

THE GOVERNMENT OF RWANDA

RWANDA Electricity Access Scale-up
Project - Sector wide Approach (EASP).

Project number (PI11567).

RESETTLEMENT POLICY FRAMEWORK

January 2009.

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GLOSSARY OF TERMS

DEFINITIONS

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

“Census” means a field survey carried out to identify and determine the number of EASP Affected Persons (PAP) 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).

EASP program Affected Person(s) (PAPs) are persons affected by land and other assets loss as a result of EASP 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. These persons are affected whether or not they will move to another location.

“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 EASP program activities.

“Cut-off date” is the date of commencement of the census of PAPs or DPs within the EASP program area boundaries. This is the date on and beyond which any person whose land is occupied for EASP program, 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 EASP program, will suffer direct economic and or social adverse impacts, regardless of whether or not the 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 a public EASP

program 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 EASP program.

”Land acquisition” means the possession of or alienation of land, buildings or other assets thereon for purposes of the EASP program.

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 EASP program Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre- EASP program 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 EASP program activities commences.

”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 categorised as follows; (a) “Replacement cost for agricultural land” means the pre- EASP program 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 EASP program 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 which ever is feasible and as required, for ease of resettlement.

“The Resettlement Policy Framework (RPF)” is an instrument to be used throughout the EASP Program implementation. The RPF sets out the resettlement objectives and principles, organisational arrangements and funding mechanisms for any resettlement, that may be necessary during EASP implementation. The RPF guides the preparation of Resettlement Action Plans of individual sub projects in order to meet the needs of the people who may be affected by the project. The **Resettlement Action Plans (“RAPs”)** for the EASP Program will therefore be prepared in conformity with the provisions of this RPF.

ACRONYMS AND ABBREVIATIONS

- CAS: Country Assistance Strategy
- CFL: Compact Fluorescent Lamps
- EA: Environmental Advisor
- EDPRS : Economic Development and Poverty Reduction Strategy
- EIA: Environmental impact assessment
- EMP: Environmental Management Plan
- EPC: Engineer, Procure, Construct
- ESMF: Environment and Social Management Framework
- ESMP: Environmental and social management plan
- ESWG: Energy Sector Working Group
- GDP: Gross Domestic Product
- GEF: Global Environment Facility
- GoR: Government of Rwanda
- GDP: Gross Domestic Product
- HFO: Heavy Fuel Oil
- HIV/AIDS: Human Immuno Deficiency Virus
- IBs: Incandescent Bulbs
- IDP's: Internally Displaced Persons
- ISDS: Safeguards Data Sheet
- LV: Low Voltage
- MINAGRI: The Ministry of Agriculture, Livestock and Forestry
- MININFRA: Ministry of Infrastructure
- MINITERE : The Ministry of Lands, Environment, Forestry, Water, and Natural Resources
- MV: Medium Voltage
- EASP: Electricity Access Scale-up Project
- NEDA: National Energy Development Agency
- NEP: National Policy on Environment
- NGO's: Non-Governmental Organizations
- OP: Operational Procedures
- ORTPN: Office Rwandais de Tourisme et Parc Nationale
- PACD: Plan of Action to Combat Desertification
- PCD: Project Concept Document
- PCU: Project Coordination Unit
- PMU: Project Management Unit
- PRSP: Poverty Reduction Strategy Paper
- PV: Photo Voltaic
- RAPs: Resettlement Action Plans
- REMA: Rwanda Environment Management Authority
- ROW: Right of Way
- RPF: Resettlement Policy Framework
- SED: Sustainable Energy Development
- SIL: Specific Investment Loan
- STDs: Sexually Transmitted Diseases

- SWAp: Sector-wide approach
- T&D: Transmission and Distribution
- TA: Technical Advisor
- UERP: Urgent Electricity Rehabilitation Project
- UN: United Nations
- UNCED: United Nations Conference on Environment and Development
- UNCOD: United Nations Conference on Desertification
- UNEP: United Nations Environment Programme
- UNFCCC: United Nations Framework Convention on Climate Change
- UNICEF: United Nations Children Education Fund
- URC: National Unity and Reconciliation
- WB: World Bank

EXECUTIVE SUMMARY

Despite the high density of population (estimated at about 9 million), only 5 percent of Rwandan households (120,000 customers) have access to electricity from the grid. In recent years (2004-2006), Rwanda has suffered from acute electricity supply shortage and severe load shedding. Its installed generation capacity (mostly hydropower adding up to 55 MW), has been severely constrained by regional drought leading to a rapid draw down of the reservoirs. The Government responded by renting additional diesel generation capacity at high cost, increasing tariffs by over 100 percent to about US\$ 0.21/kWh. By contrast, average retail tariffs in the rest of the region are around US\$ 0.10-0.12/kWh. Furthermore, the poor quality of supply severely limits the competitiveness of Rwandan businesses. The supply situation has improved in the last two years due to additional thermal generation and better than average rainfall. Looking forward, a number of new generation projects are under various stages of development, many utilizing lower cost indigenous energy sources. With the arrival of the IDA financed Jabana HFO Power Station (20MW, early 2009), the Rukarara Hydro Power station (9.5 MW, early 2010) and the Nyabarongo Hydro Power station (27.5 MW, 2012) national generation capacity will increase more than 50%;

The Government of Rwanda (GoR) through the Ministry for Infrastructure (MinInfra), has proposed the launch of a National Electricity Rollout Program (EASP) to realize the primary target of the Economic Development and Poverty Reduction Strategy (EDPRS) for the electricity sector of tripling access to electricity by 2012 to about 16 percent of households and at least 50 percent of identified public institutions in health, education and local administration. This will require about 160,000+ new grid connections, and also include efforts to reach rural consumers and service providers currently off the national grid.

The activities that the RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) will be financing that would give rise to resettlement concern were not confirmed during the preparation of the project and the exact location of facilities to be constructed was also not finalized during this period.

Implementation of these sub-projects is expected to have a widespread positive impact on overall socio-economic status and livelihoods of the people in the country as a whole in terms of increasing access to electricity. Whereas the individual sub-project will carry some risks of adverse environmental and social impacts, this report addresses the risks that might arise if a sub-project will result into acquisition of land and hence disturbing the people's economic, social and/or physical aspects of

life. This Resettlement Policy Framework (RPF) provides guidelines on how the sub-projects will avoid, manage or mitigate all these project related displacement risks.

Resettlement Requirements

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

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

In keeping with this requirement and the further detail set out the draft report will firstly be made publicly available to project-affected groups and local NGOs in Rwanda by placing a public notice in a national newspaper and making the report available at the offices of relevant government ministries and REMA. This measure will also satisfy the 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 purpose of this Resettlement Policy Framework is to establish the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various sub-projects to be implemented under RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP). As will be seen from the details of the project components, Resettlement Policy Framework for EASP the design and implementation of mainly Component A (*Grid Roll Out*) of the project will mostly likely trigger O.P. 4.12 – Involuntary Resettlement. Some of the activities may result in land acquisition and so compensation and resettlement of the affected persons may be undertaken.

The RPF therefore is prepared to guide and govern RWANDA Electricity Access Scale-up Project - Sector wide Approach EASP as sub projects are selected for inclusion and sets out the elements that will be common to all

subprojects which by appraisal time are fully known. A Resettlement Action Plan (RAP) which is a detailed action plan for each subproject before implementation will be formulated and approved by the various government agencies and the 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 EASP whose components must comply with the applicable Rwanda laws and regulations and the World Bank safeguard Policy on Involuntary Resettlement (OP 4.12). The RPF provides the basis for preparing Resettlement Action Plans for individual sub-projects once their location and scope are known. Resettlement plans for specific subprojects causing displacement in the EASP will be prepared using this RPF and submitted to the World Bank for approval.

Possible types of Resettlement

The sub-projects may result in involuntary resettlement which could lead to either physical displacement (relocation or loss of shelter) or economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project related land or resource acquisition. Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land or resource acquisition that result in displacement. This may occur in case of (i) lawful expropriation or restrictions on land or resource use based on eminent domain and/or (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

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

(a) The involuntary taking of land or other resources resulting in (i) relocation or loss of shelter; (ii) loss of assets or access to assets; or (iii) loss of income sources or means of livelihood.

(b) The involuntary restriction of access to legally designated protected areas and gazetted forests resulting in adverse impacts on the livelihoods of the displaced persons.

Reasons for the use of a Resettlement Policy Framework

Owing to the nature of the project, the exact location, nature and magnitude of sub-projects to be financed by the project cannot yet be determined at the moment. Therefore at this stage it is neither possible to

determine the demography and livelihoods of 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 to provide for livelihood restoration.

In line with international standards (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 programme 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.

