BRD, which will make copies available at its head offices in Kigali, and will make copies available to the local governments where subproject are implemented and other stakeholders of the REF. BRD will also authorize the World Bank to disclose the RAPs electronically through its InfoShop.

Annex 1: Outcome of public consultation and consulted people/institutions

OUTCOME OF THE CONSULTATIVE WORKSHOP ON ENVIRONMENTAL AND SOCIAL MANAGEMENT FRAMEWORK (ESMF) AND RESETTLEMENT POLICY FRAMEWORK (RPF) FOR RENEWABLE ENERGY FUND PROJECT, KIGALI RWANDA, FEBRUARY 10, 2017, PORTOFINO HOTEL.

In the consultative meeting three presentations were made, one on project description, the second one on Environmental and Social Management Framework and the third one on Resettlement Policy Framework. After these presentations, participants were provided with time for question and discussions. The table below summarizes questions/concerns raised and explanations or answers provided by both Consultants and BRD management.

No	Names of the Participant PAP	Question	Answer/Comments provided
Questions about project design			
1.	Alexander BRUMMELER/Waka Waka	Why window 4 will not start at the beginning of the projects?	The BRD Chief Investment Officer explained that during the project design it was found that the three first windows are ready to start and it was decided that the window 4 (locally-registered off-grid solar companies) will be considered for activation after a detailed assessment of active REF windows' performance is conducted.
2	Donath HARERIMANA/REG	What is planned in the project to ensure that households who are getting money in SACCOs are getting money on reasonable rate?	The representative of MININFRA, Mr. Nyamvumba Robert explained that the objective of the project is to provide electricity to poor households at affordable cost and MININFRA, MINICOFIN and BRD will sit together and sets loan interest that are affordable to poor households.
3	Pacifique NKONGOLI/Urwego	What are measures in place to ensure smooth implementation	There will be a steering committee that shall oversee the project implementation and advice on

	Opportunity Bank	of project? Is there guaranteeing Fund?	matters that may arise during project implementation. BRD will also establish a Project implementation unity to monitor day to day the implementation of the project. The project has also the component on technical assistance that will provide capacity building to all institutions involved in the project implementation.
4	Samuel MPORANZI/Rwanda Standards Board	More emphases is put on Financial but what will be the role of other partners like RURA, RSB	The today presentation was mainly on safeguards instrument but during the project design other stakeholders were consulted and their roles are described in project document. In addition further consultation on other technical matters will continue during project implementation.
5	Bizimana Vianney COGEBANK	He expresses concern about long channel of funds from(World bank to MINECOFIN to BRD then to commercial bank and SACCOS before it goes to household may increase the interest rate	So far, rate are not yet set but the project will ensure that the final beneficiaries of the fund, Households, are getting affordable off-grid energy
6	Alexis MUTABINGWA from RURA	Is there any awareness campaign planned so as to attract many households?	The project has a component on technical assistance and project implementation and some of this fund shall be used for awareness.
Questions/comments about Resettlement Policy Framework (RPF)			
1	RUDASINGWA Alexis/RURA	In the past some project started implementation and operation before affected person are compensated. What is planned	The World bank Policy OP 4.12 is clear about compensation where by compensation should be done prior any work. BRD has committed to ensure that this is implemented by making

		to avoid this situation.	compensation as one of project approval condition.
2	Samuel MPORANZI	What happen when the developer compensate affected person and he/she did not get fund from REF	BRD will work with developers during subprojects development and the compensation will be done when BRD found that the project is Eligible and other requirements are met.
3	Donath HARERIMANA/REG	The World Bank has good policies on involuntary resettlement but it never contributes to compensation fees and this make it difficult to governments and Private people to comply with the policy. Is there any money dedicated for compensation under REF.	The compensation fees will be bearded by subproject developer because the World Bank is not involved in compensation. However the compensation process will comply with World Bank OP 4.12 on involuntary resettlement.
4	DUSABEYEZU Sébastien/ RDB EIA	In Rwanda there is no institution mandated to approve Resettlement Action Plan because it's not a requirement in expropriation law. Is there any support from the REF to handle the issue or to harmonize national requirement and World Bank requirement?	There is no such plan and the project. The RAP preparation is done under the current legal framework and they are approved by both the borrower and the World Bank. Where there are gaps between national laws and WB policies. The World Bank Policies apply.
5	Dayan MPONGENDAME/En ergy Resources Power	What are the requirements of developers who will implement mini-grid Project on their land?	They will be required to present ownership documents such us land titles.

