



**RP1414**

**Government of Uganda**  
Ministry of Lands, Housing and Urban Development

## **Resettlement Policy Framework**

Competitiveness and Enterprise Development Project (CEDP)

**FINAL REPORT**

12 March 2013

## EXECUTIVE SUMMARY

### **Project description**

The World Bank is supporting the Government of Uganda (GOU) to implement a Competitive Enterprise Development Project (CEDP) starting in 2013. In order to aid various stakeholders to identify and effectively manage potential environmental and social impacts of the proposed project, certain due diligence environmental instruments, namely (i) Environment and Social Management Framework and (ii) Resettlement Policy Framework have to be prepared in accordance with international good practice as well as the World Bank safeguards and Government of Uganda requirements. These instruments will provide practical guidance for management of potential environmental and social issues associated with future sub-projects under the CEDP.

The development objective of the Project is to improve the competitiveness of enterprises in Uganda by providing support for: (i) the implementation of business environment reforms, including the land administration reform and (ii) the development of priority productive and service sectors. The project will be financed by a Specific Investment Loan in the amount of US\$ 100 million equivalent and comprises four components: (a) Land Administration Reform, (b) Business Registration and Business Licensing Reforms (c) Tourism Competitiveness Development, (d) Matching Grant Program (MGP) for MSMEs, and (e) Project Implementation.

The Project's physical activities will be limited to site specific civil works for rehabilitation or construction of Zonal Land Offices in selected districts throughout Uganda, rehabilitation of offices of the Institute of Surveying and Land Management in Entebbe on Sebutinde Road and renovation or construction of the Hotel and Tourism Training Institute (HTTI) in Jinja.

The project physical activities will be located in Kampala, Jinja and throughout selected urban and municipal centers of Uganda, namely the Districts of Luwero, Mpigi, Mityana, Soroti, Kabale, Rukungiri, Tororo, Mukono and Moroto for land offices. Project reforms in support of the land registration systems, land dispute resolution, and other national reforms will have impacts nationwide on improving transparency and security of land tenure.

The land administration component will support the development of a gender promotion strategy in the first year of the project in order to promote gender equity in land registration. Similarly, civil society engagement and communication strategies will be developed during the first year of the project aimed at enhancing public participation and transparency in the whole exercise of documenting land rights. The project may enhance land market and land rights through an improved land registration system and accelerate the change in land use patterns, but is not expected to result in different land uses than those that would take place without the project.

### **Rationale and Objective of the RPF**

As part of funding arrangements for the CEDP component activities, several of the World Bank's safeguards policies are triggered including Environmental Assessment (OP 4.01), Cultural Resources (OP 4.11), Pest Management (OP 4.09) and Involuntary Resettlement (OP 4.12) and will require specific safeguard provisions in the form of an Environmental and Social Management Framework and a Resettlement Policy Framework. The RPF has been developed because there is a possibility of land acquisition or displacement of land uses due to civil works and rehabilitation of infrastructure and the specific sites or locations of some of the projects physical activities are not known.

Hence, the RPF will specify the process for preparing, reviewing, approving and implementing subsequent Resettlement Action Plans (RAPs) for the project before the relevant civil works are initiated, should any be required. During implementation of project activities, when required, appropriate RAPs will be developed to address specific impacts, proposed mitigation measures, and compensation issues. The RPF will also describe the land tenure arrangements and any risks that could affect land acquisition leading to involuntary resettlement and/or restrictions of access to resources and livelihoods.

The objectives of the Resettlement Policy Framework are to:

- Establish the resettlement and compensation principles and implementation arrangements for the CEDP;
- Describe the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;

- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Provide procedures for filing grievances and resolving disputes and;
- Develop an outline for the development of RAPs.

### **Public consultations on the RPF**

The key stakeholders include the Ministry of Lands, Housing and Urban Development, Ministry of Tourism Wildlife and Antiquities, Uganda Registration Services Bureau and other related agencies, local authorities and communities within the project area. The sub-national stakeholders include district governments and communities that will benefit from improved delivery of cadastral services in the towns of Jinja, Mpigi, Mityana, Luwero, Moroto, Tororo, Kabale, Rukungiri, Mukono and Soroti. More broadly, the stakeholders include the private sector community and the owners and users of land in Uganda.

In order to ensure that key interests of the public, at various levels of governance, are addressed and incorporated into the design and implementation of the ESMF safeguard tools, stakeholder consultations were carried out as part of the ESMF process. Consultations for proposed investments under the CEDP were undertaken by Urban Research and Training Consultancy E.A Ltd (URTC), the consultant commissioned to undertake ESIA's for the proposed renovation of the HTTI in Jinja and the ESIA's of the nine local district offices. At the time of finalizing the RPF, only seven EIAs have been prepared (EIAs for Mukono and Mpigi are pending completion) and are awaiting approval from NEMA.

According to the ESIA prepared for the proposed HTTI in Jinja, extensive consultations were carried out between 22nd January and 5th February 2013 with the neighbours and key stakeholders on a one to one basis to ascertain any arising issues as a result of the proposed expansion of crested crane hotel and training institute. A structured questionnaire was administered to the public and interviews held with neighbors. The immediate neighbours have been consulted and they have no objection to the proposed project. During the EIA process for the district land offices, an initial list of project stakeholders was developed. The main positive aspects mentioned by the respondents were: the provision of jobs to the residents. Generally, the impacts of the Project were seen as largely positive with a potential to reduce significantly the lack of office accommodation. The overall negative impacts are rated as minimal and can be effectively managed through implementation of an EMP and adequate monitoring and capacity. Resettlement is typically addressed during the sub-county development plan as is the environmental screening and impact assessment.

In addition, consultations were held with stakeholders on March 7, 2013 providing an overall description of the Project, the purpose of the ESMF and RPF and potential outcomes of the frameworks and to obtain feedback on ways to improve implementation of the frameworks.

### **Potential Land Acquisition and Affected Persons**

#### *(a) Physical interventions to be financed under the CEDP*

Based on the consultations held with the Proponents for the HTTI in Jinja and the District Land Offices in Luwero, Mityana, Soroti, Kabale, Rukungiri, Tororo, and Moroto and follow up site visits, development of the sites will not result in any resettlement since the land is owned by the local government and land titles have been issued. Copies of land titles are attached as annexes to the ESIA's prepared for each district (the ESIA's are pending approval from NEMA). For Mpigi and Mukono district land offices, ESIA's are still under preparation. In the event that issues of land acquisition or displacement arise, the RPF includes provisions to address these and to compensate affected persons accordingly.

#### *(b) Matching Grant Program investments*

It is unlikely that major resettlement will result from investments made under the MPG, as the focus of the program is to improve enterprise creation and growth particularly in MSMEs. However, some of the investments will be targeted at activities such as support to MSMEs to establish community-based tourism including accommodation and retail outlets. In the eventuality that an investment may lead to land acquisition or involuntary resettlement, a RAP will be required for approval of the grant.

### **Legislative framework**

The Constitution of the Republic of Uganda (1995) and the Land Act Cap 227 (1998) require that compensation be paid if a development project will damage structures or other property, or acquire private land. The same requirement is provided by the World Bank's OP 4.12 which stipulates that displaced persons be compensated at full replacement cost and assisted during the relocation. Pertinent laws relating to land administration, ownership and expropriation in Uganda include:

- Constitution of the Republic of Uganda, 1995
- Land Act, Cap 227, 1998
- Land regulations 2004
- Land [Amendment] Act, 2010
- Acquisition Act, 1965

In addition, under Section 27 of the Land Act, provisions are in place to protect the rights of women, children and vulnerable individuals regarding customary land.

### **Land Asset Classification, Valuation and Compensation**

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

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

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

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

### **Preparation and implementation of RAPs**

The steps to be undertaken for each individual RAP include a screening process, a socio-economic census and land asset inventory of the area and identification of Project Affected Parties. This will be followed by the development of a RAP, RAP review and approval, implementation of the RAP and monitoring of RAP implementation and success. These steps will be the responsibility of the District administration through an elected resettlement and compensation committee, in association with each District compensation and implementation committee. Throughout this process, consultation and public disclosure will take place with PAPs, ensuring that the affected persons are informed.

Following approval of the subproject RAP, the process of implementation must take place. This will involve:

- consultation (a continuation of the process entered into during the site selection, screening and RAP development process);
- notification to affected parties;
- documentation of assets;
- agreement on compensation; and
- preparation of contracts, compensation payments and provision of assistance in resettlement.

### **Grievance redress mechanisms**

The grievance procedure will be simple and will be administered as close as possible to the project affected people, using existing systems and structures at the community, sub-county and District levels by the Compensation Committee to facilitate access by PAPs. Uganda Courts of Law will be a last resort.

### **RAP consultation and disclosure**

During the course of the Project, consultations should be carried out with all significant stakeholder groups including: Government and regulatory agencies, non-government organizations, and local stakeholders i.e.

community based organizations, district and municipal level committees, unions and other local groups. RAPs for subprojects under the CEDP will also need to be disclosed to the public.

### **Monitoring and evaluation**

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring programme of the CEDP, which will fall under the overall responsibility of the different executing agencies at the various levels. Periodic evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the sub project activities; and whether the PAPs enjoy the same or higher standard of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. In addition, an independent audit will take place at the completion of the RAP.

### **Estimated budget**

It is not expected that there will be any significant land acquisition or even displacement as part of the Project; however, financial provision will be made as a contingency for cases where land acquisition may occur and RAPs have to be prepared and implemented. For the CEDP, the government's contribution to the Project will be used to fund the RAP(s) if required.

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## ACRONYMS AND ABBREVIATIONS

BLRC	Business Licensing Reform Committee	MoJCA	Ministry of Justice and Constitutional Affairs
BUDS	Business Uganda Development Scheme	MSMEs	Micro, small and medium enterprises
CAS	Country Assistance Strategy	MTWA	Ministry of Tourism, Wildlife and Antiquities
CEDP	Competitiveness and Enterprise Development Project	NCB	National Competitive Bidding
CICS II	Second Competitiveness and Investment Climate Strategy	NDP	National Development Plan
DANIDA	Danish Development Assistance Program	ORAF	Operational Risk Assessment Framework
DB	Doing Business	PDU	Procurement and Disposal Unit
DFID	Department for International Development	PPDA	Public Procurement and Disposal Authority
EAC	East African Community	PPDA	Procurement and Disposal of Public Assets Authority
EU	European Union	PRSC	Poverty Reduction Strategy Credit
GDP	Gross Domestic Product	PSC	Project Steering Committee
GNI	Gross National Income	PSCP II	Second Private Sector Competitiveness Project
GoU	Government of Uganda	PSC	Project Steering Committee
HACCP	Hazard Analysis Critical Control Point System	PSD	Private Sector Development
HTTI	Hotel and Tourism Training Institute	PSFU	Private Sector Foundation Uganda
IBRD	International Bank for Reconstruction and Development	PTC	Project Technical Committee
ICAS	Investment Climate Advisory Services	QCBS	Quality and Cost Based Selection
ICB	International Competitive Bidding	RFQ	Request for Quotation
ICT	Information and Computer Technology	SBDs	Standard Bidding Documents
IDA	International Development Association	SIL	Specific Investment Loan
IFC	International Finance Corporation	SRFP	Standard Request for Proposal
IGG	Inspector General of Government	SSA	Sub-Saharan Africa
IMF	International Monetary Fund	TA	Technical Assistance
INT	Institutional Integrity	ToR	Terms of Reference
IS	Implementation Support	TTCI	Travel and Tourism Competitiveness Index
ISO	International Organization for Standardization	TST	Technical Support Team
JLOS	Justice, Law and Order Sector	UICP	Uganda Investment Climate Program
LIS	Land Information System	UNHS	Uganda National Household Survey
LSSP	Land Sector Strategic Plan	URSB	Uganda Registration Services Bureau
M&E	Monitoring and Evaluation	USAID	United States Agency for International Development
MGF	Matching Grant Facility	USMID	Municipal Infrastructure Development
MLHUD	Ministry of Lands, Housing and Urban Development	UTB	Uganda Tourism Board
MoF	Ministry of Finance	WBG	World Bank Group
MoFPED	Ministry of Finance Planning and Economic Development	WEF	World Economic Forum
MITC	Ministry of Industry, Trade and Cooperatives		

## 1. INTRODUCTION

The Government of Uganda is preparing a Competitiveness Enterprise and Development Project (CEDP) [the Project] with funding support from the World Bank. This document presents a Resettlement Policy Framework (RPF) for the Project prepared under a consultancy for the Ugandan Ministry of Lands, Housing and Urban Development (MHLUD). 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 CEDP.

