



Republic of Uganda
Ministry of Water and Environment

Integrated Water Resources Management and Development Project-IWMDP

Resettlement Policy Framework-RPF

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LIST OF ACRONYMS

IWMDP	Water Resources Management and Development Project (IWMDP)
WMDP	Water Management and Development Project
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
GO	Grievance Officer
GoU	Government of Uganda
GRM	Grievance Redress Mechanism
FGD	Focus Group Discussion
HISP	Household Income Support Program
IDA	International Development Agency
IEE	Initial Environmental Evaluation
IG	Inspectorate of Government
LG	Local Government
NEMA	National Environment Management Authority
OP	Operational policy
PAP	Project Affected person
PCRs	Physical Cultural Resources
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
ToRs	Terms of Reference

DEFINITIONS CONCEPTS/TERMS

Displacement:	Means dispossessing someone of their land or part of their land so as to utilize the same for civil works. The affected person is required to relocate.
Displaced Persons:	People or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
Cut-off date:	Is the date of commencement of the census of persons affected by the project within the project area. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
Census:	Means a field survey carried out to identify and determine the number of persons affected by the project activities or displaced to leave land for civil works. The census provides basic information needed to determine the appropriate resettlement option including compensation
Compensation:	Means the payment in kind, cash or other assets given to a displaced person in exchange for the acquisition of land including activities;
Resettlement Assistance:	Means the measures to ensure that displaced persons who require to be physically relocated are assisted with resettlement plans, materials and means whichever is applicable for ease of relocating and restoration of livelihoods.
Eligibility program.	The criteria for qualification to receive benefits under a resettlement
Grievance Procedures:	The processes established under law, local regulations, or administrative decision to enable property owners and other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.
Involuntary Resettlement:	Means the involuntary acquisition of land resulting in direct or indirect economic and social impacts due to loss of benefits from use of land, relocation of structures, loss of access to assets, loss of income and means of livelihood and loss of social networks.

Physical Displacement:	Loss of shelter and assets resulting from land acquisition associated with the project, requiring affected persons to move to other locations.
Population Census:	A count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides information necessary for determining eligibility for compensation.
Project-Affected Area:	The area subject to a change in use as a result of construction and operation of the road.
Project-Affected Households (PAH):	A PAH is a household that includes one or several project-affected persons and usually comprises of a head of household, their spouses, children and other dependents (e.g., parents, grandchildren).
Project-Affected Person (PAP):	Any person who, as a result of the implementation of the project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, pasture or undeveloped/unused land), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily. Affected people might be displaced either physically (“Physically Displaced People”) or economically (“Economically Displaced People”).
Land Acquisition:	means the repossession of or alienation of land, buildings or other assets there on for purpose of making Land available for project activities.
Resettlement Policy Framework (RPF):	Is the instrument prepared to guide resolution of displacement arising from project activities. It sets out the compensation policy and resettlement arrangements to address the needs of the affected persons to ensure that their livelihoods are restored to pre-project levels or better.
Resettlement Action Plans (RAPs):	Is a resettlement instrument to be prepared when the location(s) of civil works are identified. RAPs contain specific and binding provisions to resettle and/or compensate the affected persons before implementation of the activities.
Stakeholders:	A broad term that covers all parties affected by or interested in a project or a specific issue—in other words, all parties who have a stake in the project. Primary stakeholders are those most directly affected—in resettlement situations, the population that loses property or income because of the project. Other people who have interest in the project such

as the UNRA itself, beneficiaries of the project (e.g., road users), etc are termed secondary stakeholders.

Vulnerable Groups:

People who may by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status get more adversely affected by resettlement than others; and who may have limited ability to claim or take advantage of resettlement assistance and related development benefits.

EXECUTIVE SUMMARY

01 BACKGROUND

The Government of Uganda through the Ministry of Water and Environment is preparing an Integrated Water Resources Management and Development Project (IWMDP) which is a follow up on from the Water Management and Development Project (WMDP) and will be implemented by the Government of Uganda through the Ministry of Water and Environment. The Integrated Water Resource Management and Development Project (IWMDP) [the Project] which is a funding support from the IDA, World Bank will focus on; (i) improving access to water supply and sanitation services in urban, small town and rural areas, including refugee hosting communities in the country; (ii) improving water resources management; and (iii) institutional strengthening to ensure improved service delivery and sustainable water resources management in Uganda. In addition to design and construction of infrastructure, the projects shall encompass environmental and social safeguards, water source protection through the adoption, promotion and implementation of efficient environmental, social and water source protection strategies and management method to ensure sustainability of the installed infrastructure as well as water sources and their catchments. The proposed interventions in the IWMDP will contribute to Uganda's achievement of the Sustainable Development Goals; SDG#3 - ensuring healthy lives and promoting well-being for all, at all ages, SDG#4 - ensuring availability and sustainable management of water and sanitation for all and SDG#10 - reducing inequalities within and among countries.

Among the activities to be carried out in the IWMDP project, are supplying water and sanitation infrastructure to rural and urban communities (which will require construction works and major rehabilitation activities), construction of Gravity flow systems and solar powered water schemes in selected rural settlements among. It is inevitable that these activities will lead to either land acquisition and /or denial of restriction to or loss of access to economic assets and resources and therefore, ultimately to the resettlement and compensation of people. When this occurs, relevant provision in the laws of Uganda, such as the Ugandan land acquisition and resettlement laws, land act and the World Bank safeguard requirements, OP 4.12 on Involuntary Resettlement will be triggered. As part of the preparation for implementation of the IWMDP, the Ministry of Water has commissioned a Resettlement Policy Framework (RPF), through the consultant.

This document presents a Resettlement Policy Framework (RPF) for the Project prepared under a consultancy for the Ugandan Ministry of Water and Environment (MWE). The RPF has been developed in tandem with an Environmental and Social Management Framework (ESMF) as one of a set of due diligence instruments required to address and manage potential environmental and social impacts associated with the IWMDP.

02 PROJECT DESCRIPTION

The Government of Uganda through the Ministry of Water and Environment (MWE) is preparing an Integrated Water Resources Management and Development Project (IWMDP) which is a follow up on from the Water Management and Development Project (WMDP). The IWMDP (Project) will contribute to Uganda's achievement with focus on:

1. improving access to water supply and sanitation services in urban, small town and rural areas, including refugee hosting communities in the country;
2. improving water resources management; and
3. Institutional strengthening to ensure improved service delivery and sustainable water resources management in Uganda.

It is proposed that IWMDP activities will be grouped under four components as follows:

- i. **Component 1:** Small-towns and Rural Water Supply and Sanitation;
- ii. **Component 2:** Urban Water Supply and Sanitation;
- iii. **Component 3:** Water resources planning and management and;
- iv. **Component 4:** Institutional strengthening.

03 OBJECTIVES AND METHODOLOGY

The main objective of the assignment is to prepare a Resettlement Policy Framework (RPF) that is to be used for the social screening and assessment of infrastructure project components and subcomponents to be funded within the framework of the Integrated Water Resources Management and Development Project (IWMDP).

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

- a. Establish the resettlement and compensation principles and implementation arrangements for the IWMDP;
- b. Describe the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation;
- c. Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- d. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- e. Provide procedures for filing grievances and resolving disputes; and
- f. Develop an outline for the development of Resettlement Action Plans.

03 METHODOLOGY USED FOR RPF

The following are the methodology used for preparing an RPF:

- a. Review of previous RPF and project documents
- b. Regulatory review (Uganda)
- c. Review of World Bank Safeguard Policies
- d. Visit to selected project sites/districts
- e. Key stakeholder consultations

03A STAKEHOLDER ENGAGEMENT

Stakeholders involved in this project range from the Lead Agencies, government entities, private entities, and the District officials where the IWMDP will be implemented.

Methodologies used to engage and obtain input from stakeholders include:

- a. Stakeholder engagements

- b. Email correspondence
- c. Literature searches.

Consultations were carried out in selected districts of Gulu, Oyam, Buhweju and Kyegegwa. The main purpose was;

- a. To have an insight on how resettlement and land acquisition issues are handled in such projects.
- b. And also get a fair understanding of the social economic baseline indicators of the project areas.
- c. To establish how grievances have been handled in the past project implementation and also ascertain if there is sufficient capacity to handle both Environmental and Social safeguards at the District level.

Emphasis was placed on a fully inclusive, open and transparent stakeholder participation process in the transfer of information on the proposed IWMDP. Stakeholder meetings were held in the week of 15th to 22nd January 2018 at respective districts, municipal and sub-county offices that were sampled out (see Annex 5 for the minutes of different stakeholders consulted). During the meeting an overview of the proposed IWMDP was provided, likely social and environmental impacts presented. Key stakeholders in the proposed project are shown in table below.

Table E1: Stakeholders consulted

#	Stakeholder	Interest during project implementation	Status of Engagement
1	NEMA	General environmental considerations	Met on 22 nd January, 2018
2	MoWE	Water transmission and distribution infrastructure in small towns and Rural; catchment management	Met on 24 th January, 2018
3	NWSC	Water transmission and distribution infrastructure	Met on 25 th January, 2018
4	Ministry of Lands, Housing & Urban Development	General urban planning considerations	Met on 26 th January, 2018
5	Department of Museum & Monuments	Physical cultural resources management / protection and conservation	Met on 28 th January, 2018
6	OHS Department in MGLSD	Occupational health & safety during construction	Met on 29 th January, 2018
7	Communities	Impact on land, crops, property, businesses and trade during construction works	Meetings held on 15 th -22 nd January, 2018
8	Refugee host communities		Not yet
10	Administrative districts of Gulu, Oyam, Kyegegwa, Buhweju and Kaliro	These are the project recipients/ beneficiaries.	Meetings held 15 th to 22 nd January 2017

03B PERTINENT ISSUES RAISED FROM STAKEHOLDER CONSULTATIONS

- a. From all the districts visited, only Gulu Municipal Council personnel has capacity to handle both environmental and Social safeguard issues during project implementation having received training from the USMID project. However, they mentioned that they have challenges during the execution of work such as limited budget to handle safeguard issues.

- b. There are still existing land conflicts within the communities especially in Gulu regarding ownership and access to communal land and these are always hibernating since they are not thoroughly resolved by local council courts.
- c. In addition, the Apaa incidence in Amuru in Acholi sub-region has shaped the thinking and perception of land acquisition where communities view developers with suspicion.
- d. Majority of vulnerable groups especially in urban areas in Gulu town have no land and are just squatters on municipal land.
- e. Resettling of the sick and infirm would need to consider relocating them to an area where they can be supported by the community.
- f. Grievance Handling mechanism: The districts have an established GRM Local Council Courts are generally used for that purpose – specifically the Local Council III Courts, which include the Chairperson LC III as the Head, the Sub-County Chief as the Secretary, and five other members. The Probation Officers who are also the Gender Focal persons have very limited training in managing gender based violence and violence against children but handle such cases referred to the District.
- g. Pricing of land for proposed project sites is still contentious a case in point is the water treatment plant project site for the Kyegegwa-Mpara-Ruyonza Water Supply System in Ruyonza sub-county where the land owner and the district are to agree on the appropriate sum for acquiring the land.
- h. Gender based violence is also common in the communities and the common causes cited were alcohol abuse, high poverty levels, property ownership and drug abuse.
- i. Most of the health centers are overwhelmed with the influx of the sick from the communities, increases stock outs of the drugs and poor health care.

04 LEGAL AND INSTITUTIONAL FRAMEWORK

A legal and administrative framework has been compiled for undertaking RPF for the IWMDP Project, with specific reference to all relevant Uganda laws, and the World Bank safeguard policies for Involuntary Resettlement. Where national legislation falls short of meeting the conditions prescribed in World Bank policies, this Project will ensure that the World Bank policies are met without infringing on issues of national sovereignty. The legal framework determines the provisions required to safeguard the following:

- Consultation regarding resettlement activities;
- Provision of timely compensation for lost assets at full replacement cost;
- Alternative sites to choose from for relocation;
- Provision of resettlement assistance, if required; and
- Improvement of livelihoods.

05 ELIGIBILITY FOR COMPENSATION

Once sub-projects are approved and specific sites identified through clear alternative considerations, a census of the affected persons will be undertaken. Based on the census, the status of the affected persons will be established. The proposed project will provide compensation to all affected people eligible for compensation based on nature or category of their losses including physical assets or income affected within a set and communicated cut-off-date.

The following PAP categories are eligible for compensation:

- a. People who have been in the surveyed part of the proposed foot prints of the sub-projects. Landlords owning land affected by the proposed sub-projects;
- b. People whose structures are to be affected by the developments;
- c. People who use or/and rent land for cultivation (sharecroppers), whose livelihoods including crops, trees and other identified livelihoods are to be removed or damaged due to land acquisition activities.
- d. All persons who have formal legal rights to land or assets
- e. All persons who do not have formal legal rights to land or assets, but have a claim to land or assets that is recognized or recognizable under the national law.
- f. Persons who have no recognizable legal rights or claim to the land or assets they occupy.

06 LIVELIHOOD RESTORATION

The RPF recognizes that livelihood restoration is both critical to the success of the resettlement of project affected persons and difficult to achieve without participatory planning and identifying needs assessment from consultations.

Livelihood planning should be based on appropriate technological solutions and technical advice from Government, development NGOs, local consultants and research and academic institutions. Where feasible, livelihood programs should be aligned with relevant existing national, district municipal and programs.

When implementing a RAP, livelihood enhancement initiatives should be outlined to help Project affected persons / households re-establish their livelihoods or create new ones. A participatory approach should also be used for needs assessments. The livelihood programs should be designed in consultation with PAPs, district and Municipal officials, NGOs, CBOs and interested parties within the project affected areas.

Some of the livelihood measures depending on the project areas and from consultations can be categorized under the following thematic areas:

- a) Financial management advice and support to opening Bank account
- b) Agricultural Assistance Programs;
- c) Skills Training and Employment Programs;
- d) Business Development Support Programs.

07 INSTITUTIONAL CAPACITY ASSESSMENT FOR RPR IMPLEMENTATION

There are a couple of stakeholders involved in carrying out resettlement and/or compensation in this project. They include the Ministry of Water and Environment through Urban and Rural Departments (the lead project developer for small towns and rural water and sanitation), NWSC (the lead project developer for urban water supply and sanitation) and the Ministry of Lands, Housing and Urban Development (the regulatory lead agency for property valuation, compensation and land rights registration and transfer). In addition, the districts local governments and municipal councils with particular reference to urban water supply in Gulu Municipality. Other institutions, such as the District Lands Office and the District Valuation Office, will participate in the RAP implementation as cross-cutting units between the key institutions. Other institutions, such as the

Office of the Chief Government Valuer (CGV), are located within the MoLHUD, while the DLB and DLO are part of the Districts Local Governments

08 GRIEVANCE REDRESS MECHANISM

This section describes avenues for PAPs to lodge a complaint or express a grievance against the project, its staff or contractors during RAP implementation. It also describes importance, procedures, roles and responsibilities in grievance management process. To be effective, the mechanism shall utilize existing local administrative and community structures. All grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the Local council 1 Chairperson.

Social Development Specialists from MWE and NWSC shall work with community leaders in the project area to set up an LC1 Grievance Committee to be the first point grievances are addressed. All attempts shall be made to settle grievances amicably before resort to courts of law. Entities seeking redress and wishing to record grievances will do so by notifying their Local Leader (LC 1 Chairperson) who will chair a Local Grievance Committee at LC 1 level set up with guidance of the Social Development Specialists. The Local Leader will inform and consult with the District Administration to determine validity of claims. If valid, the Local Leader will convene a meeting of the LC1 Grievance Committee to resolve the grievance and notify the complainant of the outcome. If the complainant's claim is rejected, the matter shall be brought before the District government authority for settlement. All objections to land acquisition shall be made in writing, in the language that the PAPs understands and are familiar with, to the Local Leader. Copies of the complaint shall be sent to MWE and NWSC project offices, within 20 days after the public notice. Channeling complaints through the Local Council Grievance Committee is aimed at addressing the problem of distance and cost the PAP may have to face.

09 MONITORING AND EVALUATION

The Project will establish a resettlement monitoring and evaluation system. The monitoring activities will assess the requirements of each RAP performance against the schedule of activities and budget. The need for any changes or corrective action will be identified in order to improve the resettlement delivery.

10 PROPOSED RPF IMPLEMENTATION BUDGET

MWE AND NWSC will determine appropriate Resettlement Budget when need arises and will utilize the RPF budget below.

Indicative RPF budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			

Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			
Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Farming skills training (e.g. soil fertility management, animal husbandry etc.)			
HIV/AIDS awareness, testing and counselling			
Business skills training (e.g. record and book-keeping)			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			
#	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Ugandan average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labor invested and average of highest price of staple food crops and Ugandan market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all).
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study

			will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash at full replacement cost. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Ugandan market prices.
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance.
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP/capita in Uganda.
9	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP
10	Cost of Training Farmers, pastoralists and other PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities.