	Limited		
		What about developers who wish to install solar system on other people roof?	They will be required to present agreement made between house owners and developer.
Questions/comments about Environmental and social management Framework ESMF)			
1	DUSABEYEZU Sébastien/ RDB EIA	How many approvals will be required for EIA prepared under REF?	The approval process will follow the existing approval process where the project developer will submit project brief to RDB for getting terms of reference. The report done by independent EIA expert will be send to RDB for approval and then to World Bank through BRD.
		Who will do the screening of subproject?	The initial screening will be done BRD and if it is found that the subprojects are likely to have environmental and social impacts, the developer will be required to submit a project brief to RDB, the institution mandated to determine the level of EIA required.
2	Marshall Banamwana /Ministry of Natural Resources	We did not have time to review the entire documents. Is there another opportunity to provided comments on documents?	Participants will continue to provide comments up to February 13, 2017, the date on which final documents are expected.

Annex 2: Attendance list for the Consultative meeting on ESMF&RPF, Kigali February 10, 2017

No	Names	Institution	Position	Phone	Email
1	Laetitia NDUWIMANA	MININFRA	M&E Specialist/ energy sector	0788403890	laetitia.nduwimana@mininfra.gov.rw
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4	Eric KAGIRINGUFU	JE POWER	CEO	0788312929	erick@jeconsulting.G
5	Alphonsine MUKASHYAKA	REG/ EDCL	Biogas Engineer	0788579293	amukashyaka@edcl.reg.rw
6	Samuel MPORANZI	RSB/ NJD	Director/ EUP	0788565977	samuel.mporanzi@rsb.gov.rw
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9	Olivia NGORORABANGA	RDB	Industrial development analyst	0788646404	olivin.ngororabanga@rdb.rw
10	Adam KYAMATARE	ONE ACRE FUND	Program Associate	0785200344	adam.kyamatare@oneacrefund.org
11	Bernard DUSABE	Umurava sacco Bigogwe	Manager	0788211923	usaccobigogwe@yahoo.fr
12	Vincent KAYIGEMA	FONERWA	M&E Specialist	0788549114	v.kayigema@fonerwa.org
13	Marshall BANAMWANA	MINIRENA	Environmental protection specialist	0788861376	mbanamwana@minirena.gov.rw
14	Clementine NIYONKURU	NGALI ENERGY LTD	Director, QA and M&E	0789181018	clementine.niyonkuru@ngali.com clenou2000@yahoo.co.uk
15	Dr Byamungu Livingstone	BRD	Chief investment Officer	0788302863	l.byamungu@brd.rw
16	Fabien SHIMIYIMANA	REG/ EUCL	Social and Environmental Specialist	0788737544	fanshimiyimana@eucl.reg.rw
17	Jean de Dieu TWIRINGIYIMANA	REG/ EDCL	Off Corid solutions Engineer	0788572831	jdtwiringiyimana@edcl.reg.rw
18	Dayan MPONGENDAME	Energy Resources Power Ltd	Business Development Manager	0788451618	dmpongendame@erpowerltd.com pdayan86@yahoo.fr
19	Innocent MUKIZA	Imbarutso Musenyi sacco Bugesera	President C.A	0788641946	Mukizainnocent2@gmail.com
20	Vianney BIZIMANA	COGEBANK	Head corporate banking	0788306095	v-bizimana@cogebank.com
21	Shelagh KAHONDA	Ignite Power Rwanda ltd	CEO	0788305610	shelaghkahonda@ignite.sobs

