

**REPUBLIC OF RWANDA**  
**Ministry of Infrastructure**



**Electricity Access Rollout Program (EARP)**



**ABBREVIATED RESETTLEMENT ACTION PLAN (ARAP) FOR THE  
CONSTRUCTION OF RUKARARA SUB-STATION, 110KV FEEDER LINE AND  
RUKARARA-KIRINDA HV LINE**

**Updated in February 2017**

## Contents

|  |                              |
|--|------------------------------|
| EXECUTIVE SUMMARY .....  | iv                           |
| ACCRONYMS.....   | vi                           |
| DEFINITIONS OF TERMS USED IN THIS DOCUMENT .....                       | 8                            |
| 1.INTRODUCTION AND SUBPROJECT BACK GROUND.....                         | 12                           |
| 1.1. PROJECT DESCRIPTION .....   | 13                           |
| 1.2. PROJECT OBJECTIVES.....   | 13                           |
| 2. LEGAL AND REGULATORY FRAMEWORK .....                                | 14                           |
| 2.1. Relevant legislation in Rwanda .....                              | 14                           |
| 2.1.2. National Law on Expropriation in Public Interest .....          | 16                           |
| 2.1.3. Classification of Valuation of property .....                   | 17                           |
| 2.2. Procedures for Expropriation and award of just compensation ..... | 17                           |
| 3. SOCIO-ECONOMIC PROFILE OF PROJECT AREA.....                         | 20                           |
| 3.1.Agriculture and livestock .....                                    | 20                           |
| 3.2. Energy.....   | 21                           |
| 3.3. Persons with major disability.....                                | Error! Bookmark not defined. |
| 4. PROJECTS IMPACTS AND RESETTLEMENT IMPLICATIONS .....                | 21                           |
| 4.1. Positive impacts .....  | 21                           |
| 4.2. Socio-economic benefits.....                                      | 21                           |
| 5. NEGATIVE IMPACTS AND MITIGATION MEASURES .....                      | 22                           |
| 5.1. Summary ADVERSE IMPACT AND MITIGATION MEASURES .....              | 24                           |
| 6. ELIGIBILITY .....   | 27                           |
| 7. PUBLIC CONSULTATION .....   | 29                           |
| 7.1.Verification and Disclosure of entitlements.....                   | 30                           |
| 7.2.Main issues raised by the PAPs during the first meeting held. .... | 30                           |
| 7.3.Attitudes of PAPs towards Approved EARP project Sites.....         | 30                           |
| 8. THE CUT-OFF -DATE .....   | 32                           |
| 9. COMPENSATION ENTITLEMENT .....                                      | 32                           |

|   |           |
|---|-----------|
| <b>10. CENSUS SURVEY .....</b>                                  | <b>32</b> |
| <b>11. PROJECT AFFECTED PEOPLE (PAPs).....</b>                  | <b>33</b> |
| <b>11.1. Definition of Project Affected People (PAPs) .....</b> | <b>33</b> |
| <b>12. GRIEVANCES REDRESS MECHANISMS .....</b>                  | <b>35</b> |
| <b>12. IMPLEMENTATION AND MONITORING FRAMEWORK .....</b>        | <b>37</b> |
| <b>13. A-RAP BUDGET .....</b>                                   | <b>39</b> |

## EXECUTIVE SUMMARY

The World Bank funded a series of subprojects planned in the framework of the Electricity Access Rollout Program (EARP). Out of these initiatives, two key subprojects will generate economic and/or physical resettlement. Those two subprojects are the construction of Rukarara sub-station in Nyamagabe District, South Province and the construction of Rukarara-Kirinda HV line. Rukarara Substation will be located in Kibirizi sector, Uwindekezi Cell, Mugote Village whereas Rukarara-Kirinda will pass through 5 Sectors of Nyamagabe District and one Sector of Karongi District. Covered sectors are: Kibirizi, Kibumbwe, Kaduha, Mugano, Musange and Nyarunyinya.

The construction of Rukarara substation will lead to the destruction of crops trees and houses, and thus lead to a decrease in the poor production of yields for the affected people or PAPs as well as their relocation to another area. The construction of Rukarara HV lines will also lead to the destruction of crops and trees, and eventually the destruction of some few houses. The precedent actions will therefore principally trigger the World Bank Policy OP 4.12, as well as will need to comply with involuntary resettlement procedures and laws in Rwanda on expropriation and land ownership. In accordance with the World Bank Involuntary Resettlement Policy, resettlement action/compensation plan has to be developed. It is important to note that The World Bank Involuntary Resettlement Policy, clearly states that the borrowing agency has the primary responsibility for planning, implementing and monitoring resettlement issues.

It is in this perspective that the following document encompasses an Abbreviated Resettlement Action Plan (ARAP) for the relocation of the Rukarara Substation and Rukarara-Kirinda HV line. 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 sub-projects that are proposed and the associated impact arising there from. The section on valuation of destroyed properties/assets highlights the existing crops and trees in the proposed sub project area, 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, trees and structures in the sub project site.

The census was done by a team composed of project affected people (PAPs), village and cell representatives, sector officials, a valuer as well as EARP- Safeguards team to identify the lost crops, trees and houses to be affected. In total, 30 PAPs have been affected at Rukarara Substation and 320 PAPS affected at Rukarara-Kirinda HV line. The main objective of this Abbreviated Resettlement Action Plan is to ensure just compensation of the PAPs for the loss of crops, trees and houses in the sub project site that will be destroyed or cleared during 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 rehabilitation of the sub project. In the meetings, PAPs got to know how the compensations will be done and their major role in the Project activities.