1 INTRODUCTION

1.1 BACKGROUND

The Government of Uganda is preparing an Integrated Water Resources Management and Development Project (IWMDP) which is a follow up on from the Water Management and Development Project (WMDP) and will be implemented by the Government of Uganda through the Ministry of Water and Environment. The Integrated Water Resource Management and Development Project (IWMDP) [the Project] which is a funding support from the IDA, World Bank will focus on; (i) improving access to water supply and sanitation services in urban, small town and rural areas, including refugee hosting communities in the country; (ii) improving water resources management; and (iii) institutional strengthening to ensure improved service delivery and sustainable water resources management in Uganda. In addition to design and construction of infrastructure, the projects shall encompass environmental and social safeguards, water source protection through the adoption, promotion and implementation of efficient environmental, social and water source protection strategies and management method to ensure sustainability of the installed infrastructure as well as water sources and their catchments. The proposed interventions in the IWMDP will contribute to Uganda's achievement of the Sustainable Development Goals; SDG#3 - ensuring healthy lives and promoting well-being for all, at all ages, SDG#4 - ensuring availability and sustainable management of water and sanitation for all and SDG#10 - reducing inequalities within and among countries.

Among the activities to be carried out in the IWMDP project, are supplying water and sanitation infrastructure to rural and urban communities (which will require construction works and major rehabilitation activities), construction of Gravity flow systems and solar powered water schemes in selected rural settlements among. It is inevitable that these activities will lead to either land acquisition and /or denial of restriction to or loss of access to economic assets and resources and therefore, ultimately to the resettlement and compensation of people. When this occurs, relevant provision in the laws of Uganda, such as the Ugandan land acquisition and resettlement laws, land act and the World Bank safeguard requirements, OP 4.12 on Involuntary Resettlement will be triggered. As part of the preparation for implementation of the IWMDP, the Ministry of Water has commissioned a Resettlement Policy Framework (RPF), through the consultant.

This document presents a Resettlement Policy Framework (RPF) for the Project prepared under a consultancy for the Ugandan Ministry of Water and Environment (MWE). The RPF has been developed in tandem with an Environmental and Social Management Framework (ESMF) as one of a set of due diligence instruments required to address and manage potential environmental and social impacts associated with the WMDP.

1.2 PROJECT DEVELOPMENT OBJECTIVE

The development objective of the proposed IWMDP are to: (i) improve access to water supply and sanitation services in urban and rural areas, (ii) improving water resources management as well as (iii) institutional strengthening to ensure improved services delivery and sustainable water resources management in Uganda.

1.3 PROJECT DESCRIPTION

The Government of Uganda through the Ministry of Water and Environment (MWE) is preparing the proposed integrated Water Resources Management and Development Project (IWMDP) which is a follow up from the Water Management and Development project (WMDP). The Project which will contribute to Uganda's achievement focuses on:

- a. improving access to water supply and sanitation services in urban, small town and rural areas, including refugee hosting communities in the country;
- b. improving water resources management; and
- c. Institutional strengthening to ensure improved service delivery and sustainable water resources management in Uganda.

It is proposed that IWMDP activities will be grouped under four components as follows:

- v. Small-town and Rural Water Supply and Sanitation;
- vi. Urban Water Supply and Sanitation;
- vii. Water resources planning and management and;
- viii. Institutional strengthening.

1.3.1 PROJECT COMPONENTS

1.3.1.1 COMPONENT 1: SMALL TOWNS AND RURAL WATER SUPPLY AND SANITATION

This component includes water supply and sanitation infrastructure to rural and urban communities and supporting source protection measures to ensure sustainability of water supplies and protection. The proposed Subcomponents of Component 1 include:

- a. Key activities will include; **Water supply and sanitation in small towns:** This will involve a combination of construction of water supply systems and implementation of source protection measures in priority towns. Source protection will contribute to improvements in quality and adaptive capacity of water sources to resource pressure including climate change and ensure availability of reliable water for the water supply systems. Unfunded towns from the WMDP ie Busia and Mbale cluster (Butaleja, Busolwe, Budaka, Kadama, Tirinyi, Kibuku) will also be financed under this component. Selection criteria for the other towns will include availability of ready designs, environmental safeguards, availability of land and with due consideration of regional balance. The sanitation component will entail construction of faecal sludge treatment plants to serve prioritised town clusters and establishment of the supporting environment for proper functionality of the systems.
- b. It is worth noting that three towns of Busia, Butaleja-Busolwe, Budaka-Kadama-Tirinyi-Kibuku were designed under the previous project of WMPD, and the ESIA for these town sub projects was done at that time with their approvals from NEMA obtained. The Ministry of Water and Environment is separately hiring a Consultant to carry out Environmental and Social Impact Assessment for the project towns of Namungalwe-Kaliro, Kyegegwa-Mpara-Ruyonza, Namasale and Adjumani – Pakele, and since the designs are not yet ready, these shall as well be covered by the RPF

- c. **Sustainable Water supply and sanitation in rural settlements**

Gravity flow systems and Solar powered water schemes will be constructed in select rural settlements. GFS will target areas with potential to leverage coverage and serve more beneficiaries. Solar systems involve upgrading of existing hand pump systems and development of large motorised borehole systems serving larger numbers. The selection criteria for solar

schemes include low water coverage, land availability, remote areas without power grid and absence alternate water sources in the vicinity. Source protection will also be a key activity. In addition, the selected communities will be required to reach 100% sanitation coverage as a prerequisite. The MWE will build on experience with the on-going solar powered water schemes (financed by Africa Development Bank (AfDB) and the government) in design of this component.

D. Water supply and sanitation to host communities

This sub component will focus on water supply to refugee host communities. Priority will be given to communities in northern Uganda currently with the highest refugee influx and integration in host communities.

1.3.2 COMPONENT 2: URBAN WATER SUPPLY AND SANITATION

This component will be delivered by National Water and Sewerage Corporation (NWSC). The key interventions under this component will include; water supply and sanitation interventions in Mbale and Gulu towns under the NWSC. In addition, improvements will be made to the sewerage system and faecal sludge management in Mbale town and as with component 1, source protection will be a key activity in both towns.

1.3.3 COMPONENT 3: WATER RESOURCES PLANNING AND MANAGEMENT

This will include development of Catchment management plans (CMPs) for the remaining 2 Water Management Zone (WMZs), completion of the countrywide installation of the Water Information System (WIS) with supporting priority monitoring stations and implementation of priority water resources management measures from the developed CMPs. CMPs contain a mix of infrastructure investments and management actions/ interventions necessary for development and management of water and related resources as well as protection of water catchments. Upgrading of the national water quality laboratory will also be supported as part of activities to improve water resources monitoring.

1.3.4 COMPONENT 4: INSTITUTIONAL STRENGTHENING

This component will entail;

- a. Technical assistance to NWSC to improve opportunities for access to finance and operations management, through credit worthiness rating as well as technical and financial capacity assessments
- b. Technical assistance to the MWE to improve O&M of small towns and rural piped water systems. This will include rolling out the UPMIS as well as developing and establishing appropriate Management Models for Small Towns and Rural centers including the regional utility model.

The Resettlement Policy Framework (RPF) shall be prepared to cover the following specific scope of work:

- a. Proposed Gulu Water Supply and Sanitation activities under **Component 2 - Urban (large towns) water supply and sanitation systems**. For Gulu WSS, the feasibility study and preliminary design was completed and detailed design is underway, under the Integrated Program to Improve the Living Conditions in Gulu (IPILC) financed by KFW. The feasibility study assessed the water needs for Gulu and categorized investments as short term (emergency) and full scope / long-term measures, based on 2022 and 2040 water demand projections. The current WMDP is addressing the emergency measures which include increasing production capacity (through rehabilitating the existing Oytino

- I and a new intake at Oytino II) and rehabilitating and doubling the capacity of the existing water treatment plant, and, upgrading the water distribution system and sanitation facilities. However, the immediate/emergency measure can only meet demand projections up to the year 2022. Thus, the long-term demand can be met by implementing long term measures which include abstracting water from Nile River. This system will not only serve Gulu municipal council but also six small towns and rural growth centers enroute to Gulu from the Nile abstraction point;
- b. Water Supply and Sanitation to host communities in Northern Towns of Uganda with over 19 refugee settlements currently being hosted (Yumbe, Adjumani, Moyo). MWE together with the Consultants will revise the proposal in consultation with other key stakeholders such as Office of the Prime Minister (OPM) and United Nations High Commissioner for Refugees (UNHCR) and refine the proposed activities with due consideration of other development partners' interventions. Proposed interventions could include improved WSS systems for either the hosting district or targeted Rural WSS systems for specific communities based on the cost benefit analysis, location and number of beneficiaries. Given the increasing environmental degradation in these areas, the proposed activities will include restoration activities as identified in the already developed Catchment Management Plans;
- i. Water Supply and Sanitation (WSS) activities in small towns of Namungalwe-Kaliro, Kyegegwa-Mpara-Ruyonza, Namasale and Adjumani II-Pakele;
 - ii. Gravity Flow Schemes in Kasese (Nyamugasani) and Buhweju (Bitsya) districts and activities under component 1 on solar powered water supply systems in selected rural communities;
 - iii. construction of faecal sludge management in select small towns; and
 - iv. Component 3 activity of establishing a fully functional national water information system, installation of seventeen hydro-meteorological stations, and providing guidance on safeguard requirements for development and implementation of CMPs. The ESMF will also provide general guidance on source protection activities which will be undertaken with Water Supply activities.

2 OBJECTIVES AND METHODOLOGIES USED FOR THE RPF

2.1 OBJECTIVES OF RPF

The main objective of the assignment is to prepare a Resettlement Policy Framework (RPF) that is to be used for the social screening and assessment of infrastructure project components and subcomponents to be funded within the framework of the Integrated Water Resources Management and Development Project (IWMDP).

The Resettlement Policy Framework (RPF) will guide implementation of the MWE civil works packages under the components and sub-components to ensure that displacement issues are resolved and that the livelihoods of the affected persons are not negatively impacted on and where it is unavoidable they are compensated and/or resettled. The RPF also will also guide to clarify resettlement principles, organizational arrangements and design criteria to be applied when implementing the IWMDP.

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

Establish the resettlement and compensation principles and implementation arrangements for the IWMDP;

- g. Describe the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation;
- h. Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- i. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- j. Provide procedures for filing grievances and resolving disputes; and
- k. Develop an outline for the development of Resettlement Action Plans.

The RPF will provide principles, organizational arrangements and design criteria to be applied for any resettlement (if encountered), that may arise during implementation of the IWMDP. Therefore, the RPF will guide preparation of Resettlement Action Plans (RAPs), as needed for the projects. For example, the RPF will apply to construction works and major rehabilitation activities, as well as other maintenance works (described in Chapter 2) by the districts which trigger involuntary resettlement.

The RPF will provide framework guidance to identifying and managing situations when sub projects may lead to displacement of people, affect their livelihoods (physical or economic displacement / resettlement, denial of rights of access to resources) or interfering with their cultural resources. Any resettlement and/or compensation measures will be implemented in accordance with the RPF, which will guide when and how the site-specific Resettlement Action Plan (RAP) will have to be completed and implemented before project implementation commences.

The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12).

The RPF ensures that project activities that will cause physical and or economic displacement or any possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures against potential impoverishment risks. These risks can be minimized by:

- a. Avoiding displacement of people without a well-designed compensation and relocation process;
- b. Minimizing the number of PAPs, to the extent possible by seeking alternative sites and designs;
- c. Compensating for losses incurred and displaced incomes and livelihoods where land take is an avoidable; and
- d. Ensuring resettlement assistance or rehabilitation, is timely and as needed, to address impacts on PAPs livelihoods and their wellbeing.

2.2 METHODOLOGY USED FOR RPF

2.2.1 METHODOLOGY

The RPF was prepared based on the following methodology:

- f. Review of previous RPF and project documents
- g. Regulatory review (Uganda)
- h. Review of World Bank Safeguard Policies
- i. Visit to selected project sites/districts
- j. Key stakeholder consultations

2.2.2 STAKEHOLDER ENGAGEMENT

The principles applied in the engagement with stakeholders are the following:

- a. Significance: deal with issues of significance to stakeholders.
- b. Completeness: understand the concerns, views, needs and expectations.
- c. Responsiveness: respond coherently and appropriately.

The interaction with stakeholders requires:

- a. Communication: open and effective communication means listening and talking.
- b. Transparency: clear and agreed information and feedback processes.
- c. Collaboration: work to seek mutually beneficial outcomes where feasible.
- d. Inclusiveness: recognise, understand and involve stakeholders in the process.
- e. Integrity: conduct engagement in a manner that fosters mutual respect and trust.

Stakeholders involved in this project range from the Lead Agencies, government entities, private entities, and the District officials where the IWMDP will be implemented.

Methodologies used to engage and obtain input from stakeholders include:

- d. Stakeholder engagements
- e. Email correspondence
- f. Literature searches.

Consultations were carried out in selected districts of Gulu, Oyam, Buhweju and Kyegegwa. The main purpose was;

- d. To have an insight on how resettlement and land acquisition issues are handled in such projects.
- e. And also get a fair understanding of the social economic baseline indicators of the project areas.

- f. To establish how grievances have been handled in the past project implementation and also ascertain if there is sufficient capacity to handle both Environmental and Social safeguards at the District level.

Emphasis was placed on a fully inclusive, open and transparent stakeholder participation process in the transfer of information on the proposed IWMDP. Stakeholder meetings were held in the week of 15th to 22nd January 2018 at respective districts, municipal and sub-county offices that were sampled out (Annex 5 Minutes from the stakeholders consulted). During the meeting an over view of the proposed IWMDP was provided, likely social and environmental impacts presented. Key stakeholders in the proposed project are shown in table below.

Table 2-1:Stakeholders consulted

#	Stakeholder	Interest during project implementation	Status of Engagement
1	NEMA	General environmental considerations	Met on 22 nd January, 2018
2	MoWE	The developer of the project and gives direction of the study	Met on 24th January, 2018
3	NWSC	Water transmission and distribution infrastructure	Met on 25thJanuary, 2018
4	Ministry of Lands, Housing & Urban Development	General urban planning considerations	Met on 26th January, 2018
5	Department of Museum & Monuments	Physical cultural resources management / protection and conservation during project implementation.	Met on 28th January, 2018
6	OHS Department in MGLSD	Occupational health & safety during construction	Met on 29th January, 2018
7	Communities	Impact on land, crops, property, businesses and trade during construction works	Meetings held on 15 th -22 nd January, 2018
8	Refugee host communities		Not yet
10	Administrative districts of Gulu, Oyam, Kyegegwa, Buhweju and Kaliro	These are the project recipients/beneficiaries.	Meetings held 15 th to 22 nd January 2017

2.3 PERTINENT ISSUES RAISED FROM STAKEHOLDER CONSULTATIONS

- j. From all the districts visited, only Gulu Municipal Council personnel has capacity to handle both environmental and Social safeguard issues during project implementation having received training from the USMID project. However, they mentioned that they have challenges during the execution of work such as limited budget to handle safeguard issues.
- k. There are still existing land conflicts within the communities especially in Gulu regarding ownership and access to communal land and these are always hibernating since they are not thoroughly resolved by local council courts.

- l. In addition, the Apaa incidence in Amuru in Acholi sub-region has shaped the thinking and perception of land acquisition where communities view developers with suspicion.
- m. Majority of vulnerable groups especially in urban areas in Gulu town have no land and are just squatters on municipal land.
- n. Resettling of the sick and infirm would need to consider relocating them to an area where they can be supported by the community.
- o. Grievance Handling mechanism: The districts have an established GRM Local Council Courts are generally used for that purpose – specifically the Local Council III Courts, which include the Chairperson LC III as the Head, the Sub-County Chief as the Secretary, and five other members. The Probation Officers who are also the Gender Focal persons have very limited training in managing gender-based violence and violence against children but handle such cases referred to the District.
- p. Pricing of land for proposed project sites is still contentious a case in point is the water treatment plant project site for Kyegegwa-Mpara-Ruyonza Water Supply System in Ruyonza sub-county where the land owner and the district are to agree on the appropriate sum for acquiring the land.
- q. Gender based violence is also common in the communities and the common causes cited were alcohol abuse, high poverty levels, property ownership and drug abuse.
- r. Most of the health centers are overwhelmed with the influx of the sick from the communities, increases stock outs of the drugs and poor health care.

2.4 RECOMMENDATIONS

Recommendations to undertake proper resettlement process for IWMDP include:

- a. Districts should provide sufficient fiscal resources to handle both environmental and safeguards.
- b. The Districts should have interventions to address issues substance abuse, livelihood enhancement to reduce on Gender Based Violence precipitated by socio-economic challenges.
- c. Affected communities should be informed about the cut-off date, well in advance which should be widely published to avoid grievances and speculative developments on project sites.
- d. Property valuation should be transparent, basis of valuation communicated to affected persons, verifiable and ensure replacement value of assets.
- e. The client should ensure that the grievance management system that is accessible to the affected persons is established early in the implementation process. GRM responsibilities should be assigned to a designated staff and be equipped with appropriate skills to manage the process.
- f. The project should maintain accurate records of the resettlement process to provide future reference for auditing and monitoring.
- g. The client will develop a stakeholder engagement plan to be implemented in a structured to inform, receive information/concerns and feedback from the affected communities and any other interested persons.

3 LEGAL AND INSTITUTION FRAMEWORK

This section describes the legal and administrative framework for undertaking land acquisition and resettlement for the Project, with specific reference to all relevant Uganda laws and other statutory provisions, and the World Bank OP 4.12 for Land Acquisition and Involuntary Resettlement.

