



MINISTRY OF INFRASTRUCTURE



Electricity Access Roll Out Program (EARP)

**RWANDA ENERGY GROUP**

**ELECTRICITY DEVELOPMENT CORPORATION LIMITED (EDCL)**

**ELECTRICITY ACCESS ROLL- OUT PROGRAM (EARP)**

**ABBREVIATED RESETTLEMENT ACTION PLAN FOR  
CONSTRUCTION OF  
MV LINES IN GAKENKE DISTRICT (ARAP)**

**March 2014**

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## ABBREVIATIONS

AIDS	Acquired Immune Deficiency Syndrome
CAC	Cell Adjudication Committee
CBOs	Community Based Organizations
DLOs	District Land Offices
EDPRS II	Second Economic Development and Poverty Reduction Strategy
EDCL	Energy Development Corporation Limited
EMF	Environment Management Framework
ESIA	Environment and Social Impact Assessment
ESMF	Environmental and Social Management Framework
GDP	Gross Domestic Product
GoR	Government of Rwanda
HIV	Human Immunodeficiency Virus
MINALOC	Ministry of Local Government
MINECOFIN	Ministry of Finance and Economic Planning
MININFRA	Ministry of Infrastructure
MINIRENA	Ministry of Natural Resources
NGO	Non-Governmental Organizations
NLC	National Land Commission
OP	Operational Policy
PAP	Project Affected Persons
PCDP	Public Consultation and Disclosure Procedures
RAP	Resettlement Action Plan
REG	Rwanda Energy Group
REMA	Rwanda Environment Management Authority
RNRA	Rwanda Natural Resources Authority
RPF	Resettlement Policy Framework
RWF	Rwandan Francs
SPIU:	Single Project Implementation Unit
WB	World Bank

## DEFINITIONS OF TERMS USED IN THIS DOCUMENT

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

1. **“Affected people”** refers to people who are directly affected socially and economically by World Bank-assisted investment projects caused by:
  - a. Relocation or loss of shelter
  - b. 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; or
  - c. The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
2. **“Associated projects”** means any subprojects or activities which are directly related to the planned infrastructure development in the six secondary cities.
3. **“Census” means a field survey** carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
4. **“Environmental and Social Management Framework (ESMF)”** is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the infrastructure development program and other activities associated with this project regardless of funding agency in the six secondary cities. The framework will set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument will be prepared as a separate and stand-alone document to be used in conjunction with this RPF.
5. **“Compensation”** means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
6. **“Cut-off date”** is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
7. **“Project affected persons” (PAPs)** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not they said Project affected persons physically relocate. These people may have their:
  - a. Standard of living adversely affected, whether or not the Project Affected Person must move to another location ;
  - b. Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
  - c. Access to productive assets adversely affected, temporarily or permanently; or
  - d. Business, occupation, work or place of residence or habitat adversely affected.

8. **“Involuntary Displacement”** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:

- a. Loss of benefits from use of such land;
- b. relocation or loss of shelter;
- c. loss of assets or access to assets; or
- d. Loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

9. **“Involuntary Land Acquisition”** is the taking of land by government or other government agencies for compensation, for the purposes of a public 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.

10. **“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.

11. **“Land acquisition”** means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.

12. **“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 to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.

13. **“Resettlement and Compensation Plan”**, also known as a **“Resettlement Action Plan (RAP)”** or **“Resettlement Plan”** - is a resettlement instrument (document) to be prepared when subproject 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 legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.

14. **“Replacement cost”** means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;

15. **“Replacement cost for agricultural land”** means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:

- a. preparing the land to levels similar to those of the affected land;
- b. any registration, transfer taxes and other associated fees;

16. **“Replacement cost for houses and other structures”** means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:

- a. Building materials

B. Transporting building materials to the construction site;

C. Any labour and contractors' fees; and d) any registration costs.

17. "Resettlement Assistance" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,

18. "**The Resettlement Policy Framework (RPF)**" is being prepared as an instrument to be used throughout the planned infrastructure development program implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans ("RAPs") for the infrastructure development in the six secondary cities will be prepared consistent with the provisions of this RPF.

19. "**Resettlement Action Plan**": see Resettlement and Compensation Plan above,

20. "Vulnerable Groups" refers to:

- a. Widows, the disabled, marginalized groups, low income households and informal sector operators;
- b. Incapacitated households – those no one fit to work and;
- c. Child-headed households and street children
- d. Including among other things, persons characterised by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

## **EXECUTIVE SUMMARY**

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This is an Abbreviated Resettlement Action Plan (ARAP) for the installation of low voltage and medium voltage lines and service connections in Janja and Muzo areas in Gakenke District. The installation is being undertaken under the Electricity Development Corporation Limited (EDCL) that is being executed by the Rwanda Energy Group (REG), currently under preparation for appraisal for funding by the World Bank.

This ARAP for installation of low voltage and medium voltage line and Service connection in Janja and Muzo sites have no significant impact because there will be no person physically displaced as a result of the implementation of the project.

The consequence of the affected households was assessed as basically physical damage to their property and loss of economic livelihoods for couple of households. In this regard, the Rwanda National Law requires that EDCL as the executing agency of the project, applies for expropriation of the affected property in public interest, and sets in motion the process for valuation, compensation and resettlement of the affected persons in accordance with the stipulated guidelines laid down within the legislation on expropriation.

According to the World Bank, the physical and economic displacement of people for such developments triggers the Bank's Operational Policy WB OP 4.12 on involuntary resettlement. The WB OP 4.12 requires in this case preparation of an Abbreviated Resettlement Action Plan (ARAP) given that only

The ARAP will guide the valuation and compensation of the partially affected and economically displaced; and in the monitoring of the resettled persons to ensure that their livelihoods are at minimum at level equivalent to that prior to affected persons being expropriated.

