



Republic of Uganda

ALBERTINE REGION SUSTAINABLE DEVELOPMENT PROJECT (ARSDP)

RESETTLEMENT POLICY FRAMEWORK (RPF)

VOLUME 1

FINAL DRAFT REPORT

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EXECUTIVE SUMMARY

Background

The Government of Uganda (GoU) with support of the World Bank (IDA) is preparing the Albertine Region Sustainable Development Project. The Albertine Rift Valley is a center for rapid growth which is likely to accelerate with the oil development underway in the region. To ensure that the benefits of the oil development reach the residents of the area, GoU is keen to improve connectivity to and within the region and local economic infrastructure. The two Districts of Buliisa and Hoima are the focus of the project as well as the Town Council of Buliisa. Hoima Municipality is already included in the USMID project, which is shortly to commence, and is thus not included in the ARSDP.

Project Components

The Project has three components which are outlined below. Component 1. upgrading of 238km of Kyenjojo-Kabwoya-Hoima-Masindi-Kigumba is to be funded by both the AfDB (138km) and The World Bank (IDA) (100km). **The RAP for this component has already been prepared, comments reviewed by the Bank and an update of PAPs and property is on going therefore this RPF does not cover component 1. The project coverage for component 2 and 3 will be as described below but in the event that additional districts are added under component 2 and any additional technical colleges are added under component 3 this RPF will apply.**

Component 1: Regional Connectivity: Improvement of the Kyenjojo-Kabwoya-Hoima-Kigumba National Road.

The Kyenjojo-Kabwoya-Hoima-Masindi-Kigumba road (238km) is a principal access point to the Albertine-Graben region. The upgrading of this road would open access to the region and would benefit not only the oil sector development but would also improve access for agriculture and tourism industry in the region. It will also provide the link to the principal towns and trading centers in the region. In addition, the road would provide a strategic link between the northern corridor (specifically south western Uganda, Rwanda and Burundi and eastern DRC) and the Kampala - Gulu -Juba corridor. It would also improve access to markets, social and health services and employment possibilities for residents within the zone of influence of the proposed road. The AfDB has committed to finance a section of 138 km of the road from Kigumba to Kabwoya. The World Bank(IDA) is to finance the length of road from Kabwoya to Kyenjoja (approx 100km).

Component 2: Detailed Planning and Priority Economic Infrastructure provision in five local government areas

The objective of this component is to support urban planning and development of several urban centers in the Albertine region. In addition to supporting on-going regional planning efforts by the Ministry of Lands, Housing and Urban Development it would also support local planning processes. Key urban and district infrastructure investments which would support economic development will be financed. These investments are currently being defined but would primarily include: Roads; Drainage including small bridges and culverts, and, Upgrading of basic infrastructure to local markets.

Component 3: Business, Technical, Vocational Education and Training (BTVET)

This Component focuses on upgrading the quality of formal training. At least three institutions; Uganda Petroleum Institute Kigumba (UPIK) and Uganda Technical College Kichwamba (UTC-K) have been discussed as possibilities) will be supported by better equipping workshops in core trades, along with upgraded curricula, certification, testing, and improved trainer competencies. Additional facilities such as dormitories, dining halls, and basic services may be provided based on assessed need and available resources.

Purpose of the RPF

The purpose of this Resettlement Policy Framework is to establish the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various sub-projects to be implemented under the ARSDP. The RPF therefore is prepared to guide and govern ARSDP subprojects which will be selected for financing and sets out the elements that will be common to all subprojects that will entail involuntary resettlement, which will not be known by the time of project appraisal.

Methodology for ARSDP Preparation

A literature review was undertaken to provide background information as well as an overview of the policy, legal and institutional framework for the ARSDP project. Documents that were reviewed include: **The Uganda Constitution; Uganda Resettlement Policy (Draft), Resettlement Action Plan Report** for Kyenjojo-Kabwoya-Hoima-Masindi-Kigumba road; and **District Development Plans** for Hoima, Masindi, and Buliisa Districts and **Draft Institutional Development Plans** for UPIK Kigumba in Kiryandongo and UTC Kichwamba in Fort Portal; **BTVET Act 2008, BTVET Strategic Plan (2012/13- 2021/22), Physical Planning Act 2010, National Physical Planning Standards and Guidelines 2011, Land Use Policy 2008, Draft Land Policy, District Development Plans, District Physical Plans and Strategies, RAP for Kabaale (Oil Refinery), USMID Environmental and Social System Assessments Reports (ESSA), CEDP**, other District Reports as well as reports of related projects such as the ARSDP Aide Memoir. In addition, Stakeholder consultations were held with key staff in the project line Ministries such as: MoLHUD, MoLG, MoES, MEMD and Project area Local Government Authorities plus the selected Institutions of Uganda Petroleum Institute Kigumba (UPIK) and Uganda Technical College Kichwamba.

Legal Framework

There are a number of national and local legal frameworks that regulate land relations in Uganda. These frameworks define land rights, ownership, procedures and requirements of transfer and

acquisition of land between individuals and groups. They also provide procedures for the acquisition of land by the state or a public body for public projects. Among the most important legal instruments in this regard are The Constitution of The Republic of Uganda (1995), the Land Act (1998), the National Land Use Policy 2011 the National Land Policy 2011, the Local Government Act (1992), and the Land Acquisition Act (1965).BTVET Act 2008, BTVET Strategyic Plan (2012/13-2021/22), Physical Planning Act 2010, National Physical Planning Standards and Guidelines 2011, Land Use Policy 2008, Draft Land Policy,

The World Bank’s safeguard policy on involuntary resettlement, OP 4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. In comparison to Ugandan law that defines rights to land ownership and ownership of property *per se*, the World Bank policy on Involuntary Resettlement goes further to highlight the important relationship between property rights, human settlement and the need to maintain people’s source of livelihood. It compliments existing law in Uganda related to property rights and land ownership by recognizing the socio economic value this presents to persons affected. The higher of the two standards will be followed in this policy framework, since that procedure also satisfies the requirements of the lesser standard.

Potential Project Impacts and Mitigations

Categories of Projects Affected People

The likely numbers of persons who may be affected and displaced during implementation of the ARSDP Comprehensive program activities can not be accurately estimated. A household is affected if one or more of its members are affected by the ARSD project activities either in the form of loss of property, land or access to services or socio-economic resources.

Potential Impacts

The subprojects are likely to have two categories of effects. Permanent effects will result into an infinite loss of use of property, vegetation, or land by the affected person as a result of the sub project activities. This is likely to occur where new roads will be opened and new market structures will be established. Temporal effects will result into an interruption in the current use of property or land by the affected person as a result of the sub project activities. This is likely to occur during rehabilitation (upgrading) of existing infrastructure especially roads, bridges, markets and construction of new structures for the institutions.

Mitigations

Provisions are made under thisRPF to minimize all such impacts including those of socio- economic significance and on environmentally sensitive sites. Provisions are also made in this RFP to accommodate all potential situations, including cases that entail actual displacement and livelihood restoration assistance in accordance with the World Bank Policy on Involuntary Resettlement, OP 4.12. The potential social impacts to be addressed within the context of preparing this Resettlement Framework have been identified. It is expected though that site specific social assessment studies will be

carried out within specific localities, as and when required. The framework for the compensation/resettlement will then be applied incorporating specific (1) institutional arrangements, (2) resettlement/compensation eligibility criteria, (3) implementation procedures, (4) financial responsibilities, and (5) monitoring and evaluation plan.

Eligibility for Compensation

Determination of the eligibility of the bona fide occupants of the properties to be compensated shall be done through a transparent and legal process, taking into consideration all the existing laws of Uganda and policies of the World Bank and local customs. Compensation will be paid only to those persons:

1. Who prior to the commencement of the project, have evidence of ownership or occupancy of the land of at least 30 days within the period of commencement of the project;
2. Who have property (a house, crops or thriving business enterprise) situated in the area identified for development;
3. With household members who derive their livelihood from the advantage of location and proximity to other social economic facilities provided the current settlement.

Project Screening and Preparation

Subprojects Screening

Sub-projects might have a social impact on the community. Potential socio-economic impacts that will require mitigation measures, resettlement and compensation will have to be identified. The subprojects will be screened to know whether involuntary resettlement, land acquisition, or loss, denial or restriction of access to land and other economic resources will be caused by the implementation of the sub-project or whether the sub-project result in the permanent or temporary loss of crops, fruits and household infrastructures such as granaries, outside toilets, kitchens, and other structures.

Preparation of RAPs

Subproject specific Resettlement Action Plans will be drafted by ARSDP area Local Governments in consultation with MoLHUD and other parties responsible for resettlement specifying the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities. The Abbreviated Resettlement Action Plan will be used where less than 200 individuals are displaced or less than 10% of affected land is lost.

Community Sensitizations

Communities within the project areas will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts will as well be communicated to the community.

Notification

Affected persons will be notified through both formal (in writing) and informal (verbal) manner, for example at community meetings called by District Steering Committee. Public notices in the daily newspapers, radio or television services will be conducted to notify the public of the intention to acquire land earmarked for subprojects. A copy of such notice shall be served to each owner, occupier and person or agent having an interest in the land thereof. The names and addresses of the owners, occupiers and agents shall be readily ascertainable.

Documentation

The names and addresses of affected persons will be compiled and kept in a database including claims and assets. The records are also important especially for future monitoring activities. Documentation will include documents relevant to land transactions (voluntary and involuntary).

RPF Implementation and Monitoring

Compensation Committee - The Compensation Committee will be responsible for organizing and ensuring that compensations payable to PAPs are made in line with the provisions and procedures of this RPF.

Grievance Redress Committee - The Grievance Redress Committee will be responsible for receiving and logging complaints and resolving disputes. The GRC will resolve each grievance or dispute to ensure that redress actions are implemented by whoever is mandated to undertake such action. If affected persons are not satisfied the GRC, they will be entitled to seek redress through the Courts of Law.

Monitoring and Evaluation Team - The Monitoring and Evaluation Team will be responsible for the monitoring of the RAP implementation programme to ensure that stated targets are met and project affected persons are duly compensated in line with the RAP requirements. The sequence of implementation activities and responsibilities are summarized in the table below.

Roles and Responsibilities

The implementation activities will be under the overall guidance of the PCU with support from line ministries and lead agencies. The District Local Governments will be heavily involved in all resettlement, relocation and compensation efforts for subprojects where resettlement is indicated whereas the BTVET Department in the MoES will guide the BTVET Institutions in securing the services of a qualified consultant to carry out ESIA and RAPs for the projects since they lack the capacity to do so.

No.	Institution	Responsibility
1.0	Ministry of Lands, Housing and Urban Development	<ul style="list-style-type: none"> • Overall supervision of the RPF and Resettlement/Compensation Plan. • To liaise with line Ministries to provide funds for compensation payment. • Trigger the process through inventory of affected persons and assets and implement planning close consultation with Consultant. • To carry out the valuation and compensation payment process (through Chief Government Valuer) and reporting for the affected persons
2.0	Project Coordination Unit	<ul style="list-style-type: none"> • To liaise with district and MoLHUD in ensuring peaceful implementation

		of the process including handling any grievances.
3.0	Ministry of Local Government	<ul style="list-style-type: none"> • To guide Local Government Authorities on replacement of the vital staff who will be necessary for the implementation of ARSDP • Ensure that social safeguard issues/policies are adhered to according to this RPF • Monitor and supervise the ARSDP project implementation in the selected districts in Albertine Region
4.0	Ministry of Education and Sports	<ul style="list-style-type: none"> • Coordinate the implementation of ARSDP BTVET selected institutions • Guide the institutions on enforcing the mandated regulatory safeguard policies such as the carrying out the ESIA/RAPs of the developments by ARSDP by procuring the consultants • Monitor and supervise the implementation of this RPF during the implementation of the Component 2 of ARSDP
5.0	Chief Government Valuer	<ul style="list-style-type: none"> • Review and approve the RAPs especially the valuations.
	National Environmental Management Authority	<ul style="list-style-type: none"> • Review and monitor Social & Environmental Impact Assessments
6.0	Local Government Authorities (Department of Natural Resources at Districts)	<ul style="list-style-type: none"> • Carry out the physical planning process, surveying and produce maps/plans • Carry out RAPs (lead in the valuation and compensation payment process and reporting.)
8.0	Local Government Community Development Office and Local Council Authorities.	<ul style="list-style-type: none"> • To assist the community and support in the inventory of affected persons. • Manage the compensation process (payments) • Handle greivances
9.0	Consultants, NGO, CSO	<ul style="list-style-type: none"> • Prepare plans and assist with implementation and capacity building. • Build capacity of district staff by training in MLARR • Assist with sensitization and monitoring.
10.0	Local financial institutions (Banks)	<ul style="list-style-type: none"> • Safe disbursement of compensation amounts.

Monitoring Aspects

The monitoring and evaluation will be the main mechanism to alert the ARSDP of any delays and problems and these activities will help measure the extent to which the main objectives of the RPF have been achieved. To ensure that the implementation of resettlement is executed in line with this RPF, the activities will be monitored and evaluated internally by a Monitoring and Evaluation team at the PCU at the national level and on ground at the District level. The PCU will undertake the routine internal monitoring and evaluation of the implementation of the resettlement issues so as to ensure that all the responsible units follow the schedule and comply with the principles of the resettlement plan. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities.

Budget and Funding

At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the Local Government Authorities are still in process of prioritizing on which interventions to be funded under ARSDP. However, the GoU has committed an estimated resettlement budget is approximated not to exceed **USD 10,000,000 (Ten Million Dollars) for** budget for ARSDP project. The detail budget will be developed from specific social assessment studies and mitigation/livelihood restoration measures based on site specific RAPs as will be appropriate. The budget will cover resettlement activities including compensation cost for affected assets.

Disclosure of RPF

This RPF will be disclosed in compliance with relevant Ugandan regulations and The World Bank Operational Policy 4.12. After the clearance of the RPF by the Bank, it will be disclosed in-country for all interested person to read and know the details and then it will be disclosed at the World bank's Infoshop. Subsequent RAPs developed will also be cleared by the Bank and disclosed in-country for all interested person to read and know the details and then at the World bank's Infoshop

ABBREVIATIONS AND ACRONYMS

AfDB – African Development Bank

ARSDP – Albertine Region Sustainable Development Project

BMU – Beach Management Unit

BOGs – Board Of Governors

BTVET – Business, Technical, Vocational Education and Training

CAO – Chief Administrative Officer

CBO – Community Based Organisation

DRC – Democratic Republic of Congo

ESIA – Environment Social Impact Assessment

GO – Grievance Officer

GoU – Government of Uganda

GRM – Grievance Redress Mechanism

HACCP – Harzard Analysis Critical Control Point

HMIS –Health Management Information Sytems

HSNM – Hoima School of Nursing and Midwifery

IDA –International Develoment Agency

JICA – Japan International Cooperation Agency

MFNP – Murchision Falls National Park

MoLHUD – Ministry of Lands, Housing and Urban Development

MoES – Ministry of Education and Sports

MoFPED – Ministry of Finance, Planning and Economic Development

MoLG – Ministry of Local Government

NGO – Non Government Organisation

PAPs – Project Affected Persons

PEPD – Petroleum Exploration and Production Department

PLE – Primary Living Examinations
PLWHA – People Living With HIV and AIDS
PSD – Private Sector Development
QENP – Queen Elizabeth National Park
RAP – Resettlement Action Plan
RPF – Resettlement Policy Framework
SACCOs- Savings Cooperatives & Credit Organisations
SMEs – Small Medium Enterprises
UNRA – Uganda National Roads Authority
UPE – Universal Primary Education
UPIK – Uganda Petroleum Institute, Kigungu
USE – Universal Secondary Education
USMID - Uganda Support to Municipal Infrastructure Development
UTC-K – Uganda Technical College Kichwamba
VCT – Voluntary Counseling and Testing

DEFINITIONS

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

“Census” means a field survey carried out to identify and determine the number of ARSDP program Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions (LGIs).

ARSDP program Affected Person(s) (PAPs) are persons affected by land and other assets loss as a result of ARSDP activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location.

“Compensation” means the payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from ARSDP program activities.

“Cut-off date” is the date of commencement of the census of PAPs or DPs within the ARSDP program area boundaries. This is the date on and beyond which any person whose land is occupied for ARSDP program ARSDP will not be eligible for compensation.

“Displaced Persons” mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the ARSDP program, will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

“Involuntary Displacement” means the involuntary acquisition of land resulting indirect 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 Displaced Persons has moved to another location; or not.

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

“Land” refers to agricultural and/or non-agricultural land and any structures there on whether temporary or permanent and which may be required for the ARSDP program.

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

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

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

”Replacement cost” means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on **Market rate(commercial rate)** according to Ugandan law for sale of land or property. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre-ARSDP program or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;

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

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

“The Resettlement Policy Framework (RPF)’ has been prepared as an instrument to be used throughout the ARSDP Program implementation. The RPF will be disclosed 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 ARSDP Program will be prepared in conformity with the provisions of this RPF.

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1 INTRODUCTION

1.1 Background

The Government of Uganda (GoU) with support of the World Bank (IDA) is preparing the Albertine Region Sustainable Development Project. The Albertine Rift Valley is a center for rapid growth which is likely to accelerate with the oil development underway in the region. To ensure that the benefits of the oil development reach the residents of the area, GoU is keen to improve connectivity to and within the region and local economic infrastructure. The two Districts of Buliisa and Hoima are the focus of the project as well as the Town Council of Buliisa. Hoima Municipality is already included in the USMID project, which is shortly to commence, and is thus not included in the ARSDP. Institutions under the Ministry of Education and Sports engaged in Business, Technical, Vocational Education Training (BTVET) found in the Albertine Region will also be assisted in upgrading the quality of training.

The initiator of this project is the Government of Uganda through the Ministry of Finance, Planning and Economic Development (MoFPED) and given that various components of the project are to be implemented through different Ministries and Government parastatals such as UNRA, it was agreed that a Steering Committee chaired by the MoFPED be formed and will include, inter alia, representatives of MoLG, MoLHUD, MoES and UNRA. However, during the preliminary activities, a stakeholders meeting led by The World Bank it was later agreed that for the purpose of this assignment the MoLHUD be responsible for the overall coordination of all the project activities during the preparation of the Resettlement Policy Framework (RPF).

1.2 Overview of oil and gas activities in Uganda's Albertine Region

In early August 2013, Uganda drilled its 104th wellbore in its exploration program for petroleum resources in the Albertine Region. This follows three decades of intensive oil and gas exploration activity in the country.

The first deep oil well to be drilled in Uganda was Waki B-1 drilled in 1938, by African and European Investment Company to a total depth of 1,221 metres. The well encountered some oil shows but its quantity and quality were not evaluated. Petroleum Exploration and Production Department (PEPD) has since the 1990s undertaken vigorous promotion of the country's petroleum potential. These efforts paid off when Heritage Oil and Gas signed a Production Sharing Agreement with Government in 1997 and undertook seismic data acquisition in 1998. The company drilled its first well Turaco-1 to a total depth of 2487.7 m in September, 2002 after a period of 64 years since the drilling of Waki B-1 well. A gas discovery was made but it was heavily contaminated with carbon dioxide. The country waited for another four years before making a commercial oil discovery at Mputa. Mputa-1 well was spud on 22 December 2005 and reached total depth of 1,151 m on 13 January 2006. The well intercepted several hydrocarbon bearing zones which were subsequently appraised by Mputa-2, Mputa—3 and Mputa-4. Since 2002, the country has made 21 oil and gas discoveries in the Albertine Graben, which is Uganda's most prospective sedimentary basin.

Uganda exploration program has had great success with 92 of 104 exploration and appraisal wellbores drilled having found oil and/or gas signifying a success rate of close to 90% (compared to average global success rate of between 10 and 30%). This unprecedented success during the past eight (8) years has moved the Albertine Graben from being a frontier basin to a well-established petroleum province. The discovered resources in the Albertine Graben are currently estimated at over 3.5 billion barrels of oil equivalent in place with at least 1.2 billion barrels recoverable. Appraisal of the discoveries is ongoing and plans for the development of nine oil and gas fields are underway.

Over US \$2 billion has been invested in the sector since 1998 and this is expected to increase as the country progresses from “*Exploration and Appraisal*” to “*Development and Production*”. Investments have been mainly in seismic data acquisition and drilling of exploration and appraisal wells. Government is now putting in place necessary infrastructure to support development and production of discovered oil and gas that are expected to contribute to transforming Uganda into a middle-income country. To this end, upgrade of Kyenjojo-Kabwoya-Hoima-Kigumba Road, development of the local infrastructure plus up grading and expansion of the local human resource base are therefore key and urgent developments to match the growing needs for the oil and gas sector in Uganda.

1.3 Project Development Objective

The Development Objective of the proposed ARSDP Project is to improve connectivity to and within the region and develop local economic infrastructure and the human resource base as derived from the background information above;

1.4 Project Components

The Project has three components which are outlined below. Component 1. upgrading of 238km of Kyenjojo-Kabwoya-Hoima-Masindi-Kigumba is to be funded by both the AfDB (138km) and The World Bank (IDA) (100km). **The RAP for this component has already been prepared, comments reviewed by the Bank and an update of PAPs and property is on going therefore this RPF does not cover component 1.** However, it should be noted that negotiations between the Government of Uganda and The World Bank on final project areas and institutions to be included in **component 2 & 3** are still on going, but the guidelines in this RPF will still apply to all other project related activities/centers/Institutions with implications on OP 4.12 that will be decided upon along the way. **The project coverage for component 2 and 3 will be as described below but in the event that additional districts are added under component 2 and any additional technical colleges are added under component 3 this RPF will apply.**

1.4.1 Component 1: Regional Connectivity: Improvement of the Kyenjojo-Kabwoya-Hoima-Kigumba National Road.

The Kyenjojo-Kabwoya-Hoima-Masindi-Kigumba road (238km) is a principal access point to the Albertine-Graben region. The upgrading of this road would open access to the region and would benefit not only the oil sector development but would also improve access for agriculture and tourism industry in the region. It will also provide the link to the principal towns and trading centers in the region. In addition, the road would provide a strategic link between the northern corridor (specifically south western Uganda, Rwanda and Burundi and eastern DRC) and the Kampala - Gulu -Juba corridor. It

would also improve access to markets, social and health services and employment possibilities for residents within the zone of influence of the proposed road.

A study for upgrading the road was financed by the Government of Uganda. The design is for a Class II paved road with 2 lanes of 3.5m wide for each direction and 1.5m paved shoulders either side in rural areas (2.0m in trading centers). A new 20 m single span bridge will be constructed across the Nguse River to support two lanes of traffic with footways each side. The AfDB has committed to finance a section of 138 km of the road from Kigumba to Kabwoya. The World Bank(IDA) is to finance the length of road from Kabwoya to Kyenjoja (approx 100km).