The RPF has been prepared to meet the World Bank safeguard requirements and Ugandan land acquisition and resettlement laws and will be disclosed as part of the project appraisal process. The Project will be implemented by two agencies, the MHLUD and the Private Sector Foundation Uganda (PSFU).

### 1.1 PROJECT DEVELOPMENT OBJECTIVE

The proposed development objective of the CEDP is to improve the competitiveness of enterprises in Uganda by providing support for: (i) the implementation of business environment reforms, including the land administration reform and (ii) the development of priority productive and service sectors.

### 1.2 RATIONALE FOR THE RPF

As part of funding arrangements for the CEDP component activities, several of the World Bank's safeguards policies are triggered including Environmental Assessment (OP 4.01), Pest Management (OP 4.09), Cultural Resources (OP 4.11), and Involuntary Resettlement (OP 4.12). Under the OP 4.01 and OP 4.12, safeguard provisions are required in the form of an Environmental and Social Management Framework and a Resettlement Policy Framework. The RPF has been developed because although the subprojects to be financed under the CEDP are not fully determined at this stage, the nature of the interventions based on the Project's Components 3: Tourism Competitiveness Development and 4: Matching Grants Program for MSMEs (*refer to Section 2 on Project Description*) may lead to a degree of land take or restriction of access to sources of livelihood and resources.

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

### 1.3 OBJECTIVE OF THE RESETTLEMENT POLICY FRAMEWORK

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

- Establish the resettlement and compensation principles and implementation arrangements for the CEDP (refer to Annex 1 for a glossary of terms under in this document);
- Describe the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;



- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Provide procedures for filing grievances and resolving disputes; and
- Develop an outline for the development of Resettlement Action Plans

The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E). When a Resettlement Action Plan is required, it will be prepared in accordance with guidance provided in this RPF, including Detailed Measurement Surveys, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidance provided in the World Bank’s OP4.12, as described in Annex 2.

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

These risks can be minimized by:

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

## 2. PROJECT BACKGROUND AND DESCRIPTION

### 2.1 DESCRIPTION OF THE PROJECT

The project will be financed by a Specific Investment Loan (SIL) in the amount of US\$ 100 million equivalent divided into:

Component Name	Cost (USD Millions)
Land Administration Reform	55.00
Business Registration and Business Licensing Reforms	10.00
Tourism Competitiveness Development	25.00
Matching Grant Program for MSMEs	8.00
Project Implementation	4.50

#### 2.2.1 Project Components

##### **Component 1: Land Administration Reform (US\$ 55 million)**

This component will fund the continuation and the scaling up of the land reform process carried out under PSCP II. The LSSP 2 is under preparation and the land component of CEDP is expected to support its implementation by:

- (i) **Modernizing land administration (US\$ 26.6 million).** Constructing 8 zonal land offices; enhancing and rolling out computerized land information system (LIS) to 21 zonal land offices; strengthening valuation and land use planning; developing legal and policy framework for land-related housing and urban development; developing and implementing policies for geodetic reference framework, national spatial data infrastructure and mapping; re-equipping the Survey and Mapping Department to service land administration; improvement of the land registration process to reduce time, cost and number of procedures and producing base and cadastral maps for land administration and other spatial purposes;
- (ii) **Accelerating registration of communal and individually owned lands (US\$ 14 million).** Organizing and formalizing communal groups into Communal Land Associations (CLAs); demarcating and registering communal lands in the names of CLAs; and documenting individual land rights and issuing associated certificates and title deeds;
- (iii) **Strengthening institutions and mechanisms for land dispute resolution (US\$ 5 million).** Reviewing the judiciaries' court processes and rules to improve court performance in the adjudication of land cases; strengthening the judiciary and other relevant agencies (land tribunals, local councils, Area Land Committees, recorders and Traditional Institutions) in the use of Alternative Dispute Resolution (ADR) and mediation mechanisms to resolve land cases faster and cheaper; compiling and disseminating relevant legal documents to raise greater awareness of the law and peoples' appreciation of their land rights; developing capacity of the judiciary and other land adjudication institutions through training; and reviewing the legal and institutional framework for restoration and functioning of land tribunals;
- (iv) **Reviewing land institutions, developing capacity and managing the land component (US\$ 7.1 million).** Reviewing the organization and functions of the land administration and management institutions in line with the on-going modernization efforts to enhance efficiency and sustainability; reviewing skill gaps in public and private institutions in the land sector and implementing capacity development programs; consolidating the rehabilitation and modernization of the Institute of Survey and Land Management; developing and implementing gender, civil society engagement and communication strategies; and managing the project component<sup>1</sup>, including procurement, financial management, reporting and M&E.

## **Component 2: Business Registration and Business Licensing Reforms (US\$10 million)**

This component aims to reduce the burden for businesses in dealing with registration and licenses procedures by creating an online one-stop shop for business registration and an e-registry for business licensing, as well by implementing measures aimed at the simplification and streamlining of business registration and business licensing procedures. The component will benefit from the Regional Communication Infrastructure Project (RCIP) under preparation. RCIP will support e-government application and will include e-payment and authentication. This component will finance the following activities:

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<sup>1</sup> A project staff within the Ministry of Lands, Housing and Urban Development (MLHUD) will be in charge of the implementation of the land component of the project. These personnel will be contracted by the MLHUD and will consist of qualified project experts.

- (i) **Business Registration One-Stop-Shop and Business Licensing E-Registry (US\$ 8.5 million).** Establishment of a one-stop shop which will serve as a single access point for business to complete the registration procedures and business licensing e-registry that will serve as the sole repository of all approved business licenses in Uganda. The activities will include: construction of the central office for the URSB; establishment of a business registry and licensing technology platform and software application; establishment of a network of local/regional offices of the business registration one-stop-shop; activities aimed at the streamlining of business registration and business licensing procedures and elimination of unnecessary licenses and procedures, including focus on priority sectors such as tourism and construction; and impact evaluation and identification of a package of incentives that works best in terms of impact on formalization and performance of newly established businesses.
- (ii) **Capacity-Building Initiatives (US\$ 0.5 million).** Capacity-building of the URSB staff and other relevant regulatory agencies; and
- (iii) **Stakeholder Outreach, Transparency and Accountability (US\$ 1 million).** Activities under the subcomponent will include: (i) communication campaign on the reforms implemented using television, newspapers, radio, brochures, conferences and seminars; (ii) improving transparency and communication with businesses and the public through the establishment of a consultation portal where businesses will have the possibility to comment on upcoming licensing regulations or propose further simplification measure; (iii) improving accountability through introduction of an ex-ante impact assessment mechanism to prevent the introduction of new unnecessary licenses or procedures and setting benchmarks for measuring the quality of service delivery.

### **Component 3: Tourism Competitiveness Development (US\$ 25 million)**

The goal of this component is to provide support to the tourism sector through strengthening public and private sector stakeholders and their collaboration to develop a competitive tourism offering. The activities implemented in this component will include:

- (i) **Labor Force Capacity Development (US\$ 12.0 million):** Labor force development for the tourism sub-sector will be achieved through upgrading and repositioning Uganda's national HTTI and its Crested Crane Hotel in Jinja through:
  - Upgrading to an international standard the operational teaching hotel and instructional facilities (e.g., classrooms, library, computer labs, language labs, kitchens);
  - Professional development of instructors and institute administrators;
  - Upgrading and international accreditation of instructional programs and curricula for traditional students and continuing professionals;
  - Repositioning with a sustainable business model and revenue generating activities;

Redevelopment of HTTI, Uganda's largest institute focused on the sector, will support labor force development at technical and vocational levels for new entrants to the sector as well as provide opportunities for skill enhancement for those already employed in the sector. HTTI will contribute to strengthening multiple links of the tourism value chain through providing up-to-date training to improve lodging operations, food and beverage offerings and tour guiding (i.e., for nature-based, cultural heritage and city-based tourism).

- (ii) **Institutional Capacity Building (US\$ 3.0 million):** The MTWA was created in 2012 and lags behind in several dimensions. Institutional capacity building activities will support the MTWA to develop technical skills of sector-focused staff; launch and manage systems for

tracking sector performance through consistent collection, analysis and dissemination of tourism data; and design and implement a lodging classification/grading system facilitating an improved standard.

(iii) **Tourism Product Planning, Packaging and Promotion (US\$ 10.0 million):** A competitive and economically productive tourism sector requires strengthening of the value chain through building supply and demand. With its support to tourism planning, packaging and promotion, CEDP will enable strengthening of tourism sector competitiveness through:

- **Planning:** support to activities defining tourism products beyond current offerings through integrated tourism destination planning at community, district and area levels. This will involve increasing community awareness and involvement in tourism as well as support for the development of SME's linked to tourism (e.g., handicrafts, local transport, travel related services).
- **Packaging:** development of the tourism value chain for domestic, intra-regional and international (long-haul) travelers and support to public and private sector entities (e.g., government/ministry agencies and local communities/municipalities; and trade associations) to develop key linkages (complementing and further supported by matching grant activities in the project) for tourism products that are competitive. Support for the development of tourism routes and services will be provided through establishing and addressing supply and demand gaps. Achieving a critical mass of tourism attractions and services is requisite for travelers to visit Uganda, stay longer and spend more than current levels.
- **Promotion:** development and implementation of traditional and innovative on-line marketing and promotion materials will facilitate building diversified demand for Uganda's tourism product for travelers from Uganda, neighboring African countries and from overseas markets. The development and launching of a national brand as well as promotion for a broader tourism offering (including cultural heritage and meeting-based tourism) supports supply and demand. Technical assistance and capacity building for UTB and UWA and other tourism focused agencies to communicate a comprehensive brand and deliver a high standard of targeted promotion for key segments (i.e., international, intra-regional and domestic tourism) of nature, culture and business tourism offerings will enable promotion of outcomes achieved through planning and packaging activity.

#### **Component 4: Matching Grant Program for MSMEs (US\$ 8 million)**

The component aims to improve enterprise capacity by enabling MSMEs access matching grants of up to 50 percent towards use of sub-sector specific business development services (BDS)<sup>2</sup>, skills and increasing productivity through raising standards at the firm level. The project will support a matching grant program for high potential sub-sectors identified in the Uganda CICS II: tourism, coffee, grains and pulses, horticulture, edible oils, fisheries, and information technology/business process outsourcing.

The Matching Grant Program (MGP) will be implemented by the project coordination unit (PCU) within PSFU. The MGP will have open submission of proposals (year round). This approach has successfully worked under PSCP II. In order to assess the project's effectiveness in

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<sup>2</sup> BDS are a binding constraint for MSME development and this has been indicated in the first Uganda Economic update, "Bridges Across Borders", Unleashing Uganda's Regional Trade Potential, World Bank, February 2013.

reaching the project development objective, firm-level data will be first collected from participating MSMEs in the beginning of the project and then after two years and five years. Details of the MGF operation are outlined in the draft *MGF Operations Manual* which has been prepared by PSFU and will be combined in the Project Operations manual under preparation.

The MGF funds will be provided to procure the following types of business development services: (i) management training; (ii) acquisition of quality certification systems- International Organization for Standardization (ISO) and Hazard Analysis Critical Control Point System (HACCP); (iii) business plan preparation; (iv) marketing; (v) record keeping; (vi) finance; and (vii) production and product development techniques. Matching grants will not be used for matching credit from banks. The grant program will finance 50 percent of the cost of using consultants and other service suppliers, up to a US\$ 100,000 limit per beneficiary.

### **Component 5: Project Implementation (US\$ 2 million)**

The Project will be implemented by two agencies, PSFU and MLHUD. The Project Coordination Unit (PCU) will be established in PSFU to implement Business Registration and Business Licensing Reforms; Tourism Competitiveness Development and Matching Grant Program for MSMEs. The MLHUD will have the responsibility for the implementation of the Land Administration Reform component.

The project staff contracted by the MLHUD and the PSFU will provide ongoing support to project activities, including those related to monitoring and evaluation (M&E) of project results during the implementation. In order to strengthen and complement capacities of the PSFU and MLHUD, the component will support staffing of these institutions to strengthen project-related operational requirements, procurement and financial management systems. The details of the implementation arrangements will be provided in the Project Operational Manual.