This ARAP was prepared in line with all necessary requirements outlined in the EARP Resettlement Policy Framework (EARP-RPF). The main elements of the ARAP are: public consultation and engagement with affected citizens on expropriation processes; social assessment of the PAPs; census report of the PAPs; documentation of assets of the PAPs; disclosure of cut-off point and entitlement; provision of alternatives; compensation and resettlement; addressing grievances; and monitoring and reporting of the compensation and resettlement undertakings.

The total cost of the ARAP implementation for the line Janja-Muzo is Eleven Million, Two Hundred Thirty nine Thousand, Six Hundred and Four Rwandan Francs(13239604 Rwf) to compensated to 251 PAPS)

The EDCL and Gakenke District, as the executing agency, will ensure that the eligible PAPs are compensated and will be responsible for monitoring and reporting the implementation of this particular ARAP to the MININFRA and the World Bank.

Provisions have been established for grievance redress mechanism, as part of the efforts in preparation of the ARAP for Janja-Muzo lines, for any aggrieved party to seek review of the decisions from the Resettlement and Compensation Committee. If the affected person is still not satisfied with the decision, that person is free to lodge his or her complaint through the local leadership starting at the Cell, Sector and District leadership.



If the grievances are not resolved in this way, the affected person has a statutory right to sue in the Courts of Law for redress within fifteen days of the final decision by the District of Gakenke on his or her complaint. EARP, carried out sensitisation of the PAPs on the formal complaints procedure, including filling of the grievance form and about the responsibilities of the different parties in the redress of grievances that may arise in displacement and resettlement process as provided for in Rwanda Law and according to the WB operational policies regarding compensation, displacement and resettlement of PAPs.

## 1. INTRODUCTION AND SUBPROJECT BACK GROUND

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### 1.1. Description and location of the Project

This is a rural electrification project which is in the context of the effort of the Ministry of Infrastructure to meet the national Economic Development and Poverty Reduction Strategy (EDPRS) target to increase access to electricity on a national scale, and to supply reliable and affordable energy to Rwandan householders. This lack of electricity in some parts of rural areas caused concentration of economic activities in urban areas, causing a lot people to shift from nearby centres for green pasture.

The electricity access roll-out program aims at increasing connections, boost economic activities all over the country, direct and indirect creation of jobs and raise off-firm jobs. The ongoing EARP will enable energy sector stakeholders to connect at least 16% of the population or 350,000 customers to the grid by 2012. It is in this regard therefore that remote areas have been identified to benefit this grant.

Currently, the Rwandan transmission system is composed of 370km 110 kV and 70 kV lines linking the southern Mururu II to Gikondo as well as the 70KV line from Jabana to Rwinkwavu. The transmission system has also eleven 110V substations, and four 70KV substation that supply all Country.

According to the high energy demand the Rwandan generated electricity needs to be transmitted and distributed to the beneficiaries. It is in this line that there is a need of the construction of transmission and distribution lines in Janja and Muzo areas in Gakenke district.

#### 1.1.1. Project objectives and outputs

The purpose and objectives of this project are as follow:

- Reducing poverty through increase of electricity access rate by direct or indirect job creation
- Reduce CO<sub>2</sub> emissions from kerosene by providing clean electric energy
- Uplift living standards in the targeted areas as investors have been limited by having no electricity guarantee
- To reduce the use of charcoal which result in deforestation and end up causing soil erosion
- To create foundation for other infrastructure like ICT infrastructure and other investments that requires electricity.

## **1.2. Scope of the ARAP**

This ARAP is a guide for the management of the process for assessing, valuation, compensating the households who will be affected with implementation of project in Gakenke District. The scope of the ARAP preparation included:

- Survey of projected affected area, land and property there on;
- Census of the PAPs including persons and their land, assets and property thereon;
- Consultations with the area residents on the list of PAPs;
- Socioeconomic assessment of the PAPs;
- Valuation of the land and assets and property thereon to be expropriated;
- Establishment and popularization of a Grievances Redress Mechanism.
- Defining relevant organizations' responsibilities for implementing of the ARAP;
- Developing implementation schedule for the ARAP that covers all resettlement activities from preparation through implementation.
- Developing the cost and budget showing itemized best cost for all planned activities; and,
- Developing monitoring and evaluation arrangements for the compensation/resettlement activities by the District of Gakenke, supplemented by independent monitors as will be contracted by EARP.

## **1.2. Methodology**

The preparation of this ARAP involved a combination of desk study, land and property survey in the respective subproject sites for Project in Gakenke District where land and property thereon has to be expropriated for the implementation of the planned subprojects. The desk study involved review of project documents and analysis of the proposed subproject feasibility reports including maps for the project sites, preliminary technical designs and rapid assessment reports on the social and environmental impacts; and surveying of the project sites to establish the location of the proposed subprojects and establish the exact impact of the proposed subprojects in terms of required land and affected property.

The field survey involved conducting census of PAPs; social assessment of the PAPs; measurement and valuation of the PAPs' land, assets, property and crops thereon that was surveyed as needing expropriation for implementation of the respective subprojects; and meeting and discussions with PAPs and key stakeholders including local leaders and District Administration on the results of the activities and processes of this ARAP.

### **1.3.1. Delineation of Project area**

The project area is situated in the Northern zone in Gakenke district which is one of the five districts of the North Province, Gakenke is located in a mountainous area with abundant rainfall, water systems typically utilize springs with gravity-fed systems. Combinations of limited individual connections and public water points or kiosks exist at the village level. Community water supplies are increasingly managed by private operators with a growing network of technical support.

