MINISTRY OF ENERGY AND MINERAL DEVELOPMENT
RURAL ELECTRIFICATION AGENCY

RESETTLEMENT ACTION PLAN

FOR
THE PROPOSED 33KV POWER DISTRIBUTION LINE FOR RUHIIRA MILLENIUM VILLAGE
RURAL ELECTRIFICATION PROJECT AND ASSOCIATED LOW VOLTAGE NETWORKS

FINAL REPORT

Consultant:

RURAL DEVELOPMENT ASSOCIATES (RUDEA) LIMITED.
in association with

RESCO PROPERTY CONSULTANT SURVEYORS

Date: March 2013
EXECUTIVE SUMMARY

0.0 Introduction

0.1 Background and Project Area

The Government of Uganda has received financing from the World Bank (WB) towards the cost of the Energy for Rural Transformation (ERT) Project Phase II and has asked for Consultancy Services to Undertake a Resettlement Action Plan (RAP) covering the proposed 33kV Ruhiira - Millennium Village - Rural - Electrification - Project Distribution line (92Km). The RAP is expected to cover the 33kV electricity distribution grid – extension lines and the associated low voltage networks inclusive of transformers of various capacities (25/50KVA). The Project Area is in South Western Uganda in the districts of Isingiro and Mbarara and will cover approximately 92 kilometres in the Districts of Isingiro and a small part of Mbarara in Mwizi Sub County.

The Rural Electrification Agency (REA) is the Lead Agency in the rural electrification sector and is therefore the principal arm of Government that is charged with the implementation of Rural Electrification projects. REA has contracted Rural Development Associates (RUDES) Limited in association with RESCO Property Consultant Surveyors Kampala to prepare a Resettlement Action Plan for the proposed 92km Distribution line with associated Tee offs.

Most of the distribution line is expected to be mostly along the Road Reserve, where such a Reserve has been demarcated by the designated entity (Uganda National Roads Authority (UNRA) or the respective Local Governments of Isingiro and Mbarara Districts. Where the road reserve has not been identified, the line will still follow as closely as possible the current road alignment for the respective distribution and low voltage network. It is to be noted that the Government Policy is such that the road reserve is owned by Government and currently the Government is in the process of delineating all the road reserves in the country. The road reserve space is 15 metres on either side of the road centerline. This will minimise the possibility of land take and subsequent relocation/displacement of people.

0.2 Project-Affected Areas and Potential for Resettlement

Most of the proposed Distribution Line is within the District of Isingiro with a small portion located in the Mwizi Sub County of Mbarara District. In Isingiro District the line covers the sub counties of Nyakitunda, Kabingo, Kabuyanda and Kikagati.

However the immediate impact of this project will be along the entire length of the proposed power line which is approximately 92km runs from Ilayaza in Isingiro District to Kabura/Mwizi in Mbarara District with seven Tee –Offs with the longest Tee – Off leading to Biremu on Kikagati road towards Kagera River. The line passes through a rural setting for most of the stretch with a few Rural Growth Centres which will be the major beneficiary of the power line.

The total number of Project Affected People is 1,866 of which 1,483 are men and 270 are...
women whose crops, trees and in some cases fencing materials will be affected. In all a
total of 113 Institutions will also loose crops and trees.

0.3 Legal Framework for Compensation

This RAP takes into account the Uganda Legal Framework as well as the key Donor
Guidelines on resettlement and compensation. The Uganda Government requires
compensation to be paid if damage is caused to land and other private property. The
Relevant Uganda laws on compensation and resettlement include the Constitution of the
Republic of Uganda, 1995; and the Land Act, Cap 227; The Local Government Act (1997);
Land Acquisition Act (1965) and The Access to Roads Act (1965).

The same requirements are also articulated by the WB Involuntary Resettlement Policy
OP/BP 4.12. The overriding policy goal on Involuntary Resettlement is to ensure that when
people must be displaced they are treated equitably, and that they share in the benefits of
the project that involves their resettlement. In this project however there will be no
relocation except for the compensation of lost assets which are crops, trees and some
cases fencing materials in addition to a disturbance allowance of 15% of the value of the
affected crops/trees/ Properties.

0.4 Field Survey Findings

The proposed Ruhiira - Millenium - Village - Rural - Electrification - Project 33 kV
Distribution Line starts from Igayaza in Isingiro District going through four sub counties
and ending in Mwizi Sub County of Mbarara District. Most of affected persons will be
positively impacted by receiving the much awaited for electric power.

The dominant economic activity in Isingiro is farming with residents growing crops and
tending to animals. Up to 35% of the people within the project area do keep animals and or
poultry. From the field survey, it was established that Banana was the most common food
crop grown within the households (especially along the feeder roads along which the
power distribution line is expected to pass) with 66% of the respondents reporting
bananas followed by maize, beans, Sweet-potatoes, Cassava, Irish potatoed, vegetables
among others.

The dominant land tenure system in the project area is mostly customary land tenure and
most of the communities leave on Kibanja land. Under this project however, no land take is
anticipated hence the issues of land tenure will play a minor role in this study.

The dominant ethnic group are Banyankore followed by the Bakiga. The minor groups
include Baganda, Bafumbira, Banyarwanda and bahororo. The main language of
communication is Runyankore.
0.5 Implementation Plan

0.5.1 Relocation and Compensation Impacts

Implementing the Ruhiira - Millennium Village - Rural - Electrification - Project 33 kV Distribution Line will lead to neither "Physical Displacement" nor "Economic Displacement" of people. In other words there will be no loss of structures, livelihood or employment. This will be because of the line design which has ensured that the Distribution line remains along the Road Reserve following the present road alignment and not encroaching on people's property except for the crops / Trees and in some cases fencing materials within the Road Reserve.

0.5.2 Compensation and compensation Strategy

Being a Donor-funded development project, it means that the compensation / resettlement would have to comply with two sets of requirements, the Ugandan Law and the Donor Safeguard Guidelines in this case the World Bank. The latter are more advantageous to PAPs, especially with regard to the valuation at "full replacement cost" as opposed to the depreciated value taken into consideration by Ugandan valuation methodologies. For this project however, the activity will be limited to compensation. Affected persons will be compensated for all the trees, crops and fencing materials that are likely to be destroyed during the construction and those that were destroyed during the survey.

As part of the strategy all stakeholders will be involved, and payments of compensation will be independently monitored. All affected people will be adequately and equitably compensated.

0.5.3 Payment Procedure

No gardens (crops and trees) may be removed before compensation has been concluded and grievances attended to where they exist. It is important that the key stakeholders (PAPs, LCs, REA and the World Bank) agree fully with the compensation packages and schedule. At all times the PAPs must be kept informed of the evolution of the resettlement schedule and should agree to it before implementation. The Public disclosure strategy so proposed will ensure that the process is transparent and all stakeholders can verify the actions being taken.

0.5.4 Proposed Time Schedule

A resettlement/ compensation - implementation and monitoring program which has been proposed will be implemented. The program covers resource mobilisation, formation of relevant implementation committees, payment of disturbance allowances and compensation as well as the monitoring of the exercise. This will be concluded within a period of about 4 Months.
0.5.5 Summary of the costs that will be involved

The total amount to meet compensation and resettlement needs is Six hundred and Eightyone Million nine hundred and Eighty one thousand, Two hundred and twenty three Shillings (UGX 681,981,223/=). This amount is inclusive of 15% disturbance allowance. A 15% adjustment has been included to meet the costs of implementing this RAP. This brings the total cost of this RAP to Seven Hundred and Eighty Four million, Two Hundred and Seventy Eight thousand, Four hundred and six Uganda Shillings (UGX 784,278,406/=). This amount is inclusive of 15% disturbance allowance and 15% RAP implementation costs. This is equivalent to USD$ 282,300 and 301,646 respectively.

Table 0.5-1: Summary of Compensation amounts for the PAP

<table>
<thead>
<tr>
<th>No.</th>
<th>Valuable</th>
<th>Number</th>
<th>Market value (Ug. Shs)</th>
<th>Total Amount (Ug. Shs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Crops, trees and fencing materials</td>
<td>Number of Crops and trees or metres of fencing materials</td>
<td>681,981,223/=</td>
<td>784,278,406/=</td>
</tr>
</tbody>
</table>

Source: Adapted from Valuer/Surveyor's draft report

NB. Please note that the market value amount includes the 15% disturbance allowance while the total amount includes the 15% RAP implementation costs.

0.6 Grievance Management and Redress

The project developer (REA) will put in place an extra-judicial mechanism for managing grievances and disputes based on explanation and mediation by a third party, preferably a committee comprising local leaders, trusted citizens and independent of the project. This mechanism must and will be in place prior to implementation of the RAP. Every aggrieved person shall be able to trigger this mechanism, while still being able to resort to the judicial system. Procedures relevant to this amicable mechanism are detailed below, and will include three different levels:

i) Registration by REA, or its agent, of the complaint, grievance or dispute;

ii) Processing by REA, or its agent, of the grievance or dispute until closure is established based on evidence that acceptable action was taken; and

iii) In the event where the complainant is not satisfied with action taken by the valuer or REA (or its agent) as a result of the complaint, an amicable mediation can be triggered involving a mediation committee independent of the project.

0.7 Monitoring, Evaluation and Completion Audit

It will be important to carry out a monitoring, evaluation and Audit exercise to determine the progress and effectiveness of the RAP. This will establish among others:-

RAP for the proposed Ruhiiira Millennium Village Rural Electrification Project 33 kV Distribution Line
• Amounts of compensation paid in a given month,
• Compliance with eligibility criteria as described in this RAP,
• Actual delivery of compensation packages,

REA will therefore monitor the following:

• Total amount paid out and the rate at which it is being paid;
• Number of grievances recorded settled and those that resorted to court action;

For this purpose, REA will put in place a consultant to effect the monitoring.

