Nile Equatorial Lakes Subsidiary Action Program (NELSAP)

Kagera and Sio-Malaba-Malakisi River Basin Management Projects

1. Nyabanja WRD Project (Tororo District, SMM Basin)
2. Kabuyanda WRD Project (Isingiro District, Kagera Basin)

RESETTLEMENT POLICY FRAMEWORK

GOVERNMENT OF UGANDA

MARCH 2014

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# Table of Contents

Table of Contents .............................................................................................................. i

List of Tables ....................................................................................................................... iii

List of Acronyms ................................................................................................................... iv

1. INTRODUCTION AND BACKGROUND ........................................................................ 1
   1.1. Project Description and Overall Context ............................................................... 1
   1.2. Rationale And Objectives of the Resettlement Framework .................................... 5
   1.3. Potential for Adverse Social Impacts ................................................................. 7

2. LEGAL AND INSTITUTIONAL FRAMEWORK ................................................................ 9
   2.1. Laws on Property and Land Rights in Uganda .................................................... 9
   2.2. Expropriation / Acquisition of Land and Compensation of Land and other Assets ............................................................................................................................ 10
   2.3. Grievance Resolution Mechanism ...................................................................... 13
   2.5. Comparison Between National Legislation and WB OP 4.12 ............................ 14
   2.6. Project Organization And Implementation Arrangements .................................. 21

3. SOCIO-ECONOMIC BACKGROUND .......................................................................... 27
   3.1. Approach For Identifying Project Affected Persons .............................................. 27
   3.2. Estimated Population and Categories of Affected People ..................................... 28
   3.3. Creation of Baseline Information on Project Affected Persons ............................. 28
   3.4. Socio-economic information on the proposed Kabuyanda and Nyabanja Multipurpose WRD Areas ........................................................................................................ 29

4. ELIGIBILITY CRITERIA FOR CATEGORIES OF AFFECTED PEOPLE ..................... 33
   4.1. Introduction .......................................................................................................... 33
   4.2. Eligibility for resettlement/relocation .................................................................. 34
   4.3. Eligibility for Community Compensation .......................................................... 34
   4.4. Loss of Income and Livelihood ........................................................................... 34
   4.5. Assistance to Vulnerable Groups .......................................................................... 35

5. METHODS FOR VALUING AFFECTED ASSETS ...................................................... 40
   5.1. District Compensation Rates / Valuation Tables .................................................. 40
   5.2. Replacement Cost ................................................................................................. 40
   5.3. Method for Taking Inventory of Assets and PAPs ................................................. 40
   5.4. Computation of Compensation Packages ............................................................ 42
   5.5. Forms of Compensation ......................................................................................... 42
   5.6. Consultation and Participatory Approaches ......................................................... 43
   5.7. Disclosure and Notification .................................................................................. 43
# Table of Contents

1. **Documentation and Verification of Land and Other Assets** ........................................... 44
2. **Individual / Household Compensation** ........................................................................ 44
3. **Community Payments** ................................................................................................ 45
4. **Procedures For Delivery Of Compensation** ............................................................... 45
5. **Public Consultation and Disclosure Plan** ................................................................. 46
6. **Data Collecting Phase** .................................................................................................. 46
7. **Implementation Phase** .................................................................................................. 46
8. **Monitoring and Evaluation Phase** ............................................................................... 47
9. **Grievance Redress Mechanisms** ................................................................................. 48
10. **Introduction** ................................................................................................................ 48
11. **Grievance Mechanisms** ............................................................................................... 48
12. **Grievance Resolution Process** .................................................................................... 49
13. **Monitoring Complaints** ............................................................................................... 49
14. **Implementation Schedule** ........................................................................................... 51
15. **Time Schedule for the Implementation of the RAP** .................................................. 51
16. **Linking Resettlement Implementation to Civil Works** ................................................. 51
17. **Budget and Funding Arrangements** .......................................................................... 52
18. **Estimated Budget** ....................................................................................................... 52
19. **Source of Funding** ...................................................................................................... 53
20. **Monitoring and Evaluation** .......................................................................................... 54
21. **Arrangements for Monitoring by Implementing Agency** ............................................ 54
22. **Internal and External Monitoring** .............................................................................. 54
23. **Annual Audit** .............................................................................................................. 57
24. **Socio-Economic Assessment** ....................................................................................... 58

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**Annex 1:** World Bank Resettlement Policy Framework .................................................. 61
**Annex 2:** Annotated Outline for Preparing a Resettlement Action Plan (RAP) .............. 63
**Annex 3:** Sample Grievance and Resolution Form ......................................................... 68
**Annex 4:** Sample Table of Contents for Consultation Reports ...................................... 69
**Annex 5:** Glossary of Terms ............................................................................................ 70
**Annex 6:** Relevant Laws .................................................................................................. 73
LIST OF TABLES

Table I: Comparison of Ugandan and World Bank Policies on Resettlement and Compensation .......................................................................................................................... 16
Table II: Entitlement Matrix ................................................................................................................................................................................................. 35
Table III: Indicative Outline of a RAP Budget ................................................................................................................................................. 52
Table IV: Indicators of RAP Impacts ................................................................................................................................................................. 56
## List of Acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<tr>
<td>BP</td>
<td>Bank Procedures</td>
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<tr>
<td>CIWA</td>
<td>Cooperation in International Waters in Africa Trust Fund</td>
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<tr>
<td>DRC</td>
<td>Democratic Republic of Congo</td>
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<td>ESIA</td>
<td>Environmental and Impact Assessment</td>
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<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<tr>
<td>LC</td>
<td>Local Council</td>
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<tr>
<td>MEMD</td>
<td>Ministry of Energy and Mineral Development</td>
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<tr>
<td>M&amp;E</td>
<td>Monitoring and Evaluation</td>
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<tr>
<td>MWE</td>
<td>Ministry of Water and Environment</td>
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<tr>
<td>MAAIF</td>
<td>Ministry of Agriculture, Animal Industries and Fisheries</td>
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<tr>
<td>NBI</td>
<td>Nile Basin Initiative</td>
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<td>NEL</td>
<td>Nile Equatorial Lakes</td>
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<tr>
<td>NELSAP</td>
<td>Nile Equatorial Lakes Subsidiary Action Program</td>
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<tr>
<td>NEMA</td>
<td>National Environmental Management Authority, Uganda</td>
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<tr>
<td>PCDP</td>
<td>Public Consultation and Disclosure Procedures</td>
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<td>RAP</td>
<td>Resettlement Action Plan</td>
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<td>RPF</td>
<td>Resettlement Policy Framework</td>
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<td>SMM</td>
<td>Sio-Malaba-Malakisi</td>
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<td>WB</td>
<td>World Bank</td>
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<td>WfP</td>
<td>Water for Production Department</td>
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<td>WRD</td>
<td>Water Resources Development</td>
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1. INTRODUCTION AND BACKGROUND

1.1. PROJECT DESCRIPTION AND OVERALL CONTEXT

Project Background
The proposed Nyabanja and Kabuyanda multipurpose water resource development projects are part of the investment projects that were advanced by Uganda to NELSAP for project preparation, and which were prioritized through the NEL MSIOA\(^1\). Their prefeasibility and diagnostic studies were completed in 2012 after which they were adopted in the NELSAP Strategic Plan of 2012-2016 (Jan 2012), and subsequently approved by the NEL Council of Ministers in January 2012 (NELCOM, Jan 2012). The projects were prioritized due to their anticipated impacts in boosting national and regional economic development through envisaged infrastructural and non-structural interventions in irrigation development, hydropower generation, potable and livestock water supply, flood control/protection, drought mitigation, aquaculture & fisheries development, and catchment improvement/enhancement in the project area catchments.

The projects are aligned to Uganda’s national policies and PRSP\(^2\), the 2010-2015 National Development Plan and 2010 National Irrigation Master Plan, and the Vision 2040\(^3\). The projects will contribute towards improvement in water, food and energy security and restoration of related sub-catchments, and will also contribute towards achievement of the NELSAP objectives of poverty reduction, socio-economic development and reversal of environmental degradation.

NELSAP has acquired grant financing through the Cooperation in International Waters in Africa (CIWA) multi-donor trust fund, to prepare these potential investment projects to pipeline status through feasibility studies, detailed designs and independent ESIA and RAP studies (but this does not include financing for construction or implementation of the Nyabanja and Kabuyanda multipurpose water resource development projects). The objective of the CIWA trust fund is to strengthen cooperative management and development of international waters in

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\(^1\) NEL MSIOA – is a Multi-sectoral Investment Opportunity Analysis that was undertaken for the Nile Equatorial Lakes Region, which identified and prioritized growth potentials and constraints in developing and managing the region’s water resources.

\(^2\) Uganda National Water Policy of 1999, Poverty Eradication Action Plan (PEAP)

\(^3\) Uganda’s new Vision 2040 is “A transformed Ugandan society from a peasant to a modern and prosperous country within 30 years”. It aims at transforming Uganda from a predominantly peasant and low income country to a competitive upper middle income country with per capita income of about US$ 9,500.
Africa to facilitate sustainable climate resilient growth through investments. No decision has yet been taken by NELSAP-CU nor by the governments to undertake construction of the Nyabanja and Kabuyanda multipurpose water resource development projects, nor has financing been secured for their construction. The level of involvement, if any, of the World Bank in the proposed Nyabanja and Kabuyanda multipurpose water resource development projects beyond the financing of the Feasibility Studies, Designs, ESIA and RAPs (through the NCORE project) is not yet known.

**Background to the NELSAP**
The Nile Equatorial Lakes sub-basin of the Nile river basin includes a great complex of lakes, wetlands and rivers/tributaries whose geographic location can be described as either “inter-country” (i.e. crossing an international border) or “in-country” (i.e. wholly within one country, but part of the wider Nile trans-boundary system). Significant water resources management and development projects on the rivers and lakes within the Nile Basin, are therefore ‘Nile projects’ since they will have some regional implications, to a greater or lesser extent. NELSAP promotes investments in power development and trade, water resources management and development, management of lakes and fisheries, agricultural development, and control of water hyacinth. The NELSAP mission is to contribute to the eradication of poverty, to promote economic growth, and to reverse environmental degradation in the NEL region. NELSAP oversees the implementation of the jointly identified subsidiary action programs and promotes cooperative inter-country and in-country investment projects related to the common use of the Nile Basin water resources. NELSAP countries include: Burundi, Democratic Republic of Congo (DRC), Egypt, Ethiopia, Kenya, Rwanda, South Sudan, Sudan, Tanzania, and Uganda.

**Nyabanja Project Description**
Nyabanja project is located on River Dumbu in Nyabanja village, Kirewa sub-county, Tororo district in Eastern Uganda. It is located within the Sio-Malaba-Malakisi sub-basin.
Nyabanja dam site in SMM sub catchment

The proposed project is envisaged to include an earth fill dam with a height of 12m and storage capacity of 11.8 MCM. The dam would mitigate floods in the areas and also provide water for irrigation of 5,531 hectares of land, generate 47 KW of power, livestock watering, and domestic water supply.

Layout of Proposed Nyabanja irrigation dam site
Kabuyanda Project Description

The project is located on River Mishumba in Isingiro district, in South-western Uganda. It drains part of the Rwoho Central Forest Reserve and later joins the Kagera River along the Uganda-Tanzania border. It is located within the Kagera River sub-basin.

The proposed project is envisaged to include a 20m earthfill dam with storage capacity of 10 MCM and reservoir inundation area of 120 ha. The dam will store water for potential multipurpose benefits of irrigation development of 4,203 ha, hydropower generation of 100 kW, livestock and potable water supply, aquaculture, and restoration of critically degraded ‘hotspots’ (areas experiencing high rates of degradation) in the project’s upstream catchment of 109 km2.
It is envisaged that both projects will trigger the World Bank Operational Policy on Involuntary Resettlement (OP 4.12), as a result of the created reservoir inundation, planned irrigation fields and water supply areas that will depend on the created storage; as well as created by any power transmission or distribution lines; or any interventions related to the restoration of critical hotspots (areas of high erosion).

1.2. RATIONALE AND OBJECTIVES OF THE RESETTLEMENT FRAMEWORK

1.2.1. Rationale

Although the preliminary studies and assessments recognized the positive social and economic impacts that the project is envisaged to generate, they also highlighted the potential negative social impacts and therefore the need for mitigation measures.