22	Jean Claude MUSONI	Sacco inking y'iteramera Nyaruguru district	Manager	0780272911 0788433738	saccokivu@gmail.com
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25	Serge RUSAGARA	D-Energy.LTD	CEO	0788353000 0733223000	rusagara@gmail.com
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28	Alex MUDASINGWA	RURA	Technical compliance officer	0788850441	alex.mudasingwa@rura.rw
29	Gervais MUTABAZI	Member of EPD	Member	0788502808	gurinvestmentl@gmail.com
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32	Victor HAKUZWUMUREMYI	Energy 4 Impact	Program Technical Manager	0788577047	victor.hakuzwumuremyi@energy4impact.org
33	Tito KODIAGA	World Bank	Environmental Specialist	+254722579 272	tkodiaga@worldbank.org
34	USABASE Gladys Miria	Association of Microfinance institutions in Rwanda (AMIR)	Research & performance Monitoring Officer	0788792334	miriaglad@gmail.com
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48	Hector MUTIJIMA	BRD	Senior Manager Energy Financing	0788306846	h.mutijima@brd.rw

Annex 3: Content of Resettlement Action Plan

The scope and level of detail of the resettlement plan vary with the 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 the displaced persons and other adversely affected groups, and (b) the legal issues involved in resettlement. The resettlement plan covers the elements below, as relevant. When any element is not relevant to project circumstances, it should be noted in the resettlement plan.

1. Executive Summary
2. *Description of the project.* General description of the project and identification of the project area.
3. *Potential impacts.* Identification of
 - (a) The project 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.
4. *Objectives.* The main objectives of the resettlement program.
5. *Socioeconomic studies.* The findings of socioeconomic 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 the 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 as provided for in [OP 4.12](#), para. 8, 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 project area;

- (ii) 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;
- (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, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

6. 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 project;
- (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 law and traditional usage (see [OP 4.12](#), para.15 (b)).

7. Institutional Framework. The findings of an analysis of the institutional framework covering:

- (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.

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

9. **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.¹

10. **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 the policy (see [OP 4.12](#), para. 6). 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.

11. **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 ineligible persons at the selected sites;
- (c) Procedures 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.

12. **Housing, infrastructure, and social services.** Plans to provide (or to finance resettlers' provision of) housing, infrastructure (e.g., water supply, feeder roads), and social services (e.g., schools, health services);² plans to ensure comparable services to host populations; any necessary site development, engineering, and architectural designs for these facilities.

13. **Environmental protection and management.** A description of the boundaries of the relocation area; and an assessment of the environmental impacts of the proposed resettlement³ and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

14. **Community participation.** Involvement of resettlers and host communities,⁴ including:

- (a) A description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities;
- (b) A summary of the views expressed and how these views were taken into account in preparing the resettlement plan;
- (c) 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 individuals families or as parts of preexisting 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

(d) 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, the landless, and women are adequately represented.

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

(a) Consultations with host communities and local governments;

(b) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to resettlers;

(c) Arrangements for addressing any conflict that may arise between resettlers and host communities; and

(d) 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.

16. *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.

17. *Organizational responsibilities.* The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of 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.

18. *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.

19. *Costs and budget.* Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, and other contingencies; timetables 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.

20. *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.

Annex 4: Content of an Abbreviated Resettlement Plan

An abbreviated plan covers the following minimum elements:

- (a) A census survey of displaced persons and valuation of assets;
- (b) Description of compensation and other resettlement assistance to be provided;
- (c) Consultations with displaced people about acceptable alternatives;
- (d) institutional responsibility for implementation and procedures for grievance redress;
- (e) Arrangements for monitoring and implementation; and

Annex 5: Resettlement screening form

Sub-project name	(e.g. District, Sector, Cell etc)
Subproject Location include map/sketch	(e.g. new construction, rehabilitation, periodic maintenance)
Type of activity	
Estimated Cost (Rwandan Francs)	
Proposed date of Commencement of Work	
Technical Drawing/ Specifications Renewed (circle answer)	Yes No

This report is to be kept short and concise.

1. Site Selection.

When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They do indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects.