The implementing agency for the national road is the Uganda National Roads Authority (UNRA). Given that this road was to be financed earlier by AfDB and JICA, detailed design and cost estimates have already been prepared as has the Resettlement Action Plan (RAP).

The Bank has reviewed the Resettlement Action Plan (RAP) for the road and provided its comments to UNRA and UNRA has subsequently updated the RAP which has incorporated the Bank's comments. Therefore this RPF does not include Component 1 because the RAP has already been conducted but for completeness an outline of the social work status carried out for this component 1, including key issues identified, proposed mitigation measures and the documents available have been reviewed, below find some of the issues noted regarding social safeguards.

1.4.2 Component 2: Detailed Planning and Priority Economic Infrastructure provision in the two local government areas and one Urban Center

The objective of this component is to support urban planning and development of several urban centers in the Albertine region. In addition to supporting on-going regional planning efforts by the Ministry of Lands, Housing and Urban Development it would also support local planning processes. Key urban and district infrastructure investments which would support economic development will be financed. These investments are currently being defined but would primarily include:

- Roads
- Drainage including small bridges and culverts, and,
- Upgrading of basic infrastructure to local markets.

Priority and connectivity infrastructure will be provided in Districts of Hoima and Bulisa and the Town Council of Bulisa, which are expected to experience urban growth pressure. Hoima Municipality will be excluded since already supported USMID project. The focus of the interventions will be on:

- i) enhancing economic development related to agriculture, fishing, oil and services related to these sectors of the economy and:
- ii) equity by ensuring that communities in respective districts and municipalities share benefits of the Project.

Specific planning needs and local infrastructure to be provided under the Project are currently being prioritized and will be the core focus of this RPF preparation assignment.

1.4.3 Component 3: Business, Technical, Vocational, Education and Training (BTJET)

Oil exploration is expected to greatly expand opportunities for employment and income generation in the region. Although direct employment will reach a peak during the construction phase (expected to start in 2-3 years) and will subsequently plateau off to much lower levels, the peripheral economic activities will create space for businesses and demand for different levels of skilled labor. The Government places great emphasis on empowering local young people to be better prepared to take advantage of, and benefit from, these emerging economic opportunities in the region.

This Component focuses on upgrading the quality of formal training. At least three institutions; Uganda Petroleum Institute Kigumba (UPIK) and Uganda Technical College Kichwamba (UTC-K), have been discussed as possibilities) will be supported by better equipping workshops in core trades, along with upgraded curricula, certification, testing, and improved trainer competencies. Additional facilities such as dormitories, dining halls, and basic services may be provided based on assessed need and available resources. Institutions generally already have draft institutional development plans which will need to be finalized to identify elements to be included in the Project. The support to the institutions will be aligned with their development plans. In order to achieve investment efficiency, institutions will be encouraged to share facilities, particularly workshops for the practical training. Linkages with the private sector will be established to ensure that skills meet the standards required by the employers. The institutes can also be a recipient for sponsored local candidates.

1.5 World Bank Safeguard Policy

The Involuntary Resettlement policy of the World Bank was reviewed in detail to understand the project's direct economic and social impacts that may be caused by involuntary taking of land resulting in:

- (i) Relocation or loss of shelter;
- (ii) Loss of assets or access to assets, or
- (iii) Loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

The potential for involuntary restriction of access to legally designated areas and protected areas resulting in adverse impacts on the livelihoods of the displaced persons was also be assessed.

1.6 Need for a Resettlement Policy Framework

The RPF derives from the World Bank's Involuntary Resettlement Policy OP/BP/4.12 which sets out safeguard measures where a bank assisted project will involve involuntary resettlement of persons to make way for implementation of the project, and where such resettlement may result in loss of assets and create hardships for those being resettled. The RPF provides the basis for preparing Resettlement Action Plans for individual sub-projects once their location and scope are known.

1.7 Rationale of the RPF

The framework document is designed to enable implementing institutions and the World Bank to address the needs of the populations that could be affected by the project by establishing policies, principles, institutional arrangements for management of issues related to acquisition of land and hence displacement of persons and impact on their livelihoods. The legislation on resettlement of the government of Uganda and the policy of the World Bank as OP 4.12 will be the instruments that will govern any resettlement arising out of the activities of the ARSDP program.

The RPF is to be developed because the subprojects to be financed are not fully determined at this stage, the nature of the interventions based on the Project's Components may lead to some degree of land take or restriction of access to sources of livelihood and resources especially which will involve provision education and water facilities may lead to some degree of land use restriction as most of these may be placed in areas accessible by communities.

Hence, the RPF will be used to screen all interventions for their potential land acquisition impacts and streamline all the necessary procedures to follow in mitigating and minimizing involuntary resettlement associated with the proposed investments. During implementation of project activities, when required, appropriate resettlement action plans (RAPs) will be developed to address specific impacts, proposed mitigation measures, and compensation issues.

1.8 Objective of the Resettlement Policy Framework

The specific objectives of the RPF are to:

1. To guide the management of all social issues associated with infrastructure investments financed under ARSDP to ensure that the resettlement aspects of ARSDP are adequately understood and addressed. Special reference during the development of the RPF should be drawn but not limited to the current national social-economic dynamics, World Bank Social Safeguard Policies and the Uganda legal and institutional framework as applicable to implementing ministries and specifically under the ARSDP project. (Ref: Annex 1 World Bank Resettlement Policy Framework and Annex 5 Relevant Local Legislation & Guidelines)
2. To provide a thorough understanding of how the developed RPF will be applied by Ministries/Local Governments/Institutions and other implementing agencies and what type of tools, technical inputs, institutional capacity and other kinds of support will be required for effective use and implementation. (Ref: Annex 6 Stakeholder Consultations, Annex 7 Identification of Capacity Requirements for ARSDP)
3. To provide framework guidance to identifying and managing situations when sub projects may lead to displacement of people, affect their livelihoods (physical or economic displacement / resettlement, denial of rights of access to resources) or interfering with their cultural resources. Any resettlement and/or compensation measures will be implemented in accordance with the RPF, which will guide when and how the site-specific Resettlement Action Plan (RAP) will

have to be completed and implemented before any investment activities can begin.(Annex 2 Outline of RAP)

The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E). When a Resettlement Action Plan is required, it will be prepared in accordance with guidance provided in this RPF, including Detailed Measurement Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidance provided in the World Bank's OP4.12, as described in Annex 1.

The RPF ensures that any possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks.

These risks can be minimized by:

- Avoiding displacement of people without a well designed compensation and relocation process;
- Minimizing either land acquisition or the number of PAPs or both, to the extent possible;
- Compensating for losses incurred and displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their well-being.

1.9 Scope of RPF

The resettlement policy framework covers the following elements, consistent with the provisions described in OP 4.12, paras. 2 and 4:

- (a) Description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan is required
- (b) Principles and objectives governing resettlement preparation and implementation;
- (c) Description of the process for preparing and approving resettlement plans;
- (d) Estimated population displacement and likely categories of displaced persons, to the extent feasible;
- (e) Eligibility criteria for defining various categories of displaced persons;
- (f) Legal framework reviewing the fit between borrower laws and regulations and Bank policy requirements and measures proposed to bridge any gaps between them;
- (g) Methods of valuing affected assets;
- (h) Organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- (i) Description of the implementation process, linking resettlement implementation to civil works;
- (j) Description of grievance redress mechanisms;
- (k) Description of the arrangements for funding resettlement, including the preparation and review of cost estimates, the flow of funds, and contingency arrangements;
- (l) Description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring; and
- (m) Arrangements for monitoring by the implementing agency and, if required, by independent

monitors.

1.10 RPF Methodology and Approach

1.10.1 Reviews

A literature review was undertaken to provide background information as well as an overview of the policy, legal and institutional framework for the ARSDP project. Documents that were reviewed include: **The Uganda Constitution; Uganda Resettlement Policy (Draft), Resettlement Action Plan Report** for Kyenjojo-Kabwoya-Hoima-Masindi-Kigumba road; and **District Development Plans** for Hoima, Masindi, and Buliisa Districts and **Draft Institutional Development Plans** for UPIK Kigumba in Kiryandongo and UTC Kichwamba in Fort Portal; **BTJET Act 2008, BTJET Strategy Plan (2012/13- 2021/22), Fiscal Planning Act 2010, National Fiscal Planning Standards and Guidelines 2011, Land Use Policy 2008, Draft Land Policy, District Development Plans, District Fiscal Plans and Strategies, RAP for Kabaale (Oil Refinery), USMID Environmental and Social System Assessment (ESSA), CEDP**, other District Reports and as well as reports of related projects such as the ARSDP Aide Memoir.

1.10.2 Key Informant Interviews (KIs)

Interviews with key stakeholders of the ARSD projects were conducted to obtain in-depth qualitative data with regard to the land acquisition issues for the ARSD projects. Specifically KIs interviews will be held with officials from **MoF, MoES, MoLG, MLHUD, NEMA, MEMD, District Local Governments, Municipal councils** of where the ARSD projects will be implemented. Other stakeholders will include Principles of UPIK Kigumba in Kiryandongo and UTC Kichwamba in Fort Portal.

2 SOCIAL ECONOMIC ASSESSMENT

2.1 Socio-economic importance of Kyenjojo-Kabwoya-Hoima-Kigumba Road

The mainstay of the economy in districts through which the road passes is subsistence farming of upland rice, maize, beans, cassava, millet and potatoes, whilst commercial farming is also common, dominated by sugar and tobacco. Notable large scale farming includes Kinyara Sugar Works LTD near to Masindi, and British American tobacco which operates around Hoima Town and has contracts with 65,000 growers nationally. The principal regional tourist destination is Murchison Falls National Park (MFNP), about half of whose area is found in Masindi District. Second to Queen Elizabeth National Park, QENP (53,900 visitors in 2008), MFNP is the next most popular wildlife destination in Uganda with 36800 visitors. The project road is a direct route for tourists travelling between MFNP, *Kibale Forest National Park* and QENP. Upgrade of the road will have key socio-economic benefits below:

- i) The road will support expected increase in vehicular traffic related to oil exploration and production in the Albertine Graben.
- ii) Improved access to markets, social and health services and employment in local governments (districts) along the road. Along the road are found numerous schools, healthcare facilities, markets and trading centres access to which would be enhanced by an improved road. It is evident that an improved road would shorten travel time to medical facilities in case of medical emergencies such as road accidents.
- iii) A key regional benefit will be enhancing connectivity between the Northern Corridor (specifically south-western Uganda, Rwanda and Burundi and eastern Democratic Republic of Congo) and Kampala - Gulu - Juba corridor. This will improve regional trade. For example, currently trade with Eastern DRC is indicated to be in excess of USD300 million per year and will improve with better road transport infrastructure.

Uganda has a road network comprising National roads (20,000 km), District roads (13,000 km), urban roads (2,800 km) and Community roads (about 30,000 km). District, urban and community roads interconnect communities and districts while national trunk roads link Uganda to neighbouring countries. Mandated by the Uganda National Roads Authority Act 2006, Uganda National Roads Authority (UNRA) is responsible for management, operation, development and maintenance of the national road network. UNRA is responsible for the management of approximately 20,000 km of National roads of which approximately 3,500 are paved and 16,500 km are gravel unpaved roads. District roads are managed by respective District Local Governments while urban roads and community roads are a responsibility of Urban Authorities and Lower local governments respectively.

The Resettlement Action Plan (RAP) for the Kabwoya-Kyenjojo-Hoima-Kigumba road has already been prepared and the World Bank has reviewed it and provided its comments to UNRA which has subsequently is updating the RAP according to the Bank's comments. Therefore, Component 1 of this project is not covered in this RPF. However, for completeness the status of the social work carried out for this component on the RAP is being reviewed (updatina the PAFs and aproperty census) and below are some of the issues to take note of.

2.2 Review of the social work carried on Kyenjojo-Kabwoya roadRAP

Key Issues Identified

Social work was adequately done in terms of identification of the project impacts which includes properties to be affected such as; land to be acquired for the road both for temporal and permanent take, crops and utilities like power lines and water sources that will have to be relocated before the road works start.

The project affected persons were also identified through the census and social economic studies carried out as summarized below:

A total of 9005 project affected persons were identified; Kyenjojo-Hoima section- 6270; Hoima-Masindi section- 1549 and Masindi-Kigumba- 1186. Component 1 of the ARSDP which is to tarmac the Kyenjojo-Kabwoya-Hoima-Masindi road for Albertine region connectivity. The World Bank(IDA) is to finance the length of road from Kabwoya to Kyenjoja (approx 100km). Therefore for this project the affected people will be among the 6,270 identified between the Kyenjojo –Kabwoya- Hoima section.

The RPF gives guidance on the processes to be taken in ensuring that all the project affected persons are given fair, adequate and prompt compensation, resettlement, rehabilitation and livelihood restoration as a mitigation measure.

The vulnerable group was well defined, for instance vulnerable PAPs headed by the terminally ill persons, widows, elderly, orphans etc, each district had a number of vulnerable households identified as Hoima District- 45, Masindi- 41, Kiryandongo- 19 and Kyenjojo- 20. For the ARSDP part the vulnerable groups identified will be the ones from Hoima district numbering 45 and 20 in Kyenjojo district..

The RPF requires that as much as possible while implementing the RAP special assistance in form of transport, and livelihood restoration modalities be provided to the vulnerable groups according to the OP4.12 policy requirements.

Consultations were comprehensively done as indicated in the report between 22nd, September, 2010 to 9th, August, 2012 in each trading centre of the village along the road involving all PAPs and stakeholders and some issues/concerns raised were lack of assets ownership document (title deeds) may preclude PAPs from compensation, protection of existing infrastructure such as water sources, electricity mains and repair them when damaged, domestic violence in families and delays in compensation which affects the values given for example this RAP was carried out from September 2010 throughout 2011, 2012 and only approved by the The World Bank in 2013.

Its implementation has not yet been initiated, the time lag between the property value assessment and the time of payment contravenes the The World Bank OP 4.12 of Involuntary Resettlement and GoU Land Acquisition Act which both call for a fair, adequate and prompt compensation to involuntary land acquisition for development purposes.

The CUT-OFF DATE which is the date of commencement of the census of PAPs or DPs within the ARSDP program area boundaries. This is the date on and beyond which any person whose land is

occupied for ARSDP program will not be eligible for compensation. From the RAP report the **“cut-off date” was established to be 10th February 2011** this is more than two years to the time of implementation of the RAP making it unrealistically long considering the benefits the PAPs would have got from their property making it unfair and inadequate. Therefore, a review of the PAPs and property census/re-evaluation has been commissioned by UNRA at the guidance of the Bank to update the RAP and set a realistic Cut-off date accordingly.

The RPF therefore recommends for a review of the cut-off date and property re-valuation given the pressure on land most PAPs must have forgotten and continued to make developments on their property.

Resettlement Budget It’s clearly indicated in the report stipulating the amount for each road section. All PAPs will receive cash compensation in lump sum before implementation and mutation forms will be filled and letter of surrender issued title deed holders reverted to UNRA as a road reserve.

According to the **Land Act of 1998 as amended in 2004** states that; “Value for customary land is open market value, buildings on land is taken to be on replacement costs in rural areas, 15% and 30% (of total sum assessed) disturbance allowance is to be paid if less than six months or six months notice respectively is given up to vacant possession.” If the valuation was conducted in 2011 the market rates have since changed in 2013 the period for the **NOTICE** has been over taken by the time and yet both the Ugandan Laws and the The World Bank OP4.12 are silent on this.

The RPF therefore recommends for a review of property valuation prior to compensation payments to cater for the inflation given the time lag.

The mechanisms for lodging and resolving complaints are clearly defined and the institutional mechanisms for the implementation of the GRM, for instance a dedicated grievance committee of 7 persons will be established comprising of Two representatives of the PAPs both male and female, Local council, Grievance office among others.

Given that the implementation of the RAP has taken more than two years to be effected compliants of unfair valuation and proof of property ownership are expected. The RPF has clearly outlined the steps to take in ensuring that these grievances are resolved amicably.

Institutional and implementation arrangements are clearly indicated in the report, specifying each institution roles and the capacity in the implementation of the project. For instance UNRA will be the proponent and implementing agency and fully responsible for resource mobilization, supervising compensation payment, grievance management and coordinating all agencies involved in resettlement activities.

However, during stakeholder consultations, Local Government Authorities reported that much as the overall objective of the infrastructure development is for the benefit of communities in mosts cases all decisions are taken at Centre for this case UNRA such as procurement of contractors and supervising contractors the districts have limited input in the overall monitoring and supervision of the projects. The RPF recommends for on set involved of the relevant departments such as; Natural Resources, Physical Planning, Works, Community Development Departments for social and environmental safeguards considerations and monitoring and evaluations of safeguard issues.

2.3 Overview of infrastructural constraints to market access in the Buliisa, and Hoima districts

Like in other parts of Uganda, access to markets by producers is constrained by infrastructure. Community roads, important for transportation of produce from farmers, are commonly impassable during rain seasons. In almost all production areas of the project districts, markets and infrastructure to access them are generally inadequate. Key infrastructure required for efficient “*production centers-market*” link is good roads. Others are communication facilities, rural electrification, milk cooling centres, cold and dry storage facilities and refrigerated. These are essential for this region to enhance marketing of agricultural produce to local and international markets.

In Buliisa, for example the district has an all-weather road, connecting it to Masindi and Hoima districts in the south and Nebbi and Amuru districts in the north. It also has ferry services connecting it to West Nile known as Wanseko- Panyimur Ferry and Para Ferry Services. However only 2 km kilometers of the road down the rift valley escarpment is tarmacked. There are a number of feeder roads being opened by the district local government to link major economic activities to the markets but key constraints still prevail. For example many feeder roads, for instance Sitini-Kihungya are narrow, while others are impassable in rainy seasons.

Therefore Component 2 which will entail detailed planning and priority economic Infrastructure provision in local governments (Hoima District, Buliisa District, and Buliisa Town Council) will increase access of farmers to markets all year round. **Hoima Municipal Council is excluded from this Component 2 activities because it is already included in the Uganda Support to Municipal Infrastructure Development project (USMID which is currently being implemented by the MoLHUD.** A key responsibility of respective local governments will be to ensure that the infrastructure is routinely maintained in usable condition.

The RPF recommends for a capacity needs assessments for the respective Albertine Region Local Governments to establish their needs in terms of staff, equipment and office space to enable them implement the ARSDP ensuring sustainability while taking care of the Social and Environmental Safeguards. A separate report on the Environmental and Soacial Management Framework has been development to guide the processes.

2.4 Overview of Business, Technical, Vocational Education and Training in Uganda

The Government recognizes that the productivity of micro and small-medium enterprises (SMEs) in Uganda is greatly hampered by lack of basic technical and vocational skills. Skilled electricians, artisans, carpenters, machine repairers etc. are all in short supply and not available in some cases. For example, the private sector has to import skilled technicians from neighbouring countries, especially Kenya, despite Uganda’s high level of under- and unemployment. The current vocational education and training system is considered no longer adequate for the demand placed on it by a fast growing economy. Uganda Government has decided to implement key reforms with the assistance of the donor community to ensure vocational and technical skills development to support private sector growth. As part of the reforms, the Government shall enact new national vocational education and training legislation and promote training of entrepreneurs.

In its strategy for Private Sector Development (PSD), Uganda Government recognises that the existing vocational and technical training facilities have considerable technical and financial constraints that have prevented them from developing technical skills in the country. The situation is not likely to improve in the short to medium term, given the competing demands on the Government budget. It is said that the key to resolving these constraints on a sustainable basis in the medium to long term is to provide demand-led skills training on a cost-recovery or profit-making basis. This implies that the training has to be tailored to the needs of the private sector, and therefore either have a strong influence of the private sector or be provided by the private sector (perhaps with direct assistance of donors).

According to the Government strategy for PSD, the short-term policy will give priority to the rehabilitation of existing technical/vocational facilities and training of trainers with support from donors. In the medium and longer term, a framework shall be developed in collaboration with stakeholders that would ensure wider access to training, advice and extension services to SMEs. These could include countrywide training of trainers program in small business management, the establishment of at least one rehabilitated and strengthened private or public vocational institute in each district, the creation of mobile training facilities in nine regions to deliver training, targeting mainly remote areas, and countrywide community based skills training for entrepreneurs.

Management of Social and Environmental safeguards issues is not the core responsibility of the BTJET institutions, this RPF therefore recommends that with guidance from the line Ministries these Institutions should engage the services of a private consultant to carry out the Environmental and Social Impact Assessments and Resettlement Action Plans for each interventions.

2.5 Socio-economic Baseline Hoima District

This section gives details of the socio-economic baseline information of the districts that are expected to benefit from the ARSDP. This information can later be used as a benchmark for monitoring the impact of the ARSDP project on the entire district. Hoima Municipality is not covered in the ARSDP because it is already benefiting from the USMID project.

a) Population

In 2002, the national census estimated population of Hoima District at 349,200, with an annual population growth rate of 2.8 percent. It is estimated that in 2010, the population of Hoima District is approximately 447,700 (Table 1).

Table 1: Hoima district population in 2010

Division	Household	Male	Female	Total	Percent of Total
Hoima	70,286	172,046	171,572	343,618	4.6
Bugahya	42,214	98,265	100,568	198,833	4.7
Buhanika	4,512	10,071	9,979	20,050	4.4
Buseruka	5,012	12,288	11,856	24,144	4.8
Busiisi	2,919	6,753	7,036	13,789	4.7
Hoima T.C.	7,177	12,944	14,990	7,934	3.7
Kigoroby T.C.	934	1,730	2,007	3,737	4.0
Kigoroby	8,705	22,956	23,614	46,570	5.3
Kitoba	6,643	16,257	16,224	32,481	4.9
Kyabigambire	6,312	15,266	14,862	30,128	4.8

b) Ethnicity

The *Banyoro* and *Bagungu* form the dominant tribes accounting for about 77%, followed by the *Alur* and *Jonam* (7%), *Bakiga* (4%), *Lugbara* and *Aringa* (3%) and others (9%). This ethnic diversity shows tolerance of the local community to amicably coexist with people of different origins and probably foretells minimal social disruption when project implementation commences.

c) Administrative structure

The District is administered on a well-defined hierarchy of authority deriving its powers from the Local Government Act 1997, as amended in 2005. It is governed by democratically elected District Local Council chaired by the District Chairperson which, is the highest policy making body. At the top is the District Local Council while at the bottom is the Local Council 1 equivalent to a village. The District is divided into 2 counties of Bugahya and Buhaguzi, 11 sub-counties, a town council, municipal council and 536 villages. Each county is a political constituency, represented in the parliament of Uganda by an elected Member of Parliament.

