RURAL ELECTRIFICATION AGENCY
MINISTRY OF ENERGY AND MINERAL DEVELOPMENT

RESETTLEMENT ACTION PLAN

FOR

THE PROPOSED 33KV NTENJERU DISTRIBUTION LINE AND ASSOCIATED LOW VOLTAGE NETWORKS

Prepared by:
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Association with M and E Associates Ltd and
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March 2013
CERTIFICATION

We certify that the Resettlement Action Plan for the proposed Ntenjeru 33kv power extension and Distribution Line and related low Voltage Networks was conducted under our direction, supervision and based on the Terms of Reference provided to us by Rural Electrification Authority. We hereby certify that the particulars given in this RAP are correct and true to the best of our knowledge:

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Key: PG cert = Post Graduate certificate, Cert = Certificate, Devlp. = Development.
EXECUTIVE SUMMARY

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 Project Phase II and has asked for Consultancy Services to Undertake a Resettlement Action Plan (RAP) as well as an Environmental Assessment (EA) covering the proposed 33kV Ntenjeru Distribution line (70Km). This is expected to cover the 33kV electricity distribution grid – extension lines and the associated low voltage networks inclusive of at least 30 transformers of various capacities (25/50KVA) at a number of Trading Centres (TC) and Rural Growth Centres (RGC).

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 the National Forestry Authority (NFA) in association with M & E Associates and Katuramu and Company to prepare a Resettlement Action Plan for the 70 Kilometre Distribution line from Kasenge to Buule/Mpatta 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 Mukono Local Government). 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

The Distribution line is within Mukono District and is restricted to the Sub Counties of Naama, Ntenjeru, Nakisunga and Mpatta. For Naama Sub County, only one Parish will be affected to the right of Mbalala about a kilometre along the Mbalala – Ntenjeru – Buule road. However the immediate impact of this project will be along the entire 70Km length of the proposed power line which will run from Kasenge to Buule landing site with a number of Tee – Offs leading to among others Kibira Village, Mawotto landing site, Abu Mukasa’s poultry farm and Kisinsi landing site. 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 1126 of which 862 are men and 264 are women whose crops and trees will be affected. In all a total of 36 Institutions will also lose crops and trees. “The specific parcels of properties that were valued are detailed in Volume B which is the Valuers report.”

0.3 Legal Framework for Compensation

This Resettlement Action Plan (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 World Bank Involuntary Resettlement Policy. 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 and trees in addition to a disturbance allowance of 15% of the value of the affected crops/trees.

0.5 Field Survey Findings

The proposed Mukono - Ntenjeru 75km 33 kV Distribution Line starts from Kasenge in Naama Subcounty off the Mbalala along the Mukono Jinja Highway. It goes through the sub counties of Ntenjeru, Nakisunga and ends at the landing sites of Buule and Kisinsi in Mpata Sub County. Most of affected persons will be positively impacted by receiving the much awaited for electric power.

The dominant economic activity within the project area and along the proposed Distribution line is subsistence agriculture. It is these subsistence agricultural activities that will be affected by the line.

0.6 Implementation Plan
0.6.1 Relocation and Compensation Impacts

Implementing the Mukono - Ntenjeru 70km 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 and trees within the Road Reserve.

0.6.2 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 World Bank Safeguard Policy on Involuntary Resettlement. 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 and crops that are likely to be destroyed during the construction and those that were destroyed during the survey. In case there are differences between national legislation and World Bank policy on Involuntary Resettlement, the latter will prevail.

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.

0.6.3 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 (Project Affected Persons (PAPs), LCs, REA and the Donor agency) 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.

0.6.4 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.

0.6.5 Summary of the costs that will be involved

The total amount to meet compensation and resettlement needs is Seven Hundred Seventeen Million Three hundred Seventy Six thousand Nine hundred Nine only Uganda Shillings (UGX 717,376,909) ((US$ 275,914.2 (at UGX 2600 per dollar)). This amount is inclusive of 15% disturbance allowance. Rap implementation costs have been estimated to be at least 15% of the compensation amount. This brings the overall package to Uganda shillings 717,376,909. This amount includes the 15% disturbance and the 15% RAP implementation costs as shown in Table 0.6.1 below.