Issues	Site Sensitivity			Rating
	Low	Medium	High	
Involuntary resettlement	Low population density; dispersed population; legal tenure is well defined.	Medium population density; mixed ownership and land tenure	High population density; major towns and villages; low income families and/or illegal ownership of land; communal properties.	

2. Checklist questions:

Physical data	Yes/No answers and bullet lists preferred except where descriptive detail is essential.
Site area in ha	
Extension of or changes to existing alignment	
Any existing property to transfer to sub-project	
Any plans for new construction	

Refer to project application for this information.

<i>Land and resettlement</i>	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>
Will the subproject involve loss of land and other resources?	
Will the project result into temporary or permanent loss of crops, household infrastructure like shelter, granaries or latrines?	
What is the likelihood of land purchase for the subproject?	
How will the proponent go about land purchase?	
What level or type of compensation is planned?	
Who will monitor actual payments?	

Refer to the REF Resettlement Policy Framework

Actions	
List outstanding actions to be cleared before sub-project appraisal.	
Approval/rejection	<i>Yes/No answers and bullet lists preferred except where descriptive detail is essential.</i>

Recommendations

Requires a RAP to be submitted on date: _____

Does not require further studies

Reviewer:

Name:

Signature:

Date:

Annex 6: socio economic and land asset inventory forms

1. Socio-economic Household Datasheet of PAPs

Name of interviewer ID Code		signature
Name of supervisor ID Code		(after verification of interview)

Cell Name		Number of Concession in Village (GPS Coordinates)	
-----------	--	--	--

Date:

Day Month Year

Name of Head of Extended Family	
Number of Nuclear Families in Extended Residential Group (including household of head of extended family)	

Name	Relation ship to head of family	Sex		Plac e of birt h	Ag e	Marit al Statu s	Reside nce Tenure	Relig ion	Educati on Level	Income Earner		Econo mic activiti es	
		M	F							Ye s	N o	Pr im ar y	se co nd ar y
1.													
2.													
3.													
4.													
5.													
6.													
7.													

Relation to Head of Family

1 HOH; 2 Spouse of Hoh; 3 Child of HoH; 4 Spouse of child of HoH; 5 Grandchild of HoH; 6 Parent of HoH; 9 Other (specify); 0 No answer

Marital Status 1 Married 2 Widowed; 3 Divorced; 4 Unmarried; 0 No answer

Residential status 1PRP (Permanent Resident) 2 RA (Resident Absent) 3 Member of non-resident HH;

4 Visitor; 9 other (specify); 0 No answer

Occupations

Principle Occupation

1 Farmer 2 Shepherd; 3 household; 4 Merchant; 5 Religious leader; 6 Artisan; 7
Transport;

8 Unemployed; 9 Other (specify); 0 No answer

Secondary Occupations

Educational Level 1 Illiterate; 2 Three years or less; 3 Primary School; 4 Secondary school ;
5 Technical School; 6 Religious School; 0 No Answer

Religion 1 Christian (Specify denomination); 2 Muslim; 9 Other (specify); 0 No Answer

2. Land asset inventory for Project Affected People

Village;

Date;

Cell;

Survey No.	Name of HH Head	No of persons in Household	Total land holding of Household(m ²)	Land to be acquired(m ²)	Land use Type*	Loss of % total	Loss of assets	Loss of crops	Loss of other assets	Other losses
							Structures permanent(m ²); Structures temporary	Fruit trees lost type and number; Agricultural land lost(m ²) Other(specify)	e.g. graveyards, wells etc(type & no)	Residence rented; Business lost; Income loss

*Land types are as follows (please fill in the types of land for Rwanda)

- 1.
- 2.
- 3.