PAPs, EARP, Cells, the Sectors and districts participated in the surveys, reviews and the signing of all documentation related to the compensation process. REG/EARP will provide compensation for crops, trees and houses and ensure all PAPs receive their cash through their Personal Bank accounts without delay. REG/EARP, Districts and Sectors will ensure that the eligible PAPs are compensated on time. REG/EARP together with the District of Rulindo 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. REG/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.

## ACCRONYMS

|                 |  |
|-----------------|--|
| <b>AIDS</b>     | Acquired Immune Deficiency Syndrome                        |
| <b>CAC</b>      | Cell Adjudication Committee                                |
| <b>CSO</b>      | Civil Society Organisations                                |
| <b>DLOs</b>     | District Land Offices                                      |
| <b>EDPRS II</b> | Second Economic Development and Poverty Reduction Strategy |
| <b>EDCL</b>     | Energy Development Corporation Limited                     |
| <b>ESIA</b>     | Environment and Social Impact Assessment                   |
| <b>ESMF</b>     | Environmental and Social Management Framework              |
| <b>GoR</b>      | Government of Rwanda                                       |
| <b>MININFRA</b> | Ministry of Infrastructure                                 |
| <b>MINIRENA</b> | Ministry of Natural Resources                              |
| <b>NLC</b>      | National Land Commission                                   |
| <b>OP</b>       | Operational Policy   |
| <b>PAP</b>      | Project Affected Persons                                   |
| <b>RAP</b>      | Resettlement Action Plan                                   |
| <b>REG</b>      | Rwanda Energy Group Ltd                                    |
| <b>REMA</b>     | Rwanda Environment Management Authority                    |
| <b>RNRA</b>     | Rwanda Natural Resources Authority                         |
| <b>RPF</b>      | Resettlement Policy Framework                              |

|              |                                    |
|--------------|------------------------------------|
| <b>RWF</b>   | Rwandan Francs                     |
| <b>SPIU:</b> | Single Project Implementation Unit |
| <b>WB</b>    | World Bank                         |

## DEFINITIONS OF TERMS USED IN THIS DOCUMENT

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

1. **“Affected people”** refers to people who are directly affected socially and economically by World Bank-assisted investment projects caused by:
  - a. Relocation or loss of shelter
  - 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
  - The involuntary restriction or access to legally designated parks and protected areas results in adverse impacts on the livelihood of the displaced persons.
  - “Associated projects” means any subprojects or activities which are directly related to the planned infrastructure development in the six secondary cities.
2. **“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.
3. **“Environmental and Social Management Framework (ESMF)”** is a safeguard instrument (document) which will set out a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the infrastructure development program and other activities associated with this project regardless of funding agency in the six secondary cities. The framework will set out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument will be prepared as a separate and stand-alone document to be used in conjunction with this RPF.
4. **“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.



5. **“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.
6. **“Project affected persons” (PAPs)** means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not they said Project affected persons physically relocate. These people may have their:
- Standard of living adversely affected, whether or not the Project Affected Person must move to another location ;
  - 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;
  - Access to productive assets adversely affected, temporarily or permanently; or
  - Business, occupation, work or place of residence or habitat adversely affected.
7. **“Involuntary Displacement”** means the involuntary taking 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 or not the project affected person has moved to another location.
8. **“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.

9. "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.
10. "Land acquisition" means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
11. "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.
12. **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.
13. "**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;
14. "**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:
- preparing the land to levels similar to those of the affected land;
  - any registration, transfer taxes and other associated fees;
15. "**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:
- Building materials
  - Transporting building materials to the construction site;

- Any labor and contractors' fees; and d) any registration costs.

16. **“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,

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

18. **“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.

## 1. INTRODUCTION AND SUBPROJECT BACK GROUND

In its effort to sustain economic growth, the Government of Rwanda has increased and stabilized the power production since the severe power shortages in 2004. However, infrastructure bottlenecks in the urban areas and limited access in the rural areas have emerged as a significant constraint.

One of three major strategic objectives of the Economic Development and Poverty Reduction Strategy (EDPRS 2008-2012) was to expand access while also improving the quality and lowering the cost of economic infrastructure, especially transport, power, and communications. The Government of Rwanda is also continuing to exercise a strong leadership role in donor coordination and has begun to work with donors on a clearer division of labor by identifying areas of individual donor comparative advantage. In this context, The Government of Rwanda (GoR) has requested for financial assistance from the World Bank for construction of Rukarara Substation and Rukarara-kirinda HV line..

In connection with the mentioned strategy, the Government of Rwanda through Rwanda Energy Group (REG) is embarked on a country-wide ***Electricity Access Program*** to realize the primary EDPRS target for the electricity sector which is to meet Rwanda's energy demand by increasing generation capacity to 537 MW.

In addition, EDPRS-2 priority area-4 under the thematic of "Rural Development", clearly highlight the need of available-on-demand of affordable energy for all the rural population and promotes twin strategies facilitating 100% of the population to be connected through on-grid and off-grid solutions. Through a combined approach of on-grid and off-grid solutions it will be possible to connect 100% of Rwandans households to some form of electricity in Rwanda by 2017-2018. The EARP, in terms of on-grid direct connections, will target around 45% of households by 2017.