Annual Reporting and Performance Review Requirements

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

Capacity Building and Training

Effective implementation of the Resettlement Policy Framework will require that adequate capacity enhancement within institutions and other stakeholders be undertaken.

The deliverables of the study were this RPF report, and an accompanying Environmental and Social Management Framework (ESMF).

Key Highlights of the RPF

The key highlights in this RPF report is presented as follows:

Report Layout

The RPF covers the following aspects:

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

This RPF governs all activities funded under the UERP, and is to be used in conjunction with the Environmental and Social Management Framework

(ESMF) that has also been prepared for this program as a separate stand alone document, also disclosed at the Bank info shop and in Rwanda.

1.0 INTRODUCTION

The Government of Rwanda (GoR) through the Ministry of Infrastructure intends to initiate through Electrogaz the RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) which will be supported from an IDA loan.

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

Therefore, in compliance with Organic Law of Rwanda and the World Bank's Safeguards Policies, the GoR, represented by the Ministry of Infrastructure has prepared this RPF.

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

The Resettlement Policy Framework provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by future EASP activities whose exact locations are not known prior to EASP appraisal. The RPF is intended for RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for sub-EASP activities during implementation of the comprehensive EASP program.

The GOR is also further required to disclose this document in-country as a separate and stand alone document so that it is accessible by 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.

Since the project investments mentioned above have not yet been confirmed in terms of details and location, MinInfra through UERP/ RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) will be required during implementation of this project to implement the requirements of this RPF in full.

The subsequent RAPs would then be cleared by the Rwanda Environment Management Authority (REMA) and the World Bank, prior to implementation of their planned project investments. The use of this RPF and a separately prepared ESMF by EASP would be the instrument through which the projects environmental and social impacts are identified, assessed, evaluated and have appropriate mitigation, management and monitoring measures, designed and incorporated within the sub project itself.

1.1 Objectives

The objectives of the framework document is designed to enable RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP), other participating institutions, communities and the World Bank to address the needs of the populations that could be affected by the program 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 of the World Bank will be the frameworks that will govern any resettlement arising out of the activities of the program.

1.1.1 Specific Objectives

In some cases, resettlement of people may pave way for implementation of the RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) because the EASP 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.

1.2 Justification for the RFP

The RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) expected investment activities are not likely to result in the relocation of people except perhaps in the areas where substations are planned for construction. Also because of reserved servitudes (rights of ways) that may be used or created to support network expansion

requirements, new/additional land would have to be acquired by Electrogaz. However, because Rwanda is such a small country, approximately 26,338 km² of land, with a population of about 8.75 m, the average population density being as high as 332persons/ 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. There just is no un-utilized land available in Rwanda, today.

At this stage however, the Government of the Rwanda (GoR) is not required to prepare a Resettlement and Compensation Plan (RAP) since the site locations to house the new substations and areas for network expansion have not yet been finalized and approved. However, the GoR is required by the World Bank to prepare a Resettlement Policy Framework (RPF) during project preparation to be publicly disclosed in Rwanda and at the World Bank Infoshop before appraisal of this project. 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 EASP 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 Electrogaz 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 impact on livelihood occurs.

This framework therefore is necessary to provide guidelines for addressing concerns of affected persons where:

- Land is contributed voluntarily for the development of EASP program activities in return for compensation,
- Land is contributed voluntarily for development of EASP activities without seeking compensation, and
- Land is acquired involuntarily for the development of EASP program activities.

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 RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) sites with the in-built mechanisms for resolving any forms of disputes on land acquisition. 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).

2.0 PROJECT DESCRIPTION

This chapter describes the proposed RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) including the different components and activities expected during the duration of the project.

2.1 RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP).

2.1.1 Objectives of the Project

The project development objectives are two-fold: (i) increasing electricity access to households and priority institutions at a scale consistent with the targets of the EDPRS and; (ii) assisting the GOR mainstream the energy sector-wide approach (SWAp) and process by establishing a functioning donor partnership framework for sustained financing of investment and capacity strengthening, aligned with national priorities and results. *Specifically, the key outcome indicators for the project objectives, and that are aligned with the Africa Action Plan, are proposed as follows:*

Objective 1 – number of new connections per House Hold (HH) and in certain institutions; Objective 2 - share of sector financing from donors (for investment and capacity strengthening), that is aligned with the Government’s sector investment prospectus.

The primary EDPRS target for the electricity sector according to the Country Assistance Strategy (CAS’s) strategic theme of growth and supporting policy and investment interventions for improving economic infrastructure is aimed at tripling access by 2012 to about 16 percent of households and at least 50 percent of identified public institutions in health, education and local administration. This will require about 160,000+ new grid connections, and also include efforts to reach rural consumers and service providers currently off the national grid.

The project will also provide an effective means to advance implementation of the Government-led sector-wide approach and ongoing harmonization process in the electricity sector; a first in the Bank’s energy practice and that is expected to set an example for electricity access scale up programs in other countries in sub-Saharan Africa.

2.2 Project Components

The project has three components namely (a) **Grid Roll-out; (b) Green connection; and (c) Technical assistance, capacity strengthening, and implementation support.**

(a) **Grid rollout** - The project will finance MV and LV grid reticulation, distribution grid strengthening and rehabilitation to reach the required

transfer capacity to the targeted areas and customer connections including partial subsidies of connection costs for qualifying households, and priority institutions. This component is expected to have resettlement related issues especially when identifying land for construction of sub stations and in identification of routing and paths to be followed by the networks. Land acquisition is expected to occur coupled with loss of crops, natural vegetation, trees and even structures/building in clearing the path and setting the Right of Way (ROW) parameters. This component is therefore going to trigger the Banks OP 4.12.

(b) “Green connections” - The project will finance a range of activities to improve affordability for the consumers and reduce the need for additional generation resources. The program would include energy efficient Compact Fluorescent Lamps (CFLs), incentives to promote the use of solar hot water heaters sold through private dealers and specific initiatives to buy down connection costs for the poorest households including mainstreaming of the use of low cost “ready boards” in homes. This component is not going to trigger OP 4.12.

(c) Technical assistance, capacity strengthening, and implementation support – This component will support components (a) and (b) outlined above that are linked to the first project development objective. Additionally, this component will support the second development objective of mainstreaming the SWAp framework and process. This component is not going to trigger OP 4.12.

Off-grid electrification - A unit within the Ministry in charge of Energy will oversee, supervise and monitor coordinated implementation of the off-grid component implementation activities under the sector-wide approach. There are already several multilateral and bilateral donors active in the sub sector including EU, Belgium, Netherlands and Germany. Under a separate stand alone GEF project (Rwanda Sustainable Energy Development Project, P097818), that will complement this project, Bank will support the increasing investments in off-grid renewable energy generation and energy efficiency by financing a program of TA and policy related activities required to make these investments long term sustainable. This component is not going to trigger OP 4.12.

2.3 Outline of Implementation Arrangements

Component (a) Grid rollout – ELGZ will establish a new Projects Department that will consolidate within the company all existing project-specific PMUs and that will also manage and oversee the national grid rollout and connections program. The strategy for achieving the latter target will be two-fold: (a) expanded outsourcing of household connections and LV network reticulation to local construction capacity mobilized to the maximum, coupled with a program for strengthening and expanding local contractor pool for the mid-to-longer term; (b) utilizing

turn-key EPC (Engineer, Procure, Construct) contracts tendered competitively to qualified international firms, especially in the current EDPRS period when local capacity is insufficient to meet the connections targets, especially for grid intensification projects that involve MV reticulation as well. As program progresses beyond the current EDPRS time frame, the share of large EPC contracts is expected to decline as local capacity and locally sourced materials and equipment increases. Rwanda is a potential pilot country for the use of country procurement systems. In case the ongoing assessment is successful (to be completed during 2009), it is proposed to pilot the use of country systems for procurement of a portion of the IDA financing for local and international sourced equipment, materials and services. This would further increase the alignment and harmonization of the SWAp framework.

Component (b) “Green Connections” – The *CFL program* for new customers will be managed by the existing energy efficiency unit in ELGZ and paired with the ongoing CFL replacement campaign. It is expected that the component will be able to benefit from Carbon Credits for the realized emission reduction. The *Solar hot water heater program* will be managed by NEDA, and delivered by the private sector to qualifying end users. Technical assistance will be provided from the GEF SED project. Following an initial production grade pilot introduction, the program will mainstream a scheme expected to be analogous to but suitably adapted from the highly successful market approach in Tunisia. Basically, the out of pocket investment cost to a household user is brought down by a capital subsidy, and the user has easy access to affordable instalment payments, with ELGZ and a financial institution engaged in managing the payments and collection systems in place. The percentage subsidy has yet to be determined in the pilot phase, but is expected to be around 40%.