Relation to the project: Population size correlates with magnitude of benefit/ impact that will emanate from the proposed project. Local leaders will have jurisdiction over areas in which the project will be implemented. These leaders will lend support to the project through information dissemination to the public. Ethnicity in the district shows some tribes being proportionately small in comparison to the dominant tribe. However none of these are classified as “Indigenous People” hence this disparity in population size is inconsequential for all project components.

d) Land use and tenure

Project Components 1 and 2 may entail land take. A resettlement Action Plan for the road project was prepared but wherever land is taken during planning and development/ rehabilitation of priority economic infrastructure, owners will have to be compensated irrespective of type of tenure. Land tenure refers to rights provided by a legal system, through which a person or group of persons gain(s) access to land. The four land tenure systems in Hoima District are Public land, Customary, Freehold and Leasehold.

Relation to the project: Population size correlates with magnitude of benefit/ impact that will emanate from the proposed project. Local leaders will have jurisdiction over areas in which the project will be implemented. These leaders lend support to the project through information dissemination to the public. Ethnicity in the district shows some tribes being proportionately small in comparison to the dominant tribe. However none of these tribes/ people

e) Employment, livelihoods and natural resource use

The mainstay of Hoima District economy is agriculture and the majority of the population is engaged in subsistence farming favoured by good climate and fertile soils. A number of people also derive livelihood from fishing, particularly on Lake Albert. Fish farming is also practiced by some families within inland water bodies including wetlands, rivers and ponds.

Relation to the project: Project Components 1 & 2 will directly benefit local people. Access to markets by improved roads enhances trade, immediately boosting local household incomes.

f) Education

Hoima like other districts in the country has implemented successfully the government Universal Primary Education (UPE) programme. The district has a total of 180 primary schools with 151 governments, 16 private and 13 community schools. For secondary schools, the district has a total of 29 schools of which 11 are government schools, 12 private and 6 community-owned. Vocational training is privately founded and notable private or not-for-profit training entities in Hoima District are:

- Mothers' Union Vocational Training Centre,
- St. Simon Peter's Vocational Training Centre,
- Nile Vocational Institute,
- Kitara Institute of Commerce,
- Media and Vocational Studies,
- Kabalega Royal Institute (for enable orphans and vulnerable children) and
- Hoima Mothers' Union Vocational Training Centre, which offers vocational training to girls unable to continue to secondary education.

Relation to the project: Vocational skills stimulate and support small and medium enterprises (SMEs) products of which require access to markets. Therefore Components 1 and 2 will be beneficial to vocational training in Hoima District and access to markets associated with their activities.

g) Health and sanitation

The District has one hospital, 1 Health Centre IV, 16 Health Centre III and 21 Health Centre II. Seven of the Health Centre IIIs are NGO-owned while the rest are government owned. Common diseases are upper respiratory tract infections, malnutrition, and malaria, diarrheal diseases, HIV/AIDS, dental diseases and bilharzia along the lake shores. Like many districts, HIV/AIDS is a major healthcare challenge in Hoima and has a negative impact on overall socio-economic development process in the district. Threats from HIV/AIDS to Hoima District include:

- Death of economically active people,
- Creation of a large orphan population,
- Effect on economic development production of the District since energetic people are affected,
- Distortion of the social setting in the community.

Relation to the project: Health and sanitation conditions will be most relevant for implementation of Component 1 of the project expected to utilize a considerable number of road construction workers.

h) Roads

The road network is by far the most important mode of transport infrastructure in the district. Like most districts of Uganda, Hoima has got three types of road network classified in accordance with the type of surface and institution/authority responsible for their maintenance. Trunk roads are maintained by the Ministry of Works & Transport while feeder roads are a responsibility of Local Administration. There are over 800 km of feeder roads leading into rural areas but most of them are generally in poor condition.

There are 3 major roads namely Kampala-Busunju-Kiboga-Hoima road, Kampala – Bombo – Kafu – Masindi - Hoima road and Masindi – Hoima – Kagadi – Kibaale– Fort Portal road.

Relation to the project: Together with the road (to be upgraded in Component 1), existing roads will support business hence local social economic development in Hoima District.

2.6 Social-economic Baseline Buliisa District

a) Administrative Divisions

Buliisa District is currently has one county with two sub-counties (Buliisa and Biiso) and one Town council (Buliisa Town council). Both Buliisa and Biiso sub-counties are each subdivided into three parishes. Biiso is composed of Biiso, Butiaba, Kihungya parishes while Buliisa comprises of Kigwera, Kisiabi and Ngwedo parishes. The proposed oil well is located in Kisiabi Parish, Uriibo Village. The project area is under jurisdiction of Buliisa district administration. A key social-economic importance of Uriibo village is being an area that connects to other oil wells. Besides central government administration structures, Bunyoro Kingdom is an important cultural institution in the project area.

b) Ethnicity

Banyoro are the majority in Buliisa followed by the Alur. The Bagungu are fifth in ranking. This also indicates that the major languages used are Lunyoro and Alur. The above ethnic composition may change in future due to oil exploration. While some ethnic groups may increase in number others may become smaller.

c) Population and Demography

According to national population census of 2002, the total population of the District which comprises of Buliisa County was 63,363 (31,022 males and 32,341 females) but projected to be 80,800 in 2012. Buliisa District population is unevenly distributed among the sub-counties with Buliisa sub-county having the biggest population.

Relation to the project: Population size reflects the number of people which the project would benefit or impact. Local leaders will support the project through information dissemination to the public. No “Indigenous People” are noted in the district.

d) Land Tenure System

All land in the project area is public and communally used with ownership rights exercised in proportion to one’s proximity to land or extent of land an owner has put under production (e.g. acreage cultivated). Livestock is communally grazed without access restrictions in areas demarcated for livestock keeping.

Relation to the project: A resettlement action plan was prepared for the road project (Component 1) to ensure compensation and resettlement of any entities to be affected. Component 3 about vocational training will not affect land use/ ownership. In contrast, Component 2 may occasion land take or land use change and associated compensation/ resettlement should be handled as per RPF prepared for this project.

e) Employment, Livelihoods and Resource Use

The major economic activity in proposed project area is subsistence crop farming. Other key occupations are cattle rearing and retail trade. Common crops include cassava, cotton, maize, millet, sesame (simsim) and pigeon beans. Commercial and ornamental trees are also planted on small-scale household level basis. Buliisa was once renowned for growing high quality cotton, an economic activity that has since been waned off due to low market prices.

Relation to the project: A resettlement action plan was prepared for the road project (Component 1) to ensure compensation and resettlement of any entities to be affected. Component 3 about vocational training will not affect land use/ ownership. In contrast, Component 2 may cause land take or land use change and associated compensation/ resettlement should be handled as per RPF prepared for this project.

f) Education and Literacy

There are 27 primary schools in the District, four secondary schools (two government aided and two private), but there is no vocational or tertiary institution in entire District.¹ Some statistics about primary school education in Buliisa (as at end of 2006)² is given below:

- Only 1 in 6 children who begin school reach Primary Seven (P7 – the last year of Primary education),
- Only 4% reach P7 without repeating,
- There is a 1:74 teacher/pupil ratio,
- There is a 1:100 classroom/pupil ratio,
- Three pupils share one book,
- 25% absenteeism rate,
- Of all districts in Uganda, Buliisa was ranked in the bottom 10 in the 2007 National Primary Examinations,
- Classroom seating is only 60% adequate,
- Teachers' houses are only 12% adequate.

These statistics depict an area with low literacy levels and attendant socio-economic ills. The district has a usable classroom stock of 143 out of 269. The dropout rate is at 46%. The gap between male and female school enrolment is wide and increases at higher education levels. Currently 48% of primary school students are girls but only 32% for secondary school students are girls. The education enrolment in the district is given in Table 24. The overall illiteracy rate is at 63%. Illiteracy among women is 46% compared to 36% for men. Although the functional adult literacy (FAL) courses were established throughout Buliisa to address this problem with over 1760 learners in 2009 of which over 70% are females, to date less than 30% of total illiterate women have benefited. Literacy rates are lower in rural than in urban areas, and much lower for women than for men.

¹ Buliisa District Local Government, *A Five Year District Integrated Strategic Plan for Orphans and Other Vulnerable Children 2008 – 2012*, 2008.

² Buliisa District Local Government, *2007: A Five Year District Integrated Strategic Plan for Orphans and Other Vulnerable Children 2008–12*.

Relation to the project: Vocational skills stimulate and support small and medium enterprises (SMEs) products of which require access to markets. Therefore Components 1 and 2 will be beneficial to vocational training in Hoima District and access to markets associated with their activities.

g) Infrastructure

Transport

The roads in the district are categorized as central government roads, district roads, feeder roads and access road/community roads. The district has an all-weather road, connecting it to Masindi and Hoima districts in the south and Nebbi and Amuru districts in the north. It also has ferry services connecting it to West Nile known as Wanseko- Panyimur Ferry and Para Ferry Services. Only two kilometers of the road around the rift valley escarpment is tarmacked. There are a number of feeder roads being opened by the district local government to link the major economic activities to the markets. Many of the feeder roads, for example Sitini-Kihungya, are narrow, while others are impassable during rainy seasons due to potholes and water-logged spots.

Key statistics of roads in Buliisa are shown below:

- Length of trunk roads: 105 km
- District roads: 100 km
- Length of district access roads: 92 km
- Length of tarmac road: 2 km

Water supply

Borehole for water supply, seasonal streams and ponds and the lake are the main sources of water in Buliisa District.

Energy

Buliisa has no grid electricity and wood (biomass) fuel is the major source of cooking energy. People use firewood for cooking and paraffin lamps for lighting at night. Charcoal is mainly used in Buliisa Town where also few town dwellers use diesel-powered electricity generators.

Relation to the project: Together with the road (to be upgraded in Component 1), existing roads will support business hence local social economic development in Hoima District.

h) Tourism

A key tourist attraction in Buliisa is Murchison Falls National Park renowned all over the world for its unique biodiversity. The Delta, a wetland area at the confluence of Albert Nile and Victoria Nile, is designated a *Ramsar* site of international importance as migratory bird sanctuary.

Relation to the project: Together with the road (to be upgraded in Component 1), existing roads will support business hence local social economic development. The tourism Industry is expected to boom with the influx of people in the region this can only go well with good connectivity within the region which is a core component of this ARSDP .

3 POTENTIAL RESETTLEMENT IMPACTS AND MITIGATIONS

3.1 Potential ARSDP Program Benefits

The upgrading of the road would open access to the region and would benefit not only the oil sector development but would also improve access for agriculture and tourism industry in the region. It will also provide the link to the principal towns and trading centers in the region. In addition, the road would provide a strategic link between the northern corridor (specifically south western Uganda, Rwanda and Burundi and eastern DRC) and the Kampala - Gulu -Juba corridor.

Long-term benefits of the improved road include enormous distance and journey time savings for traffic to Fort Portal, South Western Uganda and eastern DRC and in areas north of Kigumba (Gulu, Sudan and northeastern DRC). The distance between Kyenjojo and Kigumba via Kampala is approximately 485 km; via the proposed road it is 234 km, a saving of 251 km. Once the proposed project is completed, transport costs for affected traffic would be reduced by up to 50 percent. The road will also provide a strategic link between the northern corridor and Kampala - Gulu -Juba corridor; improve access to markets, social and health services support on-going and future oil and gas operations in the Albertine Graben. Others are reduced vehicle wear/ tear; support to the nation’s oil and gas sector; support to tourism; reduced travel time; and lower accident risk.

Improved roads anebning access to markets will enhance economic development related to agriculture, fishing, oil and services related to these sectors of the economy. In almost all production areas of the project districts, markets and infrastructure to access them are generally inadequate. Key infrastructure required for efficient “*production centers-market*” link is good roads. Others are communication facilities, rural electrification, milk cooling centres, cold and dry storage facilities and refrigerated. These are essential for this region to enhance marketing of agricultural produce to local and international markets. The table 2 below outlines the expected socialbenefits.

Table 2: Potential Benefits of the ARSDP Project

Sector	Expected Social Benefits
Component 1. Regional Connectivity: Improvement of Kabwoya-Kyenjojo Road (100 Km)	<ul style="list-style-type: none"> • improved Regional access for agriculture products and the tourism industry • improved access to markets, social and health services by shorter travel time • employment possibilities for residents within the zone of influence of the proposed road • enhanced household income through sell of construction materials • increase in income to small businesses by women along the road
<p>Component 2. Component 2 : Detailed Planning and Priority Economic Infrastructure provision in five local government areas)</p> <p>This component will provide</p>	<ul style="list-style-type: none"> a) Improved roads enabling access to markets will enhance economic development related to agriculture, fishing, oil and services related to these sectors of the economy. b) Reduced traffic congestion and improved flow leading to reduced air emissions and reduced pedestrian accident hazard c) Improved pavement life, reduction in road flooding and erosion.

<p>urban planning support to municipalities which investments will include:</p> <ul style="list-style-type: none"> ▪ Roads ▪ Drainage including small bridges and culverts, and, ▪ Upgrading of basic infrastructure to local markets. 	<ul style="list-style-type: none"> d) Reduced vehicle accidents hazard because of street lights and signage. e) Access to markets will improve farm gate prices for local farmers, hence household incomes. f) Opportunities for improved management of wastes because of modernized facilities and consolidation of markets and slaughterhouse activities in a centralized location. g) Reduction of traffic congestion and improved flow because of relocation of vendors from streets sides to formal markets areas. h) Improved drainage will enhance sanitation and reduce waterborne disease burden in communities. i) Gender-specific benefits such as: <ul style="list-style-type: none"> ▪ Reduced maternal mortality when women in labour can reach healthcare facilities faster. ▪ Increased roadside business for women who trade in agricultural produce and crafts. ▪ Improved urban plans will ensure optimal use of land, enable environmental conservation, enhance public health, aesthetics and ease doing business in municipal councils.
<p>Component 3: Business, Technical, Vocational Education and Training (BTVET)</p> <p>Support will include equipping workshops in core trades, upgrading curricula. (Additional facilities e.g. dormitories, dining halls may be provided). Also, linkage with the private sector will be established</p>	<ul style="list-style-type: none"> a) Improved practical training in UPIK, and UTC Kichwamba vocational institutions. b) Enhanced pedagogical competency when trainers in vocational institutions are retrained. c) Linkage with private sector and curricula that are responsive to private sector needs will increase rate of employment of students graduating these vocational institutions. d) The resultant effect will be increased development of small- and medium-scale enterprises (SMEs) in the region and hence sustainable socio-economic development.

3.2 Potentials Negative Impacts

The ARSDP project is intended to be part of the remedy to the expected impacts related to an influx of people to the Albertine Region as a result of the recent discoveries of Oil and Gas, and therefore it is anticipated that there will be increased demand of services and products. However, during the implementation of the ARSDP there are anticipated potential adverse impacts on the natural, built and human environments. These are largely associated with the construction phase of the infrastructure improvements, traffic interruptions and accidents, impeded pedestrian access, pollution from construction activities as well as waste from worker campsites, interference with local businesses, disruption of water services, and transmission of HIV/AIDS and other communicable diseases. These impacts are expected to be both temporary/short term and permanent/long term. The short term impacts

for the most part can be prevented or mitigated with standard operating procedures and good construction management practices.

The direct negative social effects are expected to be limited to potential loss of land and the properties on it as a result of new sub-projects or rehabilitation and expansion or alignment of existing infrastructure. However, from the consultations with the Local Government Authorities, most the prioritize interventions are mainly in form of rehabilitation of the existing infrastructure therefore land take will be minimal and all the people will be compensated. A summary of adverse impacts, mitigation measures and the responsible party are included in the table below:

Table 3: Adverse Impacts, Mitigation and Responsible Party to ensure Mitigation

Adverse Impact	Mitigation	Responsible party to ensure mitigation
Component 1: Component 1: Regional Connectivity: Improvement of the Kyenjojo-Kabwoya-Hoima Kigumba National Road. The World Bank(IDA) is to finance the length of road from Kabwoya to Kyenjoja (approx 100km).		
Adverse Impact	Mitigation	Responsible party to ensure mitigation
<ul style="list-style-type: none"> • <i>Land take leading to Demolition of structures within reserve of proposed road:</i> 	<ul style="list-style-type: none"> • Implementation of a RAP entailing equitable compensation, resettlement and grievance management is in advanced stages 	<ul style="list-style-type: none"> • GoU/UNRA
<ul style="list-style-type: none"> • <i>Impacts of road alignment</i> entailing relocation of water and power mains • <i>Sourcing of road construction materials</i> may be associated with loss of vegetation cover, excessive noise, vibrations and dust from stone blasting/crushing and fly rock. • <i>Haulage of earth construction materials</i> may pose accident risk to road users, dust contaminating goods in roadside markets and noise at sensitive receptors (schools and health centres). • <i>Establishment and operation of equipment yard and workers' camps</i> will require land to set up while their operation will generate domestic and hazardous waste that could contaminate environmental resources (soil, water). Additionally, there can be OHS risks and un-restored sites would cause scenic blight. • <i>Traffic diversion:</i> Diversions may temporary delays in transportation of goods and passengers or traffic congestions or accidents (especially for heavily laden trucks and trailers) along detour roads that may not have been constructed properly. • <i>Social ills of construction labour:</i> prostitution and HIV/AIDS: prostitution and sexual fraternization of workers and communities can raise risk of HIV/AIDS. 	<ul style="list-style-type: none"> • alternative water sources (e.g. spring wells) should be constructed for communities before damaging existing ones. Relocation of power-lines should be done as quickly as possible to avoid prolonged outages. • protect communities from these impacts and restore borrow sites and quarries upon closure • provide safety signage, humps, banks men and watering to suppress dust • should have a waste management plan as a contractual obligation, ensure fire safety on sites and restore sites upon closure. • use of warning banks men at detours and providing information and plans of intended diversions in adequate advance time. • have an AIDS Policy, provide free protection and conduct awareness for workers and project communities. • 	<ul style="list-style-type: none"> • Contractor
Component 2 : Detailed Planning and Priority Economic Infrastructure provision in five local government areas)		

This component will provide urban planning support to municipalities: Roads; Drainage including small bridges and culverts, and, Upgrading of basic infrastructure to local markets.		
Adverse Impact	Mitigation	Responsible party to ensure mitigation
Land take associated with new construction or upgrade of infrastructure or land use change occasioned by new urban plans may lead to loss of assets or physical displacement of structures and businesses.	<ul style="list-style-type: none"> ▪ Provide due compensation or resettlement to affected entities, as guided by the RPF. ▪ Ensure all grievances are conclusively addressed as per RFP. ▪ Compensate for any economic displacement occasioned by project development or urban plans. ▪ 	Local Government Authorities
Dust emissions during road construction: Dust will stain roadside structures and taint merchandise or produce in shops and markets. Staining may require washing or repainting. Tainted goods for sale (especially sugar, flour, etc) would lose monetary value, hence negative socio-economic impact to affected persons. This impact will be short-term manifesting only during construction phase.	<ul style="list-style-type: none"> ▪ Contractor should water construction areas to control dust. ▪ It is prudent to open only short stretches of roads that can be completed quickly and over which adequate environmental controls (such as watering for dust suppression) can be implemented. 	Contractor
Temporary severance of access when constructing roads and bridges Severance of access to private property during construction works is a negative impact that would affect children, women, people with disabilities and elderly people unable to jump across deep trenches.	Contractors should devise temporary provisions to avoid severance of access.	Contractor with supervision from the implementing Local Government
Public safety risks: Civil works and construction traffic may pose public risks especially at school crossings and through busy urban areas where children, women or elderly people may be at higher risk of road accidents.	<ul style="list-style-type: none"> ▪ Safety signs, flagmen, speed control measures and adequate sensitisation of road construction workers and people in project area should be undertaken to minimise accident risk. ▪ Road contractors should work together with local leaders to agree public safety measures which should be disseminated to local people. 	Contractor
Urban planning that overlooks protection of green areas and wetlands: The quest for big tax revenue, status of “expansive municipality”, land for business and residential development may all prompt municipal councils to turn swamps and green areas into built areas. Swamps are sinks and filters for storm water and control flooding while green areas are important for liveable urban communities. Urban planning that does not protect these resources would therefore be retrogressive for socio-economic development	In equal measure, the key aim of new urban plans should be to ensure both social-economic development and environmental sustainability. Plans should provide for and preserve urban environmental resources such as wetlands and green spaces.	Local Government Authority; Natural Resources Department particularly Physical Planning sector
Impact on resources of cultural heritage	<ul style="list-style-type: none"> ▪ In developing urban plans, municipalities should preserve 	Contractor

Resources of cultural heritage may be affected if due consideration and care is not taken during developing urban plan and constructing infrastructure. This would be a negative and long-term impact.	resources (e.g. buildings, monuments) of cultural heritage. ▪ During constructing infrastructure, physical cultural resources should be protected and conserved. Any chance finds encountered should be handed to the Department of Museums and Monuments for preservation.	Local Government Authorities Physical Planning Production department
Component 3: Business, Technical, Vocational Education and Training (BTJET) Support will include equipping workshops in core trades, upgrading curricula and training of instructors. Additional facilities e.g. dormitories, dining halls may be provided. Linkage with the private sector will be established		
Adverse Impacts	Mitigation	Responsible party to ensure mitigation
a) Supported institutions should avoid pilferage of workshop equipment supplied by the project (and sale to ever increasing private vocational training schools) by proper inventory control and security. A cost effective security surveillance system may be considered by the project. b) Equipment supplied should match requirements of updated curricula to avoid financial loss and redundant investment c) Equipment support should ensure there is adequate room in workshop to accommodate units supplied. If there is need to modify laboratory buildings to increase space in machine workshops, this should be considered early in the planning stage. d) Private vocational training institutions are increasing in number and technical skills. Instructors trained at UPIK or UTC Kichwamba may quickly be lured away by higher pay at private institutions, defeating the purpose and intent of the project.	In the long-term, no negative impacts are predicted to ensue from support to UPIK and UTC Kichwamba but issues below should be considered during project implementation: No smart control can be proposed for this risk but management of UPIK and UTC Kichwamba should devise feasible prevention measures.	Institutions Ministry of Education and Sports
e) <u>Construction of dormitories, dining halls or other buildings on site may have the following impacts:</u> i) Construction noise, vibrations and dust Construction noise or vibrations will disrupt teaching and learning. This impact can be significant where construction activities last for several months or spanning examination periods. Exposure to dust from material handling, demolition and vehicle movement may pose short-term respiratory infirmities (e.g. coughs) to persons exposed.	Schools management should require contractors to schedule noisy activities outside class time or examination periods. All construction workers must be provided with requisite safety gear and trained in their proper use. Students in vocational institutions are old enough to heed advice to safely keep away from construction sites (unless under instruction or training). Therefore before and during construction, UPIK and UTC administration should sensitize students about	Institutions Contractor Ministry of Education and Sports Ministry of Energy and Mineral Development

<p>ii) Occupational safety risks for construction workers</p> <p>Undertaking construction activities without necessary safety gear such as hard hats, hand gloves, foot protection and safety latches when working at heights could have risks of injuries leading to disability or even loss of life. These construction workers are the income earners in their homes and extended families therefore this risk would pose long-term financial handicap in affected homes.</p> <p>iii) Safety risks for students near construction sites</p> <p>Near and around construction sites, students would be exposed to risks of harm by falling debris, dust and tripping on construction materials (aggregate, wood poles, etc).</p> <p>iv) Displacing prevailing uses at locations where new buildings would be built</p> <p>It may happen that sites where buildings will be built may currently be used for various purposes e.g. green areas. Building on these locations would stop their availability for these uses.</p> <p>v) Excessive enrolment numbers not supportable by available facilities</p> <p>Improvement of facilities at UPIK and UTC Kichwamba will attract a large number of students. In quest for revenue, these institutions may enrol more students than can be supported by existing facilities, leading to overcrowding and ineffective teaching-learning experience.</p>	<p>construction risks on campus and prescribe safety measures.</p> <p>Early enough, management of UPIK and UTC Kichwamba should plan to relocate to alternative sites, any activities going on at locations where new structures will be built.</p> <p>Enrolment numbers should be maintained at levels commensurate with available facilities.</p>	
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4 POLICY, LEGAL AND REGULATORY FRAMEWORK

4.1 Ugandan Laws

There are a number of national and local legal frameworks that regulate the land relations in Uganda. These frameworks define land rights, ownership, procedures and requirements of transfer and acquisition of land between individuals and groups. They also provide procedures for the acquisition of land by the state or a public body for public projects. Among the most important legal instruments in this regard are the following:

- The Constitution of Uganda (1995);
- The Land Act (1998);
- The National Land Policy 2011
- The Local Government Act (1992);
- The Land Acquisition Act (1965);
- The Physical Planning Act (2010)
- The BTVET Act (2008)
- The BTVET Strategic Plan (2012/13-2021/22)

While all matters relating to land acquisition, compensation and resettlement are managed within the provisions of the above legislation, the most decisive document in this regard is the Land Act of 1998, as amended.