This legal and institutional framework is presented in six sections:

- a. Political economy and governance in Uganda;
- b. Property and land rights, as defined by Ugandan law and customary practice;
- c. Acquisition of land and other assets, including regulations over the buying and selling of these assets;
- d. Human rights and compensation, in particular, the accepted norms influencing peoples' basic rights to livelihood and social services;
- e. Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and
- f. Comparison with World Bank OP4.12, using equivalence and acceptability standards.

The WB Standards require that projects identify all laws of the host country that are applicable to land acquisition and involuntary resettlement, including relevant local customs and traditions that govern affected communities. However, where national legislation falls short of meeting the conditions prescribed by WB policy Standards, projects should ensure they meet the policy standards. On this basis this section identifies gaps between Uganda laws and WB policies, and proposes a strategy to address those gaps without infringing on issues of national sovereignty. Where differences between standards have been identified, the more stringent of WB policies and Uganda policies, legislation, and regulations applies for this RPF.

3.1 POLITICAL ECONOMY AND GOVERNANCE IN UGANDA

Several Uganda statutes contain information about the rights and obligations of Government and its agencies as well as its citizens, regarding the acquisition of land, including the administration of such transactions, pre-conditional and subsequent arrangements and the authority of different levels of government and their agencies in administering land. For the purpose of this RPF, a comprehensive legal review was conducted based on the following laws and regulations:

- a. *The Land Act of 1998 (as amended in 2004)*
- b. *The Land Acquisition Act 1965,*
- c. *The Constitution of Uganda 1995*
- d. *Local government Act 1967*
- e. *The Physical Planning Act, 2010*
- f. *Town and Country Planning Act 1964*
- g. *The Water Act CAP 152*

3.1.1 LAND ACT CAP 227, 1998

The Land Act principally addresses four issues namely; holding, control, management and land disputes. As regards to tenure, the Act repeats, in Section 3, provisions of Article 237 of the Constitution which vests all land in the citizens of Uganda, to be held under customary, freehold, *mailo* or leasehold tenure systems. However, the Land Act provides for acquisition of land or rights to use land for execution of public works.

Regarding control of land use, the Act reaffirms the statutory power of compulsory acquisition conferred on the government and local authorities under articles 26 (2) and 237(2) (a) of the Constitution (Section 43). Since the Act does not repeal the Land Acquisition Act No. 14 of 1965, it is assumed that this legislation, meets requirements of Article 26(2) of the Constitution that requires a law to be in place for the payment of compensation and access to the courts. The Act also requires that landowners to manage and utilize land in accordance with regulatory land use planning (Sections 44 and 46).

Section 77(2) of the revised edition (2000) of the Land Act 1998 provides for a disturbance allowance on top of the computed compensation amount as follows:

- a. 30% of compensation amount if quit notice is given within 6 months.
- b. 15% of compensation amount if quit notice is given after 6 months.

The Land Act will govern all aspects related to land taken by the project and its compensation either by replacement with physical land parcels or cash payments.

3.1.2 LAND ACQUISITION ACT CAP 226, 1965

Compulsory acquisition of land is defined as the intervention of Government, including local government, to acquire land in the national interest, such as public use, interest of defence, public safety, public order, public morality and public health. There is no provision for compulsory acquisition of land by individuals or corporate bodies in the name of public interest, and is thus the explicit prerogative of the State. The Act stipulates that land owners affected by compulsory acquisition must be adequately compensated for their land, developments thereon, and loss of livelihood prior to the resettlement or relocation. The procedures for compulsory acquisition are also detailed in the Act.

3.1.3 THE CONSTITUTION OF THE REPUBLIC OF UGANDA, 1995

Land in Uganda belongs to the citizens of Uganda and is vested in them in accordance with four land tenure systems: Customary, Freehold, mailo and Leasehold. However, the government or a local government may acquire land from individual owners in the public interest. To this end, compulsory deprivation of property or an interest in or right over property of any description can only be made under a law which makes provision for prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the property, and a right of access to a court of law by any person who has an interest or right over the property.

3.1.4 LOCAL GOVERNMENT ACT (1997)

Local Government Act 1997 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 that have both legislative and executive powers. Thus, the district councils play an important role in land administration; land surveying, physical planning, and management of municipal resources that are not the responsibility of the central government. This act provides for a district-based system of local governments. They are therefore charged with the crucial role of acquisition of land for development/construction purposes and in the sensitization and mobilization of the local communities.

This system also provides for elected Councils whereby chairmen nominate the executive committee of each council, functions of which include:

- a. Initiating and formulating policy for approval by council;

- b. Overseeing the implementation of Government and Council policies, and monitor and coordinate activities of Non-Government Organizations in the district; and
- c. Receiving and solving disputes forwarded to it from lower local governments.

The Act empowers districts administrations to develop and implement district rates upon which compensation for crops and non-permanent structures is based. This together with the fact that local administrations (districts and local councils or LCs) will have an important role during resettlement and verification of affected persons.

3.1.5 THE LAND REGULATIONS, 2004

Section 24(1) of the Land Regulations, 2004 states that the District Land Board shall, when compiling and maintaining a list of rates of compensation, take into consideration the following:

- a. Compensation shall not be payable in respect of any crop which is illegally grown;
- b. As much time as possible shall be allowed for harvest of seasonal crops;
- c. The current market value of the crop and trees in their locality will form the basis of determining compensation;
- d. For buildings of non-permanent nature, replacement cost less depreciation will form the basis of compensation.

3.1.6 THE LAND (AMENDMENT) ACT 2010

Section 76(1) (a) of the Land (Amendment) Act 2010 states that the jurisdiction of the District Land Tribunal shall be to determine dispute relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the commission or other authority with responsibility relating to land.

3.2 ACQUISITION AND VALUATION OF LAND AND OTHER ASSETS

3.2.1 LAND ACQUISITION

Both the Constitution, 1995 and The Land Act, Cap 227 gives the government and local governments' power to compulsorily acquire land. The Constitution states that "no person shall be compulsorily deprived of property or any interests in or any right over property of any description except" if the taking of the land necessary "for public use or in the interest of defence, public safety, public order, public morality or public health."

The Land Acquisition Act, 1965 makes provision for the procedures and method of compulsory acquisition of land for public purposes. The Land Acquisition Act, 1965 states that the minister responsible for land may authorize any person to enter said land to survey the land, bore the subsoil, or any other examination necessary for determining whether the land is suitable for a public purpose. Additionally, once the assessment officer takes possession, the land immediately becomes vested in the land commission. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision.

3.2.2 RIGHT OF WAY/ROAD RESERVE

The 1965 Roads Act defines the road reserve/right of way" for a road as the area bounded by imaginary lines and of no more than 50 feet from the centre line of the road. This area is declared by statutory instrument as the road reserve. The act also states that no person may build any structure, or plant any tree, plant or crop in the road reserve. The road authorities are allowed to take materials and/or dig within the road reserve for the construction and maintenance of the road.

3.2.3 WAYLEAVES

Section 67 of the Electricity Act, Cap 145 regulates the creation of what is generally referred to as a 'wayleave'. Under this section, electricity operator/licensee can only acquire a right of use of the land, with the consent of the land owners.

3.2.4 VALUATION

Section 77 of the Land Act gives valuation principles for compensation; i.e. crops are compensated at rates set by the District Land Boards; the basis of compensation for land is open market value. The value of buildings is to be taken at open market value for urban areas and depreciated replacement cost in the rural areas. In addition, a 15% or 30% disturbance allowance must be paid if six months or less notice is given to the owner. The Land Act gives powers to District Land Tribunals to determine any dispute relating to the amount of compensation to be paid for land acquired compulsorily.

3.2.5 PRINCIPLES AND POLICES FOR LAND ACQUISITION

Compensation will be fully provided before land can be entered for civil works or demolition. Compensation shall aim to enable AP to restore their pre-project incomes and standard of living by the end of the project. In addition, MWE/NWSC will avoid or minimize Land Acquisition Resettlement by utilizing land that is least inhabited.

PAPs will be entitled to be compensated at full replacement cost for their lost assets, incomes and businesses, including temporary losses or impacts, without adjustments for depreciation. PAPs shall be informed of available compensation options for them to make own choice or preferences. Lack of formal property ownership documents or title deed or use agreement will not bar PAPs from entitlements or assistance. All relocated PAPs receive relocation and transition subsistence allowances. Additionally, compensation will be made giving equal consideration to women and men without discrimination. However, wherever necessary, special attention shall be given to households headed by women and other vulnerable persons to ensure that their living standards are not worse off than pre-project conditions.

PAPs will be advised about benefits of replacement of physical assets and risk inherent in cash payments. For example, unless the affected person chooses cash compensation, land-for-land compensation ensures PAPs immediately have land for settlement or farming and avoids risk of squandering compensation payments.

3.2.6 HUMAN RIGHTS AND COMPENSATION

Ugandan law makes provision for compensation when development projects affect people's land, property, or livelihoods. It also details the rights and privileges of citizens in dealing with the government and the compulsory acquisition of property.

3.2.7 ECONOMIC WELL-BEING AND SOCIAL AND CULTURAL VALUES

The Constitution states that, where the government compulsorily acquires land, and where the government will resettle PAPs, it will fairly and promptly compensate displaced PAPs or resettle them on suitable alternative land with due regard for their economic well-being and social and cultural values.

3.2.8 PROMPT AND ADEQUATE COMPENSATION

The Constitution states that the government may only compulsorily acquire property if a law exists that provides for the prompt payment of fair and adequate compensation (Constitution, Article 20).

The Lands Act emphasizes the payment of compensation to the victims of acquisition made under the Act. The basis of the compensation should be either the market value or replacement value. Additionally, compensation amounts must take into account the cost of disturbance and incidental expenses or other damage suffered because of the resettlement.

3.2.9 DAMAGE OR LOSS

The government Lands Act also makes provision for compensation for any person who suffers any loss or damage due to “the carrying out of any survey, as a result of installation, construction, inspection, maintenance, replacement, or removal of any specified work.” The DLB will base the amount of compensation on any loss or damage, and may take into account how much the person’s land has increased in value as a result of the installation or construction of the works.

3.3 PROPERTY AND LAND RIGHTS IN UGANDA

The Constitution of Uganda, 1995 vests all land directly in the Citizens of Uganda, and states that every person in Uganda has the right to own property. The Constitution also sets the standard for any form of compensation in Uganda and provides for prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the land/property. Ugandan law recognizes four distinct land tenure systems, customary tenure, Freehold tenure, Leasehold tenure, and Mailo tenure.

- a. Customary land is owned in perpetuity and is governed by the customary laws by the peoples who have customary tenure. It is governed by rules generally acceptable as binding and authoritative by the class of people to which it applies. These people have propriety interest in the land and can acquire a certificate of customary ownership or a freehold certificate of title by requesting one through the Parish Land Committee (which will then be granted by the District Land Board). Land is owned in perpetuity under customary tenure.
- b. Freehold tenure involves the holding of land in perpetuity or of a period less than perpetuity fixed by a condition. It enables the holder to exercise full power of ownership. A freehold title can be subjected to conditions, restrictions or limitations which may be positive or negative in their application.
- c. Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant. Additionally, it enables the holder to exercise full power of ownership, subject to the customary and statutory rights of those persons lawful or *bonafide* in occupation of the land at the time that tenure was created and their successors in title.
- d. Leasehold tenure is created either by contract or by operation of the law. The landlord or lessor grants the tenants or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenant or lessee has security of tenure and a proprietary interest in the land.

Additionally, under common law the statute of a “licensee” or “sharecropper” is also recognized. Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land.

3.3.1 DISPUTE RESOLUTION AND GRIEVANCE MECHANISMS

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

3.4 INSTITUTIONAL FRAMEWORK

3.4.1 NATIONAL WATER AND SEWERAGE CORPORATION (NWSC)

The National Water and Sewerage Corporation (NWSC) Statute establishes the NWSC as a Water and Sewerage Authority and gives it the mandate to operate and provide water and sewerage services in areas entrusted to it on a sound commercial and viable basis. NWSC is a parastatal that operates and provides water and sewerage services for 23 large urban centres across the country, of districts under IWMDP are part. Sector reforms in the period 1998-2003 included commercialization and modernization of the NWSC operating in cities and larger towns as well as decentralization and private sector participation in small towns. NWSC operates small conventional sewage treatment plants in a series of towns.

3.4.2 MINISTRY OF WATER AND ENVIRONMENT (MWE)

The Ministry of Water and Environment is responsible for policy formulation, setting standards, strategic planning, coordination, quality assurance, provision of technical assistance, and capacity building. The ministry also monitors and evaluates sector development programmes to keep track of their performance, efficiency and effectiveness in service delivery. The ministry has three directorates: Directorate of Water Resources Management (DWRM), Directorate of Water Development (DWD) and the Directorate of Environmental Affairs (DEA).

The mandate of the MWE regarding sanitation and hygiene activities are stipulated in the memorandum of understanding that was signed by Ministry of Health, Ministry of Education and Sports and the Ministry of Water and Environment. The role of MWE is limited to development of public sanitary facilities and promotion of good hygiene in small towns and rural growth centers. With respect to water production, MWE is the lead agency for water for production and development.

3.4.3 DISTRICT LOCAL ADMINISTRATION STRUCTURES

The proposed IWMDP project is within the jurisdiction of District Local Governments headed by a Local Council V (LCV) Chairman and Chief Administration Officer (CAO) who is the political head and technical head respectively. Various district offices whose functions would be relevant to the project include offices of Natural Resources/Environment, District Health Inspector, District Planner, Community Development Officer, District Director of Health Services, District Water Officer, Town Council and District Engineer. Equally important are village-level local council administration (LC I and LC III). Leaders at these levels of local administration are closer to residents and therefore important in effective community mobilization, sensitization and dispute resolution given that the proposed project is going to benefit communities.

3.4.4 MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT (MOLHUD)

The Chief Government Valuer (CGV) in the Valuation Division in the Ministry of Lands, Housing and Urban Development (MLHUD) is responsible for approving the property valuation report developed as part of this RPF. Additionally, property or cadastral survey report is submitted to the Commissioner for Surveys & Mapping in MLHUD for review and approval. MLHUD will therefore play a direct role in compensation and resettlement activities of proposed IWMDP Project

3.5 WORLD BANK SAFEGUARD POLICIES

The World Bank safeguard policies are operational policies whose primary objective is to ensure that the Bank funded operations do not cause adverse social and environmental impacts and that they “do no harm”. As all other World Bank funded operation, the IWMDP project must comply with the requirements of the World Bank Safeguard Policies.

The objective of the World Bank's environmental and social safeguard policies is to prevent and mitigate undue harm to people and their environment during the development process. These policies provide guidelines for the Bank and borrower staff in the identification, preparation, and implementation of programs and projects. Safeguard policies provide a platform for the participation of stakeholders in project design, and are an important instrument for building ownership among local populations (World Bank, 2006). They consist of the following Operational Policies (OP):

- a. Environmental Assessment (OP 4.01)
- b. Natural Habitats (OP 4.04)
- c. Pest Management (OP 4.09)
- d. Indigenous People (OP 4.10)
- e. Physical Cultural Resources (OP 4.11)
- f. Involuntary Resettlement (OP 4.12)
- g. Forestry (OP 4.36)
- h. Safety of Dams (OP 4.37)
- i. Projects on International Waterways (OP 7.50)

Among the above listed above, the triggered safeguard policies relevant to the RPF include:

- a. OP 4.12-Involuntary Re settlement
- b. OP 4.11 Physical Cultural Resources

3.5.1 OP 4.12 – INVOLUNTARY RESETTLEMENT

The World Bank's safeguard policy on involuntary resettlement, OP 4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. It includes requirements that:

- a. Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- b. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable persons physically displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

- c. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher. This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by the involuntary taking of land resulting in:
 - i. relocation or loss of shelter;
 - ii. loss of assets or access to assets; or
 - iii. loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

3.5.2 PROCEDURES FOR RESETTLEMENT ACCORDING TO THE WORLD BANK OP 4.12

The World Bank OP 4.12 applies to all components of the IWMDP and to all economically and or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. OP 4.12 further requires particular attention to be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons. The Policy requires that a RAP shall be prepared and cleared by the World Bank prior to implementing resettlement activities. The World Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

3.5.1 OP 4.11 - PHYSICAL CULTURAL RESOURCES

Cultural resources are important as sources of valuable historical and scientific information, as assets for economic and social development, and as integral parts of a people's cultural identity and practices. The loss of such resources is irreversible, but fortunately, it is often avoidable. The objective of OP/BP 4.11 on Physical Cultural Resources is to avoid, or mitigate, adverse impacts on cultural resources from development projects that the World Bank finances.

3.6 COMPARISON BETWEEN LAND LAW IN UGANDA AND WORLD BANK OP 4.12

There are significant gaps between Ugandan laws and regulations and requirements for resettlement as laid out in OP 4.12. The Ugandan systems on involuntary resettlement are reckoned not to be equivalent with the Bank's. Table below highlights the differences between Ugandan laws and World Bank policies regarding resettlement and compensation. Below is a short discussion of the most important differences.

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

Additionally, Ugandan law does not make any specific accommodation for squatters or illegal settlers, and reimbursement is based on legal occupancy.

OP 4.12 requires that PAPs be consulted regarding project implementation and resettlement. Affected communities should also receive the opportunity to participate, implement, and monitor resettlement. However, Ugandan law states that when it is determined that a right of way must be established, the GoU publishes a wayleave instrument and the land specified is immediately subject to the wayleave. There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries.