Table 06-1: 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>Disturbance allowance</th>
<th>Total Shs</th>
<th>Amount (Ug Shs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Crops and trees</td>
<td>Number of Crops and trees</td>
<td>623,806,008</td>
<td>93,570,901</td>
<td>717,376,909</td>
<td></td>
</tr>
</tbody>
</table>

Source: Adapted from Valuer/ Surveyor’s draft report

0.8 Grievance Management and Redress

The project developer (REA) shall therefore 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. 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.

0.9 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:
• 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.

0.10 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 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.
LIST OF ACRONYMS

ACRONYMS
AAAC: All Aluminium Alloy Conductor
AAC: All Aluminium Conductor
ACSR: Aluminium Conductor Steel Reinforced
CFR: Central Forest Reserves
DEO: District Environment Officer
EA: Environmental Assessment
EIA: Environmental Impact Assessment
EMF: Electromagnetic fields
ESIA: Environmental and Social Impact Assessment
ESMMP: Environmental and Social Management and Monitoring Plan
ESMP: Environmental and Social Management Plan
ERA: Electricity Regulatory Agency
ERT: Energy for Rural Transformation
HV: High Voltage
LC: Local Council
LOU: Laws of Uganda
LV: Low Voltage
MEMD: Ministry of Energy and Mineral Development
MLHUD: Ministry of Lands, Housing and Urban Development
MWE: Ministry of Water and Environment
NEMA: National Environment Management Authority
NFA: National Forestry Authority
NHTF: Natural Tropical High Forest
OHS: Occupational Health and Safety
PAP: Project-affected person(s)
PB: Project Brief
POP: Persistent Organic Pollutants
PPE: Personal Protection Equipment
RAP: Resettlement Action Plan
REA: Rural Electrification Agency
REF: Rural Electrification Fund
RGC: Rural Growth Centres
RTI: Respiratory Tract Infections
ROW: Right-of-Way
SWER: Single-Wire Earth Return
TC: Trading Centres
TWNKR: Two Wire Neutral Return
UETCL: Uganda Electricity Transmission Company Limited
WB: World Bank

Measures and units:

km: Kilometre (= 1 000 metres)
kv: Kilovolt (103 volt)
KVA: Kilovolt Amperes
m: Meters
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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 Ntenjeru 33KV distribution line in Mukono District. This RAP 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) as well as an Environmental Assessment (EA) covering the proposed 33kV Ntenjeru Distribution line (70Km). This is expected to cover the 33kV electricity distribution grid – extension lines and the associated low voltage networks inclusive of at least 30 transformers of various capacities (25/50KVA) at a number of Trading Centres (TC) and Rural Growth Centres (RGC). The project area is in central Uganda in the District of Mukono and the line will run from Kasenge off Mbalala at the Jinja Kampala Highway to the landing sites of Buule and Kisinsi in Mpatta sub County. It is composed of the following:

i. A 33 KV line from Kasenge to a number of points close to the lake shore with a total length of approximately 70Km as shown in the line map of the project area attached to this report (Annex 1);

ii. Associated low voltage networks (220V) for distribution for end-use purposes in accordance with the projected demand; and

iii. At least 30 transformers of varying capacities (25/50KVA);

Government is currently in the process of implementing rural electrification projects in priority areas under the Energy for Rural Transformation Project Phase II. 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 Mukono Local Government). “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.” 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. 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 Mukono – Ntenjeru Distribution Line will lead to mostly loss of crops and trees, 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 from Mukono to Buule/Mpatta.
2.0 PROJECT DESCRIPTION

2.1 Project Objective

The main objective of this project is to provide electricity to rural areas in parts of Mukono District 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. Prominent farmers, services providers such as Resorts and entertainment beaches as well as industries will also be targeted by this grid extension. This is to 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

In general the project area is within Mukono District and is restricted to the Sub Counties of Naama, Ntenjeru, Nakisunga and Mpatta. For Naama Sub County, only one Parish will be affected to the right of Mbalala about a kilometre along the Mbalala – Ntenjeru – Buule road. However the immediate impact of this project will be along the entire 70Km length of the proposed power line which will run from Kasenge to Buule landing site with a number of Tee – Offs leading to among others Kibira Village, Mawotto landing site, Abu Mukasa’s poultry farm and Kisinsi landing site. The Line Diagram for Ntenjeru 33kv Interconnector is attached as Annex 1 showing all the landing sites. The landing sites are across / opposite Gaba landing site in Kampala District. The Fig 1 shows the map of Mukono District covering the project area. Mukono District borders the districts of Buikwe to the east, Kayunga to the north along river Sezibwa, Luwero to the North West, Kampala and Wakiso to the south west and Kalangala to the south in Lake Victoria.

