



**MINISTRY OF INFRASTRUCTURE**



**Electricity Access Roll Out Program (EARP)**

**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) FOR THE  
CONSTRUCTION OF MV & LV LINES IN GAKENKE, MUSANZE AND BURERA  
DISTRICTS**

**July, 2015**

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## ACRONYMS

1. **ARAP:** Abbreviated Resettlement Action Plan
2. **EDPRS:** Economic Development and Poverty Reduction Strategy
3. **ESMF:** Environmental and Social Management Framework
4. **GoR:** Government of Rwanda
5. **PAP:** Project Affected Persons
6. **RAP:** Resettlement Action Plan
7. **RPF:** Resettlement Policy Framework
8. **RoW:** Right of Way
9. **MININFRA :** Ministry for Infrastructure
10. **MINECOFIN:** Ministry of Finance and Economic Planning

## DEFINITIONS OF TERMS USED IN THIS DOCUMENT

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

1. **“Affected people”**

**“Affected people”**, refers to people who are directly affected socially and economically by World Bank-assisted investment projects caused by:

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

2. **“Associated projects”** means any subprojects or activities which are directly related to the planned electrical construction activities.

3. **“Census”** means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.

4. **“Environmental and Social Management Framework (ESMF)”** is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of the project funded activities. The framework will set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument will be prepared as a separate and stand-alone document to be used in conjunction with this RPF.

5. **“Compensation”** means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.

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

7. **“Project affected persons” (PAPs)** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their: a. Standard of living adversely affected, whether or not the Project Affected Person must move to another location; b. Right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected; c. Access to productive assets adversely affected, temporarily or permanently; or d. Business, occupation, work or place of residence or habitat adversely affected.

8. **“Involuntary Displacement”** means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by: a. Loss of benefits from use of such land; b. relocation or loss of shelter; c. loss of assets or access to assets; or d. loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

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

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

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

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

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

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

15. “**Replacement cost for agricultural land**” means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: a. preparing the land to levels similar to those of the affected land; b. any registration, transfer taxes and other associated fees;

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

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

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

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

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



## EXECUTIVE SUMMARY

The Electricity Access Rollout Program with the support from the World Bank has identified for construction of MV and LV lines in Gakenke, Musanze and Burera districts in the Northern Province.

The construction of the MV lines implies a need for the destruction of crops and trees, thus leads to the poor production of yields from the affected people or PAPs. This therefore principally Triggers World Bank Operational Policy OP4.12 on involuntary resettlement and Rwanda laws on expropriation and land ownership. In accordance with the World Bank Policy OP 4.12 a resettlement action/compensation plan was developed in order to mitigate negative impact.

This is therefore the duly prepared Abbreviated Resettlement Action Plan (ARAP) by the project in line with all the necessary requirements outlined in the Resettlement Policy Framework (RPF) document. The main elements of the ARAP are: public consultation, documentation and valuation of assets, disclosure of entitlement, preparing of alternatives, compensation and resettlement, addressing grievances, monitoring and reporting.

This report principally describes the activities of the project that is proposed and the associated impact arising there from. The section on valuation on destroyed properties/assets highlights the existing crops and trees in the right of way (RoW), brief biography of the Project Affected Persons (PAPs) and the magnitude of the loss. The report also describes the process used in the valuation of existing crops and Trees in the project sites. The census was done by a team from the PAPs, the village and cell representatives and respective sector officials as well as EARP team indicating who will be affected.

The main objective of this Abbreviated Resettlement Action Plan is to ensure just compensation of the PAPs for the loss of crops and trees in the project sites that were destroyed or cleared in the process from surveying to the end of line construction activities.

The persons to be compensated were meaningfully consulted and participated in planning and implementing the compensation process. Before and during the creation of this documentation, meetings were held on site to inform the PAPs that their properties might at some point be destroyed or cleared to make way for the construction of MV lines. In the meetings, PAPs got to know how the compensations will be done and their major role in the Project activities. The PAPs, EARP, Cells, the Sectors and districts participated in the surveys, reviews and the signing of all documentation related to the compensation process. EARP/EWSA will provide compensation to 1473 PAPs identified to be affected by the project and the total estimated budget is 11

Through the District he will ensure all PAPs receive their cash via their Personal Bank accounts. EARP, Districts and Sectors will ensure that only eligible PAPs are compensated. EARP together with the District will be responsible for monitoring and reporting the implementation of the ARAP. Any aggrieved party may ask for justification of the decisions from the Resettlement and Compensation Committee, but should the answer still be unsatisfactory, they may appeal to the local leadership starting with the Cell, Sector and District leaders.

If the grievances are not resolved in this way, local courts should be used. If the case is not resolved it will proceed to the Land Commission and then to the Courts of Law. EARP will ensure that all PAPs understand the complaints procedure and will ensure each party involved fulfils its duties to the PAPs ensuring just compensation.

## 1. INTRODUCTION AND DESCRIPTION OF THE SUB PROJECTS

This subproject cover the construction of MV and LV lines in Kivuruga, Busengo and Cyabingo in Gakenke District , Rwerere, Rusarabuye, Cyeru and Rugarama in Burera District as well as Remera, Rwaza, Gashaki, gacaca and Muhoza in Musanze District.