4.1.1 The Uganda Constitution (1995)

Article 237(1) of the Constitution vests all land of Uganda in the citizens of Uganda. However under Article 237(1) (a), the government or local government can acquire land in the public interest. Such acquisition is subject to the provisions of Article 26 of the Constitution, which gives every person in Uganda a right to own property.

The Constitution also prescribes the tenure regimes in accordance with which rights and interests in which land may be held namely; Customary, Freehold, Mailo and Leasehold. It introduces ‘bonafide occupancy’ as a form of tenure that gives the occupant some rights to the land occupied. According to the Constitution, all land belongs to the people of Uganda and is held in trust by the Government. Government is authorized to acquire land for a public purpose and compensate affected persons in accordance with the law. It provides procedures to follow during the acquisition of land for public interest and provides for the “*prompt payment of fair and adequate compensation*” prior to taking possession of the land. The Constitution however, does not make resettlement a right.

4.1.2 The Land Act (1998)

The 1998 Land Act addresses land holding, management control and dispute processing. The Act creates a series of land administration institutions, namely, Uganda Land Commission (ULC), District Land

Boards (DLB), Parish Land Committees (PLC) and District Land Tribunals (DLT). Section 78 of the Act gives valuation principles for compensation, i.e. compensation rates to be yearly approved by DLBs. The basis for compensation is depreciated replacement costs for rural properties and market values for urban properties.

Article 75 of the Land Act 1998 and Article 243 of the 1995 Constitution creates District Land Tribunals with jurisdiction to determine disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the ULC or other authority with responsibility relating to land; and the determination of any disputes relating to the amount of compensation to be paid for land acquired. Article 77 (e) of the Land Act 1998 gives power to the DLTs to determine any other dispute relating to land under this act. Article 88 (1) of the act stipulates that an appeal shall lie from the decision of a DLT to the High Court. Key features of the recognized forms of land tenure in Uganda are:

Customary Tenure - Is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies. That is customary tenure is not governed by written law. Landowners do not have deeds recognizing their ownership rights and land is run according to rules and practices generally accepted as legitimate and binding by a particular community. Customary laws vary according to regions but most systems are based on the same general principles. Ownership rights are recognized by the community through inheritance, purchase, or by settling on a plot of land which was previously vacant. Under Ugandan customary legal systems, particularly in northern and eastern Uganda, land is usually communally owned by the clan but it can also be owned individually. Rights and responsibilities that derive from communal ownership are shared among various members of the clan according to traditional practices. Usually, the head of the clan or family, the “custodian”, has the responsibility to look after each member’s land rights and to allocate land fairly to all. Under this system, disputes are heard and settled by clan elders.

Leasehold Tenure - Is created either by contract or by operation of the law and is a form under which the landlord or lessor grants the tenant or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land.

Freehold Tenure - Derives its legality from the constitution and its incidents from the written law. Involves the holding of land in perpetuity or a term fixed by a condition and also enables the holder to exercise, subject to the law, full powers of ownership.

Mailo Tenure - Has roots in the allotment of land pursuant to the 1900 Uganda Agreement and derives its legality from the constitution and its incidents from written law. It involves the holding of land in perpetuity and permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant. The system enables the holder to exercise all powers of ownership, subject to the rights of those persons occupying the land at the time of the creation of the mailo title and their successors.

4.1.3 Draft National Land Policy 2011

This new land policy addresses the contemporary land issues and conflicts facing the Country. The vision of the policy is: “Sustainable and optimal use of land and land-based resources for transformation of Ugandan society and the economy” while the goal of the policy is: “to ensure efficient, equitable and sustainable utilization and management of Uganda’s land and land-based resources for poverty reduction, wealth creation and overall socio-economic development”.

Access to Land for Investment: Section 3.16 of the Policy (88 – b) states that government shall put in place measures to mitigate the negative impacts of investment on land so as to deliver equitable and sustainable development. While part 90 of the same section positions government to protect land rights, including rights of citizens in the face of investments with measures for clear procedures and standards for local consultation; mechanisms for appeal and arbitration; and facilitate access to land by vulnerable groups in the face of investments.

Measures for Protection of Land Rights: Section 3.17 (91) of the Policy recognizes the inability of the majority of Ugandans to afford the cost of formally securing land rights and therefore government will put in place a framework that would ensure that land rights held by all Ugandans are fully and effectively enjoyed.

Rights for Minorities: As regards land rights of ethnic minorities, the Policy states that:

- (a) Government shall, in its use and management of natural resources, recognize and protect the right to ancestral lands of ethnic minority groups;
- (b) Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action.

To redress the rights of ethnic minorities in natural habitats, Government will take measures to:

- (i) establish regulations by Statutory Instrument to:
 - recognize land tenure rights of minorities in ancestral lands;
 - document and protect such de facto occupation rights against illegal evictions or displacements;
 - consider land swapping or compensation or resettlement in the event of expropriation of ancestral land of minorities for preservation or conservation purposes;
 - detail terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources extraction;
- (i) pay compensation to those ethnic minorities that have in the past been driven off their ancestral lands for preservation or conservation purposes;
- (ii) deliberate and specify benefit-sharing measures to ensure that minority groups benefit from resources on their ancestral lands rendered to extractive or other industry;
- (iii) recognize the vital role of natural resources and habitats in the livelihood of minority groups in the gazettement or degazettement of conservation and protected areas

4.1.4 Land Acquisition Act (1965)

This Act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister responsible for land may authorize any person to enter upon the land and survey the land, dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose. The Government of Uganda is supposed to pay compensation to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision.

The Land Acquisition Act stops at payment of compensation. It is not a legal requirement to purchase alternative land for the affected people by the project. Once they are promptly and adequately compensated, then the obligations stop there. The Government through the Ministry of Lands, Housing and Urban development will pay the compensation to the affected persons. There is no requirement or provision in the law that people need to be moved or that alternative land be made available or bought. Each affected person entitled to be compensated; on receipt of his/her compensation is expected to move and has no further claim.

4.1.5 The Physical Planning Act; (2010)

The Physical Planning Act 2010 (the “ new Act”) a new law that commenced in April 2011 repeals the 1964 Town and Country Planning Act (Cap 246) (the “old Act”) and brings with it significant changes that are of particular importance to real estate developers.

Under the old Act, the obligation to obtain development permission in order to develop structures for land use was restricted to developments in urban areas. The new Act makes it mandatory for a person carrying out a development within a planning area to obtain development permission from a physical planning committee at the district, urban and local levels.

The new Act regulates control of developments, approval of physical development plans and applications for development permission. The physical planning committees set up under the new Act are tasked with preparing physical development plans, recommending plans for change of land use and approving development applications relating to housing estates, industrial locations, schools, petrol stations, dumping sites and sewerage works.

4.1.5.1 Obtaining development permission

Under the new Act, an application for development permission is made to the relevant local government which then forwards the application to the relevant physical planning committee. The new Act sets up planning committees at local levels to consider special development needs in these areas. The physical planning committee is required to notify the applicant of its decision within thirty (30) days and attach this notice to the development permission granted. A physical planning committee may, if it thinks expedient, by notice of deferment served on the applicant, defer consideration of the application for development permission for a given period and for reasons specified in the deferment notice.

When considering a development application, the physical planning committee is required to take into consideration the regard for the health, amenities and conveniences of the community generally and the proper planning and density of development and land use in the area.

4.1.5.2 Ensuring compliance

In the absence of development permission, the new Act requires demolition of the structure and restoration of the land on which the development is made, as much as possible to its original condition.

The new Act also prohibits the Registrar of Documents from registering a document relating to the development of land under the Registration of Documents Act, unless development permission, in respect of the development, has been granted.

The new Act also provides for the establishment of a National Physical Planning Board to advise the government on all matters relating to physical planning.

The functions of the Board include:

- Hearing and determining appeals lodged by persons or local governments aggrieved by
- the decision of any physical planning committees;
- Determining and resolving physical planning matters referred to it by physical planning committees;
- Advising the government on broad physical planning policies, planning standards and
- the viability of any proposed subdivision of urban or agricultural land;
- Approving regional, urban or district physical development plans, recommending to the
- Minister national plans for approval and monitoring implementation of the plans;
- Advising the Minister responsible for local government on the declaration of town
- councils, town boards or upgrading of urban authorities;
- Formulating draft planning policies, standards, guidelines and manuals for consideration
- by the Minister;
- Exercising general supervisory powers over all lower planning committees such that they
- can seek guidance, set standards and take control; and
- Fostering co-ordination of physical planning related or interdisciplinary activities in the
- country in order to promote orderly and sustainable development of human
- settlements in rural and urban areas.

4.1.6 The Local Government Act (1997)

The Local Government Act (LGA) was enacted to give effect to the policy of decentralisation and devolution of functions, powers and services; and to provide for decentralisation at all levels of local government to ensure good governance and democratic participation in, and control of decision making by the people. The Local Government Act provides for the system of Local Governments, which is based on the district. Under the district there are lower Local Governments and administrative units. This system

provides for elected Councils. The chairman nominates the executive committee of each council. The functions of this committee include:

- Initiating and formulating policy for approval of council;
- Overseeing the implementation of the Government and Councils' policies, and monitor and coordinate activities of Non-Government Organizations in the district; and
- Receiving and solving disputes forwarded to it from lower local governments.

According to the second schedule to the LGA, the Central Government is responsible for water resources and the environment (Part I, Second Schedule of the Local Government Act). The Lower Local Government Councils (sub-county or division) are responsible for the protection and maintenance of local water resources (Part 4). It is the function of the various executive committees, including the parish or village executive committees, to generally monitor projects and other activities undertaken by government, local governments, and non-governmental organisations in their area (Section 50(8)).

4.1.7 **Government Standing Orders, Education Act 2008, BTVET Act 2008,**

Governments are expected to carry the primary responsibility for BTVET. In modern market economies, however, BTVET policy design and delivery should be achieved through new partnerships between Government, employers, professional associations, industry, employees and their representatives, local communities and non-government organizations (NGOs). These partnerships must create coherent legislative frameworks to enable launching of national strategies for change.

Governments and private must recognize that BTVET is an investment, not a cost, with significant returns, including well-being of workers, enhanced productivity and international competitiveness. Therefore, funding for BTVET must be shared to the maximum extent possible between Government, Industry, Community, and the learner.

Business, Technical, Vocational Education and Training (BTVET) program has continued develop in a manner the responds more flexibly to changing work and employment patterns and in a way that closes the gap between the world of work and training.

To achieve this, the Business, Technical, Vocational Education and Training Act, 2008; strengthens BTVET through separation of delivery and quality assurance functions and greater involvement of business. The Act formalises a number of reforms including:

- The introduction and promotion of modular training which is flexible to suit the trainees occupational or skills requirements;
- The introduction of assessment that is competency – based;
- The introduction of certification based on a Vocational Qualification Framework;
- Recognition of prior learning;
- Recognition of formal and non-formal training
- To develop and implement quality assurance mechanisms

The Directorate of Industrial Training is guided by the Industry Training Council who in turn provides oversight of the DIT and approvals of policies for BTVET.

4.1.8 Implementation of the BTVET Strategic Plan 2012/13-2021/22 on Skilling Uganda

Cabinet approved the implementation of the ten-year BTVET Strategic Plan 2012/13-2021/22 entitled skilling Uganda. The Plan builds on considerable progress in the reform of the BTVET system over the last decade including adoption of the BTVET Act 2008, and with it the continuation of the DIT, and the establishment of the Uganda Vocational Qualifications Framework (UVQF). Uganda's Vision 2025, and the National Development Plan 2010/11, 2014/15 form the point of departure of the Plan. It is embedded in the GWPE 1992, and the ESSP 2007-2015 concerning the overall policy framework.

The Plan identifies five areas of weaknesses of the present BTVET system and sets out their respective strategies as follows:

- i. Raise economic relevance of BTVET- by strengthening the role of business community (including informal sector) and employers, expanding UVQF coverage, making training supply more flexible, expanding and improve agriculture training, promoting skills for productivity in the informal and MSEs, and a LMIS
- ii. Increase the quality of skills provision – by strengthening the capacities of BTVET providers, improving production and deployment of instructors, and introducing better quality assurance system for public and private BTVET providers.
- iii. Provide equitable access to skills development- by increasing access to formal and non-formal BTVET through public subsidies, expanding private training provision, supporting and expanding public BTVET supply, creating awareness about BTVET career paths, and enhancing participation of disadvantaged groups to skills development.
- iv. Achieve greater effectiveness in BTVET management and organization- by consolidating BTVET functions and make them accountable for performance outcomes, and establish an effective BTVET-MIS and BTVET sub-sector monitoring system.

Increase internal efficiency through results oriented transfer mechanisms, increasing resources available for BTVET, and establishing a Skills Development Fund.

4.2 World Bank Policies

World Bank policy requires “screening” of all projects proposed for Bank financing to help ensure that they take social concerns into account with respect to adverse impacts on project affected people (PAP's) and to appropriately plan for and respond to these impacts, and thus improve decision making about resettlement, options, alternatives, participation of PAP's and compensation. The World Bank's safeguard policy on involuntary resettlement, OP 4.12 is to be complied with where involuntary

resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. It includes requirements that:

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

This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by the involuntary taking of land resulting in:

- (i) relocation or loss of shelter;
- (ii) loss of assets or access to assets; or
- (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location

4.2 Procedures for Resettlement According to the World Bank OP 4.12

The World Bank OP 4.12 applies to all components of the ARSDP and to all economically and /or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. OP 4.12 further requires particular attention to be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons.

The Policy requires that a RAP shall be prepared and cleared by the World Bank prior to implementing resettlement activities. The World Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

4.3 Comparison between Land Law in Uganda and World Bank OP 4.12

Although the Ugandan Constitution requires that prompt, fair and adequate compensation be paid prior to displacement, this is not on par with OP 4.12, as there is no requirement that states that the government should provide alternative land or assist with resettlement. Additionally it is unclear how to interpret “prompt, fair and adequate” compensation. OP 4.12 states that displaced persons should be compensated at full replacement cost.

Ugandan law does not make any specific accommodation for squatters or illegal settlers, and reimbursement is based on legal occupancy. There is also no provision in the law that the state should attempt to minimize involuntary resettlement.

Furthermore, the GOU has recently prepared the final draft of the National Land Policy (March 2011) aimed at consolidating a number of scattered policies, which exist on various aspects of the land question, but are diverse, sectoral and inconclusive in many respects. Uganda has never had a clearly defined and / or consolidated National Land Policy since the advent of colonialism in the nineteenth century. Post-independence and recent attempts to settle the land question by the Land Reform Decree 1975, the 1995 Constitution of Uganda, and the Land Act 1998 failed to deal with the fundamental issues in land tenure due to absence of clear policy principles to inform the enactment of legislation that offers politically and socially acceptable and technically feasible solutions. The key policy issues touch on (1) historical injustices and colonial legacies, (2) contemporary issues, mainly arising from such legacies; and (3) land use and land management issues.

Table 4: Outlines the gaps between Uganda law and World Bank requirements for resettlement and compensation. It is clear in the comparison that the OP 4.12 offers more reasonable and/or fair benefits and recognition to PAPs than Ugandan law; therefore in cases where benefits are greater, OP 4.12 will apply and in all cases, “the higher of the two standards will be followed in the RPF since the procedure also satisfies the requirements of the lesser standard, therefore The World Bank OP4.12 will be followed since it is higher on application of these policies.”

Table 4: Comparison of Ugandan Laws and the World Bank Policies on Resettlement and Compensation

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
Land Owners	<p>The Constitution of Uganda, 1995 vests all land directly in the Citizens of Uganda, and states that every person in Uganda has the right to own property. Ugandan law recognizes four distinct land tenure systems, customary tenure, freehold tenure, leasehold tenure, and mailo tenure.</p> <p>Customary land owners are entitled to compensation based on the open market value of the unimproved land</p>	<p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>	<p>The legal right to resettlement is applicable only to those with proprietary interest in the affected land.</p> <p>Customary land holds property and ownership.</p> <p>Entitlement for payment of compensation is essentially based on the right of ownership or legal user/occupancy rights.</p>	<p>Market value is based on recent transactions and thus if alternative property is purchased within a reasonable period of the payment of compensation, it is likely that market value will reflect replacement value. However, local inflation in price land or construction materials can affect what is determined as replacement cost. If this is not reflected in recent transactions, market value may not reflect replacement value.</p>
Land Tenants/Squatters	<p>Ugandan law does not make any specific accommodation for squatters or illegal settlers, and compensation is based on legal occupancy</p> <p>The Land Act treats lawful occupants and bonafide occupants as statutory tenants of the registered owner. Under Section 29 of the Land Act, “lawful occupant” means a person who entered the land with the consent of the registered owner, and includes a purchaser; or a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title. “Bona fide occupant” means a person who before the coming into force of the Constitution had occupied and utilised or developed any land unchallenged by the registered owner or</p>	<p>The OP 4.12 explicitly states that the affected persons cannot be denied compensation /resettlement assistance based on the lack of legal title. Bank projects, therefore, need to make provisions for helping squatters / encroachers achieve the objectives of the Bank’s resettlement policy.</p> <p>For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons’ livelihoods.</p>	<p>There is no distinction or discrimination made on the basis of gender, age, or ethnic origin between Ugandan law and Bank policy. However, there is no explicit equivalence on the specific requirements for enforcing non-discrimination, including the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.</p> <p>Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.</p>	<ul style="list-style-type: none"> • Design ARSDP-Project to avoid resettlement or minimize displacement of people e.g. siting and routing of Project activities will try to avoid land held by illegal tenants. • Dialogue with policy makers will be initiated to explore the possibility of giving compensation to illegal tenants

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	<p>agent of the registered owner for twelve years or more; or had been settled on land by the Government or an agent of the Government, which may include a local authority.</p> <p>For the avoidance of doubt, a person on land on the basis of a licence from the registered owner shall not be taken to be a lawful or bona fide occupant under this section. Any person who has purchased or otherwise acquired the interest of the person qualified to be a bona fide occupant under this section shall be taken to be a bona fide occupant for the purposes of this Act.</p>			
Land Users/Licensees	<p>Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any proprietary right in the land.</p> <p>The Land Act, section 29(5) clearly states that for the avoidance of doubt, a licensee shall not be taken to be a lawful or bonafide occupant</p>	Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between Bank and Ugandan systems for identifying and addressing impacts resulting from project related activities.	<ul style="list-style-type: none"> • Design of ARSDP- Project to avoid resettlement or minimize displacement of people e.g. siting and routing of program activities will try to avoid land held by illegal tenants. • The program will have a strategy for enabling the PAPs restore their incomes to at least pre-ARSDP- Project levels • Dialogue with policy makers will be initiated to explore the possibility of giving compensation to all illegal tenants. • Relocation assistance will be provided.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
Owners of non-permanent buildings	Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant. Owners of non-permanent buildings are entitled to compensation based on rates set by District Land Boards.	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.	There appears to be a significant difference between Ugandan laws and Bank policy. Those without formal legal rights or claims to such lands and/or semi-permanent structures are not entitled to resettlement assistance or compensation.	<ul style="list-style-type: none"> • Project will provide compensation based on replacement value. This will include the payment of government valuation rates and payment of a disturbance allowance • Dialogue with policy makers will be initiated to explore the possibility of including labor and relocation expenses prior to displacement
Owners of permanent buildings	Valuation of buildings is based on open market value for urban areas and depreciated replacement cost in the rural areas.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	Values based on depreciated replacement cost do not reflect full replacement cost/value	Project will provide compensation based on replacement value. This will include the payment of government valuation rates, the payment of a disturbance allowance, and a top up allowance (based on the current inflation rate) to compensate for the rise in construction materials.
Timing of compensation payments	Once the assessment office takes possession, the land immediately becomes vested in the Land Commission, according to the Land Acquisition Act. However the Land Act Cap 227 (section 42) provides compulsory acquisition must comply with the provisions of the Constitution(article 26)	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	Project to pay prompt, adequate and fair as per Ugandan law.
Calculation of compensation and valuation	According to the Land Act, Cap 227 (section 77), the value of customary land shall be the open market value of the unimproved land. Value of the buildings shall be at open market value for urban areas and depreciated replacement cost for rural areas. The crops and buildings of a non-permanent nature are compensated at rates set by District Land Boards.	Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as	There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure. The basis of compensation assessment is not stated in the Land Acquisition Act (an old law due for review), although the	Market value is based on recent transactions and thus if alternative property is purchased within a reasonable period of the payment of compensation, it is likely that market value will reflect replacement value. However, local inflation in price land or construction materials can affect what is determined as replacement

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
		required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.	Constitution provides for ‘prompt, fair and adequate’ compensation. (article 26)	cost. If this is not reflected in recent transactions, market value may not reflect replacement value.
Relocation and resettlement	Both The Constitution, 1995 and The Land Act, 1998 gives the government and local authorities power to compulsorily acquire land. The Constitution states that “no person shall be compulsorily deprived of property or any interests in or any right over property of any description except” if the taking of the land necessary “for public use or in the interest of defense, public safety, public order, public morality or public health.”	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Ugandan laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement	Project will provide compensation based on replacement value. This will include the payment of government valuation rates and payment of a disturbance allowance
Completion of resettlement and compensation	Privately owned land’s value is negotiated between the owner and the developer. In rural areas, land is valued at open market value, buildings are valued at replacement cost, and a 15% to 30% disturbance allowance must be paid if six months or less notice is given to the owner.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence between Ugandan law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	The project will conform to WB and best practices during implementation of the RAP.
Livelihood restoration and assistance	There are no explicit provisions under resettlement or relocation for livelihood assistance.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better	Ugandan policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement.	The project will provide transition allowance.
Consultation and disclosure	There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries (e.g. roads and energy). The Land Acquisition Act, however makes provision for an enquiry whereby the affected person can make formal written claim and the assessment officer is obliged to	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy.	No gap.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	conduct a hearing before making his award.	assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.		
Grievance mechanism and dispute resolution	The Land Act, 1998 states that land tribunals must be established at all districts. The Land Act empowers the Land Tribunals to determine disputes and it provides for appeal to higher ordinary courts. The Land Acquisition Act provides for the aggrieved person to appeal to the High Court.	Establish appropriate and accessible grievance mechanisms.		Grievance committees to be instituted of procedure will not replace the existing legal process in Uganda rather it seeks to resolve issues quickly so as to expedite receipt of entitlements and smooth resettlement without resorting to expensive and time-consuming legal action. If the grievance procedure fails to provide a settlement, complainants can still seek legal redress.