The Ugandan law also makes no specific accommodations for potentially vulnerable groups such as women, children, the elderly, ethnic minorities, indigenous people, the landless, and those living under the poverty line. These groups are at highest risk to experience negative effects due to resettlement and should receive special consideration during the preparation of a resettlement policy framework to ensure that they can maintain at least the same standard of living after displacement takes place.

Finally, there is also no provision in the law that the state should attempt to minimize involuntary resettlement yet such measures include, but not limited to:

- a. Alter project design to avoid impact on people and property,
- b. Changing project site or route (in case of roads, drainage channels) to avoid displacement of people that would require compensation.

Table 3-1: Gaps between World Bank and Ugandan legislation applicable to each impact

Category of PAPs/ Type of Lost Assets / Impact	Ugandan Law	OP 4.12	Gap Analysis	Provisions for this RAP
Land Owners	<p>The Constitution of Uganda, 1995 recognizes four distinct land tenure systems, Customary tenure, Freehold tenure, Leasehold tenure and <i>Mailo</i> land tenure.</p> <p>Land is valued at open market value and a 15% to 30% disturbance allowance must be paid if six months or less notice is given to the owner.</p> <p>Cash compensation is the recommended option.</p>	<p>World Bank Policy recognises the rights of those affected people:</p> <ul style="list-style-type: none"> • Who have formal legal rights to the land or assets they occupy or use • Who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law • Who have no recognizable legal right or claim to the land or assets they occupy or use. <p>Compensation of lost assets at full replacement costs.</p> <p>Cash compensation is recommended where there are active land markets and livelihoods are not land based.</p>	<p>The Ugandan law does not compensate those without legal right or claim to the land.</p> <p>WB OP 4.12 does not consider disturbance allowance.</p> <p>Uganda laws and the WB O.P 4.12 are consistent in compensation at full replacement cost and cash compensation.</p>	<p>Cash compensation at replacement value (based on market value + 15% disturbance allowance).</p> <p>All forms of tenancy based on formal or informal rights/ agreements between the land owner and tenant</p>

Category of PAPs/ Type of Lost Assets / Impact	Ugandan Law	OP 4.12	Gap Analysis	Provisions for this RAP
Land Squatters / Land Tenants	Leasehold tenure is created either by contract or by operation of the law. The landlord grants the tenants or lease exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land. Cash compensation is based upon market value of land and disturbance allowance (15-30%). Entitled to compensation based upon the amount of rights they hold upon land.	Must be compensated, whatever the legal recognition of their occupancy.	The Ugandan law does not compensate those without legal right or claim to the land or	All forms of tenancy based on formal or informal rights/ agreements between the land owner and tenants + 15% disturbance allowance
Owners of non-permanent buildings	Cash compensation based upon rates per m ² established at District level, disturbance allowance (15% or 30%).	Recommends in-kind compensation or cash compensation at full replacement cost. Recommends resettlement assistance.	O.P 4.12 does not provide for the disturbance allowance. Ugandan law does not provide for resettlement assistance.	District compensation rates + 15% disturbance allowance. Cash compensation
Owners of permanent buildings.	Valuation based on replacement value and guidance from CGV & disturbance allowance (15%	Compensation at full replacement cost.	The Ugandan laws are consistent with O.P 4.12 in regard to replacement cost.	Cash Compensation at replacement value + 15% disturbance allowance.

Category of PAPs/ Type of Lost Assets / Impact	Ugandan Law	OP 4.12	Gap Analysis	Provisions for this RAP
	or 30%).		O.P 4.12 does not provide for the disturbance allowance.	
Perennial Crops	Cash compensation based upon rates per m ² /bush/tree/plant established at District Level and disturbance allowance (15% or 30%).	Compensation at full replacement cost. Income restoration.	O.P 4.12 does not provide for the disturbance allowance.	Cash compensation using Arua and Yumbe District rates + disturbance allowance
Seasonal crops	No compensation. 3-6 months' notice given to harvest crops.	No specific provision		No compensation. Expected to be harvested.
Loss of income	No specific provision	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better	The Ugandan legislation does not provide for restoration of livelihoods.	In the context of this project, practical livelihood restoration measures have been proposed.
Vulnerable groups	The 1995 Uganda Constitution stipulates that: "the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason [...] for the purpose of redressing imbalances which exist against them". This regulation is not fully described in the context of	Particular attention should be paid to the needs of vulnerable groups among those displaced such as those below the poverty line, landless, elderly; women and children and indigenous peoples and ethnic minorities.	Both the Ugandan Constitution and WB OP 4.12 favour vulnerable groups. However, the Ugandan law, vulnerable groups are not fully described in the context of resettlement and land acquisition.	Special attention will be paid to vulnerable persons affected.

Category of PAPs/ Type of Lost Assets / Impact	Ugandan Law	OP 4.12	Gap Analysis	Provisions for this RAP
	resettlement and land acquisition.			
Relocation and Resettlement	Both the Constitution, 1995 and The Land Act, 1998 give the government and local authorities, power to compulsorily acquire land. The Constitution states that “no person shall be compulsorily deprived of property or any interests in or any right over property of any description except” if the taking of the land is necessary “for public use or in the interest of defence, public safety, public order, public morality or public health.”	Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.	There is no requirement under the Ugandan law to minimize land acquisition.	Measures to minimise involuntary resettlement have been considered as shown in Section 5. 10 of this RAP report.

4 PREPARATION OF RESETTLEMENT ACTION PLANS

Some of the IWMDP infrastructure that will be implemented under component 1 and 2 (refer to section 1.3) will require preparation of RAP/ ARAP since they may require the Involuntary taking of land, loss of livelihood and impact other assets or result in economic impact. According to the WB Environmental and Social Framework, once the subprojects or individual project components are defined and the necessary information becomes available, a RPF will be expanded into a specific plan (RAP) appropriate to potential risks and impacts.

Since the exact location of these areas are not yet known, the preparation and disclosure of this RPF by the World Bank and the Borrowers is a conditionality for appraisal of this Project. However, during implementation of the IWMDP, the identification of these areas will be made and when that happens, land will be acquired and people will be affected. This RPF provides a framework for resettlement associated with the IWMDP. Each subproject will need to go through a process to identify the level of resettlement required, and if so, the development of a plan for resettlement. At this stage, the World Bank OP 4.12 calls for the preparation of individual RAPs that must be consistent with this RPF.

As soon as the list of sub-projects are identified and approved by the responsible agency implementing the program (in this case MWE), a consultative and participatory process for preparing a RAP will be started, and this includes:

- a. Undertaking a socio-economic survey to determine scope and nature of resettlement impacts.
- b. The socio-economic study will be carried out to collect data in the selected sub-project sites.
- c. The socio-economic assessment will focus on the potential affected communities, including some demographic data, description of the area, livelihoods, the local participation process, and establishing baseline information on livelihoods and income, landholding, etc.

Annex 1 describes the requirements for the RAP in detail. In general, the RAP contains the following information:

- a. Baseline Census;
- b. Socio-Economic Survey;
- c. Specific Compensation Rates and Standards;
- d. Entitlements related to any additional impacts;
- e. Site Description;
- f. Programs to Improve or Restore Livelihoods and Standards of Living;
- g. Detailed cost estimates and implementation schedule.

The District planning committee with the help from key stakeholders will prepare the ToRs for the RAP subject to approval by the MWE/NWSC. The procurement of the consultant to complete the RAP will also be the responsibility of the Districts. The following guidelines are used when a RAP is developed.

4.1 OVERALL RAP PROCESS

4.1.1 CONSULTATION AND PARTICIPATORY APPROACHES

A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land

selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process.

4.1.2 DISCLOSURE AND NOTIFICATION

All eligible PAPs will be informed about the PROPOSED IWMDP and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information-affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.

4.1.3 CENSUS OF AFFECTED ENTITIES

In this step every owner of an asset to be affected by the project is enumerated and their socio-economic condition documented.

4.1.4 DOCUMENTATION AND VERIFICATION OF LAND AND OTHER ASSETS

The government authorities at both national and local levels; community elders and leaders; representatives from the MWE/NWSC will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the sub-project, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.

4.1.5 COMPENSATION AND VALUATION

All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, MWE/NWSC will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. All compensation should occur in the presence of the affected persons and the community local leaders.

4.1.6 PUBLIC CONSULTATION AND PARTICIPATION

Projects involving the community owe their success to community participation and involvement from planning to implementation stage. Hence public consultation through participatory rural appraisal shall be mandatory for all projects requiring land acquisition, compensation and resettlement for the IWMDP activities. The aim of public participation at this stage would be to:

- a. Disseminate concepts for proposed projects with view to provoke project interest amongst communities
- b. Determine communities’ willingness to contribute in kind towards the implementation of the project.

The persons affected by the project should participate into the whole process of the compiling and implementation of the resettlement plan, for which, at this point, before formulating the resettlement plan, public meeting should be held to provide the residents with the right to learn this policy framework. Relevant local governments should enable affected households and non-domestic organizations to understand the treatment they may enjoy and the options they may select according to the resettlement plan.

5 POTENTIAL RESETTLEMENT IMPACTS AND MITIGATIONS

The project will support interventions designed to improve livelihoods and access to basic socioeconomic services in selected districts. The salient physical characteristics relevant to safeguard analysis relate to project Component 1 and 2 (see section 1. 3) which entail civil works and construction of infrastructure such as water supply systems, Gravity flow systems and Solar powered water schemes .

5.1 POTENTIAL PROJECT IMPACTS

The IWMDP projects may involve limited land acquisition and displacement of land-uses and/or livelihoods. The potential environmental and social impacts can be adequately managed by integrating environmental and social due diligence during project cycle. Given the overall limited likely environmental and social impacts, the project is rated as EA category B. The sub projects are likely to have two categories of effects:

5.1.1 PERMANENT EFFECTS

The proposed project will not undertake any activities that will displace people. However, it would support small-scale infrastructure that might affect land holdings of individual farmers and in some case pipes will be laid in road reserves. While these interventions are yet to be identified, as a precautionary measure, this Resettlement Policy Framework (RPF) will address any issues which might arise from economic displacement and/or restriction of access to communal natural resources. This RPF will be consulted upon, finalized and disclosed prior to appraisal. Permanent effects will result into an infinite loss of use of property, vegetation, or, parcels of land by the affected person as a result of the project activities. This is likely to occur where permanent installations such as water treatment plants, lagoons are established. Such effects are anticipated to affect:

- a. Farmers and artisanal gold miners in Buhweju Bisya sub-county whose land is found suitable for these installations and this can translate into either loss of land or crop cover or both and livelihood;
- b. Resettlement may lead to a decline in accessing communal resources such as water sources grazing lands, and natural resources such as, gold mines in Buhweju, trees, related wood resources and wetlands like in Kiruhura.
- c. Disruption of social relations and ties due to resettlement.
- d. There can also be instances of infectious diseases like HIV/AIDS due to new interactions of communities that utilize the new facilities with contract workers.
- e. Child labor by contractors in Kyegegwa.

The above impacts can result in further indirect impacts, including the marginalization of the population concerned, degradation of health standards, and loss of access to resources for marginalized communities such as pastoralists, elderly, women, children disturbance to the way of life of affected population, conflicts with host communities, and potential food shortages.

5.1.2 TEMPORAL EFFECTS

Temporal effects will result into an interruption in the current use of property or land by the affected person as a result of the water supply project activities. This is likely to occur during construction and especially holding grounds, grazing land, water points etc. This is likely to affect:

- a. Alternative water points should be provided by implementer for the communities to access water points as construction of the main water supply is on-going.

Artisanal gold miners and business persons who own or operate existing kiosks and stalls will have to be relocated. The mitigation measures to the above temporary impacts is for MWE/NWSC to implement the project in phases and avoid massive displacement of people, and also relocate gold miners and stall owners in the project area to more feasible locations to ensure that their livelihoods are not affected.

6 ELIGIBILITY CRITERIA AND DISPLACEMENT PROCEDURES

6.1 WORLD BANK ELIGIBILITY CRITERIA FOR DETERMINING COMPENSATION

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

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

Persons covered under (a) and (b) above are provided compensation for loss of land and assets and other assistance as needed. Persons covered under (c) above are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to the cut-off date.

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

6.2 CONSIDERATION UNDER THE PROJECT

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified the field consultations. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be made to PAP households and individuals. In dealing with compensation, preference shall be given to land based resettlement strategies for Project.

Affected Persons whose livelihoods are land-based and where sufficient land is not available at a reasonable price, non-land based options centered on opportunities for employment or self-re-employment should be provided in addition to cash compensation for land and other assets lost.

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

6.3 CUT-OFF DATE

The cut-off date is considered as the last day of the census of affected people. No structure or other development established in the project-affected area after the cut-off date will be eligible for compensation. During community sensitization as well as household surveys, the cut-off date should be communicated to the PAPs where they are advised against further investments or speculative land and property development after existing assets are surveyed and valued for compensation. The cut-off date should also be communicated and emphasized to the PAPs during the valuation exercise and also to other important stakeholders who have an influence to community members; such as district officials, Parish Land Committee (LC2 level), and, LC officials.

The importance of cut-off date necessitates clear communication to project affected persons and communities and this should be enshrined in the communication plan of the RAP preparation and implementation. Failure of setting and clearly communicating the cut-off date often leads to speculative development along the project route in effort to target compensation. This affects project schedule and unduly increases resettlement cost. Communicating and enforcing the cut-off date will be the role of MWE and NWSC

6.4 ELIGIBILITY CRITERIA FOR COMPENSATION

The proposed IWMDP activities will provide compensation to all affected people eligible for compensation based on nature or category of their losses for example physical assets or income and cut-off-date.

The following PAP categories are eligible for compensation:

- a. People who have been in the surveyed part of the proposed working areas;
- b. Landlords owning land affected by the proposed sub-projects;
- c. People whose structures are to be affected by the developments;
- d. People who rent land for cultivation (sharecroppers) and their crops or trees are to be removed or damaged due to land acquisition activities.
- e. Any other group of persons that has not been mentioned above but is entitled to compensation according to the laws of Uganda and World Bank/Donor policies, such as social and community organizations (schools, religious agencies etc.).
- f. Those who can show proof of assets loss, apart from those categories mentioned above, from before the census cut-off date.

6.4.1 ELIGIBILITY OF PAPS

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

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

6.4.2 SPECULATIVE STRUCTURES

Opportunistic structures established after the cut-off date shall not be compensated. During RAP implementation, these will be established by:

- a. Comparing with property surveying/ valuation records;
- b. Consultation with LC Chairpersons authorities to ascertain whether the contested structure existed at the time of the cut-off date or census and whether it was established in good faith or for opportunistic compensation purposes.

6.4.3 VULNERABLE GROUPS

Vulnerable people are considered to be ones who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable groups will be a possible risk of becoming more vulnerable due to displacement, compensation, and resettlement process.

Vulnerable groups include households headed by women, households victimized by HIV/AIDS that are headed by children, households made up of the aged or handicapped, households whose members are impoverished, households whose members are involved in conflict crimes, households whose members are abducted and women defiled by rebels or households whose members are socially stigmatized (as a result of traditional or cultural bias) and economically marginalized. Considered to majorly comprise vulnerable people Assistance to these vulnerable groups of people may include:

- a. Assistance in the compensation payment procedure (going to the bank with the person to cash the cheque.
- b. Assistance in financial literacy training especially for women Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery;
- c. Provide specialized livelihood training appropriate to the disabled.
- d. Implement livelihood improvement programs to improve women's educational opportunities (literacy and numeracy training).
- e. Ensuring migrant and settler farmers are included in the consultations regarding the RPF/RAP and compensation and have their share of the compensation and assist in finding alternative

sites for farming and also be incorporated into the out-grower and small holder schemes of the project;

- f. Support in nutritional and health status of elderly persons post-resettlement to ensure successful integration into the resettled community.
- g. Assistance in building i.e. providing materials, workforce, or building houses;
- h. Health care if required at critical periods i.e. moving and transition period.

6.5 DISPLACEMENT OF PEOPLE

The proposed IWMDP will require construction of infrastructure such as construction of water supply systems, construction of faecal sludge treatment plants to serve prioritized town, construction of gravity flow systems and Solar powered water schemes in select rural settlements.

Although some of the exact location of some infrastructure are not yet known. In case of the need for physical relocation of people, the following conditions shall be followed:

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

7 LAND ASSET CLASSIFICATION, VALUATION AND COMPENSATION

7.1 VALUATION FOR STATE OWNED LAND

Once it becomes necessary to acquire a site for a public purpose, the relevant authorized officer (usually the Chief Surveyor) is mandated under the Land Acquisition Act 1965, to prepare the relevant instruments and guidance necessary for the state to acquire the specified property. For cases where the government land is being used by the public for example settlements, for grazing or any other productive activity, the individual or the community is only compensated for properties on the surface and not land. For example, he/she is compensated for crops, any improvements and structures because these have been a source of their livelihood. The same procedure obtains for the private owners except that the owner is compensated for both the land and loss of income.