Component (c) Technical assistance – ELGZ, and MinInfra will be responsible for the respective portions of this component.

2.3.1 SWAp mainstreaming

Prior to appraisal, it is expected that MinInfra together with the sector development partners will reach understanding on the scope and staging each year of the consultative process and arrangements for implementation of the sector-wide approach to joint development efforts in the energy sector. The Energy Sector Working Group (ESWG) will serve as the decision making body on SWAp-related issues in the sector and supported by specific impermanent thematic teams and sub-sector working groups, such as for electricity, biomass. A coordinated series of linked reports and fora to be staged each year will further formalize the SWAp framework and process of monitoring, consultations and feedback, needed and timely corrective actions, and regular updating of the spatial rollout investment plan and Prospectus for mobilization of financing in future rounds.

2.3.2 Proposed financing and lending instrument

The overall investment envelope for the first SWAp period September 2009-2012 is being detailed in the ongoing Prospectus preparation work by a Consultant team. In order of magnitude terms it is expected to be about \$200 million for the time slice identified; including grid and off-grid investments, technical assistance, excluding grid generation. Off this total, up to \$150 million is for the grid rollout program of 160,000 – 200,000 new connections through 2012.

The proposed lending instrument is a 4-year Specific Investment Loan (SIL) financed by an IDA grant of USD 50 million.

In addition, the Bank is exploring possibilities for additional grant financing from the Energy for Poor access window donated by OFID/Saudi fund. The balance of financing for the SWAp time slice covered by the first Prospectus will be filled from a number of sources with the details to be worked out by appraisal time.

These sources of funds include: Government, ELGZ, customer connection charges, and major Donors such as African Development Bank (AFDB), European Union (EU), Belgium, Netherlands, and others. It is not certain if the other development partners will subscribe to the World Bank policies on resettlement and environment. However, efforts should be made right away to get confirmation that these partners are willing to apply the RPF document.

The SIL instrument is appropriate for the proposed project, as the sector institutional framework and SWAp process, including the use of country systems, are not yet sufficiently advanced as to warrant use of a budget support or earmarked budget support for channelling financing for the national access scale up program. While the PRSG Grants program includes energy as a priority sector - along with Health, Education, and Water – it is the Bank’s primary instrument for addressing major policy issues.

3.0 METHODOLOGY AND CONSULTATION

The study was conducted by the consultant using the following approach and methodology;

3.1 Detailed and in-depth literature review

Review on the existing baseline information and literature material was undertaken and helped in gaining a further and deeper understanding of the project. Among the documents that we reviewed in order to familiarise and deeply understand the project included:

- World Bank Project Concept Note and Integrated Data Sheet
- EASP Project preparation brief-Status and Next steps
- EASP Preparation Country document
- PID Electricity Access Scale Up
- UERP RPF Report

The consultant also undertook detailed review and analysis of the national relevant legislations, policies and guidelines including the World Bank Safeguards Policies, international conventions related to this project and other relevant documents.

3.2 Field Visits

The consultant also made visits to the possible project areas in order to familiarise with the issues on the ground and appreciate the concerns.

3.3 Interactive Discussions

Various discussions were held with the UERP and Electrogaz staff, REMA as well as other relevant staff of key implementing partners of Electrogaz. These discussions were very insightful in understanding the issues and are the basis for most of the measures contained in this RPF.

4.0 POTENTIAL IMPACTS OF THE PROJECT

Definition of Project Affected People (PAPS)

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 gazetted 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.

4.1 Project Activities with displacement potential

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

- Land acquisition for construction of the sub station and installation of the transmission towers which will potentially lead to the destruction of structures and property that might fall along the selected transmission routes or selected sites for the sub stations, loss and or destruction of crops and vegetation
- Land acquisition for construction of road access leading to the substation and could lead to property destruction, crop loss etc
- Land acquisition to construct camps for workers could lead to crop and vegetation loss, property loss etc

4.1.1 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:-

a) 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 sub-project.

b) Affected households

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

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

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

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

- d) ***The Batwa Community members*** – also often referred to as pygmies, are the indigenous¹ people of the great lakes region who still live mostly in high altitude forest areas with their main occupational pursuits being mainly forest hunting and to a lesser extent pottery.
- e) ***Internally Displaced Persons, returning and returned refugees***- this group from the past troubles have little or no rights, are often the poorest of the poor, destitute, unskilled, unemployed and unemployable and often shunned by rest of contemporary society.
- f) ***Unmarried women***-These are women who may be dependent on sons, brothers, or others for support. Since an affected individual is able to name the person with whom he/she is linked in dependency as part of the household, resettlement will not sever this link.
- g) ***Elderly persons***-Elderly people farm or work as long as they are able. Their economic viability may depend on how much land they farm or how much they produce because, by producing even small amounts of food to “exchange” with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith, kin and neighbours. Losing land will affect their economic viability. However, resettlement would damage their economic viability even more than losing land since it will separate them from the person or household on whom they depend for their support.
- h) ***HIV/AIDS afflicted persons***-Relatively high percentages of the poor and total population are living with HIV or are terminally ill with AIDS. Many are beneficiaries of numerous health programmes from the government, international organizations and the NGO community.
- i) ***Orphans and street children***-Due to the impacts of the AIDS crisis and the past conflicts, there are a considerable (some estimates put it at 40% of all children) number of orphaned children, who have lost at least one parent These children today fall into three categories of care namely (i) those being looked after by close relatives, (ii) those being looked after by the government, local authorities or NGOs and (iii) those living alone and providing for themselves and other siblings. These children are more vulnerable since they are often “voiceless” because they have no parents to defend or stand up for them and also because they are considered too young to be heard.

¹ *The term indigenous is used here purely consistently with the wide and internationally accepted anthropological use of the term and not to define or determine historical periods of inhabitation.*

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

- j) ***Widow-Female-headed households***-These may depend on husbands, sons, brothers, or others for support. However, in other cases, women are the main breadwinners in their household and therefore need relatively easy access to health service facilities, as mothers and wives. These women should not be resettled in a way that separates them from their households as the very survival of their households may depend on them. Their compensation must take into account all these factors.
- k) ***Small-scale female farmers***-Small-scale female farmers are also vulnerable because they may not have men available within the household to carry out male specific land preparation tasks. Either male relatives in other households help them voluntarily, or they hire men for cash, or food. Land compensation specifically includes the labour costs of preparing new land, so these women are provided for by the compensation plan.
- l) ***Non-farming females***-These women earn income from other sources and/or depend on relatives for “exchanges” of staple foods. Since they do not farm they will not be affected by the sub-projects need for agricultural land. However, if their buildings lie on land needed by a subproject, they will receive replacement cost compensation. These household types are not mutually exclusive, and a female heading a household may be a small-scale farmer or an orphan may be an AIDS afflicted person. These groups could be identified as being particularly vulnerable to land acquisition activities, and as such the following considerations will be made when project sites are identified and PAPs listed:-

(a) 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;

(b) The groups should be individually consulted and given opportunities to participate in the resettlement decision-making process, as well as project activities;

(c) Consultation with these groups should ensure that resulting resettlement and compensation restores and or improves their pre-project livelihood;

(d) The RAPs should be designed to ensure special attention is paid to the monitoring of the resettlement process in order to ensure that pre-project livelihoods are indeed restored and or improved upon;

(e) PAPs should be given sufficient technical and financial assistance to make use of the grievance mechanisms of the project where required;

(f) Decisions concerning them should be made in the shortest possible time.

4.2 Approximate number of PAPS

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

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

4.2.1 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.

5.0 PRINCIPLES AND OBJECTIVES GOVERNING RESETTLEMENT PREPARATION AND IMPLEMENTATION

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

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

5.1 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:-

(a) **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.

(b) ***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.

(c) ***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.

(d) ***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.

(e) ***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, diarrhoea, dysentery, etc.

(f) ***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.

(g) ***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.

(h) ***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.

(i) ***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.

5.2 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 categorised as indigenous people in the project area. However, during the implementation of the RPF, the project will identify and mitigate any adverse impacts on any vulnerable groups of people in the project area.

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

5.3 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:-

- (a) Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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;

(f) 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:

- a) 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;

or

(b) The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the economically or physically displaced persons.

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

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

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

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

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

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

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

This may also lead to considerable conflicts between those affected in this way and Electrogaz. The perception of those affected that a few should

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

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

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

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

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

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

6.0 IMPLEMENTATION ARRANGEMENTS

6.1 Overview

The overall coordination of the project will be provided by the Ministry of Infrastructure through the EASP project which will oversee all resettlement planning and coordinate all issues relating to the compensation. Given the importance of the activities under the various sub-components, EASP will collaborate with Local Authorities falling within the project area in coordination and implementation.