## **1.4. Socioeconomic profile of Gakenke District**

### **1.4.1 Demographics**

According to census of 2012, the population of Gakenke District was around 338,586 inhabitants with density of 586 hab/km<sup>2</sup>. In spite of this, the census shows that the annual population growth slowed from 2.6% every year in the District. Most of the population living in rural areas and the youth are unemployed. Females are 53% and Males are 47%.

### **1.4.2 Existing situation of the physical infrastructure in Gakenke District**

The industrial sector in Gakenke District is not very well developed. In the district there are few coffee processing centers and centers for seedling variety improvement. This is usually brought about by lack of socio-economic infrastructure like roads, water, electricity etc.. There were also small roads that were repaired during the monthly community work exercise (umuganda). Public infrastructure like hospitals; schools are insufficient but actually, the District makes an improvement of developing social infrastructure.

### **1.4.3 Economic activities in Gakenke District**

Major economic activities are small scale businesses and agriculture. The Northern Province is leading in the production of food in country, the region has been blessed by its fertile soils and its geographical location as it is bordered by Uganda in the north, and this also boosts business across the border. There is a variety of farm products cultivated in the higher altitude north and in the lower altitude central, east and southern parts of the province.

It has fertile agricultural land, producing crops like rice, maize, Cassava, Bananas, beans and coffee. Lush pastures support the cows which produce milk for nation, as well as sheep, goats.

The District of Gakenke indulges in trade through shops, small bars, restaurants and some hotels. There are some markets of which some are well constructed and others still operate without any roofing and traders have to endure the risk of rain and sun throughout the day.

There are also micro finance institutions, banks and credit and saving cooperatives. The district also trades with the neighboring districts especially in agricultural products. The district has built and upgraded some markets and this has facilitated the smooth running of trade within the district. There is a remarkable increase in trade with more people getting involved.

There is need to encourage foreign investors to invest in the district especially in the agricultural sector due to the soil fertility in the district and abundance of cheap labor. There is also need to encourage the population to use modern methods of technology in order to increase their productivity and hence improve their standards of living.

## **2. LEGAL AND INSTITUTIONAL FRAMEWORK**

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### **2.1. Legal Framework**

#### **2.1.1. Rwandan Constitution, 2003**

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

#### **2.1.2. Ministerial Order No. 001/2006 of 26/09/2006**

This Order provides for the structure of land registers, the responsibilities and the functioning of land bureaus in each district (Article 1). According to this order, the overall responsibility of implementing the land policy lies with the Land Bureau, and the law clearly stipulates the functioning of the land bureaus at both Central and Local Government levels.

#### **2.1.3. Law N°55/2011 of 14/12/2011 Governing Roads in Rwanda**

This law provides for regulation of road works in the country, putting the responsibility for all national roads and adjoining roads under the Roads and Transport Development Authority, RTDA; while putting the district and adjoining feeder roads under the responsibility of the local authorities, and that of the roads exclusively within the designated urban centres under the urban authorities.

#### **2.1.4. Law N° 43/2013 of 16/06/2013 Governing Land in Rwanda**

This Law determines modalities of allocating, acquisition, transfer, use and management of land in Rwanda. It also establishes the principles applicable to rights recognized over all lands situated on Rwanda's national territory and all rights united or incorporated with land, whether naturally or artificially. The State under this law is the sole authority to accord rights of occupation and use of land. It also has the right to order expropriation in the public interest.

#### **2.1.5. Law N° 32/2015 of 11/06/2015 Relating to Expropriation in the Public Interest**

This Law determines 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 for public good or State interest. An expropriator is a government organ with responsibilities and powers conferred by law to carry out expropriation in public interest. The Expropriation Law also provides for contestation of the process including listing of affected persons and valuation of the affected property.

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

This law provides that only certified valuer shall undertake the valuation of expropriated property, and that the value given must be in accordance with the market area and with full participation of the affected person and preferably in the presence of the local leaders.

### **2.1.7. Rwanda's Urbanisation and Rural Settlement Sector Strategic Plan 2013-18**

The Sector Strategy promotes the development of secondary cities while creating a network of urban and urbanizing centres. Additional overall urban development guiding principles to be followed in preparing this project are: (a) designs which will encourage densification of the cities, resulting in reduced urban infrastructure and services costs, (b) local economic development must also be taken into consideration in the dialogue with the cities as to investment options, and (c) the investment options must be ranked as well using social inclusive growth as a major criteria.

### **2.1.8. World Bank Involuntary Resettlement Policy**

In preparation for the ARAP for Gakenke District both the Rwanda Law and the relevant World Bank Operational Policies were relied on, especially in regards to the involuntary resettlement related policy, WB OP 4.12, were applied. This included engaging citizens and local authorities on the proposed developments; survey of the project sites to minimize the project impact in terms of inventory Crops and Trees; and developing an entitlement matrix to guide in calculation of resettlement and replacement costs. In this ARAP, where there was contradiction between World Bank policies and Rwanda Law, the more beneficial one to the PAPs was applied.

### **2.1.9. Gap Analysis between Rwandan Expropriation Law and WB Op 4.12**

There were a number of differences between the Rwandan expropriation law and the World Bank operational policy, WB OP 4.12 that were identified (Table 2) as elaborated in the Resettlement Policy Framework (RPF).