2.3 Project Description

The total length of the proposed power line is 70 Km. Running from Kasenge to Buule landing site with a number of Tee – Offs leading to among others Kibira Village, Mawotto landing site, Abu Mukasa’s poultry farm and Kisinsi landing site. All the landing sites overlook Gaba Landing Site in Kampala District. Specifically, the proposed overhead electricity distribution grid-extension power line route was selected along the Mbalala - Ntenjeru road via Kasenge-Nabulebwe Rural growth Centre (RGC), Mwanyangiri Village, Mwanyangiri RGC, Seeta Nazigo RGC and Kirondo RGC and from Ntenjeru to Buule Landing Site road via Lwetega, Bunyama, Kiyanja, Bujiji and Mpatta. Furthermore, along Mbalala – Ntenjeru, there are some tee-off power lines to Model Village, Biafra RGC and Stone quarry and also along Ntenjeru-Buule landing site road, there are tee-offs to Bugoya village, Kabira Village, Nakalanda, Mawotto, Kabanga, Mitti farm, Ttaba, Mpenja, Cape Palm Resort Beach, Abu Mukasa Poultry Farm, Mubanda, African Renewal Ministries and Kisinsi. The total length of the proposed power line is 75 Km.
Figure 1: Map of Mukono District
Source: Mukono 5 Year Development Plan
The key activities associated with the construction of the proposed project include:

- Construction of line structures, accessories and conductors;
- Clearing of Right-Of-Way (ROW) as necessary along the Road Reserve;
- Construction of the low voltage reticulation for the covered Rural Growth Centres and upcoming Towns;
- Possible Construction of workers camps and storage facilities for the project materials;
- Possible construction of Access roads and transport operations supporting the facilities above.

The purpose of the proposed 33 kV Mukono – Ntenjeru Distribution Line is to provide electricity to rural areas in parts of Mukono District 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.

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).

It is the Uganda Government policy that Development Programmes/Projects do comply with the National as well as Donor Safeguard Policies among whose requirements is a RAP if so indicated in the ESIA. It is important that during the preparation and implementation of the RAP, relevant Institutional and Legal Frameworks are taken into account.

### 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 Right of Way (ROW);
- Crops destroyed during the survey for the line;

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 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 Mukono - Ntenjeru Distribution Line will be equitably compensated. By design, the distribution lines 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 conduct consultations with the identified affected people;
- 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;
- 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 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 an excel spread sheet which Valuer's report" in addition, Strip maps of the affected areas are provided in Annex 3.

The project area covering the entire stretch of the 70 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 Method of Valuation

(a) Crops and Trees
Crops and trees are assessed using district compensation rates provided by Mukono District Land Board.
In this respect it is the duty and responsibility of District Land Board to compile or review District Compensation rates for their respective Districts. (S 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.

(b) Eligibility for Compensation
The following categories are eligible for compensation.
- Persons with perennial crops
Persons who encroach on the proposed transmission line corridor after the resettlement survey (census and valuation) are not eligible for compensation.

(c) Disturbance Allowance
As guided by S.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 land and relocate elsewhere.

(d) Appeals Procedure
PAPs shall be given an opportunity to review 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 could raise his complaint in writing to REA or by filling a Complaint Registration Form and then forward it through the mechanism that is suggested as below:

- Administrative Review: In order to address the above concerns, the first step would be to try and resolve the issue administratively by the client (REA) and the various Government institutions involved in the compensation exercise.
• **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.

### 3.2 Category and Impact on Land Affected By the Project

#### 3.2.1 Categories of Land

Land to be affected by construction and operation of the Mukono – Ntenjeru 33kV Distribution Line will be mainly within the existing Road Reserve. This is indicated in the Strip map as provided in the attached evaluation report. Secondly, the Mukono District approved Compensation Rates have been attached for ease of reference. These rates are the ones which were used to establish the compensation amounts. The road reserve has not yet been officially delineated by Government (Neither UNRA or the Local Government). The bulk of the land is either under the Mailo Land or Freehold Tenure System. 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.

#### 3.3 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 electricity. The main beneficiary will be the RGCs and towns/Trading centres along the road.