In order to address governance challenges encountered during the implementation of PSCP II, the project will build in preventive measures through collaboration with Inspector General of Government (IGG). The project will finance a diagnostic on governance constraints of the key implementing agency to identify project specific steps that could be undertaken to address governance challenges through a Governance Action Plan (GAP). Through lessons learnt from the governance challenges encountered during the implementation of PSCP II, the project will build in preventive, deterrent, and detection measures for corruption through collaboration with the IGG which is the primary national agency for investigation and prosecution of corruption cases. Triggers will be built into the project that call for the IGG's expeditious intervention to respond to any allegations of corruption in the project. The project will also provide TA to build IGG's capacity in the core areas of complaints handling, investigation and prosecution of corruption. In addition to these measures, the project will build in scope for non-state actors, professional groups, and civil society coalitions to participate in monitoring both implementation processes (i.e., through PSFU and MLHUD) at all stages of the project to enhance the chances of meeting the project development objectives.

In view of the experience of implementing PSCP II, the current project will institute measures to make sure that project implementation and reporting are streamlined. In addition, to inform beneficiaries about the reforms being implemented, the project will support communication campaigns with businesses and the public using television, newspapers, radio, brochures, bulk SMSs, a two-way consultation portal, conferences and seminars.

## **2.3 PROPOSED INVESTMENTS AND TARGET AREAS**

The Project's physical activities will be limited to site specific civil works for rehabilitation or construction of Zonal Land Offices in selected districts throughout Uganda, rehabilitation of offices of the Institute of Surveying and Land Management in Entebbe on Sebutinde Road and renovation or construction of the Hotel and Tourism Training Institute (HTTI) in Jinja.

The project physical activities will be located in Kampala, Jinja and throughout selected urban and municipal centers of Uganda, namely the Districts of Luwero, Mpigi, Mityana, Soroti, Kabale, Rukungiri, Tororo, Mukono and Moroto for land offices. Project reforms in support of the land registration systems, land dispute resolution, and other national reforms will have impacts nationwide on improving transparency and security of land tenure.

The land administration component will support the development of a gender promotion strategy in the first year of the project in order to promote gender equity in land registration. Similarly, civil society engagement and communication strategies will be developed during the first year of the project aimed at enhancing public participation and transparency in the whole exercise of documenting land rights. The project may enhance land market and land rights through an improved land registration system, and accelerate the change in land use patterns, but is not expected to result in different land uses than those that would take place without the project.

The CEDP will also support activities geared to reducing land disputes. A social diagnostics study is being undertaken ahead of project implementation to identify any social issues to address during project implementation. In addition, social, environmental and economic impact studies, with baseline and follow-up surveys, will be undertaken during implementation to assess issues and generate remedial measures.

## **2.4 PUBLIC CONSULTATIONS**

### **2.4.1 Consultations for the Proposed HTTI in Jinja**

The key stakeholders include the Ministry of Lands, Housing and Urban Development, Ministry of Tourism Wildlife and Antiquities, Uganda Registration Services Bureau and other related agencies, local authorities and communities within the project area. The sub-national stakeholders include district governments and communities that will benefit from improved delivery of cadastral services in the towns of Jinja, Mpigi, Mityana, Luwero, Moroto, Tororo, Kabale, Rukungiri and Soroti. More broadly, the stakeholders include the private sector community and the owners and users of land in Uganda.

Consultations for proposed investments under the CEDP were undertaken by Urban Research and Training Consultancy E.A Ltd (URTC), the consultant commissioned to undertake ESIA's for the proposed renovation of the HTTI in Jinja and the ESIA's of the nine local district offices. At the time of finalizing the RPF, only seven EIA's have been prepared (EIA's for Mukono and Mpigi are pending completion) and are awaiting approval from NEMA. A list of stakeholders consulted is provided as Annex 3.

In addition, consultations were held with stakeholders on March 7, 2013 providing an overall description of the Project, the purpose of the ESMF and RPF and potential outcomes of the frameworks. Details of the presentations are provided in Annex 9.

According to the ESIA prepared for the proposed HTTI in Jinja, extensive consultations were carried out between 22nd January and 5th February 2013 with the neighbours and key stakeholders on a one to one basis to ascertain any arising issues as a result of the proposed expansion of crested crane hotel and training institute. A structured questionnaire was administered to the public and interviews held with neighbors.

Feedback from the consultations indicated that the proposed hotel project will generally have a positive impact on the development of the area. The following positive impacts were identified:

- Jobs Creation both skilled and unskilled workers will be involved in this project during construction and operation.
- Source of revenue to JMC and government such as Value Added Tax (VAT) on construction materials/ tools to be purchased and NEMA fees among others
- During the operation of the project, security will be enhanced in the premise and the houses through distribution of suitable security lights and presence of a security guard. This will lead to improvement in the general security in the surrounding area.
- Project activities will lead to improvement of infrastructure (access road, sewerage, and water supply and telecommunication networks.
- The proposed project shall also promote healthy competition in the hotel market, which has an effect on improved service and fair prices.
- The proposed project has the potential to influence the commercial trends in the area in various ways and in the long run the multiplier effect will lead to development and reduction of poverty.
- The proposed hotel and training institute project shall consume various materials during construction such as stones, cement, sand, glass, steel products, wood products, PVC products, and ceramic products thus creating market for goods and services and secondary businesses.

#### **2.4.2 Consultations for the Local District Offices Covered under the Project**

During the EIA process for the district land offices, an initial list of project stakeholders was developed. This list has been reviewed and updated (provided in the separate EIAs) on an on-going basis to ensure that it is comprehensive and accurately represents the array of stakeholders. Key Stakeholder groups included: Project Proponents/ Developer (MLHUD), District Land office Site, Local Government, Vulnerable groups (e.g. women,) Local authorities and Local community members. The main positive aspects mentioned by the respondents were: the provision of jobs to the residents and also possible increase of land employs that would increase the purchasing power of the local goods especially agriculture items.

#### **2.4.3 Summary of Consultation Findings**

Generally, the impacts of the Project on the district land offices were seen as largely positive with a potential to reduce significantly the lack of office accommodation. The overall negative impacts are rated as minimal and can be effectively managed through implementation of an EMP and adequate monitoring and capacity.

For the HTTI construction/renovation, the stakeholders consulted (as indicated in the consultation plan provided in the ESIA) have no objection to the proposed project. The project will have to be approved by JMC.

### 3. LEGAL AND INSTITUTIONAL FRAMEWORK

The Constitution of the Republic of Uganda (1995) and the Land Act Cap 227 (1998) require that compensation be paid if a development project will damage structures or other property, or acquire private land. The same requirement is provided by the World Bank's OP 4.12 which stipulates that displaced persons be compensated at full replacement cost and assisted during the relocation.

This section explains the pertinent laws relating to land administration, ownership and expropriation in Uganda. These include the:

- Constitution of the Republic of Uganda, 1995
- Land Act, Cap 227, 1998
- Land regulations 2004
- Land [Amendment] Act, 2010
- Acquisition Act, 1965

#### 3.1 RELEVANT NATIONAL LAWS

For land take and displacement of people, specific attention is drawn to two Ugandan laws that are applicable to land tenure, compensation and resettlement, namely: the Constitution of Uganda and the Land Act. There are additional supporting legislations described below and summarized in Annex 4.

##### 3.1.1 Constitution of Uganda, 1995

The Constitution of the Republic of Uganda (1995) creates for government and local authorities a statutory power of compulsory acquisition of land in public interest, and makes provision, inter alia, for the prompt payment of fair and adequate compensation<sup>3</sup> prior to the taking of possession of any privately-owned property.

Compensation is assessed in accordance with the valuation principles laid out in Section 78 of the Land Act (Cap 227), briefly outlined below:

- a) The value for customary land is the open market value of unimproved land;
- b) The value of buildings on the land is taken at open market value for urban areas, and depreciated replacement cost for rural areas;
- c) The value of standing crops on the land is determined in accordance with the district compensation rates established by the respective District Land Board. Annual crops which could be harvested during the period of notice to vacate given to the landowner/ occupier of the land are excluded in determining compensation values;
- d) In addition to the total compensation assessed, there is a disturbance allowance paid of 15% or, if less than six months notice to vacate is given, 30% of the total sum assessed.

Sections 4.3 – 4.7 of the RPF describes in more detail the eligibility for compensation, methods to determine cut-off dates, process and methods for valuation of affected assets and property, and process for calculations of assets, livelihoods and property.

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<sup>3</sup> Prompt, fair and adequate compensation is define as:

- timely payments after agreements have been finalized by all interested parties
- acceptable value by both parties and verified by responsible institutions for compensation
- fair market rates that cover disturbance allowances



### 3.1.2 The Land Act 1998

The Land Act principally addresses four issues namely; holding, control, management and land disputes. As regards tenure, the Act repeats, in Section 3, provisions of Article 237 of the Constitution which vests land ownership 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 public works.

Regarding control of land use, the Act reaffirms 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 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 shown below:

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

The rights of spouse and children are protected under the Constitution of Uganda and the Land Act (Cap 227). The consent of spouse and children must be acquired prior to any transaction by the head of household on land on which the family ordinarily resides.

Section 40 of the Land Act, 1998 requires that no person shall:

- a) Sell, exchange, transfer, pledge, mortgage or lease any land; or enter into any contract for the sale, exchange, transfer, pledge, mortgage or lease of any land;
- b) Give away any land *inter vivos*, or enter into any transaction in respect of land:
  - In the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;
  - In the case of land on which the person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent children of majority age;
  - In the case of land on which the person ordinarily resides with his or her dependent children below the majority age, except with the prior written consent of the Committee<sup>4</sup>;
  - In the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the Committee.

### 3.1.3 The Local Government Act 1997

The local Government Act provides for the system of local governments. Administratively, Uganda is divided into five levels of Local Governments whereby each level has statutory functions with respect to participatory development planning:

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<sup>4</sup>“Committees” are defined under Section 65 of the Land Act; they are Parish Land Committees.

- District Councils and Kampala City Council;
- County Councils and Municipal Councils;
- Sub County Councils Town Councils Municipal Divisions City Divisions; and
- Parish Councils Village Councils.

The District Councils, City Councils, Municipal Councils, Sub-county Councils, Municipal Division Councils and Town Councils are all Local Governments. The County Councils, Parish Councils and Village Councils are administrative units.

As of 2 August 2010, [Uganda](#) was divided into 111 [districts](#) and one city ([Kampala](#)) across four administrative regions. Most districts are named after their main commercial and administrative towns, known as 'chief towns'. Since 2005, the Ugandan government has been in the process of dividing districts into smaller units in order to prevent resources being distributed primarily to chief towns and leaving the remainder of each district neglected<sup>5</sup>. Each district is further divided into [counties and municipalities](#) and each county is further divided into [sub-counties](#).

### **3.1.4 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.

### **3.1.5 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.

### **3.1.6 The Land Acquisition Act (1965)**

The Land Acquisition Act makes provision for procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The authority responsible for the land may authorize any person to enter upon the land, survey the land, dig or bore the subsoil or any other actions necessary for ascertaining whether the land is suitable for a given public purpose. However, compensation should be paid to any person who suffers damage as a result of such actions.

The Land Acquisition Act stops at payment of compensation to affected people. In Uganda, it is not a legal requirement for a project to purchase alternative land for affected people. Once affected people are promptly and adequately compensated, the project proponent's obligations stop at this extent and there is no legal requirement or provision that people should be moved or provided with

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<sup>5</sup> [Status of Local Governments](#). Ministry of Local Government, 2 Aug 2010.

alternative land. Therefore, in Ugandan legal context, once people are compensated, they are expected to vacate affected properties without further claim.

## 3.2 PROPERTY AND LAND RIGHTS IN UGANDA

Land tenure in Uganda is governed by statutes such as the 1995 Constitution, the Land Act 1998 and the Land Acquisition Act 1965. Annex 13 of the CEDP Project Appraisal Document (PAD) provides a detailed description of the land tenure system in Uganda. The following section summarizes the key issues.

### 3.2.1 Land tenure systems under the 1995 Constitution

Article 237. (1) of the Constitution vests all land in Uganda to the citizens of Uganda. However, under Article 237 (1) the government or a local government may acquire land in the public interest. Such acquisition is subject to the provisions of Article 26 of the same constitution, which gives every person in Uganda a right to own property. The constitution also prescribes that land in Uganda will be owned in accordance with following land tenure systems: Customary, Freehold, Mailo, and Leasehold (refer to Table 3.1).

It provides procedures to follow during the acquisition of land for public interest and provides for prompt payment of fair and adequate compensation prior to taking possession of land. The constitution is however silent on resettlement and compensation.