The proposed Scaling-Up Energy Access Project is a direct response to one of the three flagship programs called for in the EDPRS—"economic transformation to create employment and generate exports"—and responds to the key priority within this flagship theme of rapidly expanding access to electricity. Moreover, the project will contribute to the primary EDPRS target for the electricity sector to reach an access ratio of 70% by 2017. The project is also consistent with the Bank's

energy sector policy approved in October 2012, one of core principles of which is “ensuring energy security and increasing access for all.”

The prospectus outlines the overarching spatial least cost rollout plan and priority connection targets through the medium term, the rollout strategy and the financing policy platform for the EARP. Additionally, the EARP implementation will be subject to a monitoring, evaluation and results framework as well as the oversight and accountability process of regular reviews as agreed with the energy sector working group (SWG), chaired by Ministry of infrastructure (MININFRA) on advice from the partners.

A number of development partners so far committed to support the program including World Bank IDA, World Bank GEF/ESMAP CEIF, African Development Bank, BADEA, OFID, Saudi Funds, Netherlands, Japan, and others.

It is in this regard that Rwandan Government through its cooperation with World Bank applied for grant to undertake the construction of Rukarara Substation

## **1.1 PROJECT DESCRIPTION**

The project consists of the construction of a 30/110kV substation at Rukarara. It will support the expansion of distribution network for the electrification of new towns and villages and help to overcome the several bottlenecks and challenges of the capacity of existing Sub-stations. The project is located in Nyamagabe District, kibirizi sector, Uwindekezi Cell, Mugote village whereas 110kv line pass through different sectors such as: Kibilizi, Kibumbwe, Musanze, kaduha and mugano.

## **1.2 PROJECT OBJECTIVES**

- The Construction of this substation will facilitate to enhance Rwandan electrical system; the purpose and objectives of this project are as follows:
  - Reducing poverty through increase of electricity access rate by direct or indirect job creation
  - Reduce CO<sub>2</sub> emissions from kerosene by providing clean electric energy
  - Uplift living standards in the targeted areas as investors have been limited by having no electricity guarantee
  - To reduce the use of charcoal which result in deforestation and end up causing soil erosion
- To create foundation for other infrastructure like ICT infrastructure and other investments that requires electricity

## 2. LEGAL AND REGULATORY 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 recognised 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 NO. 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 in consideration 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.

### **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.

### **2.1.3. 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. Where there is gap between national regulation and World bank Policies, the World bank policies shall apply.

### **3. Socio-Economic profile of Project area**

The subproject is basically located in Nyamagabe District and in one Sector of Karongi District. Nyamagabe is one of 7 District of South province. It is bounded by Rusizi, Nyamasheke, Karongi, Ruhango, Nyanza, Huye and nyaruguru.

#### **3.1. Agriculture and livestock**

Nyamagabe and Karongi specifically Nyarunyinya sector, agriculture is a very important economic activity. It is intervening in economic growth and poverty reduction by increasing agricultural production and productivity. The majority of the population of Nyamagabe and Karongi District lives on agriculture. They produce tea and coffee as two main cash crops and the following food crops: maize, Irish potatoes, wheat, cassava, bananas and pineapple. Challenges facing Agriculture sector in both Districts are related to: high soil acidity, limited skills of farmers on modern agriculture, predominance of traditional agriculture, insufficiency of post harvest facilities and insufficiency of community agro-processing units. In order to address these challenges and to increase productivity the District has set a number of priorities:

- Enhance land use consolidation and use of agricultural inputs
- Strengthen the farmer's capacity for professionalism in agriculture.
- Enhance agricultural modernization and mechanization
- Increase post-harvest facilities, agro-processing units and other agriculture infrastructures

- Distribute cows and small livestock to poor families and
- Promote the public and private partnership in agriculture sector.

According to the Report from MINICOM about SMEs Product Clusters in Rwanda, the identified top

Five product clusters in Nyamagabe District are illustrated as below:

1. Pork
2. Treated Wood
3. Honey
4. Wheat
5. Coffee

### **3.2. Energy**

The main energy source in Nyamagabe and Karongi District is Fuel wood and it has limited alternative source of energy, low number of Households accessing to electricity (2.7%),

## **4. PROJECTS IMPACTS AND RESETTLEMENT IMPLICATIONS**

### **4.1. Positive impacts**

The positive impacts of this project 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.

### **4.2. 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. Within the project area there will be opportunities for trading near the substations at Rukarara. 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. NEGATIVE IMPACTS AND MITIGATION MEASURES**

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

The construction of Rukarara substation will generate: Land acquisition, demolition of structures and 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 site to ensure minimal physical and economic displacements. The project affected people will be compensated for land and destroyed structures, crops and trees.

The acquisition of land and establishment of the project will result in a variety of physical, economic and social impacts. The physical impacts will begin at the onset of the ARAP implementation process,

will be certain and permanent and will be felt by all PAPs, their dependents and people living within the Host Community. The ARAP will guide on minimizing these impacts through consultation, capacity building and other measures to mitigate negative effects where possible and optimize the benefits the Project will bring.

The Land Take in Rukarara Project Site will result in the loss of residential homesteads and associated structures, crops and trees. This loss will be mitigated through a comprehensive compensation package, which consists of a replacement house with improved features and other benefits if PAPs chooses In-Kind compensation. For those that opt for cash compensation, they will be compensated at fully replacement cost. Further, this ARAP proposes remedies to mitigate other presumed negative impacts, such as the increase in waste and stress on social facilities in the Host community through capacity building and consultation.