6.2 Specific roles in the compensation procedure

(a) Public Participation with the PAPs

This will initiate the compensation process as part of an ongoing process that would have started at the planning stages when the technical designs are being developed and at the land selection/screening stage. The process therefore seeks the involvement of PAPA in a participatory approach from the beginning.

(b) Notification of land resource holders

In cases where there is clearly no identified owner or user, the respective local authorities and leaders, e.g. Imidugudu leaders will notify the community leaders and representatives who will help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility of notifying their members about the established cut-off date and its significance. The users will be informed through formal notification in writing and by verbal notification delivered in the presence of the all the relevant stakeholders.

(c) Documentation of Holdings and Assets

The Local Authorities, and local leaders, Electrogaz, EASP Representatives will arrange meetings with affected individuals to discuss the compensation process. For each individual or household affected, officials will complete a compensation report containing necessary personal information on, the affected party and those that he/she claims as household members, total land holdings, inventory of assets affected, and information for monitoring their future situation. This information will be confirmed and witnessed by local elders. The reports will be kept current and will include documentation of lands surrendered. This is necessary because it is one way in which an individual can be monitored over time.

(d) Agreement on Compensation and Preparation of Contracts

All types of compensation will be clearly explained to the individual and households involved. EASP and the Local Authorities will draw contracts

listing all property and land being surrendered, and the types of compensation selected. A person selecting in-kind compensation will have an order form signed and witnessed. The compensation contract and the grievance redress mechanisms will be read aloud in the presence of the affected party and the Local Community Elder prior to signing.

(e) Compensation Payments

All handing over of property such as land and buildings and compensation payments will be made in the presence of the affected party, Electrogaz, EASP staff, Local Authorities, representative of the PAPs and the community local leaders.

6.3 Community compensation payments

It is very unlikely that sub-projects will take land occupied by physical structures, including community facilities. However, if this situation arises, community compensation will be in-kind only for a community as a whole in the form of reconstruction of the facility to at least the same standard or equivalent better standard required by local planning regulation. Examples of community compensation include for grazing grounds, school buildings, public toilets, wells or pumps, market places, and community roads.

Institutional Roles in Compensation

District Land Bureau; 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. They will be engaged in land valuation and also hear the grievances by all the PAPs and resolve them if they can before referring to the high court. 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.

Land Resettlement Committees; According to the new land policy for Rwanda there exist land resettlement committees at various levels of the local administration. These committees are 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 EASP in moving forward any process related to compensation, land valuation, and grievance redress. 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.

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

7.0 PROCESS FOR SCREENING, PREPARING AND APPROVING RAPs.

This section sets out the step by step process that the EASP will take to determine whether the subproject will result in physical or economic displacements and therefore whether a resettlement action plan (RAP) is required and if so, how to prepare and implement one. Section 7.1 describes the screening process, while sections thereafter describe the detailed actions required to prepare RAPs. The screening process presented below will ensure that subprojects presented to the Project for funding comply with the requirements of OP 4.12 and the Rwanda law relating to land acquisition/use and resettlement.

7.1 Screening for involuntary resettlement

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:-

- a) Informed about their options and rights pertaining to resettlement;
- b) Included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives;

- c) Provided prompt and effective compensation at full replacement cost for; and (d) Losses of assets and access attributable to the subprojects.
- d) 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.

The land screening process presented here below is designed to take advantage of and to build upon the existing planning structures that Electrogaz has in place and have successfully been using in the past to plan especially from the UERP.

7.1.1 Screening checklist

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

7.1.2 Subproject design

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.

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

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

7.2 Baseline and Socio-economic data

An important aspect of preparing a RAP is to establish appropriate socio-economic baseline data 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. The PAPs may be classified into three groups namely:-

- 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.

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.

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.

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

The socio-economic study would focus on the identification of stakeholders (demographic data), the participation process, identification of affected people (including owners and users of land) and impact on their property and their production systems, the institutional analysis and the system for monitoring and evaluation.

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

Standard characteristics of the affected households, including a description of production systems, labor, and household organization, and baseline

information on livelihoods (including production levels and incomes derived from both formal and informal economic activities) and standards of living and health status of the PAPs.

Under this study a comprehensive base line census would be carried out to identify potentially affected people on the individual and household levels, vulnerable groups (women, children, the elderly, female headed households, affected internally displaced people, affected internally displaced households, etc.) and to discourage inflow of people ineligible for assistance.

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

On completion of the socio- economic study and the baseline census Electrogaz will prepare a resettlement and compensation plan (RAP) for each site that is affected by resettlement and compensation.

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

Table 1. Contents of ARAP

<ul style="list-style-type: none">• Census survey of displaced (economically or physically) persons and valuation of assets.• Description of compensation and other resettlement assistance to be provided.• Consultations with displaced people about acceptable alternatives.• Institutional responsibility for implementation and procedures for grievance redress• Arrangements for monitoring and implementation, and• A timetable and budget.
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For impacts that are not considered minor, the preparation of a Resettlement Plan (RAP) is required for each site, World bank OP 4.12 article 25 sets the requirements of the full RAP to include;

- Description of the project
- Potential Impacts

- Objectives
- Socioeconomic Studies
- Legal Framework
- Institutional Framework.
- Eligibility
- Valuation of and compensation for losses
- Resettlement measures
- Site selection, site preparation, and relocation
- Housing, infrastructure, and social services
- Environmental protection and management
- Community participation
- Integration with host populations
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Cost and budget
- Monitoring and evaluation

7.3 Preparation of a sub-project RAP

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

The resettlement and compensation plans would then be forwarded for screening and approval to the Rwanda Environment Management Agency (REMA) in compliance with the national and project institutional and administrative requirements.

All sites that trigger OP4.12 and their resettlement and compensation plans would be subject to the final approval of the World Bank to ensure compliance with bank safeguards. Thus ensuring that before land is actually acquired or access to resources is lost, denied or restricted, that the individual resettlement and compensation plans are consistent with this RPF.

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

In planning for expansion and/or provision of access to new areas, as is current practice, the first step in this process would be for Electrogaz to commission their Technical Teams of Engineers and Surveyors (TTES) to carryout the required technical work. The TTES will carry out a fairly comprehensive land survey in the areas where the work is being planned

to enable engineering drawings to be prepared that would provide precise and comprehensive detailed information for planning, costing and designing. On these drawings also, will be information on the exact location and land site parameters that the planned expansion will need. This is the modus operandi of Electrogaz at the moment.

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

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

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

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

Once the cut-off dates are decided, Electrogaz will commence on those dates the socio-economic study and census, consistent with the requirements detailed above in this section of the RPF. The process continues for sub station sites described above, with preparation of the

² *The TTSE during the implementation of UERP were trained to play this role.*

Rap or ARAP, submission for approval to REMA and the World Bank, etc.

For the World Bank to approve funding for any project activity that needs to acquire land to support proposed investments under this project, Electrogaz 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 the Electrogaz, the World Bank will only approve funding for the investment activities once it is satisfied that the provisions of this RPF were met in cases where OP 4.12 apply, i.e. that affected persons, if any, on its land are treated consistent with this RPF.

In cases where the land was acquired and there were no resettlement and compensation issues the Electrogaz would have to also seek the confirmation of the World Bank that provisions of OP 4.12 do not apply before funding will be approved and must secure the site and also chose a cut-off date for that site so that opportunistic invasions can be avoided.

Furthermore, the Rwanda Environment Management Agency (REMA) should as a guideline consider the cumulative factor and not approve multiple sites that have individual high impact intensity. For example, where land acquisition is required to such an extent that it would require more than 20% of a community's/village or individual's/homestead's total land under use or when the mitigation measures are so cumbersome that their efficacy cannot be predetermined or they cost more than 15% of the investment budget.

For network expansion cases, the proposed investments are expected to be significantly large (in terms of geographical coverage) and in the context of Rwanda's long and strong cultural practices governing rural life, the cumulative effect of even minimal resettlement in this project, on the entire country's way of life must be made and reviewed at the level of REMA on the possible impact these mitigation measures would have on future land reform and residential planning.

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

7.4. Grievance Mechanism

As the screening process is mostly carried out by the sub-projects, the project will establish an independent grievance mechanism, through the Local Authorities including land committees and local community leaders to inform all PAPs about the project and receive and address specific concerns about compensation and relocation that are raised by displaced persons or members of host communities, including a recourse mechanism designed to resolve disputes in an impartial manner. Further description on the grievance redress mechanism is found in section 12.0. However as a summary all the grievances will be channeled to the existing structures in Rwanda for handling grievances beginning with the traditional institutions as the first stop before resorting to the Rwanda Courts of Law as the last resort. A grievance log will be established and used in monitoring of complaints

7.5 Compensation and Benefits for Displaced Persons

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

7.6 Consultation

Following disclosure of all relevant information through the project communication channels and the independent grievance mechanism, the project will provide for resettlement action plans to consult and facilitate the informed participation of affected persons and communities, including host communities, in decision making processes related to resettlement. The Local Authorities and EASP will ensure that consultation will continue during the implementation, monitoring, and evaluation of compensation payment and resettlement to ensure that the living conditions of the PAPs are enhanced or at least restored.