If implemented, the activities of the Nyabanja and Kabuyanda multipurpose WRD projects would inevitably lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources. This would trigger the relevant laws and policies in the country and the World Bank Operational Policy on Involuntary Resettlement (OP 4.12) and as a result there is need for resettlement planning and implementation.
The development of a Resettlement Policy Framework will guide the preparation of the Resettlement Action Plans (RAP) or Abbreviated Resettlement Plans for the sites. This RPF will thus serve as the framework within which Resettlement Action Plans will be developed when the project is certain of the locations and specific impacts of the project.

1.2.2. Objectives

The objectives of the Resettlement Policy Framework (RPF) are to:

- Establish the resettlement and compensation principles and implementation arrangements for the Nyabanja and Kabuyanda multipurpose WRD projects in Uganda;
- Describe the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and
- Provide procedures for filing grievances and resolving disputes.

The RPF will apply to all sub projects and activities that will lead to either land acquisition and/or denial of, restriction to, or loss of access to economic assets and resources.

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 (RAP) is required, it will be prepared in accordance with guidance provided in this RPF, including Property Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (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 the number of PAPs, 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.

The Nile Cooperation for Results Project, which is financing the feasibility studies, designs, ESIA and RAP preparation for the Nyabanja and Kabuyanda multipurpose WRD projects, does not contain financing for the implementation of the Nyabanja and Kabuyanda multipurpose WRD projects. Neither NELSAP-CU nor the Government of Uganda have made a decision to proceed with the implementation of the Nyabanja and Kabuyanda multipurpose WRD projects, as the further study (financed through the NCORE project) is needed in order to make an investment decision. The involvement of the World Bank in the Nyabanja and Kabuyanda multipurpose WRD projects beyond the financing of the Feasibility Study, Design, ESIA and RAP (through the NCORE) project is not yet known.

1.2.3. Scope of the RPF

This RPF covers the following key areas.

- Project Description and Rationale
- Legal and Institutional Requirements
- World Bank Safeguards Policies
- Basic Socio-economic Information
- Estimated Population and Categories of Affected People
- Eligibility Criteria for Categories of Affected People
- Entitlement Matrix for Resettlement and Compensation
- Methods for Valuing Affected Assets
- Organizational Arrangements and Procedures for Delivery of Entitlements
- Consultation and Participation of Affected People
- Disclosure and Notification
- Grievance Redress Mechanisms
- Implementation Schedule
- Budget and Funding Arrangements
- Monitoring Arrangements

1.3. Potential for Adverse Social Impacts

Based on the prefeasibility studies carried out for Sio-Malaba-Malakisi and Kagera River Basin Projects in 2010 and 2012 respectively, Nyabanja Multipurpose WRD project is classified as a small dam and
Kabuyanda as a large dam within the World Bank safeguards policy and both have potential for adverse negative social impacts that will require land acquisition and resettlement.

If implemented, the two projects would have direct impacts on areas where reservoirs, irrigation & drainage infrastructure, mini-hydro power plants and water supply infrastructure would be constructed. Other negative impacts will be as a result of acquiring land for rock and soil disposal, construction of permanent camp sites and access roads. The people occupying or using the respective lands will be permanently displaced and they will lose assets and properties and access to natural resources such as land and forests. In addition, there will be loss of income and livelihoods. Vulnerable people within the project demarcations will be the most affected as the project is likely to worsen their already vulnerable situation.

In specific terms, the projects will likely have the following impacts, (to be explored further during the Feasibility study/ESIA/RAP processes):

**Kabuyanda WRD Project**

**Impact on land:** 1.2km² of land will be inundated. Out of these 1.29 ha belong to the National Forestry Authority’s Clean Development Mechanism Project that is expected to benefit the people in terms of overcoming current barriers to establish timber plantations in Uganda. The area for inundation also comprises of marsh and cropland where cultivation of rice takes place. Additional land may be needed for power transmission/distribution lines and for restoration of areas with high erosion.

**Impact on crops and trees:** The proposed Kabuyanda WRD Project will inundate banana and coffee plantations. This will consequently have negative impacts on the livelihoods and income of the people in the area.

**Community infrastructure:** An access road used by the people to access neighboring villages will be affected by the dam. A community water source downstream of dam will also be affected.

**Impact on livelihood:** This will be affected in form of loss of papyrus reeds along the river which are used by the local people to make crafts. Livelihood will also be affected through loss of land, crops and trees.

**Nyabanja Irrigation Development and Watershed Management Project**

The specific impacts of the Nyabanja Irrigation Development and Watershed Management Project include:
• **Impact on land**: 7.52km$^2$ of land will be inundated by the reservoir. The area for inundation comprises of marsh and limited cropland where cultivation of rice takes place. Additional land may be needed for power transmission/distribution lines and for restoration of areas with high erosion.

• **Impact on crops and trees**: The proposed Nyabanja WRD Project will inundate rice plantations. This will consequently have negative impacts on the livelihoods and income of the people in the area.

• **Community infrastructure**: An access road used by the people to access neighboring villages will be affected by the dam.

• **Impact on livelihoods**: This will be affected in form of loss of papyrus reeds within the wetland which are used by the local people to make crafts. There are no settlements and there is limited infrastructure within the reservoir area therefore compensation will be limited to the farmlands. Livelihoods will also be lost through loss of land, crops and trees.

2. **LEGAL AND INSTITUTIONAL FRAMEWORK**

This RPF will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Uganda. This legal and institutional framework is presented in four sections: (i) **Laws on Property and land rights**, as defined by Ugandan law and customary practice; (ii) **Expropriation/acquisition of land and compensation of land and other assets**, (iii) **Grievance Resolution Mechanism**, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and (iv) **Comparison between national legislation and World Bank OP4.12**, using equivalence and acceptability standards.

2.1. **Laws on Property and Land Rights in Uganda**

*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.

- Customary land is owned in perpetuity and is governed by the customary laws by the peoples who have customary tenure. These people have propriety interest in the land and can acquire a certificate of customary ownership.

- Freehold tenure involves the holding of land in perpetuity or of a
period less than perpetuity fixed by a condition. It enables the holder to exercise full power of ownership.

- 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. Additionally, it enables the holder to exercise full power of ownership.

- Leasehold tenure is created either by contract or by operation of the law. The landlord grants the tenants or lease 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.

Additionally, under common law the statute of a “licensee” or “sharecropper” is also recognized. 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.

**The Land Act (1998)** addresses land ownership (Section 2), tenure, management and other related issues. The developer should seek to enter into mutual agreement with the occupier or owner of the land upon payment of compensation.

Section 39 gives restrictions on transfer of land by family members. Section 39 (1) requires a written consent from the (i) spouse(s), (ii) children of majority age, (iii) committee where children or orphans below majority age are involved before any person transfers, sells or enters into contract of land where the household derives its livelihood.

Section 39 (7) allows the spouse or children of majority age, not being the owners to lodge a caveat on the certificate of title or certificate of customary ownership of the person who is the owner of any land to which subsection (1) applies to indicate that the property is subject to the requirement of the consent under subsection (1).

### 2.2. Expropriation / Acquisition of Land and Compensation of Land and Other Assets

**The Constitution of Uganda, (1995)** states that “no person shall be compulsorily deprived of property or any interests in or any right over property of any description except where;
(a) The taking of the land is necessary “for public use or in the interest of defence, public safety, public order, public morality or public health.”

(b) The compulsory taking of possession or acquisition of property is made under a law which makes provision for – prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property.

**The Land Act, 1998** gives the government and local authorities power to compulsorily acquire land in accordance with Articles 26 and 237 (2) of the Constitution.

**The Land Acquisition Act (1965)** makes provision for the procedures and methods of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister of Lands may authorize any person to enter the land, 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 or developer is to compensate any person who suffers damage as a result. The Act requires that adequate, fair and prompt compensation is paid before taking possession of land and property. Disputes arising from the compensation to be paid should be referred to the court for decision if the Land Tribunal cannot handle.

**The Access Roads Act, Cap 350** seeks to ensure that a private landowner/developer who has no reasonable means of access to public highway may apply for leave to construct a road of access to a public highway. The Act establishes a mechanism of applying for an access road to public highway and a legal regime to ensure the safety of the neighboring environment. The Act permits the owner of any land over which an access road is to be constructed to be paid compensation in respect of the use of land, the destruction of crops or trees and other property on the land.

In projects or subprojects dealing with **Electricity, The 1999 Electricity Act** lays down the procedures and legal requirements for use of land for installations. Part VIII section 68-72 of the Act deals with acquisition of land by the licensee/developer. It provides that whenever any land is required a licensee may acquire it by agreement with the owner. This conforms to the requirements for land acquisition under the Land Act.

However, if it is not alienated public land (i.e. not yet allocated to an owner) or if the Licensee/Developer fails to acquire the land through
agreement, then it notifies the Minister responsible (i.e. Minister of Lands, Housing and Urban Development) that such land is needed. The Minister would then have two options: (a) if the land is owned privately, he can impose such terms as he may deem fit with the controlling authority such as the District Land Board to place such land at the disposal of the Electricity Regulatory Authority (ERA) (b) if it is not owned by anyone (i.e. it is not alienated public land), government may acquire such land compulsorily.

The Water Act 1997 (Cap 152) Section 33 Subsection (1) stipulates that where damage is caused to land through the exercise of powers conferred upon the Minister, the director or an authorized officer by this Act, the Government shall compensate all parties having an interest in that land.

Subsection (2) states that damage to land includes (a) deprivation of possession of the surface land; damage to the surface of land and any improvements, trees or crops; damage to stock; and all consequential damage.

Subsection (3) stipulates that compensation may be in the form of money; provision of an alternative supply of water; exchange of land for another piece of public land if the land lost was under the Land Reform Decree, 1975; or any other type of compensation which the Minister may consider appropriate.

Under Subsection (4) it is stated that in calculating monetary compensation for damage to land under this section; in respect of compulsory acquisition of any interest in land, no amount shall be paid in respect of the taking or use of water on, adjacent to or beneath that land, unless the effect of that taking or use is to deprive the owner or occupier of the right to use water conferred by section 8, or any water permit granted under this Part of the Act.

In regard to Valuation, The Land Act, 1998 stipulates that the value of land in Uganda is determined depending on whether it is publically or privately owned land. Public land’s value and the value of structures and buildings in urban areas are fixed by the Chief Government Valuer’s office. 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.

The Uganda National Land Policy (2011) (Draft) tries to consolidate a number of scattered policies, which exist on various aspects of the land question, but are diverse, sectoral and inconclusive in many respects.
Land continues to be a critical factor, as it is the most essential pillar of human existence and national development. The National Land Policy vision, goal, objectives and principles, aim for sustainable management of land and its resources. It is hoped that by the time of the implementation of the proposed projects and other sub projects, the National Land Policy which is still in draft form will be completed and will guide the land related issues of the project.

2.3. **Grievance Resolution Mechanism**

*The Land Act, 1998* had provided for establishment of land tribunals at district level. These had been empowered to process all land disputes before the case could be taken to the ordinary courts. However, with the suspension of the district tribunals in 2007, land cases are currently handled by the High Court. The Land Act also states that traditional authority mediators must retain their jurisdiction to deal with, and settle, land disputes.

*The Access Roads Act, Cap 350* has provisions for grievance resolution between the developer and owner of land over which the access is to be constructed by applying to Magistrate’s Court for leave to construct a road of access.


The World Bank policy on involuntary resettlement emphasizes that any development project should avoid or minimize involuntary resettlement and where this is not feasible, it should assist the 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.

The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include.

WB OP 4.12.(6a) demands that the resettlement plan includes measures to ensure that displaced persons are (i) informed about their options and rights, (ii) consulted on, offered choices among others and provided with technically and economically feasible resettlement alternatives, and (iii) provided prompt and effective compensation at full replacement costs.

WB OP 4.12 (8) requires that particular attention should be paid to the needs of vulnerable groups among those displaced such as those below the poverty line, landless, elderly; women and children and indigenous
peoples and ethnic minorities.

WB OP4.12 (12a) states that payment of cash compensation for lost assets may be appropriate where livelihoods are land-based but the land taken for the project is a small fraction (less than 20%) of the affected asset and the residual is economically viable.

WB OP4.12 Para (6 b & c) state that in case of physical relocation, displaced persons should be (i) provided with assistance (such as moving allowances) during relocation; and (ii) provided with residential housing, or housing sites, or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the old site.

WB.OP 4.12 (13 a) stipulates that any displaced persons and their communities and any host communities receiving them should be provided with timely and relevant information, consulted on resettlement options and offered opportunities to participate in planning, implementing and monitoring resettlement.

In addition displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures such as land preparation, credit facilities, training, or job opportunities.