7.2 VALUATION FOR CUSTOMARY LAND

Implementation of IWMDP may require the use of land under customary land ownership for the proposed sub-project. In this case, valuation methods for affected land and assets should confirm to customary laws and land assets would be valued and compensated for according to the following guidelines:

- a. The communities would be compensated for assets and investments
- b. Compensation rates would be replacement costs as of the date that the replacement is to be provided
- c. The market value for cash crops would have to be determined and used
- d. Calculation of compensation would not be made after the cut-off date

7.3 DETERMINATION OF COMPENSATION PAYMENTS

7.3.1 COMPENSATION PACKAGES

Two main resettlement packages, will be used designed to ensure satisfactory compensation for PAPs who lose assets or livelihoods when the IWMDP project is implemented. These packages will be developed in consultation with PAPs. Each PAP will have the opportunity to choose the option that best suits their circumstance. In-kind and/or in cash resettlement packages will be used as means of compensation (Table 7-1). The type of compensation will be an individual choice although every effort will be made to instill the importance and preference of accepting in kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets. PAPs will be advised about benefits of replacement of physical assets and risk inherent in cash payments. For example, unless the affected person chooses cash compensation land-for-land compensation will be encouraged as it ensures PAPs immediately have land for settlement or farming and avoids risk of squandering compensation payments.

Table 7-1: Forms of compensation

Cash Payments	Compensation will be calculated and paid in local currency. Rates will be adjusted for inflation
In-Kind Compensation	Compensation may include items such as land, houses other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Assistance	Assistance may include moving allowance, transportation and labor, title fees, or other related costs.

Making compensation payments raises some issues regarding inflation, security, and timing. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur; thus, market prices shall be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payment, needs to be addressed by the MWE and NWSC. The time and place for in-kind compensation payments shall be decided upon by each recipient in consultation with the district and Municipal officials.

7.4 COMPENSATION PAYMENTS

All compensation payments will be made to the affected party in the presence of the following:

- a. Accountant
- b. Valuer
- c. Surveyor
- d. LC1 Chairperson
- e. Land officer
- f. Representative from the sub-county
- g. Representative from the office of the CAO.

7.5 COMPENSATION FOR LAND

All types of compensation should be clearly explained to the individual or household. A land acquisition team comprising the Land Owner(s), the Local Community, LC1 chairperson, District officials and Land Valuation Offices should draw up a contract listing all property and land to be acquired, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract should be read aloud in the presence of the affected party and other stakeholders prior to signing.

7.5.1.1 BASIS FOR VALUATION

Project Affected Persons (PAPs) when displaced by the project will be provided full replacement cost of lost structures and will be able to rebuild or replace their structures without difficulties. The valuation will estimate building/structure compensation rates based on full replacement cost without depreciation. Buildings and structures will be valued on the basis of Replacement Cost Method to arrive at the market value. World Bank's OP 4.12 stipulates that depreciation of an asset and value derived from salvaging materials from razed structures should not be discounted when deriving replacement cost. Additionally, the policy (OP 4.12) requires replacement value to include cost of materials transport to site, labor costs and any transfer fees or taxes involved in replacing an asset. In addition, persons who will lose their crops and trees due to sub-project activities will be compensated based on the District rates provided by the District Land Boards of the respective districts, which should take into account the replacement cost. In this respect it is the duty and responsibility of District Land Boards to compile or review District Compensation rates for their respective Districts. Relevant data to be captured during valuation will include:

7.6 DETERMINATION OF CROP COMPENSATION RATES

7.6.1 COMPENSATION FOR LOSS OF CROPS

7.6.1.1 PERENNIAL CROPS

Cash compensation will be provided for the loss of perennial crops, calculated using the approved district rates (considered adequate for replacement value). In addition, a transitional allowance will be provided to cover any loss of livelihood during the period between the loss of crops and the availability of income from new crops.

7.6.1.2 ANNUAL (SEASONAL) CROPS

The project will provide all compensation under the entitlement matrix six months prior to the commencement of construction. At the time of payment, the timing of the project will be made clear and instruction provided as to how crops will be managed during this time. This timeframe provides adequate opportunity for all seasonal (or “annual”) crops to be harvested, and thus there is no impact to annual crops. As such, no direct compensation will be paid for annual crops. A transitional allowance will be provided to ensure that any changes in livelihood derived from such crops is adequately compensated.

7.6.1.3 UNINTENTIONAL DAMAGE TO CROPS

If there is unintentional damage to crops during construction of proposed IWMDP activities whether owned by PAPs or not, compensation will be paid for both annual and perennial crops, based on approved district rates.

7.7 COMPENSATION FOR BUILDINGS AND STRUCTURES

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

7.8 ORGANIZATIONAL ELEMENTS PROCEDURE FOR DELIVERY OF COMPENSATION

Compensation and resettlement will be effected by MoWE/NWE in conformity with the RAPs prepared for the project. The following broad principles will be followed in delivery of the RAP. The compensation process will involve several steps and would be in accordance with the individual project resettlement and compensation plans. The procedures to follow during compensation include;

7.8.1 PUBLIC PARTICIPATION WITH THE LOCAL COMMUNITIES

This would initiate the compensation process as part of an ongoing process that would have started at the land selection/screening stage and at the time the socio-economic assessment is being carried. This would ensure that no affected individual/household is simply “notified” one day that they are affected in this way. Instead, this process seeks their involvement and wishes to inform communities in a participatory approach with the project, from the beginning.

7.8.2 NOTIFICATION OF LAND RESOURCE HOLDERS

The respective local/district heads involved in identifying the land will notify the District, Village Council and village inhabitants who will help to identify and locate the property users. The users will be informed through both a formal notification in writing and, as many people are illiterate, by verbal notification delivered in the presence of the Local Council Officer or his representative. In addition, the Village Committees and individuals who control land will accompany the survey teams

to verify owners. Those who hold title deed to the land will be informed about the compensation process and requirements needed to evince ownership. Where there are clearly no identified owners or users, project implementers (MWE/NWSC), the respective local government administrations, lands offices and traditional leaders will be solicited to help identify owners or users and sensitize them on the program and its implications. It is hoped, however that the media publications would be sufficient to avoid such eventuality.

7.8.3 AGREEMENT ON COMPENSATION AND PREPARATION OF CONTRACTS

All types of compensation are clearly explained to the individual or household. The Technical Planning Team draws up a contract, listing all property and land being surrendered and/or assets impacted, and the types of compensation (cash and/or in-kind) selected. A person selecting in-kind compensation has an order form, which is signed and witnessed. The compensation contract is read aloud in the presence of the affected party and the respective Technical Planning Team, Village officials and other village leaders prior to signing.

7.8.4 COMPENSATION PAYMENTS

All handing over of property such as land and building and compensation payments will be made in the presence of affected party and representative of the local leaders. In addition, representatives from RAP implementing team from NWSC/MWE will be available during compensation payment.

8 LIVELIHOOD RESTORATION STRATEGY

According to OP 4.12, the involuntary taking of land results in “loss of income sources or means of livelihood, whether or not the affected persons must move to another location”. In those instances, “displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher” Therefore the RPF should include a Livelihood Restoration Strategy (LRS) which helps to prevent and mitigate the potential adverse impacts to the PAPs as a direct result of the resettlement process.

If it is found that there are severely affected households and/or relocation households by the IWMDP subproject, income restoration program shall be prepared. In order to assist PAPs to restore livelihoods and income levels, the subproject will provide an income restoration package adapted to the needs and situation of PAPs as identified in the socioeconomic surveys.

Livelihood restoration is particularly important where a project affects the livelihoods of vulnerable households (i.e. households who, because of their social or economic status, may be more adversely affected than others by a temporary or permanent loss of part of their asset base).

Financiers’ safeguards prefer that the developer should avoid or minimize displacement of people by exploring alternative project designs (for example, realignment of water pipes to avoid settlements). However, where displacement is unavoidable, the developer should plan and execute resettlement as a development initiative that provides displaced persons with opportunities to participate in planning and implementing resettlement activities as well as to restore and improve their livelihoods. World Bank recommends that project sponsors undertake the following actions on behalf of all affected people:

- i) Inform affected people of their options and rights concerning resettlement:
- ii) Provide technically and economically feasible options for resettlement based on consultation with affected people and assessment of resettlement alternatives;
- iii) Whether physical relocation is required or not, provide affected people with prompt and effective compensation at full replacement value for loss of assets due to project activities;
- iv) Where physical relocation is necessary, provide assistance with relocation expenses (moving allowances, transportation, special assistance and health care for vulnerable groups);
- v) Where physical relocation is necessary, provide temporary housing, permanent housing sites, and resources (in cash or in kind) for the construction of permanent housing—inclusive of all fees, taxes, customary tributes, and utility hook-up charges—or, as required, agricultural sites for which a combination of productive potential, locational advantages, and other factors are at least equivalent to the advantages of the old site.
- vi) Provide affected people with transitional financial support (such as short-term employment, salary maintenance); and

- vii) Where necessary, provide affected people with development assistance in addition to compensation for lost assets described above such as land preparation and credit facilities and for training and employment opportunities.

MWE and NWSC must be sensitive to needs of women and other vulnerable groups in the planning and implementation of resettlement and livelihood restoration.

Livelihood planning should be based on appropriate technological solutions and technical advice from Government, development NGOs, local consultants and research and academic institutions. Where feasible, livelihood programs should be aligned with relevant existing national, district municipal and programs.

When implementing a RAP, livelihood enhancement initiatives should be outlined to help Project affected persons/households re-establish their livelihoods or create new ones. A participatory approach should also be used for needs assessments. The livelihood programs should be designed in consultation with PAPs, district and Municipal officials, NGOs, CBOs and interested parties within the project affected areas.

Some of the livelihood measures depending on the project areas and from consultations can be categorized under the following thematic areas:

- e) Financial management advice and support to opening Bank account
- f) Agricultural Assistance Programs;
- g) Skills Training and Employment Programs;
- h) Business Development Support Programs.

9 INSTITUTIONAL CAPACITY ASSESSMENTS FOR RPF IMPLEMENTATION

9.1 ROLES AND RESPONSIBILITIES OF KEY PLAYERS

There are a couple of stakeholders involved in carrying out resettlement and/or compensation in this project. They include the Ministry of Water and Environment, NWSC (the lead project developer for urban water supply) and the Ministry of Lands, Housing and Urban Development (the regulatory lead agency for property valuation, compensation and land rights registration and transfer). In addition, the districts local governments and municipal councils with particular reference to urban water supply in Gulu Municipality. Other institutions, such as the District Lands Office and the District Valuation Office, will participate in the RAP implementation as cross-cutting units between the key institutions. Other institutions, such as like the Office of the Chief Government Valuer (CGV), are located within the MoLHUD, while the DLB and DLO are part of the Districts Local Governments as highlighted below:

9.1.1 MINISTRY OF WATER AND ENVIRONMENT (MWE)

The Ministry of Water and Environment (MoWE) has the responsibility for setting national policies and standards, managing and regulating water resources and determining priorities for water development and management. It also monitors and evaluates sector development programmes to keep track of their performance. It will be directly overseeing the implementation of the RAP under this project.

9.1.2 MINISTRY OF LANDS, HOUSING AND URBAN DEVELOPMENT-MOLHUD

Approving payment/compensation to the PAP, applying to the district land board for land to be acquired, acquiring the land on behalf of the central government/developer, ascertaining the value of the land to be acquired (in conjunction with the government valuer) and ensuring prompt, fair and adequate compensation.

9.1.3 NATIONAL WATER AND SEWERAGE CORPORATION (NWSC)

Overall RAP implementation, sourcing for counterpart funds for the RAP implementation, monitoring of compensation/resettlement, evaluation of the RAP implementation, coordinating between different stakeholders, and supervision of the RAP implementing team and the overall RAP implementation administration in urban areas.

9.1.4 CHIEF GOVERNMENT VALUER-CGV

Approving the valuation estimates, ascertaining the compensation rates and values of property and structures, and providing regulatory oversight and advisory support supervision to the RAP implementation team and resolving public complaints that arise from land acquisition valuations and compensation.

9.1.5 THE DISTRICTS

All districts have four levels of local councils (LCs). Local Councils are responsible for local policy matters, economic development, resolving local conflicts and providing orderly leadership. In the project-affected area, LC Is, LC IIs and LC IIIs interact directly with the affected population. These

councils will thus be able to assist during the identification of rightful property owners, and resolving compensation grievances.

9.1.6 DISTRICT LAND BOARDS AND DISTRICT LANDS OFFICERS

District Land Boards (DLBs) set compensation rates for crop and temporary structures and facilitate land registrations and transfer of acquired land, ascertaining ownership of land titles before compensation and transfer of ownership. It is, therefore, important that RAP implementation involves participation of DLBs. In this regard, the DLBs will oversee the appropriation of public land; facilitating registration, and transfer of interests in land.

The District Land Office (DLO) should include a District Physical Planner, a District Land Officer, a District Valuer, a District Surveyor, a District Registrar of Titles and a District Cartographer, which provides technical services to the DLB through its own staff or arranges for external consultants to facilitate the Board in the performance of its functions.

9.1.7 LAND COMMITTEES

Ascertaining ownership and boundaries of affected lands, facilitating the registration of acquired land and community mobilization.

9.1.8 LOCAL COUNCILS I-III

Ascertaining ownership, community mobilization and sensitization and providing guidance for the compensation process to PAPs

9.1.9 PRIVATE SECTOR PLAYERS

Can be hired to provide services, including supply of special assistance materials or services to vulnerable groups, sub-contracted to provide external evaluation services etc.

9.2 CAPACITY NEEDS ASSESSMENT FOR IMPLEMENTATION OF RPF AND RAPS

The districts that fall under **IWMD PROJECT** lack the capacity to implement social safeguards requirements associated with resettlement undertaking of the proposed project. During meetings with the district officials, they reported that the CDOs and Environmental officers at districts lacked the capacity to carry out social and RAP issues except for Gulu Municipal Council which also has focal personnel at community level. Other district personnel were not knowledgeable about social safeguards especially in Buhweju, Oyam and Kyegegwa.

During the meetings, officers from Gulu district and municipal noted that they have been able to gain knowledge on environmental and social safeguards policies and land acquisition process through trainings and workshops and had also developed a manual and checklist for resettlement. Additionally, they have also handled projects related to land acquisition and resettlement and therefore are knowledgeable of the process. The Departments of Community Development Services (CDS) are mandated to handle social safeguards issues through their various officers such as Community Development Officers on gender issues, probation officers, land supervisors and land officers.

The valuation board under the District Land board is mandated to carry out all land related issues and its attendant issues. However, they have been bedeviled by a shortage of financial resources to ably move to project sites in order to monitor both social and environmental issues. They also mentioned there is need for more training on sensitization skills and guidelines on social risk management with particular regard to principles of involuntary land acquisition, Management Information Systems especially at divisions and implementation of resettlement action plans as well as conflict resolution.

Therefore, the capacity for implementation and mainstreaming of social and environmental issues in IWMDP subprojects requires a Social safeguards personnel with a good understanding of World Bank safeguards policies and issues of vulnerability and special interest groups.

During project implementation MWE and NWSC will require lower level resources to effectively manage social and environmental safeguards aspects of the project. Therefore MWE and NWSC **Social Scientists** and an **Environmental Officers** will have to work with district staff, primarily the District Community Development Officers (CDOs) and District Environment Officers (DEOs). The key responsibility of NWSC and MWE in this case will be to orient and train these officers in roles expected of them to ensure effective precipitation in managing and monitoring applicable impacts during project implementation.

10 GRIEVANCE REDRESS MECHANISM

This section describes avenues for PAPs to lodge a complaint or express a grievance against the project, its staff or contractors during RAP implementation. It also describes importance, procedures, roles and responsibilities in grievance management process. To be effective, the mechanism shall utilize existing local administrative and community structures. All grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation shall be addressed to the Local council 1 Chairperson.

10.1 IMPORTANCE OF GRIEVANCE REDRESS MECHANISM (GRM)

The Grievance Redress Mechanism (GRM) will provide a way to provide an effective avenue for expressing concerns and achieving remedies for communities, promote a mutually constructive relationship and enhance the achievement of project development objectives. It has been learned from many years of experience that open dialogue and collaborative grievance resolution simply represent good business practice both in managing for social and environmental risk and in furthering project and community development objectives. In voicing their concerns, they also expect to be heard and taken seriously. Therefore, the implementing agencies (MWE/NWSC) have to assure people that they can voice grievances and the project will work to resolve them without bias.

The project GRM will be improved by the World Bank's Grievance Redress Service (GRS), which provides an easy way for project-affected communities and individuals to bring their grievances directly to the attention of Bank Management. The GRS will ensure that complaints are directed promptly to relevant Bank Task Teams and/or Managers for review and action, as appropriate. The goal is to enhance the Bank's involvement, responsiveness and accountability.

10.2 PROCEDURE IN GRIEVANCE REDRESS

Social Development Specialists from MWE and NWSC shall work with community leaders in the project area to set up an LC1 Grievance Committee to be the first point grievances are addressed. All attempts shall be made to settle grievances amicably before resort to courts of law. Entities seeking redress and wishing to record grievances will do so by notifying their Local Leader (LC 1 Chairperson) who will chair a Local Grievance Committee at LC 1 level set up with guidance of the Social Development Specialists. The Local Leader will inform and consult with the District Administration to determine validity of claims. If valid, the Local Leader will convene a meeting of the LC1 Grievance Committee to resolve the grievance and notify the complainant of the outcome. If the complainant's claim is rejected, the matter shall be brought before the District government authority for settlement. All objections to land acquisition shall be made in writing, in the language that the PAPs understands and are familiar with, to the Local Leader. Copies of the complaint shall be sent to MWE and NWSC project offices, within 20 days after the public notice. Channeling complaints through the Local Council Grievance Committee is aimed at addressing the problem of distance and cost the PAP may have to face.