#### 3.4 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. To directly benefit from this distribution line includes the following:

- Schools;
- Health centres;
- Hospitals;
- Trading centres;
- RGCs;
- Light industries;
- Sub County Administrations;
- Some residential properties;
- Recreational Places;
- Resort beaches; and
- Many others

These are all positive impacts and the community is expecting to have improved levels of livelihood due to the introduction of electricity in their local areas. Discussions however show that most have high expectations which may not be met
in the near future. On the other hand the capacity to pay for the service was established to be low.

3.5 Impact on Graves and Cultural Sites
3.5.1 Graves
The directly impacted area is along the current road alignment, and no graves or burial grounds were identified there within. Besides it was 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.

3.5.2 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.

No cultural sites were found within the Road Reserve along the current road alignment. The nearest cultural site of significance was the Nakisunga clan site on Nakisunga hill which is about 2km off the road. This site could be a beneficiary when the power is extended there but will not be negatively impacted.

3.6 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 Coffee trees, Cassava fruits, and other trees will be compensated. It is also the policy that crops that were destroyed during the surveying exercise (although no reports of such crops were made) are compensated.

3.7 Summary of the Impacts
In summary No other assets will be affected except crops, fruits, herbal trees, Bananas and other trees of either economic or cultural importance. In principal land will be affected except that this land is located within the prescribed Road Reserve area for which no compensation would normally be applicable. Besides the actual land to be taken will be a small portion needed for the distribution wooden poles.

On the positive side, many RGCs and properties including institutions will benefit from the acquired electric power.

Table 1 shows the proportion of the peoples 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). The summary of the Institutions that will be directly impacted by the power line is provided in Annex 10. 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>
</table>

20
<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Male</td>
<td>862</td>
<td>These will lose crops and trees</td>
</tr>
<tr>
<td>2</td>
<td>Females</td>
<td>264</td>
<td>These will lose crops and trees</td>
</tr>
<tr>
<td>3</td>
<td>Institutions</td>
<td>36</td>
<td>These will lose crops and trees</td>
</tr>
</tbody>
</table>

The above table is graphically presented in Fig 3 below

**Figure 2: Proportion of Affected People and Institutions**

From Table 1 above, the total number of Project Affected People is 1126 of which 862 are men and 264 are women whose crops and trees will be affected. In all a total of 36 Institutions will also lose crops and trees. “The specific parcels of properties that were valued are detailed in Volume B which is the Valuers report.”

Most of the people who will lose crops and trees are men followed by a few women. Institutions will also lose crops and trees. On the other hand they will benefit from the introduction of the power.

4.0 SOCIO ECONOMIC STUDIES (LIVELIHOOD INFORMATION)

As already indicated, the proposed Mukono –Ntenjeru 70km 33 kV Distribution Line starts from Kasenge parish off the Kampala – Jinja highway at Mbalala. The line traverses the Sub Counties of Ntenjeru, Nakisunga and Mpatta all in Mukono District. For Naama Sub County the line passes through a single village known as Kasenge LC1.

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.

4.1 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.

4.2 Overview of the meetings
Consultative meetings with the Sub County Political and Administrative Officials were held from 17th February to 18th February 2012 which was followed by a detailed survey / consultations during the Month of March 2012. The sensitization of the PAPs along the proposed 33 kV Distribution Line was carried out from 20th to 23rd February 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 sensitisisation meetings are attached as Annex 4.

4.2.1 Timetable

During the period of 17th to 18th February, a timetable (attached as Annex 4) for the sensitisation exercise covering the four Sub Counties of Naama, Ntenjeru, Nakisungu and Mpatta 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.

<table>
<thead>
<tr>
<th>Plate 4-1a: consultative meeting at in Mpata Subcounty on 23rd February at 11:15am</th>
<th>Plate 4-1b: Consultative meeting in Nakisungu RGC on 21 February at 4:56pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plate 4.1c: consultative meeting at Mpatta RGC on 22nd February 10.30am</td>
<td>Plate 4.1d: consultative meeting at Mubanda Junction - Kisinsi on 22nd February 1.30pm</td>
</tr>
</tbody>
</table>

4.2.2 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, 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.