0.8 Conclusions

In this RAP a number of key principles have been followed which include the following:

• Minimising compensation needs by ensuring that the Distribution Line is confined to the Road Reserve and along the present road alignment;
• Removing relocation of people by passing the line through the road reserve;
• Where the line targets a cultural site or grave, it has been diverted to avoid impacting on cultural sites;
• Key stakeholders have been involved in the study and will be involved in the compensation exercise;
• Prompt compensation is recommended for successful implementation of the project.
### LIST OF ACRONYMS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CBO</td>
<td>Community Based Organisation</td>
</tr>
<tr>
<td>DLB</td>
<td>District Land Board</td>
</tr>
<tr>
<td>EIA:</td>
<td>Environmental Impact Assessment</td>
</tr>
<tr>
<td>ERA:</td>
<td>Electricity Regulatory Authority</td>
</tr>
<tr>
<td>ERT:</td>
<td>Energy for Rural Transformation</td>
</tr>
<tr>
<td>HV:</td>
<td>High Voltage</td>
</tr>
<tr>
<td>IR</td>
<td>Involuntary Resettlement</td>
</tr>
<tr>
<td>LC:</td>
<td>Local Council</td>
</tr>
<tr>
<td>LGA</td>
<td>Local Government Act</td>
</tr>
<tr>
<td>LOU</td>
<td>Laws of Uganda</td>
</tr>
<tr>
<td>LV</td>
<td>Low Voltage</td>
</tr>
<tr>
<td>MEMD:</td>
<td>Ministry of Energy and Development</td>
</tr>
<tr>
<td>MLHUD</td>
<td>Ministry of Lands, Housing and Urban Development</td>
</tr>
<tr>
<td>MWE</td>
<td>Ministry of Water and Environment</td>
</tr>
<tr>
<td>NEMA:</td>
<td>National Environment Management Authority</td>
</tr>
<tr>
<td>OD</td>
<td>Operational Directive</td>
</tr>
<tr>
<td>OP</td>
<td>Operational Policy</td>
</tr>
<tr>
<td>PAP:</td>
<td>Project-affected person(s)</td>
</tr>
<tr>
<td>PB:</td>
<td>Project Brief</td>
</tr>
<tr>
<td>RAP:</td>
<td>Resettlement Action Plan</td>
</tr>
<tr>
<td>REA:</td>
<td>Rural Electrification Agency</td>
</tr>
<tr>
<td>REF</td>
<td>Rural Electrification Fund</td>
</tr>
<tr>
<td>RGC</td>
<td>Rural Growth Centres</td>
</tr>
<tr>
<td>ROW:</td>
<td>Right-of-Way</td>
</tr>
<tr>
<td>RMDV:</td>
<td>Ruhiira Millennium Development Village</td>
</tr>
<tr>
<td>TC</td>
<td>Trading Centres</td>
</tr>
<tr>
<td>UEDCL</td>
<td>Uganda Electricity Distribution Company</td>
</tr>
<tr>
<td>ULC</td>
<td>Uganda Land Commission</td>
</tr>
<tr>
<td>UNRA</td>
<td>Uganda National Roads Authority</td>
</tr>
<tr>
<td>WB</td>
<td>World Bank</td>
</tr>
</tbody>
</table>

### Measures and units:

- **km:** Kilometre (= 1 000 metres)
- **kv:** Kilovolt (= 1000 volt)
- **KVA:** Kilovolt Amperes
- **m:** Meters
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Annex 8: The list of identified people who are 70 years or older.
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1.0 INTRODUCTION

1.1 Overview

This Resettlement Action Plan report is based on the findings of the RAP team which included the Survey Team, the Valuers Team and the Sociologist's Team who conducted field assessment from the preliminary survey that was conducted in March 2012. This RAP statement summarises the reports of the three teams and brings into focus the Compensation/Resettlement requirements for the Project Affected People (PAP) due to the construction and operation of the Ruhiira - Millennium Village - Rural - Electrification - Project (92km) 33KV distribution line. It provides the guidelines and actual compensation amounts for the Project Affected People.

1.2 Background

The Government of Uganda has received financing from the World Bank (WB) towards the cost of the Energy for Rural Transformation (ERT) Project Phase II and has asked for Consultancy Services to Undertake a Resettlement Action Plan (RAP) covering the proposed 33kV Ruhiira - Millennium - Village - Rural - Electrification - Project Distribution line (92km). This is expected to cover the 33kV electricity distribution grid - extension lines and the associated low voltage networks inclusive of transformers of various capacities (25/50KVA) at a number of Trading Centres (TC) and Rural Growth Centres (RGC) within Isingiro District and a small part of Mbarara District within Mwizi Sub County. The project area is in Southwest Western Uganda. The total length of proposed power line will be approximately 92 kilometres.

The proposed construction of the Distribution line is associated with:

- Construction of line structures, accessories and conductors;
- Construction of the 33 kV Transmission Lines
- Construction of associated low voltage networks (220V) for distribution for end-use purposes in accordance with the projected demand; and
- Clearing of right-of-way as necessary along the Road Reserve;
- Possible Construction of workers camps and storage facilities for the project materials
The proposed 33kv Ruhiira – Millennium Development Electrification Project Distribution line is in part fulfilment of the National Rural Electrification Programme. Currently the affected parishes have no source of electricity apart from occasional generators and solar power among a few rich people. The exception however is at Ruhiira within the jurisdiction of the Ruhiira Millenium Development Village (RMDV). Within this village, solar energy has been tapped to provide electricity for lighting, and pumping of water among others. All the same the said solar electricity is not adequate to support larger or more demanding industries / activities.

Apart from RMDV which is a model of rapid development, the project area is a place of intensive agriculture which requires introduction of agro- industries that depend on use of grid electricity. In spite of the increasing use of solar electricity in Ruhiira, the majority of the people in Isingiro District continue to use paraffin for lighting with some believed to be still using fuel wood to provide lighting. It is important to note that fuel wood is also scarce in the project area, due to the high population density and intensive agricultural practices. Many eucalyptus woodlots have been planted but not all homesteads have access to the woodlots.

This RAP study has been carried out in accordance with National Policies and Guidelines on RAP as well as the World Bank Safeguard Policy on Involuntary Resettlement OP/BP 4.12.

This consultancy assignment is financed from the Rural Electrification Fund (REF) under the Rural Electrification Agency (REA). A Resettlement Action Plan for the proposed development is a prerequisite prior to the construction of the proposed line.

Most of the distribution line is expected to be mostly along the Road Reserve, where such a Reserve has been demarcated by the designated entity (Uganda National Roads Authority (UNRA) or the respective Local Government Authority). Where the Road Reserve has not been identified, the line will still follow as closely as possible the current road alignment for the respective distribution and low voltage network. It is to be noted that the Government Policy is such that the road reserve is owned by Government and currently the Government is in the process of delineating all the road reserves in the country. The road reserve space is 15 metres on either side of the road centerline. This will minimise the possibility of land take and subsequent relocation/displacement of people. It is expected that there will be no displacement of Project Affected People (PAP) under this Project and this project is not mandated to relocate people / communities.
The construction of the Ruhiira - Millenium - Village - Rural - Electrification - Project (92km) Distribution Line will lead to mostly loss of crops trees and in some cases fencing materials, most of which will be within the Road Reserve. This report constitutes a Resettlement Action Plan (RAP) to minimise the negative impacts to the Project Affected People (PAP) along the entire stretch of the line.
2.0 PROJECT DESCRIPTION

2.1 Project Objective

The main objective of this project is to provide electricity to rural areas in parts of South Western Uganda and in particular in parts of the districts of Isingiro and Mbarara which have hitherto not received grid electricity. In this regard, Trading Centres (TC) and Rural Growth Centres (RGC) along the road will be supplied with transformers of different capacities based on the projected power consumption of the area. This will be done in the context of the Energy for Rural Transformation Project (Phase II) under the Rural Electrification Agency (REA) in the Ministry of Energy and Mineral Development (MEMD).

2.2 Project Area

The bulk of the project falls within Isingiro district covering the sub counties of Nyakitunda, Kabingo, Kabuyanda and Kikagati. Isingiro District is in South Western Uganda and it boarders the Districts of Rakai in the East, Kiruhura and Mbarara in the North, Ntungamo in the West and the United Democratic Republic of Tanzania to the South. A small part of the project falls in Mbarara district covering only a part of one Sub County called Mwizi.

However the immediate impact of this project will be along the entire length of the proposed power line which is approximately 92km. The Line Diagram for the entire 33kv Interconnector is attached as Annex 1 to this report. The map for the project area is shown in Fig 1 below.

2.3 Project Description

The total length of the proposed power line is 92 Km. Running from Igayaza in Isingiro District to Kabura/Mwizi in Mbarara District with seven Tee -Offs with the longest Tee – Off leading to Biremu on Kikagati road towards Kagera River. The key activities associated with the construction of the Ruhiira Millennium Electrification Project Distribution line is associated with:

- Construction of line structures, accessories and conductors;
- Construction of the a 33 kV Distribution Line;
- Clearing of Right-Of-Way (ROW) as necessary along the Road Reserve;
- Possible Construction of workers camps and storage facilities for the project materials;

RAP for the proposed Ruhiira Millennium Village Rural Electrification Project 33 kV Distribution Line
As stated above, the purpose of the proposed 33 kV Ruhiira - Millenuim - Village - Rural - Electrification - Project (92km) Distribution Line is to provide electricity to rural areas in parts of South Western Uganda (especially parts of the districts of Isingiro and Mbarara) which have hitherto not been on the Grid. In this regard, Trading Centres (Rural Growth Centres (RGC)) along the road will be supplied with transformers of different capacities based on projected power consumption of the area.

The successful implementation of this project will enhance implementation of the Rural Electrification Program, and improve the living conditions of the affected people. The schools and institutions that will immediately benefit from this development include those listed in Table 1-1 below:

Table 1-1: RGCs, Health centres, Schools and economic activities that will be the first to benefit from the project

<table>
<thead>
<tr>
<th>District</th>
<th>Trading centers</th>
<th>Health centres</th>
<th>Secondary schools</th>
<th>Economic activities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mbarara</td>
<td>Kabura</td>
<td>Mwizi HC III</td>
<td>Mwizi High School</td>
<td>Pine trees</td>
</tr>
<tr>
<td></td>
<td>Omukibaare</td>
<td>Rukarabo HC II</td>
<td>Mwizi S S S</td>
<td>Eucalyptus Trees</td>
</tr>
<tr>
<td></td>
<td>Rukaraba</td>
<td>Rukarabo HC IV</td>
<td>Rwemiyonga S S S</td>
<td>Bananas</td>
</tr>
<tr>
<td></td>
<td>Kabatangye</td>
<td>Kigaaga HC II</td>
<td></td>
<td>Maize</td>
</tr>
<tr>
<td></td>
<td>Omukihangire</td>
<td>Ryamlyonga HC II</td>
<td></td>
<td>Saw Milling</td>
</tr>
<tr>
<td></td>
<td>Omukabugo</td>
<td></td>
<td></td>
<td>Maize Milling</td>
</tr>
<tr>
<td>Isingiro</td>
<td>Ruhiira Millenuim Village</td>
<td></td>
<td></td>
<td>Cattle /Livestock</td>
</tr>
<tr>
<td></td>
<td>Omukampu</td>
<td></td>
<td></td>
<td>Bananas</td>
</tr>
<tr>
<td></td>
<td>Ntungu</td>
<td></td>
<td></td>
<td>Coffee</td>
</tr>
<tr>
<td></td>
<td>Nyakitunda</td>
<td></td>
<td></td>
<td>Milk Cooling Plants</td>
</tr>
<tr>
<td></td>
<td>Komubaizi</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Igayaza</td>
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</tbody>
</table>

This RAP study has been conducted in accordance with National Policies and Guidelines on RAP as well as the Donor Safeguard Policies of the World Bank (WB).