WB OP4.12 Para 13 (a) requires that appropriate and accessible grievance mechanisms are established to sort out any issues arising.

2.5. COMPARISON BETWEEN NATIONAL LEGISLATION AND WB OP 4.12

There are some differences between the World Bank Policy and the Ugandan Laws on involuntary resettlement. While the Ugandan Laws restrict themselves to fair, adequate and prompt compensation, the World Bank policy extends it to providing alternative land and resettling the persons.

Although the Ugandan Constitution requires that adequate compensation be paid prior to displacement, this is not at 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 “fair and adequate” compensation. OP 4.12 states that displaced persons should be compensated at full replacement
cost.

Furthermore, there is also no provision in the law, that the state should attempt to minimize involuntary resettlement.

A comparison of the Ugandan law and WB requirements regarding compensation is given in Table I.
Table I: Comparison of Ugandan and World Bank Policies on Resettlement and Compensation
<table>
<thead>
<tr>
<th>Category of PAPs/ Type of Lost Assets</th>
<th>Ugandan Law</th>
<th>World Bank OP4.12</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>The Constitution of Uganda, 1995 recognizes four distinct land tenure systems, Customary tenure, Freehold tenure, Leasehold tenure and Mailo land tenure. Customary land is owned in perpetuity and is governed by the customary laws by the people who have customary tenure. Privately owned land’s value is negotiated between the owner and the developer. In rural areas, land is valued at open market value and a 15% to 30% disturbance allowance must be paid if six months or less notice is given to the owner. Cash compensation</td>
<td>Identification of PAPs is done through census and socio-economic surveys of the affected population, Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</td>
<td>Preference should be given to land for land option</td>
</tr>
<tr>
<td>Land Squatters</td>
<td>Ugandan law does not make any specific accommodation for squatters or illegal settlers, and compensation is based on legal occupancy. Leasehold tenure is created either by contract or by operation of the law. The landlord grants the tenants or lease 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. Cash compensation is based upon market value of land and disturbance allowance</td>
<td>Must be compensated whatever the legal recognition of their occupancy.</td>
<td>Consider all forms of tenancy based on formal or informal rights/agreements between the land owner and tenants and compensate as per the principles of OP4.12.</td>
</tr>
<tr>
<td>Category of PAPs/ Type of Lost Assets</td>
<td>Ugandan Law</td>
<td>World Bank OP4.12</td>
<td>Comment</td>
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<tr>
<td>---------------------------------------</td>
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<tr>
<td>(15-30%)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Land Users/ Land Sharecroppers</strong></td>
<td>Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land. They are not entitled to compensation for land. They are only entitled to compensation for crops and disturbance allowance (15-30%).</td>
<td>No specific provisions to land compensation. Entitled to compensation for crops and income must be restored to at least pre-project levels.</td>
<td></td>
</tr>
<tr>
<td><strong>Owners of non-permanent buildings</strong></td>
<td>Cash compensation based upon rates per m² established at District level disturbance allowance (15% or 30%).</td>
<td>Recommends in-kind compensation or cash compensation at full replacement cost including labor. Recommends resettlement assistance</td>
<td>Families should be consulted on and offered options to choose from.</td>
</tr>
<tr>
<td><strong>Owners of permanent buildings</strong></td>
<td>Valuation is done by the CGV &amp; disturbance allowance (15% or 30%). Valuation based on replacement value</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement</td>
<td></td>
</tr>
<tr>
<td><strong>Perennial and annual Crops</strong></td>
<td>Cash compensation based upon rates per m²./bush/tree/plant established at District Level and disturbance allowance (15% or 30%)</td>
<td>Income restoration. Land for land compensation allows people to re-establish annual crops immediately.</td>
<td></td>
</tr>
<tr>
<td><strong>Seasonal crops</strong></td>
<td>No compensation. 3-6 months’ notice given to harvest crops.</td>
<td>No specific provision</td>
<td></td>
</tr>
<tr>
<td><strong>Livelihood restoration and assistance</strong></td>
<td>There are no explicit provisions</td>
<td>Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better</td>
<td></td>
</tr>
<tr>
<td>Category of PAPs/Type of Lost Assets</td>
<td>Ugandan Law</td>
<td>World Bank OP4.12</td>
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<tr>
<td>Timing of compensation payments</td>
<td>There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access. However, 3-6 months’ notice is given to the owner after payment of compensation. This is based on a disturbance allowance paid. Six months’ notice given for 15% disturbance allowance and 3 months’ notice given for payment of 30% disturbance allowance.</td>
<td>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.</td>
<td>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.</td>
</tr>
<tr>
<td>Consultation and disclosure</td>
<td>There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries (e.g. roads and energy).</td>
<td>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 assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.</td>
<td>Follow the OP. 4.12 guidelines and principles</td>
</tr>
<tr>
<td>Relocation and resettlement</td>
<td>Both The Constitution, 1995 and The Land Act, 1998 give 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</td>
<td>Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-</td>
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<tr>
<td></td>
<td>over property of any description except” if the taking of the land necessary “for public use or in the interest of defence, public safety, public order, public morality or public health.”</td>
<td>displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</td>
<td></td>
</tr>
<tr>
<td>Grievance mechanism and dispute resolution</td>
<td>The Land Act, 1998 had provided for land tribunals to resolve all land related issues. However, since their suspension in 2007, the High Court handles all land related cases. The act also states that traditional authority mediators must retain their jurisdiction to deal with, and settle, land disputes.</td>
<td>Establish appropriate and accessible grievance mechanisms</td>
<td></td>
</tr>
</tbody>
</table>

In a number of cases, as shown in Table I above, the WB requirements are more favorable to PAPs than the provisions of the Ugandan Law. All in all, in the event of divergence between the two, the policy which will be considered to be of a comparatively higher standard shall apply.
2.6. **PROJECT ORGANIZATION AND IMPLEMENTATION ARRANGEMENTS**

The preparation and implementation of the resettlement strategies will require the participation of several institutions at different levels. Coordination of the participating institutions is a critical requirement to a successful resettlement program. It is always preferred to have this addressed early into the project cycle, so that all participating parties are made aware of each other’s responsibilities, lines of reporting, communication channels, expectations and authority limits.

**Nile Equatorial Lakes Subsidiary Action Program (NELSAP)**

NELSAP will be responsible for overall technical and fiduciary oversight for the preparation of the Nyabanja and Kabayunda projects (including feasibility study, design, ESIA and RAPs). They will be responsible for providing technical support to the country, fiduciary management and overall quality control. In implementing this project, the NELSAP CU will ensure close coordination with other on-going country and basin projects, to ensure information exchange.

**Ministry of Water and Environment, Water for Production Department (MWE-WfP)**

The Ministry of Water and Environment (MWE) is responsible for ensuring sound environmental management that in turn ensures that there is sufficient water for domestic, agricultural and industrial uses. MWE has the responsibility for setting national policies and standards, managing and regulating water resources and determining priorities for water development and management.

Water for Production refers to development of water resources for productive use (crop irrigation, Livestock and aquaculture), rural industries, and other commercial uses. Water for production is a critical area that contributes to overall National Development Plan. The long-term objective of Water for Production is "To promote development of water supply for agricultural production in order to modernize agriculture and mitigate effects of climatic variations on rain-fed agriculture" through:

- Bulk water transfer from areas of plenty to areas of scarcity.
- Promoting water resources assessment and planning for agricultural production - Increasing the capacity of the farmers to access and use of water for crop, livestock and fisheries production.
- Promoting appropriate water harvesting technologies for irrigation
and livestock development.

- Promoting the participation of the farmers and the private sector in financing and planning, development and management of irrigation and livestock water supply systems.
- Provision of technical support to line ministries and local Government. Therefore Water for Production will be responsible for development and operation of Nyabanja and Kabuyanda Multipurpose dam projects.

The project will be implemented by the Ministry of Water and Environment (MWE), specifically through its Water for Production Department of the Directorate of Water Development (DWD). The ministry will also ensure that all laws, policies and Social Safeguards are adhered to (in collaboration with the national environment authority).

**Ministry of Agriculture Animal Industry and Fisheries (MAAIF)**

MAAIF is the lead agency for water use and management for agricultural development on-farm. The on farm functions carried out by MAAIF include among others Policy formulation for water use for irrigation, livestock, aquaculture and other agro-based activities, carrying out nationwide assessment on water for agricultural production needs, developing standards, guidelines and specifications for water use and management “on-farm” and schemes, planning/budgeting for water use and management on water use on public farm and schemes respectively, technical guidance to public sector developers on water use and management, quality assurance and livestock, on farms promoting appropriate technologies on efficient water use by all categories of farmers and monitoring and support supervision on water use for irrigation and agricultural production.

Since irrigation and water supply are some of the major components of the two projects, this ministry will be instrumental in the planning and implementation of the projects. MAAIF will collaborate with the Ministry of Water and Environment on the water for production programs i.e. irrigation and water for livestock. It will provide policy guidance on water use for irrigation and another related issue that may arise.

**Ministry of Energy and Mineral Development (MEMD)**

The mandate of MEMD is water use and management for hydropower generation. MEMD interfaces with MWE on planning and regulation of water resources utilization for hydropower development. In the event of any power generation from the two dams, the ministry will provide policy guidance during the planning and implementation phases.

**The Ministry of Lands, Housing and Urban Development**
The Ministry of Lands, Housing and Urban Development will be responsible for providing policy direction, national standards and the coordination of all matters concerning lands, housing and urban development. Under this ministry, the Division that would be very instrumental is the Valuation Division (Office of the Chief Government Valuer - CGV). The CGV is responsible for guiding the valuation process, approving the compensation principles and approving compensation rates. The Chief Government Valuer’s office will also be involved in resolving public complaints that will arise from valuation of land and compensation payments.

**Uganda Land Commission**

Article 239 of the Constitution stipulates that Land vested in or acquired by the Government of Uganda shall be held and managed by the Uganda Land Commission.

The Land Act section 49 states that the functions of the Uganda Land Commission are to hold and manage any land in Uganda which is vested in or acquired by the Government in accordance with the Constitution, and they are responsible for procuring the certificates of title for any such land. The Uganda Land Commission will be responsible for the processing of residual titles for the PAPs with titled land and for processing the projects’ titles.

**National Environment Management Authority (NEMA)**

The National Environmental Act provides for the establishment of NEMA as the principal agency responsible for coordination, monitoring and supervision of environmental conservation activities. NEMA is under the Ministry of Water and Environment (MWE) but has a cross-sectoral mandate to oversee the conduct of Environmental and Social Impact Assessments (ESIAs) through issuance of ESIA guidelines, regulations and registration of practitioners. It reviews and approves Environmental Impact Statements (EIS) in consultation with any relevant lead agencies. NEMA works with District Environment Officers and local environment committees at local government levels who also undertake inspection, monitoring and enforce compliance on its behalf. In Government ministries, NEMA works with Environmental Liaison Units to ensure that they effectively incorporate environmental issues in their activities, policies and programs.

NEMA will have the responsibility of assessment and monitoring of compliance of the Resettlement Action Plan to the Environmental and Social Safeguards. This shall be done either through the respective districts (i.e. Isingiro and Tororo) or directly through NEMA’s gazetted Environmental Inspectors.
**Local Governments**
The system of Local Government in Uganda is based on the District as a unit under which there are Lower Local Governments and Administrative Units. In each Local Government there is the political (composed of elected leaders) and technical (composed of civil servants). Each Local Government is by law assigned powers of making local policy and regulating for the delivery of services; formulation of development plans based on locally determined priorities; receive, raise, manage and allocate revenue through approval and execution of own budgets; alter or create new boundaries; appoint statutory commissions, boards and committees for personnel, land, procurement and accountability; as well as establish or abolish offices in Public Service of a District or Urban Council.

In the context of land acquisition, the primary responsibility of the Local Governments of the respective districts and Sub Counties will be;

- To review the progress of the land acquisition and resettlement implementation and problems, if any, identified through monitoring,
- To make decisions regarding actions to solve the problems and designate officers to carry out these actions.
- To assist in the identification of property owners,
- To resolve resettlement grievances

The Districts’ Land Boards will:

- Facilitate the registration and transfer of interests in land;
- Compile and maintain a list of compensation rates payable in respect of crops, buildings of a non-permanent nature and any other things that may be prescribed;
- Review every year the list of rates for compensation and;
- Deal with any matter which is incidental or connected with the above functions.

The office of the District Environmental Officer will:

- Review the Environmental Assessment report;
- Monitor environmental and social issues and;
- Participate in the identification and selection of relocation sites.