**Table 1.** Comparison of Rwandan and World Bank Policies on Resettlement and Compensation

Category of PAPs/ Type of Lost Assets	Rwandan Law	World Bank OP4.12	Comment
Land Owners (loss of land)	<p>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 title is tradable, but not if it fragments plots below 1 hectare.</p> <p>Compensation for non-transferable property based upon market value.</p>	<p>Identification of PAPs is done through census and socio-economic surveys of the affected population,</p> <p>PAPs with titled land as well as PAPs who do not have a formal titles and those who may happen to be occupying the land illegally at time of the census – were considered for compensation once found to have been impacted or displaced by the proposed subprojects</p>	<p>Considered all forms of tenancy and occupation when preparing the list of PAPs and valuation of project impacts on households for compensation.</p>
Owners of no permanent buildings	<p>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.</p>	<p>Recommends in-kind compensation or cash compensation at full replacement cost including labour.</p> <p>Recommends resettlement assistance</p>	<p>All structures and assets affected by the proposed subprojects were assessed and valued</p>
Livelihood restoration and development assistance	<p>There are no explicit provisions on livelihood restoration.</p>	<p>Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better offer 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 (for ex. Crops and trees.</p>	<p>The resettlement actions include costs for monitoring of the restoration of PAPs and engaging with them to ensure that their livelihoods are restored to the condition before displacement or better.</p>
		, jobs, credits facilities);	



## **2.2. Institutional Framework**

### **Figure 2: Institutional arrangement for implementation of EARP in GAKENKE District.**

EARP will be responsible for overall management of the project including project personnel. The roles of Gakenke District as one of the implementing agencies of EARP include:

- Contracting and implementing physical works, according to agreed procurement procedures
- Managing sub accounts (SOEs etc) according to agreed FM arrangements
- Providing quarterly financial reports on physical and financial progress
- Environmental and Social Safeguards Implementation
- Informing and engaging citizens
- Resolving Grievances and complaints
- Ensuring availability of district officers

#### **2.2.1. Implementing support from EARP**

The Project Implementation Unit (PIU) will be comprised of the following technical expertise: Engineer as the EARP Project Manager, a Financial Management Specialist as the finance and administration manager, and a Sociologist and an Environmental Expert as the social and environmental Safeguards oversight managers. The PIU will also serve as the 'Capacity and Implementation Support Team' to the implementing agencies assisted by construction supervision consultants and social and environmental experts in project impact monitoring and assessment.

#### **2.3. Grievance Resolution Mechanism (GRM)**

The GRM has been appropriately articulated in the RPF and is for the benefit of both the project and the PAPs so as to amicably and in a timely manner solve any conflicts and grievances that may arise with the displacement and resettlement processes and activities. The grievance framework recommended for this ARAP is built on already existing structures within the laws of the GoR and affected community. A Resettlement and Compensation Committee, including representatives of the PAPs, women, youths, local authorities, and those designated by law from the District Leadership was set up to guide the implementation of the ARAP and expedite any handling of grievances that may arise in the implementation of the ARAP.

## **3. POTENTIAL JANJA-MUZO LINES IMPACTS**

The installation of low voltage and Medium voltage lines and services connections in Janja area will lead to limited physical displacement of households living close to the existing electrical lines and other electrical infrastructure

### **3.1. Vulnerable groups/persons**

The socio-economic survey identified vulnerable people among the project affected persons including two (4) widows, one (6) elderly person, and three (2) persons with disabilities (3).

## **4. RECORD KEEPING**

The information in this ARAP were evaluated by the Sector leaders and PAPs and confirmed as true, following which a meeting with PAPs was organized by District Leaders and the established Resettlement and Compensation Committee for the PAPs to review the assessment and valuation of their respective properties. The terms of compensation and payment were agree to with the District Leadership and Valuation forms signed. These forms were deposited with both the District of Gakenke and the EDCL follow up and record keeping.

### **4.1. Determination of Cut-off date**

The entitlement cut-off date in lieu of this ARAP refers to the timeframe advertised by the District of Gakenke beyond which no more claims could be made for inclusion on the list of PAPs, and at which point no assessment of new persons and their property outside the published list would be undertaken. The cut-off date was determined through a meeting with the PAPs, at the District headquarters, before the commencement of the census survey and social assessment on 12<sup>th</sup> May, 2012.

## **5. DESCRIPTION OF COMPENSATION AND OTHER RESETTLEMENT ASSISTANCE**

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### **5.1. Resettlement allowance**

The District of Gakenke will compensate the PAPs for the listed affected items as valued as per agreed to and signed valuation forms. The type and form of compensation will be according to what was agreed to between the District of Gakenke and each representative of the affected households or owner of affected crops and trees, at the time of signing off of the valuation of forms.

In regards to public service and utility infrastructure such as water points, electric poles, communication boxes and access roads, their relocation and or compensation will be negotiated with between the One Stop Centre of Gakenke District and the service providers and in the implementation contract to be funded by the District. In this regard they support for electric poles and water supply metres and standpipes.

### **5.2. Livelihood support to the PAPs**

Since there were no persons physically displaced the assistance from the Janja-Muzo will be basically helping those economically displaced to find alternatives for their business and or be absorbed within the planned market areas in the City. The PAPs will also be encouraged by the One Stop Centre of Gakenke District to take up available employment opportunities that will be created by the implementation of the EARP subprojects in the Gakenke District.

### **5.3. ELIGIBILITY**

Eligibility for compensation is as stipulated in the Rwandan Constitution (Article 29), the Expropriation Law of Rwanda (N° 32/2015 of 11/06/2015) and the Bank's operational policy, WB OP 4.12. These documents regulate and give entitlement to the affected persons. The WB OP 4.12 goes further and recognizes the affected persons as that one using the land at the time, whether or not they have written customary or formal tenure rights. In the Rwandan

Expropriation Law the person to be expropriated is defined as “any person or a legally accepted association operating in the country who is to have his or her private property transferred due to public interest as well as legally accepted local administrative entities”.