This project will not affect structures however, crops and trees will be damaged. Much of all crops and trees destroyed are owned by individuals and few are owned by the government. The construction of these MV lines will enable people to be connected to the national grid and be able to transform their socio-economic wellbeing. As this project was implemented in form of EPC: (Engineering, Procurement and Construction), the contract has been awarded to Spenco.

Concerning ARAP implementation especially inventory and asset valuation, the contractor had the responsibility of conducting inventory and asset valuation and the Client/REG-EARP had to compensate all identified PAPS

## 2. LEGAL FRAMEWORK

The land law of 2013 determines modalities of how land in Rwanda can be allocated, acquired, transferred, used and managed. It also establishes principles applied to rights recognized over land tenure in Rwanda.

This chapter underlines aspects from the National Constitution, land law, and expropriation law relevant to the ARAP.

### 2.1. Relevant legislation in Rwanda

#### 2.1.1. Land law in Rwanda

The Organic Law No.43/2013 of 16/06/2013 governing land in Rwanda serves the purpose to determine modalities of allocating, acquisition, transfer, use and management of land in Rwanda.

Under this law and relevant to this study are the definitions given to:

**Land tenure:** the system by which land is held, describing the rights, responsibilities and restrictions that are attached to the land holder.

**Expropriation:** an act of taking away individuals' land by the State due to public interest in circumstances and procedures provided by law and subject to fair and prior compensation.

With reference to article 4 of this law on Equal right to land, it is stated that all forms of discrimination, such as that based on sex or origin, in relation to access to land and the enjoyment of real rights shall be prohibited.

Every person who is in possession of land, acquired either in accordance with custom, or granted by a competent authority, or by purchase, is the recognized proprietor under an emphyteutic lease in accordance with the provisions of this law. An Emphyteutic lease is a long term lease of land from the Government by the title holder, in this case a period of 20 years, 49 years, 99 years, as per stated in land title lease document. Most of the land ownership documents are emphyteutic leases from Government for a specific period, renewable then.

Any Rwandan citizen is entitled to be granted freehold title to land reserved for residential, industrial, commercial, social, cultural or scientific services. Freehold rights shall apply only to developed land where infrastructures are erected and its extent shall be strictly limited to the area of land that is necessary to support the authorized developments on the land and their amenity.

Certifying that the land has been allocated or leased shall be evidenced by a certificate of land registration issued by the registrar of land titles.

The land owner shall enjoy full rights to exploit his/her land in accordance with the provisions of this Law and other laws.

The State recognizes the right to freely own land and shall protect the land owner from being dispossessed of the land whether totally or partially, except in case of expropriation due to public interest.

All buildings, crops and other works found on land that have been performed by the land owner using his/her money or otherwise are presumed to be his / hers.

However, this does not prohibit any other person to own buildings, crops and any other works on other person land in accordance with procedures provided for by this Law, other laws or agreement with the land owner.

The Organic Land Law also provides two types of formal land tenure: full ownership/freehold and long term leasehold. Following the recent privatization of State owned lands, very few land users currently hold either type of land tenure. Therefore, the Organic Land Law recognizes existing rights, whether written or unwritten, under both civil law and customary practices through new national land tenure arrangements. Efforts are being made under the Law (Article 7) to formalize land ownership, especially those acquired through customary means. For instance, rural populations with customary land rights are being encouraged to register their land through decentralized land institutions like; the District Land Bureau, Sector Land Committees and Cell Land Committees (Ministerial Order N° 001/2006 of 26/09/2006 determining the structure of Land Registers, the responsibilities and the functioning of the District Land Bureau).

All types of land tenure must be in compliance with the designated land use and environmental protection measures as outlined in the Land Use Master Plan (Organic Land law N0. 08/2005 of 14/07/2005, article 6).

The law also recognizes the private ownership of the land except the marshlands which are owned by the Government.

In order to confirm this private ownership, the Government has completed registration of all lands and provided lease title to the owners. It is from the land titles that the study is able to understand category of land use for each Project Affected Person (PAP)/ Displaced person and also determine who the rightful land owner is, in the process of the asset inventory.

#### **2.1.2. National Law on Expropriation in Public Interest**

The objective of this law (Law No. 32/2015 of 11/06/2015) relating to expropriation in the public interest) is to elaborate the procedures relating to expropriation in the public interest. Under this law, the following definitions are important to note:

- An act of public interest- is an act of Government, public institution, non-governmental organization, legally accepted associations operating in the country or of an individual, with an aim of a public interest.
- Just compensation-refers to an indemnity equivalent to the value of land and the activities performed thereon given to the expropriated person and calculated inconsideration of market prices.
- Person to be expropriated refers to any person or a legally accepted association operating in the country, who is to have his or her private property transferred due to public interest as well as legally accepted local administrative entities and public institutions.
- Article 23: Appointment of valuers for land and property incorporated thereon

After the final decision to expropriate in the public interest is taken, the organ wishing to carry out expropriation in the public interest shall immediately look for valuers to conduct valuation of land and property incorporated thereon. The valuation of land and property incorporated thereon shall be conducted by valuers certified by the Institute of Real Property Valuers in Rwanda.