Another major impact is the loss of land-based livelihoods for PAPs. This applies to all PAPs living within the Project Area and those living elsewhere but deriving their income fully or partially from economic activities inside the Project Area. This factor is mitigated through the provision of adequate farmland in the resettlement process as the In-Kind option or cash compensation. Displacement can have distressing effects on displaced people as the disturbance of current life patterns can result in a breakdown of social structure and a questioning of cultural norms and authority. As PAPs chose money for compensation, All PAPs have been sensitized to locate where they will be psychologically fit. When preparing this ARAP activities and consultations with the project zone occupant were conducted in a culturally appropriate manner to ensure self-determination and participation in all processes. Special attention has been paid to vulnerable categories (orphans and widow).

At the resettlement site and surrounding areas, the optimization of benefits will have direct and immediate impact on both displaced people and host community on a long term basis. The co-operation with both local government and local NGOs provides the opportunity to build capacity, diversify skills and facilitate the access to a range of benefits and services that will support the economic development of the people and engender self-reliance.

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 physical and economic displacement to be experienced by the PAPs.

Displacement can have distressing effects on displaced people as the disturbance of current life patterns can result in a breakdown of social structure and a questioning of cultural norms and authority. As PAPs chose money for compensation, All PAPs have been sensitized to locate where they will be psychologically fit. When preparing this ARAP activities and consultations with the project zone occupant were conducted in a culturally appropriate manner to ensure self-determination and participation in all processes. Special attention has been paid to vulnerable categories (orphans and widow).

At the resettlement site and surrounding areas, the optimization of benefits will have direct and immediate impact on both displaced people and host community on a long term basis. The co-operation with both local government and local NGOs provides the opportunity to build capacity, diversify skills and facilitate the access to a range of benefits and services that will support the economic development of the people and engender self-reliance.

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 physical and economic displacement to be experienced by the PAPs.

### 5.1. ADVERSE IMPACT AND MITIGATION MEASURES

| Impact Description  | Mitigation Measures  |
|---|--|
| <b>Preconstruction</b>  | <b>m</b>   |
| Land acquisition for locating transformers, offices, overhead line installation, loss of income due to acquisition of agricultural land and plantation forests. | Expropriation shall be made for the affected lands or any other property in consistency with GoR and World Bank requirements.                        |
| Land acquisition will require relocation of some households.  | Prior to any site works, EWSA and MININFRA shall undertake compensation and relocation in coordination with affected families and local authorities. |
| 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> <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</li> </ul> |

|  |  |
|--|--|
|  | <p>as possible, to avoid disturbance to nearby communities; if evening construction is necessary, affected households and groups should be notified beforehand</p> <p>- Ensure all vehicles and equipment are properly maintained to meet emission standards and are covered by valid operating permits</p>  |
| 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 including prevention of transmissible diseases.</p>  |
| 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>  |

|                                    |   |
|------------------------------------|---|
|                                    | Health and safety orientation shall be conducted for construction workers.  |
| 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> |

#### 4.2 Rational of preparing this ARAP

This ARAP was guided by a set of principles to:

- Avoid and/or minimize and mitigate potential negative social and economic Impacts caused by the project;
- Ensure that all affected peoples, regardless of their tenure condition, receive proper compensation and/or assistance to replace assets lost and the restoration of livelihoods at an equal or superior level;
- Make certain that affected people are informed about their options and rights, as well as consulted on the available choices;

#### 6. ELIGIBILITY

Eligibility for compensation is enshrined under the Rwandan Constitution (Article 29), the Expropriation Law of Rwanda (No 18/2007 of 19/04/2007) the African Development Bank Resettlement Policy, the OP 4.12 of the World Bank and EARP Resettlement Policy Framework. These documents regulate and give entitlement to those affected, whether or not they have written customary or formal tenure rights. In the Rwandan Expropriation Law the person to be expropriated is clearly defined under article 2 (7) to mean “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. The right to property may be overruled in the case of public interest. In these cases, circumstances and procedures are determined by the law and subject to fair and prior compensation (Article 29).

In addition, the present Organic Land Law sets a legal framework for property law under articles 5 and 6 which provides for full ownership of land and permits any person that owns land (either through custom or otherwise), to be in conformity with the provisions of this law. It is important to observe however that full ownership of land is only granted upon acquisition of a land title issued by the general land registrar authority. Once the efforts to provide proper land tenure documentation are completed, ownership of land without proper documents such as land title will not be deemed lawful land ownership and thus in event of circumstances like expropriation, one will not be able to benefit from a fair and just compensation package.

The Operational Policy on Involuntary Resettlement (OP4.12) proposes the following three criteria for eligibility:

- a) Those who have formal legal rights to the land they occupy.
- 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; and
- c) Those who have no recognizable legal right or claim to the land they are occupying but using or getting their livelihood from this land.
- d) Those covered under (a) and (b) above are to be provided compensation for the land they lose, and other assistance in accordance with this ARAP. 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 ARAP

They will only qualify for the compensation if they occupied the project area prior to a cut-off-date established by the Resettlement Committees in close consultation with the potential PAPs and local community leaders. 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.

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. 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.

Within the context of Rukarara Project, in compliance with international best practice, an eligible person in this project would be anyone who lives, works or has any socio-economic livelihoods or cultural ties to the project land, duly impacted by the land take in the area and who experiences any loss of natural and/or communal resources. It should be noted however, that since the level of impact of these group differs so does their level of the packages they are entitled to receive.