## 6. VALUATION OF AND COMPENSATION FOR LOSSES

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This section describes the methodologies that were used to value losses and determine replacement costs as well as the roles of the different institutions and PAPs during the determination of compensation process. The new land law, especially regarding private ownership of land and compensation of such crops and trees acquired by Government in public interest in Rwanda, provides for negotiations over the value of crops and trees based ongoing market value as the means for arriving at an agreeable value. In other words, PAPs are accorded room to negotiate for the suitable compensation. The financial compensation will be the last option and the crops and trees value is calculated with reference to the benchmark prices for crops and trees set annually the Council of Certified Real Property Valuers in Rwanda.

### 6.1. Compensation for Crops and trees

The compensation of crops and trees was suggested and was apparently the preferred means of compensation. In this context, the Gakenke District will not allocate alternative of crops and trees to the PAPs who chose crops and trees in the compensation arrangement.

### 6.2. Valuation for crops

As is shown in the results of census, affected property were valued based on the current market prices, and in line with provisions of the Rwanda Expropriation Law. The summary value of the compensation is as indicated in Table 2.

### 6.3. Resettlement measures for each category of eligible PAPs

The Table 2, below describes resettlement measures accepted for each PAPs category:

**Table 2.** Resettlement measures for each category

Item	Number of household /PAPs	Compensation measures	Cost (RWF)
Crops and trees	251	Cash compensation	13239604
			13239604

## 7. CONSULTATION WITH PAPs ON ACCEPTABLE ALTERNATIVES

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Consultation meetings with PAPs led by the Gakenke District were held from the time of the EARP Staff since 2012. When EARP Staff come for formal consultations were conducted starting in the month of October 2011, to discuss issues related to resettlement and compensation. Social Safeguards team, together with local authorities with technical backup from the Feasibility Study team, held the citizen engagements with members of the general public on the preparations for the impending implementation of the proposed infrastructure subprojects in the area. This was followed up with another meeting with the prospective PAPs following the survey of the required crops and trees for the planned developments. After establishing and approval of the list of actual PAPs, three meetings were held to update them of the process and to review and negotiate the valuation of their affected crops and trees thereon. The local communities were fully involved in all the processes of the development of this ARAP and are well informed about the planned project.

### 7.2. Verification and disclosure of entitlements

Upon identification of the households that would be affected by the project was completed, the EARP Social and Environmental Safeguards team, together with Technical Staff from the Gakenke District, organized meetings with PAPs to discuss compensation requirements and concerns with the expropriation process and resettlement plans. The Gakenke District also arranged meetings for the negotiations with the local communities to discuss the alternatives for resettlement and compensation. There have been two meeting for disclosure.

### 7.3. Other meetings and consultations

There will be other meeting and consultations with the PAPs, the respective banks, and parties involved in the inventory of Crops and Trees programme to discuss how to proceed with the compensation and signing of the agreement and contract documents.

### 7.4. Main issues raised by the PAPs during the first meeting

The following issues have been raised by the PAPs:

- What is the time frame for compensation?
- What are valuation methods for crops, trees and other structures?
- Availability of jobs during construction?
- When and how will crops and trees be compensated?
- What are the other assistance that project will provides to PAPs?

These issues raised by PAPs were responded as follows:

**Table 3.** Issues of PAPs and responses given

<b>S. No</b>	<b>Gender</b>	<b>Question/comment</b>	<b>Response and how addressed in RAP</b>
1	Female	How does this project help vulnerable people, people with disabilities?	The project will benefit all people and it needs people with the ability to work on the project as well.
2	Female	Priority for jobs should also consider women; women can do the same work.	Priority will include women, there will not be discriminated against women if they are able to accomplish specific task.
3	Male	Raised the issue of employment, he suggested that the local people should be the first ones to be employed project.	The consultant team explained that local people will be involved in the employment, especially those with skills. But those with no skills will be taken as manpower in the project implementation.
4	Female	How will be the expropriation? Will people have a choice on price for their crops or houses destroyed?	The laws of the country will be followed and PAPs will be given a number of options including compensation in kind and/or in cash.
5	Female	What benefits will there be for the population?	Improved connectivity and accessibility in the area, better security and better access to the area markets
6	Female	The project is genuine and very good for us loss of livelihood and need for dwelling places after relocation	All affected assets will be compensated with reference to existing laws and regulations . The PAPs will be followed closely by the Gakenke District to ensure that your lives are better or at least at the same level as before the project.

## **8. AGREEMENT ON COMPENSATION AND PREPARATION OF CONTRACTS**

The Gakenke District prepared formal agreement for release of the affected property, and compensation for the property and for payments for the expropriated of Crops and Trees thereon, which will be duly explained to the PAPs prior to their signing off. Those who chose cash will be requested to provide their personal Bank accounts where their money will be transferred. The PAPs will also be assured that they will only be moved or displaced after receiving their compensation. In case of husband and wife are required to sign off and agree to the banking and compensation arrangement.

## **9. GRIEVANCE REDRESS MECHANISM**

In case of any dissatisfied person, it was made clear to the PAPs that the complaint should be recorded and filed with Cell leadership for onward consideration by the Resettlement and Compensation Committee put in place for purposes of the EARP project in Gakenke District. The cited District is acknowledged institution for which the PAPs have been made aware of as avenues for expressing discontent and disapproval to the resettlement and compensation

process. The Rwanda Expropriation Law clearly stipulates the complaints procedures for individuals dissatisfied with the value of their compensation. The Law stipulates that dissatisfied persons have a period of 15 days after the approval decision for the valuation has been taken in this case by the Gakenke District to appeal.

In the event that the PAP rejects the value given by the Resettlement and Compensation Committee, they can ask for justification of the figure from the Committee. Should they still disagree with the value given, they can appeal to their local leadership starting at the Cell level, then the Sector and finally the District leadership. The District Land Commission officer or an agronomist should be present at the local meetings so as to closely follow the proceedings and to guide local leaders when addressing appeals.