5 INSTITUTIONAL CAPACITY ASSESSMENT FOR IMPLEMENTATION OF THE PREPARED RPF AND RAPS

The focus of the interventions will be primarily on: (i) enhancing economic development related to agriculture, fishing oil and services related to these sectors of the economy and: (ii) equity by ensuring that communities in the Districts and Municipalities are able to share benefits of the Project.

Section 35(3) of the Local Government Act, CAP 243 requires the district councils cause the preparation and approval of a comprehensive and integrated development plan. The Five- Year District Development Plans are prepared in accordance with the Constitution of the Republic of Uganda, other relevant laws and in line with Government Policy that provides for decentralized participatory planning. The District Development Plans are reviewed according to the Guidelines issued by the National Planning Authority and Ministry of Local Government, which have necessitated the comprehensive formulation of the District Local Government 5-year Development Plans by the District Planning Units of each respective Districts. Therefore the ARSDP project activities will easily be incorporated in the various existing district development plans with specific reference to Agriculture, Fishing and Oil services.

From the stakeholder consultations, it was revealed that project districts and municipalities are ready to embrace the project given their already prepared district development plans that act as the road map to achieve the agreed vision in the next five years. It is further noted that the districts of Hoima and Buliisa, and Buliisa Town Council have already developed plans and have prioritized the various intervention for the Albertine Region Sustainable Development Project as earlier seen in chapter two. All the prioritized interventions will require the local governments to carry out Resettlement Action Plans (RAPs) for each project depending on the number of people that will be directly impacted by the projects especially in the roads and market projects.

A review in the local governments' capacities to conduct RAPs and it was noted that much as the local governments have some staff most departments are under staffed due to failure to attract the required staff, requirement of high qualifications and low pay. Departments like Production lack the necessary equipment and logistics to carry out their duties and the staff will definitely need capacity empowerment in the areas of social and environmental safeguards issues. The critical departments for the effective implementation of the ARSDP project in relation to the mandated consideration of Environmental and Social safeguards as the The World Bank requirement include; the Office of the Chief Administrative Officer; The Natural Resources (Physical Planning& Environment) The Production; and Community Based Services. Table: 6 Below shows the different roles to be played by the different departments in relation to the implementation of the ARSDP and various capacity needs, requirements and recommendations for sustainable implementation of the ARSDP. Annex 5 gives the detailed human resource requirements for the various departments in the different districts.

Component 3 will be implemented through the MoES, according to the BTVET Paper on Challenges, Opportunities and Prospects presented to UVCF by the Director of DIT in MoES 2012 states that: "presently the Education Planning & Policy Analysis (EPPA) Department in the MoES leads for all Departments including for BTVET. That Department is manned by economists and/or education planners

and policy analysis personnel. Whereas the BTVET Department generates planning and policy matters, the EPPA Department “seives” such submissions often guided by macro-economic status of the country, inevitably, issues are considered in financial terms. A national body responsible for coordinating planning in BTVET should be established based on analysis of statistical data and projections to facilitate complementarity between educational planning and employment policy, at educational institutional levels, planning is equally important but presently, it is very weak resulting into poor implementation of agreed or set targets” this alone shows that the BTVET department already has implementation gaps. Consultations with the officials from the MoES established that the BTVET department is headed by Commissioner Business, Technical and Vocational Education and Training (BTVET). Deputized by an Assistant Commissioner who is currently the MoES Environmental Focal Person, there is however a capacity gap in regard to social safeguards. This focal person and the project coordinator need environmental training in EIA processes in Uganda, conduct of EIA as well as World Bank safeguard policies but more specifically it is recommended that a social development specialist be recruited in EPPA Department to handle social safeguard issues of all other projects implemented in the MoES or services of a social development consultant be sourced for the ARSDP.

Table 5: Human Resource Capacity Needs Assessment

PROJECT AREA	AVAILABLE STAFF	MISSING/GAPS	RECOMENDATION
Bullisa District CAO's Office	<ul style="list-style-type: none"> Chief Administrative Officer Deputy CAO Secretary Principle Personnel Officer Personnel Officer Records Assistant Office Typist 3 Drivers 	<ul style="list-style-type: none"> 3 Assistant CAO Information Officer Senior Information Officer Senior Office Attendant Stores Assistant Senior Resource Officer Assistant Records Officer Personal Secretary Stenographer Office Attendant 2 Drivers 	<ul style="list-style-type: none"> MoLG to allow the District to replace/recruit missing staff ARSDP to assist in providing office space for those departments that are lacking such as the Natural Resources Department Build Capacity of staff in relevant fields
Bullisa District Natural Resources Department	<ul style="list-style-type: none"> Physical Planner Environment Officer Office Typist Office Attendant Driver 	<ul style="list-style-type: none"> Assistant Natural Resources Officer Senior Land Management Officer Land Valuer Surveyors Registrar of Titles Cartographer Assistant Records Officer Forestry Officer Forest Rangers 5 Forest Guards 	<ul style="list-style-type: none"> MoLG to replace/recruit the missing staff especially those that handle land management and acquisition issues. (Land Valuer, Surveyor, cartographer) Train staff to build capacity to handle ARSDP sub-projects at the districts to cut costs of hiring private staff Provide staff with the necessary equipment and logistics to sustainably run ARSDP projects
Bullisa District Production Department (Crop, Animal, Fisheries & Entomology)	<ul style="list-style-type: none"> Senior Agricultural Officer Veterinary Officer Assistant Agricultural officer 2 Fisheries Officers 1 Assistant Fisheries Officer 1 Entomology Specialist Service Providers under NAADS 	<ul style="list-style-type: none"> District Production Officer 7 Assistant District Veterinary Officers 3 Meat Inspectors 4 Hides and Skin Inspectors 4 Milk Inspectors Laboratory inspector Crop Husbandry Officer 7 Agricultural extension Officers District Commercial Officer 	<ul style="list-style-type: none"> MoLG to replace/recruit/replacement of the missing staff to graudually start pending ARSDP implementation Train staff in the respective specialized areas and international standards to be able add value and produce internationally acceptable food products Provide staff with the necessary equipment and logistics to sustainably run the ARSDP

		<ul style="list-style-type: none"> • Assistant Commercial officers • 9 Assistant Inspectors for each BMU • Control Officer • 7 Extension Workers at sub/county • 5 Tsetse fly control Officers 	sub-projects
Buliisa District Community Based Services	<ul style="list-style-type: none"> • District Community Development Officer • 1 Senior CDO • Probation & Welfare Officer 	<ul style="list-style-type: none"> • 3 Senior CDOs • Assistant Labour Officer • Office Typist • Office Attendant • 2 Drivers 	<ul style="list-style-type: none"> • MoLG to Replace/Recruit the missing staff • Build capacity of the staff in handling safeguards issues (Management of Land Acquisition, Resettlement and Rehabilitation Course by BRAC & The World Bank) before implementation of ARSDP sub-projects
Buliisa Town Council	<ul style="list-style-type: none"> • Substantive Senior Assistant Secretary • Office Typist • Law Enforcement Officer • 2 Law Enforcement Officers • Senior Accounting Officer • Community Development Officer 	<ul style="list-style-type: none"> • Town Clerk • Environment Officer • Physical Planner • No auditor • 2 Assistant Enforcement Officer 	<ul style="list-style-type: none"> • MoLG to replace/recruit missing staff • Encourage staff to up grade in their fields by offering scholarships • Assist in completing the office block • Equip the offices • Provide staff logistics to run their work
Hoima District CAO's Office	<ul style="list-style-type: none"> • Chief Administrative Officer • Deputy CAO • 2 Assistant CAOs • Principle Human Resources Officer • 6 human resources officers • Records Officer • 2 Procurement & Disposal 	<ul style="list-style-type: none"> • 8 other staff in CAO's Office • 1 Assistant CAO • Information Officer • 2 human resources • 1 Procurement & Disposal unit 	<ul style="list-style-type: none"> • MoLG replace/recruit the missing staff especially those that handle land management and acquisition issues. • Train staff to build capacity to handle ARSDP sub-projects at the districts to cut costs of hiring private staff • Provide staff with the necessary equipment and logistics to sustainably run ARSDP projects
Hoima District Production Department	<ul style="list-style-type: none"> • Senior Agricultural Engineer • Agriculture Advisory Services Providers & NAADs Coordinators 	<ul style="list-style-type: none"> • Entomologist • Veterinary Officer • 7 Assistant District Veterinary Officers • 3 Meat Inspectors 	<ul style="list-style-type: none"> • MoLG to replace/Recruit the missing staff • Train staff in the respective specialized areas and international standards to be able add value and produce internationally acceptable food products

		<ul style="list-style-type: none"> • 4 Hides and Skin Inspectors • 4 Milk Inspectors • Laboratory inspector Husbandry Officer • 7 Agricultural extension Officers • District Commercial Officer • Assistant Commercial officers • 7 Extension Workers at sub/county • 5 Tsetse fly control Officers 	<ul style="list-style-type: none"> • Provide staff with the necessary equipment and logistics to sustainably run the ARSDP sub-projects
Hoima District Natural Resources	<ul style="list-style-type: none"> • Environment official • Physical Planner • Urban Physical Planner • Cartographer • Land Valuer • Staff Surveyor • 1 Forest Ranger • Assistant Records Officer • Office Typist 	<ul style="list-style-type: none"> • Head of Natural Resources Officer • Senior Forestry Officer • 2 Forestry Rangers • 1 Senior Environment Officer • 2 survey • 2 Survey assistants • 1 Senior Lands Officer with qualifications in Law • 2 Physical Planner • 1 Registrar of Titles with qualifications in Law • 2 cartographers • 3 Printer Officers • 1 Office Attendant • 1 Driver • 2 Forestry Guards • Land Valuer • Records Officer • Chain men • Stenographer 	<ul style="list-style-type: none"> • MoLG to Replace/Recruit the missing staff especially those that handle land management and acquisition issues. • Train staff to build capacity to handle ARSDP sub-projects at the districts to cut costs of hiring private staff • Provide staff with the necessary equipment and logistics to sustainably run ARSDP projects
Hoima District Community Based Services	<ul style="list-style-type: none"> • 1 Senior CDO • Community Development Officer • 4 CDO at Sub-county • 9 Assistant CDO • Labour Officer 	<ul style="list-style-type: none"> • District Community Development Officer • Senior probation officer • 3 Senior Community Development Officer • 2 probation and welfare officers 	<ul style="list-style-type: none"> • MoLG to replace/Recruit missing staff • Build capacity of the staff in handling safeguards issues (Management of Land Acquisition, Resettlement and Rehabilitation Course by BRAC & The World Bank) before implementation of ARSDP sub-projects

		<ul style="list-style-type: none"> • 7 CDOs- field based at the sub-counties • 2 Assistant CDOs 	<ul style="list-style-type: none"> • Provide staff with equipments and logistics necessary for running the ARSDP subprojects
Ministry of Lands, Housing & Urban Development	<ul style="list-style-type: none"> • Environment Specialist • Sociologist • Physical Planner 		<ul style="list-style-type: none"> • Line Ministries to Recruit the missing staff • Build capacity of the staff in handling safeguards issues (Management of Land Acquisition, Resettlement and Rehabilitation Course by BRAC & The World Bank) before implementation of ARSDP sub-projects
Ministry of Local Government	<ul style="list-style-type: none"> • Sociologist 	<ul style="list-style-type: none"> • Environment Officer 	
Ministry of Education & Sports	<ul style="list-style-type: none"> • Environment Officer 	<ul style="list-style-type: none"> • Sociologist 	
Ministry of Energy & Mineral Development	<ul style="list-style-type: none"> • Senior Environment Officer 	<ul style="list-style-type: none"> • Sociologist 	

Table 6: Roles of Departments in Relation to the ARSD, Capacity Needs and Recommendation

Department	Roles in Relation to the ARSDP	Capacity Needs, Requirements and Recommendations
District Administration CAO's Office Human Resource Department Procurement Department Records Department	<ul style="list-style-type: none"> • over all coordinator of ARSDP project work • Head of the district technical wing • Accounting officer for all funds in the district including the ARSDP funds • Supervising & monitoring of all the ARSDP project activities • in-charge of recruiting of all staff needed for the full implementation of the ARSDP project • tendering and procurement of the required equipment and services for the ARSDP project activities • operationalize sub-county offices to handle grassroots activities related to the ARSDP project 	<ul style="list-style-type: none"> • need to fill up all the capacity gaps in terms of personnel in all departments in the districts & Sub-counties for successful implementation of the ARSDP projects • need to tender and procure contractors & consultants for construction of office spaces required and specialized consultancy services in relation to ARSDP project activities • need to arrange for education & sensitization of all the technical & political staff of the district on Oil & Gas policies & activities especially on environmental and social safe guard issues • arrange for study tours for all staff and politicians in the districts first to the Oil exploration companies (Tullow, CNOOC & Total) then to other Oil & Gas producing companies both in Africa(Sudan, Ghana, Nigeria) & World over (Trinidad & Tobago etc). • procure the required equipment such as vehicles, motorcycles, computers & accessories, laptops, various laboratory equipment, surveying equipment • arrange for capacity development training & empowerment of all staff in their respective field • provide Internet district Router inter-departmental connections & website

		<p>mainatenace</p> <ul style="list-style-type: none"> • provide Band Equipment for mobilization
<p>District Planning Unit</p> <p>District Planner</p> <p>District Statitician</p> <p>Population officer</p> <p>District Economist</p>	<ul style="list-style-type: none"> • Coordinate all the Planning Processes in the District right from the village, parishes, sub-county upto the District for the purpose of development the District Development Plan (DDP) • perform situational analyses for other department • collect data on demographics, physical & socio-economics of the population in the district for planning purposes • Produce District annual reports • Perform Monitring and Evaluation of the ARSDP project 	<ul style="list-style-type: none"> • need adequate office space being the custodians of all data in the districts • specialized computer soft ware for data capture & analysis such as stata SPSS, EPIFO • train in refresher courses in data collection, analysis & dissemination. • train in M&E in Oil and Gas and in policy for upcoming projects • train in project planning, budgeting & development planning • recruit the necessary staff to full capacity in all sections of the departments
<p>Natural Resources Department</p> <p>Lands Office</p> <p>Physical Planning Office (sueveyor, valuers, catographers, registrar of title)</p> <p>Environment Office</p> <p>Forest Office</p>	<ul style="list-style-type: none"> • physical planning • produce maps of physical, biophysical, socio-economic, & demographics of the districts to be used for planning in a sustainable way. • carry out land surveys to determine land required for development project like raods etc • carry out valuations to determine rates for compensation • carry out Environmental & Social Impact Assessment (ESIA) as per World Bank Safeguard requirements • Guide on sustainable use of natural resources such as forests 	<ul style="list-style-type: none"> • Provide office space as most districts lack office for this department apart from Masisndi. • Equiping the department with latest equipment such as; Total Stations with accessories, Global Positioning Systems (GPS), catographic equipment, digital mappers, plotters, cameras, printers, laptop with associated software like arch vision, arch maps • Training in latest data collection skills using GIS on environment issues oil waste management. • recruit the necessary staff to full capacity requirement of each department. • facilitation in terms of vehicles and motorcycles
<p>Production & Marketing</p>	<ul style="list-style-type: none"> • guide farmers to produce the quality food & livestock products to the international standards 	<ul style="list-style-type: none"> • training in Harzard Analysis Critical Control Point (HACCP) which is not yet embraced in Uganda yet Oil Company will not consume the local products due to that.

<p>Department</p> <p>Agriculture(Crop & Livestock)</p> <p>Entomology</p> <p>Trade & Industry</p> <p>Fisheries</p> <p>Tourism</p>	<ul style="list-style-type: none"> • control of pests & diseases • prioritize enterprises • agro-processing for value additional • climate change sensitizations • food security • introduce cage fish farming • veterinary laboratory requirements for beef analysis for assurance of the quality of beef • entomology • commercial services (trade development, marketing, cooperatives SACCOS) • develop the district tourism master plan • development of District Business centers 	<ul style="list-style-type: none"> • train & provide veterinary field kits specific for crop diseases & pests, livestock, fish, tsetse fly control and related specialized equipment for the various departments in production. • provide internet services at every sub-county for communities to get information on prices & climate change. This has been tested and proved to work. • upgrading of landing sites (drying racks, smoking kilns, ice plants & fish stores at each BMU) • develop boat construction shed • laboratories for various analyses for each sub/department • facilitation in terms of vehicles & motorcycles
<p>Community Development Services</p> <p>Community Development, Probation, Welfare, Gender, Labour</p>	<ul style="list-style-type: none"> • community mobilization for project support • community sensitization on the anticipated social and environmental impacts • welfare and probation handling of cases arising out of unfair treatment of community members due to project implementation such as breakage of families due to land acquisition 	<ul style="list-style-type: none"> • library for reference on family related issues • facilitation in terms of vehicles and motor cycles to move to the communities • provide office equipment, furniture, computer & accessories • specialized training in para-legals, counselling, juvenile justice & community service • recruit the missing staff to full capacity
<p>Works & Technical Services</p> <p>Production and Works</p> <p>District Engineer</p> <p>Water office</p>	<ul style="list-style-type: none"> • successful implementation of the ARSDP will highly depend on the capacity of this department to handle its work especially on construction of district roads • Supervise works on water development projects • Supervise road works in the district • supervise & monitor road works by other contractors • perform road repairs and open up new district roads for easy connectivity within the district • in-charge of the district equipments and 	<ul style="list-style-type: none"> • works department lacks office space • provide water quality testing kits • provide laboratory for soil testing • provide office equipment such as furniture, computers and accessories including software, GPS, Internet • train in current and modern technologies & computer software • training of hand pump mechanics, building of lined VIP latrines for the rural growth towns and landing sites • Train on water issues and water user committees • recruit the necessary staff as the department is understaffed • facilitation in terms of vehicles & motorcycles

	workshop for vehicles and other machinery	
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6 Land Asset Classification, Valuation and Compensation

Valuation and compensation are in accordance with rates set at district level for crops and non-permanent structures. The rates, which are enacted by District Land Boards, are established and updated at District level. It should be noted however that, unlike for crops and semi-permanent structures, land value is not determined by districts. Permanent structures and land are valued based on market value.

Under the 1998 Land Act, the District Land Tribunal shall, in assessing compensation referred to in paragraph (b) of subsection (1) of section 77 take into account the following:

- a) In the case of a customary owner, the value of land shall be the Market Value of the unimproved land;
- b) The value of the buildings, which shall be taken at market value in urban areas and depreciated replacement cost in rural areas;
- c) The value of standing crops on the land, excluding annual crops which could be harvested during the period of notice given to the owner, tenant or licensee.

In addition to compensation assessed under this section, there shall be paid as a Disturbance Allowance of fifteen per cent or if less than six months' notice to give vacant possession is given, and thirty percent of any sum assessed under subsection (1) of this section.

6.1 Valuation for State Owned Land

The land asset types identified under Ugandan Law are State Lands and Lands under traditional or customary rights.

State owned land may be allocated for free or sold on a commercial basis to individuals or communities by the Minister responsible for land administration. For cases where the state-owned land is being used by the public (for instance as settlements, for farming, for grazing or any other productive activity,) the individual or the community would be expected to pay compensation. Privately owned property, would have to be compensated for at the market value. The general guiding principle is that whoever was using the land to be acquired would be provided alternative land of equal size and quality.

6.1.1 Valuation for Customary Land

The ARSDP will definitely require a portion of land under customary tenure for its activities. In this case, valuation methods for the affected land and assets should conform to customary laws and land assets would be valued and compensated for according to the following guidelines:

- The communities would be compensated for assets and investments (including labor, crops, buildings, and other improvements) according to the provisions of the resettlement plan,
- Compensation rates would be replacement costs as of the date that the replacement is to be provided.
- The market prices for cash crops would have to be determined and used,

- Calculations for compensation would not be made after the cut-off date, in compliance with this policy,
- For community land held under customary law, the permanent loss of any such land will be covered by compensation in kind to the community.