4.2.3 Meetings

In order to redeem time, two to three meetings were held per day, one during the morning and the other two in the afternoon. It was always advisable to start the
meetings a little late in the mornings to give PAPs an opportunity to attend to their domestic chores before coming to the meeting. At the meetings, either the Chairman of the village or the Parish Chief introduced the teams and explained why they were there. Thereafter the team leader would introduce his/her team and the subject matter to be covered. The language used was always Luganda with some interjections in English.

➢ 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 property was mostly crops and trees;
- That while conducting the valuation, updated 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 to commence immediately after valuation of property for each household.
- 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 used had a number of approaches that were used which are as follows:

• A review of 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 donors was done and ways of bridging the gaps were proposed.
• Consultations with the District 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 district 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 a head 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.

4.2.4 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 3.
<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Relevance</th>
<th>Opportunity</th>
<th>Threat</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<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>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>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>Local Government of Mukono 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>Ministry of Lands, Housing and Urban Development;</td>
<td>Survey and Valuation of properties and or compensation</td>
<td>Facilitates land transfer and compensation if necessary</td>
<td>Can overestimate or underestimate the values distorting the market</td>
<td>The Land Act Cap 227, Constitution, and Compensation Policy</td>
</tr>
<tr>
<td>Ministry of Water and Environment</td>
<td>Responsible for the environmental concerns including wetlands, water bodies and Natural resources;</td>
<td>Supports environmental compliance for the benefit of all stakeholders</td>
<td>Blind application of the law without considering mitigation factors</td>
<td>National Environment Act Cap 153</td>
</tr>
<tr>
<td>National Forestry Authority</td>
<td>Responsible for Central Forest Reserves (CFR) such as the Zirimiti CFR in the project area</td>
<td>Responsible for all Central Reserve Forests in Uganda</td>
<td>Failure to corporate will block passage of distribution lines through the CFR</td>
<td>The National Forest and Tree Planting Act</td>
</tr>
<tr>
<td>Project Affected People (PAP) along the proposed line in Mukono District</td>
<td>This includes all the PAPs who will be impacted to some degree;</td>
<td>The PAPs could improve livelihood by taking advantage of the project.</td>
<td>PAP may threaten workforce for lack of public relations.</td>
<td>Project is within their area.</td>
</tr>
<tr>
<td>Contractor and His/her team</td>
<td>In charge of the construction Works and overall project Implementation;</td>
<td>To ensure compensation before work ;</td>
<td>Failure to be sensitive to community legitimate concerns;</td>
<td>Contract documents / specifications</td>
</tr>
<tr>
<td>Donor Agency (WB)</td>
<td>Provides funding support for the project</td>
<td>Ensures compliance in line with Donor Safeguards</td>
<td>Failure of borrower to meet donor conditions can lead to fund withdrawal</td>
<td>Bilateral agreements</td>
</tr>
</tbody>
</table>
4.3 Social Economic Conditions / Activities of the Project Area

The dominant economic activity within Mukono Sub County is mainly subsistence agriculture. The major agricultural crops in Mukono District (which are also a source of income to many of the communities) include both food crops as well as cash crops. The food crops include Cassava, bananas, beans, sweet potatoes, ground nuts, and yams. Fruits and vegetables include jack – fruits, passion fruit, tomatoes, onions, pineapples, vanilla and cabbage. The traditional cash crops include Coffee, Sugar cane and tea. Forestry is an important industry especially within the project area. There are some pine as well as eucalyptus plantations in addition to the Natural Tropical High Forest (NTHF).

Mukono is close to the Capital City of Kampala, and industries are becoming an important part of the economy at District level. The industries closest to the project area include processing of coffee, tea, and sugar. Others are manufacturing of animal feeds, furniture, metal products, and grain milling. The new industries include processing plastics, and other metal products.

4.4 Land tenure

Although Mukono District has all the four types of land tenure systems, the most dominant tenure system in the Project Area is the Mailo Land and Free Hold Tenure Systems. Land management was decentralized to District Level and the Buganda Land Board at Bulange Mengo controls Kabaka’s land. Although the Land Act of 1998 has provisions for protection of the environment and adherence to environmental laws in land management, not much has been done to enforce the different sections pertaining to the environment due to low awareness levels, limited financial and personnel resources. Under this project however, no land take is anticipated hence the issues of land tenure will play a minor role in this study.

4.5 Population Dynamics

The project is in Mukono County which takes about 61% of the Mukono District Population. The percentage of the elderly and those below 18 years is quite high an indication of the high dependency ration in Mukono district.