The Local Leaders shall maintain records of grievances and complaints, including minutes of discussions, recommendations and resolutions made. The grievance log book shall be provided by the MWE and NWSC. The procedure for handling grievances should be as follows:

- a. The affected person should file his/her grievance in writing, to the Local Leader. The grievance note should be signed and dated by the aggrieved person. Where the affected person is unable to write, s/he should obtain assistance to write the note and emboss the letter with his/her thumbprint. A sample grievance form is provided in Annex 8.
- b. The Local Leader should respond within 14 days during which any meetings and discussions to be held with the aggrieved person should be conducted. If the grievance relates to valuation of assets, a valuer may need to revalue the assets. In this case, the aggrieved person must be notified by the Local Leader that his/her complaint is being considered.
- c. If the aggrieved person does not receive a response or is not satisfied with the outcome within the agreed time (s) he can lodge his grievance to the Local Administration (District).
- d. The Local Administration will then attempt to resolve the problem (through dialogue and negotiation) within 14 days of the complaint being lodged. If no agreement is reached at this stage, then the complaint is taken to MWE/NWSC Grievance Committee comprising the following entities:
 - i. A Grievance Officer (MWE/NWSC Staff)
 - ii. A Local Council 1(LC1) Chairperson
 - iii. District Representative (e.g. CDO or Member of District Land Board)
 - iv. A community representative in project area (e.g. religious leader).

10.3 THE SPECIFIC TASKS OF THE GO WILL BE:

- a. Set up a systematic process of recording grievances in a register ("Grievance Book") as well as electronically. The register should be located in the implementation team office and should be accessible to residents.
- b. Both written and verbally communicated grievances should be recorded.
- c. Suggested categories are grievances regarding:
 - v. Replacement structure or land, and procurement of construction materials;
 - vi. Agriculture and crops;
 - vii. Livelihoods; and
 - viii. Valuation process and payment of compensation.
 - ix. Damaged property during construction
- d. Prepare a database for recording and keeping track of the grievances and how they were resolved. The database should be a 'living' document, updated weekly. It should also record the status of each grievance (date opened/in-process/closed). Access to making entries into the database should be restricted to the implementation team, but the general community should be able to use "Grievance Book"/ register to see the status of their complaints.
- e. Communicate the grievance procedure to the people, the process for recording their complaints and the timelines for redress. Communication should be done through a community meeting involving the resettled community. Pamphlets outlining the procedures and commitments of the grievance mechanism should be distributed to all households.
- f. Raise grievances at the regular implementation team meeting for discussion. Some resolutions will require coordination/ interaction with the local authorities, which the GO should follow up, while some would require intervention from MWE/NWSC.

Provide a regular update on the status of grievances via the database, including reasons for delay, if any. This update needs to be provided on a weekly basis. Also, clearly define grievances that will

not be entertained by the GO. These could be related to issues other than those linked to the resettlement and rehabilitation process

10.4 THE WORLD BANK'S GRIEVANCE REDRESS SERVICE (GRS)

10.4.1 GRS DEFINITION AND PURPOSE

The GRS is the World Bank's easy way to provide PAPs and communities an avenue to bring their complaints directly to the attention of Bank Management. The project-level GRM will remain the primary tool to raise and address grievances in Bank-supported operations except issues that cannot be resolved at the project level. The GRS facilitates corporate review and resolution of grievances by screening and registering complaints and referring them to the responsible Task Teams/Managers. The GRS undertakes the follow functions within defined time frame:

- a. Receives complaints from stakeholders
- b. Evaluates and determines their eligibility and category
- c. Refers complaints to appropriate Task Teams/Managers
- d. Follows up with Task Teams to ensure complaints are resolved
- e. Refers PAPs to the Borrower or other parties where appropriate.

10.4.2 SUBMITTING A COMPLAINT TO GRS

Complaints may be submitted by one or more individuals, or their representatives, who believe they are adversely affected directly by an active (i.e. not closed) Bank-supported operation (IDA). A complaint may be submitted in the English or local language. Processing complaints not submitted in English will require additional processing time due to the need for translation.

A complaint can be submitted to the Bank GRS through the following channels:

- a. By email: grievances@worldbank.org;
- b. By fax: +12026147313
- c. By mail: The World Bank, Grievance Redress Service, MSN MC 10-1018, 1818 H St NW, Washington, DC 20433, USA and/or
- d. Through the World Bank Uganda Country Office in Kampala – Rwenzori House, 1 Lumumba Avenue, P.O. Box 4463, Kampala (U); Tel: +256 414 3022 00.

The complaint must clearly state the adverse impact(s) allegedly caused or likely to be caused by the Bank supported operation. This should be supported by available documentation and correspondence where possible and appropriate. The complainant may also indicate the desired outcome of the complaint, i.e., how it may be resolved. The complaint should have the identity of complainants or assigned representative/s, and address contact details

11 STAKEHOLDER CONSULTATIONS AND DISCLOSURE PLAN

Stakeholder engagement is an inclusive process conducted throughout the project cycle. Where properly designed and implemented, it supports the development of strong, constructive and responsive relationships that are important for successful management of projects environmental and social risks. For the IWMDP to be appreciated and acceptable, stakeholder consultations should be carried out at districts, sub-counties and municipal council offices and also to the local communities.

The purpose of the Resettlement Policy Framework is to guide the management of the Resettlement process for IWMDP activities. Led by the MWE/NWSC, several actors will be involved as beneficiaries and financiers. These roles are complementary and should therefore be coordinated to achieve maximum and best results.

MWE/NWSC will coordinate and manage the following: -

- a. Project preparation;
- b. Identification of IWMDP activities with the involvement and contribution of the local authorities, utility and service deliverers and specialist establishments;
- c. Preparation of Resettlement Action Plans (RAPs);
- d. Management of technical inputs required for the preparation and appraisal of the project for funding by the World Bank;
- e. Management of the resettlement process;
- f. Prepare and keep an update road map for the delivery of IWMDP; and
- g. Establish monitoring and evaluation modalities for IWMDP.

11.1 IMPORTANCE OF STAKEHOLDER CONSULTATION

Stakeholder consultation and participation are essential because they provide an opportunity for informing the stakeholders about the proposed project. Public consultation and participation create a sense of ownership for the project, providing an opportunity for people to present their views and values and allowing consideration and discussion of sensitive social mitigation measures and trade-offs.

Public consultation and participation will afford the PAPs an opportunity to contribute to both the design and implementation of the program activities. In so doing, the likelihood for conflicts between and among the affected and with the management committees will be reduced.

In recognition of this, particular attention shall be paid to public consultation with PAPs, households and homesteads (including host communities) when resettlement and compensation concerns are involved. Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered.

A participatory approach will be adopted as an on-going strategy throughout the entire project cycle. Public participation and consultations related to IWMDP will take place via meetings in project communities, television programmes and, radio programs.

PAPs are consulted in the survey process; public notices where explanations of the sub-project are made; RAP implementation of activities; and during the monitoring and evaluation process. Selection

of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance). The role of traditional, political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. A Community Engagement Strategy is provided in Annex 2.

11.2 OBJECTIVES OF CONSULTATIONS

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

- a. alternative project design;
- b. assessment of project impacts;
- c. resettlement strategy;
- d. compensation rates and eligibility for entitlements;
- e. choice of resettlement site and timing of relocation;
- f. Community development opportunities and initiatives;
- g. development of procedures for redressing grievances and resolving disputes; and
- h. mechanisms for monitoring and evaluation; and for implementing corrective actions

11.3 CONSULTATION PHASES

11.3.1 DATA COLLECTING PHASE

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

11.3.2 IMPLEMENTATION PHASE

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

11.3.3 COMMUNITY INVOLVEMENT AND SENSITIZATION

The affected persons should be engaged in active consultations at the beginning of the project and they should have access to the Resettlement Action Plan and be encouraged to provide input. Consultations should happen in local language where possible; women should be consulted separately if that is more appropriate. The consultation process should ensure sizeable participation of women, youth, migrants, and groups at risk of exclusion, and also ensure prior distribution of project information in a form that is accessible to community members, etc. Communities within the

project areas will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts will be well communicated to the community. The Ugandan law requirements on consultation and information, as well as those related with grievance management fall short of meeting WB requirements. The application of these will require:

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

11.3.4 MONITORING AND EVALUATION PHASE

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

11.3.5 NOTIFICATION PROCEDURE

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

The notice shall state:

- a. The Project's proposal to acquire the land;
- b. The public purpose for which the land is wanted;
- c. That the proposal or plan may be inspected at MWE/NWSC or the CAO's office
- d. That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the entities cited above within a period to be specified at the time of publication of the Notice;
- e. List the cutoff date detailing that in-migration after this date will not receive compensation.

11.3.6 DOCUMENTATION

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

11.3.7 CONTRACT AGREEMENT

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

11.3.8 LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

PAPs will need to be compensated, in accordance with this Resettlement Policy Framework and subsequent Resettlement and Compensation Plan, before works on the sub project can begin. For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made, for compensation and for other assistance required for relocation, prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities. In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs.

For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual RAPs. In the Implementation Schedule of each RAP, details on resettlement and compensation must be provided. The schedule for the implementation of activities, as agreed between the Project Planning team and PAPs must include:

- a. target dates for start and completion of civil works,
- b. timetables for transfers of completed civil works to PAPs, dates of possession of land that PAPs are using (this date must be after transfer date for completed civil works to PAPs and for payments of all compensation) and;
- c. the link between RAP activities to the implementation of the overall sub projects.

When approving recommendations for resettlement during screening, PAPs must confirm that the resettlement plans contain acceptable measures that link resettlement activity to civil works, in compliance with this policy. Proper timing and coordination of the civil works shall ensure that no affected persons will be displaced economically and physically due to civil works activity, before compensation is paid and before any project activity can start.

11.3.9 DISCLOSURE ARRANGEMENTS FOR RPFs AND SUBSEQUENT RAPs

MWE/NWSC shall disclose the RPF on its website, print media, public libraries and all districts where IWMDP activities will be implemented. All RAPs prepared guided by the RPF should also be similarly disclosed. RPF and any subsequent RAPs prepared for the project specific activities shall be cleared and be disclosed on World Bank's *Infoshop* before its implementation.

12 RPF BUDGET AND FUNDING

Although specific sites related to infrastructure development and sub-projects have been determined, the exact location and number of PAPs is not yet determined. Because costs of resettlement and compensation are based on technical designs, results of scoping, detailed valuation surveys and detailed RAP studies, it is not possible at this stage to produce a detailed budget for implementation. Once the budget is finalized, it will be subject to approval by the World Bank. Table below only provides an indicative RPF budget.

Table 12-1: Indicative RPF budget

Asset acquisition		Amount or number	Total estimated cost	Agency responsible
Land				
Structure				
Crops and economic tress				
Community infrastructure				
Land Acquisition and Preparation				
Land				
Structures				
Crops areas and others				
Community infrastructure				
Relocations				
Transfer of possessions				
Installation costs				
Economic Rehabilitation				
Training				
Capital Investments				
Technical Assistance				
Monitoring				
Contingency				
#	Item	Costs		Assumptions
1	Compensation for loss of Land	/hectare		For land acquisition purposes, based on Ugandan average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost		Includes costs of labor invested and average of highest price of staple food crops and Ugandan market prices
3	Compensation for loss of access to pastoralists	If applicable		Those affected would be provided with shared access,

			or alternate routes (decision agreed through consultation and participation of all).
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash at full replacement cost. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Ugandan market prices.
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance.
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP/capita in Uganda.
9	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP
10	Cost of Training Farmers, pastoralists and other PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities.

13 MONITORING AND EVALUATION PLAN

In order to assess whether the goals of the resettlement and compensation plan are met, a Monitoring and Evaluation Plan (MEP) will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities. The activities under the IWMDP program will be institutions shown below:

Table 13-1: Institutions to be involved in project monitoring

Institution /entity	Monitoring role
Wetland Management Department, WMD	Wetland conservation during construction of roads and drainage system.
Ministry of Gender Labour & Social Development (MGLSD)	Occupational safety on worksites, gender impacts and impacts on persons with disabilities, child labour, sexual harassment.
Ministry of Water and Environment (MWE)	RAP Implementation, Monitoring contractor compliance with recommendations of RPF and ESMF
National Water and Sewerage Corporation (NWSC)	RAP Implementation, Monitoring contractor compliance with recommendations of RPF and ESMF
National Environment Management Authority (NEMA)	Monitoring environmental compliance during project implementation.
Ministry of Lands, Housing and Urban Development (MLHUD)	Approving property valuations and monitoring land acquisition.
Ministry of Tourism, Trade & Industry	Monitoring impacts on businesses and trader's complaints.
Representative of PAPs from each division	Monitoring how PAPs grievances are effectiveness addressed

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

13.1 GENERAL OBJECTIVES AND APPROACH

The Monitoring and Evaluation (M&E) mechanism provides a basis to assess overall success and effectiveness of various resettlement processes and measures. This mechanism is based on two components:

- Internal monitoring – undertaken by the Monitoring Officer within MWE/NWE,
- External evaluations – undertaken by an external agency e.g. independent entity/consultant

13.1.1 INTERNAL MONITORING PROCESS

The overall objectives and tasks of the internal monitoring process are:

- Tracking progress of RAP implementation including number of PAPs compensated, relocated

- and assistance to vulnerable;
- b. Creation of a mechanism to analyze M&E data against a pre-resettlement baseline; and
- c. Regularly respond to M&E findings by adapting existing measures or by modifying implementation processes.

The monitoring process will be used to analyze progress and change at regular intervals and shall be linked to the various stages of the RAP, as follows:

13.1.2 DURING RESETTLEMENT

During resettlement, M&E should focus on resettlement issues such as:

- i. Number of families that have been moved;
- ii. Number of people given possession and legal papers to new property (land or house)
- iii. Impacts on livelihood and income
- iv. Registration of unemployed people

13.1.3 AFTER RESETTLEMENT

After the physical relocation is completed, monitoring shall focus on rehabilitation issues and status on each of the measures will be assessed, for example:

- i. Target date for completion (e.g. within two months of resettlement);
- ii. Progress to date
- iii. Progress in the last month
- iv. Target for the month
- v. Reasons for delay, if any; and
- vi. Action to be taken, including specific responsibilities of other members of implementation team.
- vii. Socio-economic assessment to ensure minimal impacts – that the PAPs are not worse off than before the RAP process.

13.1.4 EXTERNAL MONITORING PROCESS

External monitoring will be conducted by external agency e.g. independent entity/consultant. The program management structure will be envisaged to enable effective communication and distribution of responsibilities amongst different participants of the IWMDP at all different levels. The external evaluation process will be informed by internal monitoring reports.

13.1.5 RESPONSIBILITY OF THE AUTHORITIES

The role of the implementing authorities is critical in the operationalization of the Resettlement Policy Framework. The following are important points to observe: -

- a. Ensure that there is trust between the PAPs and the authorities throughout the process by being transparent in every action and sharing information.
- b. Being realistic with time frames and sequencing of related activities:
 - i. when registration will be completed,
 - ii. when assessment will be completed,
 - iii. when computation of entitlements will be carried out,
 - iv. when payments will be made by whom and where,
 - v. when the acquired land will be vacated and when the contractor will move on site.

- c. Adhering to the agreed and publicized timetable of delivery of compensation is critical. This calls for a deliberate effort to ensure:
 - i. Funds for compensation are ready set aside and accessible when payment commences;
 - ii. The location for resettlements is demarcated and available without encumbrances for those who opt to be relocated.

13.1.6 INDICATORS TO DETERMINE STATUS OF AFFECTED PEOPLE

These indicators are most important with respect to the RPF policy on resettlement and compensation. They will be informed by the baseline survey and will provide the council and the World Bank data and trends for refocusing the project and for improving delivery as a whole. The following will be considered:

- a. Affected individuals, households, and communities are able to maintain their pre-project
- b. standard of living, and even improve on it; and
- c. The local communities remain supportive of the project.
- d. Specific indicators may include the following, which would indicate a change in:
 - i. quality of, and access to services, number of people employed;
 - ii. number of people engaged in income-generating activities;
 - iii. number of vulnerable people;
 - iv. sources of income;
 - v. expenditure pattern.

13.1.7 INDICATORS TO MEASURE RAP PERFORMANCE

In terms of the resettlement process, the following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementation the RAP:

- a. Percentage of individuals selecting cash or a combination of cash and in-kind
- b. Compensation;
- c. The number of contentious cases as a percentage of the total cases;
- d. The number of grievances and time and quality of resolution;
- e. The ability of individuals and families to re-establish their pre-displacement activities;
- f. Number of impacted locals employed by the civil works contractors;
- g. General relations between the project and the local communities.

These will be determined through the following activities:

- a. Questionnaire data will be entered into a database for comparative analysis coordinated by the PCT;
- b. Each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- c. The PCT will maintain a complete database on every individual impacted by the subproject land use requirements including
- d. Relocation/resettlement and compensation, land impacts or damages; and the PCT should prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports.