In general, cash compensations are paid based upon market value of the crops. The affected persons are, in some cases, entitled to new housing on authorized land under government housing programs. Under the customary law, land is given in compensation for land.

6.1.2 Calculation of Compensation

Where any land has been acquired under this Act, compensation will only be payable in addition to the value of any improvement or works constructed on such lands for:

- 1) loss of usufructuary rights over such lands in the case of land under customary tenure and
- 2) the market value of such lands in the case of freehold land.

In estimating the compensation to be given for any land or any estate therein or the potential profits thereof, the following will be taken into account:

- The value of such lands, estates or interests or profits at the time of the emission of the notice to acquire, and will not take into account any improvements or works made or constructed thereafter on the lands,
- That part only of the lands belonging to any entity /person acquired under this Act without consideration for the enhancement of the value of the residue of the lands by reason of the proximity of any improvements or works to be made or constructed by the ARSDP, and
- The value of the lands acquired for public purposes but also to the damage, if any, to be sustained by the owner by reason of the injurious effects of severance of such lands from other lands belonging to such owner or occupier.
- For cash payments, compensation will be calculated in Ugandan currency adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labor.

6.2 Compensation for Land

Compensation for land is aimed at providing for loss of crops and the labour used to cultivate the crop. Compensation relating to land will cover the market price of the land, the cost of the labour invested, as well as the replacement cost of the crop lost.

6.2.1 Determination of Crop Compensation Rates

Prevailing prices for cash crops would have to be determined. Each type of crop will be compensated for using the same rate. This rate should incorporate the value for the crop and the value for the labor to be invested in preparing new land.

6.2.2 **Dispute Resolution and Grievance Mechanism**

The Land Act, Cap 227 states that land tribunals must be established at district level. It empowers the District Land Tribunals to determine disputes relating to amount of compensation to be paid for land acquired compulsorily. The affected person may appeal to a higher ordinary court. The Land Acquisition Act allows for any person to appeal to the High Court within 60 days of the award being made. All land disputes must be processed by the tribunals before the case can be taken to the ordinary courts. The act also states that traditional authority mediators must retain their jurisdiction to deal with, and settle, land disputes.

At present, however, the land dispute management system in Uganda does not recognize the inherent differences between disputes over land held under customary tenure and those held under other tenure regimes. There is no specific recognition given to indigenous mechanisms for dispute processing or customary law as a normative framework for the processing of disputes under customary tenure.

7 LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS

7.1 Jurisdiction of the Framework

The following will apply in the implementation of this framework:

- all land acquisition, including voluntary land contribution will be compensated,
- compensation will be limited to valuations made after the cut-off date
- compensation for existing infrastructure will be limited to new land acquired for extensions and rehabilitation of these infrastructures and related services,
- All land conflicts will be resolved in a transparent manner and in a manner that is not coercive. Attempts will be made to resolve conflicts at the village, traditional authority or district level. Where this is not possible, recourse can be heard at State legal institutions on land ownership in Uganda

7.2 Land Acquisitions, Title, Transfer and Term of Ownership

Land acquisition in Uganda may be achieved through:

- occupancy by individual persons and by local communities, in accordance with customary norms and practices, which do not contradict the Constitution;
- uninterrupted occupancy by individual nationals who have been using the land in good faith for at least twelve years before 1995 and;
- authorization on the basis of an application submitted by an individual or corporate person in the manner established by the Land Law

The Land Law stipulates that a land title will be issued by the Lands Department. However, the absence of a title will not prejudice the right of land use and benefit acquired through occupancy. The application for a land title will include a statement by the local administrative authorities, preceded by consultation with the respective communities, for the purpose of confirming that the area is free and has no occupants. Title to local community land will be issued in a name decided upon by the community and individual men and women who are members of the local community may request individual titles after partitioning community land.

The right of land use and benefit can be proved by presentation of the respective title; testimonial proof presented by members, men and women of local communities and by expert evidence and other means permitted by law.

Among other modes of land transfer, the Land Law permits the transfer of land by inheritance, without distinction by gender. The right of land is not subject to time limit for the following cases: (i) Where the right was acquired by local communities through occupancy; (ii) Where it is intended for personal residential purposes and; (iii) Where individual nationals intend it for family.

7.3 Land Acquisition Mechanism for ARSDP

7.3.1 Critical Issues

This Resettlement Policy Framework, for the ARSDP program activities advocates all measures to eliminate or minimize the impacts of physical and economic displacement of people. Therefore when the acquisition of land is required, the program will:

- initially endeavor to utilize available freehold or public land;
- seek voluntarily donated land, sufficient for the purposes of the ARSDP program;
- negotiate acquisition of land suitable for implementation of the ARSDP program activities using agreed compensation plans and only as a last resort and;
- acquire land through involuntary means following the provisions outlined in this RPF

Component 3. Proposed improvements for BTVET institutions, it was noted that UPIK is in the process of getting all their titled, UTC Kichwamba has a title in the Names of Uganda Land Commission. It is, therefore, advised that those institutions that have not yet transferred the land titles in their names do so to avoid the growing tendency for government land to be grabbed and sometimes sold at giveaway prices. As a condition for ARSDP funding the line Ministries should ensure that all the interventions should only be developed on secured land.

7.3.2 Voluntary Land Contribution with Compensation

Voluntary Land Contribution with Compensation will refer to cases where individuals or community land owners will agree to provide land for ARSDP program-related activities, in return for negotiated compensation. Where this approach is taken, the entire process should be fully documented and consent agreements banked by the District Land Board as well as the lower level local governments.

Note: Voluntary Land Contribution without Compensation is not recommended, because the experience has shown that opening up this venue either leads (i) to elitism or to (ii) forced contribution from the most vulnerable groups or persons. To avoid this elitism, abuses of vulnerable groups, and delays in ARSDP Program, it is preferable to compensate all land acquisition for program activities.

7.3.3 Involuntary Acquisition of Land

Involuntary acquisition of land and assets thereon, including resettlement of people, unless absolutely necessary, will be avoided. Where involuntary land acquisition is unavoidable then it will be minimized to the greatest extent possible. The Displaced Persons will participate throughout the various stages of the planning and implementation of the land acquisition, compensation and resettlement plans and processes. Prior to the preparation of the Resettlement Action Plans, the persons to be displaced will be informed of the provisions of this Framework and their entitlements at public meetings.

7.4 Categories of Project Affected People (PAPs)

The likely numbers of persons who may be affected and displaced during implementation of the ARSDP Comprehensive program activities can not be accurately estimated. However, the ARSDP Project Affected Persons (PAPs) or the persons likely to be displaced economically or physically can generally be categorized into the following main groups.

7.4.1 Affected Households

A household will be affected if one or more of its members are affected by the ARSDP project activities. This will be either in the form of loss of property, land or access to services or socio-economic resources. Affected household members will include:

- Any member of the household whether men, women, children, dependent relatives, friends and tenants,
- Vulnerable individuals who may be too old or ill to farm or perform any duties with the others,
- Members of the household who are not residents because of cultural rules, but depend on one another for their livelihood,
- Members of the household who may not eat together but provide house keeping or reproductive services, critical to the family's maintenance,
- Other vulnerable people who cannot participate, for physical or cultural reasons; in production, consumption, or co-residence.
- Disabled people who may be attached to a particular service center.

7.4.2 Vulnerable Households

One of the objectives in the decentralization policy of Uganda targets empowering women by removing restrictive practices on women's participation in decision-making processes that affect them. Particular attention will be paid to impacts on vulnerable members of these communities such as women, children, the disabled, female and child headed households, and internally displaced people. Internal conflicts, historical marginalization, poor infrastructure, and diseases still affect the region, with significant impacts on human welfare and quality of life.

7.4.3 Elderly

The elderly people farm or engage in other productive activities as long as they are physically able to. Their economic viability does not depend on how much land they farm or how much they produce because, by producing even small amounts of food to “exchange” with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbors. Losing land will not necessarily affect their economic viability. They will have cash or in-kind replacements to exchange. For future production they need access to only a small parcel of land. What would damage their economic viability is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.

7.4.4 Voluntary Land Contributors

Under some development projects, especially community projects very similar to ARSDP, there were instances when individual members gave land voluntarily. Particular attention will be paid to ascertain that these contributions were indeed voluntary and free from all pressures from society and free from fear of prosecution, marginalization or stigmatization. All persons or groups affected by this will be monitored even where contributions are voluntary to ascertain whether they have not been or likely to be affected such that they are left poorer or livelihoods affected without course for compensation. Sometimes land is given “voluntarily” because people do not want to be seen as or accused of, holding back community development. Where this approach is taken, the entire process should fully be documented and consent agreements banked by the District Land Board as well as the lower level local governments

7.4.5 Women

Women may depend on husbands, sons, brothers or others for support. In many cases too, women are the main breadwinners in their households, yet in some communities in Uganda, women cannot own land. Also, as mothers and wives, they need access to health service facilities. Women are central to the stability of the household. They will not be resettled in a way that separates them from their households as the survival of their households depends on them. Furthermore, the decentralization policy of Uganda recognizes the plight of women and seeks to encourage employment and the involvement of women in decision-making. Their compensation will take into account all these factors. The needs and problems of the women are likely to be different both in character and magnitude from those of men, particularly in terms of social support, services, employment and means of survival. Female heads of households are eligible for the same benefits as their male counterparts but they would need special attention if they lack resources, educational qualifications, skills, or work experience compared to men.

7.4.6 Customary Land Users without a Formal Title

These are the local or/and indigenous groups and are usually peasant farmers or pastoralists who may have customary rights to the land and other resources taken away due to the ARSDP. These people usually have ancestral customary rights to regulate collective common property and have open access to common grazing land, fishing areas, forest and grassland resources for subsistence and cash incomes. The World Bank Policy (OP 4.10) has been triggered for ARSDP because it will cover areas inhabited by legally recognized these peoples’. MoLHUD will have to consider the affected people in this category and work out a compensation and resettlement package for them if the project affects them with respect to physical and economical land dislocations or/ and involuntary abstraction to a legally designated parks and protected areas.

8 SUBPROJECT SCREENING, LAND ACQUISITION AND RESETTLEMENT

8.1 Project Screening

The Involuntary Resettlement Policy requires that all Bank-financed operations are screened for potential impacts, and that the required compensation work is carried out on the basis of the screening results before implementation or civil works for each subproject begins. Sub-projects might also have a social impact on the community. Potential socio-economic impacts that will require mitigation measures, resettlement and compensation will have to be identified. The subprojects will be screened to answer the critical questions below:

- i. Will involuntary resettlement, land acquisition, or loss, denial or restriction of access to land and other economic resources be caused by the implementation of the sub-project?
- ii. Will the sub-project result in the permanent or temporary loss of crops, fruits and household infrastructures such as granaries, outside toilets, kitchens, and other structures, etc.?

8.1.1 Preparation of Resettlement Action Plans

The screening process is a very important component of several activities that contribute to the preparation of the Resettlement Action Plans (RAPs). The RAP which will be drafted by ARSDP will specify the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities. The RAP will have to identify the full range of people affected by the project and justify their displacement after consideration of alternatives that would minimize or avoid displacement. Preparation and submission of the Resettlement Action Plan to the relevant local government authorities and World Bank comprises the following steps:

Step 1: The program investment activities to be undertaken and the locations of the investments will undergo preliminary evaluation on the basis of the objectives of the program.

Step 2: The developer, ARSDP, and implementing institutions will approach the communities impacted through the local government authorities with the view to arriving at a consensus on possible sites for the type of facility to be adopted.

Step 3: The Local Communities authorities (village councils, parish/sub-county county and district development committees) will undertake their inter-communal consultations in order to review the siting of the facility.

Step 4: The environmental and social screening process in conformity with the provisions of the ESMF and the RPF screening process. The process will determine:

- whether any resettlement will be required at the chosen site and if so
- whether alternative sites are available,
- whether any loss of land, assets or access to economic resources will occur or
- Whether any of the World Bank operational policies will be triggered.

Step 5: On the basis of analysis of the matrix emanating from the two screening processes a final selection of the optimum site presenting the least negative environmental and social impacts including resettlement /loss of assets can be made.

Step 6: Where resettlement or loss of assets cannot be avoided, the provisions of the World Bank's OP 4.12 will be applied and a RAP prepared for each sub project /investment.

In the event that resettlement will be triggered, a comprehensive Resettlement Action Plan will be prepared for the respective subproject. The RAP shall, among others:

- Establish method for determining a cut-off date for compensation.
- Provide description of different categories of impacted people determined by degree of impact and assets lost.
- Define criteria to be used in identifying who is eligible for compensation for each category of population impacted. These criteria may include, for example, whether losses are partial or total, whether people have their own land or also rent land, and what happens when buildings are occupied by more than one business tenant or household.
- Elaborate on amount of losses, ownership status, tenancy status, and any other relevant information.
- Identify who and how impacted persons will be impacted, who will determine eligibility, and how process will work.
- Set out the different categories of people that may be affected by subproject, and show the types of losses such people may suffer, whether to land, income, rights of access, housing, water sources, proximity to work, and others, and including combinations (house and land, for example).
- Make the eligibility criteria user-friendly, so that those applying the principles to subprojects "on the ground" will be able to quickly identify whether people affected are eligible for compensation, and how.
- Describe who will judge eligibility in difficult cases, for example by the use of neighborhood or village committees, or outside experts, and how such processes will work.
- Define categories of people eligible under national law, and, separately, any others who must be compensated because of the requirements of World Bank policy.
- Define the unit of compensation – individuals, families, collectives (or all three, because some losses may be sustained by individuals, others by the community as a whole or by associations within it such as religious or farmers' groups).

As a general guide the RAP must:

1. Sufficiently justify resettlement as unavoidable.
2. Be based on the baseline study reports and inventory of assets.
3. Uphold the principle of fairness in compensating affected persons.
4. Contain deliberate activities and mechanisms to enhance capacity to efficiently manage the resettlement process. This must include strengthening existing capacity of Water authorities and local Councils to handle the process where necessary.

The process of preparing the resettlement action plans, in line with the requirements of above, will involve the following:

- A census shall be carried out to identify PAPs
- The census will generate information about the Displaced Persons, their entitlements regarding compensation, resettlement and rehabilitation assistance as required,
- Disturbances, especially those affecting income-earning activities and impact on assets should be properly recorded with the view to compensation or replacement in case of resettlement,
- Based on the census and inventory of losses, and in consultation with the Displaced Persons, a time-phased action plan with a budget for provision of compensation, resettlement, and other assistance as required, shall be prepared.

To ensure transparency of procedures, PAPs and Displaced Persons shall be informed of the method of valuation employed to assess their assets. All payments of Compensation, Resettlement Assistance and Rehabilitation Assistance, as the case may be, shall be made by the PCU in the presence of the PAP(s) in question and a witness, and local officials. The District Local Governments will be responsible for implementing the resettlement process, carrying out a census of PAPs and the affected properties, RAP preparation and compensation. The MoLHUD will monitor this process and give advisory services as required.

9 STAKEHOLDER CONSULTATION AND PARTICIPATION

9.1 Overview

The Consultants have carried out appropriate consultations with stakeholders during the preparation of this RPF. Stakeholders consulted include relevant Government agencies, local government authorities and Technical Institutions. Two steps of information and consultation are proposed to be implemented in the course of the preparation of RAPs:

- Initial information:
 - ✓ this step should coincide with the cut-off date (information should not be delivered in advance of the cut-off date to avoid encroachment by new arrivals),
 - ✓ Basic information will be provided to potentially affected people on the Project, and resettlement and compensation principles as they are outlined in this RPF,
 - ✓ The engagement of the PAPs will take the form of a public meeting at project areas
- Consultation on draft RAP: once these are available in draft form, they should be discussed with the affected communities, whose comments will be incorporated into final documents.

9.1.1 Key Issues

The objective of consultations will be to secure the participation of all people affected by the project in their own resettlement planning and implementation, particularly in the following areas:

- alternative project design;
- assessment of project impacts;
- resettlement strategy;
- compensation rates and eligibility for entitlements;
- choice of resettlement site and timing of relocation;
- development opportunities and initiatives;
- development of procedures for redressing grievances and resolving disputes; and
- mechanisms for monitoring and evaluation and for implementing corrective actions

9.2 Consultation Phases

9.2.1 Data collecting phase

Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers' associations, individuals who own farms, etc., as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

9.2.2 Implementation phase

During implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded. The participation of local leaders and PAPs in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

9.2.3 Monitoring and evaluation phase

PAPs representatives will participate in the sub-project workshops at mid-term and at the end of RAP implementation. To the extent possible, the RAP should include social accountability tools like citizen report cards to assess the quality of RAP implementation, and in some cases, assist the RAP team in tracking expenditures. The latter would be significant in helping PAPs with money management and restoring their livelihoods. PAPs will be able to suggest corrective measures, as needed, to improve RAP implementation in the sub-project(s). Prior to closing the RAP, PAPs will participate in a feedback survey as part of the RAP's independent impact evaluation exercise.

9.3 Community involvement and sensitization

The affected persons should be engaged in active consultations at the beginning of the project and they should have access to the Resettlement Action Plan and be encouraged to provide input. Consultations should happen in local language where possible; women should be consulted separately if that is more appropriate. The consultation process should ensure sizeable participation of women, youth, migrants, and groups at risk of exclusion, and also ensure prior distribution of project information in a form that is accessible to community members, etc. Communities within the project areas as well as indigenous communities will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts will be well communicated to the community. The Ugandan law requirements on consultation and information, as well as those related with grievance management fall short of meeting WB requirements. The application of these will require:

- Meaningful information and consultation to take place before the process leading to displacement is launched in each particular location concerned by a subproject,
- A specific grievance registration and processing mechanism to be put in place

9.3.1 Notification Procedure

Affected persons will be notified through both formal (in writing) and informal (verbal) manner, for example at community meetings called by District Steering Committee. Public notices in the daily newspapers, radio or television services will be conducted to notify the public of the intention to acquire land earmarked for subprojects. A copy of such notice shall be served to each owner, occupier and person or agent having an interest in the land thereof. The names and addresses of the owners, occupiers and agents shall be readily ascertainable. The notice shall state:

- The Project's proposal to acquire the land;
- The public purpose for which the land is wanted;

- That the proposal or plan may be inspected at the NPCU or the CAO's office
- That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the entities cited above within a period to be specified at the time of publication of the Notice;
- List the cut off date detailing that in-migration after this date will not receive compensation.

9.3.2 Documentation

The names and addresses of affected persons will be compiled and kept in a database including claims and assets. The DSC will maintain records of these persons as well as the CAO. The records are also important especially for future monitoring activities. Documentation will include documents relevant to land transactions (voluntary and involuntary).

9.3.3 Contract Agreement

A contract listing of all property and land/ farms being surrendered and the types of compensation (both cash and kind) will be prepared. The contracts will be presented at community meetings/ durbars prior to signing. The handing over of property and compensation payments will be made in the presence of the affected persons and the Compensation Committee, and in public.

9.3.4 A summary of the key issues raised by Stakeholders that are relevant to this RPF Dails can be found in Annex 6

A number of consultations were undertaken with a wide range of stakeholders, these included officials from MoF, MOES, MoLG , MLHUD, NEMA, District Local Governments, Municipal councils of where the ARSD projects will be implemented. Other stakeholders were UPIK andUTC-K.