### 2.1.3. Eligibility for compensation

Eligibility for compensation is enshrined under the Rwandan constitution (Article 29) and the Expropriation Law of 11/06/2015. The two laws regulate and give entitlement to those affected, whether or not they have written customary or formal tenure rights.

The person to be expropriated is defined under article (2) of the Expropriation Law to mean any person or legal entity who is to have his or her private property transferred due to public interest, in which case they shall be legally entitled to payment of compensation.

Article 26: Proof of rights to land and property incorporated thereon for persons to be expropriated the owner of land designated for expropriation in the public interest shall provide land titles and documentary evidence that he/she is the owner of property incorporated on land. He/she shall also provide a civil status certificate and a document evidencing his/her chosen matrimonial regime in case of a married person. However, a

person dispossessed of land or unlawfully occupying land or having developed activities on land on which such activities are prohibited after the enactment of relevant laws shall receive no compensation.

Law no.32/2015 of 11/06/2015 Article 28: Criteria for determining fair compensation states that without prejudice to other laws, the value of land and property incorporated thereon to be expropriated in the public interest shall be calculated on the basis of their size, nature and location and the prevailing market rates. The compensation for disruption caused by expropriation to be paid to the expropriated person shall be equivalent to five percent (5%) of the total value of his/her property expropriated.

#### 2.1.4. Classification of Valuation of property

With reference to article 21 of the expropriation law, Property to be valued for just compensation is classified in two:

1. Land;
2. Activities that were carried out on the land including; different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity.

Article 22 states that without prejudice to other laws, the value of land and the activities thereon that belong to the person expropriated shall be calculated considering their size, nature and location and considering the prevailing market prices.

#### 2.2. Procedures for Expropriation and award of just compensation

Article 14 of national expropriation law of 11/06/2015 decides on the relevance of a project of expropriation in the public interest where the committee in charge of monitoring of projects of expropriation in the public interest at the level of competent authority finds that the project is relevant, it shall submit in writing its decision to the District Council or Kigali City Council or the Ministry in charge of land within at least fifteen (15) days after the consultative meeting with the concerned population. Where the committee finds that the project is not relevant, it shall inform the person that requested for expropriation and the persons that had to be expropriated in the way and within the period provided for in Paragraph One of this Article.

Article 15 of national expropriation law: Approval of expropriation in the public interest

On the basis of the decision of the Committee in charge of monitoring projects for expropriation in the public interest at the competent authority level, the relevant organ provided under Article 9 of this Law shall within fifteen (15) days of receiving the decision of the relevant Committee approve expropriation in the public interest.

#### Article 16: Publication of the decision on a project for expropriation in the public interest

The decision provided for under Article 15 of this Law shall be announced on at least one of the radio stations with a wide audience in Rwanda and in at least one of Rwanda-based newspapers with a wide readership in order for the relevant parties to be informed thereof. If necessary, any other means of communication shall be used.

The list of holders of rights registered on land titles and property incorporated on land shall be posted in a publicly accessible place at the office of the City of Kigali, the District, the Sector and the Cell of the place in which the land is located.

The publication of the decision on a project for expropriation in the public interest and the list of holders of rights registered on land titles and property incorporated on land shall be done within fifteen (15) days of approving expropriation in the public interest

#### Article 17: Value of activities developed after the publication of the decision of expropriation in the public interest

After the publication of the decision on expropriation in the public interest and the list of holders of rights registered on land titles and property incorporated on land, the land owner shall not develop any other long-term activities on the land. Otherwise, such activities shall not be compensable during expropriation.

#### Article 18: Application for review of the decision on expropriation in the public interest

Any person affected by the decision on expropriation in the public interest shall have the right to request for review of the decision before the organ directly higher than the one having taken the decision. The appeal shall be made within thirty (30) days from the day of the publication of the decision. The appellant shall indicate in writing the grounds for his/her appeal. The authority before which the appeal is made must decide on the appeal and inform the appellant in writing within thirty (30) days of receiving the request for review of the decision on



expropriation in the public interest. The decision must be in writing and indicate the grounds there for.

#### Article 20: Application for review of the list of persons to be expropriated

Within fifteen (15) days from the publication of the initial list of persons to be expropriated, any person affected by expropriation in the public interest shall have the right to apply to the organ having made the list for its review and indicate the grounds for his/her application. The organ having made the list must decide on the application for review of the list within seven (7) working days of receiving the application.

#### Article 21: Approval of the list of those to be expropriated

Within seven (7) working days of taking the decision provided under Paragraph two of Article 20 of this Law, the District or City of Kigali Mayor or the relevant Minister shall approve the list of the persons to be expropriated which serves as a basis for drawing up an inventory of the property to be expropriated.

#### Article 36: Time frame for payment of fair compensation

The approved fair compensation shall be paid within a period not exceeding one hundred and twenty (120) days from the day of its approval by the District or City of Kigali Council or the relevant Ministry.