Due to this project, the involuntary taking of land will results in relocation or loss of shelter; 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. Meaningful consultations with the affected persons, local authorities and community leaders allowed the establishment of criteria by which displaced persons were deemed eligible for compensation and other resettlement assistance.

## **7. PUBLIC CONSULTATION**

According to the World Bank resettlement policy, affected persons and host communities are supposed to be meaningfully consulted early in the planning process and encouraged to participate in the planning and implementation of the resettlement program. While preparing this ARAP, the affected persons were informed about their options and rights pertaining to resettlement. Hence, consultation meetings with PAPs were held to discuss issues related to compensation. EARP and the Districts of Nyamagabe helld meetings with the local communities in order to inform them about the planned subproject.

The local communities were fully involved in all the processes of the development of this ARAP and they were informed about the construction of the proposed Mv lines. Upon identification of the households that will be affected by the project, EARP and Nyamagabe District organized meetings with the PAPs to discuss compensation requirements and concerns. The District arranged meetings for the negotiations with the local

communities to discuss the alternatives for compensation and the proposed site that seemed to be suitable for the project.

### 7.1. 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. The ARAP will be disclosed after its preparation and the mean of communication will be Kinyarwanda.

### 7.2. Main issues raised by the PAPs during the first meeting held.

The issues raised at the consultation meetings are summarized in the table below, along with the responses given by the committee comprised of EARP staff (Social and Environment specialists), and District and Sector officials.

**Table1: Issues of PAPs and responses given**

| Issues   | Responses   |
|--|---|
| Valuing affected assets<br>(crops and trees)       | The valuation of the crops trees and houses will be done with reference to current laws applied in Rwanda.  |
| How to know the amount of money to be compensated? | All PAPs will be involved in determining the type of compensation.<br>At each valuation form, the amount of money to be compensated will be also displayed. |
| How will I receive my money?                       | All payment will be made directly to PAP personal bank accounts or SACCOs and other Banks operating in Rwanda.  |
| Employment   | The PAPs will be given priority in recruiting during construction works as manpower.  |

### 7.3. Attitudes of PAPs towards Approved EARP project Sites

The consultations with several stakeholders including PAPs indicated that most of the people did support the construction of the proposed MV lines. This was attributed to the fact that these people already knew the importance associated with the construction of the MV lines.



Consultation with project site occupant (Rukarara Site)



Consultation with PAPs (110kv feeder transmission line)

Concerning 110 Kv electrical line, 7 households will be physically relocated and inventory and asset valuation will be effective once the property valuer will be on board.

## **8. THE CUT-OFF -DATE**

The entitlement cut-off date refers to the time when the assessment of persons and their property in the identified project starts and therefore new cases of affected people will not be considered.

The cutoff date was determined through a meeting with the PAPs, the representatives of Nyamagabe District, Kibirizi Sector and REG Representative before the census survey was carried out.

The cutoff date was 22<sup>th</sup> April 2014. A census survey was undertaken to identify all PAPs and the related levels of impact. The date that the public meeting was held is the cutoff date for eligibility for resettlement and compensation. This date was fully communicated to all potential PAPs in the project affected area with sufficient time for these people to ensure their availability for the Census.

The establishment of a cut-off date was required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a risk to the subproject. Therefore, establishment of a cut-off date is of critical importance.

## **9. COMPENSATION ENTITLEMENT**

In case an individual suffers any loss, Article 3 of the Expropriation Law stipulates that he or she should receive just compensation for it, although it is not clear what comprises fair and just compensation, this being left to the judgment of the valuer. The negotiation was led by the market price and an agreement between PAPs and Resettlement committee was cash compensation.

## **10. CENSUS SURVEY**

Topographic works were done by the EARP GIS/team to confirm the subproject area. Meetings were held before the census begun to explain to the PAPs the project activities and the importance of the ARAP preparation and then, Compensation Committee was formed.

The Compensation Committees carried out a detailed inventory of houses, trees and crops that had to be compensated.

In total 30 households from Rukarara Substation were affected whether losing crops, trees or houses and 320 PAPs affected at Rukarara-Kirinda HV line.



## 11. PROJECT AFFECTED PEOPLE (PAPs)

### 11.1. Definition of Project Affected People (PAPs)

This Abbreviated Resettlement Action Plan considers project affected people as those who will lose, all or part of their physical and non-physical assets, including shelter, lands, crops, trees and social-cultural networks as a consequence of the project. Such impacts may be permanent or temporary. This project will affect different categories of PAPs (Individuals, Households and Vulnerable group)

#### Project Affected People at Rukarara Substation

| no | ITEM                 | NUMBER OF PAPs | AMOUNT             |
|----|----------------------|----------------|--------------------|
| 1. | LAND CROPS AND TREES | 9              | 3,256,254          |
| 2. | STRUCTURES           | 21             | 99009889           |
|    |                      | 30             | <b>102,266,143</b> |

#### And in Rukarara-Kirinda line 32.

| no | ITEM            | NUMBER OF PAPs | AMOUNT           |
|----|-----------------|----------------|------------------|
| 1. | CROPS AND TREES | 306            | 103814917        |
| 2. | STRUCTURES      | 24             | 74835802         |
|    |                 | 320            | <b>178650720</b> |

The total amount which has to be compensated to Affected people from Rukarara substation is **One Hundred Two Million, Two Hundred Sixty six Thousand and One Hundred Forty Three Rwandan Francs (102,266,143 Rwfs)** whereas for Rukarara Kirinda HV line, **One Hundred seventy eight million, Six Hundred Fifty Thousands, Seven Hundred Twenty Rwandan Francs(178650720 Rwfs)** are

**also to be compensated**

- ***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.