3. Entitlements of Project Affected People

Sector

date

Cell

<i>Survey No.</i>	<i>Name of Head of Household</i>	<i>Compensation for Land</i>	<i>Compensation for Structures</i>	<i>Compensation for crops and trees</i>	<i>Compensation for other assets and losses(e.g. graveyards, wells, businesses, etc)</i>	<i>Total (USD)</i>
		<ul style="list-style-type: none"> ▪ Quantity(m²) ▪ Unit Price(USD) per m² ▪ Entitlement (USD) 	<ul style="list-style-type: none"> ▪ Quantity(m²) ▪ Unit Price(USD) per m² ▪ Entitlement (USD) 	<ul style="list-style-type: none"> ▪ Quantity Unit ▪ Unit Price(USD) ▪ Entitlement (USD) 	<ul style="list-style-type: none"> ▪ Quantity Unit ▪ Unit Price(USD) ▪ Entitlement (USD) 	
		▪	▪	▪	▪	
		▪	▪	▪	▪	

Annex 7: Sample grievance redress form

Grievance Form		
Grievance Number		Copies to forward to:
Name of the recorder		(Original) Receiver Party
District/ Sector/ Cell		(Copy)- Responsible Party
Date		
INFORMATION ABOUT GRIEVANCE		
Define The Grievance		
INFORMATION ABOUT THE COMPLAINANT		Forms of Receive
Name-Surname		Phone line
Address		Community/ Information meetings
Village/ Cell		Mail
Sector/ District		Informal
Signature of Complainant		Other

DETAILS OF GRIEVANCE				
1. Access to land and Resources Fishing grounds - Lands - Pasture lands - House - Water - Latrines - Commercial site - Other	2. Damage to - House - Land - Latrines - Livestock - Means of livelihood - Water - Road access - Other	3. Damage to Infrastructure or Community Assets - Road - Bridge/ Passageways - Power - Water sources, canals and water infrastructure for irrigation and animals - Drinking water - Other	4. Decrease or Loss of Livelihood - Agriculture - Animal husbandry - Beekeeping - Small scale trade - Other	5. Traffic accident - Injury - Damage to property - Damage to livestock - Other
6. Incidents Regarding Expropriation and Compensation (Specify)	7. Resettlement Process (specify)	8. Employment and recruitment (Specify)	9. Construction Camp and Community Relations <ul style="list-style-type: none"> • Nuisance from dust • Nuisance from noise • Vibrations due to explosions 	10. Other (specify)

			<ul style="list-style-type: none"> • Misconduct of the project personal/worker • Complaint follow up Other 	
--	--	--	---	--

Grievances Close Out Form

Grievance Number:.....

Define immediate action required:.....

Define long term action required (if necessary).....

Verification of corrective action and sign off

Corrective action taken	Due date

Responsible Party

Notes: This part will be filled in and signed by the complainant when he/she receives the compensation or file is closed out

Complainant:.....

.....

Name and Signature.....

Date

Representative of Responsible Party

Title, Name and Signature.....

Date:.....

.....

Annex 8: FORM for Voluntary Land Donation

Province	
District:	
Sector:	
Cell:	
Village	
Sub-project ID/Name	

Name of land owner:		ID Number:		Beneficiary of the project: Y/N	
Sex:		Age:		Occupation:	
Address:					
Description of land that will be taken for the project:		Area affected:	Total landholding area:	Ratio of land affected to total land held:	Map code, if available:
Description of annual crops growing on the land now and project impact:					
	Details		Number		
– Trees that will be destroyed					
– Fruit trees					
– Trees used for other economic or household purposes					
– Mature forest trees					
– Other					
Describe any other assets that will be lost or must be moved to implement the project:					
Value of donated assets:					

By signing or providing thumb-print on this form, the land user or owner agrees to contribute assets to the project. The contribution is voluntary. If the land user or owner does not want to contribute his/ her assets to the project, he or she should refuse to sign or provide thumb print, and ask for compensation instead.