13.1.8 ANNUAL AUDIT

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

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

13.1.9 SOCIO-ECONOMIC MONITORING

This will entail monitoring project impacts on trading and business activities in the project sites utilizing indicators such as complaints or reported weekly losses occasioned by project activities.

13.1.10 REPORTING AND DOCUMENTATION

Reporting should entail documentation of mid-term and end term RAP evaluation of the implementation process including enforcement of cut-off dates and these reports should be shared with World Bank. Where RAPs are undertaken for given project components, completion reports should be undertaken and shared with World Bank.

14 LIST OF ANNEXES

14.1 ANNEX 1: ANNOTATED OUTLINE FOR PREPARING RAP

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website. The scope and level of detail of the RAP will vary depending on the magnitude and complexity of resettlement or displacement. The RAP is prepared based on the most recent and accurate information on the: (i) proposed resettlement and its impacts on displaced persons and other adversely affected groups; and (ii) legal issues affecting resettlement. The RAP covers elements that are specific to the project context.

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

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

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

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

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

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

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

- a. Land tenure, property, and transfer systems, including an inventory of common property

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

- b. Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- c. Public infrastructure and social services that will be affected; and
- d. Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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

- a. Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc.;
- b. Applicable legal and administrative procedures, including a description of the grievance procedures and remedies available to PAPs in the judicial process and the execution of these procedures, including any available alternative dispute resolution mechanisms that may be relevant to implementation of the RAP for the sub-project;
- c. Relevant laws (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation, and natural resource usage rights, customary personal law; communal laws, etc. related to displacement and resettlement, and environmental laws and social welfare legislation;
- d. Laws and regulations relating to the agencies responsible for implementing resettlement activities in the sub-projects;
- e. Gaps, if any, between local laws covering resettlement and the Bank's resettlement policy, and the mechanisms for addressing such gaps; and
- f. Legal steps necessary to ensure the effective implementation of RAP activities in the sub-projects, including, as appropriate, a process for recognizing claims to legal rights to land, including claims that derive from customary and traditional usage, etc. and which are specific to the sub-projects.

The institutional framework governing RAP implementation generally covers:

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

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

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

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

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

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

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

Environmental protection and management. A description of the boundaries of the relocation area is needed. This description includes an assessment of the environmental impacts of the proposed resettlement and measures to mitigate and manage these impacts (coordinated as appropriate with the environmental assessment of the main investment requiring the resettlement).

Community Participation: Consistent with the World Bank's policy on consultation and disclosure, a strategy for consultation with, and participation of, PAPs and host communities, should include:

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

indigenous peoples, ethnic minorities, landless, children and youth, and women) are adequately represented.

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

- a. Consultations with host communities and local governments;
- b. Arrangements for prompt payment due the hosts for land or other assets provided to PAPs;
- c. Conflict resolution involving PAPs and host communities; and
- d. Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

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

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

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

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

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

14.2 ANNEX 2: SAMPLE GRIEVANCE AND RESOLUTION FORM

Name (Filer of Complaint): _____
ID Number: _____ (PAPs ID number)
Contact Information : _____ (Village ; mobile phone)
Nature of Grievance or Complaint:

<u>Date</u>	<u>Individuals Contacted</u>	<u>Summary of Discussion</u>
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Signature _____ Date: _____

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

Review/Resolution

Date of Conciliation Session: _____
Was Filer Present? Yes No
Was field verification of complaint conducted? Yes No
Findings of field investigation:

<u>Summary</u>	<u>of</u>	<u>Conciliation</u>	<u>Session</u>	<u>Discussion:</u>
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Issues _____

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

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____
Independent Observer

Date:

14.3 ANNEX 3: GRIEVANCE CLOSE OUT FORM

Table 14-1: Grievance Close Out Form

GRIEVANCE CLOSE OUT FORM		
Grievance closeout number		
Define long term action required (if necessary)		
Compensation required: Y N		
Verification of Corrective Action and Sign off		
1	Corrective Action Steps:	Due date:
2		
3		
COMPENSATION ACTION AND SIGN OFF		
<p>This part will be filled in and signed by the complainant when he/she receives the compensation or the file is closed out.</p> <p>Notes: Date: >..... Complainant Representative of Responsible Party Name and Signature Name and Signature >..... >.....</p>		

14.4 ANNEX 4: RELEVANT LOCAL LEGISLATION AND GUIDELINES

Property Rights and Land Rights	Law / Regulation
There are four land tenure systems in Uganda, as recognized by Ugandan law. <i>Mailo</i> , Freehold, Customary, and Leasehold.	Land Act 1998
The Constitution (1995) restored all private tenure regimes, divested the state and the Uganda Land Commission of radical title to all land and vested this directly in the citizens of Uganda.	Constitution 1995, Article 237
All land is vested in the citizens of Uganda.	Land Act 1998
Customary tenure: <ul style="list-style-type: none"> a. Is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies, in other words, “customary regime” is not governed by written law. b. Is owned in perpetuity c. Customary occupants are occupants of former public land, and occupy the land by virtue of their customary rights; they have propriety interest in the land and are entitled to certificates of customary ownership d. Certificates for customary ownership may be acquired, through application to the Parish Land Committee and eventual issuance by the District Land Board 	Land Act 1998
Freehold tenure: <ul style="list-style-type: none"> a. Derives its legality from the Constitution and its incidents from the written law b. Involves the holding of land in perpetuity or of a period less than perpetuity fixed by a condition c. Enables the holder to exercise, subject to the law, full powers of ownership. 	Land Act 1998
<i>Mailo</i> tenure: <ul style="list-style-type: none"> a. Has roots in the allotment of land pursuant to the 1900 Uganda Agreement b. Derives its legality from the Constitutions and its incidents from the written law c. Involves the holding of land in perpetuity d. Permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant e. Enables the holder to exercise all the powers of ownership, subject to the rights of those person occupying the land at the time of the creation of the mailo title and their successors. 	Land Act 1998
Leasehold tenure: <ul style="list-style-type: none"> a. Is created either by contract or by operation of the law b. Is a form under which the landlord or lessor grants the tenant or leasee exclusive possession of the land, usually for a period defined and in return for a rent? c. The tenant has security of tenure and a proprietary interest in the land 	Land Act 1998

<p>“Licence” or “Share Cropper”</p> <p>a. Although only these later forms of tenure are legally defined under the Land Act, the context of common law also recognizes the statute of “licensee” or “sharecroppers”, these terms having similar meanings in practice. Licensees are persons granted authority to use land within for agricultural production. Traditionally, such production would be limited to annual crops. Licensees have no legal security of tenure of any propriety right in the land. Their tenure is purely contractual.</p>	Land Act 1998
Every person in Uganda has the right to own property.	Constitution (1995) Article 26
Land Acquisition	Law / Regulation
The government and local authorities have statutory power to compulsorily acquire land.	Constitution: Article 26(2) and Article 237(2) Land Act (1998)
The minister responsible for land may authorize any person to enter upon land and survey the land dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose.	Land Acquisition Act (1965)
Fixing the value for land in Uganda depends on whether it is public (Government owned) or privately owned according to land tenure types indicated in the section of land acquisition. If it is public land, the Chief Government Valuer’s office fixes the rates of compensation. However, if it is owned privately, the developer will negotiate with the owner and agree on the amount to pay for the land to be acquired.	Land Act of 1998 as amended in 2004
Value for customary land is open market value, buildings on land is taken to be on replacement costs in rural areas, 15% and 30% (of total sum assessed) disturbance allowance is to be paid if less than six months or six months’ notice respectively is given up to vacant possession.	Land Act of 1998 as amended in 2004
It is the responsibility of the developer to engage a professional Valuer to carry out an assessment of all structures and assets in the affected area. However, rates for structures/buildings in urban areas are fixed by the Chief Government Valuer’s Office	None cited
It defines a road reserve as that area bounded by imaginary lines parallel to and not more than fifty feet distant from the centerline of any road, and declared to be a road reserve.	Roads Act (1964)
No person shall erect any building or plant, trees or permanent crops within a road reserve.	Roads Act (1964)
The road authorities are permitted to dig and take materials from the road reserve for the construction and maintenance of roads.	Roads Act (1964)
The Town and Country Planning Act of 1964 gives broad powers to planning authorities at the national and local level to take land, against compensation, for public purposes within an approved planning area.	Town and Country Planning Act 1964
Each District Land Board adopts its own compensation rates. As a result, variation exists among the different districts. The rates are reviewed each year.	None cited

Article 26(2) of the Constitution provides that: “No person shall be compulsorily deprived of property or any interests in or any right over property of any description except where the following conditions are satisfied. a. The taking of possession or acquisition is necessary for public use or in the interest of defense, public safety, public order, public morality or public health and b. The compulsory taking of possession or acquisition of property is made under a law which makes provision for: c. Prompt payment of fair and adequate compensation, prior to the taking or acquisition of the property, and d. A right of access to a court of law by any person who has an interest or right over the property.	Constitution (1995), Article 26(2)
“Where the assessment officer takes possession of land, the land shall immediately by the operation of this act be vested in the land commission free from all encumbrances”	Land Acquisition Act 7(2)
“the <i>Uganda Land Commission shall hold and manage any land in Uganda which is vested in or acquired by the government in accordance with the constitution and perform such other functions as may be prescribed by or under this Act or any other enactment.</i> ”	S Section 49 as amended specifically under subsections (a) and (d)
The Government or Local Government may acquire land in public interest.	Article 237(1)
Compensation	Law / Regulation
Prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the property.	Constitution 1995
Prompt payment of fair and adequate compensation to all interested parties on the land.	Electricity Act (1999), Part VIII
Compensation for affected people should be determined according to the Land Act (1998) and the Land Acquisition Act (1965).	Electricity Act (1999)
Electricity Regulatory Authority has the power to handle claims for compensation for land acquired.	Electricity Act (1999)
The Government is supposed to pay compensation (cash) to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred by the Attorney General to court for decision.	Land Acquisition Act (1965)
The basis for compensation is depreciated replacement costs for rural properties and market values for urban properties.	Land Act (1998) Section 78
Each District Land Board adopts its own compensation rates. As a result, variation exists among the different districts. The rates are reviewed each year.	None cited
Dispute Resolution and Grievance Mechanisms	Law / Regulation
Land Tribunals must be established at all local governments and all land disputes must first be processed through them before any resort can be made to ordinary courts.	Land Act (1998), Article 75
Traditional authority mediators retain their jurisdiction over land disputes.	Land Act (1998), Article 89

14.5 ANNEX 5: MINUTES OF STAKEHOLDERS

Meeting with Gulu district consultation

Date of the Meeting		15 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Gulu district administrative technical team (Chief administrative officer, District Water officer(WO), District, Community Development Officer and District health specialist, District Environment Officer), Assistant Town Clerk, Land supervisor, Community development officers, National water area manager.
Item	Summary of proceedings	
1.	Introduction	
	The team leader started explained the proposed project and purpose of the consultation exercise and how findings would be utilised in preparation of the project's project brief	
2.	Issues discussed	
	Who is in-charge of managing environmental issues/safeguards? District Environmental officer assisted by other focal persons in at the sub-counties	
	Who manages social issues/safeguards including grievances? The District Senior Community Development Officer assisted by the sub county community development officers. Each of the sub county in Gulu district has a community Development Officer. The officer also works together with local council leaders and elders to resolve and grievances	
	Major activities carried out in the community: Farming and small-scale businesses (retail trading, transport and casual laboring.	
	Land tenure (titled land?) and who owns the land? Customary, urban (leasehold rural (freehold)	
	Are there any disputes over ownership of the land? There are a lot of land related conflicts in Gulu a case in point is the Apaa incidence	
	What is the major land use in the community? Agriculture is the major land use	
	How is land accessed in the community? Communally the land is accessed through the Clan chief (Rwot who allocates the land for use. Every clan has their Rwot.	
	What are the common types of land tenure in the proposed project area? Customary, freehold and lease hold	

Date of the Meeting		15 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Gulu district administrative technical team (Chief administrative officer, District Water officer(WO), District, Community Development Officer and District health specialist, District Environment Officer), Assistant Town Clerk, Land supervisor, Community development officers, National water area manager.
Item	Summary of proceedings	
	What are the current land acquisition challenges in this area? <ul style="list-style-type: none"> Land is held for purposes of prestige so it's difficult to convince the communities to be resettled involuntarily. The communities also have cultural and spiritual ties to their land (since they bury their dead there). Land particularly in Gulu is expensive to acquire so communities are hesitant and reluctant to give up their land High expectation from the communities Resistance from communities 	
	How are conflicts especially those concerning land resolved? Land related conflicts are through mediation with the help of cultural leaders, local council leaders together with the district leadership.	
	What categories of communities do exist in the project area? Are there any vulnerable communities in the project area? What makes them vulnerable? Yes, there vulnerable people like the old, sick and infirm, widows, orphans and child headed households. Majority of the vulnerable are also squatters especially in urban areas and have no land.	
	Suggest workable recommendation to be adapted in to the current project in relation to solving land conflicts, improving the lives of vulnerable groups? Use local leaders in mediation (Rwot). Intensify sensitization before project commences Map those who are too vulnerable to be relocated and can't easily cope in a new environment How these groups can be profitably involved in the project? <ol style="list-style-type: none"> Employ them as casual laborers. Empower them with business skills in order to sustainably take care of their needs 	
	What are some of the feasible resettlement alternatives? <ol style="list-style-type: none"> Land for cash Land for land 	
	Who is in charge of resettlement and land acquisition? Senior land officer	

Date of the Meeting		15 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Gulu district administrative technical team (Chief administrative officer, District Water officer(WO), District, Community Development Officer and District health specialist, District Environment Officer), Assistant Town Clerk, Land supervisor, Community development officers, National water area manager.
Item	Summary of proceedings	
	Any experience in projects involving land acquisition Yes Challenges? a. Convincing land owners to offer land b. A lot of hibernating land related conflicts are triggered off.	
	Have you ever implemented any projects which affected people's properties? Yes-Gulu Municipal Council road project	
	If yes how did you deal with resettlement? a. Sensitization of Potentially project affected persons with different stakeholders, local and cultural leaders.	
	Is there a resettlement manual, check list in place? Yes, Gulu district and municipal council have a tool to guide involuntary resettlement	
	Do you have grievance mechanism in place and how have you handled past grievances? Yes (Dispute resolution, complaints and grievance handling procedure.	
	Capacity gaps and training needs a. Need training on compensation b. Refresher courses in sensitization c. Training in social safe guards	
	Livelihood activities for community: Farming, women saving groups, small scale businesses, like selling of livestock and charcoal especially on the road side	
	Type of business enterprises within the area (e.g. saloons, mobile money, music CDs, etc.): Trading in general merchandise, <i>boda boda</i> business, saloons	
	What are the common agricultural Practices? The farmers in the community are trained on agricultural agronomy and post-harvest handling to prevent pests and diseases. These practices are bush clearing, early planting.	

Date of the Meeting		15 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Gulu district administrative technical team (Chief administrative officer, District Water officer(WO), District, Community Development Officer and District health specialist, District Environment Officer), Assistant Town Clerk, Land supervisor, Community development officers, National water area manager.
Item	Summary of proceedings	
	Are chemicals for disease and pest control readily available and how are these chemicals managed? They are not readily available due to high prices though very few people can afford them. They are trained regularly on use and handling of chemicals such as pesticides	
	Type and status of access roads? Gravel roads in fair condition	
	Who maintains the community roads? The communities carry out maintenance works. The communities are trained on road maintenance through community mobilization and sensitization. The communities generate the by laws that govern road maintenance. However, this was noted to be a short-term strategy.	
	Common modes of transport (<i>boda boda</i> , public transport, etc.). The common modes are usually public transport, boda bodas, bicycles, saloon cars, small lorries and Fuso trucks and these can be seen plying the main highway and other routes within the district	
	Types of housing (permanent, semi-permanent or by construction materials): Mostly grass thatched and semi-permanent	
	Housing planned or scattered homesteads? Most homesteads are scattered	

Meeting with Oyam district consultation

Date of the Meeting		16 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Oyam district administrative technical team (Chief administrative officer, District Water officer(WO), District, Community Development Officer, District Environment Officer, Community development officers, Sub-county chief
Item	Summary of proceedings	
3.	Introduction	
	The team leader started explained the proposed project and purpose of the consultation exercise and how findings would be utilised in preparation of the project's project brief	
4.	Issues discussed	
	Who is in-charge of managing environmental issues/safeguards? District Environmental officer assisted by other focal persons in at the sub-counties	

Date of the Meeting		16 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Oyam district administrative technical team (Chief administrative officer, District Water officer(WO), District, Community Development Officer, District Environment Officer, Community development officers, Sub-county chief
Item	Summary of proceedings	
	Who manages social issues/safeguards including grievances? The District Senior Community Development Officer assisted by the sub county community development officers. Each of the sub county in Oyam district has a community Development Officer. The officers work in hand in hand with local council leaders and elders to resolve and grievances	
	Major activities carried out in the community: Farming and small-scale businesses (retail trading, transport and casual labouring.	
	Land tenure (titled land?) and who owns the land? Customary, leasehold and freehold	
	Are there any disputes over ownership of the land? There are not many issues except for a few isolated cases	
	What is the major land use in the community? Agriculture is the major land use	
	How is land accessed in the community? The land is accessed communally through the Won Nyaci-Overall leader,Owitong –clan leader,Rwot and Won Pacu	
	What are the common types of land tenure in the proposed project area? Customary, freehold and lease hold	
	What are the current land acquisition challenges in this area? <ol style="list-style-type: none"> Resistance from communities Suspicion and lack of trust by communities Contestation of compensation rates High expectations from communities 	
	How are conflicts especially those concerning land resolved? Land related conflicts are through mediation with the help of cultural leaders, local council leaders together with the district leadership. Specifically in Oyam cultural leadership structure of the Won Nyaci-Overall leader,Owitong –clan leader,Rwot and Won Pacu help to resolve conflict. Note: The DSCDO also noted that land acquisition wouldn't be problem of other stakeholders such as the ministry of land were enforcing the protection road reserves which are normally encroached on by communities	
	What categories of communities do exist in the project area? Are there any vulnerable communities in the project area? What makes them vulnerable? Yes, there vulnerable people like the old, sick and infirm, widows, orphans and child headed households. Majority of the vulnerable are also squatters especially in urban areas and have no land.	