2.4 Purpose and Scope of the Resettlement Action Plan (RAP)

Under this project, relocation of persons is unlikely because the distribution line is designed to be within the demarcated Road Reserve. It is also recommended that workers camps will not be constructed since this is a small size project requiring a
relatively small workforce. Nevertheless compensation is likely to arise due to the following:

- Destruction of crops particularly perennial crops that may fall within the Way leave or Right of Way (ROW);
- Crops destroyed during the survey for the line; and
- Distraction of fencing materials that may be impacted;

It is against this background that a RAP is being prepared.

The goal of the RAP is to minimize the negative economic and social impacts that arise from either Involuntary Resettlement (IR) or loss of property / livelihood or restriction of access to assets for the Project Affected/Impacted Persons resulting in:

- Relocation or loss of shelter;
- Loss of assets or access to assets; and
- Loss of income sources and livelihood.

This RAP therefore, is to provide guidance on how the Project Affected Persons (PAP) along the Ruhira Millennium Village Rural Electrification Project 33kv Distribution Line will be equitably compensated. By design, the distribution line will not lead to any dislocation of people or communities and the project therefore is not mandated to compensate for land take as well as housing structures.

In view of the foregoing, the main objectives of this RAP are:

- To raise awareness of the project and its consequences among affected communities;
- To survey the route line and demarcate the position of the electricity poles;
- To establish the actual compensation costs necessary for those who may lose crops, trees and fruits and in some cases fencing materials;
- To prepare strategies to mitigate adverse socio-economic impacts and grievances; and
- To ensure a smooth implementation of the RAP and overall electrification project in general.
3.0 POTENTIAL IMPACTS (PROJECT AFFECTED AREAS AND POTENTIAL FOR RESETTLEMENT)

A list of Project Affected Persons and the affected crops have been provided in Annex 2. The detailed assessment is provided in the excel spread sheet report which is the main valuers report. In addition, Strip maps of the affected areas are provided in Annex 3 (Surveyor's report).

The project area covering the entire stretch of the 92 kilometres will not lead to land take because the proposed 33kV Distribution Line will be confined within the Road Reserve. Houses, structures and Institutions have also been avoided although they will benefit from the power supply.

3.1 Category and Impact on Land Affected By the Project

3.1.1 Categories of Land

Land to be affected by construction and operation of the Ruhiira Millenium Village Rural Electrification Project 33kV Distribution Line will be mainly within the existing Road Reserve. Secondly, the approved Isingiro Districts Compensation Rates have been used to establish the compensation amounts. The District Compensation Rates are based on Imputation values which are equivalent to current market values."

The road reserve has not been officially acquired by Government (Neither UNRA nor the Local Government). The dominant land tenure in the project area is customary / Kibanja tenure system. The project Affected people (PAPs) however tend to confuse customary with freehold as they assume that customary land is “free”! There are no buildings/structures within the land where the line will pass. The community is also aware that the road reserve is normally available for community infrastructure and to be used for the common good.

3.2 Impact on Structures

Although there is no demarcated Road Reserve, the line is going to follow the present road alignment and within the space which is to be demarcated as the Road Reserve. Subsequently, no structures / buildings will be affected negatively. For this reason there will be no relocation of people. On the other hand the developments within close proximity of the line will be impacted positively through receipt of

RAP for the proposed Ruhiira Millenium Village Rural Electrification Project 33 kV Distribution Line
electricity. The main beneficiary will be the RCCs and towns / Trading centres along the road as shown in table 1-1 above.

3.3 Impact on People and Livelihoods

As discussed above, the negative impacts are minimal. On the other hand the communities along the proposed line have been waiting and expecting the introduction of Electric Power in their respective Sub Counties and Parishes. They are eager to have the electricity because of the many developmental opportunities it comes along with. This is apparent in the Ruhiira Millenium village where there is already solar electricity currently used for lighting and pumping water for domestic use across the model village.

Discussions with the local community showed that the communities along the proposed line have been waiting and expecting the introduction of Electric Power in their respective Sub Counties and Parishes. They are eager to have the electricity because of the many developmental opportunities it comes along with. However, the expectations were threatened by the high cost of electricity. That is why they asked Government to provide a concession (or reduce costs) to enable the ordinary people benefit from the project. The request was well articulated in the ESIA.

3.4 Impact on Graves and Cultural Sites

3.4.1 Graves

The directly impacted area is along the current road alignment, and no graves or burial grounds were identified there within. Besides it is the policy that if such a grave or burial site is encountered, then the location of the electricity infrastructure will be changed so as to avoid such a place of cultural significance.

3.4.2 Places of Worship and Cultural Sites

No place of worship will be negatively impacted by the line. On the other hand they will benefit from the electric power provided under this project. A few institutions will however lose some crops and trees as shown in Table 2 below. Because the line

RAP for the proposed Ruhiira Millenium Village Rural Electrification Project 33 kV Distribution Line
is passing along the Road Reserve, many people plant hedges as a fence to separate the road from the houses. Some of these live fences which are overgrown will be lost.

No cultural sites were found within the Road Reserve along the current road alignment.

3.5 Crops and Trees

Although the Road Reserve is supposed to be free of developments, there were many agricultural activities in most places along the Road Reserve and often within a few feet of the actual road. The seasonal crops are usually not compensated. The perennial crops which included Fruit Trees (e.g. mango, Guava, oranges etc.,) Commercial trees (especially Eucalyptus, Graveria, etc.), Coffee trees, food crops (e.g. bananas, Cassava ..) and other trees will be compensated. Crops that were destroyed during the surveying exercise (although no reports of such crops were made) are compensated. In a few cases fencing materials are also impacted.

3.6 Summary of the Impacts

In summary no other properties will be affected except crops, fruits, herbal trees, bananas and other trees of either economic or cultural importance such as the bark cloth tree. In principle only land located within the prescribed Road Reserve area will be affected for which no compensation is applicable. No land take is envisaged. Besides the actual land to be taken will be a small portion needed for the distribution wooden poles.

Table 1 shows the proportion of the people who will be directly impacted by the power line (there is a bit of duplication since one person could be having as many plots or pieces of land). Table 2 shows a summary of the Institutions that will be directly impacted by the power line. The details of this compensation are included in the attached Valuers' report.

Table 1: Proportion of Affected People and Institutions

<table>
<thead>
<tr>
<th>S/No</th>
<th>Affected peoples/categories</th>
<th>Number impacted</th>
<th>Remarks</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Male</td>
<td>1,483</td>
<td>These will lose crops and trees</td>
</tr>
<tr>
<td>2</td>
<td>Females</td>
<td>270</td>
<td>These will lose crops and trees</td>
</tr>
<tr>
<td>3</td>
<td>Institutions and Groups</td>
<td>113</td>
<td>These will lose crops and trees</td>
</tr>
</tbody>
</table>
Most of the people who will lose crops and trees are men followed by a significant proportion of women. Institutions and groups/associations will also lose crops and trees. In some cases PAPs will lose fencing materials that will fall within the ROW of the line. A list of the Institutions, schools/churches as well as associations that will be directly impacted by the development is provided in Annex 10. They will all be compensated for the lost assets which are mainly trees, ornamental trees / shrubs, crops, fruits and in some cases fencing materials. No structures will be impacted.

4.0 SOCIO ECONOMIC STUDIES (LIVELIHOOD INFORMATION)

As already indicated, the proposed Ruhiira - Millenium - Village - Rural - Electrification - Project 33 kV Distribution Line starts from Igayaza in Kabingo Sub County, Isingiro District and crosses the District through the Sub Counties of Nyakitunda, Kabuyanda and Kikagati up to Mbarara District in Mwizi Sub County.

The Impacted villages are shown under Table 3 below:

<table>
<thead>
<tr>
<th>Sub County</th>
<th>Parish</th>
<th>Villages/cells</th>
<th>Contact person(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>ISINGIRO DISTRICT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sub county</td>
<td>Parish</td>
<td>Villages/cells</td>
<td>Contact person(s)</td>
</tr>
<tr>
<td>------------</td>
<td>--------------</td>
<td>------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>KABINGO</td>
<td>Kaharo</td>
<td>Igayaza</td>
<td>Mpairwe N, 075 3007589</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kablingo II</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kagarama</td>
<td>Kagarama</td>
<td>Musinguzi Godfrey, LC1 C/M</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Katabikyahe</td>
<td>0771875899</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rwkasaka</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Amatukura</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kyabinunga</td>
<td>Kyabinunga</td>
<td>Kwini Lauben 0755431235</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rurinakihanga</td>
<td></td>
</tr>
<tr>
<td>NYAKITUNDA</td>
<td>Ntungu</td>
<td>Ntungu T/C</td>
<td>Mutambuka Devis, 0751911001</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kashara</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mahama</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bugong/ Nyakarambi</td>
<td>Nyakitunda</td>
<td>Sturday Celesensio LC1 C/M</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Mukihangire</td>
<td>0756277950</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Omukinazi</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rwanyina</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Omukarara</td>
<td></td>
</tr>
<tr>
<td>Ruhira</td>
<td>Kamubeizi</td>
<td>Wednesday</td>
<td>Byoruganda B, 0752331291</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kamubeizi</td>
<td>LC2 C/M</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Rushoroza</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nyamurama</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Kifumbira</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kishenyi 1</td>
<td>Kamugisha paul, 0753540040</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kishenyi 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kanyerere</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kako'n 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kahura</td>
<td></td>
<td></td>
</tr>
<tr>
<td>KABUYANDA</td>
<td>Kanyameizi</td>
<td>Kanyamaizi</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Kobungu</td>
<td>Kanyamaizi</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Komubeizi</td>
<td>Nyamwera Mbiko</td>
<td>Muhairwe Silver, C/M LC2,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Nyakabungo</td>
<td>0782903343</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Komubeizi</td>
<td></td>
</tr>
</tbody>
</table>

*RAP for the proposed Ruhiria Millenium Village Rural Electrification Project 33 kV Distribution Line*
The most significant number of affected persons will be positively impacted by receiving the much awaited for electric power. As the line will follow the present road alignment (Road Reserve), the only impacts will be loss of crops and trees that fall within the Right of Way (ROW) of the line. In some cases fencing materials will also be lost.

**Methodology for Consultation:**

A team composed of Surveyors, Sociologists, and the Valuers was mobilised and sent to the field with the main objectives of:

- Sensitizing the Project Affected Persons (PAPs) regarding the detailed survey, valuation and possible compensation for crops and trees;
- Conducting a social economic study within the project area;
- Seeking the views of the PAPs on the compensation procedures.

Below is a detailed report on the progress of these consultations.

**4.1 Overview of the Meetings**

Initial Consultative meetings with the Sub County Political and Administrative Officials were launched in March 2012 which was followed by a detailed survey / consultations during the months of June to July 2012. The sensitization of the PAPs along the proposed 33 kV Distribution Line was carried out from 4th June to 9th June.
2012. During the meetings with the PAPs, they were briefed on the proposed 33 kV Distribution Line that would affect people who have activities within the Road Reserve or close to the present road alignment. They were also briefed on the basis of the assessment procedure, compensation and methodology to be used in data capture. The PAPs were given chance to ask questions which were answered and enabled them to gain confidence in the project. The PAPs and LCI officials were requested to participate in the identification of affected crops, trees and land. Minutes of the sensitisation meetings are attached as Annex 5.