Table 7: Summary of Key Issues Raised by Stakeholders Consulted

Area	Pertinent Issues Raised
Homia District 23/10/2013	<p>Albertine Region where most of the oil drilling is going to take place has an interesting eco-system and has a lot of implications, the game reserves which have been in existence for so many years need to be considered during implementation of projects especially those projects that require land acquisition. However, district has not been much involved in the issues of Oil & Gas.</p> <ul style="list-style-type: none"> • There is a big gap between the Centre and Districts and during actual project implementation the districts have no budgets yet they have formulas for monitoring and are supposed to back-up the consultants. • Hoima District is overwhelmed with Oil & Gas activities from various sectors and investors coming to the district headquarters at the same time and requesting to see the same officials. • However it was reported that the consultations are usually on short notice and for the purposes of proving that the districts were consulted but without much in depth involvement during planning. • There is lack of coordination in handling Oil & Gas activities, there is need to establish a coordination office that can effectively handle and advise on the Oil & Gas issues if it is CAOs' office let it be known. • There is need to specifically sensitize both the technical and political officials about the new projects and go to communities. • The district has a number of challenges to handle the projects, no budgets for monitoring, inadequate staff, no vehicles, no equipment only have paper and pen.
Bulisa	Much as the District has some staff to handle safeguard issues they lack the required capacity in terms of

<p>District</p>	<p>knowledge, equipment and office space. Some staff are available such as; Personnel and Nature Resource Officer, Surveyor, Fiscal Planner- Acting, Environmental Officer- ActingForestry officer-Assigned, Valuer, Lands Officer, Cartographer District Natural Resource Officer but the main challenge is that 90% of the staff are on study leave and when they go they are deleted from the Payroll.</p> <p>The district of Buliisa is faced with following Challenges</p> <ul style="list-style-type: none"> ▪ Working conditions are not favorable, it's a hard to reach place and hard to stay; lack houses for staff accommodations ▪ Food is every expensive and markets are also very far ▪ Schools are of low quality ▪ There is no electricity, it makes delivery hard ▪ Road network is very poor ▪ No health services, there is only one health centre 4 ▪ Water is salt, not safe ▪ Source of income were all taken up by URA for instance Landing Sites among others
<p>Buliisa Town Council 24/10/2013</p>	<p>Buliisa is not only hard to reach but also hard to stay area and this is considered as the main reason why Buliisa cannot retain staff.</p> <p>Several challenges include lack of accommodation, not sufficient food, the markets are basic that they do not have a variety of food, local restaurants have only staple food which is very expensive, transport within the town council is not easy as there is no transport for the office, no computers all the accounts work is done manually, office space is inadequate, most of the workers are under qualified.</p> <p>Due to inadequate staff the capacity to handle environment and social safeguards is wanting because most staff are in acting capacities while others are on training.</p> <p>Capacity challenges</p> <ul style="list-style-type: none"> ▪ Recruitment, they don't have authority to recruit new staff, it has to be done at the ministry, even when the staff is a junior staff. ▪ Recruitment procedures are not standardized especially for the council ▪ Both staff at the District and Council are under qualified as compared to the requirements ▪ Facilities to enable them work are not available, for instance standard of living is very expensive as compared to earnings for instance transport is hard (They have to foot to and from work every day for long distances), this has made other staff to resign from work because of the hard conditions which cannot be sustainable. <p>Strategy/ mechanisms</p> <ul style="list-style-type: none"> ▪ There is need for the extension of the administration block for the missing offices, because they are piled in one small office, therefore making the effectiveness of work poor. ▪ Training of staff in relevant fields ▪ Motivation of the staff to enable them work because Buliisa is a hard to stay place ▪ Recruitment of missing staff to have the impact of work in the community ▪ Empower staff to mobilize and sensitize the communities, because there are difficult to work with. ▪ Provide, working equipments, like desks, chairs, cabinet, shelves, vehicles, motorcycles.
<p>UPIK Kigumba 25/10/2013</p>	<ul style="list-style-type: none"> • Have enough land of an allocation of 465 hectares given to them by Kigumba Cooperative College. • A title is being processed right now for both UPIK and Kigumba Cooperative College. • Already have a Master plan for; staff houses, student hostels, administration block, training block and waste management site. • Have already done ESIA for the entire plan. • Have a strategic plan (2014-2019) <p>Benefits to the community</p> <ul style="list-style-type: none"> • Employment creation for local communities • Provision of logistics to the Institute • Provide a big market for food. <p>Capacity Needs</p> <ul style="list-style-type: none"> • Training of Trainers for International Certification • Certification of Students through partnership and collaboration. <p>Have capacity to handle Social and environmental safeguards issues since they are training students to handle Oil & Gas related activities where environmental and social issues are paramount</p>
<p>UTC Kichamba</p>	<ul style="list-style-type: none"> • Land is available worth are 82 acres. Less than 10% of it is in use – all of it is fenced, wall at the front and chain link else where (80.15acres = 32.14 Hectares) in the name of Uganda Land Commission like

25/10/2013	<p>most of the Institutions.</p> <ul style="list-style-type: none"> The Plan is to put up an administration block storeyed building. All technical schools want the same plan – spearheaded by Bushenyi. The college follows the MoES health policy- encourage VCT, don't discriminate, male circumcision, encourage behavior change through counseling and talk shows. <p>Benefits of the college to the community</p> <ul style="list-style-type: none"> The community benefit by sending their children to the college Staff are local both teaching and non teaching staff Products used at the college are bought from the local markets Provide a play ground because it is the best in the district Provide study tours for students for free <p>Other plans in future</p> <ul style="list-style-type: none"> Open the gate for the community members to come in and benefit from the resources of the college Provide skilled training for the community during vocation Give opportunities to the communities to build hostels for students so that the school can concentrate on academics Build a dining hall which can accommodate the college population. <p>challenges</p> <ul style="list-style-type: none"> Need to upgrade the sewerage system There is still absenteeism of students Waste management is not done well, they still use the old system of pits and burning, therefore there is need for capacity to manage the wastes in a modernized way Need to advance the clinic to a medical centre Don't have a library - now using some block meant to be a workshop, so students do not do the training at college, only learn from industrial training. There is need fora college environment management policy <p>No capacity to handle environmental and social safeguard issues and the institution is doing very badly in terms of solid waste management.</p>
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Agency/stakeholder	Views
<p>Ministry of Local Government , MoLG 29/11/2013 Respondent(s): Eng. Paul Kasule-Mukasa Contact: pkmukasa@yahoo.com</p>	<p>Purpose of consultation: To establish whether MoLG has an Environmental Officer and Sociologist to be responsible for ARSDP project and their capacity needs.</p> <p>Respondent views: Currently there is no Environment Officer in MOLG but there are inspectors, who were trained and gazetted by NEMA as Environmental Inspectors. These however do not practice environmental management and are by and large financial inspectors. It should therefore be prudent to propose a position in the PST of the MOLG to handle the ARSDP programme. If it is not agreeable/feasible, then the PST in MLHUD handles ARSDP environmental affairs.</p>
<p>Ministry of Education & Sports, MoES 27/11/2013 Respondent(s): Ms. Doroty Sekimpi, ARSDP Project Coordinator Contact: dorothysekimpi@yahoo.com</p>	<p>Purpose of consultation: To establish ifMOES has an Environmental Officer or Sociologist to handle ARSDP project and their capacity needs.</p> <p>Respondent views: MOES has an Environmental Focal Person (Mr. Sempala 0772-395245) who is also Assistant Commissioner Business, Technical and Vocational Education and Training (BTVET). These is however a capacity gap in regard to social safeguards, since unlike for environmental aspects, no person handles this in the ministry.</p> <p>This focal person and the project coordinator need environmental training in EIA processes in Uganda, conduct of EIA as well as World Bank safeguard policies.</p> <p>Specifically for BTVET component, courses identified by the Energy Sector include Electrical engineering courses, Mechanics engineering courses, Fire fighting, Lifting Operations, Pipeline fitting, certified driving, welding, cementing, wireline logging, drilling, rig floor men/derrick men skills and training for, HSE Superintendents/supervisors. These should raise skills base for local people in oil and gas services.</p>

<p>National Environment Management Authority, NEMA 28/11/2013 Respondent(s): Waiswa Ayazika Arnold Director, Environmental Monitoring & Compliance</p> <p>Contact: NEMA House, 1st Floor Plot 17,19& 21 Jinja Road, Email:wayazika@nemaug.org</p>	<p>Purpose of consultation: To discuss the following questions</p> <ol style="list-style-type: none"> 1. ESMF are prepared when specific details of a project are not yet ascertained, hence it is largely a guiding tool to identify general possible impacts and mitigation options. It also provides screening guidance to identify projects that may need EIA or not. Does this complement NEMA's effort towards regulatory compliance? 2. What has been NEMA's experience regarding use of EMSFs in environmental management during projects implementation? 3. Do find that local government environmental offices use ESMFs effectively? <p>Respondent views: Environmental Officers at District level have skills and capability to undertake project screening, initiate and oversee environmental impact process for projects in their areas of control. ESMF and RPF would complement NEMA effort on environmental protection rather than conflict with EIA processes.</p>
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10 ELIGIBILITY CRITERIA AND DISPLACEMENT PROCEDURES

10.1 World Bank Criteria for Determining Eligibility for Compensation

According to OP 4.12 of the World Bank, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for persons to be displaced, are based on the following:

- a. Persons that have formal legal rights to land, including customary and traditional; and religious rights recognized under the laws of Uganda. This class of people includes those holding leasehold land, freehold land and land held within the family or passed on through generations.
- b. Persons who do not have formal legal rights to land or assets at the time the census begins; but have a recognized claim of use to such land or ownership of assets through the national and traditional laws of Uganda. This class of people includes those that come from outside the country and have been given land by the local dignitaries to settle, and/or to occupy.
- c. Persons who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from. This class of people includes encroachers and illegal occupants/squatters.

Persons covered under (a) and (b) above are provided compensation for loss of land and assets and other assistance as needed. Persons covered under (c) above are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to the cut-off date. In practice, this means that people usually considered in Uganda as “squatters” will be entitled to Project assistance as long as they are present on site at the cut-off date.

In other words the absence of a legal title to land or other assets is not, in itself a bar to compensation for lost assets or to other resettlement assistance. This is also in line with the Land Act (Uganda) which recognises such rights such as sharecroppers and squatters provided they have been in place for twelve years prior to the promulgation of the Land Act. Under the OP 4.12, squatters are also entitled to resettlement assistance provided they occupied the land before the established cut off date. These PAPs under the third category, to be able to qualify for resettlement assistance, however must comply with the cut off date as established by the management committees in close consultation with stakeholders following a socio economic study of the project area. None who has occupied the project area after the cut off date will qualify for resettlement assistance under this RPF.

10.2 Consideration under the Project

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in the desk studies and field consultations. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be made to PAP households and individuals as the case may be.

In dealing with compensation, preference shall be given to land based resettlement strategies for Project Affected Persons whose livelihoods are land-based. Where sufficient land is not available at a reasonable price, non-land based options centered on opportunities for employment or self re-

employment should be provided in addition to cash compensation for land and other assets lost. However this lack of land shall be documented and justified.

In addition to these entitlements, households who are found in difficult situations and are at greater risk of impoverishment (i.e. widowed household heads, households without employment, single parent households etc.) as identified by the census will be provided with appropriate assistance by the project. Assistance may be in form of food, temporary accommodation, medical subsidy, employment referrals or priority employment in project activities. The assistance is meant to help them cope with the displacement caused by the project. It is not possible to provide an exhaustive list of such persons at this project preparatory stage. However, based on an understanding of the social structure of the rural community and the nature of the projects, it is possible to suggest that the most likely affected persons will comprise both individuals and communities as a whole including women, vulnerable groups and Indigenous communities.

10.3 Cut-off date

In accordance with OP 4.12 and for each sub-project activities under the ARSDP, a cut-off date will be determined, taking into account the likely implementation schedule of the activities. To ensure consistency between Ugandan legal requirements and WB policies, this cut-off date should be the date of notification to owners/occupiers as provided under the Lands (land act) Act, 1995, where acquisition of land is involved.

Once the relevant local authority has approved the sub-project, the Project Implementation Team and Compensation Committee will meet to discuss and agree on a program of implementation. They will also choose tentative **cut-off dates**. The dates would then be communicated to the community through their respective representative in the District and Municipal Compensation Committees.

The entitlement cut-off date refers to the time when the assessment of persons and their property in the sub-project area is carried out, i.e. the time when the sub-project area has been identified and when the site-specific socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. The establishment of a **cut-off date** is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a major risk to the sub-project.

Where there are clearly no identified owners or users of land or assets, the respective Regional Lands Board and Land Use Administration will notify the community leaders and representatives to help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both formal notification in writing and by verbal notification delivered in the in the presence of the community leaders or their representatives.

10.4 Eligibility Criteria for Compensation

Determination of the eligibility of the bona fide occupants of the properties to be compensated shall be done through a transparent and legal process, taking into consideration all the existing laws of Uganda and policies of the World Bank and local customs. Compensation will be paid only to those persons:

1. Who prior to the commencement of the project, have evidence of ownership or occupancy of the land of at least 30 days within the period of commencement of the project;
2. Who have property (a house, crops or thriving business enterprise) situated in the area identified for development;
3. With household members who derive their livelihood from the advantage of location and proximity to other social economic facilities provided the current settlement.

The Entitlement Matrix below shows will show the types and number of affected people, the types and quantity of losses, and the forms and amounts of compensatory actions that will be taken for each type.

Table 8: Eligibility criteria

Category of affected persons	Assets	Type of compensation
Persons with formal legal rights to land including customary leaders who hold land in trust for community members.	Physical and non- physical assets such as residential structures, productive lands, economic trees, farm lands, cultural sites commercial/ business properties, tenancy, income earning opportunities, and social and cultural networks and activities	To be provided compensation for land lost taking into account market values and other assistance. Compensation to be granted to communities.
Persons with customary claims of ownership or use of property recognized by community leaders (including the landless and migrants)		To be provided compensation for land lost taking into account market values and other assistance. Users to be provided with alternative lands to use.
Persons with no recognizable legal right or claim to land they are occupying, e.g. squatters		To be provided resettlement assistance in lieu of compensation for land occupied.
Persons encroaching on land after the notification		Not eligible for compensation or any form of resettlement assistance

Table 9: Entitlement and Compensation Matrix

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
Agricultural land	No Displacement: - Cash compensation for affected land equivalent to market value. The remaining land remains economically viable	Farmer /Title holder	Cash Compensation for affected land equivalent to market value
		Tenant /Leaseholder	Cash compensation for the harvest of affected land equivalent to the average market value over three years or the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher.
		Squatter	Cash compensation for the harvest of affected land equivalent to the average market value over three years or the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher.
	Displacement: - If more than 50% of the land holding is lost or less than 50% of the land lost but remaining	Farmer /Title holder	Land for land replacement where feasible or compensation in cash for the entire land holding according to PAPs choice. Land for land replacement will be in terms a new parcel of land of equivalent size and productivity with a secure

	land not economically viable.		tenure status without encumbrances at an available location which is acceptable by the PAP. In addition relocation assistance to be paid ((costs of shifting + assistance in re-establishing perennial crops including economic trees up to a maximum of 12 months while short term crops mature)
		Tenant /Leaseholder	Cash compensation equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement.. In addition relocation assistance to be paid ((costs of shifting + Allowance)
		Squatter	Cash compensation equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement.
		Agricultural worker	Cash compensation equivalent to the local average of 6 months salary + relocation assistance to be paid ((costs of shifting + Allowance) +Assistance in getting alternative employment
Commercial Land	No Displacement: - Land used for business partially affected	Title Holder / Business owner	Cash compensation for affected land, and opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
		Business owner is lease Holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
	Displacement: - Premise used for business severely affected remaining area not sufficient for continued use	Title Holder / Business owner	Land for land replacement where feasible or compensation in cash for the entire land holding according to PAPs choice. Land for land replacement will be in terms a new parcel of land of equivalent size and market potential with a secure tenure status without encumbrances at an available location which is acceptable by the PAP. In addition relocation assistance to be paid ((costs of shifting + Allowance) Opportunity cost compensation equivalent to two months net income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
		Business owner is lease Holder	Opportunity cost compensation equivalent to two months net income based on tax records for previous year or equivalent business or suitable estimates in absence of records. Relocation assistance in rental/leas alternative land, property for a maximum of six months to re-establish business
Residential	No Displacement: -	Title Holder	Cash Compensation for affected land, taking into

land	Land used for residence partially affected, limited loss and remaining land remains viable for present use		account market values
		Rental / Lease holder	Cash compensation equivalent to 10% of lease / rental fee for the remaining period of rental lease agreement
	Displacement: - Premise used for residence severely affected remaining area not sufficient for continued use or becomes smaller than minimally acceptable under the Town and country planning Act	Title Holder	Land for land replacement where feasible or compensation in cash for the entire land holding according to PAPs choice. Land for land replacement will be of minimum plot of acceptable size under the Town And Country Planning Act which ever is larger in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as a secure tenure status without encumbrances at an available location which is acceptable by the PAP. In addition relocation assistance to be paid ((costs of shifting + allowance)
Building and Structures	No Displacement: - Structure partially affected, but remaining structure remains viable for continued use	Owner	Cash compensation for affected building and other fixed assets, taking into account market rates for structures and materials Cash assistance to cover costs of restoration of remaining structure
		Rental / Lease Holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant -e.g. fence), taking into account market rates for materials Disturbance compensation to the tenant equivalent to two month's rental costs
	Displacement: - Entire structure affected or partially affected but remaining structure not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation or alternative structure of equal or better size and quality in an available location which is acceptable to PAP. Compensation should take into account market rates for structures and materials. Right to salvage materials without deduction from compensation. In addition relocation assistance to be paid ((costs of shifting + allowance) + Rehabilitation assistance if required
		Rental /Lease Holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant -e.g. fence), taking into account market rates for materials. In addition relocation assistance to be paid ((costs of shifting + allowance equivalent to four months rental costs) + Assistance to help find alternative rental arrangements + Rehabilitation assistance if required
		Squatter /Informal dwellers	Cash compensation for affected structure without depreciation + Right to salvage materials without deduction from compensation. In addition relocation assistance to be paid ((costs of shifting + allowance) + Rehabilitation assistance if required

			Alternatively assisted to find accommodation in rental Housing or in a squatter settlement scheme if available. Assistance with Job placement/skills training
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant or squatter)	Cash compensation equivalent to average of at least three years market value for the mature and harvested crops.
Trees	Trees lost	Title Holder	Cash compensation based on type age and productive value of affected trees + 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant or squatter)	Cash Compensation for any assets affected e.g. boundary wall demolished, trees removed – taking into account market rates for materials.

10.5 Women, Children and other Vulnerable Groups

Vulnerable groups will be at risk of becoming more vulnerable due to displacement, compensation, and resettlement process. Vulnerable groups include households headed by women, households victimized by HIV/AIDS that are headed by children, households made up of the aged or handicapped, households whose members are impoverished, or households whose members are socially stigmatized (as a result of traditional or cultural bias) and economically marginalized. Considered to majorly comprise vulnerable people Assistance to these vulnerable groups of people may include:

- Assistance in financial literacy training especially for women and assistance in compensation payment procedures (e.g., going to the bank with then person to cash the compensation cheque);
- Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery;
- Assistance in moving: providing vehicle, driver and assistance at the moving stage;
- Assistance in the locating and growing of fodder banks for the Pastoralists for cattle grazing;
- Ensuring migrant and settler farmers are included in the consultations regarding the RPF/RAP and compensation and have their share of the compensation and assist in finding alternative sites for farming and also be incorporated into the out-grower and small holder schemes of the project;
- Assistance in building i.e. providing materials, workforce, or building houses;
- Health care if required at critical periods i.e. moving and transition period.

Women comprise a disproportionately large number of the poor in the project areas due to gender discrimination which limits women's access to resources and opportunities necessary to improve the standard of living for themselves and their families. As a result, women are often the first to suffer when resettlement is planned or executed badly. Women with children also have less physical mobility to travel to find ways of earning a livelihood. One of the immediate and practical initiatives to be considered is ensuring that land titles and compensation entitlements for a particular household are issued in the name of both spouses.

10.6 Displacement of People

Where displacement of people is unavoidable, the following conditions shall be followed:

- (a) The entitlement cut-off date shall be determined and agreed upon in consultation with the lower and higher local governments and all the stakeholders particularly the affected persons;
- (b) An assessment of the time likely to be needed to restore their living standards, income earning capacity and production levels shall be made;
- (c) The assessment shall ensure that the condition of the displaced persons shall be improved or at least maintained at least the levels prior to project implementation;
- (d) The displaced persons shall be provided with development assistance, in addition to compensation measures described above. These shall include assistance for land preparation, credit facilities, training for job opportunities, residential housing, or as required, agricultural sites for which a combination of productive potential, location advantages and other factors shall be at least equivalent to those of the old site.

11 ENTITLEMENTS AND VALUATION METHODS

11.1 Extent of Compensation by Law

The Land Act provides for extent of compensation as quoted here forth: “Where any land has been acquired under this Act, compensation shall only be payable in addition to the value of any improvement or works constructed on such lands: - for the loss of usufructuary rights over such lands in the case of land under customary tenure, and - for the market value of such lands in the case of freehold land.”

In estimating the compensation to be given for any land or any estate therein or the potential profits thereof, the following shall be taken into account:

- a) The value of such lands, estates or interests or profits at the time of the emission of the notice to acquire, and shall not take into account any improvements or works made or constructed thereafter on the lands,
- b) That part only of the lands belonging to any entity /person acquired under this Act without consideration for the enhancement of the value of the residue of the lands by reason of the proximity of any improvements or works to be made or constructed by the Project, and
- c) The value of the lands acquired for public purposes but also to the damage, if any, to be sustained by the owner by reason of the injurious effects of severance of such lands from other lands belonging to such owner or occupier.

For cash payments, compensation will be calculated in Ugandan currency adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labor.

11.2 Specific Compensation Components

The extent of land acquisition impact could not be established since the Local Government Authorities are still in the process of prioritizing the infrastructure and areas for upgrading for physical planning. This will happen as soon as the sub-projects are identified during the preparation of specific RAPs. However, for the institutions all the planned developments are to be implemented in their own land whose titles are being processed therefore no land acquisition is expected except for some other social impacts which will be identified after the preparation of Environmental and Social Impact Assessments (ESIA) for each sub-projects.

Compensation for Land

Compensation for land is aimed at providing for loss of crops and the labour used to cultivate the crop. Compensation relating to land will cover the market price of the land, the cost of the labour invested, as well as the replacement cost of the crop lost.

Determination of Crop Compensation Rates

Prevailing prices for cash crops would have to be determined. Each type of crop is to be compensated for, using the same rate. This rate should incorporate the value for the crop and the value for the labor to be invested in preparing new land.

Compensation Rates for Labour

The value of labor invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement farmland.

Compensation for Buildings and Structures

Compensation for buildings and other structures will be paid by replacement costs for labor and construction materials of these structures including fences, water and sanitation facilities, etc., will be used to calculate the values. Where part of the compensation is to be paid in cash the applicable replacement costs for construction materials will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey and update construction material prices on an on-going basis.

Compensation for Vegetable Gardens

Vegetables are planted and harvested for daily use. Until a replacement garden can be harvested, the family displaced (economically or physically) as a result of the project will thereafter have to be compensated at the purchase prices of these items on the market.

Compensation for Horticultural, Floricultural and Fruit trees

Given their significance to the local subsistence economy, fruit trees will be compensated on a combined replacement value. Fruit trees commonly used for commercial purposes in Uganda will be compensated at replacement value based on historical production statistics.

11.3 Key Valuation Methods

In Uganda, values for compensation of assets are determined by the Chief Government Valuer. The process, however, normally takes consideration of depreciation and the market values. The World Bank policy of compensation at Replacement Cost may be adopted where it provides a more appealing and adoptable position for handling compensation.

Agricultural land - it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

Land in urban areas - it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. This is to ensure that the values obtained are adequate to secure in-kind alternative land or cash compensation at market value for the affected owners.

Houses and other structures - it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes. In determining

the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

Loss of Income

Losses of income for businesses will be estimated from net daily/monthly profit of the business verified by an assessment of visible stocks and activities. In addition to the compensation, disturbance allowances of 10% of total compensation will be considered. The estimation of supplementary assistance for affected commercial structures or business units will generally be based on the following factors:

- Estimated income obtained from the use of the business/commercial unit; and
- Estimated period of disruption of business activities.

Generally, loss of income will be minimal. The farmers will be incorporated into the activities of the project. It is the intention of ARSDP to develop new pastures in rangelands surrounding the project area. These areas will be used by Pastoralists as grazing areas for their livestock. The Enumeration Approach will be adopted for the crops affected by the project. The Enumeration Approach involves taking census of the affected crops and applying flat realistic rate approved by the Land Valuation Division.

Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in OP 4.12, paragraph. 6. The valuation of the assets will be done with the engagement and participation of the PAPs. The PAPs have the opportunity to do their own valuation if they have doubts or misgivings through the facilitation of the project for further negotiations between them (PAPs) and the PCU of ARSDP. All negotiations will be done in collaboration and in the presence of Grievance Redress Committee to ensure that the PAPs who do not have good negotiating skills are not left behind, and that they also get benefits commensurate with their losses in most cases.

12 PROCEDURE FOR DELIVERY OF COMPENSATION

12.1 Consultation and Public Participation

Consultation and public participation with the PAPs will initiate the compensation process. This consultation and public participation will have been part of an on-going process that will be expected to continue in all stages. This trend will ensure that all affected individuals and households are well informed and adequately involved in the entire process.