If the grievance is not resolved via the local leadership structure, and the District Land Committee or an agronomist upholds the original value, the complainant final resort shall be to file the case to the competent Court of Law. According to the Expropriation Law, filing a case in courts of law does not stop expropriation process to be effected. The suing for review of the compensation decision should be done within 15 days after the local appeals decision is made.

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 have been fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people have been informed of the procedures before their assets are taken.

The Gakenke District will follow up the aggrieved PAPs at each level to ensure that the grievances are resolved. Each of the four cells identified one PAP to work with Gakenke District and the local leaders to ensure that the grievances are attended to in time. This is in addition to the existing Resettlement Committee.

## 10. DESCRIPTION OF RELEVANT ORGANISATIONS' RESPONSIBILITIES

The Table 12 below gives the summary of responsibility and roles that should be played by every institution during the preparation of ARAP for JANJA-MUZO subprojects implementation.

**Table 4. Roles and Responsibilities for each institution**

ORGANISATION	RESPONSIBILITY
<b>Gakenke District</b> <b>EARP(Safeguards team)</b>	<ul style="list-style-type: none"> <li>• Screening of sub-projects to identify resettlement and compensation requirements;</li> <li>• Preparation and implementation of ARAP;</li> <li>• Collaboration with Janja Sector of the Gakenke District to create Resettlement and Compensation Committee;</li> <li>• Provision of capacity building and technical support relating to resettlement and compensation activities.</li> </ul>

<b>Gakenke District authorities and Janja Sector leaders</b>	<ul style="list-style-type: none"> <li>• Review and sign off of all documentation (e.g. completed ARAPs, grievance forms, consultation plans);</li> <li>• Participation in documentation of assets;</li> <li>• Compensation of ARAP;</li> <li>• Responsible in monitoring and implementation.</li> </ul>
<b>PAPs</b>	☐Participation in census/measurement and valuation of assets of PAPs
<b>Gakenke District and Resettlement and Compensation Committees</b>	<ul style="list-style-type: none"> <li>• Inventory of Crops and Trees for replacement and effective consultation at the sector level, cell level, and at village level (Umudugudu);</li> <li>• Representation of PAPs;</li> <li>• Facilitate coordination of information collation activities (such as surveys, supervising documentation) for monitoring purposes, in accordance with procedures put in place by the District authorities; ☐Elect a representative of the Committee to act as Project Liaison Officer who has regular contact with PAPs and can lead consultation, public participation and grievance mechanisms;</li> <li>• Responsible for ensuring that grievance mechanisms meet the requirements of the RPF legislation.</li> </ul>

### 10.1. Roles of EDCL during inventory of Crops and Trees

EDCL played an oversight role in monitoring and ensuring that the process of surveying the site was done in an open and transparent manner and in the presence of all the PAPs. The Gakenke District informed the PAPs in advance and within adequate time on the dates when the social assessment, survey and inventory, and valuation of their crops and trees were to be conducted; and insisted upon the presence of the PAPs in all meetings and documentation of assets.

The Gakenke District working with EDCL is also to:

1. Ensure that the ARAP process is implemented successfully;
2. Payment of compensation is done;
3. Work together with the District to ensure that complaints are dealt with and that the ARAP is implemented smoothly and efficiently;
4. Follow up and monitor the relocation and settlement of PAPs.

### 10.2. Roles of the PAPs

The primary role of the PAPs during the process of inventory of Crops and Trees and assessing property thereon is to be physically present and ascertain that indeed the measurements are correct and to their satisfaction. Upon being adequately satisfied with the measurements, their signatures will be given as proof of approval.



### **10.3. Roles of the Gakenke District**

The technical staff (Civil Engineer) of Gakenke District played an important role during survey and crops and trees inventory targeted for the implementation of the project. The key roles for the Gakenke District in preparation and implementation of the ARAP included the following:

1. Ensuring that all the money required for expropriation as made available on time and affected persons are fairly compensated on time as required by law and before the implementation of the project;
2. Ensuring that all the complaints concerning expropriation are timely addressed.

## 11. IMPLEMENTATION SCHEDULE

There will be 7 main steps to be followed during the implementation RAP as shown in the Table 13 below

**Table 5.** Implementation schedule

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Timing</b>
<b>Public consultation</b>	Consultation meeting with the PAPs to inform them on scheduled activities and their roles to accomplish the RAP and Compensation	Gakenke District	February, 2012
<b>Database</b>	Surveying and property census/ measurement and documentation of affected property, other assets (crops)	EDCL Staff	March, 2012
<b>Disclosure of entitlement</b>	To display to the PAPs the results of the census.	Gakenke District, EDCL	April, 2012
<b>Final disclosure</b>	To display to the PAPs final results of the census and the value of their assets.	Gakenke District, EDCL	May , 2012
<b>Compensation agreement</b>	Preparation and negotiation of agreement for compensation payment	Gakenke District, , Janja Sector & PAPs	June, 2015
<b>Compensation and other resettlement measures</b>	Compensation	Gakenke District	July, 2012
<b>Monitoring and supervision</b>	Follow up of the implementation	Gakenke District, EDCL & EARP/PIU	From January to June, 2013

## 12. IMPLEMENTATION AND MONITORING FRAMEWORK

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### 12.1. Monitoring plan

The installation of low voltage and medium voltage lines and service connections in Janja area n Gakenke District started in 2012. Monitoring of the ARAP will be carried out during the whole process of Crops and Trees inventory and the compensation to ensure that the objectives are met and successful implementation of the ARAP occurs. The monitoring will be carried out by a committee composed of Gakenke District representatives, representative at the Sector & cell level, women and youth representatives from Janja Sector, and the SPIU, to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the ARAP.