If fair compensation is not paid within the period provided under Paragraph One of this Article, expropriation shall become null and void unless otherwise agreed upon between the expropriator and the person to be expropriated.

Subsequent to receiving fair compensation, the expropriated person shall have a period not exceeding one hundred and twenty (120) days to relocate.

However, the person to be expropriated shall not be allowed to plant crops that require more than one hundred and twenty (120) days of growth before they can be harvested. Comparison between National Legislation and WB OP 4.12 .This section compares differences between the laws of Rwanda related to expropriation and the World Bank's safeguards on Involuntary Resettlement. In this project, where the Rwanda law differs with the Bank's OP 4.12' the latter will apply or take precedence. The promulgation of the new Expropriation Law introduces a

legal framework within which expropriation activities must be conducted, and above all, attempts to bring Rwandan legislation more in line with international best practice requirements.

### 3. POTENTIAL IMPACTS AND AFFECTED POPULATION

The construction of this line is associated with permanent and temporary loss of existed crops and trees. Note that land under the distribution lines will continue to be used by the owners by cultivating crops except trees which can reach more than two meters of height, that’s why EARP subcomponents do not require land acquisition in its sub projects.

#### **Loss of land and crops.**

The civil works construction of MV lines entailed clearing the vegetation inherent in the project site which includes fruit trees, other trees, elephant grass and crops that have been planted or cultivated by the PAPs and no land acquisition took place.

### 4. FINDINGS OF THE CENSUS

After line surveys, Meetings were held before the census begun to explain to the PAPs the project activities and the importance of the ARAP preparation. In those meetings the Compensation Committees were formed. These Committees were composed of the representatives of Gakenke, Musanze and Burera Districts, local leaders, representatives of the PAPs and the EARP team.

#### **Documentation of holdings and assets**

Detailed inventory of trees and crops to be damaged was conducted. PAPs were available so that the Socio-Economic information was filled.

NO	ITEMS	Number of concerned PAPs	Amount
1	Structures	0	0
2	Land	0	0
	Crops and Trees	<b>1473</b>	<b>110701768</b>

The socio-economic survey indicated no disabled people amongst those losing crops and trees. If any others are identified in the course of the implementation of the ARAP, special attention will be given to their needs and reported in the Progress Reports to this ARAP.

## 5. IMPACTS AND RESETTLEMENT IMPLICATIONS

### 5.1. Positive impacts

The positive impacts of this project will include employment opportunities, income generation and industrialization, improvement in service delivery, technology transfer and capacity building. Regarding the environment, increased distribution of electricity to the project area will ease the pressure on the use of fuel wood that is rampant in the area and in effect help to conserve the fragile and diminishing forest cover of the country by providing an alternative source of energy.

### 5.2. Socio-economic benefits

In the construction phases, there will be temporary employment opportunities for local contractors employed in the project and others who will supply services for workers and contractors. Significant social benefits will come through the safer and more efficient operation of key services, through the provision of electricity access to the villages served by the project. Small industries and other agricultural processing businesses, which need electricity, will also be important beneficiaries.

One of the long-term direct positive impacts is therefore access to reliable electricity supplies, which will lead to better provision and easier management of goods and services, and in turn enable development of new facilities such as agricultural projects storage. For businesses with important water needs, electricity access will improve the availability and supply of water that requires needs pumping. Moreover, data management with computers will be possible and the use of communication facilities and internet use increased. For businesses with important water needs, electricity access will improve the availability and supply of water that requires needs pumping. Moreover, data management with computers will be possible and the use of communication facilities and internet use increased. In addition, Social and environmental costs associated with the use of firewood and others means of lighting will be reduced.

The project expects to employ an important number of semi-skilled and unskilled local labors. This is exclusive of indirectly employed people who will provide support and related services including those trading in foodstuff for the workers on site and construction personnel during the site preparation phase of the project. At this point, the number of women who will benefit from job opportunities as a result of the project is unknown but the implementation unit of EWSA will sensitize its contractors to give priority to that group of persons. Overall, the project will promote an improved quality of life for households and socio-economic opportunities in the area.

### 5.3. Negative impacts

This section summarizes the potential adverse impacts that Project might have on PAPs, on Host Community and their mitigation measures.

The implementation of this project will damage crops and trees. This abbreviated Resettlement Plan was elaborated to outline principles of eligibility and compensation of project affected people (PAPs). Efforts have been made during the identification of the proposed project line routes to ensure minimal physical and economic displacements. The project affected people will be compensated for destroyed crops and trees.

If the resettlement is carried out as intended in this ARAP, which is in compliance with World Bank, AfDB and IFC resettlement standards, the benefits will outweigh the negative elements of the economic displacement to be experienced by the PAPs.

### 5.4. ADVERSE IMPACT AND MITIGATION MEASURES

Impact Description	Mitigation Measures
<b>Preconstruction</b>	<b>m</b>
Land acquisition for locating transformers, and poles.	As it requires a small portion of land, and due to the fact that the government is allowed to use up to 5% of private land without compensating the land owner, Expropriation shall be made for any activity done one the land.