12.2 Notification of Land Resource Holders

Those who hold title to the land resources will be informed through the consultation process above. In case there are no clearly identified owners or users of land to be acquired, MoLHUD, the respective local government administrations through the lands officers and the local council leaders of the respective communities where the land is located will be solicited to help identify owners or users in order to sensitize them on the project and its implications.

12.3 Documentation of Holdings and Assets

MoLHUD either through an internal team or through a consulting firm will undertake a detailed survey of all losses that will result for each household, enterprise, or community affected by the ARSDP. The survey will have to account for land acquisition and loss of physical assets as well as loss of income temporary or permanent resulting from displacement of household members from employment or income-generating resources. Assets held collectively, such as water sources, livestock grazing areas, irrigation systems, and community structures will be recorded separately.

The local government structures i.e. the LGs and the lower councils (LCs 1-3) will be charged with all documentation and verification of data and information related to the acquisition of land, the compensation and payment processes up to the level of the Accounting Officer of the NPCU.

Therefore, the Community workers of the Districts and Town Council in collaboration with the village councils, the District Steering Committee will compile and record data/information. The Community Worker in collaboration with the parish chief and the Executive of the Parish Council will compile parish data and submit to the Sub-county Chief/Town Clerk for on ward submission to the District Chief Administrative Officer/Municipal Town Clerk. Likewise, the CAO together with the Town Clerk will compile data/information and submit to the Permanent Secretaries of the Ministry of Local Government and MoLHUD. These will serve as data for resettlement monitoring and evaluation.

Note: During inventories of assets, the owners or persons authorized to represent them on their behalf will be required to countersign them to minimize the possibility of subsequent claims or disputes regarding claims.

12.4 Procedures for Payment of Compensation

Compensation payment will be made in the following ways:

(a) By agreement between the MoLHUD and the PAPs or entities (individuals /households /communities:

- The MoLHUD will offer such sums deemed adequate as compensation to the entity who may accept that amount as compensation payable to him or her and;
- Such sums will be disbursed directly to the beneficiary entity with the relevant records of payments consigned to the RAPs and the records of the appropriate local government authority (District Land Boards).

(b) By court order on the amount of compensation where this has been the subject of litigation between the MoLHUD and the Affected Entity.

12.5 Role of Office of Chief Government Valuer

The application of the valuation exercise on ground will be done in the presence of at least two local council leaders with the participation of the affected persons. Values assigned to assets must be based on the local market rates. Where this is not possible, a Government Valuer will be engaged to do this. In the event that a Government Valuer handles this process, the depreciation cost will not be imputed and the consent of the affected person on the outcome of the process must be sought in order to arrive at agreements on the total profile of losses and compensation.

13 MANAGEMENT AND MONITORING OF RPF IMPLEMENTATION

13.1 Setup of Resettlement Management Teams

The Resettlement Management Teams will be setup to implement the RAPs and will consist of three smaller teams namely:

Compensation Committee - The committee will comprise representatives of the affected persons (2 to 3), District Steering Committee members, Land Valuation Board, and Traditional authorities. The committee will be chaired by the representative of the District Steering Committee or otherwise selected by MoLHUD. The Compensation Committee will be responsible for organizing and ensuring that compensations payable to PAPs are made in line with the provisions and procedures of this RPF.

Grievance Redress Committee (GRC)- The Grievance Redress Committee will be responsible for receiving and logging complaints and resolving disputes. The GRC will work with the PCU to resolve each grievance or dispute to ensure that redress actions are implemented. If affected persons are not satisfied the grievance redress structures, they will be entitled to seek redress through the District Land Tribunals or Ugandan Courts of Law. It is important that the GRC be set up as soon as compensation report or resettlement plan preparation starts. Disputes can arise from census operations and it is therefore important that the mediation mechanisms be available to cater for claim, disputes and grievances at the early stage.

Monitoring and Evaluation Team - The Monitoring and Evaluation Team will be responsible for the monitoring of the RAP implementation programme to ensure that stated targets are met and project affected persons are duly compensated in line with the RAP requirements. The sequence of implementation activities and responsibilities are summarized in the table below.

13.2 Implementation of the RAP on the Ground

The implementation activities will be under the overall guidance of the NPCU. In addition the District Local Governments will be heavily involved in all resettlement, relocation and compensation efforts for subprojects where resettlement is indicated. Each district in Uganda has a five tier Local Government structure which operates from the lowest level known as the Local Council I through to the Local Council V at the District Headquarters. This structure is a political set up whose office bearers are elected into their positions. There is a parallel administrative structure at each Local Government level composed of technical public officers whose appointments are based on the required qualifications and experience for the respective technical offices. These are headed by the CAO who is also the accounting Officer of the district. All projects which require resettlement have to closely liaise with the Local Government Administration to ensure equity, acceptability and compliance. The other main institutions to be involved in the implementation of resettlement activities and their respective roles and responsibilities are summarized in the Table below:

Table 10: Institutional framework Players for Resettlement

No.	Institution	Responsibility
1.0	Ministry of Lands, Housing and Urban Development	<ul style="list-style-type: none"> • Overall supervision of the RPF and Resettlement/Compensation Plan. • To liaise with line Ministries to provide funds for compensation payment. • Trigger the process through inventory of affected persons and assets and implement planning close consultation with Consultant. • To carryout the valuation and compensation payment process (through Chief Government Valuer) and reporting for the affected persons
2.0	Project Coordination Unit	<ul style="list-style-type: none"> • To liaise with district and MoLHUD in ensuring peaceful implementation of the process including handling any grievances.
	Ministry of Local Government	<ul style="list-style-type: none"> • To guide Local Government Authorities on replacement of the vital staff who will be necessary for the implementation of ARSDP • Ensure that social safeguard issues/policies are adhered to according to this RPF • Monitor and supervise the ARSDP project implementation in the selected districts in Albertine Region
	Ministry of Education and Sports	<ul style="list-style-type: none"> • Coordinate the implementation of ARSDP BTVET selected institutions • Guide the institutions on enforcing the mandated regulatory safeguard policies such as the carrying out the ESIA of the developments by ARSDP by procuring the consultants • Monitor and supervise the implementation of this RPF during the implementation of the Component 2 of ARSDP
3.0	Chief Government Valuer	<ul style="list-style-type: none"> • Review and approve the RAPs especially the valuations.
	National Environmental Management Authority	<ul style="list-style-type: none"> • Review and monitor Social & Environmental Impact Assessments
4.0	Local Government Authorities (Department of Natural Resources at Districts	<ul style="list-style-type: none"> • Carry out the physical planning process, surveying and produce maps/plans • Carry out RAPs (lead in the valuation and compensation payment process and reporting.)
5.0	Local Government Community Development Office and Local Council Authorities.	<ul style="list-style-type: none"> • To assist the community and support in the inventory of affected persons. • Manage the compensation process (payments) • Handle greivances
6.0	Consultants, NGO, CSO	<ul style="list-style-type: none"> • Prepare plans and assist with implementation and capacity building. • Build capacity of district staff by training in MLARR • Assist with sensitization and monitoring.
7.0	Local financial institutions (Banks)	<ul style="list-style-type: none"> • Safe disbursement of compensation amounts.

13.3 Institutional Strengthening

Borrower capacity to plan and implement the measures outlined in the RPF requires strengthening. The key implementing agencies apart from the Ministry of Lands Housing and Urban Development (MLHUD) that has an Environmental and Social Development Specialist, Ministry of Local Government has a sociologist but lacks an Environmentalist, Ministry of Education and Sports only has an Environmental Focal Person but not a Social Development Specialist. Both MoLHUD and MoES all implemnting other World Bank funded projects and therefore have a practical expeirence and requirements of safeguard policiesfor World Bank funded projects. To ensure adequate staffing

capacity, a Social Development Specialist should be included in the ARSDP Project Coordination Unit or the Social Development Consultant be retained for safeguard screening and technical/advisory support to activities funded by the ARSDP. Alternatively, the respective ministries will require to consolidate the social safeguard responsibilities under one designated and trained resource person within the institution.

At the Local Government level, the implementation of mitigation measures will also utilize the well established national environmental management system in which the semi-autonomous National Environmental Management Authority and the District Environmental Officers play a key role enhanced by long term technical capacity building through long term IDA support. Recruitment of all missing staff in the relevant departments is highly recommended to manage the social impacts. The client also has an option to either assign the responsibility to manage social impacts to the social development consultant to provide training to the local government staff to appropriately manage the social safeguards issues, or alternatively bring on board a consultant to undertake the responsibility to manage the environment and social impacts. The SG staff/consultant will be fully expected to be able to implement the provisions of the ESMF, RPF and site specific safeguards instruments drawing on the ample experience of the Government with implementation of safeguards in other IDA funded projects.

14 GRIEVANCE MECHANISM

14.1 Objectives

The objectives of the grievance process are to:

- Provide affected people with avenues for making a complaint or resolving any dispute that may arise during the course of project implementation and determination of entitlements of compensation and implementation of the project;
- Ensure that appropriate and mutually acceptable redress actions are identified and implemented to the satisfaction of complainants; and
- Avoid the need to resort to judicial proceedings.

14.2 Detailed Grievances and Resolution Mechanisms

ARSDP project which is intended to ensure continued and sustainable development of projects related to agriculture, fisheries and Oil and Gas will call for capacity empowerment of the Local Government staff in relevant department through training in management of land acquisition resettlement and rehabilitation. Given the nature of projects like physical planning and rehabilitation of district roads for easy access to markets and social services, PAPs may raise grievances at all times. With guidance and supervision of MoLHUD which is the coordinating Ministry for the ARSDP districts will be encouraged to set up Grievance Resolution Committee to handle various grievances that may arise during project design and implementation. The communities will be informed about this possibility and contact information of the respective PCU at the relevant levels i.e. village, district and community levels will be made available. Based on experience of projects similar to ARSDP, most grievances will be related to property valuation. These are likely to arise when households consider compensation values for their assets insufficient, especially when PAPs doubt if valuation values do indeed provide replacement value or if PAPs misunderstood the compensation process and believe they are entitled to additional compensation. The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs taking into cognizance the fact most people are illiterate and poor requiring a speedy, just and fair resolution of their grievances. The general steps of the grievance process comprise:

- Receipt of complaints;
- Determining and implementing the redress action;
- Verifying the redress action;
- Amicable mediation and settlement; and
- Dissatisfaction and alternative actions.

Village Peace Committees (VPCs) could be used to register and mediate grievances at the village level. However, in areas where such committees don't exist, a local grievance redress committee (LGRC) will be initiated at the village level to record grievances and also help in mediation. This committee will comprise the LC I Chairperson, a trusted village elder, a religious representative, an elected PAP representative and specific vulnerable group representatives of relevance to the village i.e. women and the disabled. Disputes will be resolved at the village level as far as possible. At the District Level, the Grievance Redress Committee will be established to deal with any grievances unsettled at

the village level. The Grievance Redress Committee at the district will at a minimum comprise the LC3 representative, representatives of vulnerable groups, District Land Officer/Surveyor, District Community Development Officer and a Grievance Officer from PCU who will oversee and coordinate grievance issues at the village level including setting up of LGRCs, provision of Grievance Logbooks and related logistics, training and orientation of LGRCs and VPCs, and providing advice on grievance resolution as well as compiling records of all ARSDP grievances raised and their mediation for the whole district. The grievance mechanism for the implementation process is as follows:

- (a) The LGRC/VPC will interrogate the PAP in the local language and complete a Grievance Form which will be signed by the leader of the LGRC/VPC and the PAP/complainant. This will then be lodged in the Grievance Log provided by the Grievance Officer;
- (b) The PAP should expect a response from the LGRC or VPC within seven days of filing the complaint. If the issue is not resolved, the LGRC/VPC will forward the complaint to the GRC at the District;
- (c) The GRC at the District will be given a fourteen day notice to hold a meeting. Two days after the meeting, the GRC will call the PAP and LGRC/VPC for discussions and resolution. The resolution will be presented to the PAP in written form within the same day of the meeting;
- (d) If there is no resolution to the grievance, the GRC at the district and the PAP shall then refer the matter to the District Land Tribunal;
- (e) Appeal to Court - The Ugandan laws allow any aggrieved person the right to access to Court of law. If the complainant still remains dissatisfied with the District Land Tribunal, the complainant has the option to pursue appropriate recourse via judicial process in Uganda. Courts of law will be a “last resort” option, in view of the above mechanism.

15 MONITORING of The RPF

15.1 Purpose

The monitoring and evaluation will be the main mechanism to alert the ARSDP of any delays and problems and these activities will help measure the extent to which the main objectives of the RPF have been achieved. Monitoring aims at correcting implementation methods during the course of the Project, as required, while evaluation is intended at checking whether policies have been complied with and providing lessons learnt for amending strategies and implementation in a longer term perspective. Monitoring will be internal and evaluation external. The purpose of the internal monitoring and evaluation will be to verify that:

- All affected persons are involved in all the preparatory processes of the Resettlement action plan and that all affected properties and assets are captured in the Entitlement matrix and inventories and given appropriate budgets.
- Compensation is done on schedule and in accordance with the RPF
- All funds are spent on the line items for which they are budgeted for and affected persons are satisfied with the resettlement process.
- All grievances and complaints are channelled correctly and appropriately attended to.

15.2 Objectives and Scope

Evaluation and monitoring are key components of the Resettlement Policy Framework. The monitoring plan will indicate parameters to be monitored, institute monitoring guidelines and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities. Objectives include:

- Monitoring of specific situations or difficulties arising from the implementation and of the compliance of the implementation with objectives and methods as set out in this Resettlement Policy Framework;
- Evaluation of the mid- and long-term impacts of the Resettlement and Relocation Action Plan on affected households' livelihood, environment, local capacities, on economic development and settlement.

Through the monitoring and evaluation, ARSDP will establish a reporting system for the project RAP that will:

- (i) Provide timely information to the project about all resettlement and compensation issues arising as a result of resettlement related activities;
- (ii) Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels;
- (iii) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses; and
- (iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RAP and that PAPs have better living conditions and livelihoods.

15.3 Overall Mechanism

To ensure that the implementation of resettlement is executed in line with this RPF, the activities will be monitored and evaluated internally by a Monitoring and Evaluation team at the PCU at the national level and on ground at the District level. The PCU will undertake the routine internal monitoring and evaluation of the implementation of the resettlement issues so as to ensure that all the responsible units follow the schedule and comply with the principles of the resettlement plan. An evaluation programme will be implemented periodically to also check on compliance with action plan and provide lessons to amend strategies, especially in the longer term. Progress will be reported against a schedule of required actions. The arrangements for monitoring the resettlement and compensation activities will also fall under the overall responsibility of LGs. The LGs will institute an administrative reporting system that:

- a) alerts project authorities to the necessity for land acquisition in the project activities design and technical specifications;
- b) provides timely information about the assets valuation and negotiation process;
- c) reports any grievances that require resolution, and
- d) documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon);
- e) Updates the database with respect to changes that occur on the ground as resettlement and compensations activities are being implemented.

Annual evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the individual sub project activities; and whether the PAPs enjoy the same or higher standards of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs and DPs, to determine and guide improvement in their social well-being. Therefore, monitoring indicators to be used for different RAPs will have to be developed to respond to specific site conditions. Independent monitoring as for example by NGOs can be arranged from time to time to validate the programme implementation. NGOs will also help with monitoring and validation of the implementation of the safeguards instruments as well as help in monitoring of payments to communities and extent to which:

- (i) Use of resources are determined in a participatory and inclusive manner and
- (ii) Payments are used for community purposes.

They will also help in action plans and some sensitization and education and capacity building activities.

15.4 Required Information

The census carried out during the RAP preparation will provide MoLHUD with the quantitative data that will enable NPCU to track the delivery of resources and services to the affected population, and to correct problems in the delivery of resources and services throughout implementation of the RAP. In addition, information gathered during the census will yield important baseline data at the household and community levels, which will be used to establish indicators not only for resettlement implementation, but also for monitoring and evaluation of income restoration and sustainable

development initiatives associated with a RAP. The Resettlement team will maintain basic information on all physical or economic displacement arising from the project which will include the following:

- (i) Number of households and individuals physically or economically displaced by the project;
- (ii) Length of time from sub-project identification to payment of compensation to PAPs;
- (iii) Timing of compensation in relation to commencement of physical works;
- (iv) Amount of compensation paid to each PAP household and communities (if in cash), or the nature of compensation (if in kind);
- (v) Decision-making process for use of funds paid to communities.
- (vi) Number of people raising grievances in relation to the project
- (vii) Number of grievances or complaints;
- (viii) Time spent to resolve the complaint; and
- (ix) Number of resolved and unresolved grievances.

15.5 Internal Monitoring and Evaluation

The objectives of internal monitoring and supervision will be:

- (i) to verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement policies provided by World Bank Policies and guidelines;
- (ii) to oversee that the RAPs are implemented as designed and approved;
- (iii) to verify that funds for implementation of the RAP are provided for by MoLHUD or GoU in a timely manner and in amounts sufficient for their purposes, and that such funds are utilized in accordance with the provisions of the RAP

The main internal indicators that will be monitored regularly include:

- (a) that entitlements are in accordance with this RPF and that the assessment of compensation is carried out in accordance with agreed procedures;
- (b) payment of compensation to the PAPs under the various categories is made in accordance with the level of compensation described in the RPF and RAPs;
- (c) public information and public consultation and grievance procedures are followed as described in the RPF and RAPs;
- (d) relocation and payment of subsistence and shifting allowances are made in a timely manner; and
- (e) restoration of affected public facilities and infrastructure are completed prior to construction

15.6 External Monitoring and Evaluation

MoLHUD will engage an Independent Monitoring Unit (IMU) if necessary for purposes of external monitoring and evaluating implementation of compensation and resettlement activities. In establishing the unit, effort will be made to draw on personnel with resettlement and social development experience in Uganda. The IMU shall be appointed to monitor the resettlement and compensation

process and implementation of requirements to verify that compensation, resettlement and rehabilitation have been implemented in accordance with this RPF and the agreed subproject RAPs. The IMU will also be involved in the complaints and grievance procedures to ensure concerns raised by PAPs are addressed. Alternatively, external monitoring of RAP will be provided by the World Bank who will monitor the entire process through regular reports and supervision missions.

15.7 Monitoring and Evaluation Indicators

The evaluation will be based on current WB procedures and also national provisions on resettlement/compensation. The main indicators will include:

- (i) income levels before-and-after the RAP;
- (ii) access to livelihoods and employment;
- (iii) changes in standards of housing and living conditions;
- (iv) number of grievances and their status, time and quality of resolution;
- (v) number of individuals and families to re-establish their pre-resettlement activities, in terms of other alternative incomes;
- (vi) number of demolitions after giving notice, and
- (vii) number of PAPs paid in a given period in comparison with what was planned

15.8 Indicators

A number of Objectively Verifiable Indicators (OVIs) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, Table 11 provides a set of indicators that can be used.

Table 11: Types of Verifiable Indicators

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Communities unable to set village-level compensation after two years.	Outstanding village compensation contracts.
Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
The existence (or not) of people/entities not considered for compensation	Inclusion of all affected parties in the compensation process
Pre-project production and income (year before land used) versus present production and income of resettlers, off-farm-income trainees, and users of improved mining or agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.

15.8.1 Indicators to determine status of affected people

A number of indicators would be used in order to determine the status of affected people (land being used compared to before, standard of house compared to before, level of participation in project activities compared to before, how many kids in school compared to before, health standards, etc). Therefore, the resettlement and compensation plans will set two major socio-economic goals by which to evaluate its success:

- Affected individuals, households, and communities are able to maintain their pre-project standard of living, and even improve on it; and
- The local communities remain supportive of the project.

15.8.2 Monitoring Tools

- (i) Questionnaires with data stored in a database for comparative analysis (before-after and with-without);
- (ii) Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
- (iii) Relocation/resettlement and Compensation Reports, including status of land impacts; percentage of individuals selecting cash or a combination of cash and in-kind compensation; proposed use of payments;

15.8.3 Audit

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP sub-project activities. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country. Finally, the audit will ascertain whether the resettlement entitlements were appropriate, as defined in the RPF guidelines. The audit report will include:

- i) a summary of RAP performance of each subproject;
- ii) a compliance review of RAP implementation process; and
- iii) a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF

15.8.4 Reporting

The monitoring unit will submit periodic (preferably bimonthly) reports to the PCU and copied to the MoLHUD. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups.

15.8.5 Annual Reviews

The annual audit of RPF implementation, and as applicable RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF similar to the process outlined in the ESMF.

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP sub-project activities. The aim is to learn lessons for application to future sub-projects or other projects in the sector and in the country. Finally, the audit will ascertain whether the resettlement entitlements were appropriate, as defined in the RPF guidelines. Annual reports will be submitted to the implementing agencies, MoHLUD and the World Bank for review.

15.8.6 Disclosure

This RPF will be disclosed in compliance with relevant Ugandan regulations and The World Bank Operational Policy 4.12. After The World Bank's review and approval of the RPF as part of the overall proposed project for funding, the implementing agencies coordinated by MoLHUD shall share the final RPF with all other relevant Ministries, Local Governments and Institutions; it will also be disclosed in-country for all interested person to read and know the details and at the World bank's Infoshop. Subsequent RAPs developed will also be cleared by the World Bank and disclosed in-country for all interested person to read and know the details and at the World bank's Infoshop

16 RPF BUDGET AND FUNDING

16.1 Budget to Implement RPF

At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the technical designs and details have not yet been developed and the land needs have not yet been fully identified. The budget will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to:

- (1) the preparation of the resettlement/compensation action plan;
- (2) Relocation and transfer,
- (3) Income and means of livelihood restoration plan, and
- (4) administrative costs

16.2 Estimates and Funding Sources

Funds for implementing inventory assessments as well as land acquisition and resettlement action plans will be provided by the the Governemnt of Uganda through the Ministry of Finance, Planning and Economic Development MoFPED. The respective line ministries will prepare the resettlement budget and this budget will be managed through the administrative and financial management rules and manuals of the PIM. However, for the ARSDP t the resettlement budget is approximated not to exceed **USD 10,000,000 (Ten Million Dollars)** since most of the Local Governments and Town Council activities will entail mainly building capacity in physical planning and up grading the existing infrastructure and the Institutions that are to be assisted alreadyhave acquired the land for the infrastructure development. This figure is to be reviewed during the actual sub-project implementation based on the specific site RAPs preparation as appropriate.

Table 12: Example of a Resettlement Budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Compensation for Household Structures			
Compensation for Crops			
Compensation for Trees, Less than 4.5 m Tall			
Compensation for Trees, More than 4.5 m Tall			
Compensation for Community Assets			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			

Technical Assistance			
Monitoring			
Contingency			

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