- ***Affected households***

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

- (a) Any member in the households, men, women, children, dependent relatives and Friends, tenants;
- (b) Vulnerable individuals who may be too old or ill to farm along with the others;
- (c) Members of households who cannot reside together because of cultural rules, but who depend on one another for their daily existence;
- (d) Members of households who may not eat together but provide housekeeping or other activities critical to the family's maintenance; and
- (e) 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 labor contributions are critical to the functioning of the "household".

- ***Vulnerable Households***

Vulnerable households may have different land needs from most households, or needs unrelated to the quantity of land available to them. Vulnerable households include: ((i) vulnerable women;

(ii) children, especially orphans; (iii) young person's Head household; (iv) Disabled persons; (v) the elderly; (vi) families affected and/or infected by HIV/AIDS, among others.

- **Vulnerable group or persons**

Particular attention is to 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 or other economically and/or physically displaced persons who may not be protected through Rwanda's land compensation legislation.

The socio-economic survey indicated that among 30 households to be affected directly, 3 households are widows- headed, and one household orphan-headed.

## **12. GRIEVANCES REDRESS MECHANISMS**

The Project is characterized by an inclusive and participatory consultative process. At all stages PAPs have been informed about the process for expressing dissatisfaction and know how to seek redress. Grievances anticipated at the sign off include:

- Misidentification of owner/occupier of eligible property and assets:
- Errors in counting crops and/or other property assets
- Complaints about the entitlement policy
- Disagreement of asset valuation
- Disagreement of entitlement and ownership relating to inheritance
- Disagreement of time and manner of compensation
- Disagreement on eligibility criteria, on community planning and resettlement measures or on implementation.

There is no mechanism to pre-empt potential grievances. As a result, the ARAP team has developed a grievance process to enable all affected individuals to express their grievances. The procedure is simple flexible and open, taking into cognizance the capacity of the PAPs and the requirement for a speedy, just and fair resolution of their grievances and administered as far as possible at the local level. The first point of contact for an aggrieved person will be within their settlement, i.e. a member of the Community, Resettlement Committee or the chairman. Probably some complaints will be solved by providing detailed information or clarification. Additionally, the telephone number of the EARP Team is provided on a public board within the settlement to enable

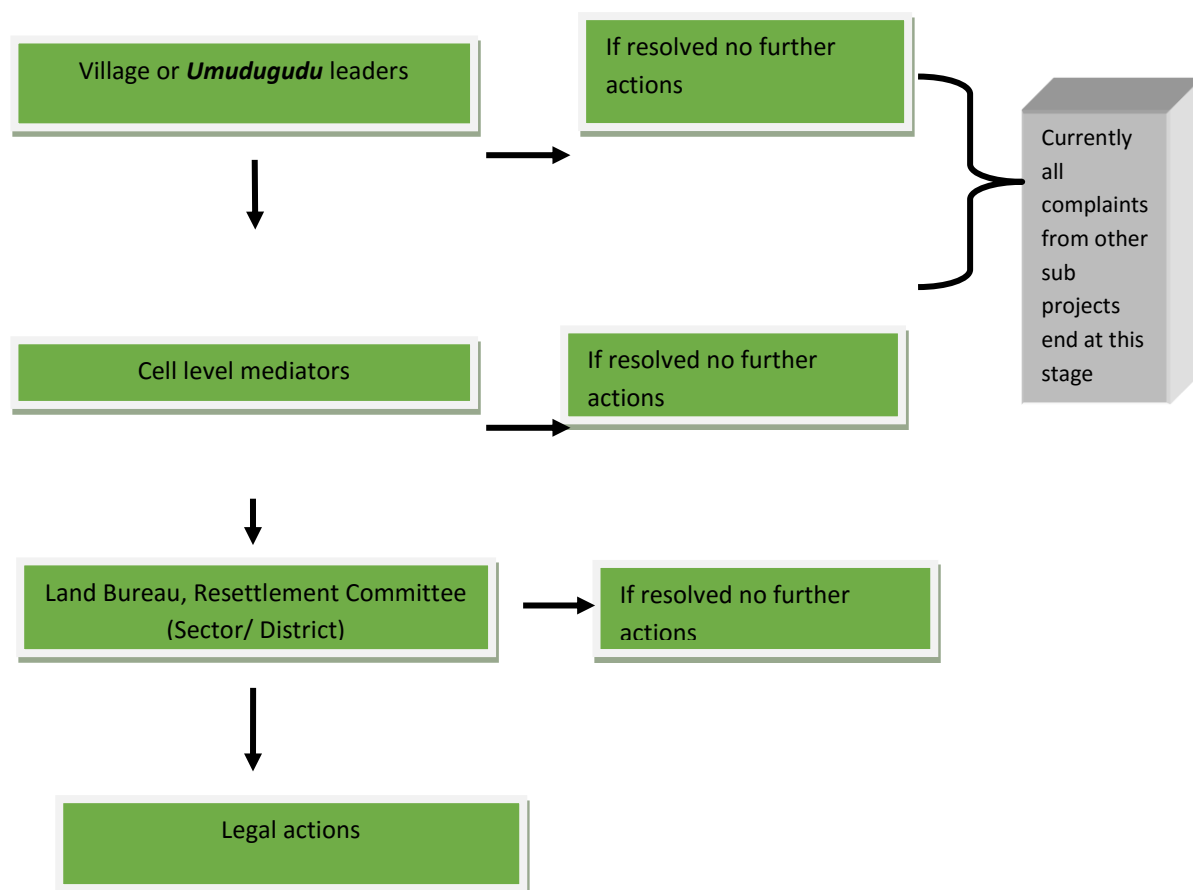
a direct contact to the EARP-team. EARP team follows each complaint with a face-to-face discussion with the aggrieved person. If the complaint cannot be solved immediately this person will refer the issue to a responsible person and report results back to the aggrieved person. If the outcome is final and the complainant satisfied, it should be communicated to the village chairman and the local Resettlement Committee for information purposes. If the complainant is still unsatisfied about the outcome, he/ she have the right to pursue the matter through the appropriate arbitration or legal body. ARAP implementation team will provide support to PAPs throughout all phases in addressing their grievances.