Date:

Date:

District/Sector representative's
signature

Affected persons signature
(both husband and wife)

Annex 9: Guidelines for rates and valuation
Template for Compensation Rates for structures

Structure/ Fixture	Type	Unit Cost (US\$) (m2)
House		
Detached Kitchen		
Latrine		
Water Tank		
Cattle Shed		
Borehole		
Well		
Fish pond		
Greenhouse		
Cattle watering troughs		

Examples of Compensation Rates for Crops Based on 2015 Market Values

Crops	Price per KG (US\$)	Average yield per Hectare (kg)	Compensation per hectare (Monoculture)
Rice	1.0		
Irish Potatoes	0.25		
Maize			
Beans	0.25		
Sorghum			
Cassava	0.25		
Cabbages	0.08		
Onions	0.22		
Sweet Potatoes	0.58		

These rates are based on the monthly average market price in the month of September 2011 as recorded by MINAGRI Market price list

Examples of Compensation Rates for Trees Based on 2015 Market Values

Trees	Price per KG (US\$)	Average yield per Hectare (kg)	Compensation per hectare (Monoculture)
Oranges	0.833		
Mangoes	0.52		
Avocados	0.25		

Bananas ³	1.9 (a bunch)		

Compensation rates for trees as per government guidelines

Crop Trees	Age	Cost per Tree	
JAPANESE PLUM	0-1YR	200FRW	
	1-2YRS AND PLUS	500FRW	
Beef heart	0-1YR	215FRW	
	1-2YRS	280FRW	
	2-3YRS	435FRW	
Pawpaw	0-1YRS	115FRW	
	1-2YRS and plus	345FRW	
	Older tree	115FRW	
Lemons and Oranges	0-1YRS	420FRW	
	1-2YRS	860FRW	
	2-3YRS	1350FRW	
	3-4YRS	1750FRW	
	4-5YRS	2160FRW	
Avocado	0-1YRS	1335FRW	
	1-2YRS	2755FRW	
	2-3YRS	4340FRW	
	3-4YRS	6100FRW	
	4-5YRS AND MORE	8020FRW	
Guava	0-1YRS	530FRW	
	1-2YRS	1100FRW	
	2-3YRS	1675FRW	
	3-4YRS	2175FRW	
	4-5YRS	2670FRW	
Other fruit trees (Medicinal plants)	0-1YRS		
	1-2YRS		
	2-3YRS		
	3-4YRS		
	4-5YRS	600FRW	
PERENNIAL			

³Bananas are sold in whole bunch and not kilograms

CROPS			
Coffee	0-1YRS		5280FRW
	1-2YRS		8640FRW
	2-3YRS		1200FRW
	3YRS AND PLUS		15360FRW
PYRETHRUM	0-1YRS	22.5FRW	8760FRW
	1-2YRS	17.5FRW	7008FRW
	2-3YRS	12FRW	4818FRW
Tea bush	0-1YRS	51FRW	5100FRW
	1-2YRS	75FRW	7500FRW
	2-3YRS	103.5FRW	10350FRW
	3-4YRS	121.5FRW	12150FRW
Quinine	0-1YR	61.6FRW	6150FRW
	1-2YRS	94.5FRW	9450FRW
	2-3YRS	127.5FRW	12750FRW
	3-4YRS	111FRW	11100FRW
	4-5YRS	51FRW	5100FRW
	5-6YRS	67.5FRW	6750FRW
	6-7YRS	121.5FRW	12150FRW
	7-8YRS	78FRW	7800FRW
Banana stock	186F/STRIPE	744F/STRIPE	4036F/ARE
Pepper	50frw/plant		4036frw
Tripsacum	100FRW	600FRW	
Flowers			
FLOWERS	90FRW/PLANT		
Pasparum	100FRW/M2		
OTHER TREES FOR FLOWERS	Young	100FRW	
	Old	300FRW	
Raisin	Young	50FRW	
	Medium	150FRW	
	Old	200FRW	
Black Wattle	YOUNG	200FRW	5100F
	MEDIUM	600FRW TO 900FRW	7500F TO 10350
	OLD	100FRW TO 1500FRW	12150F
Eucalyptus	YOUNG	150FRW	1650FRW

	3-5YRS	360FRW	3960FRW
	5-10YRS	1200FRW	13200FRW
	10YRS PLUS REJECTS	3000FRW	33000FRW
	WITHOUT REJECTS	200FRW	22000FRW / ARE
OTHER TREES			
Australian Pine	YOUNG	200FRW	
Lilac	3-5YRS	400-600FRW	
Wood	5-10YRS	900-1500FRW	
Jacaranda		3000-4000FRW	