Table 3.1 Description of land tenure systems under the 1995 Constitution

Type of land tenure system	Description
Customary	Customary tenure is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies and is not governed by written law. Land is owned in perpetuity. Customary occupants are occupants of former public land and occupy the land by virtue of their customary rights; hence, they have proprietary interest in the land and are entitled to certificates of customary ownership. Certificates of customary ownership may be obtained through application from the Parish Land Committee with an eventual issuance from the District Land Board.
Freehold	The freehold tenure derives its legality from the constitution and its incidents from the written law. It involves the holding of land in perpetuity or a term fixed by a condition and enables the holder to exercise, subject to the law, full powers of ownership.
Mailo	Mailo tenure has roots in the allotment of land pursuant to the 1900 Uganda Agreement. It derives its legality from the constitution and its incidents from written law and involves the holding of land in perpetuity. The system permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant. Moreover, this system enables the holder to exercise all powers of ownership, subject to the rights of those persons occupying the land at the time of the creation of the mailo title and their successors.
Leasehold	This system is created either by contract or by operation of the law and is a form under which the landlord or lessor grants the tenant or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land.

### **3.3 LAND ASSET CLASSIFICATION, VALUATION AND COMPENSATION**

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

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

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

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

#### **3.3.1 Valuation for State Owned Land**

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

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

#### **3.3.2 Valuation for Customary Land**

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

- The communities would be compensated for assets and investments (including labor, crops, buildings, and other improvements) according to the provisions of the resettlement plan,
- Compensation rates would be replacement costs as of the date that the replacement is to be provided.
- The market prices for cash crops would have to be determined and used,
- Calculations for compensation would not be made after the cut-off date, in compliance with this policy,
- For community land held under customary law, the permanent loss of any such land will be covered by compensation in kind to the community.

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

### **3.3.3 Calculation of Compensation**

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

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

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

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

### **3.3.4 Compensation for Land**

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

### **3.3.5 Determination of Crop Compensation Rates**

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

## **3.4 DISPUTE RESOLUTION AND GRIEVANCE MECHANISM**

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

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

### **3.5 PROCEDURES FOR RESETTLEMENT ACCORDING TO THE WORLD BANK OP 4.12**

The World Bank OP 4.12 applies to all components of the CEDP 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.

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

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

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

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

Table 3.2 outlines the gaps between Uganda law and World Bank requirements for resettlement and compensation. It is clear in the comparison that the OP 4.12 offers more reasonable and/or fair

benefits and recognition to PAPs than Ugandan law; therefore in cases where benefits are greater, OP 4.12 will apply and in all cases, the higher of the two standards will be followed in the RPF.

Table 3.2: Comparison of Ugandan Laws and the World Bank Policies on Resettlement and Compensation<sup>6</sup>

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
Land Owners	<p>The Constitution of Uganda, 1995 vests all land directly in the Citizens of Uganda, and states that every person in Uganda has the right to own property. Ugandan law recognizes four distinct land tenure systems, customary tenure, freehold tenure, leasehold tenure, and mailo tenure.</p> <p>Customary land is owned in perpetuity and is governed by the customary laws by the peoples who have customary tenure. These people have propriety interest in the land in perpetuity 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).</p> <p>Customary land owners are entitled to compensation based on the open market value of the unimproved land</p>	<p>Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas</p> <p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>	<p>The legal right to resettlement is applicable only to those with proprietary interest in the affected land.</p> <p>Customary land holds property and ownership.</p> <p>Entitlement for payment of compensation is essentially based on the right of ownership or legal user/occupancy rights.</p>	<p>Market value is based on recent transactions and thus if alternative property is purchased within a reasonable period of the payment of compensation, it is likely that market value will reflect replacement value. However, local inflation in price land or construction materials can affect what is determined as replacement cost. If this is not reflected in recent transactions, market value may not reflect replacement value.</p> <p>Ugandan law allows for other alternatives which includes: cash compensation and experience shows that it is the most preferred option</p>

<sup>6</sup> The higher of the two standards will be followed in the RPF.



Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
Land Tenants/Squatters	<p>Ugandan law does not make any specific accommodation for squatters or illegal settlers, and compensation is based on legal occupancy. (lawful or bonafide occupancy)</p> <p>Leasehold tenure is created either by contract or by operation of the law. The landlord grants the tenants or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenants or lessee has security of tenure and a proprietary interest in the land.</p> <p>The Land Act treats lawful occupants and bonafide occupants as statutory tenants of the registered owner. Under Section 29 of the Land Act, "lawful occupant" means a person who entered the land with the consent of the registered owner, and includes a purchaser; or a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title. "Bona fide occupant" means a person who before the coming into force of the Constitution had occupied and utilised or developed any land unchallenged by the registered</p>	<p>Squatters and encroachers are persons without legal titles to the land and structures occupied / used by them. The term 'squatters' is typically used for those occupying structures for residential / commercial purposes, while 'encroachers' are those occupying land for agriculture. OP 4.12 explicitly states that the affected persons cannot be denied compensation /resettlement assistance based on the lack of legal title. Bank projects, therefore, need to make provisions for helping squatters / encroachers achieve the objectives of the Bank's resettlement policy.</p> <p>For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihoods.</p>	<p>There is no distinction or discrimination made on the basis of gender, age, or ethnic origin between Ugandan law and Bank policy. However, there is no explicit equivalence on the specific requirements for enforcing non-discrimination, including the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.</p> <p>Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.</p>	<p>Ugandan law provide compensation to legal and non-legal land owners, and to legal users of affected property.</p>

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	<p>owner or agent of the registered owner for twelve years or more; or had been settled on land by the Government or an agent of the Government, which may include a local authority.</p> <p>For the avoidance of doubt, a person on land on the basis of a licence from the registered owner shall not be taken to be a lawful or bona fide occupant under this section. Any person who has purchased or otherwise acquired the interest of the person qualified to be a bona fide occupant under this section shall be taken to be a bona fide occupant for the purposes of this Act.</p>			
Land Users/Licensees	<p>Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land.</p> <p>The Land Act, section 29(5) clearly states that for the avoidance of doubt, a licensee shall not taken to be a lawful or bonafide occupant</p>	Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between Bank and Ugandan systems for identifying and addressing impacts resulting from project related activities.	<p>Land users will be compensated whatever the legal recognition of their tenure/occupancy. If tenants have no legal land title deed, they will compensate for crops or any improvements they have made to the land.</p> <p>Relocation assistance will be provided.</p>
Owners of non-permanent buildings	Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for	There appears to be a significant difference between Ugandan laws and Bank policy. Those without formal legal rights or claims to such lands and/or semi-permanent	Project will provide compensation based on replacement value. This will include the payment of government valuation rates and payment of a disturbance

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	from the ownership of developments on land made by a lawful occupant. Owners of non-permanent buildings are entitled to compensation based on rates set by District Land Boards.	resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.	structures are not entitled to resettlement assistance or compensation.	allowance
Owners of permanent buildings	Valuation of buildings is based on open market value for urban areas and depreciated replacement cost in the rural areas.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	Values based on depreciated replacement cost do not reflect full replacement cost/value	Project will provide compensation based on replacement value. This will include the payment of government valuation rates, the payment of a disturbance allowance, and a top up allowance (based on the current inflation rate) to compensate for the rise in construction materials.
Timing of compensation payments	Once the assessment office takes possession, the land immediately becomes vested in the Land Commission, according to the Land Acquisition Act. However the Land Act Cap 227 (section 42) provides compulsory acquisition must comply with the provisions of the Constitution(article 26)	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	Project to pay prompt, adequate and fair as per Ugandan law.
Calculation of compensation and valuation	According to the Land Act, Cap 227 (section 77), the value of customary land shall be the open market value of the unimproved land. Value of the buildings shall be at open market value for urban	Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing,	There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure.  The basis of compensation	Market value is based on recent transactions and thus if alternative property is purchased within a reasonable period of the payment of compensation, it is likely that market value will reflect

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	<p>areas and depreciated replacement cost for rural areas. The crops and buildings of a non-permanent nature are compensated at rates set by District Land Boards.</p>	<p>or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.</p>	<p>assessment is not stated in the Land Acquisition Act (an old law due for review), although the Constitution provides for 'prompt, fair and adequate' compensation. (article 26)</p>	<p>replacement value. However, local inflation in price land or construction materials can affect what is determined as replacement cost. If this is not reflected in recent transactions, market value may not reflect replacement value.</p>
Relocation and resettlement	<p>Both The Constitution, 1995 and The Land Act, 1998 gives the government and local authorities power to compulsorily acquire land. The Constitution states that "no person shall be compulsorily deprived of property or any interests in or any right over property of any description except" if the taking of the land necessary "for public use or in the interest of defense, public safety, public order, public morality or public health."</p>	<p>To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</p>	<p>Ugandan laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement</p>	<p>Project will provide compensation based on replacement value. This will include the payment of government valuation rates and payment of a disturbance allowance</p>
Completion of resettlement and compensation	<p>Privately owned land's value is negotiated between the owner and the developer. In rural areas, land is valued at open market value, buildings are valued at replacement cost, and a 15% to 30% disturbance allowance must be paid if six months or less notice</p>	<p>Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.</p>	<p>There is no equivalence between Ugandan law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.</p>	<p>The project will conform to WB and best practices during implementation of the RAP.</p>

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	is given to the owner.			
Livelihood restoration and assistance	There are no explicit provisions under resettlement or relocation for livelihood assistance.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better	Ugandan policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement.	The project will provide transition allowance.
Consultation and disclosure	There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries (e.g. roads and energy). The Land Acquisition Act, however makes provision for an enquiry whereby the affected person can make formal written claim and the assessment officer is obliged to conduct a hearing before making his award.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy.	No gap.
Grievance mechanism and dispute resolution	The Land Act, 1998 states that land tribunals must be established at all districts. The Land Act empowers the Land Tribunals to determine disputes and it provides for appeal to higher ordinary courts. The Land Acquisition Act provides for the aggrieved person to appeal to the High Court.  Section 70 (2) of the Electricity Act provides the procedures for determining disputes which relate to a claim for compensation. A	Establish appropriate and accessible grievance mechanisms.		Grievance committees to be instituted if procedure will not replace the existing legal process in Uganda rather it seeks to resolve issues quickly so as to expedite receipt of entitlements and smooth resettlement without resorting to expensive and time-consuming legal action. If the grievance procedure fails to provide a settlement, complainants can still seek legal redress.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	claim for compensation should be lodged with the Electricity Regulatory Authority (ERA). A person aggrieved by the decision of ERA can appeal to the Electricity Disputes Tribunal.			

## 4. ESTIMATED POPULATION DISPLACEMENT AND ELIGIBILITY CATEGORIES

### 4.1 POTENTIAL LAND ACQUISITION AND AFFECTED PERSONS

Given the proposed project activities and the experience with similar projects such as the PSCP II, there are no major resettlement expected as a result of physical interventions proposed under the CEDP; however, in the event that issues of land acquisition or displacement arise, the RPF includes provisions to address these and to compensate affected persons accordingly.

#### 4.1.1 Potential land acquisition associated with physical interventions to be financed under the CEDP

Based on the consultations held with the Proponents for the HTTI in Jinja and the District Land Offices in Luwero, Mityana, Soroti, Kabale, Rukungiri, Tororo, and Moroto and follow up site visits, development of the sites will not result in any resettlement since the land is owned by the local government and land titles have been issued. Copies of land titles are attached as annexes to the ESIA. For Mpigi and Mukono district land offices, ESIA are still under preparation; once the reports are complete, findings of the site visits will be included in the RPF.

The following table provides a description of the site in each district and current ownership and land title status.