7.7 Approval of Resettlement Action Plans

After clearance, the compensation, resettlement and rehabilitation activities of the RAP, overseen by the Local Authorities and EASP and verified by REMA before funds can be disbursed for civil works under the subproject. The EMPs and RAPs developed for subprojects will also be reviewed by the PCU and the World Bank. For quality assurance, it is required that RAPs prepared for subprojects be submitted to the World

Bank for review to ensure that they are produced in line with the OP 4.12. Gaps in quality shall be addressed through training at the district level for relevant service providers and reviewers, funded by the project as part of the budget for capacity building.

8.0 ELIGIBILITY CRITERIA FOR VARIOUS CATEGORIES OF AFFECTED PEOPLE

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

8.1 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. OP 4.12 suggests the following three criteria for eligibility:-

(a) Those who have formal rights to land including customary/communal land, traditional and religious rights recognized under Rwandan Law.

(b) 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.

(c) 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 lose, 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, 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 RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP) in close consultation with the potential PAPs, local community leaders and the respective local leader and acceptable to the World Bank.

Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in (a), (b) or (c) above are to be provided with compensation for loss of assets other than land. It is therefore clear that all project affected persons irrespective of their status or whether they have formal titles, legal

rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date.

Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

8.2 Eligibility Criteria

PAPs may be classified in one of the three groups listed above. The process will involve review of tenure documents owned by occupants, interviews with households and groups in the affected area. Local Authorities and the Ministry of Lands will also help in this assignment that will be undertaken by the EASP Social Specialist, Electrogaz and consultants if needed.

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

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

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

The table below shows the types of eligibility criteria which could be used by local officials.

Table 2. The Entitlement Matrix for Various Categories of PAPs- n.b.: All payments to be made in Rwandese Franc (Rfrw/)

Asset Acquired	Type of Impact	Entitled Person	Compensation Entitlement
Agricultural land	<p>No displacement: Cash compensation for affected land equivalent to market Value Less than 20% of land holding affected,</p> <p>The remaining land remains economically viable.</p>	Farmer/ title holder	Cash compensation for affected land equivalent
		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.
	<p>Displacement: More than 20% of land holding lost or less than 20% of land holding lost but remaining land not economically viable.</p>	Farmer/ Title holder	<p>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice.</p> <p>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.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)</p>

			Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
		Tenant/Lease holder	<p>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.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)</p> <p>Relocation assistance (costs of shifting + allowance).</p>
Commercial Land	No displacement: Land used for business partially affected, limited loss	Title holder/ business owner	<p>Cash compensation for affected land</p> <p>Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</p>
		Business owner is lease holder	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	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

			<p>tenure status at an available location which is acceptable to the PAP.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration & other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</p>
		Business person is lease holder	<p>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.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re- establish the business.</p>
Residential Land	No displacement: Land used for residence partially affected, limited loss, and the remaining land remains viable for present use.	Title holder	Cash compensation for affected land
		Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Title holder	Land for land replacement or compensation in cash according to PAP's choice.

			<p>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.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration & other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
	Displacement: Premise used for residence severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p> <p>Assistance in rental/ lease of alternative land/ property</p> <p>Relocation assistance (costs of shifting + allowance)</p>
Buildings and structures	No displacement: Structure partially affected but the remaining structure remains viable for continued use	Owner	<p>Cash compensation for affected building and other fixed assets</p> <p>Cash assistance to cover costs of restoration of the remaining structure</p>
		Rental/lease holder	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	<p>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.</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant)</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</p> <p>Assistance to help find alternative rental arrangements</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Squatter/informal dweller	<p>Cash compensation for affected structure without depreciation</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + assistance to</p>

			<p>find alternative secure accommodation preferably in the community of residence through involvement of the project</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available)</p> <p>Rehabilitation assistance if required assistance with job placement, skills training)</p>
		Street vendor (informal without title or lease to the stall or shop)	<p>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.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re- establish the business.</p>
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	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)	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)

8.3 Eligibility for Community Compensation

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

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

8.4 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).

8.5 Loss of wages and income

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.

Compensation equivalent to lost income required for the duration of impact should be paid to the latter. 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.

8.6 Cut-off date

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, i.e. the time when Electrogaz has identified the land sites it would need and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Unfinished structures would be identified and secured, and unused materials will be piled at the site so that the survey can estimate investment which should be compensated for in lieu of expenses (including labor) incurred until the cut – off date.

The cut-off date is to be determined at a meeting of the respective local authorities and community leaders and the representatives of Electrogaz, 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.

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.

The cut-off date for this project shall be determined by the Resettlement Committee, as appropriate, making anyone who makes a claim for loss of land or any assets after such a date ineligible for expropriation/compensation. Otherwise the cut off date will be the date when the census for a particular subproject begins.

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project areas are carried out, i.e. the time when the sub-project owners/implementers have identified the land sites they would need and when the socioeconomic study is taking place.

Thereafter, no new cases of affected people will be considered. 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.

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 is subject to the approval of the Rwanda Environment Management Authority (REMA) and 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 community 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.

9.0 COMPARISON OF RWANDA LAWS AND WORLD BANK REQUIREMENTS

The chapter sets out the legal framework, the comparison between the laws and regulations of Rwanda and World Bank policy requirements, and proposed measures to bridge the gaps between them.

Key Features of 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 will be tradable, but not in a way that fragments plots below 1 hectare
- Land use should be optimal
- Households will be encouraged to consolidate plots to ensure that each holding is not less than 1 hectare; there will also be a ceiling of 50hectare. This will be achieved by the family cultivating in common rather than fragmenting the plot through inheritance.
- Land administration will be based on a reformed cadastral system.
- The system of land administration is under consideration.
- The rights of occupants of urban land will be recognized, on condition that they conform to established rules.
- Urban master plans will be developed.
- Marshlands are in the state's private domain, and will be allocated to individuals on a concession by the MINTERE on condition of good management.

9.1 Statutory Land Laws

In February 1999, a draft revised land law was prepared, defining ownership of land, rights and obligations of land owners and transactions of land. The law recognizes private land, land owned by the state, and land owned by the commune.

The current draft Land Law specifies:

- People with customary holdings less than 2 hectares and those with customary holdings between 2 and 30 hectares where the owner has a project and a development plan will be recognized as the owners.
- Transfer of title deeds requires prior consent of all family members.
- A land tax will be imposed.

- Undeveloped land reverts to the states private domain after three years.
- Holders of *ubukonde* land (originally distributed by clan head), known as *abagererwa*, will have the same rights as other customary owners.

9.2 Customary Land Laws

Two principal systems controlled land tenure in Rwanda³, the *Ubukonde* System and the *Igikingi* System. These systems were different, but shared notions of collective ownership of land among members of patrilineages (*imiryango*).

- In the *Ubukonde* System , predominantly observed then, in the north and north west (currently Byumba, Gisenyi and Ruhengeri prefectures), people gained rights to large tracts of land, by being the first to clear and valorize the land (known as *gukonda*). In this system, a lineage held rights to land corporately and major decisions about managing landholdings were taken by the lineage chef (*umutware w'umuryango* or, in speaking of land specifically, *umukonde*). The *abakonde* lineages held economic and political power over their *ubukonde* and could grant rights to others to use land in their territory through a form of clientship known as *ubugererwa*. Clients were required to make payments to their patrons, most often in the form of a portion of the harvests or in manual labor in the patron's fields or enclosure. There were three specific types of *ubukonde*, including *ubukonde bw'inzogera* (hunting grounds), *ubukonde bw'inka* (grazing lands), and *ubukonde bw'isuka* (agricultural lands). In all three types, the *umukonde* (*ubukonde* owner) allowed others access to these lands in exchange for gifts and/or labor.
- In the *Igikingi* System, predominantly observed then in the central, eastern and southern areas of Rwanda, land was distributed by the *mwami*⁴ or his chiefs (*abatware b'umukenke*) on the approval of the *mwami* to either heroes (*intwari*) from war or other individuals commanding respect in society. *Ibikingi* were vast tracts of land designed for grazing cattle. If the holder of an *igikingi* lost favor with the chief or lost his cattle, through disease, mismanagement, or raiding, *the* chief seized his *igikingi* from him and gave it to someone else who had cattle. The holders of *ibikingi* had full control over the land and thus could partition it and allot plots (*amasambu*) to others in order to cultivate. These cultivators became clients and owned seasonal gifts and servitude to continue benefiting from the land bestowed on them.