The project area is dominated by the Baganda although there is a significant number of other ethnic groups which include the Basoga, Bagisu, Bagwere, Bakiga, Banyankole; Banyarwanda, Rugbala, Banyoro, and Batuoro. All the same, the cultures could be described as diverse yet the different tribes have learnt to live together in harmony. There were no reports of ethnic based violence or discrimination.
The migration rates in Mukono district are dynamic with many different ethnic groups coming to settle in the district. The Mukono District Administration encourages this migration. Most of these migrants are both Ugandans and foreigners who come to invest and to seek for employment within the District. The majority of the migrants are from West Nile, while the others are from the East such as the Samia, Adholla, Soga and Gishu. Most of these are job seekers who have come to be employed within various industries and estates.

4.5.1 Demographic Information

During the social survey 315 household heads were sampled, interviewed and were served a questionnaire. During the census, the survey and valuation teams identified 1159 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.

4.5.2 Human Settlement Patterns

In general, settlement patterns within the area are not planned and none of the RGC had a structure plan. Nevertheless there is a mixture of permanent houses, semi permanent as well as temporary structures which serve as residential accommodation. Within the RGCs the number of permanent houses is increasing (Fig 4.1). Closer to the landing sites at Buule there a number of well designed houses belonging to the rich and resort owners. This is a new phenomenon in the area.

Plate 4.2: Settlement Patterns along the proposed road project.

<table>
<thead>
<tr>
<th>Plate 4.2:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clockwise from bottom left hand corner:</td>
</tr>
<tr>
<td>1. A more permanent house takes over from an old semi permanent one in the project area;</td>
</tr>
<tr>
<td>2. Upcoming permanent structures in project area;</td>
</tr>
<tr>
<td>3. Grass thatched houses are common in the project subcounties;</td>
</tr>
</tbody>
</table>

However the future indicates that planned developments are likely to come to the area. At Naluvule Village, the Jomayi Housing Company has bought a large piece of the land to develop a modern housing estate. When such an estate is developed, then it will be a major beneficiary of the proposed power line. This will also be the case for areas along the lake which have seen many moneyed people buying large tracts of land for future development.

4.5.3 Land use and Economic Activities
The dominant economic activity within Mukono Sub County is mainly subsistence agriculture. The major agricultural crops in Mukono District (which are also a source of income to many of the communities) include both food crops as well as cash crops. The most common food crop within the project area is Banana (31.6%) followed by Cassava (25.7%) and Sweet Potatoes (23.5%) respectively. On the other hand the most common cash crop within this agricultural community is coffee (62.5%) followed fruits (23.2%). Fig 4 shows some of the land use activities along project road. While Plate 4.3 shows the related proportions of land use along the project line.

| Plate 4.3: |
| Clockwise from bottom left hand corner: |
| 1. Pine trees planted within Zirimiti CFR by NFA; |
| 2. Coffee plants at flowering stage in Ntenjeru Subcounty; |
| 3. A tea Plantation with tropical High forest in the background also in Ntenjeru Subcounty. |

**Figure 3:** Proportion of cash crops by households in project area
Source: Field data, 2012

Furthermore most respondents do keep animals and or birds. The majority (83.8%) of the communities keep animals (livestock or birds). Of these, cattle and goats are the most common followed by Poultry and piggery in that order. Poultry is on the increase and many respondents said that the power extension would improve their poultry keeping. Figure 5 shows proportion of respondents who keep animals and birds.

**Figure 4:** Percentage distribution of farmers who keep animals/birds
Source: Field data, 2012
4.5.4 Sources of Income

The majority of the respondents in the project area are farmers followed by traders and salaried people. The salaried people include civil servants as well as labourers. Farmers constitute 58.1% of those likely to be impacted. Surprisingly although the area is next to the Lake, the proportion of fish mongers among those likely to be impacted is only 4.4%. From observations these farmers are actually subsistence farmers and may need support to afford grid power in form of concessions or other encouragement.

4.5.5 Affected Crops/Trees, Buildings and structures

A valuation of all the affected crops / Trees (properties) is attached as Annex 2. “The detailed assessment is provided in an excel spread sheet which is - Valuer’s report”. From this list crops and trees valued at Uganda Shillings 623,806,008 have been valued. For compensation purposes a 15% disturbance allowance of Uganda Shillings 93,570,901 has been added bringing the total compensation package for the project area to Uganda shillings 717,376,909. 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 Subcounty offices of Naama, Ntenjeru, Nakisungu and Mpatta along the 33 kV Distribution Line project and at the District Headquarters of Mukono.