4.1.1 Timetable

During the first week of June 2012, a timetable (attached as Annex 6) for the sensitisation exercise covering the two Districts Isingiro and Mabrara was prepared by the team in close collaboration with the Sub County leadership. Local Council 1 leaders were most instrumental in proposing appropriate timing and venues of the meetings and in the mobilisation of the Project Affected Persons to attend the said meetings.

On the whole, it should be noted that the team received overwhelming support and cooperation from the local leadership. Plates 4-1a to d show some of the scenes during the sensitisation exercise.

Plate 4-1a: Consultative meeting at Mwizi Sub County on 2nd March 2012
Plate 4-1b: Sensitisation meeting at Ruhiira on 5th June 2012

RAP for the proposed Ruhiira Millennium Village Rural Electrification Project 33 kV Distribution Line
4.1.2 **Notification of Meeting Dates and Venues**

Introductory letters from REA were delivered by team members to the district and Sub County headquarters after which a schedule of meetings was prepared in consultation with the district and sub county leaders. Having fixed the venues and meeting days/times (shown under Annex 6), the local councils in the area undertook to inform the communities about these meetings. This was done to ensure that the LC can mobilise in time and prepare effectively for the meetings.

4.1.3 **Meetings**

At the sensitisation meetings, the Team Leader would introduce his/her team and the subject matter to be covered. The language used was always Runyakitara with some interjections in English. The list of the contacted people is attached as Annex 7.

➢ **Information provided by the Social Team**

The Social Team explained the social component particularly as it related to the human factor at the design stage, during implementation and during the operational phases of the 33 kV Distribution Line. In particular the following were highlighted:

- That the surveyor would demarcate the 33 kV Distribution Line on the ground;
• That the names picked by the surveyor would be the same names picked by the social team as well as the valuation team to ensure that all the data on PAPs is harmonised.

• That it was planned later to administer a questionnaire capturing all information on the affected households.

• That PAP should provide their views which the team would capture and would be used in the RAP.

➢ Information provided by the Survey Team

The Land Surveyor explained to the PAPs the likely position of the 33 kV Distribution Line. He further explained as follows:

• The Line must be within the Road Reserve or along the present road alignment;

• That once pegs and or mark stones are put in place, they are not to be removed for any purpose;

• That both customary and registered title owners would be asked to identify their land where the proposed 33 kV Distribution Line will pass;

➢ Information provided by the Valuation Team

The Valuation team briefed the PAPs and informed them as follows:

• That the Valuation Survey Team was going to value all properties within the 33 kV Distribution Line ROW which was mostly crops and trees;

• That while conducting the valuation, updated Respective District Compensation Rates and Current market values would be used;

• That seasonal crops will not be considered except where the survey destroyed them while determining the line;

• That the Cut Off date will commence immediately after valuation of property for each household and no encroachers after that will be eligible for compensation.

• That 15% disturbance allowance to the PAPs would be paid for a notice of more than 6 months while 30% for less than 6 months;
• That Disclosure and Identification will be done prior to payment;
• That payments will be effected before execution of the project;
• That there would be a grievance committee to be set up to deal with complaints from the PAP;
• That failure to resolve issues at local levels would lead to appeal to Courts of law; and
• That transparency will be paramount in all the three activities for the RAP.

In summary, while conducting the study, the methodology had a number of approaches that were used which are as follows:

• A review of the development partner in particular the World Bank Guidelines and Safeguards, and the Uganda Government Policy on resettlement was conducted. A comparison between the Uganda Government policy and that of the WBG's OP 4.12 on Involuntary Resettlement was done and ways of bridging the gaps were proposed.

• Consultations with the Local Government Officials as well as local leaders at the Sub-county and Parish levels.

• Questionnaire: A questionnaire was used on each of the affected people in order to assess the livelihood status of the community. Both men and women were served with the questionnaire covering all the PAPs. A copy of the questionnaire is attached as Annex 6. And the list of contacted persons including the Local Government officials is attached as Annex 7.

• Census: An actual census of the PAP was conducted. Here three teams were used which included the sociologists' team, the Survey team and the valuation team.

  ➢ The survey team moved ahead delineating the areas to be impacted and providing markings that were used by the valuer and social team.

  ➢ The valuation team counted and valued all the affected properties which were mostly crops and trees.
Finally the social team served the PAPs who were present with a questionnaire to help them analyse the livelihood.

4.1.4 Stakeholder Analysis

In order to develop an effective stakeholder involvement programme it was necessary to determine exactly who the stakeholders are, basing on the definition that a stakeholder is "any individual or group who is potentially affected by a project or can themselves affect a project".

The main stakeholders identified were the respective Sub County Local Governments Administration right from the grassroots, at village level. The District Officials were also contacted and other stakeholders as in Table 4.

Table 4: Other stakeholders relevant to the RAP process

<table>
<thead>
<tr>
<th>#</th>
<th>Stakeholder</th>
<th>Relevance</th>
<th>Opportunity</th>
<th>Threat</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Ministry of Energy and Mineral Development</td>
<td>Provides Policy guidelines on Energy production, Use, and management in Uganda;</td>
<td>Supports energy activities within Uganda</td>
<td>Failure to implement National Policies on Power Production and Transmission</td>
<td>Electricity Act</td>
</tr>
<tr>
<td>2</td>
<td>Uganda Rural Electrification Agency</td>
<td>Construct and distribute power to the rural areas not served by the UEDCL</td>
<td>Well prepared to distribute the power in the rural areas</td>
<td>Limited resources to buy and distribute the power to rural areas.</td>
<td>Electricity Act</td>
</tr>
<tr>
<td>3</td>
<td>National Environment Management Authority (NEMA)</td>
<td>Ensures Environmental Compliance and regulates activities that affect the environment;</td>
<td>Will support environmental compliance for the benefit of all stakeholders</td>
<td>Blind application of the law without considering mitigation factors</td>
<td>National Environment Act</td>
</tr>
<tr>
<td>4</td>
<td>Local Government of Isingiro Distric from LCV to LC1s</td>
<td>Administrative Units to provide enabling environment for the project at local level</td>
<td>Has capacity to mobilize communities as well as overseeing any grievance that might arise</td>
<td>The Local Government displeasure can translate to project failure</td>
<td>Local Government Act 1997</td>
</tr>
<tr>
<td>5</td>
<td>Ministry of Lands, Housing and Urban Development (MLUHD); Survey and Valuation of properties and or</td>
<td>Facilitates land transfer and compensation if</td>
<td>Can overestimate or underestimate</td>
<td>The Land Act Cap 227, Constitution,</td>
<td></td>
</tr>
</tbody>
</table>
4.2 Social Economic Conditions / Activities of the Project Area

The dominant economic activity in Isingiro is farming with residents growing crops and tending to animals. Up to 35% of the people within the project area do keep animals and or poultry. Of those impacted people who keep animals and/or birds, the survey found out that the majority kept goats (47%) followed by those who kept poultry (25.6%). A good number of respondent also practiced piggery (17.5%), and some kept cattle (9.7%) as well as other animals like rabbits (0.3%).

From the field survey, it was established that Banana was the most common food crop grown within the households (especially along the feeder roads along which the power distribution line is expected to pass) with 75.7% of the respondents reporting bananas followed by maize, beans, sweet-potatoes, Cassava, Irish potatoed, vegetables among tothers.

Although banana is a major foodcrop, it does serve as the cash crop in the project area. Other cash crops include mangoes, oranges and jack-fruits (42.6%). Equally bigger proportions of the respondents grew eucalyptus trees (30.2%) and coffee as their major cash crops (20.8%) respectively. Smaller proportions of the respondents grew other cash crops like tea, sugarcane, vanilla, horticulture, pine trees.
4.3 Land tenure
The dominant land tenure system in the project area is mostly customary land tenure and most of the communities live on Kibanja land. Under this project however, no land take is anticipated hence the issues of land tenure will play a minor role in this study.

4.4 Population Dynamics
The project is mostly in the District of Isingiro with a small portion found within the sub County of Mwizi in Mbarara District. Although the district of Isingiro was part of Ankole, there are an increasing number of migrants especially from former Kigezi region. This is evident right from Igayaza all the way to Ruhiira. Nevertheless the dominant ethnic group are Banyankore followed by the Bakiga. The minor groups include Baganda, Bafumbira, Banyarwanda and Bahororo. The main language of communication is Runyankore. This is also true for the portion in Mbarara District (Mwizi Sub County). Further south towards the Tanzanian border there is the Nakivale Refugee Settlement which was opened in the 1960’s and has continued to receive refugees mainly from Rwanda. Nakivale Refugee Settlement is around Lake Nakivale which with its sandy beaches and expansive open ground is a potential site for future tourism.

It is significant to note that the above described ethnic groups are mostly of Bantu origin and may be described as homogenous. All the same they are all patrilineal with men dominating the decision making process. It is these men who are likely to make the decisions regarding the use of electricity in the homes. Although the dialects may slightly vary, the languages are well understood across the rest of the project area making the area practically homogenous.

4.4.1 Demographic Information
During the social survey household heads across the entire project area were interviewed and served a questionnaire. The survey and valuation teams identified 1,866 PAPs some of whom were absent and could not be directly interviewed. In such cases the chairman LC 1 signed the forms of those PAPs who were absent. Subsequently the number of PAPs is taken to be 1,866.
4.4.2 Human Settlement Patterns

In general, settlement patterns within the area are not planned as is the case in most of Uganda’s rural areas. Most of the project area is within a rural setting although the majority of the houses are either semi permanent or permanent. The houses are scattered around the different farming villages and are mostly of iron sheet roofs. The RGCs are just upcoming with the exception of those where there are large matoke collecting centres such as Ruhiira and Ntungu. It is these RGCs that will benefit from the grid extension. The main centres to benefit include:-
- Igayaza
- Kyabinunga
- Omukinazi
- Nyakitundu
- Biremo
- Ntungu
- Burambira
- Ruhiira (Omukanaara)
- Ruhiira Health Centre
- Omuruti
RAP for the proposed Ruhiira Millennium Village Rural Electrification Project 33 kV Distribution Line
4.4.3 Land use and Economic Activities

The dominant economic activity within the project area is subsistence agriculture followed by animal husbandry. As stated above, it was established from the field survey that Banana was the most common food crop grown within the households (especially along the feeder roads along which the power distribution line is expected to pass) with 66% of the respondents reporting bananas followed by maize, beans, Sweet-potatoes, Cassava, Irish potatoed, vegetables among others.

Although Banana is a major foodcrop, it does serve as the cash crop in the project area. Other cash crops include mangoes, oranges and jack-fruits (49%). Equally bigger proportions of the respondents grew eucalyptus trees (30.2%) and coffee as their major cash crops (6.4%) respectively. Smaller proportions of the respondents grew other cash crops like tea, sugarcane, vanilla, horticulture, pine trees. These have also improved their livelihoods as their source of incomes.