Suggested key indicators are outlined below and include (and not limited to):

- Number and place of public consultation meetings held with PAPs and local authorities in preparation of, or during RAP implementation;
- Number of PAPs effectively compensated and aggregated amount disbursed compensation (actual versus planned);
- Number of complaints including total received, total justified, and total non justified.
  - This should include the subject matter for all complaints;
  - an explanation for non justified complaints;
  - Total resolved at various levels including the type of agreement reached;
  - Total referred to the legal system/ Courts of Law, including a clarification on who initiated (local leaders, PAP or GAKENKE District) the referral and the subject matter.

Suggested performance/evaluation indicators include:

- Total nature and level of all complaints received, resolved;
- Completion of payment within, or after 2 months of estimated completion date indicated in the RAP implementation plan;
- Revival of livelihood activities for the affected persons within 4 months after the compensation payment;
- Submission of monitoring reports at the frequency indicated in the M/E of the RAP implementation report or quarterly.

The table below illustrates the compensation implementation plan and responsible institutions that are expected to oversee the implementation;

**Table 6.** Plan for Monitoring, evaluating and reporting

<b>Item</b>	<b>Main activities</b>	<b>Responsible institution</b>	<b>Frequency of monitoring</b>
Public consultation	Consultation meeting with the PAPs	Gakenke District	Twice a month
Database	Updating census results	Gakenke District	When it's need
Disclosure of entitlement	Display to the PAPs the results of the census.	Gakenke District & Janja Sector	After census and assets valuation
Preparation of alternatives	Follow up of implementation of proposed alternatives	EARP team and Gakenke District	Once a week
Compensation and other resettlement measures	Follow up compensation process	Gakenke District	Twice a week
Follow up of PAPs livelihoods	Follow up and monitoring of PAPs livelihoods	Gakenke District	Once a week

## **12.2. Resettlement Implementation Completion report**

A completion report of the entire resettlement process for this project will be prepared and will include a hand over certificate which will ostensibly provide a verification of when the compensation and assistance were undertaken and to whom these services were provided as well as to indicate that indeed all the compensation has been delivered.

This report will be prepared and submitted to the Bank three months after the end of compensation payment by the Gakenke District, together with EARP/PIU. The ARAP implementation report will include (but not be limited to) the following information:

- Background of the ARAP preparation including a description of the project activities, scope of impacts, number of affected persons, and estimate budget;
- Update of its implementation with actual numbers of displaced persons by segments, compensation paid, issues/complaints raised and solutions provided;
- Complaints status;
- Early assessment of the impacts of resettlement and compensation on affected categories at the time of the report production;
- Total sum disbursed; and,
- Lessons learned from the RAP implementation

### 13. BUDGET

No	Item	Number of PAPs	Cost
1	Crops and Trees	251	15239604
	Land	0	0
	Structures/House	0	0
	Monitoring and Evaluation	-	6000000
	Total		<b>21239604</b>

The estimated budget is Twenty one Million, Two Hundred Thirty Nine Thousand, and Six Hundred and Four Rwandan Francs. Fifteen millions, two Hundred and Thirty Eight Thousand Six Hundred and Four Rwanda Francs (15,239,604 frw).

## Annex: Applied Prices Rates of Valuation of Crops

### IMBUTO

Type of Crop	Unity	Age	Value (rwf)
Inanasi Ananas Pineapple	Cluster		300/Plan /180000 Par are
Ananas	Are		180000
Ibinyomoro Prunier du japon Tree Tomato	Plant	0 to 1 year	1300
		1 to 3 years	2550
		3 to 5 years	2000
Umwembe Manguier Mango	Plant	0 to 1 year	3450
		1 to 3 years	7000
		3 to 5 years	9000
Ipera Goyavier Guava	Plant	0 to 2 years	3450
		2 to 4 years	7000
		3 to 5 years	9000
Ipapayi Papaye Papaya	Plant	0 to 1 years	1200
		1 to 3 years	10700
		3 et plus	9000
Avocat Avocatier Avocado	Plant	0 to 1 years	4005
		1 to 3 years	13020
		≥ 3 years	24060
Coeur de boeuf	Plant	0 to 1 year	1750
		1 to 3 years	2500
		3 to 5 years	5550
Marakuja	Plant	0 to 1 year	1500
		1 to 3 years	4000
		3 to 5 years	3250
Les agrumes	Plant	0 to 3 years	4650
		3 to 5 years	6150
		5 et plus	12150
Ibindi biti Other fruit trees (not listed in the crop valuation document	Plant	0 to 2 years	2100
		2 to 4 years	4500
		4 to 5 years	5500
<b>IBINYAMISOGWE</b>			
Ibishyimbo Haricots Beans	Are		2250
Petit pois	Are		2600
Arachide	Are		6750
Soya	Are		250/plant 3750/are
<b>IBINYAMPEKE</b>			
Amasaka Sorgho Sorghum	Are		3500
Umuceri Riz	Are		14000

Rice			
Umuceli udatonoye/ padi	Are		14000
Ingano	Are		4500
Ibigori	Are		4200
Uburo	Are		3000
<b>IBINYABIJUMBA</b>			
<b>Amateke Colocases</b>	Plant, are		80/plant, 20,000/are
<b>Imyumbati Manioc Cassava</b>	Plant, are		90/plant, 40500/are
Ibirayi	Are		80/plant 24000/are
Ibikoro	Are		80/plant 16000/are
Ibijumba	Are		80/plant 20000/are
Urutoki	Mat	0 to 1 year	500
Banane	Mat	≥ 1 years	2500
Banana	Are	0 to 1 year	22000
	Are	≥ 1 year	110000
<b>IMBOGA/LEGUMES</b>			
Tomates	Are		75000
	Plant	0 to 1 year	1300
	Plant	1 to 3 years	2550
Intoryi	Are		75000
Karoti	Are		60000
Salade	Are		30000
Celeri	Are		30000
Courge	Are		30000
<b>Manioc/ Isombe</b>	Are		300/plant 60000/are
Izindi mboga	Are		30000
Urusenda Pilipili	Plant	0 to 6 Months	150
	Plant	≥ 1 years	650
	Are	0 to 6 Months	15000
	Are	≥ 1 years	65000
Amashu	Are		150/plant 45000 are
Ibitunguru	Are		250/plant 60000/are
Canne a sucre	Are		50000
<b>CULTURES D'EXPORTATION/ INGENGABUKUNGU</b>			
Ipamba	Are		3000
Itabi	Are		75000
Kawa	Are	0 to 3 years	40000 are/2500 plant