**Local Councils**
The Local Councils will play the following roles;

- Mobilize the general community and project Affected Persons.
- Witness the process of land survey, census of affected
property and persons.
- Verify Project Affected Persons
- Grievance resolution
- Monitoring of RAP activities.

**Non-Governmental Organizations and Civil Society Organizations**
Independent NGOs and Civil Society Organizations will be involved in the implementation process of the Resettlement Action Plan. Activities they can be involved in may include witnessing the RAP process, overseeing of livelihood restoration programs, monitoring and evaluation of the RAP activities etc.

**National Focal Point Officer**
A National Focal Point Officer and technical experts appointed by the Government of Uganda from the Ministry of Water and Environment will coordinate national level activities and ensure project coordination with relevant national institutions and development projects.

**Project Task Team**
A project task team comprising government technical staff for each project will be formed for the irrigation scheme to be developed. Members of the team will meet as needed and will be responsible for monitoring project progress and resolving implementation constraints.

As the decision to proceed with the implementation of the Nyabanja and Kabuyanda projects has not yet been taken (the studies to be conducted by NELSAP will help yield the information needed to make these investment decisions), the organizational arrangements for the implementation of the projects have not yet been finalized. These will be further elaborated through the feasibility study/ESIA and RAP processes.

**Capacity Assessment and Capacity building**
The ESIA/RAP processes will undertake an assessment of the capacity and capability of the indicated implementing agencies in managing and implementing the social safeguards (including the RPF and future RAPs and any other related social issues). The scope of assessment is to cover human resources -numbers and skills; tools; structural arrangements and operating environments. The ESIA/RAPs will include information on how the gaps could be bridged and will be taken forward in advance of, and during, the RAP implementation.

In addition, the ESIA and RAP processes shall include an analysis of
performance of implementation of past RAPs in Uganda, with lessons, challenges and recommendations (on management, implementation, monitoring and reporting, as well as practical challenges of financial commitments) on effective implementation of this RPF/RAPs.
3. SOCIO-ECONOMIC BACKGROUND

3.1. APPROACH FOR IDENTIFYING PROJECT AFFECTED PERSONS

The project affected persons will be identified after all the locations of the different subprojects have been determined. A land survey demarcating the required project land will be undertaken after which the identification of project affected persons will be undertaken. The PAPs shall be classified into three groups namely;

a) Those who have formal legal rights to the land they occupy;
b) Those who do not have formal legal rights to land, but have a claim to land that is recognized or recognizable under the national laws including those measures put in place by the draft land policy; or
c) Those who have no recognizable legal right or claim to the land they occupy.

The following categories of PAPs will be used in identifying groups of PAPs for the purpose of determining impacts.

**Project affected persons (PAPs)** are individuals whose assets may be lost, including land, property, other assets, and/or access to natural and/or economic resources as a result of activities related to sub-project(s).

**Project affected households** are groups of PAPs in one household and where one or more of its members are directly affected by the Nyabanja and Kabuyanda Multipurpose Projects. These include family members like the head of household, male, and female members, dependent relatives, tenants, etc.

**Vulnerable groups of people.** From these households, the Nyabanja and Kabuyanda Multipurpose Projects will separately identify the vulnerable members, such as those who are too old or too ill; children; those stricken with HIV/AIDS; women; unemployed youth; etc. Households headed by women that depend on sons, brothers, and others for support will also be identified. Similarly, households with elderly or seriously ill persons will be eligible for additional support.
3.2. **Estimated Population and Categories of Affected People**

The prefeasibility reports indicate that the Nyabanja area is fully cultivated though there are no settlements within the proposed reservoir area. However, there are inhabitants downstream of the proposed dam that may be affected by the irrigation conveyance system. In the case of Kabuyanda, the area to be inundated by the Kabuyanda reservoir is completely uninhabited, so there is likely to be minimal compensation costs associated with that project.

However, the exact number of persons that will be affected by the two projects will be determined through the socioeconomic surveys and censuses when preparing the Resettlement Action Plan.

3.3. **Creation of Baseline Information on Project Affected Persons**

During implementation of the two projects (Nyabanja and Kabuyanda Multipurpose Projects) a social assessment will be carried out to identify the areas or sites with expected resettlement impacts due to land acquisition or restriction of access to resources. At that stage, OP 4.12 calls for the preparation of separate stand-alone Resettlement Action Plans (RAPs) consistent with the guidelines provided in this RPF. The following procedural guidelines will apply when it is determined that a RAP would be developed.

(i) All potential PAPs should be identified (through a scoping exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);

(ii) PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and

(iii) PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.

**Screening:** This process would lead to the creation of a list of the number and types of infrastructure (including buildings or other structures) that sub-projects will construct that may potentially involve resettlement issues. This list will be presented to affected communities using a sensitization and consultation process. These consultations will be
documented for each site or sub-project.

RAP Preparation. As soon as the list is approved by the responsible agency implementing the two projects, a consultative and participatory process for preparing a RAP will be started, as follows:

(i) A socio-economic survey will be completed to determine scope and nature of resettlement impacts.
(ii) The socio-economic study will be carried out to collect data in the selected sub-project sites.
(iii) The socio-economic assessment will focus on the potential affected communities, including demographic data of the affected households/persons, land size owned, vulnerability, access to social services (education, health, water, and credit facility etc.), preferred options for compensation, length of residence in the area, livelihoods and income etc. The baseline information gathered on each affected person or household shall be used when monitoring and evaluating the project impacts.

Annex 2 describes the requirements for the RAP in detail. In general, the RAP contains the following information:

(i) Baseline Census;
(ii) Socio-Economic Survey;
(iii) Specific Compensation Rates and Standards;
(iv) Entitlements related to any additional impacts;
(v) Site Description;
(vi) Programs to Improve or Restore Livelihoods and Standards of Living;
(vii) Detailed cost estimates and Implementation Schedule.

3.4. Socio-economic information on the proposed Kabuyanda and Nyabanja Multipurpose WRD Areas

3.4.1. Social Characterization

Kabuyanda
The project area is basically inhabited by Banyankole, Bakiga and some Banyarwanda. The current population around the reserves of Rwoho and Bugamba is 141,383 distributed in four sub counties of Mwizi (26,136), Bugamba (28,822), Rukoni (44,401) and Kabuyanda (42,024). The Kabuyanda multipurpose Water Resource Development Project is expected to positively impact about 8,406 farmers in the sub counties of Kabuyanda and Kikagate. The area to be inundated by the Kabuyanda reservoir is completely un-inhabited. In this regard, there are likely to be minimal compensation costs associated with the Kabuyanda
shoulder dam/reservoir project. However, the actual number of negatively affected persons will be determined when preparing the Resettlement Action Plan for the project.

Agriculture is the backbone of the district economy, as 92% of the rural population depends on agriculture for livelihood and income and crop farming is a predominant activity engaging two thirds of the population. Poor agricultural practices on fragile mountains and hills have increased incidences of soil erosion. Petty trade is common within the neighborhood of the project area.

**Nyabanja**

There are a number of tribes in the proposed area for Nyabanja Multipurpose Water Resource Development Project. These include Banyole, Samia, Basoga, Bagweri, and Jopadhola. The settlement patterns are predominantly rural with agriculture as the mainstay of the economy; the majority (80%) of the population is engaged in traditional subsistence farming. Most of the agricultural production is rain fed with very little irrigation being practiced.

### 3.4.2. Land tenure systems

**Kabuyanda and Nyabanja**

Customary, freehold and leasehold are the land tenure systems that exist in both project areas with customary land tenure system as the most common.

### 3.4.3. Energy

**Nyabanja**

Access to electricity is very low within the Sio Malaba Malakisi catchment area; approximately 5 percent. Fuel wood (firewood and charcoal) are the dominant energy sources for cooking. Firewood is used for cooking by more than 90%. Paraffin is the main source of energy for lighting.

**Kabuyanda**

The district energy sources are mainly wood fuel, petroleum products, electricity and renewable resources like solar energy and biogas. Wood fuel accounts for 95% of the total energy used in the district. This has resulted into a lot of deforestation and loss of tree cover.

### 3.4.4. Water and Sanitation

**Nyabanja**

The population in Sio Malaba Malakisi catchment area faces acute shortage of safe water. This has compelled some households to resort to
accessing rivers and open (unsafe) water sources for domestic use. Safe water sources include piped water, boreholes, protected springs and wells, harvested rainwater and gravity flow schemes. Where safe water sources exist, they are far from households; hence, households do not use them or spend a lot of time accessing water from them.

3.4.5. Diseases

**Nyabanja**
Water related diseases are the most common causes of illness and death among the rural poor communities in the Sio Malaba Malakisi catchment. Diarrheal diseases (Cholera and Dysentery) are among the major killer diseases of young children, accounting for about 20% of all infant deaths in the Sio Malaba Malakisi catchment.

**Kabuyanda**
According to Isingiro District State of Environment 2009, HIV/AIDS prevalence rate stood at 10% in that year.

3.4.6. Social capital and Mechanisms of Social Cohesion and Social Structure

**Kabuyanda and Nyabanja**
The social capital and mechanisms of social cohesion for the people in Kabuyanda and Nyabanja project areas include reliance on family, religious organizations, organized groups in form of associations and self-help groups.

In regard to social structure, in all rural communities in Uganda, patrilineal kinship i.e. the successive link between the male parent and his children is the most basic structure organizing individuals into social groups. It is within and through these structures that marriage, property, inheritance, and community welfare of the social system are organized.

Like most rural societies, the two project areas are patrilineal in nature whereby men are considered to be superior to women. The men are major decision makers on several aspects including resources like land.

3.4.7. Possibility of conflict

**Kabuyanda and Nyabanja**
The major causes of potential conflict can be noted as distribution of land among family members and contention of land boundaries with neighbors. The main mechanisms for resolving such conflicts include family/clan members, church leaders and local council leaders.
aggrieved parties usually go to court when the above mechanisms fail. Causes of conflict will be investigated further when preparing the Resettlement Action Plan and proper grievance mechanisms shall have to put in place.
4. ELIGIBILITY CRITERIA FOR CATEGORIES OF AFFECTED PEOPLE

4.1. INTRODUCTION

This section sets out the eligibility criteria of the different categories of PAPs that will be affected by the Nyabanja and Kabuyanda projects and other related sub projects for resettlement and benefits.

The involuntary taking of land, results in relocation or loss of shelter and loss of assets or access to assets or natural resources or loss of income sources or means of livelihood, whether or not the PAPs must move to another location. The WB OP 4.12 Para 15 (a, b, & c) categorizes those eligible for compensation and resettlement in three groups as shown below.

(a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);

(b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement action plan (itinerant farmers or sharecroppers) and;

(c) Those who have no recognizable legal right or claim to the land they are occupying.

PAPs covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary, to achieve the objectives set out in this policy, if they occupy or use the project area prior to a cut-off date. Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance. All persons included in a), b) or c) above are to be provided with compensation for loss of assets other than land.

All PAPs irrespective of their status or whether they have formal titles, legal rights or not, squatters or otherwise encroaching illegally on land, are eligible for some kind of assistance if they occupied the land before the cut-off date. Persons who occupy the area after the socio-economic
study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

The entitlement cut-off date refers to the time when the valuation assessments of the land and assets/developments on the land and a census of all the affected people are complete. The date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date. All stakeholders including PAPs will be informed of the cut-off date and its implications. Information about the cut-off date will be disseminated mainly through public meetings, notices in local newspapers, radio announcements and through local authorities.

4.2. **Eligibility for Resettlement/Relocation**

Eligibility for resettlement will consider the following categories of PAPs:

- All those affected households whose family house (principle place of residence) is located within the proposed reservoir areas and any other sub-projects.
- Households whose land will be acquired by the project and the remaining piece is considered economically unviable.

4.3. **Eligibility for Community Compensation**

A Community may claim compensation as a group such as farmer's group/association. Communities permanently losing land and/or access to assets and or resources will be eligible for compensation. The rationale for this is to ensure that the pre-project socio-economic status of communities adversely impacted is also restored.

4.4. **Loss of Income and Livelihood**

PAPs who will be affected by a reduction in income due to the project should be considered for livelihood restoration strategies. Where necessary, PAPs will be entitled to transitional assistance, which include moving expenses and temporary residence.