Furthermore most respondents do keep animals and or birds. The majority (69.7%) of the communities keep animals (livestock or birds). Of these, the majority kept goats (43.3%) followed by those who kept birds (23.4%). Results indicated that (20.1%) of the respondents reared pigs followed by (12.6%) that reared cows (Fig 3).

![Figure 3: Percentage distribution of farmers who keep animals/birds](image)

Source: Field data, 2012

4.4.4 Sources of Income

In order to assess the sources of income, a survey was conducted among the potentially project affected people. It was found that the majority of the households earned their income through agriculture on the project affected land (57.4%) and that 16% earned their income from agricultural activities on land elsewhere. salaries from business which they carried out on the project affected land. Few respondents (7.9%)
earned from their own salaries while 9.7% of the respondents also earned from business located elsewhere. A very small proportion (0.7%) of the respondents earned from transfer income which was in terms of pensions and hand outs.

4.4.5 Affected Crops/Trees, Buildings and Structures

A valuation of all the affected crops / Trees (properties) is attached as Annex 2 which is the Valuer’s report. From this list crops, trees and in some cases fencing materials valued at Uganda Shillings 593,027,150/= (which is equivalent to USD $ 228,087.0) have been valued. For compensation purposes a 15% disturbance allowance of Uganda Shillings 88,954,073/= (which is equivalent to USD $ 34,213.0) has been added bringing the total compensation package for the project area to Uganda Shillings 681,981,223/= (which is equivalent to USD $ 262,300.0). There is no land take since the Distribution line is within the Road Reserve. A list of owners for crops and trees along the 33 kV Distribution Line is as prepared by the valuation team presented in Annex 2 and will be maintained at the District headquarters of both Isingiro and Maburaas as well as at the respective sub County headquarters within the two districts. From the compensation figures the majority of the PAPs (1,312) will get below shillings 200,000. Some institutions and the rest of the PAPs (969) will get beyond the 200,000 shillings. For those earning 200,000 shillings or less, it may be acceptable if the PAPs are paid cash compensation rather than through a bank account. Many of these people do not have a bank account and opening one which they may not regularly use will not be appealing to them. For those who will get beyond that amount, it is proposed that they be paid through a bank account.

On the other hand, institutions should be paid by cheque or bank transfer to reduce the possibility of misappropriating public funds.

4.4.6 Vulnerable Groups

According to the survey conducted, there are no people who will lose land or structures and there will be no relocation. The possibility of vulnerable groups losing their accommodation or livelihood was therefore not a concern during this survey. However a number of the PAPs are quite elderly and these will need assistance at the time of compensation to ensure that their funds are not taken by others. For purposes of this RAP, however the number of PAPs is taken to be 1,866 consistent with the different pieces of land identified. This is prudent in case some plots of land have incumberences which would negatively affect the PAP. The survey did not identify any other groups that could be considered vulnerable within the concept of this specific RAP. The list of identified people who are 70 years or older is attached as Annex 8. These vulnerable people are 34 in number out of which 5 are women.
4.4.7 Average Income

From the Survey, most of the respondents' income was from agriculture either on the land where they live or from land elsewhere. Up to 71.4% of the income is directly from agriculture (both on the affected land and on land elsewhere) which is followed by earning from other businesses at 13.7% followed by those who earned a salary (7.9%). A very small proportion (0.7%) of the respondents earned from transfer income which was in terms of pensions and hand outs.

The analysis of the monthly income estimate among households indicated that (62.0%) of the total respondents earned 10,000-100,000/= followed by those (24.7%) who earned between Uganda Shillings 100,001-300,000. Few respondents (8.9%) reported their incomes above 300,000/= per month as shown in Fig 4 below.

Figure 4: Percentage distributions of households according to their monthly incomes.

Source: Field data, 2012
5.0 POLICY, INSTITUTIONAL AND LEGAL FRAMEWORK (IMPLEMENTATION ARRANGEMENTS)

This Resettlement Action Plan is guided by both the National and the WBG Safeguard Policies coupled with existing National Laws and Institutional arrangement as they relate to compensation and resettlement.

5.1 Policy Framework

It is the Uganda Government Policy that persons affected by development projects such as the proposed Ruhiira - Millennium - Village - Rural - Electrification - Project 33 kV Distribution Line project be adequately compensated for their structures, crops and loss of livelihood. For the case of this project the main compensation will cover crops, trees and in some cases fencing materials only that fall within the road reserve and or the ROW where the line is going to pass. other assets will not be affected. There is in place an elaborate Institutional and Legal Framework to ensure compliance with the Policy requirements. Furthermore, World Bank has its own Safeguard Policy (e.g. OP 4.12) regarding involuntary resettlement.

For neutrality and transparency in the execution of the RAP, it is necessary to engage Community Based Organisations (CBO) where they exist and are acceptable to the affected people to oversee the compensation process to ensure that those displaced receive fair compensation and will be assisted to improve their livelihoods and standards of living. This principle is in line with the World Bank’s Involuntary Resettlement Policy (OP 4.12). In this project however, the magnitude of compensation is small such that direct payments to PAPs has been proposed for most of them. Those being compensated above 200,000 shillings may be paid through the bank.

5.2 Institutional Framework

5.2.1 General

REA is responsible for implementing of this RAP. Although there will be no cases of involuntary resettlement and relocation, it is useful to take note of the three main institutions involved in carrying out compensation/resettlement where involuntary relocation or resettlement is inevitable. These are the Ministry of Lands, Housing and Urban Development (responsible for Compensation), Lead Agencies/Ministries and in this case the Rural Electrification Agency (REA).

In addition, the respective Districts Administrations (Local Governments of Kabaale, Mbarara and -) as well as the sub counties’ administrations will be involved in the proposed compensation efforts until the successful completion of the resettlement.
5.3 Legal Framework

As stated above, there will be no land take since the line will be restricted/confined to the road reserve and mostly along the present road alignment. Nevertheless, for completeness of this report it is important to take note of the fact that for land take and displacement of people, specific attention is drawn to the 1995 Constitution and other Laws of Uganda as well as the relevant Funding Agencies’ Policies and Guidelines. For resettlement and relocation the following sections discuss the relevant Legal Framework. These are:

The Uganda Constitution (1995): Article 237(1) of the Constitution vests all land in Uganda in the citizens of Uganda. However, under Article 237(1)(a), the Government or Local Government may acquire land in the public interest. Such acquisition is subject to the provisions of Article 26 of the same Constitution, which gives every person in Uganda a right to own property. The Constitution also prescribes the tenure regimes in accordance with which rights and interest in which land may be held (Customary, Leasehold, Mailo, and Freehold). It provides procedures to follow during the acquisition of land in the public interest and provides for the “prompt payment of fair and adequate compensation” prior to taking possession of land. The Constitution however does not make resettlement a right.

Within the project area the main land tenure system is the Mailo and Freehold Land Tenure Systems. Moreover the land acquisition was not an issue under this RAP.

The Land Act (1998) and as amended (2010): This Act addresses land holding, management control and dispute resolution. The developer should seek to enter into mutual agreement with the occupier or owner of the land upon payment of compensation. The Act creates a series of land administration institutions consisting of Uganda Land Commission (ULC) and the District Land Boards (DLB).

Section 78 of the Act gives valuation principles for compensation (i.e. compensation at depreciated replacement costs for rural properties and market values for urban properties) which principles have been followed during the valuation exercise.

The Act provides for the tenure, ownership and management of land. It recognises customary tenure as a form of land holding (section 4(1)) and thus places customary tenants in a position of ownership of land unlike the Land Reform Decree, 1975, that made them tenants at sufferance. Section 28 stipulates that any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally shall be in accordance with the custom, traditions and practices of the community concerned. Customs that ensure access to water can therefore be invoked to protect this particular right. Furthermore, provision is made for communal land associations which may be formed for management of land whether
under customary law or otherwise (section 16). Such Associations may set aside land for such common uses as grazing and watering livestock, and such other purposes as may be traditional among the community using land communally (section 24).

The Act recognises other forms of tenure namely Freehold, Mailo and Leasehold (Section 3). The Act provides for bonafide occupancy and defines a bonafide occupant as a person who is not the title holder or customary tenant of the land he occupies and has enjoyed undisturbed occupancy of the land for 12 years or more. Any person who owns or occupies land under any tenure must manage and utilise that land in accordance, inter alia, with the National Environment Act, Cap 153, the Water Act, Cap 152 and any other relevant law (section 44). The Government and Local Government shall hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams and wetlands for the common good of the citizens of Uganda (section 45(1)).

The Act provides for the compulsory acquisition of land for public purposes. The land owner must be compensated. The occupant of land would be compensated for the value of their chattels. In instances where there are bonafide occupants on land, compensation would have to be made to both the land owner and the bonafide occupant.

The Local Government Act (1997): The Local Government Act (LGA) was enacted to give effect to the policy of decentralisation and devolution of functions, powers and services; and to provide for decentralisation at all levels of local government to ensure good governance and democratic participation in, and control of decision making by the people. The Local Government Act provides for the system of Local Governments, which is based on the district. Under the district there are lower Local Governments and administrative units. This system provides for elected Councils. The chairman nominates the executive committee of each council. The functions of this committee include:

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

According to the second schedule to the LGA, the Central Government is responsible for water resources and the environment (Part I, Second Schedule of the Local Government Act). The Lower Local Government Councils (sub-county or division) are responsible for the protection and maintenance of local water resources (Part 4). It is the function of the various executive committees, including the parish or village executive committees,
to generally monitor projects and other activities undertaken by government, local
governments, and non-governmental organisations in their area (section 50(8)). The
Respective Local Governments have a mandate to monitor this 33 kV Distribution Line
project (within their areas of jurisdiction) in line with the Local Government Act.

**Land Acquisition Act (1965):** This Act makes provision for the procedures and method
of compulsory acquisition of land for public purposes whether for temporary or
permanent use. The Minister responsible for land may authorize any person to enter
upon the land and survey the land dig or bore the subsoil or any other thing necessary
for ascertaining whether the land is suitable for a public purpose.

The Government of Uganda is supposed to pay compensation to any person who
suffers damage as a result of any action. Any dispute as to the compensation payable
is to be referred to the Attorney General or court for decision.

The Land Acquisition Act stops at payment of compensation. It is not a legal
requirement to purchase alternative land for the affected people by the project.
Once they are promptly and adequately compensated, then the obligations stop
there. The Government through the Ministry of Lands, Housing and Urban
development will pay the compensation to the affected persons.

There is no requirement or provision in the law that people need to be moved or that
alternative land is made available or bought. Each affected person is entitled to
compensation; on receipt of his/her compensation is expected to move and has no
further claim.