³ "Women and Land in Africa" , edited by L. Muthoni Wanyeki.

⁴ The *mwami* was the political and spiritual leader of the central Rwandan kingdom. At the beginning of the twentieth century, the kingdom was in the midst of an expansion (through warfare) into bordering regions (present-day Kibungo and Cyangugu) of kinyaranda speaker.

Both these systems have undergone significant reforms due to the socio – political turbulence Rwanda has undergone during the immediate pre-colonial, colonial, post colonial and post genocide eras.

9.3 Existing situation at National Level⁵

At the national level MINITERE has the mandate and authority for land administration and the management of systems for urban and rural land registration. The Ministry is responsible for the whole country with the exception of Kigali Municipality, where a separate land register is maintained. In practice formal land registration has been undertaken of only a small proportion of the country, with the focus on urban areas outside Kigali and those in rural areas under commercial agriculture or owned by churches.

Within MINITERE the Directorate of Lands includes a Cadastral and Register (*Cadastrale et Domaine*) Division. Its responsibilities are:

- Maintenance of a paper-based national cadastre of land parcels
- Surveying of applications for land concessions and land registration
- Collection of land registration fees and rents.

Original and duplicate paper copies of all land concessions and land titles are held in MINITERE and filed by Provinces or Municipalities other than Kigali, and within Provinces chronologically by date of application. Duplicate copies of the concessions and titles are also stored in the provincial and municipal offices to which they relate.

9.4 Existing situation at Provincial, District and Municipal Levels

As described above land registration, except for Kigali City, is currently carried out centrally by MINITERE. At present the Provinces and Municipalities only hold the relevant copies of contract papers relating to concessions and land titles in their respective areas. The *Fiche Cadastrale* that is completed by the Cadastral and Register Division of MINITERE records the *Localite ou District* of each land parcel for which an application is submitted for formal registration. This information is retained in MINITERE and in the relevant provincial or municipal offices responsible for the land. No formal land registration is carried out at lower levels, though informally maps down to cell level showing individual houses have been compiled in some Districts.

⁵ Contains under this heading and the next heading “ Existing situation at Provincial, District and Municipal Levels” is culled from “**RWANDA-** Assessment of Land Registration, Land Information Management, Land Use Planning and Land Management Systems” report by University of Greenwich, May 2004.

Decentralization of land registration responsibilities and information to the Districts has commenced. In Gisenyi Province training has begun in preparation for municipal land registration, and cadastral information is being transferred to Gisenyi Municipality and relevant Districts. Each District and Municipality in the country is now authorized to charge variable fees according to their location and use for the annual rent of land parcels, and to retain the fees.

In Kigali Municipality since 1998 all responsibility for land registration has been transferred from MININFRA (Ministry of Infrastructure) to a land registration institution located on the outskirts of Kigali Municipality, Kabuga in the Municipality of Kigali Ngali Province. Here *Contrats de Location a Usage* (Location and Use Contracts) are drawn up with new parcel holders that have been mapped out as the town expands. These are effectively starter titles to land parcels, since they each require boundary marks to be placed and a cadastral plan to be drafted as part of the contract. The *Banques Populaires du Rwanda* accepts these contracts as sufficient evidence of land ownership for it to issue small loans to applicants who use their land as collateral. However, the cadastral plans included in the *Contrats* are not tied in to the geodetic framework of the country, as are the plans with Kigali Municipality.

The policy states that establishment of the land administration system would involve the:

- Determination of farmers' requirements for such a system;
- Introduction of new administrative procedures;
- Drafting of land legislation and regulations;
- Introduction of new land registers and data processing systems;
- Creation of a land information system.

The Land Policy acknowledges that the consent of the people will be required for the elaboration of the proposed new form of cadastre or parcel-based land registration system.

Rwandese Law and World Bank OP4.12 regarding compensation.

Rwandese Law	World Bank OP4.12	Comparison/Gaps	Recommendations
Cash compensation based upon market value. Under statute. Land for Land under Customary Law	Recommends land-for-land compensation. Other compensation is at replacement cost.	No major difference other than the bank preferring land for land compensation other than land for cash.	Na
Entitled to compensation based upon the amount of rights they hold upon land under relevant laws.	Are entitled to some form of compensation whatever the legal recognition of their occupancy.	The Bank diverges greatly with the Rwanda Law whereas the law in Rwanda refuses to recognise 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.	<p><i>Design EASP to avoid resettlement or minimize displacement of people e.g. siting and routing of of the network and other activities will try to avoid land held by illegal tenants.</i></p> <p><i>Dialogue with policy makers will be initiated to explore the possibility of compensating for use of land irrespective of the ownership of land</i></p> <p><i>(This will be pursued by Ministry of Lands and MinInfra if such cases are experienced).</i></p>
In some cases land users have some form of	Entitled to compensation for crops and structures.		<i>Design EASP to avoid resettlement or minimize</i>

	<p>secured tenure extended to them under new laws. In other cases land users not entitled to compensation for land, entitled to compensation for crops and any other economic assets.</p> <p>Land for Land under customary</p>	<p>Land for land or compensation for land if use of land was obtained under some recognized form of authority including customary.</p>		<p><i>displacement of people e.g. sitting and routing of Program activities will try to avoid land held by illegal tenants.</i></p> <p><i>The program will have a strategy for enabling the PAPs restore their incomes to at least pre-EASP program levels</i></p> <p><i>Dialogue with policy makers will be initiated to explore the possibility of giving compensation to all illegal tenants (This will be pursued by Ministry of Lands and MinInfra if such cases are experienced).</i></p>
Owners of “Non permanent” Buildings	<p>Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs.</p>	<p>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement.</p> <p>Materials can be taken to the relocation site.</p>	Similarity is evident	<p><i>Dialogue with policy makers will be initiated to explore the possibility of including labor and relocation expenses prior to displacement</i></p>
Owners of “Permanent” buildings	<p>Cash Compensation is based on market value.</p>	<p>Entitled to in-kind compensation or cash</p>	Similarity is evident	<p><i>Dialogue with policy makers will be initiated to explore the possibility of</i></p>

		<p>compensation at full replacement cost including labor and relocation expenses, prior to displacement.</p> <p>Materials can be taken to the relocation site.</p>		<i>including labor and relocation expenses prior to displacement</i>
Perennial Crops	Cash compensation based upon rates calculated as an average net agricultural income.	As specified in the RPF once approved by the Bank and disclosed in Rwanda and at the Bank infoshop.	Similarity is evident	NA

10.0. METHODS OF VALUING AFFECTED ASSETS

This chapter sets out the detailed requirements for determining the value of affected assets.

10.1 Valuation procedure

The procedure to be followed during valuation of affected assets is as follows.

10.1.1 Use of Standard Valuation Tables

Due to the large number and the localized nature of the majority of sub-project 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.

It is proposed that an evaluation expert is contracted by the PMU at the project outset to develop a standardized procedure for asset valuation, which can then be applied by a project representative at the local and/or district level. This standardized procedure would include a series of reference tables for estimating asset value by type according to the approximate size and condition of the existing asset. The tables would be developed using legally acceptable valuation procedures accepted by both the Government of Rwanda and World Bank for purposes of fairness and consistency. The approach will consider replacement costs and types and levels of compensation under the Rwanda law. Valuation of lost assets will be made at their replacement cost.

10.1.2 Preparation of Asset Inventory

In order to prepare an inventory of assets for a sub-project, a field team will visit the affected area to carry out an asset valuation survey. The team will be led by a project representative and will include the Local Authorities at the various levels, a representative of the PAPs, and RWANDA Electricity Access Scale-up Project - Sector wide Approach (EASP)/Electrogaz.

During the survey, each asset will 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 will 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 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.

10.1.3 Methods 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 instil 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 4 below describes the forms of compensation.**

Table 4: Forms of compensation

FORMS OF COMPENSATION	
Cash Payments	Compensation will be calculated in Rwandese 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.
Assistance	Assistance may include moving allowance, transportation and labor

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 recipient in consultation with Electrogaz and the District, local and traditional administrations. Monetary payments should be paid at a time in relation to the seasonal calendar.

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

10.2 Valuation methods

10.2.1 Replacement Cost Approach

The replacement cost approach is based on the premise that the costs of replacing productive assets is based on damages caused by project

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

10.2.2 Gross Current Replacement Cost

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

10.2.3 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.