Date of the Meeting		16 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Oyam district administrative technical team (Chief administrative officer, District Water officer(WO), District, Community Development Officer, District Environment Officer, Community development officers, Sub-county chief
Item	Summary of proceedings	
	<p>Suggest workable recommendation to be adapted in to the current project in relation to solving land conflicts, improving the lives of vulnerable groups?</p> <p>Use local leaders in mediation (Won Nyaci). Intensify sensitization before project commences Map those who are too vulnerable to be relocated and can't easily cope in a new environment</p> <p>How these groups can be profitably involved in the project?</p> <ol style="list-style-type: none"> Employ them as casual laborers. Empower them with business skills in order to sustainably take care of their needs Employ can be employed as store keepers Widows can help to fetch water for projects Elderly can be employed as counsellors to encourage unity and harmony during project implementation. 	
	<p>What are some of the feasible resettlement alternatives?</p> <ol style="list-style-type: none"> Land for cash Land for land 	
	<p>Who is in charge of resettlement and land acquisition?</p> <p>Senior land officer</p>	
	<p>Any experience in projects involving land acquisition</p> <p>Yes</p> <p>Challenges?</p> <ol style="list-style-type: none"> Source of gender based violence emanating for real and perceived ownership of land between spouses A lot of hibernating land related conflicts are triggered off. 	
	<p>Have you ever implemented any projects which affected people's properties?</p> <p>Yes-has handled such projects before</p>	
	<p>If yes how did you deal with resettlement?: Sensitization of Potentially project affected persons with different stakeholders, local and cultural leaders.</p>	
	<p>Is there a resettlement manual, check list in place?</p> <p>No checklist or manual</p>	

Date of the Meeting		16 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Oyam district administrative technical team (Chief administrative officer, District Water officer(WO), District, Community Development Officer, District Environment Officer, Community development officers, Sub-county chief
Item	Summary of proceedings	
	Do you have grievance mechanism in place and how have you handled past grievances? There is no documented Grievance Mechanism in place. However, Disputes are resolved through use of cultural leadership structures of Won Nyaci-Overall leader, Owitong –clan leader, Rwot and Won Pacu and other local leaders.	
	Capacity gaps and training needs a. Need training on compensation b. Refresher courses in sensitization c. Training in Management Information Systems especially at divisions.	
	Livelihood activities for community: Farming, women saving groups, small scale businesses, like selling of livestock and charcoal especially on the road side	
	Type of business enterprises within the area (e.g. saloons, mobile money, music CDs, etc.): Trading in general merchandise, “boda boda” business, saloons, music CDs	
	What are the common agricultural Practices? The farmers in the community are trained on agricultural agronomy and post-harvest handling to prevent pests and diseases. These practices are bush clearing, early planting.	
	Are chemicals for disease and pest control readily available and how are these chemicals managed? They are not readily available due to high prices though very few people can afford them. They are trained regularly on use and handling of chemicals such as pesticides	
	Type and status of access roads? Gravel roads in fair condition	
	Who maintains the community roads? The communities carry out maintenance works. The communities are trained on road maintenance through community mobilization and sensitization. The communities generate the by laws that govern road maintenance. However, this was noted to be a short-term strategy.	
	Common modes of transport (<i>boda boda</i> , public transport, etc.). The common modes are usually public transport, boda bodas, bicycles, saloon cars, small lorries and Fuso trucks	
	Types of housing (permanent, semi-permanent or by construction materials): Mostly grass thatched and semi-permanent	
	Housing planned or scattered homesteads? Most homesteads are scattered	

Meeting with Kyegegwa district

Date of the Meeting		17 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Kyegegwa district administrative technical team (Principal assistant secretary, District Water officer(WO), District, Community Development Officer(Gender issues), Community development officers, Probation officer
Item	Summary of proceedings	
5.	Introduction	
	The team leader started explained the proposed project and purpose of the consultation exercise and how findings would be utilised in preparation of the project's project brief	
6.	Issues discussed	
	Who is in-charge of managing environmental issues/safeguards? District Environmental officer assisted by other focal persons in at the sub-counties	
	Who manages social issues/safeguards including grievances? The District Senior Community Development Officer assisted by the sub county community development officers who work closely with cultural and local council leaders to address any grievances from the communities.	
	Major activities carried out in the community: Farming (crop farming and livestock rearing small-scale businesses (retail trading and transport. Types of livestock include, goats, cattle, sheep and poultry. Typically grown crops entail, bananas cassava and beans.	
	Land tenure (titled land?) and who owns the land? Mailo land and free hold	
	Are there any disputes over ownership of the land? There are not many issues except for a few isolated cases but where they exist local leaders and district community leaders help to mediate and resolve conflicts.	
	What is the major land use in the community? Agriculture is the major land use	
	How is land accessed in the community? Communally	
	What are the common types of land tenure in the proposed project area? Free hold and Mailo land	
	What are the current land acquisition challenges in this area? High expectations from communities –a case in point is the proposed for waste treatment site in Ruyonza sun-county on the border with Kiruhura district where the owner is asking for Ugx 200m compensation for 50x100 plot of land which would set a wrong precedence if paid out.	
	How are conflicts especially those concerning land resolved? Local leaders and court systems	
	What categories of communities do exist in the project area? Are there any vulnerable communities in the project area? What makes them vulnerable? Yes, there vulnerable people like the old, sick and infirm, widows, orphans and child headed households.	

Date of the Meeting		17 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Kyegegwa district administrative technical team (Principal assistant secretary, District Water officer(WO), District, Community Development Officer(Gender issues), Community development officers, Probation officer
Item	Summary of proceedings	
	<p>Suggest workable recommendation to be adapted in to the current project in relation to solving land conflicts, improving the lives of vulnerable groups?</p> <p>Use local leaders and community workers from the district in mediation Intensify sensitization through Local leaders before project commences. Some communities have donated “free” land to project once convinced that they are beneficial.</p> <p>How these groups can be profitably involved in the project?</p> <ol style="list-style-type: none"> Employ them as casual laborers. Empower them with business skills in order to sustainably take care of their needs Employ can be employed as store keepers Widows can help to fetch water for projects Elderly can be employed as counsellors to encourage unity and harmony during project implementation. 	
	<p>What are some of the feasible resettlement alternatives?</p> <ol style="list-style-type: none"> Land for cash Land for land 	
	<p>Who is in charge of resettlement and land acquisition?</p> <p>Senior land officer</p>	
	<p>Any experience in projects involving land acquisition</p> <p>Yes</p> <p>Challenges?</p> <ol style="list-style-type: none"> Source of gender based violence emanating for real and perceived ownership of land between spouses The central government does not provide funding for compensation and resettlement budgets. Due to delay in payments people increase their land value Land is overpriced by the owner like in the case of Ruyonza sub-county and this has stalled the commencement of the project. 	
	<p>Have you ever implemented any projects which affected people’s properties?</p> <p>Yes-has handled such projects before like CAIIP.</p>	

Date of the Meeting		17 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Kyegegwa district administrative technical team (Principal assistant secretary, District Water officer(WO), District, Community Development Officer(Gender issues), Community development officers, Probation officer
Item	Summary of proceedings	
	If yes how did you deal with resettlement? a. Sensitization of Potentially project affected persons with different stakeholders, local and cultural leaders.	
	Is there a resettlement manual, check list in place? No checklist or manual	
	Do you have grievance mechanism in place? There is no documented Grievance Mechanism in place. However, local leaders and district community workers help in handling and resolving grievances. How have you handled past grievances? Grievances are resolved through mediation	
	Capacity gaps and training needs a. Training in Environmental and Social safeguard polices b. Training in dispute resolutions. c. Stakeholder mapping and engagement. d. Training in Management Information Systems especially at divisions.	
	Livelihood activities for community: Farming (livestock and crop farming), women saving groups, small scale businesses, like selling of livestock and charcoal especially on the road side	
	Type of business enterprises within the area (e.g. saloons, mobile money, music CDs, etc.): Trading in general merchandise, <i>boda boda</i> business, saloons, music CDs	
	What are the common agricultural Practices? The farmers in the community are trained on agricultural agronomy and post-harvest handling to prevent pests and diseases. These practices are bush clearing, early planting.	
	Are chemicals for disease and pest control readily available and how are these chemicals managed? They are not readily available due to high prices though very few people can afford them. They are trained regularly on use and handling of chemicals such as pesticides	
	Type and status of access roads? Gravel roads in fair condition	
	Who maintains the community roads? The district and sub-county leaders carry out maintenance works. In some cases, the communities are trained on road maintenance through community mobilization and sensitization. The communities generate the by laws that govern road maintenance. However, this was noted to be a short-term strategy.	

Date of the Meeting		17 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Kyegegwa district administrative technical team (Principal assistant secretary, District Water officer(WO), District, Community Development Officer(Gender issues), Community development officers, Probation officer
Item	Summary of proceedings	
	Common modes of transport (<i>boda boda</i> , public transport, etc.). The common modes are usually public transport, boda bodas, bicycles, saloon cars, small lorries and Fuso trucks	
	Types of housing (permanent, semi-permanent or by construction materials): Mostly grass thatched and semi-permanent, earth burnt bricks and iron roofed houses	
	Housing planned or scattered homesteads? Most homesteads are scattered	

Meeting with Buhweju district administration

Date of the Meeting		18 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Buhweju district administrative technical team (Chief administrative officer, District Water officer(WO), Community Development Officer, Community development officers, National water field officer
Item	Summary of proceedings	
7.	Introduction	
	The team leader started explained the proposed project and purpose of the consultation exercise and how findings would be utilised in preparation of the project's project brief	
8.	Issues discussed	
	Who is in-charge of managing environmental issues/safeguards? District Environmental officer assisted by other focal persons in at the sub-counties	
	Who manages social issues/safeguards including grievances? The District Senior Community Development Officer assisted by the sub county community development officers who work closely with cultural and local council leaders to address any grievances from the communities.	
	Major activities carried out in the community: Farming (crop farming and livestock rearing, small-scale businesses (retail trading and transport.	
	Land tenure (titled land?) and who owns the land? Free hold	

Date of the Meeting		18 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Buhweju district administrative technical team (Chief administrative officer, District Water officer(WO), Community Development Officer Community development officers, National water field officer
Item	Summary of proceedings	
	Are there any disputes over ownership of the land? There are not many issues except for a few isolated cases but where they exist local leaders and district community leaders help to mediate and resolve conflicts.	
	What is the major land use in the community? Agriculture is the major land use	
	How is land accessed in the community? Communally	
	What are the common types of land tenure in the proposed project area? Free hold	
	What are the current land acquisition challenges in this area? There are no serious land acquisition challenges in the area. Negotiations are done between district and owners in case there is a development project. For example, the district has managed to secure a piece of land in Bisya sub-county for the gravity water flow scheme. Once the project commences it will potentially displace artisanal gold miners in Buhweju district in Bisya sub-county who are in operating in close proximity with the proposed project site	
	How are conflicts especially those concerning land resolved? Local leaders but they are rare as communities are willing to give out parcels of land to projects deemed beneficial to them especially water related projects.	
	What categories of communities do exist in the project area? Are there any vulnerable communities in the project area? What makes them vulnerable? Yes, there vulnerable people like the old, sick and infirm, widows, orphans and child headed households.	
	Suggest workable recommendation to be adapted in to the current project in relation to solving land conflicts, improving the lives of vulnerable groups? Use local leaders and community workers from the district in mediation Intensify sensitization through Local leaders before project commences. Some communities have donated “free” land to project once convinced that they are beneficial. How these groups can be profitably involved in the project? a. Employ them as casual laborers. b. Empower them with business skills in order to sustainably take care of their needs c. Employ can be employed as store keepers	
	What are some of the feasible resettlement alternatives? a. Land for cash b. Land for land	

Date of the Meeting		18 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Buhweju district administrative technical team (Chief administrative officer, District Water officer(WO), Community Development Officer Community development officers, National water field officer
Item	Summary of proceedings	
	Who is in charge of resettlement and land acquisition? Senior land officer recruited but yet to be appointed.	
	Any experience in projects involving land acquisition Yes Challenges? High expectations from communities	
	Have you ever implemented any projects which affected people's properties? No experience	
	Is there a resettlement manual, check list in place? No checklist or manual	
	Do you have grievance mechanism in place? There is no documented Grievance Mechanism in place. However, local leaders and district community workers help in handling and resolving grievances. How have you handled past grievances? Grievances are resolved through mediation	
	Capacity gaps and training needs a. Training in Environmental and Social safeguard polices b. Training in dispute resolutions. c. Stakeholder mapping and engagement. d. Training in Management Information Systems especially at divisions.	
	Livelihood activities for community: Farming (livestock and crop farming), women saving groups, small scale businesses, like selling of livestock	
	Type of business enterprises within the area (e.g. saloons, mobile money, music CDs, etc.): Trading in general merchandise, <i>boda boda</i> business, saloons, music CDs	
	What are the common agricultural Practices? The farmers in the community are trained on agricultural agronomy and post-harvest handling to prevent pests and diseases. These practices are bush clearing, early planting.	
	Are chemicals for disease and pest control readily available and how are these chemicals managed? They are not readily available due to high prices though very few people can afford them. They are trained regularly on use and handling of chemicals such as pesticides	
	Type and status of access roads? Gravel roads in fair condition	
	Who maintains the community roads? The district and sub-county leaders carry out maintenance works. However, the road network is still poorly developed given the hilly terrain.	

Date of the Meeting		18 th January 2018
Meeting Proceedings Recorded by		Pamela Tashobya, Segawa Samuel
Subject of the Meeting		Meeting with Buhweju district administrative technical team (Chief administrative officer , District Water officer(WO), Community Development Officer Community development officers, National water field officer
Item	Summary of proceedings	
	Common modes of transport (<i>boda boda</i> , public transport, etc.). The common modes are usually public transport, boda bodas, bicycles, saloon cars, small lorries and Fuso trucks	
	Types of housing (permanent, semi-permanent or by construction materials): Mostly grass thatched and semi-permanent, earth burnt bricks and iron roofed houses	
	Housing planned or scattered homesteads? Most homesteads are scattered	

ATTENDANCE LIST

Project Name: Environment and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) for Integrated Water Management Development Project (IWMDP)

Location: Gulu MC

Date: 15/01/2018

Sr no	Name	Designation	Contact	Email	Signature
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3.	Ocaka James	Environment Officer	0774151502	ocakajames@yahoo.com	
4.	OYENNA AGNES	Land Supervisor	0111489520	oyennagnes@gmail.com	
5.	Nyadru Richard	Principal Health Inspector	0772316301	nyadurichard@gmail.com	
6.	Monday Ruth Buckley	Commz Devt officer	0702431522	mruthbuckley@gmail.com	
7.	OPIO Edmund	Procurement Officer (Secretary Complaints handling)	0784908672	opiomedmond@yahoo.com	
8.					
9.					
10.					

ATTENDANCE LIST

Project Name: Environment and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) for Integrated Water Management Development Project (IWMDP)

Location: Gulu AO

Date: 15/01/18

Sr no	Name	Designation	Contact	Email	Signature
1.	LARONGO RICHARD	PHDO	0772580028	richardlarongo@gmail.com	
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ATTENDANCE LIST

Project Name: Environment and Social Management Framework (ESMF) and Resettlement Policy Framework (RPF) for Integrated Water Management Development Project (IWMDP)

Location: Dyam District Office

Date: 15/01/19

Sr no	Name	Designation	Contact	Email	Signature
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Location: NWSC GULU OFFICE



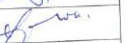



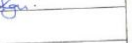
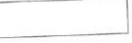
Date: 15/01/2018

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Project: Environment and Social Management Framework for IWMD Project
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7.	MASABA SAMUEL	RUYONZA SL SL	RUYONZA SL	
8.	Kabagungu Noeline	AO (Agric. office)	KYEGERWA	
9.				
10.				

14.6 ANNEX 6: SOME PICTURES FROM STAKEHOLDER CONSULTATIONS



Photo 1: Meeting with the key informants in Kamdini



Photo 2: Meeting with some of the district officials in Gulu



Photo 3: Bananas grown within the project area in Buhweju



Photo 4: Livestock rearing in Buhweju the project area



Photo 5: Meeting with one of the key informants in Gulu District



Photo 6: One of the potentially affected sites that might affect artisanal gold miners in Buhweju, Rujunga village.