If the grievance procedure fails to provide a result, complainants can still seek legal redress. 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 his written consent

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. For this reason, handling grievances will begin with the local level institutions (Abunzi, Sector or cell level land committees) as the first stop before resorting to District Land Bureaus, Provincial Land Bureaus, National Land Bureaus and finally if not satisfied 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

**Figure 2. Steps when Affected Person (PAP) declares a complaint**



## 12. IMPLEMENTATION AND MONITORING FRAMEWORK

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

It is important that the objective of the Policy on Involuntary Resettlement is achieved and therefore monitoring whether the project affected people have had their livelihoods restored to levels prior to project resettlement phase.

The arrangements for monitoring will fit the overall monitoring plan of the entire project, which will be done through REG organs. ARAPs will set major socio-economic goals by which to evaluate their success; it 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 to the project and (iii) the absence or prevalence of conflicts. In order to

assess whether these goals are met, this ARAPs indicates parameters to be monitored. Information's from Monitoring and Evaluation will:

- Provide timely information about all resettlement arising as a result of Rukarara Substation activities;
- Identify any grievances that have not been resolved at a local level and require resolution.
- Document the timely completion of project resettlement obligations for all permanent and temporary losses;
- Evaluate whether all PAPs have been compensated in accordance with the requirements of this ARAP and that PAPs have higher living standards in comparison to their living standards before physical or economic displacement. 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 Rukarara Substation project activities causing resettlement,
- If the people who were affected by the project activities have been compensated in such way that they are now living a higher standard than before, living at the same standard as before, or becoming 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, how many kids in school compared to before, health standards, etc). Therefore, monitoring and evaluation will seek to know if affected individuals, households, and communities are able to maintain their Pre-project standard of living, and even improve on it; if the local communities remain supportive to the project and if there is absence or prevalence of conflicts

Specific indicators may include the following, which would indicate a change in:

- yield/ produce quantity/quality from farming
- Access/ distance/ quality of agricultural plots
- Quality of, and access to, water
- Yield/ produce quantity/quality from livestock
- Number of people employed
- Number of people with agricultural plots
- Number of 'vulnerable' people

- Source of income
- Expenditure patterns (food for livestock, travel etc)

### 13. A-RAP BUDGET

| Item   | Measurement<br>unit | cost               |
|--|---------------------|--------------------|
| ARAP preparation   | 30 Days             | 3,500,000          |
| Compensation for destroyed structures, crops<br>and tries (Rukarara-Kirinda) | 320 PAPs            | 178,650,720        |
| Compensation for destroyed crops and<br>structures                           | 30 PAPs             | 102,266,143        |
| Monitoring and Evaluation  | 15                  | 1,000,0000         |
| Total  |                     | <b>285,416,863</b> |

The total estimated budget for the destroyed assets related to the construction of the Rukarara substation and Rukarara-Kirinda KV line is **285,416,863** Rwfs which includes crops, trees, land and destroyed houses. REG will be responsible for paying all the destroyed trees, crops and houses as displayed in this ARAP.

## Annex 1- Rates of Valuation Crops

# IMBUTO

| Type of Crop  | Unity   | Age          | Value (rwf)                 |
|---|---------|--------------|-----------------------------|
| Inanasi<br>Ananas<br>Pineapple  | Cluster |              | 300/Plan /180000 Par<br>are |
| Ananas  | Are     |              | 180000                      |
| Ibinyomoro<br>Prunier du japon<br>Tree Tomato                                     | Plant   | 0 to 1 year  | 1300                        |
|   |         | 1 to 3 years | 2550                        |
|   |         | 3 to 5 years | 2000                        |
| Umwembe<br>Manguier<br>Mango  | Plant   | 0 to 1 year  | 3450                        |
|   |         | 1 to 3 years | 7000                        |
|   |         | 3 to 5 years | 9000                        |
| Ipera<br>Goyavier<br>Guava  | Plant   | 0 to 2 years | 3450                        |
|   |         | 2 to 4 years | 7000                        |
|   |         | 3 to 5 years | 9000                        |
| Ipapayi<br>Papaye<br>Papaya   | Plant   | 0 to 1 years | 1200                        |
|   |         | 1 to 3 years | 10700                       |
|   |         | 3 et plus    | 9000                        |
| Avocat<br>Avocatier<br>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<br>Other fruit trees (not<br>listed in the crop<br>valuation document | Plant   | 0 to 2 years | 2100                        |
|   |         | 2 to 4 years | 4500                        |
|   |         | 4 to 5 years | 5500                        |
| IBINYAMISOGWE   |         |              |                             |
| Ibishyimbo  | Are     |              | 2250                        |



|                   |     |  |                    |
|-------------------|-----|--|--------------------|
| Haricots<br>Beans |     |  |                    |
| Petit pois        | Are |  | 2600               |
| Arachide          | Are |  | 6750               |
| Soya              | Are |  | 250/plant 3750/are |