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

10.3 Calculation of compensation by assets

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

10.3.1 Compensation for Land

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

fertilizer. As a result, compensation relating to land will cover the market price of labour invested as well as the market price of the crop lost.

10.3.2 Land Measurement

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

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

10.3.3 Calculation of Crops Compensation Rate

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

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

The value of the labour invested in preparing agricultural land will be compensated at the average wage in the community for the same period of time. The rate used for land compensation should be updated to reflect values at the time compensation is paid. Table 5 below, which is based on 2007 data, 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*** (Based on 2007 data. Rwandese Francs payments will be revised to reflect crop values and labor rates in effect at the time of compensation)

Item Compensated	Basis of Value	Rwandese Francs/ha
Value of Crops	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 Invested	Labor costs of preparing a replacement land.	
Total	Replacement value of crops plus labor.	

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

Crop values will be determined on:-

- a) 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.
- b) 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.

- c) 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 RWF 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)	Labor in Rwandese Francs/ha Rate Cost/day x no. of days
Clear	March	
Plough	May	
Sow	May	
Weed	May	
Harvest	November	
Total		

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

dates. The farmer will still continue to receive his/her cash compensation so that /s/he can pay for sowing, weeding and harvesting.

10.3.4 Compensation for Buildings and Structures

Compensation will be paid by replacing structures such as huts, houses, farm houses, latrines and fences. Any homes lost will be rebuilt on acquired replacement land and cash compensation would be available as a preferred option for other structures lost, which are not inhabited by the farmer. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey these prices for administrative purposes on an ongoing basis.

Compensation will be made for structures that are (i) abandoned because of relocation or resettlement of an individual or household, or (ii) directly damaged by subproject activities.

Replacement values will be based on:-

1. Drawings of individual's house and all its related structures and support services.
2. 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.
3. Prices of these items collected in different local markets.
4. Costs for transportation and delivery of these items to be acquired or replacement land or building site.
5. Estimates of construction of new buildings including labour required.

Table 7. COMPENSATION FOR BUILDINGS AND STRUCTURES	
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.	
Item	Example
House	Raw or Baked brick Straw or tin roof Varying sizes (small, medium large)
Kitchen	Open, closed
Stables/sheds/pens	Cattle, goat, donkey, sheep, other
Coops	Chicken, duck, other
Fence	Straw/poles (per unit poles & mat), raw and/or baked brick/cement blocks (per 1-m length)

Private Bathing	.
Latrine	Replacement latrines will be similar to those currently operational and financed by the bank or other donor agencies at health centers, schools.
Open well	Internally lined with concrete rings and provided with a hand driven pump.
Storage building	Cement/sand block walls with thatched roof on z-profiled metal sheets.
Sun Screen open huts/shades	Similar to those replaced, on thatched roof on wood poles.

10.3.5 Compensation for Community Assets

Compensation will be provided for community assets identified through the socio-economic survey. In all cases these will be provided in kind and new facilities will be provided even if there are existing facilities at the new location.

10.3.6 Compensation for Sacred Sites

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

10.3.7 Compensation for vegetable gardens and beehives

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

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

10.3.8 Compensation for horticultural, floricultural and fruit trees

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

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

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

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

If households chose to resettle, they will be compensated for the labor invested in the trees they leave behind, because they will continue to own the trees left behind under customary rights. It is not uncommon for individuals to own trees in other villages in which they formally lived and, in some cases, to continue to harvest fruit from those trees for subsistence purposes and/or sale to traders. If a household chooses to transfer ownership of the trees, transfer costs will be paid in addition to labor costs. The compensation rate will be based on information obtained from the socio-economic study. From this study, a compensation schedule for mango trees can be developed incorporating the following goals:

- Replace subsistence mango production yields as quickly as possible.
- Provide subsistence farmers with trees to extend the number of months of the year during which mangoes are produced and can be harvested as a supplemental source of food for their families during their “hungry season”.

- Provide farmers with the opportunity to derive additional production income from trees bearing more valuable fruits at off-season 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 Franc (Xno.) 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, <ul style="list-style-type: none"> • Height of harvest season (March/April) • End of season (late May) 	Rwandese Franc/kg Rwandese Franc/kg
Price used as basis of this estimate	80% height of season;20% end of season
Years to Production	Six to seven
Years to Maximum Production	Twenty
Costs of Sapling	RWANDESE FRANC, locally available.
Grafted Mangoes	
Estimated Avg. Fruit Yield (kg) of Mature tree	800 to 1,300 kg/year
Estimated Yield used	Almost entire yield due to market value
Market Price, (varies according to variety) <ul style="list-style-type: none"> • Height of harvest season (June/September) 	RWANDESE 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	RWANDESE FRANC, not locally available.

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	0-1	Deliver to Farmer: <ul style="list-style-type: none"> • Choice of two mango trees 	<ul style="list-style-type: none"> • RWANDESE FRANC

be eligible for compensation		(local and/or improved grafted) <ul style="list-style-type: none"> Supplies: fencing to protect Tree, a bucket for watering, and a spade. 	
Sapling/Young Tree First minor production 12-50 fruits occurs about age 4-5	1-6	Deliver to farmer: <ul style="list-style-type: none"> 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. RWANDESE 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: <ul style="list-style-type: none"> 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. RWANDESE FRANC in credits or other financial support for labor invested in planting, fencing, and watering, made in one payment. Equivalent of X no. RWANDESE FRANC in credits or other financial support, representing eight years, (8 years x 10 sacks x X RWANDESE FRANC/sack) lost income/subsistence until replacement trees begin production. This rate to be agreed by farmers. Total: Equivalent of X no. RWANDESE FRANC in cash or equivalent financial support to be paid in one instalment.
Mature Trees – Low or Non- Fruit Producing	30+	Same as for mature trees above	Same as above

10.3.9 Other domestic fruit and shade trees

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

Table 9.

INDIVIDUAL COMPENSATION		
Sub-Category	Unit	Compensation Value (X no. of RWANDESE FRANC)
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	

Pineapple	Non-productive Productive	
Lime	Non-productive Productive	
Orange	Non-productive Productive	
Grapefruit	Non-productive Productive	
Papaya	Non-productive productive	
Shade Trees		
	Young	
	adult	
Individual Owned Wild Productive Trees		
Palm Kernel	Non- productive Productive	
Coconut	Non-productive Productive	
Mango Trees		
2 saplings & equipment	0-1 year	
2 saplings & 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 metres of surface area removed. The total surface area of the tree will be calculated using the following formula: $(\frac{1}{2} \text{ diameter of canopy})^2 \times 3.14$.

11.0 IMPLEMENTATION SCHEDULE, LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

11.1 Overview

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

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

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

11.2 Project launching

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

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

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

11.3 Implementation schedule

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

Arrangements for monitoring implementation of resettlement and evaluating its impact will be developed during project preparation and used during supervision. Monitoring provides both a warning system for project managers and a channel for resettled persons to make known their needs and their reactions to resettlement execution. Environmental and Social Impact Assessments, if deemed necessary through the application of the ESMF, will be conducted parallel with the design of the sub-projects, 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 Electrogaz 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 Electrogaz present their resettlement and compensation plans to the REMA for approval, part of the screening process that REMA 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.

12.0 GRIEVANCES REDRESS MECHANISMS

Grievances may arise from members of communities who are dissatisfied with (i) the eligibility criteria, (ii) community planning measures, or (iii) actual implementation. This chapter sets out the measures to be used to manage grievances.

12.1 Overview

The overall process of grievance is as follows:-

1. 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.
2. 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.
3. The project will use a local mechanism, which includes resettlement committees, peers and local leaders of the affected people. These will ensure equity across cases, eliminate nuisance claims and satisfy legitimate claimants at low cost.
4. The response time will depend on the issue to be addressed but it should be addressed with efficiency.
5. Compensation will be paid to individual PAPs only after a written consent of the PAPs, including both husband and wife.

Should a PAP refuse the compensation suggested, he/she could appeal to the EASP PMU and Land Authority.

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.

12.2 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.

All the grievances will be channeled to the existing structures in Rwanda for handling grievances beginning with the traditional institutions as the first stop before resorting to the Rwanda Courts of Law as the last resort. A grievance log will be established 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

Electrogaz 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-fulfilment of contracts, levels of compensation, or seizure of assets without compensation should be addressed to the local leader/committee for resolution. As is normal practice under customary law, all disputes in communities are solved by the leaders after a thorough investigation of the facts using the services of his officials. For cases affecting land in Kigali, grievances are first to be addressed to the Kigali City, before being addressed by the courts of law.