**Table 4.1: Landownership and Tenure for HTTI Jinja and District Land Offices**

Subproject and District	Site description, tenure and land ownership
HTTI in Jinja	<p>The proposed project is a five floor storied hotel consisting of 120 residential rooms including, reception, administration unit, conference hall, bar cum lounge, restaurants dining hall, a kitchen, ladies and gent's toilets, four rooms for disabled service block facilities complete with eighty parking bays. The ground floor shall consist of a main entrance porch, the administration unit, passages, a conference room, a bar general ladies and gents toilets with provision to serve the disabled. There shall also be provision for a stairwell to access to upper rooms and a cellar beneath the bar. Detached from the main building will be twenty-five cottages.</p> <p>There shall be provision for drainage, plumbing and electrical installations in all the rooms. The floors shall be covered with wall-to-wall tiles to cushion the operations on them. The compound shall consist of a driveway with cabro block on hardcore base complete with drainage, landscaping and staff passageway, a perimeter wall to surround the hotel compound, a parking facility for eighty vehicles, a fountain, seating area along the stream flow, fish pond, and inward facilities and staff amenities. There shall also be a provision for a 30,000 litre underground water tanks.</p> <p>The Proponent owns the site, approximately 1.5.6 ha in size, on a lease term of 49 years with possibilities of an extension and has a title deed for the land which is identified as plot 6-9 Hannigton Square along Nalufenya road and Jackson crescent. However, the hotel also acquired permission to use plot 3-5 Nalufenya road for recreational purposes. The system of land tenure in the project area is Leasehold. Land use in this area is planned as a hotel and institutional area according to the Jinja Municipal Structure 2008-2018. Crested crane hold a title and lease hold for all the land currently used by the institute.</p>

Subproject and District	Site description, tenure and land ownership
	The neighborhood is comprised of mainly residential houses and institutions. Some of the institutions in the immediate neighborhood include; Bilkon Hotel, Deliverance Church, 2 Friends Hotel and Riverside Secondary School.
District Land Office in Luwero	<p>The site is located on plot 358 Bukalasa village, Katikamu Sub County, Luwero District measuring 0.95 ha.</p> <p>The office facility will comprise one office block with six major offices and a car park. Each of these structures will have specific design and dimensions. The office block will be of the same design and different dimension i.e District Registrar's office 13 sq.m, District Physical Planner's Office 28 sq.m District Valuers office 13 sq.m. with a total of 750 sq.m. The office block will consist of a single floor. The design includes a main entry hall and verandah, storin room, boardroom, and staff washrooms.</p> <p>The plot has one big building enclosed with a chain link fence and a gate which serves as the current land offices. The rest of the plot is a composed of unmaintained open grassland. The site is ready for construction once the project kicks off. The land title has been issued under the Luwero Local Government.</p>
District Land Office in Mityana	<p>The proposed site of the development is located on plot 148 Singo, Block 907, Ddanya Kunya village, East Ward, Mityana Town Council, Mityana District. The office facility will comprise one office block with six major offices and a car park. Each of these structures will have specific design and dimensions. The office block will be of the same design and different dimension i.e. District Registrar's office 13 sq.m, District Physical Planner's Office 28 sq.m District Valuers office 13 sq.m. with a total of 750 sq.m of office facilities. The office block will consist of a single floor. The design includes a main entry hall and verandah, storing room, boardroom, and staff washrooms.</p> <p>The site is an open vacant land with modified vegetation located along the road leading to Busimbi Sub County and is also home for the proposed Mityana District Headquarters. The site is ready for construction once the project kicks off. The land use at the proposed site is largely subsistence agriculture and covers an area of 0.4 ha. The land was already surveyed and the title to the site is ready.</p>
District Land Office in Tororo	<p>The proposed development is located on Plot 2-4 on District Road, Tororo Municipality measuring an area of approximately 0.283 hectares. The site is within the civic Centre next to the district headquarters. Access to the site will be through District Road.</p> <p>The facility will comprise of one office block with five major offices with different dimensions (Schedules of Accommodation) which include: District Land Valuers office (13 square metres), District Surveyors office (13 sq.m), District Land Registrar's office (13 Sqm), District Land Officers office (13 sq.m), District Physical planners office (18 sq.m) and a car park. The car park will be designed to accommodate about eight cars. The office block will consist of a single floor. The design includes a main entry hall and verandah, storing room, boardroom, and staff washrooms. The land is owned by the District and a title is available.</p>
District Land Office in Soroti	<p>The proposed development is located on plot 26 on Central Avenue, Soroti Municipality measuring an area of approximately 0.565 hectares. The site is within the civic centre, part of the plot is currently housing the Soroti district lands office and bordered by the Uganda National Roads Authority (UNRA) offices. The proposed area is primarily located within the planned civic land use of the town which is clearly designated within the Soroti Municipal Structure Plan (2007-2017). The land title has been issued under the Soroti Local Government.</p> <p>There is no indication that there is likely to be any conflict over the office block</p>



Subproject and District	Site description, tenure and land ownership
	since the area is surveyed with a title in the names of Soroti District Local government.
District Land Office in Rukungiri	<p>Plot 336 block 5 at the Junction of Rwamahwa and Ishaka Road is located within a civic and mixed low density area of the town. The office block will be of the same design and different dimensions i.e. District Registrar's office 13 sq.m, District Physical Planner's Office 28 sq.m District Valuers office 13 sq.m. and a total of 450 sq.m, of the office facilities. The office block will consist of a single floor. The design includes a main entry hall and verandah, storing room, boardroom and staff washrooms.</p> <p>There is no indication that there is likely to be any conflict over the office block since issues to do with the final plot subdivision are being finalised by the respective Rukungiri local government and later the file will be submitted to the MLHUD for final approval and titling.</p>
District Land Office in Kabale	<p>The office block will be of the same design and different dimensions i.e. District Registrar's office-13 sq.m, District Physical Planner's Office-28 sq.m, and District Valuers office-13 sq.m and a total of 450 sq.m of the office facilities. The office block will consist of a single floor. The design includes a main entry hall and verandah, storing room, boardroom and staff washrooms.</p> <p>There is no indication that there is likely to be any conflict over the office block. The proposed site already has a land title in favor of Kabale district local government.</p>
District Land Office in Moroto	<p>The development is to be located on a parcel of land that will be carved from a bigger plot, which according to District sources is owned by Moroto District local government and covers 0.27 hectares. The ground is flat with some trees and access to the plot is from Lorika Road, Moroto Municipal Council. The project area is already zoned as a civic area as per the Moroto Municipal Council Structure Plan 2008-2018.</p> <p>The office block will be of the same design and different dimension i.e. District Registrar's office 13 sq.m, District Physical Planner's Office 28 sq.m, District Valuers office 13 sq.m with a total of 750 sq.m, for the office facilities. The office block will consist of a single floor. The design includes a main entry hall and verandah, store room, boardroom, and staff washrooms.</p> <p>There is no indication that there is likely to be any conflict over the office block since the area is surveyed with a title in the names of Moroto District Local government. The land title has been issued under the Moroto Local Government.</p>
District Land Office in Mpigi	ESIA for the project is under preparation.
District Land Office in Mukono	ESIA for the project is under preparation.

#### 4.1.2 Potential land acquisition associated with the Matching Grant Program investments

It is unlikely that major resettlement will result from investments made under the MPG, as the focus of the program is to improve enterprise creation and growth, particularly in MSMEs. In addition, grants are focused on activities such as production techniques and technologies aimed at raising the skills, standards, and quality of firms in export supply chains, including enhancing the technologies of the selected sectors, so as to meet international standards based on demonstrated export orders. High-value agriculture export crops, particularly those produced by women, will be targeted.

However, some of the investments will be targeted at activities such as support to MSMEs to establish community-based tourism such as accommodation and retail outlets. In the eventuality that an investment may lead to land acquisition or involuntary resettlement, a RAP will have to be prepared as a requirement for approval of the grant.

## 4.2 ELIGIBILITY CRITERIA

### 4.2.1 Affected Parties

Affected groups under the CEDP and in line with the definitions outlined in the national legislation and OP 4.12, can be organised into the following:

- (i) Affected Individual – An individual who suffers loss of assets or investments, land and property and/or access to natural and/or economic resources as a result of the subproject activities and to whom compensation is due. For example, an affected individual is a person who farms a land, or who has built a structure on land that is now required by a sub project for purposes other than farming or residence by the initial individuals.
- (ii) Affected Household – A household is affected if one or more of its members is affected by sub-project activities, either by loss of property, land, loss of access, or otherwise affected in any way by project activities. This provides for:
  - any members in the households, men, women, children, dependent relatives and friends, tenants;
  - vulnerable individuals who may be too old or ill to farm along with the others;
  - relatives who depend on one another for their daily existence;
  - relatives who may not eat together but provide housekeeping and other domestic chores, and
  - other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.
- (iii) Affected local community – A community is affected if project activities affect their socio-economic and/or social-cultural relationships or cohesion. For example project activities could lead into such improvement of socio-economic welfare that class-consciousness arises coupled with cultural erosion etc. This is not likely given the anticipated scale of the CEDP subprojects, but must be taken into account.
- (iv) Vulnerable Households – Vulnerable households may have different land needs from most households or needs unrelated to the amount of land available to them, e.g.:
  - unmarried women;
  - non-farming residents;
  - the elderly;
  - the infirm or ill;
  - ethnic minorities;
  - indigenous peoples; and orphans.

## 4.3 ELIGIBILITY FOR COMPENSATION

Fixing eligibility criteria for entitlement purposes is essential for the resettlement/ rehabilitation process and compensation payments. For this reason property inventories with other relevant socio-economic surveys, and fixing a cut-off-date after proper consultation and announcement, is instrumental to avoid unnecessary and sometimes fraudulent claims for compensation.

According to the World Bank OP 4.12 procedures, the following project affected citizens will be eligible for compensation:

- a) Those who have formal rights to land (including customary and statutory rights of occupancy recognized under Ugandan law)
- b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets provided that such claims are recognized under Ugandan laws, or become recognized through a process identified in the resettlement and compensation plan; and
- c) Those who have no claim to land they are occupying or using.

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

Therefore, it is clear that all affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for some kind of assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the assessment of persons and their property in the area is carried out, i.e. the time when the project area has been identified and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. Persons who encroach on the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

#### **4.4 METHOD TO DETERMINE CUT-OFF DATES**

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

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

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

## 4.5 VALUATION OF AFFECTED ASSETS

### 4.5.1 Types of Compensation Payments

Individual and household compensation will be made in kind and/or in cash (refer to Table 4.2). Although the type of compensation may be an individual's choice, compensation in kind will be preferred, if the loss amounts to more than 20% of the total loss of assets.

Table 4.2 Forms of compensation

Type of Compensation	Description
Cash Payments	Compensation will be calculated and paid in Ugandan Shillings. 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 labour

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

Making cash payments raises issues regarding inflation and security that have to be considered. Cash payments must allow for inflationary adjustments of compensation values. Security, for people who will be receiving cash compensation payments will need to be addressed by the local administration. These are some of the reasons why compensation in-kind will be preferred. For payment of compensation in-kind, the time and new location will have to be decided and agreed upon by each recipient, in consultation with the District and Municipal Compensation and Resettlement Committees.

## 4.6 COMPENSATION CALCULATIONS FOR ASSETS AND ASPECTS

Compensation for all land use and assets must be made, including for:

- cultivated land and crops;
- residential buildings, structures and fixtures;
- sacred sites;
- vegetable gardens;
- horticultural, floricultural and fruit trees;
- other domestic cash crops and fruit trees; and
- loss of businesses or employment.

In addition, relocation and assistance allowances will be given to those who are required to move off their land.

### 4.6.1 Rules for Compensation

The compensation for land will be in accordance with Ugandan laws and regulations.

- The amount of compensation for property situated on the expropriated land and for permanent improvements to the land;
- Compensation for permanent improvement to land shall be equal to the value of capital and labour expended on the land;
- The cost of removal, transportation and erection shall be paid as compensation for a property that could be relocated and continue its service as before.

In addition to compensation assessed under this section, there shall be paid as a disturbance allowance 15 percent or, if less than six months' notice to give up vacant possession is given, 30 percent of any sum assessed under subsection (1) of the Land Act.

#### 4.6.2 Compensation for Cultivated Land and Crops

Compensation for land is aimed at providing for loss of crop and the labour used to cultivate the crop. The term "Land" refers to an area or homestead in cultivation, being prepared for cultivation, or cultivated during the last agricultural season. This definition recognizes that the biggest investment a farmer makes in producing a crop is his or her labour. As a result, compensation relating to land will cover the rates for labour invested, as well as the replacement cost of the crop lost.

The first premise of land compensation, depending on the availability of land, will be on a land-for-land basis, provided that the land available is of equal or better quality in terms of plough ability and yield. If receiving land as compensation, the affected party will then be compensated for the labour required to replant the crops.

#### 4.6.3 Determination of Labour Compensation

The labour cost for preparing replacement land is calculated on what it would cost a farmer to clear and create replacement land. This value is found by adding together the average costs of clearing, ploughing, sowing, weeding twice, and harvesting the crop. Labour costs will be paid in Ugandan Shillings at the prevailing market rates.