Livelihood restoration strategies will be implemented during the construction of the project. Monitoring of the strategies will commence about 3 months after their implementation and will continue after the construction phase for a period of about 2 years.
4.5. **ASSISTANCE TO VULNERABLE GROUPS**

The compensation principles shall entail special measures and assistance for vulnerable project affected persons, such as female headed households, disabled persons and the poor. PAPs will be entitled to compensation and resettlement assistance that will help in the restoration of their livelihoods to at least, pre-project standards. An entitlement matrix is given in Table II below.

**Table II: Entitlement Matrix**

<table>
<thead>
<tr>
<th>Land and Assets</th>
<th>Types of Impact</th>
<th>Person(s) Affected</th>
<th>Compensation/Entitlement/Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural land</td>
<td>Less than 20% of land holding affected</td>
<td>Farmer/ title holder</td>
<td>Cash compensation for affected land equivalent to replacement value or Market value</td>
</tr>
<tr>
<td></td>
<td>Land remains economically viable.</td>
<td>Tenant/ lease holder</td>
<td>Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</td>
</tr>
<tr>
<td>Greater than 20% of land holding lost</td>
<td>Farmer/ Title holder</td>
<td>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Land does not become economically viable.</td>
<td></td>
<td>Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)</td>
</tr>
<tr>
<td>Tenant/Lease holder</td>
<td>Cash compensation equivalent to average of last 3 years’ market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
</tr>
<tr>
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</tr>
<tr>
<td>Commercial Land</td>
<td>Land used for business partially affected</td>
<td>Title holder/business owner</td>
<td>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short-term crops mature.</td>
</tr>
<tr>
<td></td>
<td>Limited loss</td>
<td></td>
<td>Cash compensation for affected land</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Business owner is lease holder</td>
<td>Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)</td>
</tr>
<tr>
<td>Assets used for business severely affected</td>
<td>Title holder/business owner</td>
<td>Land for land replacement or compensation in cash according to PAP’s choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</td>
<td></td>
</tr>
<tr>
<td>If partially affected, the remaining assets become insufficient for business purposes</td>
<td></td>
<td></td>
<td>Business person is lease holder Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting)</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
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<tr>
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</tr>
<tr>
<td>Residential Land</td>
<td>Land used for residence partially affected, limited loss Remaining land viable for present use.</td>
<td>Title holder</td>
<td>Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to reestablish the business.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rental/lease holder</td>
<td>Cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement (written or verbal).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Title holder</td>
<td>Cash compensation for affected land</td>
</tr>
<tr>
<td>Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement shall be of minimum plot of acceptable size under the zoning law/s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status. When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value. Transfer of the land to the PAP shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + allowance)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land and assets used for residence severely affected Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</td>
<td>Rental/lease holder</td>
<td>Refund of any lease/rental fees paid for time/use after date of removal. Cash compensation equivalent to 3 months of lease/rental fee. Assistance in rental/lease of alternative land/property. Relocation assistance (costs of shifting + allowance)</td>
<td></td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
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<td>---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Buildings and structures</td>
<td>Structures are partially affected</td>
<td>Owner</td>
<td>Cash compensation for affected building and other fixed assets.</td>
</tr>
<tr>
<td></td>
<td>Remaining structures viable for continued use</td>
<td></td>
<td>Cash assistance to cover costs of restoration of the remaining structure</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rental/lease holder</td>
<td>Cash compensation for affected assets (verifiable improvements to the property by the tenant).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Disturbance compensation equivalent to two months rental costs</td>
</tr>
<tr>
<td>Entire structures</td>
<td>Entire structures are affected or partially affected</td>
<td>Owner</td>
<td>Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP.</td>
</tr>
<tr>
<td></td>
<td>Remaining structures not suitable for continued use</td>
<td></td>
<td>Right to salvage materials without deduction from compensation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + allowance)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rehabilitation assistance if required (assistance with job placement, skills training)</td>
</tr>
<tr>
<td>Squatter/informal dweller</td>
<td></td>
<td>Rental/lease holder</td>
<td>Cash compensation for affected assets (verifiable improvements to the property by the tenant).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs).</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Assistance to help find alternative rental arrangements</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rehabilitation assistance if required (assistance with job placement, skills training)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Squatter/informal dweller</td>
<td>Cash compensation for affected structure without depreciation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Right to salvage materials without deduction from compensation</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Relocation assistance (costs of shifting + assistance to find alternative secure</td>
</tr>
<tr>
<td>Land and Assets</td>
<td>Types of Impact</td>
<td>Person(s) Affected</td>
<td>Compensation/Entitlement/Benefits</td>
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<tr>
<td></td>
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<td></td>
<td>accommodation preferably in the community of residence through involvement of the project; alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) Rehabilitation assistance if required assistance with job placement, skills training)</td>
</tr>
<tr>
<td>Street vendor (informal without title or lease to the stall or shop)</td>
<td></td>
<td></td>
<td>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business.</td>
</tr>
<tr>
<td>Standing crops</td>
<td>Crops affected by land acquisition or temporary acquisition or easement</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.</td>
</tr>
<tr>
<td>Trees</td>
<td>Trees lost</td>
<td>Title holder</td>
<td>Cash compensation based on type, age and productive value of affected trees plus 10% premium</td>
</tr>
<tr>
<td>Temporary Acquisition</td>
<td>Temporary acquisition</td>
<td>PAP (whether owner, tenant, or squatter)</td>
<td>Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)</td>
</tr>
<tr>
<td>Community property</td>
<td></td>
<td></td>
<td>In kind replacement or compensation at replacement cost for land and structures</td>
</tr>
</tbody>
</table>
5. METHODS FOR VALUING AFFECTED ASSETS

This section describes the methods to be used in valuing assets that will be eligible for compensation consistent with either Ugandan laws or policies or World Bank policy on involuntary resettlement (OP 4.12).

5.1. DISTRICT COMPENSATION RATES / VALUATION TABLES

The District Land Boards in Uganda regularly (every year) prepare, review and update compensation rates. These are used by the Valuation Expert to estimate the value of the affected property (crops, trees, non-permanent buildings and any other things that may be prescribed. The compensation rates are prepared in consultation with the Chief Government Valuer who finally approves them before they can be used.

The compensation rates / valuation tables should be acceptable to both the Donor Agency (WB), to the Government of Uganda and other stakeholders.

5.2. REPLACEMENT COST

Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs. Replacement cost will be used when valuing all the permanent structures. It will take into account market values for the structures and materials.

5.3. METHOD FOR TAKING INVENTORY OF ASSETS AND PAPs

In order to prepare for compensation and other resettlement benefits, it is imperative that a comprehensive asset and affected persons inventory in the designated areas for the different project components is done. Such an inventory will be conducted by a multidisciplinary team composed of the following types of persons: - a Project Team Leader, Surveyor, Valuation Expert and Sociologist. In addition to this team, respective village leaders, a District Land Representative and a Representative of the Local Government Council will be present to witness the process.

Valuation Procedure
At each affected land/plot, the Valuer will take careful count of all crops and trees. In addition, the Valuer will count and measure all the affected buildings / structures in the presence of the affected person and a local leader. A Compensation Assessment Form will be filled to record all the properties affected. The licensees or sharecroppers crops will also be
noted and recorded on a separate Compensation Form bearing the names of the licensee or sharecropper. The property of the sharecropper/licensee will be recorded in the presence of the landowner, the licensee/sharecropper and the area leader. All the participating parties will verify the contents of the Compensation Assessment Form and will thereafter append their signatures to this form. The affected persons will take a copy of the Compensation Assessment while the original will be retained by the Valuer.

**Land Survey**
A Land Surveyor will demarcate the boundary of the project land required for acquisition. He will then demarcate individual affected property so as to determine the different land areas/sizes acquired from each PAP. The surveyor will work hand in hand with the affected persons, other community members and the Local authorities (i.e. the LC I Chairpersons, Vice Chairpersons and any member of the LC I committee). This is mainly for purposes of transparency and confirming land boundaries and ownership of the affected property. In cases where the land owners will be absent, family members, caretakers or spouses will be encouraged to be present and represent the household. The land inventory will specify the different customary tenures under which the different affected plots of land fall (e.g. customary, leasehold, freehold etc.).

**Socio-economic Profile of Each PAP**
Structured questionnaires will be administered by a team of trained Research Assistants in order to document each Project Affected Person’s profile. The team will be supervised by a Resettlement Expert. The questionnaires will be entered in a database and analyzed to estimate the magnitude of the impacts and for monitoring purposes.

The socio-economic survey will reveal a substantial amount of information on the economy and social organization of the affected community. The Resettlement Expert is expected to review this data so as to identify appropriate and sustainable interventions. Special attention will be paid to the needs of vulnerable people among the PAPs especially households with incomes below the national poverty line, including the landless, elderly, disabled, women, children, and other disadvantaged groups.

For these reasons, the project sponsor should bear in mind that resettlement may provide opportunities to an affected community to improve housing, public infrastructure and services and to engage in land use planning that contributes to the long term development objectives.
5.4. **COMPUTATION OF COMPENSATION PACKAGES**

Valuation and Calculation of the affected property will be based on the following:

**Land:**

Valuation and calculation of compensation for land will be based upon market value of unimproved land plus a 15-30% disturbance allowance.

**Crops and Trees**

Valuation and calculation of compensation for crops and trees will be based upon the official district approved compensation rates and count of trees and crops on the affected land/plot plus a 15-30% disturbance allowance.

**Non-Permanent Structures**

Valuation and computation of compensation packages will be based upon the official district approved compensation rates (taking into account market costs for materials) with type of materials, condition and age taken into account plus a 15-30% disturbance allowance.

**Permanent Structures**

Valuation of and computation of compensation for permanent structures will be based upon replacement cost (taking into account market values for the structures), with guidance from the Chief Government Valuer plus a 15-30% disturbance allowance.

**Inflation Tendencies**

The fact that normally the period between valuation and compensation of assets is long, inflation allowances shall be considered when computing compensation costs.

5.5. **FORMS OF COMPENSATION**

Compensation shall be done in the following forms:

- Cash Compensation will be in Ugandan local currency
- In-kind compensation shall include items such as land, houses, building materials, seedlings, agricultural input etc.
- Additional assistance may include, moving allowances, labour,
food and rent during the transition period etc.

5.6. **Consultation and Participatory Approaches**

For all stages of the RAP all the relevant stakeholders including the PAPs will be consulted and sensitized. This will be done through a series of individual and public meetings. All types of compensation and valuation principles to be followed will clearly be explained to the individuals or households involved. A participatory approach will be adopted for all meetings. Stakeholders and PAPs will be given a chance to freely participate in the meetings and to raise any queries, concerns or questions. All concerns raised will be taken into consideration when preparing the Resettlement Action Plans.

5.7. **Disclosure and Notification**

All eligible PAPs will be informed about the Nyabanja and Kabuyanda Multipurpose Water Development Projects and the RAP process, including grievance redress. Disclosure and notification of entitlements will be carried out by the compensation teams responsible for implementing the respective RAPs to enable the dissemination of the results of the land and property compensation assessment process. The individual household database will be updated after individual consultation disclosure.

Notification about the intended disclosure will be done through media announcements and formal notification (written and verbal) and through local leaders.

There are three disclosure stages that are proposed as shown below.

i) The first disclosure meetings by the verification team will be organized at any convenient place in the affected area with the area LC1s of all affected villages detailing the principles of compensation for the different types of loss.

ii) The second stage disclosure meetings will be at village level with PAPs. The list of each affected individual will be published. However, no amounts shall be indicated against each PAP. At this stage PAPs will be expected to make all the necessary corrections to items like names, villages etc.

iii) The third disclosure meetings will involve meetings that will be held on individual basis with each affected person at an
appropriate gazetted place in the affected village. The proposed compensation for land and other affected properties will be discussed. Family members that is, spouse and children of majority age have to express their written consent at this level as required by the Land Act 1998.

5.8. **DOCUMENTATION AND VERIFICATION OF LAND AND OTHER ASSETS**

The inventory of all assets and persons shall be compiled in a Valuation Report and A strip map which shall be submitted to the CGV for approval. A Resettlement Action Plan Report shall also be prepared and submitted to the implementing agency and donor agencies for approval. The RAP report will contain all the necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts.

The verification of ownership of land and other assets shall be done with the help of local authorities, neighbours, clan members, family members and documents like land titles and land sale agreements.

A form (Consent Form) detailing the quantities of the affected properties and the total compensation shall be signed by each PAP and witnessed by a spouse, or child above 18 years or any other person as chosen by the PAP. In addition, the respective village leaders, the implementing agency’s representative and representatives of the Districts’ Land Boards will also append their signatures to the consent form.

The implementing agency will keep all copies of the documentation of the whole process. The documents will be referred to during monitoring and evaluation of the resettlement activities.