**The Judicature Act:** Customary law is stipulated under the Act as law applicable in
Uganda though it is subordinate to written law. Further the custom in issue should
not be repugnant to natural justice or equity. Some customary laws recognize the
importance of maintaining clean water sources particularly for drinking water. There
are cultural practices that recognize the value of the common good which could be
harnessed.

**National Environment Act Cap 153:** The objective of the Act is to provide for sustainable
management of the environment and to establish an Authority as a coordinating,
monitoring and supervisory body for that purpose.

The National Environment Management Authority (NEMA) is established under the Act
as the Principal Agency in Uganda responsible for the environment. "Environment" is
defined in section 2 as the physical factors of the surroundings of human beings
including air, land and water. NEMA is required to ensure the integration of
environmental concerns in overall national environmental planning through co-
ordination with the relevant ministries, departments and agencies of government; and
initiate legislative proposals, standards and guidelines on the environment in accordance with the Act. NEMA is mandated to ensure the observance of proper safeguards in the planning and execution of all development projects, including those already in existence that have or are likely to have a significant impact on the environment. A project is defined to include policy. In similar vein, NEMA shall review and approve environment impact assessments and statements submitted in accordance with the laws of Uganda.

As a result of this, NEMA is a key stakeholder in the resettlement process.

**The Water Act, Cap 152:** According to its long title, the purpose of the Water Act is to provide for the use, protection and management of water resources and supply; to provide for the constitution of, and facilitate the devolution of water supply and sewerage undertakings. The objectives of the Act include the promotion of the rational management and use of the waters of Uganda through application of appropriate standards and techniques; and the coordination of all public and private activities which may influence the quality, quantity, distribution, use or management of water resources. Promotion of the provision of a clean, safe and sufficient supply of water for domestic purposes to all persons is a major objective (section 4 Water Act).

"Domestic use" of water is defined in section 2 of the Act to include use for the purpose of basic human consumption; watering not more than thirty livestock units, (approximately 43 cattle or 50 horses or 75 donkeys or 200 goats or 200 sheep or a mixture of these animals); subsistence agriculture, and watering a subsistence fish pond. The National Water Policy makes provision of water for domestic use a priority. The policy categorically states that in allocating water, domestic needs of a community should be reserved within the available water resource.

**Resettlement activities will comply with the Water Act in as far as relocation of persons and their livestock are concerned.**

**Under Section 39 of the Land Act Cap 227 (Restrictions on transfer of land by family members) the rights of children and spouses are protected.** The consent of spouse and children must be acquired prior to any transaction on land on which the family ordinarily resides by the head of household.

The Act under this section requires that no person shall:

a. Sell, exchange, transfer, pledge, mortgage or lease any land; or enter into any contract for the sale, exchange, transfer, pledging, mortgage, lease of any land;

b. Give away any land inter vivos, or enter into any transaction in respect of land:
in the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;

• in the case of land on which the person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent children of majority age;

• in the case of land on which the person ordinarily resides with his or her dependent children below the age of majority, except with the prior written consent of the Committee; and

• In the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the Committee.

The law however stipulates that consent shall not be unreasonably withheld. Moreover, the spouse or children of majority age, not being the owners of any land to which subsection (1) applies, may lodge a caveat on the certificate of title or certificate of customary ownership of the person who is the owner of the land to indicate that the property is subject to the requirement of consent under subsection (1).

The Local Government Act, 1997: The Act empowers the Local councils to oversee the performance of persons employed by the Government to provide services in the council's area of jurisdiction and to monitor the provision of Government services or implementation of projects in the area under the council's jurisdiction. These councils are well distributed in accordance with the five tier system and there is a council at each level of the administrative units. Councils are required to draw the attention of the relevant authorities at the district any matter that rouses their concern or interest. Among others, higher councils are required to resolve problems or disputes referred to them by relevant sub county or village councils;

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

Indeed there are some shortfalls in the Legislation on resettlement and compensation in Uganda compared to some of the donor safeguards commonly applied in the Country. In case there are differences between national legislation and OP 4.12, the latter will prevail.

5.4 World Bank Safeguard Policy on Involuntary Resettlement

This section describes the World Bank Safeguard Policy on Involuntary Resettlement.
The World Bank’s Safeguard Policy OP 4.12 covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by

(a) The involuntary taking of land resulting in

(i) Relocation or loss of shelter;

(ii) Lost of assets or access to assets; or

(iii) Loss of income sources or means of livelihood, whether or not the affected persons must move to another location; or

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

The policy applies to all components of the project that result in involuntary resettlement, regardless of the source of financing.

Particular attention should be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons.

The Bank’s Policy requires that the provision of compensation and other assistance Project Affected Persons is carried out prior to the displacement of people. In particular, repossession of land for the 33 kV Distribution Line project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances will be provided to the affected persons in accordance with the provisions of the Bank’s policies and incorporated into the Resettlement Action Plan.

The policy encourages participation of the affected persons in the planning and preparation of the Resettlement Action Plan. It also offers the impacted persons an opportunity to improve their living standards.

Operational Policy 4.12 on Involuntary Resettlement requires that displaced persons should be compensated at full replacement cost, assisted with relocation / resettlement and during transition period. The developer should be encouraged to offer replacement land rather than cash compensation when the residual land holdings are not economically viable.

The World Bank Group Policy on Involuntary Resettlement is applicable to Development Projects where resettlement, relocation and compensation are indicated. The main features of this Policy are as follows:
• All viable alternative project designs should be explored to avoid or minimise the need for resettlement and when it is inevitable, to minimise the scale and impacts of resettlement;

• Resettlement measures are to be conceived and executed as development activities providing sufficient resources to give the persons displaced, the opportunity to share in project benefits. Assistance should be given to the community in their efforts to improve former production levels, incomes earning capacity and living standards or at least restore them to the levels they would have without the project;

• Displaced persons should be:
  o Compensated at full replacement cost prior to the actual move;
  o Assisted with relocation;
  o Assisted and supported during the transition period;

• Particular attention should be given to vulnerable groups; and

• Communities should be given opportunities to participate in planning, implementing and monitoring their resettlement.

5.5 Differences between Uganda Laws and the World Bank/Donor Policy

There are some differences between the World Bank Policy and the Uganda Laws on Resettlement and Compensation. For instance: the Ugandan Laws restrict themselves to fair, adequate and prompt compensation (cash), while the World Bank Policy extends it to providing alternative land and resettling the person. In Uganda compensation is based on the right of ownership. The World Bank OP 4.12 is fundamentally different from this, and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a specified cut-off date. The higher of the two standards will be followed in this policy framework, since that procedure also satisfies the requirements of the lesser standard.

A comparison of Uganda Law and WB/Donor requirements with possible mitigation options regarding compensation is given in Table 8 below:

In a number of cases, as shown in Table 8, most of the Donor Requirements are more favourable to PAPs than the provisions of Uganda Law. In most cases the Government of Uganda is strongly committed to comply with Donor Requirements. However for this project there will be no relocation and loss of land. Otherwise it would have been imperative that for those whose livelihood is to be negatively impacted, an additional financial uplifting aiming at complying with Donor Requirements where they are not complied with by the sole Ugandan provisions
would be appropriate. In case of difference between national legislation and the WB safeguard policy, the latter will prevail.
## Table 8: Comparison of Ugandan Law and World Bank Op 4.12 Regarding Compensation with possible mitigation Options

<table>
<thead>
<tr>
<th>Category of PAPs and Type of Lost Assets</th>
<th>Ugandan Law</th>
<th>World Bank OP4.12</th>
<th>Mitigation measures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Owners</td>
<td>Cash compensation based upon market value under statute. Land for Land</td>
<td>Recommends land-for-land compensation. Other compensation is at replacement cost.</td>
<td>N/A</td>
</tr>
<tr>
<td>Land Tenants</td>
<td>Entitled to compensation based on the amount of rights they hold upon land under relevant laws. Illegal tenants are not entitled to compensation</td>
<td>PAPs are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy.</td>
<td>The design of the Ruhiira - Millennium - Village - Rural - Electrification - Project 92km 33 kV Distribution Line minimises displacement of people by maintaining the old alignment. Subsequently this project will not have land take;</td>
</tr>
<tr>
<td>Land users/land share-croppers</td>
<td>• In some cases land users have some form of secured tenure extended to them under new laws. In other cases land users are not entitled to compensation for land. • Entitled to compensation for crops and any other economic assets. • Land for Land</td>
<td>Entitled to compensation for crops, may be entitled to replacement land and income will be restored to at least pre-33 kV Distribution Line project levels.</td>
<td>The design of the Ruhiira - Millennium - Village - Rural - Electrification - Project (92km) 33 kV Distribution Line minimises land take, but all perennial crops, fruit trees, commercial trees and other crops that cannot be grown within the ROW will be compensated for using the district approved compensation rates in addition to a 15% disturbance allowance.</td>
</tr>
<tr>
<td>Owners of Temporary Buildings</td>
<td>Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs. Rates based upon per square meter established at District level and disturbance allowance (15%). Rates are based on depreciated market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.</td>
<td>Buildings will not be impacted by the line as all measures will be taken to avoid houses and other buildings.</td>
</tr>
<tr>
<td>Owners of Permanent buildings</td>
<td>Cash Compensation is based on market value. A disturbance allowance of 15% is applicable and rates are based on depreciated market value.</td>
<td>Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation.</td>
<td>In the case of the Ruhiira - Millennium - Village - Rural - Electrification - Project (92km) 33 kV Distribution Line, buildings will not be impacted by the line as all measures will be</td>
</tr>
<tr>
<td>Category of PAPs and Type of Lost Assets</td>
<td>Ugandan Law</td>
<td>World Bank OP4.12</td>
<td>Mitigation measures</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>-------------</td>
<td>------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Perennial Crops</td>
<td>Cash compensation based upon rates calculated as an average net agricultural income.</td>
<td>expenses, prior to displacement.</td>
<td>taken to avoid houses and other buildings, N/A</td>
</tr>
<tr>
<td>Annual Crops</td>
<td>No compensation. 6 months notice to harvest crops.</td>
<td>No specific provision. But as per specifications of this RAP, once approved by the Bank and disclosed at the Bank info shop.</td>
<td>Explore the possibility of including Income restoration. Land for land compensation allowing people to re-establish annual crops immediately.</td>
</tr>
<tr>
<td>Business income</td>
<td>No compensation. 6 months notice to vacate premises</td>
<td>Established access to similar opportunities as per specifications of this RAP once approved by the Bank and disclosed at the Bank info shop.</td>
<td>Explore the possibility of reducing loss of income and livelihood.</td>
</tr>
</tbody>
</table>
6.0 VALUATION OF AND COMPENSATION FOR LOSSES

As indicated under section 4.1.1, a time table of meetings was prepared in consultation with the local leadership. The time table showing the places of meetings is attached as Annex 2. For ease of reference the minutes are attached in Annex 5:

The main resettlement package under this project will be compensation for crops and trees (including fruit trees, commercial trees, ornamental trees coffee etc) that will be affected by the development. REA commits itself to pay full compensation as valued to all PAPs. Key principles that REA will commit themselves to ensure a smooth compensation exercise include the following:

Box 1: Key principles to heed during compensation.