The Table 4.3 below provides an example of a compensation schedule for a one-hectare plot of land. The monetary values will need to be availed at the time that the payments are made.

Table 4.3 Examples of Land Compensation Schedule of Payments

<b>Activity</b>	<b>Month Paid</b>	<b>Labour in Ugandan Shillings/ha Rate per day x number of days</b>
Clear	March	To be determined
Plough	May	To be determined
Sow	May	
Weed	May	To be determined
Harvest	November	To be determined
<b>Total</b>		<b>To be determined</b>

#### 4.6.4 Land measurement

The unit of measurement for land will be that which is used and understood by the affected persons. Therefore if a traditional unit of measurement exists in the rural areas, that unit shall be used. If a traditional unit of measurement does not exist, it is recommended that land should be measured in meters or any other internationally accepted unit of measurement. In such cases, the unit that is being used must be explained to the affected farmers/users.

The unit of measurement must be easily related to recognizable land features that the communities are familiar with, such as relative location of trees, stumps and other fixed features on the sites. Understanding the unit of measurement ensures that the affected person is able to verify his/her own size of land that is being lost. This maintains transparency in the process and avoids subsequent accusations for wrong measurements or miscalculation of land areas.

#### 4.6.5 Compensation for Crops, Fruit Trees, and Other Economically Valuable Trees

District compensation rates are applied to derive compensation values for crops, fruit trees, flowers and shrubs owned by project-affected persons. According to Ugandan compensation regulations, annual crops which could be harvested during the period of notice to vacate given to land landowners/ occupiers are excluded in determining compensation values. The valuation rates for crops takes into account the possible income generated from crops.

The price for cash crops, fruit trees, and trees considered economically valuable (e.g. banana, avocado, and guava) will be determined as the average market price over the previous year, corrected for inflation. The price for subsistence crops will be determined as the highest value of the previous year, corrected for inflation.

Crop values will be determined based on:

- a combination of staple foods and cash crops. Specifically, the 80/20 ratio of land that a farmer typically has in food crops and cash crops is used to determine the chances s/he would lose food crop rather than a cash crop income.
- the value of staple crops to be taken as the highest market price reached during the year, in recognition of these factors:
  - although most farmers grow staple crops mainly for home consumption, they always have the option of selling these crops to take advantage of the market.
  - farmers most often purchase cereals when they have run out, during the “hungry season” when prices are high. Compensating at a lower value might put the individual or household at risk.
  - Averaging the highest price of staple foods yields a high per hectare value that reimburses for the vegetables and other foods that are commonly inter-cropped with staples, but are almost impossible to measure for compensation.

In Uganda, crops and trees are valued using district compensation rates provided by District Land Boards. These rates are normally submitted to the office of the Chief Government Valuer for consideration and approval for each particular year. In cases where District Authorities have not fulfilled their obligations to compile or review these rates and a particular project takes place in that District, then, valuation will be done based on rates of the neighbouring districts. Each type of crop is to be compensated for, using the same rate. Calculating compensation using one rate guarantees uniformity and allows anyone to measure the area of land for which

compensation is due and to multiply the area by the one rate known to all. Table 4.4 provides example rates based on compensation at market value.

**Table 4.4 Examples of Compensation Rates for Crops Based on Market Values**

	Shillings/kg*	Average yield per Hectare (kg)
Barley	This information could not be obtained at this time.	1500
Maize	600,000 UGX per acre of mature/ready to harvest 450,000 UGX per acre of young/still in garden crop	2500
Sesame	600,000 UGX per acre of mature/ready to harvest 300,000 UGX per acre of young/still in garden crop	400
Sorghum	400,000 UGX per acre	1000

\*NB: These rates are based on farm gate prices. It is essential that current market values are applied. In addition, there is a disturbance allowance of 30% in each of the cases mentioned.

#### 4.6.6 Compensation for Vegetable Gardens

These are planted with vegetables and ingredients for daily use. Until a replacement garden starts to bear, the family displaced as a result of the project land will need to purchase these items in the market. The replacement costs, therefore, will be calculated based on the average amount that an average town dweller spends on buying these items for one year per adult from the local market.

#### 4.6.7 Compensation for Residential Buildings, Structures and Fixtures

Full Replacement Cost method will be used to determine the value of the affected structures. The Full Replacement Cost method of valuation seeks to facilitate the owner of the structure to develop a similar or an improved structure at current market costs in another location. The full replacement was reached at by the provision of a 15% disturbance allowance based on the total asset value. This allowance is expected to assist the PAPs in covering for: (i) transportation costs; (ii) labour costs; (iii) transactional costs; and (iv) legal fees where applicable.

Compensation will be paid by replacing structures such as houses, farm outbuildings, latrines and fences. Any homes lost will be rebuilt on acquired replacement land, however cash compensation would be available as a preferred option for structures (i.e. extra buildings) lost that are not the main house or house in which someone is living. The going market prices for construction materials will be determined. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The Project will survey these prices for administrative purposes on an ongoing basis.

Compensation will be made for structures that are:

- Abandoned because of relocation or resettlement of an individual or household; or
- Directly damaged by construction activities.

Replacement values will be based on:

- Drawings of individual's household and all its related structures and support services;
- Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different

types of structures (e.g. poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.) For vulnerable groups identified in earlier section of this RPF, replacement values will be based on actual replacement cost;

- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to acquired/replacement land or building site;
- Estimates of construction of new buildings including labour required.

#### **4.6.8 Compensation for Sacred Sites**

To avoid any possible conflicts between individuals and/or communities, the use of sacred sites for any subproject activity should not be permitted under the CEDP and alternative locations should be assessed.

Sacred sites include but are not restricted only to altars, initiation centers, ritual sites, tombs, and cemeteries. They include other such sites, places or features that are accepted by practice, tradition and culture as sacred.

#### **4.6.9 Compensation for Loss of Businesses or Employment**

Compensation for businesses (e.g. grinding or flour mills, kiosks, coffee houses and local eating and drinking places) will be estimated based on the daily or monthly income of the affected parties.

### **4.7 METHODS OF VALUATION**

The valuation of assets will be carried out by certified private or public institutions or individual consultants on the basis of valuation formulae adopted at the national level. This will be based on the replacement cost of the asset at market rates. Compensation will be in the form of cash payments, in-kind compensation and assistance such as a moving allowance, transportation and labor. Affected people will be consulted as to what types of compensation they choose, although this will be accompanied by encouraging people to choose in-kind compensation, particularly if the affected people are not used to dealing with relatively large sums of money.

Compensation will be determined by taking all assets into account. This will include compensation for rural and urban assets, including land, crops, trees, buildings and structures, sacred sites, vegetable gardens and beehives, horticultural, floricultural and fruit trees, and other domestic cash crops and fruit trees. This will be determined according to the unit costs as provided in the national regulations, and until then, on unit costs according to current market prices.

## **5. RAP PREPARATION, REVIEW AND APPROVAL**

This RPF provides a framework for resettlement associated with the CEDP. 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.



## 5.1 OVERALL PROCESS

The steps to be undertaken for each individual RAP include a screening process, a socio-economic census and land asset inventory of the area and identification of PAPs. This will be followed by the development of a RAP, RAP review and approval, implementation of the RAP and monitoring of RAP implementation.

Throughout this process, consultation and public disclosure will take place with PAPs, ensuring that the affected persons are informed about the intentions to use the site for the CEDP subproject. Consultation must ensure that affected persons are made aware of their options and rights related to resettlement and compensation, alternatives for resettlement sites, the RAP process and proposed dates for resettlement and compensation, compensation rates at full replacement cost and proposed measures to maintain or improve standards of living. They must also be aware of and have access to a grievance mechanism for dissatisfactory resettlement and compensation processes.

## 5.2 SCREENING

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

- (i) All potential PAPs should be identified (through a screening exercise) and informed about their options and rights pertaining to compensation for land and assets to be acquired by the sub-project(s);
- (ii) PAPs must be consulted about land acquisition and compensation and offered technical and financial options, including the most economically feasible alternatives; and
- (iii) PAPs should receive reasonable compensation at full replacement cost for losses of assets and access attributable to the sub-project.

### 5.2.1 Screening

The first step in the process of preparing individual resettlement and compensation plans is the screening process to identify the land/ areas that may result in environmental and social impacts, including resettlement. Subproject screening is used to identify the types and nature of potential impacts related to the activities proposed under the CEDP, and provide adequate measures to address the impacts. It also ensures that the proponent, in consultation with the local community members, chooses a site with the least environmental and social impacts, and lowest chance of resettlement.

The screening process presented below will ensure that subprojects presented for CEDP funding comply with the requirements of OP 4.12 and Ugandan law. It is recommended that the Screening Form provided in the CEDP ESMF be used for this purpose in order to reduce the number of management tools that implementing agencies have to use during the project preparation stage.

Screening will be undertaken by the relevant District and Municipal authority proposing the subproject with the use of the screening tool as attached to the ESMF and provided in the RPF as Annex 5. The MGF Unit will also use the screening form when screening grant applications. This will be part of the environmental and social screening process for each subproject as detailed in the

ESMF. It will take place as early in the subproject process as possible and will identify land-take that will require resettlement. This will be in consultation with the PAPs to ensure that it takes all considerations into account and all potential impacts are identified.

This will then be submitted to the PCU for review. Should the screening process show that resettlement is required, the next step will be to conduct a socio-economic survey and land asset inventory to determine the extent of resettlement required. This will be followed by the preparation of a RAP for the subproject.

## **5.2.2 Socio-economic Survey and Asset Inventory**

An important aspect of preparing a RAP is to establish appropriate data to identify the persons who will be displaced by the individual subproject, people eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits.

In essence, the census will achieve the following:

- provide initial information on the scale of resettlement to be undertaken;
- identify gaps in information and gives an indication of further socio-economic research needed to quantify losses to be compensation and, if required, to design appropriate development interventions; and
- established indicators that can be measured at a later date during monitoring and evaluation.

The socio-economic survey will be undertaken by the relevant District and Municipal authority handling each subproject. It will be accompanied by a land asset inventory to determine what assets will need to be compensated for during the resettlement process.

## **5.3 RAP PREPARATION AND APPROVAL**

As soon as the list (sub-projects) is approved by the responsible agency implementing the CEDP, a consultative and participatory process for preparing a RAP will be started, as follows:

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

### **5.3.1 Socio-Economic Assessment**

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

Most socio-economic assessments use surveys, focus group meetings, and participatory appraisal tools for measuring impacts. A separate assessment must be made for each sub-project.

Additionally, since a baseline household survey was completed during RAP preparation, the end-RAP assessment can measure changes from this baseline.

### 5.3.2 Preparing the RAP

The basic elements of a RAP, as outlined in OP 4.12 are provided in Annex 6 and summarized in Box 5.1. The RAP will be prepared by the District Land Office (ie Proponent) through a third-party/Consultant if necessary.

#### Box 5.1 Contents of a RAP

- 
1. Identification of project impacts and affected populations;
  2. Legal framework for land acquisition and compensation;
  3. Compensation framework;
  4. Description of resettlement assistance and restoration of-livelihood activities;
  5. Detailed budget;
  6. Implementation schedule;
  7. Description of organizational responsibilities;
  8. Framework for public consultation, participation, and development planning;
  9. Description of provisions for redress of grievances; and
  10. Framework for monitoring, evaluation, and reporting
- 

The following guidelines are used when a RAP is developed.

*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. Consultation and participation by the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the CEDP activities, facilities and structures and their options associated with this.

It is essential that the affected persons are made aware of, and understand:

- their options and rights pertaining to resettlement and compensation;
- specific technically and economically feasible options and alternatives for resettlement sites;
- process of and proposed dates for resettlement and compensation;
- effective compensation rates at full replacement cost for loss of assets and services; and
- proposed measures and costs to maintain or improve their living standards.

- (i) Disclosure and notification. All eligible PAPs are informed about the CEDP and the RAP process. Land holders and 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 Village Head or his representative. In addition, the Compensation Committees and affected landholders and users will accompany a survey teams to identify sensitive areas. 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.

- (ii) Documentation and verification of land and other assets. The government authorities at both national and local levels; community elders and leaders; representatives from the MHLUD (including the designated PCU Environmental/Social Scientist) 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). Dossiers will be kept current and will include documentation of lands surrendered. Each individual will be provided a copy of the dossier at the time of negotiations. This is necessary so that the resettlement process pertaining to each individual PAP can be monitored over time. All claims and assets will be documented in writing and will be regularly updated and monitored.
- (iii) 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, the MHLUD will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. Table 5.1 below provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.
- (iv) Community payments. Although most sub-projects do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a sub-project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation of wells or pumps; creation of market places; and reconstruction of community roads.