From the compensation figures the majority of the PAPs (767) will get below shillings 500,000. Some institutions and the rest of the PAPs (392) will get beyond the 500,000 shillings. For those earning 500,000 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.

4.5.6 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. The list of identified people who are 70 years or older is attached as Annex 8. These vulnerable people are 35 in number out of which 15 are women.

4.5.7 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 57% of the income is directly from agriculture. Followed by business either on the affected land (4.4%) or on land elsewhere (19.9%). Salary is an important source of income accounting for 11.8%.

In general the household's income falls within 100,000 to 300,000 shillings per month. The figure 4.5 below shows the distribution of households according to their monthly earnings.

The analysis of the monthly income earned among households indicated (37.1%) of the respondents earned between Uganda Shillings 100,001-300,000 followed (31.4%) who earned over Uganda Shillings 300,000 and (18.1%) those who earned between Uganda shillings 10,001 and 50,000. A small proportion (8.6%) of the respondents earned Uganda shillings below 10,000 and the least number of respondents (4.8%) earned between 50,001 and 100,000 monthly.

Figure 5: Percentage distribution of households according to their monthly earnings.
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 World Bank policy on Involuntary Resettlement OP/BP 4.12 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 Mukono –Ntenjeru 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 and trees only that fall within the road reserve and or the ROW where the line is going to pass. The others will not be affected. There is in place an elaborate Institutional and Legal Framework to ensure compliance with the Policy requirements. Furthermore, the World Bank has its own Safeguard Policy on Involuntary Resettlement (e.g. OP/Bp 4.12 4.12).

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 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 who will be compensated an amount above 500,000 shillings may be paid through the bank.

5.2 Institutional Framework

5.2.1 General

REA is responsible for implementation off this RAP. Although there will be no cases of involuntary resettlement and relocation, it is useful to note of the three main factors 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 Government) of Mukono and the sub counties of Naama, Ntenjeru, Nakisunga and Mpatta will be involved in the proposed compensation efforts until its successful completion. The local Government will ensure that people replant the trees that people have been compensated for.
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, Maibo 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, 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 Mukono Local Government have a mandate to monitor this 33 kV Distribution Line project 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 be 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 coordination 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 with held. 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

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1 "Committees" are defined under Section 65 of the Land Act; they are Parish Land Committees.
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.

5.4. World Bank Safeguard Policy on Resettlement

This section describes the World Bank Safeguard Policy on Involuntary Resettlement.

The World Bank’s Safeguard Policy OP/BP 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) loss of assets or access to assets; or
   (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location; 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.

OP 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.

OP 4.12 on Involuntary Resettlement is applicable to the Various 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:
  - Compensated at full replacement cost prior to the actual move;
  - Assisted with relocation;
  - 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. In case of differences between national legislation and OP 4.12, the latter will prevail.
A comparison of Uganda Law and WB/Donor requirements with possible mitigation options regarding compensation is given in Table 4 below:

In a number of cases, as shown in Table 4, most of the Requirements in OP 4.12 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.
Table 3: 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 Mukono –Ntenjeru 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 Mukono –Ntenjeru 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 th 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 expenses, prior to displacement.</td>
<td>In the case of the Ntenjeru distribution line, buildings will not be impacted by the line as all measures will be taken to avoid houses and other buildings.</td>
</tr>
<tr>
<td>Perennial Crops</td>
<td>Cash compensation based upon rates calculated as an average net agricultural income.</td>
<td>As per specifications of this RAP, once approved by the Bank and disclosed at the Bank info shop,</td>
<td>N/A</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>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 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 5). For ease of reference the minutes are attached in Annex 4:

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 1-1: 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 on Involuntary Resettlement.
- 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 266 all of whom will be compensated for crops and trees to the tune of Uganda shillings 61,590,552.30 inclusive of a 15% disturbance allowance; and
- Cash compensation will be appropriate for those receiving amounts below Uganda shillings 500,000.00. 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 Seven Hundred Seventeen Million three hundred Seventy-six Thousand Nine Hundred Nine only Uganda Shillings (UGX 717,376,909). This amount is inclusive of 15% disturbance allowance. The details are documented in Annex 2. “Please note that the detailed assessment is provided in an excel spread sheet which is 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 mainly due to the small amounts involved. Besides a disturbance allowance of 15% to the PAPs will be paid at least six months before clearing the line.