## IBINYAMPEKE

|                              |     |  |       |
|------------------------------|-----|--|-------|
| Amasaka<br>Sorgho<br>Sorghum | Are |  | 3500  |
| Umuceri<br>Riz<br>Rice       | Are |  | 14000 |
| Umuceli udatonoye/<br>padi   | Are |  | 14000 |
| Ingano                       | Are |  | 4500  |
| Ibigori                      | Are |  | 4200  |
| Uburo                        | Are |  | 3000  |

## IBINYABIJUMBA

|   |            |             |                      |
|---|------------|-------------|----------------------|
| <b>Amateke</b><br><b>Colocases</b>                  | Plant, are |             | 80/plant, 20,000/are |
| <b>Imyumbati</b><br><b>Manioc</b><br><b>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               |

## IMBOGA/LEGUMES

|                       |       |               |                     |
|-----------------------|-------|---------------|---------------------|
| Tomates               | Are   |               | 75000               |
|                       | Plant | 0 to 1 year   | 1300                |
|                       | Plant | 1 to 3 years  | 2550                |
| Intoryi               | Are   |               | 75000               |
| Karoti                | Are   |               | 60000               |
| Salade                | Are   |               | 30000               |
| Celeri                | Are   |               | 30000               |
| Courge                | Are   |               | 30000               |
| <b>Manioc/ Isombe</b> | Are   |               | 300/plant 60000/are |
| Izindi mboga          | Are   |               | 30000               |
|                       |       |               |                     |
| Urusenda<br>Pilipili  | Plant | 0 to 6 Months | 150                 |
|                       | Plant | ≥ 1 years     | 650                 |
|                       | Are   | 0 to 6 Months | 15000               |
|                       | Are   | ≥ 1 years     | 65000               |

|               |     |  |                     |
|---------------|-----|--|---------------------|
| Amashu        | Are |  | 150/plant 45000 are |
| Ibitunguru    | Are |  | 250/plant 60000/are |
| Canne a sucre | Are |  | 50000               |

## 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(<br>Umuravumba,<br>igicuncu, umweya,.....<br>Medicinal crops) | Plant |  | 2800 |
|---|-------|--|------|

## IBYATSI BY' AMATUNGO

|  |     |               |                     |
|--|-----|---------------|---------------------|
| Urubingo Penissetum<br>Elephant Grass                                      | Are |               | 10000               |
| Tripsacum, vetiveri,<br>setariya, kikuyu grass,<br>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<br>Euphorbes                                      | Cluster | Young Age | 105          |
|  |         | Average   | 525          |
| Imihate<br>Dracaenas                                       | Cluster | Young age | 125          |
|  |         | Average   | 575          |
| Spurges  | Plant   | Aged      | 920          |
| Imiyenzi nu rugo<br>Enclos d'euphorbes<br>Spurge enclosure | M       | Young age | 270          |
|  |         | Aged      | 920          |
|  |         | Average   | 420          |
|  |         | Aged      | 920          |
| Imihate y'urugo<br>Enclos de Dracaenas                     | M       | Young age | 285          |
|  |         | Average   | 860          |
| Enclos de roseau cg<br>Imiseke                             | M       |           | 1850         |
| Enclos de sipure   | M       |           | 1250         |
| Enclos de bougainviere                                     | M       |           | 2250         |
| Enclos de roseau cg<br>Imiseke                             | M       |           | 1850         |
| Enclos de sipure   | M       |           | 1250         |
| Enclos de bougainviere                                     | M       |           | 2250         |
| Urugo rw'imitobotobo                                       | M       | Jeunes    | 270          |
|  | M       | Moyennes  | 420          |
| Umuvumu<br>Ficus<br>Ficus<br>Imivumu                       | Plant   | Young age | 270          |
|  |         | Average   | 860          |
|  |         | Aged      | 2860 to 4290 |
| Umuko  | Plant   | Young age | 270          |
|  |         | Average   | 450          |

|   |       |           |     |
|---|-------|-----------|-----|
| Ibindi biti<br>Other trees not<br>specified | Plant | Young age | 105 |
|   |       | Average   | 270 |
|   |       | Aged      | 450 |
| Ikibonobono<br>Ricin<br>Castor Oil Plant    | Plant | Young age | 105 |
|   |       | Average   | 575 |
|   |       | Aged      | 715 |
|   |       |           |     |

## IBITI BYO KUBAZA

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

## IMIZINGA N'IBYUZI

|                                    |     |  |        |
|------------------------------------|-----|--|--------|
| Imizinga/Ibyima bya<br>Kinyarwanda | Pce |  | 3000   |
| Imizinga/Ibyima bya<br>Kijyambere  | pce |  | 12500  |
| Ibyuzi                             | are |  | 240000 |

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|  |  |  |  |

|  |       |               |                               |
|--|-------|---------------|-------------------------------|
|  |       |               |                               |
| 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                        |