5.9. **INDIVIDUAL / HOUSEHOLD COMPENSATION**

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice. However, PAPs will be advised on the importance of accepting in-kind compensation especially when more than 20% of the land has been affected as stated in OP4.12. All in kind compensation will be handed over to the PAP in the presence of the local leaders, district representatives and representatives of the implementing agency.
5.10. **COMMUNITY PAYMENTS**

Although most sub-projects do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least to the same standard or equivalent or better standard required by local planning regulation.

5.11. **PROCEDURES FOR DELIVERY OF COMPENSATION**

It is recommended that compensation be made through reputable local banks. This will ensure security of the PAPs money especially for those receiving large sums. Forms acknowledging receipt of the compensation packages shall be signed by each PAP.
6. PUBLIC CONSULTATION AND DISCLOSURE PLAN

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach shall be adopted as an on-going strategy throughout the entire project cycle.

Public participation and consultations take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAPs are consulted in the survey process; public notices where explanations of the sub-project are made; RAP implementation of activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. A partial list of consultations on the project held to date are included in Annex 7. Future consultations related to the RAP are included in this section.

6.1. 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-projects. 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.

6.2. 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.

### 6.3. 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 cards to assess the quality of the 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.
7. GRIEVANCE REDRESS MECHANISMS

7.1. INTRODUCTION

During the implementation of the project activities it is likely that disputes/disagreements between the project implementers and the affected persons will occur especially in terms of boundaries, ownership of crops or land or use of land/ properties, compensation values, delay in disbursement of the compensation packages. It will therefore be necessary to establish channels through which aggrieved people could file their complaints so as to ensure successful project development and implementation. The sub project RAP team will establish grievance redress mechanisms in accordance to those outlined in the RPF.

The grievance redress procedures will provide opportunity for PAPs to settle their complaints and grievances amicably. The procedure to be adopted will allow PAPs not to lose time and resources from going through lengthy administrative and legal procedures. This may be set up through Local Authorities, including a Resettlement Committee through community leaders.

The grievance mechanisms should
- Provide an effective avenue for expressing concerns and achieving remedies for communities
- Promote a mutually constructive relationship between the project and the community or PAPs.
- Prevent and address community concerns

7.2. GRIEVANCE MECHANISMS

The following levels of grievance resolution are proposed.

Grievance Resolution Committee

The grievance committee is proposed at the local level and this may constitute the following people;

- LCIII Chairperson/a representative
- Sub-county Chief/ a representative
- Chairperson, Area Land Committee / a representative
- LCI Chairperson for each affected village
- Two representatives of Project Affected Persons (1 Male and 1 Female)
The PAP representatives and the elders will be democratically chosen by the PAPs with the help of their leaders. Complaints of PAPs on any aspect of compensation or addressed losses shall first be lodged in writing to the Committee, which will be resolved by use of customary rules. The project implementers will also verify the claims on ground with the assistance of the grievance committee. A good faith effort will be undertaken to resolve the grievance amicably with all relevant parties. Should the grievance remain, unresolved, then the case will be forwarded to the nation’s courts of law.

Courts of Law

The constitutions allow a right of access to courts of law by any person who has an interest or right over property. The aggrieved PAP not satisfied with the decision of the Committee may submit the case to courts of law as a last resort.

7.3. GRIEVANCE RESOLUTION PROCESS

Through sensitization meetings the PAPs will be informed of the different grievance mechanisms in place for them to lodge their complaints and dissatisfaction. The grievance procedure will be simple and administered as far as possible at the local levels to facilitate access, flexibility and ensure transparency. All the grievances will be channeled via the Grievance Resolution Committees. Complaints will be filled in a Grievance Resolution Form (Annex 3).

After registration of the complaint, an investigation will be carried out by the committee members to verify its authenticity. Thereafter a resolution approach will be selected based on the findings. The decisions of the action to be taken or taken will be communicated to all involved parties mainly in written form. All measures will be undertaken to ensure that the grievance is solved amicably between the concerned parties and the courts will be the last resort. Efficiency in solving of the grievances will be of paramount importance.

This process does not preclude the PAPs’ rights to legal recourse. Should the PAPs not be satisfied with the outcome of the Grievance Resolution process, they may avail themselves of the judicial system in Uganda.

7.4. MONITORING COMPLAINTS

In addition to the Grievance Resolution Form, a Grievance Log will be kept by the project implementers indicating the date the complaint was lodged, actions to be taken and personnel or team responsible for the
complaint. The Project Liaison Officer or RAP Specialist for each sub project will monitor and document the progress of all complaints through weekly or monthly grievance resolution reports.
8. IMPLEMENTATION SCHEDULE

8.1. TIME SCHEDULE FOR THE IMPLEMENTATION OF THE RAP

Upon review and approval of the RAP by all stakeholders, the implementing agency will embark on the process of RAP implementation. This process will be conducted prior to the commencement of the construction activities. Efforts will be made to ensure that PAPs are allowed sufficient time for relocation or handover of land. PAPs will only be required to move after receipt of their total compensation packages including replacement land and structures whenever applicable. However, the processing of registration documents is sometimes lengthy and highly bureaucratic. Therefore, these may be distributed long after or deep into the construction phase but not beyond commissioning. The detailed activity schedule for the resettlement activities will be finalized during the preparation of the RAP.

8.2. LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

For each sub-project, the resettlement schedules will be coordinated with construction schedules. Before any project civil works activity is implemented, PAPs will have to be compensated in accordance with the Ugandan and World Bank resettlement laws, regulations and guidelines as set in this RPF. In other words, no individual or affected household should be displaced due to civil works activity before compensation is paid and resettlement sites with adequate facilities are prepared and provided for to the individual or homestead affected.

The land acquisition (both construction and relocation) and demolition of houses should be completed within the preparatory stage of the engineering construction and before the beginning of relevant engineering works.

The schedule is thus expected to ensure that all PAPs, prior to their physical relocation will;
- have been adequately consulted about the project, its impacts and compensation entitlements;
- have received compensation entitlements in a timely manner;
- have been provided with means to establishing livelihoods.
9.  BUDGET AND FUNDING ARRANGEMENTS

9.1. ESTIMATED BUDGET

An itemized budget is required for the implementation of resettlement activities including compensation. Thus the specific RAPs prepared for the two projects must provide a budget as this will be crucial for planning and implementation purposes.

Since the specific locations of the sub-projects are not yet determined, the number of PAPs not yet determined and the technical designs have not been completed, it is not possible to provide an estimated budget for the total costs of resettlement that will be associated with the implementation of the Kabuyanda and Nyabanja Water Storage Reservoir Development Projects. Thus this RPF only provides the contents of the expected budget for each RAP that will be prepared.

The budgets will give itemized budgets for the different categories of compensation packages, community development activities, income restoration strategies, provisions for inflation, administrative costs, estimated implementing costs, inflation and any contingencies. Once the budgets for the respective projects are finalized, they will be subject to approval by the World Bank, if the World Bank is to finance any of the implementation of the two proposed WRD projects. Table III shows an indicative outline of a RAP budget.

Table III: Indicative Outline of a RAP Budget

<table>
<thead>
<tr>
<th>Asset acquisition</th>
<th>Amount or number</th>
<th>Total estimated cost</th>
<th>Agency responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Structure</td>
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<td></td>
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<tr>
<td>Crops and economic tress</td>
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<tr>
<td>Community infrastructure</td>
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<tr>
<td><strong>Land Acquisition and Preparation</strong></td>
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<tr>
<td>Land</td>
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</tbody>
</table>

4 As noted earlier, neither NELSAP-CU nor the Government of Uganda had made a decision to proceed with the implementation of the Nyabanja or Kabuyanda WRM projects, as the feasibility studies (financed through the NCORE project) are needed in order to make investment decisions. As such, implementation financing for the Nyabanja or Kabuyanda WRM projects has not yet been secured. The level of involvement, if any, of the World Bank in the proposed Nyabanja or Kabuyanda WRM projects beyond the financing of the Feasibility Studies, Designs, ESIAs and RAPs (through the NCORE project) are not yet known.
Under the NCORE project, NELSAP will be conducting a social safeguards training course, including capacity building on land acquisition and resettlement procedures for targeted officials from key agencies and utilities of its member governments that are involved in design, preparation and implementation of NELSAP projects. It currently has $100,000 for this training, and is seeking additional funds to augment this budget.

**9.2. Source of Funding**

The respective resettlement budgets will be financed in-country through the administrative and financial management rules and manuals issued by the Government of Uganda.
10. MONITORING AND EVALUATION

The RAP team will be expected to develop and implement a Monitoring and Evaluation Plan (MEP). The main indicators that the MEP will measure include: (i) impacts on affected individuals, households, and communities to be maintained at their pre-project standard of living, and better; (ii) improvement of communities affected by the project; and (iii) management of disputes or conflicts. In order to measure these impacts, the RAP will identify the specific indicators to be monitored; define how they will be measured on a regular basis; and identify key monitoring milestones (e.g. at mid-point of the RAP implementation process).

10.1. ARRANGEMENTS FOR MONITORING BY IMPLEMENTING AGENCY

The WB’s safeguard policy (OP 4.12) states that the project sponsor is responsible for adequate M&E of the activities set forth in the resettlement instrument. Monitoring will provide both a warning system for the project sponsor and a channel for the affected persons to make known their needs and their reactions to resettlement execution.

The Project Implementing Unit (PIU) will establish a reporting system for the sub-project RAP that will:

(i) Provide timely information to the project about all resettlement and compensation issues arising as a result of RAP 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 (e.g. by the PIU);
(iii) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses;
(iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RPF and that PAPs have better living conditions and livelihoods; and
(v) Identify mitigation measures, as necessity, when there are significant changes in the indicators that may require strategic interventions (e.g. vulnerable groups are not receiving sufficient support from the sub-project).

10.2. INTERNAL AND EXTERNAL MONITORING

There will be need to carry out both internal and external monitoring to ensure complete and objective information and to avoid biasness.
Internal Monitoring

For internal monitoring, the resettlement offices of the executing agency, in partnership with the paying consultant will take full responsibility for conducting regular internal monitoring of the implementation of the project. This will be done hand in hand with some of the districts’ staff, the PAPs representatives and will be done say after every six weeks. Post resettlement monitoring will be undertaken internally like every three months.

The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

(i) Number of sub-projects requiring preparation of a RAP;
(ii) Number of households and individuals physically or economically displaced by each sub-project;
(iii) Length of time from sub-project identification to payment of compensation to PAPs;
(iv) Timing of compensation in relation to commencement of physical works;
(v) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
(vi) Number of people raising grievances in relation to each sub-project;
(vii) Number of unresolved grievances.

The PIU will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PIU, to determine the final cost of RAP implementation.

Indicators

The following indicators (in Table IV) can be used to monitor implementation of the RAP.
### Table IV: Indicators of RAP Impacts

<table>
<thead>
<tr>
<th>Monitoring (of Issues)</th>
<th>Evaluation (of Impacts)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of compensation (and valuation) not completed</td>
<td>Changes (+/-) in PAPs conditions during transition process</td>
</tr>
<tr>
<td>Number of sub-projects unable to settle compensation after two years</td>
<td>Changes (+/-) in PAPs income and livelihood conditions</td>
</tr>
<tr>
<td>Number of grievances filed</td>
<td>Nature of grievances or disputes resolved</td>
</tr>
<tr>
<td>Number of livelihood restoration programs completed</td>
<td>Changes (+/-) in affected households income levels</td>
</tr>
<tr>
<td>Pre project production versus present production levels (crops for crops, land for land)</td>
<td>Equal or improved production per affected household/homestead</td>
</tr>
</tbody>
</table>

**External Monitoring**

External monitoring will be undertaken by an independent agency or Consultant. These will have extensive experience in social surveys and resettlement monitoring. External monitoring will be done at least 2 years after completion of the construction phase. The Media and Civil Society Organizations may be involved in this exercise.

External monitoring will include an independent impact evaluation that will determine:

(i) If compensation payments have been completed in a satisfactory manner; and
(ii) If there are improvements in livelihoods and well-being of PAPs.

**Indicators**

Several indicators will be used to measure these impacts. These will include, among others:

- A comparison of income levels before-and-after;
- Access to livelihoods and employment;
- Changes in standards of housing and living conditions;
- And improvements in level of participation in sub-project activities.