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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 as described under chapter 3.0;
- 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 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.

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 transactions;
- Compensation of Project-Affected People (PAP) will be carried out in compliance with relevant Ugandan laws as well as key Donor (WB) Safeguard Policy on Involuntary Resettlement. 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 265 impacted women receive payments promptly.
- The elderly whose list is attached will be identified and given priority when paying compensation ensuring that they 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.
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 either mailo land or freehold and is titled. 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 7.1) therefore picks out the category of farmers and peasants.

Table 7.1: 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>
<tbody>
<tr>
<td>Cultivated land</td>
<td>Cultivator/ Farmer/ Kibanja Owner/licens e</td>
<td>Loss of crops; Loss of income; Loss of trees; and Loss of hedges</td>
<td>• Entitled to harvest present crops; • In case of damage to crops, cash compensation as per rates provided 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’.</td>
<td>15% Disturbance allowance to be paid out.</td>
</tr>
</tbody>
</table>
7.4.3 Cash Compensation

This Distribution Line project is being funded by WB who have specific safeguards regarding compensation. The project will therefore have to comply 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 was not so critical for crop and tree compensation.

7.5 Compensation Rates for Crops and Trees

Table 5 shows the general basis for calculations regarding compensation of crops:

Table 4: 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>Perennial Crops and Trees</td>
<td>Crops and trees are assessed using district compensation rates provided by Mukono District Land Board. 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. - Persons with perennial crops - However, 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 land and relocate elsewhere, 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 GRIEVANCE PROCEDURES

8.1 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.

8.2 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 load 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 will put in place an extra judicial mechanism (see Figure 7) 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.
Figure 6: 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 10.1 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.
9.0 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 Mukono – Ntenjeru 33 kV Distribution Line. These are Local Government (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).

9.1 Ministry of Energy and Mineral Development and REA

Government of Uganda and often the development Partners require preparation of a Resettlement Action Plan for 33 kV development projects such as the 33kV Mukono -- Ntenjeru 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 Electricity 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.

9.2 Ministry of Lands, Housing and Urban Upgrading

The Chief Government Valuer in the Valuation Division in the Ministry of, Housing and Urban Upgrading (MHUD) 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 Mukono District land Board on advice of the Chief Government valuer in the MHUD.

9.3 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.
10.0 IMPLEMENTATION SCHEDULE

10.1 Proposed Time Schedule
A compensation implementation and monitoring programme has been proposed and is summarised in Table 6 below:

Table 5: RAP implementation programme

<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>

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

10.3 Entitlement Cut-Off date
The census marked the end of the entitlement period. 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 (census and valuation) are not eligible to compensation or any form of resettlement assistance.

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

10.5 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. At least one disputed property has been identified (for the case of Kiwanuka Luka of Ntenjeru, Bugoye parish, Miremebe Village). 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 they come.

### 10.6 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 93,570,901**.

### 10.7 Total cost estimates

Annex 2 shows the compensation for the affected families for the crops and trees 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>No.</th>
<th>Valuable item</th>
<th>Number</th>
<th>Market value (Ug. Shs)</th>
<th>Disturbance allowance</th>
<th>Total (Ug. Shs)</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Crops and trees</td>
<td></td>
<td>623,806,008</td>
<td>93,570,901</td>
<td>717,376,909</td>
<td></td>
</tr>
</tbody>
</table>

NB. Please note that the market value amount includes the 15% disturbance allowance while the total amount of 717,376,909 (US$ 275,914.2 (at UGX 2600 per dollar) includes the 15% RAP implementation costs.
11.0 MONITORING AND EVALUATION FRAMEWORK

11.1 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:

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 say 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.

11.2 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.

11.3 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.

11.4 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 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?
12.0 RAP BUDGET

Based on the findings of the study carried out, the total package to meet compensation needs is Seven Hundred Seventeen Million three hundred Seventy Six thousand Nine Hundred Nine only (UGX 717,376,909 (US$ 275,914.2). This amount is inclusive of 15% disturbance allowance and 15% implementation costs. Details of the compensation amounts are presented in Annex 2.
13.0 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.
14. ANNEXES

Annex 1: Line map showing Rural Growth Centres with Transformers 315