Disturbance to agricultural land uses through permanent and temporary land acquisition	As far as practical, schedule construction works to take place after crop harvesting
Lack of consultations with local authorities on site selection	During detailed design, REG/EARP and MININFRA had to coordinate with local authorities regarding selection of suitable project site to ensure minimal impacts to affected communities.
<b>Construction</b>	
Vegetation clearing for construction and for the provision of buffer zones.	<p>EWSA/EARP shall coordinate with affected families and local authorities for compensation of trees lost following Government/ WB policies</p> <p>Contractors shall confine vegetation clearing within required area, unnecessary cutting of trees shall be prohibited</p> <p>As much as possible, contractors shall undertake vegetation clearing through manual methods. Use of herbicides shall be prohibited.</p> <p>Contractors shall replant disturbed sites</p>
Increased exploitation of forest products	Workers shall be prohibited from hunting and gathering other forest products
Flooding of adjacent areas	Proper drainage shall be installed to avoid flooding of surrounding properties.
Improper storage and handling of fuel, lubricant and other hazardous substances could contaminate soil and water.	Fuel and other hazardous substances shall be stored in roofed, concrete-lined and bounded areas.
Elevated noise and dust emission levels may be experienced by nearby households and other sensitive receptors.	<p>The following measures will be implemented to minimize impacts to local communities during construction:</p> <ul style="list-style-type: none"> <li>- Provision of cover on haul trucks transporting materials, gravel, excavated soil and other construction materials,</li> </ul> <p>access roads shall be regularly cleaned to keep these free from debris</p> <ul style="list-style-type: none"> <li>- Water spraying on exposed areas near residential and commercial areas to suppress dust emission,</li> </ul>

	<ul style="list-style-type: none"> <li>- Proper maintenance of equipment and use of mufflers, as appropriate, to minimize noise,</li> <li>- Speed restrictions for trucks and vehicles shall be enforced to minimize dust and noise emission</li> <li>- Scheduling of noise generating activities during daytime, as much as possible, to avoid disturbance to nearby communities; if evening construction is necessary, affected households and groups should be notified beforehand</li> <li>- Ensure all vehicles and equipment are properly maintained to meet emission standards and are covered by valid operating permits</li> </ul>
Disruption to traffic movements may occur due to construction-related activities.	<p>Proper coordination with local authorities regarding traffic flow supervision and diversion shall be made.</p> <p>Road closures and corresponding schedules as well as posting of traffic advisory signs to minimize traffic build-up shall be implemented in coordination with local authorities.</p> <p>Design travel routes for construction vehicles to avoid areas of congestion</p>
Irrigation canals in adjacent agricultural land, dykes may be damaged during construction.	Any damage to irrigation channels shall be immediately repaired and damages shall be compensated, as appropriate.
Access roads used during transport of construction materials and equipment may be damaged.	Restoration of damaged roads shall be undertaken upon completion of construction.
Failure to restore temporary construction sites.	All temporary construction sites will be cleared of debris and structures, ground shall be leveled (as necessary), restore vegetation (if necessary)
Possible conflicts with and/or disruption to local community	<p>If construction worker camps are required, select the locations in consultation with local authorities.</p> <p>Train workers on suitable interactions with local community</p>

	including prevention of transmissible diseases.
Health risks due to unhygienic conditions at workers' camps.	<p>Basic medical care shall be provided at camp sites.</p> <p>Workers shall be provided with potable water supply and hygienic sanitation facilities.</p> <p>Proper storage as well as regular collection and proper disposal of solid wastes shall be implemented.</p> <p>Health and safety orientation shall be conducted for construction workers.</p>
Safety hazards during construction	<p>Workers will be oriented on safe practices and shall be provided with appropriate personnel protective gear (e.g., safety shoes, hard hats, safety goggles).</p> <p>There will be provision for adequate protection to the general public, such as safety barriers and warning signs in construction areas.</p> <p>Appropriate lighting shall be installed in construction areas when works occur after dark</p>

## 6. ENTITLEMENT MATRIX

### 6.1. Eligibility

With reference to the local expropriation law, persons eligible for compensation when displaced are those with recognized land lease title certification of ownership or recognized claim to the land or activities that were carried out on the land including; different crops, forests, any buildings or any other activity aimed at efficient use of land or its productivity.

### 6.2. Entitled persons

Categories of persons identified during the census and baseline survey that are eligible for compensation as a result of land acquisition and involuntary resettlement are described hereafter:

### 6.3. Agricultural land owner

This refers to displaced persons that possess land lease titles certified by the National land commission or those with recognizable claim of the land. It refers to individuals or a group of individuals.

### 6.4. House owner

This refers to displaced persons that owned houses in the area for expropriation. Houses common in this area are made of earth bricks with cement plastered walls and iron sheet roof.

### 6.5. Crop/Tree owner

It refers to persons that cultivated crops or trees on land within the expropriated area. Common crops in this area are; maize, beans, bananas, sorghum, sweet potatoes, cassava.

Crop/tree owners could be; (i) those that also own the land, (ii) renting the land for cultivation, (iii) care taking for the land owner.