Specific indicators may include the following:

- Yield / produce quantity/quality from farming
- Access/ distance/ quality of agricultural plots
• Quality of, and access to, water
• Source of income
• Number of households engaged in fish farming
• Number of households with access to electricity
• Number of tourists
• Number of children in-school
• Changes in health standards;
• Changes in access to markets or roads – all of which may reflect overall improvements in standards of living.
• Number of ‘vulnerable’ people
• Yield/ produce quantity/quality from livestock
• Number of PAPs employed by the project
• Number of people with agricultural plots
• General relations between the project and local communities

Methods for Measuring Impacts

The following methods will be used for measuring impacts:

(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.
(iv) Consultations

It is important to note that monitoring is continuous throughout the project while evaluation is at a given point.

The PIU will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the PIU, to determine the final cost of RAP implementation. The indicators (in Table IV) can be used to monitor implementation of the RAP.

10.3. **Annual Audit**

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 as provided in this RPF.
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. If the implementation (construction) of the Myabanja or Kabuyanda projects are eventually funded by the World Bank, annual audit reports will be submitted for scrutiny to the World Bank, for the project(s) being implemented with World Bank funds. If the projects are financed by a body other than the World Bank, an adequate review mechanism should be established by the projects.

To be effective, the completion audit will take place after all RAP activities have been completed including development initiatives, but before the completion of financial commitments to the programme. This will allow for flexibility to undertake any corrective action that the auditors may recommend before the project is completed.

10.4. **Socio-Economic Assessment**

The purpose of socio-economic assessment, which is part of the evaluation process, is to ensure that PAPs livelihood and wellbeing have improved, and have not worsened as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihoods, and provision of sufficient community development activities. Monitoring of living standards will continue after resettlement. Additionally a reasonable period (usually two years) must be established for monitoring post-resettlement impacts. A number of indicators (discussed above) will be used for measuring status of affected people.

The socio-economic assessments will use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment will be made for each sub-project. Additionally, since a baseline household survey will have been completed during RAP preparation, the end-RAP assessment will measure changes based on this baseline.
LIST OF ANNEXES:

Annex 1: World Bank Resettlement Policy Framework
Annex 2: Annotated Outline for Preparing a Resettlement Action Plan (RAP)
Annex 3: Sample Grievance and Resolution Form
Annex 4: Sample Table of Contents for Consultation Reports
Annex 5: Glossary of Terms
Annex 6: Relevant Laws
Annex 7: Summary of Project Consultations to Date
ANNEX 1: WORLD BANK RESETTLEMENT POLICY FRAMEWORK


These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by OP / BP 6.00, Bank Financing - that is, those in countries with approved country financing parameters. Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects.

Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.

Resettlement Policy Framework
For sector investment operations that may involve involuntary resettlement, the Bank requires that the project implementing agency screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the borrower submits, prior to appraisal, a resettlement policy framework that conforms to this policy (see Annex A, paragraphs 23-25). The framework also estimates, to the extent feasible, the total population to be displaced, and the overall resettlement costs.

For financial intermediary operations that may involve involuntary resettlement, the Bank requires that the financial intermediary (FI) screen subprojects to be financed by the Bank to ensure their consistency with this OP. For these operations, the Bank requires that before appraisal the borrower or the FI submit to the Bank a resettlement policy framework conforming to this policy (see Annex A, paragraphs 23-25). In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects that may involve involuntary resettlement, the Bank requires that a draft resettlement plan...
conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paragraphs 23-25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

For each subproject included in a project described in paragraphs 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing.

For projects described in paragraphs 26-28 above, the Bank may agree, in writing, that sub-project resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity’s approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.
ANNEX 2: ANNOTATED OUTLINE FOR PREPARING A RESETTLEMENT ACTION PLAN (RAP)

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website [web.worldbank.org].

The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

A broad outline of the RAP, as applied to sub-projects covered under a RPF includes, but is not limited to, the following:

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

Potential Impacts: Identification of the: (i) the sub-project components or activities that require resettlement or restriction of access; (ii) zone of impact of components or activities; (iii) alternatives considered to avoid or minimize resettlement or restricted access; and (iv) mechanisms established to minimize resettlement, displacement, and restricted access, to the extent possible, during project implementation.

Objectives: The main objectives of the resettlement program as these apply to the sub-projects.

Socio-economic studies: The findings of socio-economic studies to be conducted in the early stages of project preparation, and with the involvement of potentially affected people will be needed. These generally include the results of a census of the affected populations covering:

(i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
(ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
(iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
(iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
(v) Provisions to update information on the displaced people’s livelihoods and standards of living at regular intervals so that the latest information is available
at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

There may be other studies that the RAP can draw upon, such as those describing the following:

(i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;

(ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;

(iii) Public infrastructure and social services that will be affected; and

(iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

Legal Framework: The analysis of the legal and institutional framework should cover the following:

(i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc;

(ii) Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;

(iii) Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc related to displacement and resettlement, and environmental laws and social welfare legislation;

(iv) Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;

(v) Gaps, if any, between local laws covering resettlement and the Bank’s resettlement policy, and the mechanisms for addressing such gaps; and

(vi) Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

(i) Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;
(ii) Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
(iii) Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

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

**Valuation of and compensation for losses:** The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

**Resettlement Measures:** A description of the compensation and other resettlement measures that will assist each category of eligible PAPs to achieve the objectives of OP 4.12. Aside from compensation, these measures should include programs for livelihood restoration, grievance mechanisms, consultations, and disclosure of information.

**Site selection, site preparation, and relocation:** Alternative relocation sites should be described and cover the following:

(i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
(ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;
(iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
(iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

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

**Environmental protection and management.** A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).
Community Participation: Consistent with the World Bank’s policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

(i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
(ii) Summary of the consultations and how PAPs’ views were taken into account in preparing the resettlement plan; and
(iii) Review of resettlement alternatives presented and the choices made by PAPs regarding options available to them, including choices related to forms of compensation and resettlement assistance, to relocating as individual families or as parts of pre-existing communities or kinship groups, to sustaining existing patterns of group organization, and to retaining access to cultural property (e.g. places of worship, pilgrimage centers, cemeteries); and
(iv) Arrangements on how PAPs can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that vulnerable groups (including indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

The consultations should cover measures to mitigate the impact of resettlement on any host communities, including:

(i) Consultations with host communities and local governments;
(ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
(iii) Conflict resolution involving PAPs and host communities; and
(iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

Grievance procedures: The RAP should provide mechanisms for ensuring that an affordable and accessible procedure is in place for third-party settlement of disputes arising from resettlement. These mechanisms should take into account the availability of judicial and legal services, as well as community and traditional dispute settlement mechanisms.

RAP implementation responsibilities: The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies’ capacities of responsibility for managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc).

Implementation Schedule: An implementation schedule covering all RAP activities from preparation, implementation, and monitoring and evaluation should be included. These should identify the target dates for delivery of benefits to the resettled population and the hosts, as well as clearly defining a closing date. The schedule
should indicate how the RAP activities are linked to the implementation of the overall project.

Costs and budget: The RAP for the specific sub-projects should provide detailed (itemized) cost estimates for all RAP activities, including allowances for inflation, population growth, and other contingencies; timetable for expenditures; sources of funds; and arrangements for timely flow of funds. These should include other fiduciary arrangements consistent with the rest of the project governing financial management and procurement.

Monitoring and evaluation: Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation. The final evaluation should be done by an independent monitor or agency to measure RAP outcomes and impacts on PAPs’ livelihood and living conditions. The World Bank has examples of performance monitoring indicators to measure inputs, outputs, and outcomes for RAP activities; involvement of PAPS in the monitoring process; evaluation of the impact of RAP activities over a reasonable period after resettlement and compensation, and using the results of RAP impact monitoring to guide subsequent implementation.
ANNEX 3: SAMPLE GRIEVANCE AND RESOLUTION FORM

Name (Filer of Complaint): __________________________________________
ID Number: __________________________________________ (PAPs ID number)
Contact Information: __________________________________________ (Village; mobile phone)
Nature of Grievance or Complaint:
__________________________________________________________________________
__________________________________________________________________________
Date  Individuals Contacted  Summary of Discussion
________________________________________  ____________________________
Signature:________________________ Date:____________

Signed (Filer of Complaint):
Name of Person Filing Complaint: ________________________(if different from Filer)
Position or Relationship to Filer: ______________________________

Review/Resolution
Date of Conciliation Session: __________________________________________
Was Filer Present? : Yes No
Was field verification of complaint conducted? Yes No
Findings of field investigation:
__________________________________________________________________________

Summary of Conciliation Session Discussion:
__________________________________________________________________________
Issues ____________________________________________________________

Was agreement reached on the issues? Yes No
If agreement was reached, detail the agreement below:
If agreement was not reached, specify the points of disagreement below:
__________________________________________________________________________

Signed (Conciliator): ___________________________ Signed (Filer): ____________

Signed:
Independent Observer
Date: ___________________________
ANNEX 4: SAMPLE TABLE OF CONTENTS FOR CONSULTATION REPORTS

1.0 Introduction.
1.1 Project Description
1.2 Applicable Laws, Regulations, and Policies to Public Engagement
1.3 Project Lenders

2.0 Stakeholder Analysis
2.1 Areas of Influence/Stakeholders
2.2 Description of Stakeholders

3.0 Stakeholder Engagement
3.1 Previous Consultation Activities
3.2 Implemented Community Engagement Activities
3.3 Project Sponsor’s Community Engagement Plan
3.3.1 Phase 1 – Initial Stakeholder Consultation
3.3.2 Phase 2 – Release of the SEA Terms of Reference and Draft PCDP
3.3.3 Phase 3 – Release of SEA Consultation Summary Report

4.0 Summary of Key Issues

5.0 Future Consultation Events
5.1 Phase 4 – Release of the SEA Report and Action Plans
5.2 Phase 5 – RCDAP Planning Consultation
5.3 Phase 6 - Ongoing Project Communication

6.0 Disclosure Plan

Tables
Table 2.1: Consultation Activity Summary
Table 3.1: Initial Government Agency Consultations
Table 3.2: Summary of NGO Meetings
Table 3.3: Sub-County Committee Composition
Table 3.4: Summary of Community Discussions
Table 3.5: Local Community Comments
Table 4.1: Summary of Key Issues and Responses
Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

TEMPLATE Table on Consultation Activity Summary

<table>
<thead>
<tr>
<th>Location and Communities Represented</th>
<th>Meeting Dates</th>
<th>Attendees</th>
<th>Discussion Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example:</td>
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</tbody>
</table>
## ANNEX 5: GLOSSARY OF TERMS

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td>Census</td>
<td>A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) 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.</td>
</tr>
<tr>
<td>Compensation</td>
<td>The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.</td>
</tr>
<tr>
<td>Cut-off Date</td>
<td>Date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.</td>
</tr>
<tr>
<td>Directly Affected Persons</td>
<td>All those who reside or derive their living from areas where the project will have a direct impact, often referred to as the Direct Impact Zone (DIZ), consisting of all the project components.</td>
</tr>
<tr>
<td>Involuntary Resettlement</td>
<td>The unavoidable displacement of people arising from development projects that creates the need for rebuilding their livelihood, income and asset bases in another location. It includes impacts on people whose livelihood and assets may be affected without displacement.</td>
</tr>
<tr>
<td>Land Acquisition</td>
<td>The possession of or alienation of land, buildings, or other assets thereon for purposes of the project.</td>
</tr>
<tr>
<td>Project Affected Persons (PAPs) or Displaced Persons (DPs)</td>
<td>Persons affected by land and other assets loss as a result of project activities. These persons 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. Most often, the term DPs applies to those who 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.</td>
</tr>
<tr>
<td>Project Impacts</td>
<td>Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities, assessed as part of the overall evaluation of the project.</td>
</tr>
<tr>
<td>Physical displacement</td>
<td>Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.</td>
</tr>
<tr>
<td>-----------------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Rehabilitation Assistance</td>
<td>Provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, to assist PAPs or DPs to restore their livelihoods.</td>
</tr>
<tr>
<td>Replacement Cost</td>
<td>The amount sufficient to cover full recovery of lost assets and related transaction costs.</td>
</tr>
<tr>
<td>Resettlement Action Plan (RAP)</td>
<td>The document in which a project sponsor or other responsible entity specifies the procedures that it will follow and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project.</td>
</tr>
<tr>
<td>Stakeholders</td>
<td>Any individuals, groups, organizations and institutions interested in and potentially affected by a project or having the ability to influence the project.</td>
</tr>
<tr>
<td>Vulnerable groups</td>
<td>People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.</td>
</tr>
</tbody>
</table>
**ANNEX 6: RELEVANT LAWS**

<table>
<thead>
<tr>
<th>Property Rights and Land Rights</th>
<th>Law / Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>There are four land tenure systems in Uganda, as recognized by Ugandan law. Mailo, Freehold, Customary, and Leasehold.</td>
<td>Land Act 1998</td>
</tr>
<tr>
<td>All land is vested in the citizens of Uganda.</td>
<td>Land Act 1998</td>
</tr>
</tbody>
</table>
| Customary tenure:  
Is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies, in other words, “customary regime” is not governed by written law.  
Is owned in perpetuity  
Customary occupants are occupants of former public land, and occupy the land by virtue of their customary rights; they have propriety interest in the land and are entitled to certificates of customary ownership  
Certificates for customary ownership may be acquired, through application to the Parish Land Committee and eventual issuance by the District Land Board | Land Act 1998 |
| Freehold tenure:  
Derives its legality from the Constitution and its incidents from the written law  
Involves the holding of land in perpetuity or of a period less than perpetuity fixed by a condition  
Enables the holder to exercise, subject to the law, full powers of ownership. | Land Act 1998 |
| Mailo tenure:  
Has roots in the allotment of land pursuant to the 1900 Uganda Agreement  
Derives its legality from the Constitutions and its incidents from the written law  
Involves the holding of land in perpetuity  
Permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant  
Enables the holder to exercise all the 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. | Land Act 1998 |
| Leasehold tenure:  
Is created either by contract or by operation of the law  
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 | Land Act 1998 |
| “Licence” or “Share Cropper” | Land Act 1998 |
Although only these later forms of tenure are legally defined under the Land Act, the context of common law also recognizes the statute of “licensee” or “sharecroppers”, these terms having similar meanings in practice. Licensees are persons granted authority to use land within for agricultural production. Traditionally, such production would be limited to annual crops. Licensees have no legal security of tenure of any propriety right in the land. Their tenure is purely contractual.