Table 5.1: Entitlement and Compensation Matrix

Type of Impact	Entitled Person	Compensation Entitlement
<b>AGRICULTURAL LAND (RURAL)</b>		
<b>No displacement:</b> Cash compensation for affected land equivalent to market value. If less than 20% of land holding affected, the remaining land remains economically viable	Farmer/ title holder	Cash compensation for affected property equivalent to market value
	Tenant/ lease holder	Cash compensation for the harvest of the affected land equivalent to average market value of last 5 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
<b>Displacement:</b> More than 20% of land holding lost OR Less than 20% of land holding lost but remaining land not economically viable	Farmer/title holder	Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs.  Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short-term crops mature ) Relocation assistance (costs of shifting + assistance in reestablishing economic trees + allowance up to a maximum of 12 months while short-term crops mature )
	Tenant/ lease holder	Cash compensation equivalent to average of last 5 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/lease agreement, whichever is greater.  Relocation assistance (costs of shifting + allowance).
	Rental/lease holder	Cash compensation equivalent to local average of 6 months' salary Relocation assistance (costs of shifting + allowance) Assistance in getting alternative employment.
<b>RESIDENTIAL LAND (URBAN)</b>		
<b>No displacement:</b> Land used for residence partially affected, limited loss, and the remaining land remains viable for present use	Title holder	Cash compensation for affected land
	Rental/lease holder	Cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement (written or verbal)
<b>Displacement:</b> Premise used for residence severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning law/s	Rental/lease holder	Cash compensation equivalent to 3 months of lease/rental fee Assistance in rental/lease of alternative land/property Relocation assistance (costs of shifting + allowance)

Type of Impact	Entitled Person	Compensation Entitlement
<b>COMMERCIAL LAND (URBAN &amp; RURAL)</b>		
<b>No displacement:</b> Land used for business partially affected, limited loss	Title holder/business owner	Cash compensation for affected land Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
	Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)
<b>Displacement:</b> Premise used for business severely affected, remaining area insufficient for continued use	Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).
	Business owner is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to re-establish the business
<b>BUILDINGS &amp; STRUCTURES</b>		
<b>No displacement:</b> Structure partially affected but the remaining structure remains viable for continued use	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
	Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence) Disturbance compensation equivalent to two months rental costs
<b>Displacement:</b> Entire structure affected OR structure partially affected but the remaining structure is not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job placement, skills training)
	Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence) Relocation assistance (costs of shifting + allowance equivalent to four months rental costs) Assistance to help find alternative rental arrangements Rehabilitation assistance if required (assistance with job placement, skills training)

Type of Impact	Entitled Person	Compensation Entitlement
	Squatter/ Informal dwellers	Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project CBO. Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) Rehabilitation assistance if required (assistance with job placement, skills training)
	Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business
<b>STANDING CROPS</b>		
Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop
<b>TREES</b>		
Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees PLUS 10% premium
<b>TEMPORARY ACQUISITION</b>		
Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e.g. boundary wall demolished, trees removed)

## 5.4 GRIEVANCE MECHANISM

The sub-project RAP team will establish an independent grievance redress mechanism (GRM) using existing systems and structures. This may be set up through Local Authorities, including a Resettlement or Land Committee and through community and opinion leaders. The GRM will also include a third party representative. The land and resettlement committees will be strengthened by the community representation as well as NGO/CBO appropriately selected by the communities.

All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation and relocation. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances. If needed and as a last resort, the dispute resolution process should include Ugandan Courts of Law, but traditional institutions can be an effective first step in both receiving and resolving grievances.

At the time that the individual RAPs are approved and individual compensation contracts are signed, affected individuals and households will have been informed of the process for expressing dissatisfaction and to seek redress. The grievance procedure will be simple and will be administered as close as possible to the project affected people at community, sub-county and District levels by the Compensation Committee to facilitate access by PAPs.

The grievance mechanism operating at each location will receive inputs from three main sources:

- Directly from the project affected, displaced residents or other members of affected settlements.
- From the implementation team executing the resettlement.
- From the Monitoring and Evaluation Officer who will forward issues/concerns identified in the field.

It is important that the GRM process is included in the CEDP communication and outreach strategy to ensure that communities are aware of the membership and process. This will ultimately create community and user confidence in the grievance redress mechanism.

Steps of the grievance process are described below.

### **Step 1: Receipt of complaint**

A verbal or in written complaint from a PAP will be received by an assigned Grievance Officer (refer to Table 5.2) and recorded in a grievance log (electronically if possible) which will be held in each Sub-county/District.



Table 5.2 Role of a Grievance Officer

A Grievance Officer (GO), who is a member of the Project Implementation Team, will lead the grievance mechanism. Principal responsibilities of the GO will include:

- Recording the grievances, both written and oral, of the affected people, categorizing and prioritizing them and providing solutions within a specified time period.
- Discussing grievances on a regular basis with the Working Group and coming up with decision/actions for issues that can be resolved at that level.
- Informing the Steering Committee of serious cases within an appropriate time frame.
- Reporting to the aggrieved parties about developments regarding their grievances and decisions of the Steering Committee.
- Providing inputs into the monitoring and evaluation process

There will be need for the grievance team to hold meetings at sub-county headquarters where grievances are received by a contact person such as the Sub-county chief who would then hand over received complaints to the Sub-county/District GO, for entering into the grievance log using the grievance form. The log would indicate grievances, date lodged, actions taken to address or reasons the grievance was not acted on (i.e. the grievance was not related to the resettlement process); information provided to complainant and date the grievance was closed.

Grievances can be lodged at any time, either directly to the Sub-county/District Office or via the grievance committee member. The process for lodging a complaint is outlined below:

- a) The GO will receive a complaint from the complainant.
- b) The GO will ask the claimant questions in their local language, write the answers in English and enter them in English onto the Grievance Form (refer to sample form in Annex 7).
- c) A representative of an independent local organization) witnesses translation of the grievance into English.
- d) The GO reads the complaint in English and translates it into the complainant's local language on the Grievance Form.
- e) The local leader and the complainant both sign the Grievance Form after they both confirm the accuracy of the grievance.
- f) The GO lodges the complaint in the Grievance Log.

It will be important that all PAPs have access to the grievance process.

### **Step 2: Determination of corrective action**

If in their judgment, the grievance can be solved at this stage and the GO and a representative of an independent organization will determine a corrective action in consultation with the aggrieved person. A description of the action; the time frame in which the action is to take place; and the party responsible for implementing the action will be recorded in the grievance database.

Grievances will be resolved and status reported back to complainants within 30 days. If more time is required this will be communicated clearly and in advance to the aggrieved person. For cases that are not resolved within the stipulated time, detailed investigations will be undertaken and results discussed in the monthly meetings with affected persons. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations.

### **Step 3: Meeting with the complainant**

The proposed corrective action and the timeframe in which it is to be implemented will be discussed with the complainant within 30 days of receipt of the grievance. Written agreement to proceed with the corrective action will be sought from the complainant (e.g. by use of an appropriate consent form). If no agreement is reached, Step 2 will be re-visited.

### **Step 4: Implementation of corrective action**

Agreed corrective actions will be undertaken by the Project or its contractors within the agreed timeframe. The date of the completed action will be recorded in the grievance database.

### **Step 5: Verification of corrective action**

To verify satisfaction, the aggrieved person will be approached by the Grievance Officer to verify that the corrective action has been implemented. A signature of the complainant will be obtained and recorded in the log and/or on the consent form (see Step 3). If the complainant is not satisfied with the outcome of the corrective action additional steps may be undertaken to reach agreement between the parties. If additional corrective action is not possible alternative avenues may be pursued.

### **Step 6: Action by local leaders and project contractors**

If the GO and independent observer cannot solve the grievance, it will be referred to relevant parties such as local leaders, District Officers, Construction Contractor, Valuer and MLHUD, for consultation and relevant feedback provided.

### **Step 7: Action by Grievance Committee**

If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Grievance Committee. A dedicated Grievance Committee will be established to assess grievances that arise from disputes. This will include the following members:

- a) District Land Officer Surveyor;
- b) Representative of the valuer; and
- c) Grievance Officer.

This committee must have a quorum of at least three persons. Decisions will be reached by simple majority. The Grievance Committee should be constituted for as long as no more grievances are lodged.

Once the Grievance Committee has determined its approach to the lodged grievance, this will be communicated to the GO, who will communicate this to the complainant. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied however, the complainant notes the outstanding issues, which may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings.

The effectiveness of the GRM will be evaluated during the periodical performance reporting and as part of the post RPF/RAP evaluations.

## 6. RAP IMPLEMENTATION PROCEDURES AND SCHEDULE

It is essential that the timeframes and action plans associated with the RAPs are linked to the CEDP project implementation schedule. Provisions must be made for compensation and assistance 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 affected people. For project activities requiring relocation or resulting in loss of shelter, this RPF 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 District Compensation Committee, PCU (including Environmental/Social Scientist) and PAPs must include:

- target dates for start and completion of civil works;
- 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
- the link between RAP activities to the implementation of the overall sub project.

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 or physically) due to civil works activity, before compensation is paid and before any project activity can begin.

## 7. PUBLIC CONSULTATION AND DISCLOSURE PLAN

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach is adopted as an on-going strategy throughout the entire project cycle starting with the RAP preparation. In this section the key issues arising from the consultations included: concerns about land ownership, access, and compensation. Due to limited experience with land acquisition in most of these localities, skills to implement grievance mechanisms and compensation were deemed critical at both district and sub-county levels.

Public participation and consultations take place through individual, group, or community meetings. Additionally, radio programs and other media forms may be used to further disseminate information. PAPs are consulted in the survey process; public notices where explanations of the sub-project are made; RAP implementation of activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by PAPs and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance). Refer to Annex 8 for a sample table of contents for consultation reports.

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.

### Data collecting phase.

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

### 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.

### 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.

## **8. MONITORING AND EVALUATION**

In order to assess whether the goals of the resettlement and compensation plan are being met, a monitoring plan will be required. This monitoring plan will indicate parameters to be monitored, institute monitoring milestones and provide resources including responsible persons or institutions to carry out the monitoring activities.

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of the CEDP, which will fall under the overall responsibility of the different executing agencies (namely MHLUD and PSFU). The executing agencies, with support from the Project Coordination Unit, will institute an administrative reporting system that:

- a) alerts project authorities on the necessity and procedures for land acquisition for the project activities and the need to incorporate land acquisition, resettlement, loss of assets and impact on livelihood provisions in the design technical specifications and budgets;
- b) provides timely information about the asset valuation and negotiation process,
- c) maintains records of any grievances that require resolution,
- d) documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon sums, construction of new structures, etc.) for all permanent and temporary loses, as well as unanticipated, additional construction damage; and
- e) updates the database with respect to changes that occur on the ground as resettlement and compensation activities are being implemented.

Periodic evaluations will be undertaken at the district level to determine whether the PAPs have been paid in full and before implementation of the sub project activities and whether the PAPs enjoy the same or higher standard of living than before. The quarterly reports will feed into the implementing agencies' monitoring reports and overall CEDP report on the social safeguards. The evaluations will also assess the RPF/RAPs indicating activities, success of mitigation and monitoring process as well as lessons learnt for future applications. In addition, assessments will be made of the effectiveness and efficiency of the GRM on the administrative reporting mechanisms as well as in determining the effectiveness and efficiency of the GRM.

This RPF is suggesting that where appropriate and where it is determined to be cost effective, the regional level administration shall be structured to host the monitoring and evaluation component of the project/program. This will take the form of giving the regions the mandate to carry out independent monitoring of the implementation of the resettlement and compensation plans at periodic intervals of quarterly or half yearly (as circumstances dictate) during the Project lifespan.

The objective will be to make a final evaluation in order to determine:

- a) if affected people have been paid in full and before implementation of the subproject, and
- b) if the people who were affected by the subproject have been affected in such a way that they are now living a higher standard than before, living at the same standard as before, or they are they are actually more impoverished than before.

## 8.1 INDICATORS

A number of objectively verifiable indicators (OVIs) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, Table 8.1 provides a set of indicators that can be used.