		3 to 10 years	44800 are /2800 plant
		10 et plus	48000 are /3000/plant
Ibireti	Are	0 to 1 years	52000/250 par plant
		1 to 3 years	135200/650 par plant
Icyayi	Are	0 to 3 years	52500/ 500 par plant
Quinquina/ikinini	Are	3 et plus	64050/ 610 par plant
		0 to 3 years	60000/600 par plant
Moringa trees	Plant	0 to 1 year	1000
		1 to 3 years	4005
		3 to 5 years	5500
		≥ 5 years	7500
Macadamia	Plant	0 to 2 years	8265
		2 to 5 years	18300
		5 to 15 years	24060
		15 et plus	32325
Vanilla	Plant	0 to 1 year	1500
		1 to 3 years	4000
		3 to 5 ears	5250
		5 et plus	8205
<b>IBITI BITANGA IMITI</b>			
Ibiti bitanga imiti( Umuravumba, igicuncu, umweya,..... Medicinal crops)	Plant		2800
<b>IBYATSI BY' AMATUNGO</b>			
Urubingo Penissetum Elephant Grass	Are		10000
Tripsacum, vetiveri, setariya, kikuyu grass, mucyayicyayi/citronelle	Are	En production	5000/ 100 par piece
Desmodium, Luseme, mukuna, trefle en production	Are	En production	10000
Sisal(umugwegwe), bambou(umugano)	Pce	En production	250
Urwuri rutunganije	Are		350000/are
<b>INDABO</b>			
Indabo (indabo zerera Umwaka	Pce		1000
Indabo (Ibiti byo mu busitani)	Pce		5000
Pasparum.....	m <sup>2</sup>		620



IBITI BYO GUKORA URUGO			
Imiyenzi Euphorbes	Cluster	Young Age	105
		Average	525
Imihate Dracaenas	Cluster	Young age	125
		Average	575
Spurges	Plant	Aged	920
Imiyenzi nu rugo Enclos d'euphorbes Spurge enclosure	M	Young age	270
		Aged	920
		Average	420
		Aged	920
Imihate y'urugo Enclos de Dracaenas	M	Young age	285
		Average	860
Enclos de roseau cg Imiseke	M		1850
Enclos de sipure	M		1250
Enclos de bougainviere	M		2250
Enclos de roseau cg Imiseke	M		1850
Enclos de sipure	M		1250
Enclos de bougainviere	M		2250
Urugo rw'imitobotobo	M	Jeunes	270
	M	Moyennes	420
Umuvumu Ficus Ficus Imivumu	Plant	Young age	270
		Average	860
		Aged	2860 to 4290
Umuko	Plant	Young age	270
		Average	450
Ibindi biti Other trees not specified	Plant	Young age	105
		Average	270
		Aged	450
Ikibonobono Ricin Castor Oil Plant	<i>Plant</i>	Young age	105
		Average	575
		Aged	715
IBITI BYO KUBAZA			

<b>Sipure – Cypres</b>	<i>Plant, are</i>	Young	286/plant, 7150/are
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<b>Gereveliya – Greveleia Gasiya – Acacia Pinusi – Pinus Umusave – Markhamia Sederela – Terminalia</b>		3 to 5 years	572 to 858/plant, 13,585/are
		6 to 10 years	1287 to 2145/plant, 22,880/are
		≥ 10 years	4290 to 5720/plant, 57,200/are
Murier, iboberi	Plant	0 to 2 years	1000
		2 to 3 years	2000
		3 et plus	6150
Ibiti bibazwa: (Filawo, araucaria, cypres, grevellela, Masopsis, acacia, Indongo, Pinus, Lilas, Markhamia, Umusave, Jacaranda, Sakaranda, cedrela, Terminaria, etc	Are	Jeunes	7150/286 par plant
	Are	3 to 5 years	13585/ 572 par plant
	Are	6 to 10 years	22880/ 1287 to 2145 par plant
	Are	Sciable	57200/ 4290 to 5720 par plant
<b>IMIZINGA N'IBYUZI</b>			
Imizinga/Ibyima bya Kinyarwanda	Pce		3000
Imizinga/Ibyima bya Kijyambere	pce		12500
Ibyuzi	are		240000

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Murier, iboberi	plant	0 to 2 years	1000
		2 to 3 years	2000
		3 et plus	6150
Ibiti bibazwa: (Filawo, araucaria, cypres, grevellela, Masopsis, acacia, Indongo, Pinus, Lilas, Markhamia, Umusave, Jacaranda, Sakaranda, cedrela, Terminaria, etc	are	Jeunes	7150/286 par plant
	are	3 to 5 years	13585/ 572 par plant
	are	6 to 10 years	22880/ 1287 to 2145 par plant
	are	Sciable	57200/ 4290 to 5720 par plant
<b>IMIZINGA N'IBYUZI</b>			
Imizinga/Ibyima bya Kinyarwanda	pce		3000
Imizinga/Ibyima bya Kijyambere	pce		12500

Ibyuzi	are		240000
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