- Compensation of Project Affected People (PAP) should be carried out in compliance with relevant Ugandan laws and OP 4.12.
- Compensation should be implemented in a gender-responsive manner. In the case of this 33 kV Distribution Line project, the list of the affected women (Annex 9) has been made available and is part of the documents to be consulted. In all the total number of affected women is 324 all of whom will be compensated for crops and trees to the tune of Uganda shillings 98,241,625/= inclusive of a 15% disturbance allowance; and
- Cash compensation will be appropriate for those receiving amounts below Uganda shillings 200,000.00. Institutions should receive compensation through banks or by cheque to minimise misuse of public funds.

Source: Adapted from the Land Act, the Constitution of Uganda and Donor Safeguard Policies.

6.1 Estimated Compensation Amounts

In view of the foregoing, a comprehensive valuation of crops and trees to be affected was undertaken.

The total amount to meet compensation and resettlement needs is Six hundred and Eighty One Million Nine hundred and Eighty One thousand, Two hundred and twenty Three Shillings (UGX 681,981,223/=) which is equivalent to USD $263,300.0.

This amount is inclusive of 15% disturbance allowance. The details are documented in Annex 2 which constitutes the Valuer's report.

6.2 Payment Procedure

Census of the Project Affected Persons (PAPs) has been conducted. In addition, mitigation measures as well as impacts of resettlement have been identified. These are part of the ingredients for the RAP. The identified mitigation measure has been to pay compensation for lost crops and trees. The Ugandan law favours cash compensation rather than replacement of structures/land. In this case cash compensation has been recommended for all those receiving shs 200,000/= or less.
Those earning above that figure will be paid through a bank by Direct Electronic Transfer of the monies. In addition, a disturbance allowance of 15% to the PAPs will be paid at least six months before clearing the line.
7.0 RESETTLEMENT AND COMPENSATION MEASURES

7.1 Methodology

While the strategy and methods for calculating cash compensation are provided under sections 8-3 to 8-4, the general methodology for resettlement is characterised by the following:

- A literature review of the legal and institutional arrangement regarding the compensation and resettlement has been conducted;
- All stakeholders who were available were interviewed and a census conducted to obtain their socio economic data;
- A survey team established the line along the road reserve;
- Thereafter the valuer valued all the properties (crops and trees);
- A census to determine the socio economic conditions of the project affected persons was conducted to estimate the likely impacts on livelihoods;
- All PAPs who were available at the time were sensitised regarding the project, grievances and the entitlement date;

7.2 Design Considerations to Minimize Resettlement

To minimise land take and displacement of people, the proposed line will be confined to the road reserve or along the present road alignment within approximately 10 metres of that alignment. If houses or structures are targeted by the proposed line, then alterations will be made in the line to ensure that structures and houses are avoided. This will be the case if cultural sites including graves are targeted by the line construction. These measures will ensure that there will be no relocation of people.

7.3 Strategy

As part of the implementation strategy, the following will apply:

- Stakeholder groups will continue to be involved in the exercise;
- Payments for compensation will be independently monitored and accurate records kept for all transaction. The first monitoring will be performed at two levels. The first monitoring will be conducted by the Grievance Committee, while the second monitoring will be done by the Developers representative on the supervising team.
- Compensation of Project-Affected People (PAP) will be carried out in compliance with relevant Ugandan laws as well as WB Safeguard Policy. All those who have lost crops and trees will be adequately and equitably compensated in accordance with the accompanying valuation report.
- Compensation will be implemented in a gender-sensitive manner ensuring that all the 270 impacted women receive payments promptly.
The elderly will be identified and given priority when paying compensation ensuring that their compensation is not denied to them.

Consult with and facilitate the informed participation of affected persons in decision-making processes related to compensation. Consultations will continue during the implementation, monitoring, and evaluation. The consultations will be conducted by the Developers representative (sociologist) on the implementation team.

7.4 Overview of Entitlements

7.4.1 Land Titles

There will be no land taken. It was however established during the survey that most of the land in the project area is customary land or Kibanja holding. This aspect was not considered during the survey since no land take was anticipated.

7.4.2 Entitlements

According to the survey, the affected persons are mostly agriculturalists and they will lose mostly crops, trees as well as live fencing material (Hedges). The characteristics of the PAPs fairly uniform all being mostly peasants. The entitlement matrix below (Table 9.1), therefore picks out the category of farmers and peasants.

Table 9.1: Entitlement Matrix

<table>
<thead>
<tr>
<th>Category</th>
<th>Entitled person (EP)</th>
<th>Type of loss</th>
<th>Entitlements/compensation</th>
<th>Rehabilitation assistance</th>
</tr>
</thead>
</table>


### Table: Compensation for Cultivated Land

| Cultivated Land | Cultivator/ Farmer/ Kibanja Owner/license | Loss of crops; Loss of income; Loss of trees; and Loss of hedges | • Entitled to harvest present crops; • In case of damage to crops, cash compensation as per rates provided by District Land Board; • Compensation for loss of trees at rates provided by District Land Board; and • If possible allow farmers to harvest fruits as supplemental source during ‘transition period’. | 15% Disturbance allowance to be paid out. |

#### 7.4.2 Cash Compensation

This Distribution Line project is being funded by the World Bank (as a Development Partner) which requires specific safeguards regarding compensation. Subsequently, the World Bank safeguard Policies have been used. These are also considered comprehensive and all embracing of most of the development partners in Uganda. This RAP, therefore complies with both the requirements of the Ugandan Law and WB safeguards. The latter are more advantageous to PAP, especially with regard to the valuation at “full replacement cost” as opposed to the depreciated value taken into consideration by Ugandan valuation methodologies.

This issue which is very critical for housing and structures was not so critical for crop and tree compensation. This is because “Updated District Compensation Rates have been used to value crops / trees to arrive at the value. The District Compensation Rates are based on Imputation values which are equivalent to current market values.”
7.5 Compensation Rates for Crops and Trees

Table 9 shows the general basis for calculations regarding compensation of crops:

**Table 9: Basis for crops compensation calculations**

<table>
<thead>
<tr>
<th>Asset to be compensated</th>
<th>Compensation under Ugandan law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crops and Trees</td>
<td>Crops and trees are assessed using district compensation rates provided by Respective Districts’ District Land Boards. In this respect it is the duty and responsibility of District Land Board to compile or review District Compensation rates for their respective Districts. (Section 59 of the Land Act). These rates are normally submitted to the office of the Chief Government Valuer for consideration and approval for each particular year.</td>
</tr>
<tr>
<td>Annual Crops</td>
<td>No compensation as long as the crop can be harvested. Notice to vacate land is normally six months, which allows harvesting of annual crops. If notice to vacate is given in less than six months, disturbance allowance is increased from 15% to 30%.</td>
</tr>
<tr>
<td>Damage to Annual Crops</td>
<td>Valuation of damaged crops based on official rates and count of damaged crops.</td>
</tr>
<tr>
<td>Eligibility for Compensation</td>
<td>The following categories are eligible for compensation.</td>
</tr>
<tr>
<td></td>
<td>• Persons with perennial crops</td>
</tr>
<tr>
<td></td>
<td>• Persons who encroach on the proposed distribution line corridor after the resettlement survey (census and valuation) are not eligible for compensation</td>
</tr>
</tbody>
</table>

7.6 Disturbance Allowance

As guided by Section 77 (2) of The Land Act-Cap 227 (Computation of Compensation), disturbance allowance of 15% shall be awarded on top of the assessed amount. This is on the assumption that the project affected persons shall be given ample time (beyond the required statutory period of 6 months) to give up their interests in the crops and trees and harvest them if appropriate, otherwise, 30% should be applied if the due notice is less than six months. In this report a 15% disturbance allowance has been considered.
8.0 SITE SELECTION, SITE PREPARATION AND RELOCATION

For this power line project, care has been taken to eliminate relocation of people. This has been achieved through insisting that the line will be confined to the road reserve and will follow the present road alignment. There will be no relocation of communities.
9.0 GRIEVANCE PROCEDURES

9.1 Likely Types of Grievances and Disputes

In practice, grievances and disputes that are most likely to be encountered during the implementation of compensation and resettlement programmes are:

- False identification of assets or mistakes in valuing them;
- Disagreement over asset valuation: either the unit rate applied or the count;
- Disputed ownership of property: for instance where the owner and occupant are different persons, which gives rise to conflicts over the compensation sharing arrangements;
- Dispute over ownership of an asset e.g. when two individuals claim to be owners of same asset);
- Disputes over land boundaries, either between the affected person and the project, or between two neighbours; and
- Successions, divorces and other family issues, resulting in disputes between heirs and other family members, over ownership for a given asset.

9.2 Management Mechanism

It often appears that many grievances derive from misunderstandings of the project policy, or result from neighbour conflicts, which can usually be solved through adequate mediation using customary rules or local administration at the lowest level (LCs). Most grievances can be settled with additional explanation efforts and some mediation using customary disputes settlement mechanisms:

- Using land committees at local levels (LCI, Parish, District Land Committee);
- Through explanations e.g. explaining in detail how the project calculated complainant’s compensation and that the same rules apply to all; Or
- Through arbitration, resorting to elders, individuals LC Officials or an accepted opinion leader.

In contrast, resorting to the judicial system often results in long delays before a case is processed. This could result in significant expenses to the complainant and might require a complex legal mechanism, involving lawyers, which maybe beyond the complainant’s control. Also, courts may declare themselves incompetent for matters related to informally owned property, which is likely to be common in the project area.

REA should therefore put in place an extra judicial mechanism (see Figure 5) for managing grievances and disputes based on explanation and mediation by a third party, preferably a committee comprising local leaders, trusted citizens and independent of the project. This mechanism must and will be in place pror
Figure 5: Grievance Management Mechanism
Every aggrieved person shall be able to trigger this mechanism, while still being able to resort to the judicial system. Procedures relevant to this amicable mechanism are detailed below, and will include three different levels:

- Registration by REA, or its agent, of the complaint, grievance or dispute;
- Processing by REA, or its agent, of the grievance or dispute until closure is established based on evidence that acceptable action was taken; and
- In the event where the complainant is not satisfied with action taken by the Valuer or REA (or its agent) as a result of the complaint, an amicable mediation can be triggered involving a mediation committee independent of the project.