Entitlement matrix proposes eligibility and payments for the losses triggered by the project (e.g. land, housing, trees, crops, land etc). Hence, based on analysis of the impact of the project and the criteria for eligibility, the following entitlement matrix is developed on categories of Displaced and host communities according to losses and their entitlement benefits. Table 9 shows the entitlement benefits.



## Entitlement Matrix

Type of Loss	Entitled Person	Type of Impact	Compensation/Entitlement/ benefits	Responsible Organization
Land (Agricultural)	Title holder	<p><b>Displacement</b></p> <p>Any portion of land holding lost to the project, entire plot of land displaced</p>	<p>Cash compensation for affected land equivalent to full replacement cost as per the National legislation.</p> <p>For those that agree to resettle at the site, crop land will be availed within the sites for subsistence HH farming.</p> <p>Displaced communities will still be allowed to cultivate seasonal crops during the time project commencement has not yet started</p>	District
<b>House</b>	Owner	<p><b>Displacement:</b> Entire structure affected or structure partially affected but the remaining structure is not suitable for continued use</p>	<p>House compensation at the resettlement site of full replacement value and of equal or better size and quality in an available location of proposed settlement sites in the District master plan.</p> <p>For those that already own other built houses that meet minimum criteria of a suitable house equivalent to the one displaced Cash compensation of full replacement cost for entire structure and other fixed assets without depreciation, or alternative structure.</p> <p>Right to salvage materials without</p>	District

Type of Loss	Entitled Person	Type of Impact	Compensation/Entitlement/ benefits	Responsible Organization
			deduction from compensation.	
<b>Standing crops</b>	Crop Owners	Crops affected by land acquisition or temporary acquisition or easement	<p>Cash compensation equivalent to market value/ full replacement cost for the mature and harvested crop.</p> <p>For those hiring or care taking for the actual land owner but with annual/perennial crops, compensation was written against the land owner but would only be released to the land owner on written agreement authenticated by local authority that he/she shall compensate the actual crop/ tree owner. The reason compensation was made to the land owner and not the crop owner was because payment is done by the Ministry of Finance, which only makes payments against land on which the crops exist.</p>	district
<b>Trees</b>	Tree Owners	Trees lost	<p>Cash compensation based on type, age and productive value of affected trees.</p> <p>For those hiring or care taking for the actual land owner but with annual/perennial crops, compensation was written against the land owner but would only be released to the land owner on written agreement authenticated by local authority that he/she shall</p>	district

Type of Loss	Entitled Person	Type of Impact	Compensation/Entitlement/ benefits	Responsible Organization
			<p>compensate the actual crop/ tree owner. The reason compensation was made to the land owner and not the crop owner was because payment is done by the Ministry of Finance, which only makes payments against land on which the crops exist.</p>	

## 7. VALUATION OF AND COMPENSATION FOR LOSSES OF CROPS AND TREES

This section describes the methodologies that were used to value losses and determine replacement costs as well as the roles of the different institutions and PAPs during the determination of compensation process.

### 7.1. Magnitude of expected loss

The magnitude and impact of the expected loss will be termed average because of the number of people that lost their crops and trees.

### 7.2. Compensation for crops

A census of everyone losing crops due to the construction process that was undertaken. All crops and trees were given a value. The valuations of those crops and trees were used according to the current Rwanda expropriation law. The value of crops depends on its type and age.

Affected Item	District	Number of affected people	Amount
Crops and Trees	Gakenke	526	32567002
	Musanze	497	26433953
	Burera	450	51700813
		<b>1473</b>	<b>110701768</b>

## 8. PUBLIC CONSULTATION

Consultation meetings with PAPs were conducted to discuss issues related to compensation and in order to inform them about the planned subprojects. The local communities were fully involved in all the processes of the development of this ARAP and are well informed about the construction of the MV lines.

### 8.1. Verification and Disclosure of entitlements

Public consultations took place from the initial stage of ARAP preparation with the local Community and PAPs involved in the process of documentation and valuation of their assets.

### 8.2. Main issues raised by the PAPs during the first meeting we had.

The issues raised at the consultation meetings are summarized in Table below, along with the responses given by the committee.

#### *Issues of PAPs and responses given*

<b><i>Concern</i></b>	<b><i>Response</i></b>
Compensation of damaged properties	Damaged properties will be compensated. The valuation of crops and trees will be done in reference to Rwanda Expropriation law.
Compensation channel	All payment will be made directly to PAP personal bank Account or SACCO.
Employment	PAPs will be given priority when recruiting needed workers works/ Man powers.

## 9. GRIEVANCE REDRESS MECHANISM

The first step of redresses is to inform those to be compensated of their rights during the valuation and compensation process. In the event that the PAP rejects the value given by the Compensation Committee, he or she can ask for justification of the figure from the Committee. Should they still disagree with the value given, they can appeal to their local leadership starting at the Cell level, then the Sector and finally the District leadership. The District Land Commission officer should be present at many of the local meetings and understands the ARAP process; local leaders will be encouraged to consult when addressing appeals. Here the National expropriation and compensation law is to be consulted by both sides. If the grievance is not resolved via the local leadership structure, and the Land Commission upholds the original value, the complainant's final resort shall be to file the case to the competent Court of Law. According to Article 26 of the Expropriation Law N0 18/2007 of 19/04/2007, filing a case in courts of law does not stop expropriation process to be effected. Article 26 provides complaints procedures for individuals dissatisfied with the value of their compensation according to the law.