<table>
<thead>
<tr>
<th>Land Acquisition</th>
<th>Law / Regulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Every person in Uganda has the right to own property.</td>
<td>Constitution (1995) Article 26</td>
</tr>
<tr>
<td>The government and local authorities have statutory power to compulsorily acquire land.</td>
<td>Constitution: Article 26(2) and Article 237(2)</td>
</tr>
<tr>
<td>The minister responsible for land may authorize any person to enter upon 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.</td>
<td>Land Acquisition Act (1965)</td>
</tr>
<tr>
<td>Fixing the value for land in Uganda depends on whether it is public (Government owned) or privately owned according to land tenure types indicated in the section of land acquisition. If it is public land, the Chief Government Valuer’s office fixes the rates of compensation. However, if it is owned privately, the developer will negotiate with the owner and agree on the amount to pay for the land to be acquired.</td>
<td>Land Act of 1998 as amended in 2004</td>
</tr>
<tr>
<td>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.</td>
<td>Land Act of 1998 as amended in 2004</td>
</tr>
<tr>
<td>It is the responsibility of the developer to engage a professional Valuer to carry out an assessment of all structures and assets in the affected area. However, rates for structures/buildings in urban areas are fixed by the Chief Government Valuer’s Office</td>
<td>None cited</td>
</tr>
<tr>
<td>It defines a road reserve as that area bounded by imaginary lines parallel to and not more than fifty feet distant from the centerline of any road, and declared to be a road reserve.</td>
<td>Roads Act (1964)</td>
</tr>
<tr>
<td>No person shall erect any building or plant, trees or permanent crops within a road reserve.</td>
<td>Roads Act (1964)</td>
</tr>
<tr>
<td>The road authorities are permitted to dig and take materials from the road reserve for the construction and maintenance of roads.</td>
<td>Roads Act (1964)</td>
</tr>
<tr>
<td>The Town and Country Planning Act of 1964 gives broad powers to planning authorities at the national and local level to take land, against compensation, for public purposes within an approved planning area.</td>
<td>Town and Country Planning Act 1964</td>
</tr>
<tr>
<td>Each District Land Board adopts its own compensation rates. As a result, variation exists among the different districts. The rates are reviewed each year.</td>
<td>None cited</td>
</tr>
<tr>
<td>Article 26(2) of the Constitution provides that: “No person shall be compulsorily deprived of property or any interests in or any right over property of any description except where the</td>
<td>Constitution (1995), Article 26(2)</td>
</tr>
</tbody>
</table>
The taking of possession or acquisition is necessary for public use or in the interest of
defence, public safety, public order, public morality or public health and
The compulsory taking of possession or acquisition of property is made under a law which
makes provision for:
Prompt payment of fair and adequate compensation, prior to the taking or acquisition of the
property, and
A right of access to a court of law by any person who has an interest or right over the
property.

| “Where the assessment officer takes possession of land, the land shall immediately by the
| operation of this act be vested in the land commission free from all encumbrances” | Land Acquisition Act 7(2) |
| “the Uganda Land Commission shall hold and manage any land in Uganda which is vested in
| or acquired by the government in accordance with the constitution and perform such other
| functions as may be prescribed by or under this Act or any other enactment.” | Land Act (2004) Section 49 as
| amended specifically under subsections (a) and (d) |

The Government or Local Government may acquire land in public interest.

| Compensation | Law / Regulation |
| Prompt payment of fair and adequate compensation prior to the taking possession or
| acquisition of the property. | Constitution 1995 |
| Prompt payment of fair and adequate compensation to all interested parties on the land. | Electricity Act (1999), Part
| VIII |
| Compensation for affected people should be determined according to the Land Act (1998) and
| the Land Acquisition Act (1965). | Electricity Act (1999) Section
| 71 |
| Electricity Regulatory Authority has the power to handle claims for compensation for land
| acquired. | Electricity Act (1999) |
| The Government is supposed to pay compensation (cash) to any person who suffers damage
| as a result of any action. Any dispute as to the compensation payable is to be referred by the
| Attorney General to court for decision. | Land Acquisition Act (1965) |
| The basis for compensation is depreciated replacement costs for rural properties and market
| values for urban properties. | Land Act (1998) Section 78 |
| Each District Land Board adopts its own compensation rates. As a result, variation exists
| among the different districts. The rates are reviewed each year. | None cited |

**Dispute Resolution and Grievance Mechanisms**

| Traditional authority mediators retain their jurisdiction over land disputes. | Land Act (1998), Article 89 |
## ANNEX 7: SUMMARY OF PROJECT CONSULTATIONS TO DATE

<table>
<thead>
<tr>
<th>CONSULTATIONS MEETING CONDUCTED</th>
<th>DATE</th>
<th>STAKEHOLDERS</th>
<th>Decisions/discussion points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Consultations in undertaking the Pre-feasibility Study for potential MSR within SMM Basin</td>
<td>March 20- April 11, 2010</td>
<td>Communities within SMM basin, district administration and technical officers (Tororo, Busia, Bungoma, Teso North/South, Butaleja, MWE – Entebbe, MWI-Nairobi, Ministry of energy, MOA,</td>
<td>Stakeholders highlighted the need for involvement of all stakeholders, need for resettlement and compensation before commencement of project implementation</td>
</tr>
<tr>
<td>2. Review meeting of Pre feasibility study report for potential projects within SMM Basin</td>
<td>May 23-24, 2010 Prime Hotel, Tororo, Uganda</td>
<td>RPSC members, Ministry of Water &amp; Environment Staff, District Officials, NEMA, Water for Production Staff, Ministry of Agriculture, Ministry of Energy</td>
<td>The meeting discussed the report and recommended for ranking the 27 identified potential dam sites in consideration to use of reservoirs, environmental/social/technical and economic/financial aspects. Need for consideration of conservation of watersheds upstream of the identified potential sites for Reservoirs.</td>
</tr>
<tr>
<td>4. Pre-feasibility study report for potential MSR within SMM Basin review meeting</td>
<td>August 25-26, 2010 Rock Classic Hotel, Tororo, Uganda</td>
<td>RPSC members, Ministry of Water &amp; Environment Staff, District Officials, NEMA, Water for Production Staff, Ministry of Agriculture, Ministry of Energy</td>
<td>The meeting discussed the report and recommended for further investigation to be undertaken during feasibility level for priority multipurpose projects, and to consider the potential environmental and social impacts</td>
</tr>
<tr>
<td>5. Identification and ranking of Irrigation and watershed management projects</td>
<td>February 14-16, 2013 Tororo, Uganda</td>
<td>LC5 Chair and Secretary for Production, Director for Water and 3 officials from Ministry of Water &amp; Environment, CAO, Water Officer, SMM PMU staff, Water for Production, Kyoga Management Zone</td>
<td>The meeting discussed several projects in consideration for further preparation, including benefits, environment and social aspects. Projects discussed included Nyabanja, Amagoro, Pokach, Angolola and Nyamatunga. The team ranked Nyabanja first followed by Amagoro to be taken to feasibility level.</td>
</tr>
<tr>
<td>6. Meeting on prioritization and commitment from the political leadership of Tororo District for Nyabanja Irrigation and Watershed Management Project</td>
<td>June 27, 2013 Luzira, Ministry of Water &amp; Environment Headquarters, Uganda</td>
<td>Minister of Water staff, Members of Parliament for Budama North and South and Tororo County, LC5 Chair, RDC, Directors for Water Resources Management and Water Development, District Production Coordinator, Community Development Officer, District Water Officer, SMM PMU staff, RPSC members and NLO, Water for</td>
<td>The meeting discussed several possible projects, and considered use, environment and social aspects and equity. Projects considered included Nyabanja, Amagoro, Pokach, Angolola and Nyamatunga. Nyabanja was prioritized with commitment from Tororo political/administrative leaders.</td>
</tr>
<tr>
<td>CONSULTATIONS MEETING CONDUCTED/PLANNED</td>
<td>DATE</td>
<td>STAKEHOLDERS</td>
<td>Decisions/discussion points</td>
</tr>
<tr>
<td>-----------------------------------------</td>
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<tr>
<td>1. Consultations with stakeholders for the site identification, and review of identification study reports, and confirmation of the need for the project.</td>
<td>February - May 2012 Kampala, Isingiro Districts, Uganda</td>
<td>Water for Production Department, Ministry of Water and Environment (WfP, MWE) &lt;br&gt; Directorate of Water Resources Management, Ministry of Water and Environment (DWRM, MWE) &lt;br&gt; Ministry of Agriculture Animal Industry and Fisheries (MAAIF) &lt;br&gt; Ministry of Energy and Mineral Development (MEMD) &lt;br&gt; Isingiro District Local Government &lt;br&gt; Uganda RPSC members</td>
<td>Details of the project should be availed to National Forestry Authority so that, the Authority will be in a better position to know the extent of the project and its implication on the Clean Development Mechanism (CDM) site in Rwoho Central Forest Reserve. The project should have enough planning period so that, communities get well mobilized to be part of the project. The ESIA should look more on multi-purpose uses of the planned dam project because the District is water stressed. Need to consult exhaustively on matters of land uptake to avoid community wrangles over land. The ESIA should be careful to critically look at the issues of ethnicity in the project area. There can be complaints that some group is favoured in payments of compensations packages; Issues of water use conflicts due to multiple uses (irrigation vs power generation); Conflicts over resources between migrant workers then and the resident communities; and Watershed considerations during the ESIA rather than focus on the dam site alone. The above comments of stakeholders were considered by the consultant, although they will be further elaborated during the planned feasibility and detailed design studies.</td>
</tr>
<tr>
<td>2. Consultations with the Ugandan Government to address issues related to the potential inundation by the Kabuyanda dam of the Rwoho Central Forest Reserve (CDM project area)</td>
<td>2013 Isingiro District</td>
<td>Water for Production Department, Ministry of Water and Environment (WfP, MWE) &lt;br&gt; National Forestry Authority, Ministry of Water and Environment (NFA, MWE) &lt;br&gt; Isingiro District Local Government</td>
<td>The Government of Uganda prioritized the Kabuyanda project for further preparatory studies, and sent a commitment letter to the Kagera RBM Project. The dam is expected to inundate about 157 ha of land part of which falls under the Carbon Credit Project area of Rwoho Forest Reserve. The Government committed to undertake the relocation process for the affected area as soon as the EIA process is completed. On the basis of the EIA, the Ministry of Water and Environment (MWE) will engage the International Bank for Reconstruction and Development (IBRD) in its capacity as Trustees for the Bio-carbon funds for Carbon Credit and the UNFCCC where the project is registered as Uganda Nile Basin Reforestation Project N03. The farmers who might be affected under this project should be compensated.</td>
</tr>
</tbody>
</table>