In summary and as indicated under the disclosure process, the PAPs shall be given an opportunity to review the RAP including the survey and valuation outcomes as well as the compensation policies prior to the commencement of the compensation exercise. It is anticipated that a number of issues will come up among the affected communities and landowners. If an individual is not satisfied with the compensation, he or she will then be able to trigger the grievance mechanism as described above. The above recommends that PAPs should as much as possible avoid court proceedings as they can be costly, time consuming and could disrupt the projects’ progress. Hence the above administrative procedure / review is most optimum. The Administrative Review recommends trying to resolve the issue(s) administratively by the client (REA) and the various Government institutions involved in the compensation exercise as shown in Fig 4 above before resorting to court action as shown below:

- **Magistrates' Court:** If the complaints have not been solved administratively, then the complainant can proceed to the magistrate’s court. This court is charged with powers to hear and make rulings on matters of land disputes.
- **High Court:** If the complaint is still dissatisfied with the ruling of the magistrate’s court, then he can seek further redress in the High Court.
10.0 **ORGANISATIONAL RESPONSIBILITIES**

In addition to what has been discussed under the Institutional Framework, there are three main actors who will be involved in carrying out compensation as required in the implementation of the Ruhiira - Millennium - Village - Rural - Electrification - Project 33 kV Distribution Line. These are the respective Local Governments of Isingiro and Mbarara (responsible for handling the affected people), the Ministry of Housing and Urban Development (approving compensation rates), and Ministry of Energy and Mineral Development together with REA (Lead Agency).

10.1 **Ministry of Energy and Mineral Development and REA**

Government of Uganda and World Bank (development Partners) require preparation of a Resettlement Action Plan for 33 kV development projects such as the 33kV Ruhiira - Millennium - Village - Rural - Electrification - Project Power distribution Line. This is done to ensure equitable compensation and minimise social disruptions or negative effects on people's livelihoods arising from implementation of the project. The compensations assist those who have lost assets as a result of the project to maintain their livelihood through income restoration.

MEMD is responsible for the Energy projects in Uganda. The Rural Electrification Agency (REA) and MEMD are responsible for contracting out and overseeing construction of power Distribution Line. Furthermore, REA is responsible for controlling encroachment on 33 kV Distribution Line by unscrupulous people.

10.2 **Ministry of Lands, Housing and Urban Upgrading**

The Chief Government Valuer in the Valuation Division in the Ministry of, Housing and Urban Development (MLHUD) is responsible for approving the Valuation Roll. This demands fair and transparent compensation and as such all property valued are first inspected by the Chief Government Valuer. In the case of this project, crop and trees compensation rates are approved by the respective Districts’ Land Boards on advice of the Chief Government valuer in the MHUD.

10.3 **Local Government**

The Local Government is responsible for ensuring that all affected persons have received a fair and appropriate compensation/ livelihood restoration. They are the initial arbitrators in case of disagreements and misunderstandings. They have capacity to identify and co-coordinate all players in the resettlement programme at the Local Government level.
11.0 IMPLEMENTATION SCHEDULE

11.1 Proposed Time Schedule

A compensation implementation and monitoring programme has been proposed and is summarised in Table 10 below:

<table>
<thead>
<tr>
<th>S/No</th>
<th>Time Frame in Months</th>
<th>Activity</th>
<th>By Who</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>1st Month</td>
<td>Resources mobilisation for compensation;</td>
<td>Client/REA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formation of Resettlement Committee;</td>
<td>REA/Consultant, LCs, PAPs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Formation of Grievance Committee;</td>
<td>REA/Consultant, LCs, PAPs</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Any relevant sensitisation or awareness creation;</td>
<td>REA/Consultant</td>
</tr>
<tr>
<td>2</td>
<td>2nd to 3rd Month</td>
<td>Pay disturbance Allowances;</td>
<td>REA/Consultant</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pay Compensation where applicable (Crops and Trees);</td>
<td>REA/Consultant</td>
</tr>
<tr>
<td>4</td>
<td>4th Month onwards</td>
<td>Monitoring and Evaluation of Impacts in accordance with the Indicators During and after power line construction;</td>
<td>REA and Consultant;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Grievance process if required;</td>
<td>Grievance Committee, and Contractor; and</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Final Report</td>
<td>Consultant</td>
</tr>
</tbody>
</table>

11.2 Compensation Agreement

A compensation agreement between beneficiary and REA will be made. The cost of these measures will be included in the contract cost.

11.3 Cut-Off date

The census marked the end of the cut-off date. In Isingiro District, the census and valuation commenced on the 27th May and ended on 8th October. The effective cut-off date therefore is 8th October 2012. No new cases of compensation will be entertained after that census. Communities have been informed accordingly and the REA is expected to re-enforce this measure together with the Local Government. Persons who re-enter the area after the resettlement survey and cut-off date (census and valuation) are not eligible to compensation or any form of resettlement assistance.

11.4 Rehabilitation of Income

Affected persons will be adequately compensated and PAPs will be paid a disturbance allowance to ensure continuity in resettlement.

11.5 Implementation Strategy
Following full agreement between the PAPs and REA, then payment of compensation will begin to be paid. No person will be paid when he/she still has issues pending at the grievance committees or if they have appealed to court. No compensation will be paid out until the disputes have been sorted out. It is estimated that for compensation arrangements, the actual pay offs can be concluded by paying off the people in a given village per day. The reason it is preferred to cover payments in terms of villages is as follows:

- It is systematic
- It allows a homogenous group to be handled at the same time; and
- It is easier to disseminate the related information to a village because of the presence of the Local Council system.

Regarding possible stampedes for those receiving cash payments, it is proposed that payments will be made in accordance with the order of arrival at the paying centre. Numbered cards can be given to the PAPs as they arrive so that the order of payment is followed. Feeding mothers and the elderly will be handled preferentially if and when they come.

### 11.6 Costs of implementation of the compensation exercise.

The valuation has been completed during the preparation of the RAP. However implementation of the RAP will require resources to meet allowances, fees and related expenses. The estimate for this cost is 15% of the total compensation package. In this case it will be Ug shillings 102,297,183/=.

### 11.7 Total cost estimates

Annex 2 (the Valuer’s Report) shows the compensation for the affected households and other PAPs for the crops, trees and in some cases fencing materials as summarised in the Table below. In addition a 15% lump sum has been added to meet the costs of compensation also shown in the Table below.

<table>
<thead>
<tr>
<th>Table 11: Total Compensation amounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
</tr>
<tr>
<td>----</td>
</tr>
<tr>
<td>1</td>
</tr>
</tbody>
</table>

NB. Please note that the market value amount includes the 15% disturbance allowance while the total amount includes the 15% RAP implementation costs.
12.0 MONITORING AND EVALUATION FRAMEWORK

12.1 General Objectives and Approach

Monitoring, evaluation and auditing will be key components of executing this Resettlement Action Plan.

**Monitoring:** looks at progress of resettlement, compensation and at specific situations of economic or social difficulties arising from the implementation of the compensation and resettlement process;

**Auditing:** looks at compliance and completion of the resettlement program;

**Evaluation:** looks at outcomes, through an assessment of the short- mid- and long-term impacts of the compensation and resettlement programme on affected households, their incomes and standards of living, the environment, local capacities, housing, etc.

The following monitoring and evaluation approach will be used, whereby different levels of monitoring and evaluation are used:

**a) Internal progress (or Input/Output) monitoring:**

Monitors whether compensation will have been paid on schedule and as defined in the RAP, and their direct measurable results, for instance:

- Amounts of compensation paid in a given month,
- Number of complaints or grievances recorded.

Monitoring will also seek to document and investigate specific conflict or hardship situations arising from implementation of the compensation program. Monitoring keeps track of project implementation efficiency and indicates whether changes need to be made to make the programme operate more efficiently. Progress monitoring is done internally by the Project at a frequency of every 2-3 months.

**b) Audit of compliance and completion:**

Audit defines whether the RAP and applicable requirements have been complied with, and if the implementation can be considered complete. An external entity, preferably a consultant, may be contracted to independently monitor implementation of the RAP.

**c) Outcome evaluation:**

This defines the extent to which the project is achieving or is likely to achieve the objectives of a program. Outcome evaluation, coupled with output monitoring results, indicate whether the programme is genuinely working and should continue to be implemented as is, or whether some fundamental changes need to be made.
in other words, the outcome evaluation looks beyond numerical compliance to the longer term impact of programme inputs and outputs, to determine what works, what does not work, and what needs to be changed. Outcome evaluation should be done by an independent entity.

12.2 RAP Audit and Implementation of Completion Report

The independent compliance and completion audit will focus on the assessment of compliance with requirements contained in this RAP with the Ugandan law. The audit could include:

- Quarterly external reviews (about one-week in duration each) during the active phase of compensation and resettlement, and
- A final completion audit at least one year after the last compensation has been effected, or at such any other appropriate time.

12.3.1 Compliance Reviews

Objectives of compliance reviews are as follows:

➢ To assess overall compliance with the RAP and applicable legislation and requirements, particularly the following:
  - Compliance with eligibility criteria as described in this RAP;
  - Actual delivery of compensation packages,
  - Compliance with implementation mechanisms as described in this RAP;

External monitoring reports should be prepared independently by the reviewer and submitted to REA and relevant stakeholders.

12.3.2 Completion Audit

The purpose of this Audit is to establish whether REA has implemented all activities needed to ensure compliance with resettlement commitments defined by the RAP and applicable policies, and whether resettlement and compensation can be deemed complete.

Although in this case there was no resettlement, in general a key objective of the RAP is that resettlement, compensation and other mitigation measures lead to sustainable restoration or enhancement of affected peoples' quality of life and income levels. At such time as affected peoples' quality of life and livelihood can be demonstrated to have been restored, the resettlement and compensation process can be considered complete.

The completion audit should preferably be carried out by the same auditor as the compliance audit. Based on progress indicators and outcome evaluation indicators,
the auditor will formulate conclusions on the following topics:

- Have the objectives set forth in the RAP been reached in terms of:
  - Identification of affected people and identification of impacts,
  - Compensation for all impacts of all affected people,
  - Timely delivery of entitlements and compliance with Ugandan Constitution requirement of "prompt" compensation,

- Has compensation been fair and adequate to mitigate impacts? and

- Have livelihoods been improved?
13.0 RAP BUDGET

Based on the findings of the study carried out, the total package to meet compensation needs is Seven hundred and eighty four million, Two Hundred and Seventy Eight thousand, Four hundred and Six Uganda Shillings (UGX 784,278,406/=). This amount is inclusive of 15% disturbance allowance and 15% implementation costs. Details of the compensation amounts are presented in Annex 2 as well as in the main Valuers Report which shows the different crops / trees and their status.
14.0 CONCLUSION

In this RAP, a number of key principles have been followed which include the following:

- Minimising compensation needs by ensuring that the Distribution Line is confined to the road reserve and along the present road alignment;
- Removing relocation of people by bypassing the line through the road reserve;
- Where the line targets a cultural site or grave, it has been diverted to avoid impacting on cultural sites;
- Key stakeholders have been involved in the study and will be involved in the compensation exercise;
- Prompt compensation is recommended for successful implementation of the project.
RAP for the proposed Ruhiira – Millennium – Village – Rural Electrification – Project 33 kV Distribution Line
RAP for the proposed Ruhira-Millenium Village Rural Electrification Project 33 kV Distribution Line