It stipulates that dissatisfied persons have a period of 30 days after project approval decision has been taken to appeal (Article 19). To ensure that the affected parties are fully aware and to reduce possible backlog of complaints, it should be noted in advance that most members of the rural communities take time to decide to complain within 30 day period required to file their complaints. As per international standards, grievances logged outside this timeframe may still be valid and legitimate. Customarily, the government expropriation authorities ensure that all affected people are fully informed, and will issue warnings about the consequences of failure to lodge their complaints in time. Within this customary procedure, affected people will be informed of the procedures before their assets are taken. EARP will follow up the aggrieved PAP at each level to ensure that the grievances are resolved. Each sector should identify one PAP to work with EARP and the local leaders to ensure that the grievances are attended to in time

## 10. DESCRIPTION OF ORGANISATIONAL RESPONSIBILITIES

The table below gives the summary of responsibility and roles that should be played by every Institution during the preparation of ARAP.

### 10.1. Roles and Responsibilities for each institution

ORGANIZATION	ROLES AND RESPONSIBILITY
<b>EARP team</b>	<ul style="list-style-type: none"> <li>✓ Screening of sub-projects to identify and compensation requirements;</li> <li>✓ <input type="checkbox"/> Work with Districts to create Compensation Committees;</li> <li>✓ Provision of short term capacity building and technical support relating to and compensation activities to the members of compensation committees;</li> </ul>
<b>Affected People</b>	<ul style="list-style-type: none"> <li>✓ Participation in documentation and valuation/measurement of assets of PAPs</li> </ul>
<b>District authorities</b>	<ul style="list-style-type: none"> <li>✓ Review and sign off of all documentation (e.g. completed expropriation forms, consultation plans).</li> <li>✓ Participation in documentation of assets</li> <li>✓ Responsible in monitoring and implementation</li> </ul>
<b>Compensation Committee.</b>	<ul style="list-style-type: none"> <li>✓ Representation of PAPs</li> <li>✓ Facilitate coordination of information collation activities (such as surveys, supervising documentation) for monitoring purposes, in accordance with procedures put in place by the District authorities.</li> </ul>

### 10.2. Roles of EARP during Inventory and Asset valuation

EARP will play an oversight role in monitoring and ensuring that the process of surveying the cultivated land was done in an open and transparent manner and in the presence of all the PAPs. EARP informed the PAPs in advance and within adequate time on the dates when the survey and Measurements /valuation would be done and insist upon the presence of the PAPs and local leaders especially village representatives in all meetings and documentation of assets.

### 10.3. Roles of the PAPs during crops and trees fields Measurements

The primary role of the PAPs during the process of measuring cultivated land situated in the right of way to be physically present and ascertain that indeed the measurements are correct and to their satisfaction. Upon being adequately satisfied with the measurements, their signatures were given as proof of approval.

## 11.FRAMEWORK FOR MONITORING, EVALUATION AND REPORTING.

Monitoring of the ARAP will be carried out during the whole process of affected assets valuation and compensation to ensure that the objectives are met and successful implementation of the ARAP occurs. The monitoring will be carried out by a committee composed of Gakenke, Musanze and Burera Districts representatives, representative at the Sector and Cell level and EARP, to ensure that all of the responsible implementing agencies follow the schedule and comply with the principles of the ARAP.

## 12. COMPENSATION IMPLEMENTATION COMPLETION REPORT

A completion report of the entire compensation process for this project will be prepared and will include a hand over certificate which will provide a verification of when the compensation and assistance were undertaken and to whom these services were provided as well as to indicate that indeed all the compensation has been delivered. The ARAP implementation report should include (but not be limited to) the following information:

- List of people affected
- List of people and total budget compensated during implementation
- Maps of the sub project areas indicating the segments /sections concerned
- Grievance redress mechanism if applicable



### 13.BUDGET

<b>no</b>	<b>Activity</b>	<b>Budget</b>
<b>1</b>	Public Consultation	<b>2,000,000</b>
<b>2</b>	Compensation for damaged properties	<b>110,701,768</b>
<b>3</b>	Monitoring and Evaluation	<b>4,000,000</b>
<b>Total</b>		<b>116,701, 768</b>