At the village/cell level, all grivienace will be heard by the already in place village-level mediators (*abunzi*) whose work is to hear disputes, especially land disputes. The *abunzi*, or mediation committees, have mandatory jurisdiction over land disputes involving amounts less than three million RwF, which means over most land disputes. The *Abunzi* also have mandatory jurisdiction over succession and boundary disputes involving less than three million RwF. The *abunzi* will be used in the EASP project as the first stop for resolving disputes and grievances following land acquisition. They will be involved in the compensation process from the beginning to the end.

If the verdict rendered by the village leaders is not acceptable to either the individual affected or to Electrogaz, then the parties in their compensation contract would have agreed that the matter would be appealed to the District Land Bureau, whose decision would be final and binding on the parties.

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.

Also, in the local cultures it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

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

If valid, the traditional leader or the appropriate district authority will notify the complainant and s/he 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, Electrogaz, the district and regional 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. Electrogaz, the district and regional administrations and the traditional leaders and representatives will be responsible for communicating any changes to future potential PAPs when the consultation process with them begins.

13.0 RPF IMPLEMENTATION BUDGET

The estimate of the overall cost of resettlement and compensation would be determined during the socio-economic study. Electrogaz would have to finance the resettlement compensation because they are the party that would be impacting livelihoods. However basing estimates for compensation on the UERP Birembo sub station project it will cost around 200,000 USD for compensation of each sub project that is a sub station.

Equally for the distribution component of the UERP a total of approximately 500,000 USD was paid out as compensation. In total, it is estimated that the EASP being a nationwide project about 5million USD will be used for the entire EASP as part of compensation including the cost of orientation of the local leaders and authorities to the RPF. However, the total cost of resettlement will depend on the number of sub projects that might vary individually.

At this stage, it is not possible to estimate the exact number of people who may be affected since the technical designs and details have not yet been developed. It is therefore not possible to provide an estimated budget for the total cost of resettlement that may be associated with implementation of EASP. 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. Electrogaz will prepare the resettlement budget and will finance this budget through the administrative and financial management rules and manuals like any other activity eligible for payment under the program. This budget will be subject to the approval of the World Bank.

At this stage however, all that can be reasonably and meaningfully prepared is an indicative budget, highlighting key features that the budget must contain, inter alia, as follows;

Table 10. Illustrative Budget Template for the RAP

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

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

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

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

14.1 Overview

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

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

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

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

Public consultation will take place at the inception of the planning stages when the potential land areas are being considered. The participation strategy would evolve around the provision of a full opportunity for involvement. Therefore, as a matter of strategy, public consultation would be an on-going activity taking place through out the entire project cycle. For example, public consultation would also occur during the preparation of the (i) the socio-economic study, (ii) the resettlement and compensation plan (iv) the environmental impact assessment and (v) during the drafting and reading of the compensation contract.

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

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

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

14.2 Data collecting phase

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

All the actors will constitute the main taskforce in the data collecting phase and PAPs will be consulted to participate in the process by providing socio-economic information about their livelihoods. This could be done through use of forms, questionnaires and interviews. Persons or

groups of persons at the project sites, location, village levels, or household levels to be interviewed will also be identified and selected through stratified random sampling.

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

14.3 Implementation operation

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

14.4 Monitoring and Evaluation phase

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

15.0 ARRANGEMENTS FOR MONITORING AND EVALUATION

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

15.1 Overview

The arrangements for monitoring will fit the overall monitoring plan of the entire EASP, which will be through the Ministry of Infrastructure and Electrogaz. All RAPs will set major socio-economic goals by which to evaluate their success which will include (i) affected individuals, households, and communities being able to maintain their pre-project standard of living, and even improve on it, (ii) the local communities remaining supportive of the project and (iii) the absence or prevalence of conflicts. In order to assess whether these goals are met, RAPs will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. The PMU will institute an administrative reporting system that will:-

- (a) Provide timely information about all resettlement arising as a result of EASP activities;
- (b) Identify any grievances that have not been resolved at a local level and require resolution through the involvement of the PCU;
- (c) Document the timely completion of project resettlement obligations for all permanent and temporary losses;
- (d) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement.
- e) alerts project authorities to the necessity for land acquisition in Electrogaz's planned activities

Consistent with the Environmental and Social Management Framework, the Engineering and Survey Departments Electrogaz and the REMA would be responsible for periodically transferring the information compiled "on the ground" to the Moe and the respective line Departments of State, such as the Department of Energy, Department of Lands at MINITERE, etc, so that it is alerted in a timely manner to any difficulties arising at the local level.

The objective will be to make a final evaluation in order to determine;

- if affected people have been paid in full and before implementation of Electrogaz's activity that is causing resettlement ,
- if the people who were affected by Electrogaz/the project activities 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 are they actually poorer than before.

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;
- The local communities remain supportive of the project.
- The absence or prevalence of conflicts

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.
- Electrogaz 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
- Pastoral and Agricultural productivity of new lands,

- Wildlife Conservation, eco-tourism activity on acquired land as per plan,
 - Number of impacted locals employed by the Electrogaz’s civil works contractors,
 - Seasonal or inter annual fluctuation on key foodstuffs,
- General relations between the project, Electrogaz and the local communities,

15.2 Monitoring of RPF Implementation

Local Government Authorities at the will District assist in compiling basic information on all physical or economic displacement arising from the project, and convey this information to the PCU, 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 the nature of compensation (if in kind);
- (f) Number of people raising grievances in relation to each sub-project;
- (g) Number of unresolved grievances.

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

Table 11: Verifiable indicators

Monitoring	Evaluation
Outstanding compensation contracts not completed before next agricultural season	Outstanding individual compensation or resettlement contracts
Subprojects unable to settle compensation after two years	Outstanding compensation contracts
Grievances recognised as legitimate out of all complaints lodged	All legitimate grievances rectified
Pre project production and income (year before land used) versus present production and income of	Affected individuals and/or households compensated pr resettled in first year who have

resettled persons, off farm-income trainees, and users of improved agricultural techniques	maintained their previous standard of living at final evaluation
Pre project production versus present production(crops for crops, land for land)	Equal or improved production per affected household/homestead

Financial records will be maintained by Electrogaz, the District and Regional Administrations and the MinInfra, to permit calculation of the final cost of resettlement and compensation per individual or household.

15.2.1 Storage of PAPs Details

Each PAP household will be provided with a signed report recording his or her initial situation, all subsequent project use of assets and compensation agreed upon and received. The Local Authority and PMU will maintain a complete database on every individual impacted by the project land use requirements including relocation, resettlement and compensation, land impacts or damages.

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

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

It is normal that some compensation procedures and rates may require revision at some time during the project/program cycle. Electrogaz, the REMA, the District and Regional Administrations and MinInfra, 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 feed back from:

Indicators monitored by the local regional governments to determine whether goals are being met, and a grievance procedure for the local community to express dissatisfaction about implementation of compensation and resettlement.

This framework is suggesting that the office of the REMA is structured into the whole M&E component of the project. This would take the form

of giving the REMA the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the project life. Their report would then be sent to the MININFRA, MINITERE, the World Bank and Electrogaz and become part of the official documents of the project.

15.2.2 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 s 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.

15.3 Socio-economic monitoring

The purpose of socio-economic monitoring is to ensure that PAPs are compensated and recovering on time. During implementation of each sub-project 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.

16.0 ANNEX

Annex 1: Template for Preparing Resettlement and Compensation Plans (RAPs).

This template is extracted from OP 4.12 Annex A which can also be found on the Banks website at www.worldbank.org.

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

Description of the sub project: General description of the sub project and identification of sub project area.

Potential Impacts: Identification of (a) the sub 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.

Objectives: The main objectives of the resettlement program.

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

- (a) The results of a census survey covering;
 - (i) Current occupants of the affected area to establish a basis for design of the resettlement program and to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance.
 - (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population
 - (iii) The magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic
 - (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and

- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement.
- (b) Other studies describing the following;
- (i) land tenure and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area.
 - (ii) The patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub 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, non governmental organizations (NGO's) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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

- (a) The scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment,
- (b) The applicable legal and administrative procedures, including a description of the remedies available to displaced persons in the judicial process and the normal timeframe for such procedures, and any available alternative dispute resolution mechanisms that may be relevant to resettlement under the sub 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 and traditional usage .

Institutional Framework: The findings of any 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.

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

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

Resettlement Measures: A description of the packages of compensation and other resettlement measures that will assist each category of eligible displaced persons to achieve the objectives of OP 4.12. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the displaced persons, and prepared in consultation with them.

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

- (a) institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, locational advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources,
- (b) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites,
- (c) Procedure for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) legal arrangements for regularizing tenure and transferring titles to resettlers.

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

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

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

- (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of 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 individual families or as parts of pre-existing communities or kinship groups, to sustaining

existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and

- (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, landless, and women are adequately represented.

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.

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

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

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

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

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