## LIST OF ANNEXES

### Summary of Prices applied

# IMBUTO

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

Beans			
Petit pois	Are		2600
Arachide	Are		6750
Soya	Are		250/plant 3750/are
<b>IBINYAMPEKE</b>			
Amasaka Sorgho Sorghum	Are		3500
Umuceri Riz Rice	Are		14000
Umuceli udatonoye/ padi	Are		14000
Ingano	Are		4500
Ibigori	Are		4200
Ubuuro	Are		3000
<b>IBINYABIJUMBA</b>			
<b>Amateke Colocases</b>	Plant, are		80/plant, 20,000/are
<b>Imyumbati Manioc Cassava</b>	Plant, are		90/plant, 40500/are
Ibirayi	Are		80/plant 24000/are
Ibikoro	Are		80/plant 16000/are
Ibijumba	Are		80/plant 20000/are
Urutoki	Mat	0 to 1 year	500
Banane	Mat	≥ 1 years	2500
Banana	Are	0 to 1 year	22000
	Are	≥ 1 year	110000
<b>IMBOGA/LEGUMES</b>			
Tomates	Are		75000
	Plant	0 to 1 year	1300
	Plant	1 to 3 years	2550
Intoryi	Are		75000
Karoti	Are		60000
Salade	Are		30000
Celeri	Are		30000
Course	Are		30000
<b>Manioc/ Isombe</b>	Are		300/plant 60000/are
Izindi mboga	Are		30000
Urusenda	Plant	0 to 6 Months	150

Pilipili	Plant	≥ 1 years	650
	Are	0 to 6 Months	15000
	Are	≥ 1 years	65000
Amashu	Are		150/plant 45000 are
Ibitunguru	Are		250/plant 60000/are
Canne a sucre	Are		50000

## CULTURES D'EXPORTATION/ INGENGABUKUNGU

Ipamba	Are		3000
Itabi	Are		75000
Kawa	Are	0 to 3 years	40000 are/2500 plant
		3 to 10 years	44800 are /2800 plant
		10 et plus	48000 are /3000/plant
Ibireti	Are	0 to 1 years	52000/250 par plant
		1 to 3 years	135200/650 par plant
Icyayi	Are	0 to 3 years	52500/ 500 par plant
Quinquina/ikinini	Are	3 et plus	64050/ 610 par plant
		0 to 3 years	60000/600 par plant
Moringa trees	Plant	0 to 1 year	1000
		1 to 3 years	4005
		3 to 5 years	5500
		≥ 5 years	7500
Macadamia	Plant	0 to 2 years	8265
		2 to 5 years	18300
		5 to 15 years	24060
		15 et plus	32325
Vanilla	Plant	0 to 1 year	1500
		1 to 3 years	4000
		3 to 5 ears	5250
		5 et plus	8205

## IBITI BITANGA IMITI

Ibiti bitanga imiti( Umuravumba, igicuncu, umweya,..... Medicinal crops)	Plant		2800
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## IBYATSI BY' AMATUNGO

Urubingo Penissetum Elephant Grass	Are		10000
Tripsacum, vetiveri, setariya, kikuyu grass, mucyayicyayi/citronelle	Are	En production	5000/ 100 par piece
Desmodium, Luseme, mukuna, trefle en production	Are	En production	10000
Sisal(umugwegwe), bambou(umugano)	Pce	En production	250
Urwuri rutunganije	Are		350000/are

## INDABO

Indabo (indabo zerera Umwaka	Pce		1000
Indabo (Ibiti byo mu busitani)	Pce		5000
Pasparum.....	m <sup>2</sup>		620

## IBITI BYO GUKORA URUGO

Imiyenzi Euphorbes	Cluster	Young Age	105
		Average	525
Imihate Dracaenas	Cluster	Young age	125
		Average	575
Spurges	Plant	Aged	920
Imiyenzi nu rugo Enclos d'euphorbes Spurge enclosure	M	Young age	270
		Aged	920
		Average	420
		Aged	920
Imihate y'urugo Enclos de Dracaenas	M	Young age	285
		Average	860
Enclos de roseau cg Imiseke	M		1850
Enclos de sipure	M		1250
Enclos de bougainviere	M		2250
Enclos de roseau cg Imiseke	M		1850
Enclos de sipure	M		1250
Enclos de bougainviere	M		2250

Urugo rw'imitobotobo	M	Jeunes	270
	M	Moyennes	420
Umuvumu Ficus Ficus Imivumu	Plant	Young age	270
		Average	860
		Aged	2860 to 4290
Umuko	Plant	Young age	270
		Average	450
Ibindi biti Other trees not specified	Plant	Young age	105
		Average	270
		Aged	450
Ikibonobono Ricin Castor Oil Plant	Plant	Young age	105
		Average	575
		Aged	715

## IBITI BYO KUBAZA

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

<b>IMIZINGA N'IBYUZI</b>			
Imizinga/Ibyima bya Kinyarwanda	Pce		3000
Imizinga/Ibyima bya Kijyambere	pce		12500
Ibyuzi	are		240000

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Murier, iboberi	plant	0 to 2 years	1000
		2 to 3 years	2000
		3 et plus	6150
Ibiti bibazwa: (Filawo, araucaria, cypres, grevellela, Masopsis, acacia, Indongo, Pinus, Lilas, Markhamia, Umusave, Jacaranda, Sakaranda, cedrela, Terminaria, etc	are	Jeunes	7150/286 par plant
	are	3 to 5 years	13585/ 572 par plant
	are	6 to 10 years	22880/ 1287 to 2145 par plant
	are	Sciable	57200/ 4290 to 5720 par plant

<b>IMIZINGA N'IBYUZI</b>			
Imizinga/Ibyima bya Kinyarwanda	pce		3000
Imizinga/Ibyima bya Kijyambere	pce		12500
Ibyuzi	are		240000