Table 8.1 Types of verifiable indicators

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

### **8.1.1 Indicators to determine status of affected people**

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

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

### **8.1.2 Indicators to measure RAP performances**

In order to assess whether these goals are met, the resettlement and compensation plans will indicate parameters to be monitored, institute monitoring milestones and provide resources necessary to carry out the monitoring activities. For example the following parameters and verifiable indicators will be used to measure the resettlement and compensation plans performance:

- questionnaire data will be entered into a database for comparative analysis at all levels of local government;
- 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;
- the District authorities will maintain a complete database on every individual impacted by the sub-project land use requirements including relocation/resettlement and compensation, land impacts or damages;
- percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- proposed use of payments;
- the number of contentious cases as a percentage of the total cases;
- the number of grievances and time and quality of resolution;
- the ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
- agricultural productivity of new lands;
- number of impacted locals employed by the civil works contractors;
- seasonal or inter-annual fluctuation on key foodstuffs; and
- general relations between the project and the local communities.

### **8.1.3 Indicators to monitor and evaluate implementation of RAPs**

Financial records will be maintained by the District authorities and the executing agencies to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a dossier containing:

- individual bio-data information;
- number of people s/he claims as household dependents;
- amount of land available to the individual or household when the dossier is opened.

Additional information will be acquired for individuals eligible for resettlement/compensation:

- level of income and of production;

- inventory of material assets and improvements in land; and
- outstanding debts.

## **8.2 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 similar to the process outlined in the ESMF.

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

## **8.3 INSTITUTIONAL STRENGTHENING**

Borrower capacity to plan and implement the measures outlined in the RPF requires strengthening. The key implementing agencies Ministry of Lands Housing and Urban Development (MLHUD) and Private Sector Foundation Uganda (PSFU) are relatively young compared to other Government entities, they currently have no Environmental and Social Development Specialists and there is no qualified person in the current staffing who can satisfactorily undertake these tasks. To ensure adequate staffing capacity, an Environmental Specialist will be included in the PSFU Project Coordination Unit as indicated in the ESMF, and an Environmental Consultant will be retained for screening and technical support to activities funded by the Matching Grants Facility also as planned out in the ESMF (refer to Section 9 in CEDP ESMF).

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

## 9. IMPLEMENTATION BUDGET

It is not expected that there will be any significant land acquisition or even displacement as part of the Project; however, some financial provision has been allocated as a contingency for cases where land acquisition may occur (refer to Table 9.1 as an indicative outline for a RAP budget on a case by case basis). For the CEDP, the government's contribution to the Project will be used to fund the RAP(s) if required.

Because costs of resettlement and compensation are based on technical designs and results of scoping, it is not possible to produce a detailed budget for RAP implementation; however, the MLHUD will allocate budget from the GoU's contribution to the contingency to prepare and implement RAPs as needed prior to commencement of any civil works.

**Table 9.1: Indicative Outline of a RAP Budget**

Asset acquisition		Amount or number	Total estimated cost	Agency responsible
Land				
Structure				
Crops and economic tress				
Community infrastructure				
<b>Land Acquisition and Preparation</b>				
Land				
Structures				
Crops areas and others				
Community infrastructure				
<b>Relocations</b>				
Transfer of possessions				
Installation costs				
<b>Economic Rehabilitation</b>				
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. 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

# Competitiveness and Enterprise Development Project (CEDP)

## **OPERATIONAL TOOLS AND GUIDELINES**

## Annex 1: Glossary

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

1. “Associated projects” means any activity which is directly dependent on a World Bank funded project, or any activity which a World Bank project is dependent upon, regardless of financing source.
2. “Census” means a field survey carried out to identify and determine the number of Project Affected Persons (PAP), their assets, and potential impacts; in accordance with the procedures, satisfactory to the relevant government authorities, and the World Bank Safeguard Policies. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures, emanating from consultations with affected communities and the Local Leaders.
3. Environmental and Social Management Framework (ESMF) is a safeguard instrument (document) which establishes a mechanism to determine and assess future potential environmental and social impacts of the project funded activities in the CEDP and other activities associated with this project regardless of funding agency. The framework sets out mitigation, monitoring and institutional measures to be taken during design, implementation and operation of the project activities to eliminate adverse environmental and social impacts, offset them, or reduce them to acceptable levels. This instrument has been prepared as a separate and stand-alone document to be used in conjunction with this RPF.
4. “Compensation” means the payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.
5. “Cut-off date” is the date of commencement of the census of PAPs within the project area boundaries. This is the date on and beyond which any person whose land is occupied for project use, will not be eligible for compensation.
6. “Project affected persons” (PAPs) means persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and or social adverse impacts, regardless of whether or not the said Project affected persons physically relocate. These people may have their:
  - standard of living adversely affected, whether or not the Project Affected Person must move to another location ;
  - right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable asset acquired or possessed, temporarily or permanently, adversely affected;
  - access to productive assets adversely affected, temporarily or permanently; or
  - business, occupation, work or place of residence or habitat adversely affected.
7. “Involuntary Displacement” means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
  - Loss of benefits from use of such land;
  - relocation or loss of shelter;
  - loss of assets or access to assets; or
  - loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.

8. "Involuntary Land Acquisition" is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
9. "Land" refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
10. "Land acquisition" means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
11. "Rehabilitation Assistance" means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
12. "Resettlement and Compensation Plan", also known as a "Resettlement Action Plan (RAP)" or "Resettlement Plan" - is a resettlement instrument (document) to be prepared when subproject locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
13. "Replacement cost" means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;
14. "Replacement cost for agricultural land" means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:
  - preparing the land to levels similar to those of the affected land;
  - any registration, transfer taxes and other associated fees;
15. "Replacement cost for houses and other structures" means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:
  - Building materials
  - transporting building materials to the construction site;
  - any labour and contractors' fees; and
  - any registration costs.
16. "Resettlement Assistance" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,
17. "The Resettlement Policy Framework (RPF)" has been prepared as an instrument to be used throughout the CEDP implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The

Resettlement Action Plans (“RAPs”) for the CEDP will be prepared consistent with the provisions of this RPF.

18. “Resettlement Action Plan”: see Resettlement and Compensation Plan above.

19. “Vulnerable Groups” refers to:

- Widows, the disabled, marginalized groups, low income households and informal sector operators;
- Incapacitated households – those no one fit to work and;
- Child-headed households and street children

This group is among other things, characterised by low nutrition levels, low or no education, lack of employment or revenues, old age, ethnic minority and/or gender bias.

## Annex 2: World Bank Resettlement Policy Framework

### ANNEX 1: World Bank Resettlement Policy Framework (RPF)

[Excerpt from the World Bank OP4.12 Involuntary Resettlement, Revised April 2004]

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject. OP 4.12 (Revised April 2004) applies only to projects that are governed by [OP / BP 6.00](#), Bank Financing - that is, those in countries with [approved country financing parameters](#). Other operational policy statements governing Bank financing that have been amended to reflect OP/BP 6.00 also apply to these projects. Projects in countries without approved country financing parameters continue to be subject to other operational policy statements governing Bank financing.

#### Resettlement Policy Framework

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

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

For other Bank-assisted project with multiple subprojects<sup>26</sup> that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see [Annex A](#), paragraphs 23- 25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

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

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

### **Annex 3: Stakeholders consulted in Jinja and District Land Offices covered under the CEDP**

#### **1. Meetings held in Jinja – Jan 22 – Feb 5, 2013 (provided as Appendix 2 in the ESIA for HTTI in Jinja by URTC)**

Extensive consultations were carried out between 22nd January and 5th February 2013 with the neighbours and key stakeholders on a one to one basis to ascertain any arising issues as a result of the proposed expansion of crested crane hotel and training institute.

The consultations were carried out between 10.00am and 5.00pm and were guided by the chairperson of Nalufenya B and Secretary of defense for Nalufenya A on behalf of his chairperson.

Assistant Supretendant of police- Nalufenya, Mr. Madira (0772355444)

We have had several complaints about insecurity in the neighbouring areas. Part of the complaint is that thieves always use the vast open spaces of crested crane hotel to steal and disappear when pursued.

Bashir Musa Yusuf-Neighbour (0782752854)

We are grateful for the new plan because it will enhance development in the area. Crested crane hotel is a historical place therefore any new designs should ensure that the uniqueness of the area is maintained especially the architectural design and the greenery.

Ritah Nabukatsa-Bilkon Hotel (0772688679)

There is a problem of thieves coming from the side of crested crane hotel. We therefore hope that with the construction planned it will lessen the question of insecurity in the area.

Pastor Muguti Sam- Deliverance Church-TAIP (0706314556)

The developments should ensure that some greenery is maintained because it provides some fresh area in the area.

We have also had the problem of insecurity stemming from the vast open spaces and trees in the hotel.

Since the hostels will house mature people, we don't expect a lot of problems, besides the students have been suffering since the stay very far. However, the school should ensure that they construct a perimeter wall where the hostels are to avoid any conflicts with the neighbouring communities. The development is very welcome although there is need to cut down on the noise levels during construction.

Jinja Physical Planner-Madam Tabitha Kakuze

The school applied for change of user from open spaces and we are yet to get the reply.

However, as a planner I strongly advise that the open spaces be maintained because they are landmarks. Within the present, hotel space there is a lot of open spaces that can be utilized instead of plot 3 and 5 Hannington crescent.

Bitaroho Simon- chairman Nalufenya B zone (0782121355)

The development is very welcome and we are ready and willing to cooperate so that more developments are encouraged in the area. I however appeal that some of the open spaces are maintained especially those at the front for recreational purposes.

Tenya Kalifani Defence secretary Nalufenya A zone (0776860804)

The development is very welcome and we are ready and willing to provide all the assistance required.

#### **Other Key Stake Holders Consulted**

Okello Eledio-Manager Bilkon hotel (077268869)

Kakuze Tabitha- Physical Planner Jinja Municipal council (0772664438)

Odoi Tom-Senior health inspector jinja municipal council (0712690398)

Muamad Saeed- Ag. Municipal Engineer jinja municipal council (0701488836) Nabihamba Ernest-Senior Environmental officer jinja municipal council (0776945046)

Miriam Amori- Ag. Principal HTTI-Jinja Crested Crane

**2. Meetings held in Luwero, Tororo, Moroto, Soroti, Kabale and Mityana (provided as Appendices in the ESIA's for each District Land Office by URTC)**

**a) Luwero District Land Office**

Name	Designation	
Mr. Luyima Hood	Natural Resource Officer	Luwero
Mr. Ayazika Waiswa	Director Compliance	NEMA
Mr Richard Oput	Assistant Commissioner- LSSP	MLH&UD
Mr. Serwamba Ivan	District staff surveyor	Luwero
Mr. Kizito Bashir	Staff Surveyor	Nakaseke
Mr. Nabukera Madina	Registrar of titles	Luwero
Mr. Oketayot Christopher	Deputy CAO	Luwero
Mr. Magala Awus	Physical Planner	Luwero
Mrs. Gatase Teopista	Environmental officer	Luwero
Mr. Kitenda Edward	Cartographer	Luwero
Mrs. Christine Anyait	Principal	Bukalasa Agricultural college

**b) Tororo District Land Office**

Name	Designation
Mrs. Akol Monica	Environmental Officer Tororo Municipal Council
Mr. Oloka Masese	Community Development Officer-Tororo Municipal
Mr. Katumba John	Municipal Engineer
Mr. Oswan Vitalis	CAO Tororo
Mr. Fourr Omeja	District Physical Planner/land officer
Mr. Gongo John	District Environmental Officer
Mr. Emokor J Opua	Mayor
Mrs. Nakiyimba Mary Goretti	Municipal Engineer
Mrs. Akello Linda	Municipal Planner



Name	Designation
Mr. Among Harriet	District Staff Surveyor
Mrs. Nafuna Christine	Malaba Physical Planner
Mr. Omuget Sebastian	Records Officer
Mr. Okello Robert	District Engineer
Mr. Okello peter	Resident
Mr. Ofwono Job	Resident
Ogolla simon	Resident

c) **Moroto District Land Office**

Name	Designation
Richard Oput	Assistant Commissioner-Ministry of Lands Housing and Urban Development
Lotyang John	Moroto District Environment Officer
Lomise Florence	Moroto Municipal Council Physical Planner/Environmental officer
Chemaswet Cabral Micheal	Moroto District Land officer
Felix Olum	Economic Planner
Steven Okurut	Community Development Officer
Lemu Alex	Mayor Moroto Municipal Council
Akuma Mazamir	Town Clerk Moroto Municipal Council
Adeka Prisca	Secretary Health/Social Service
Kairu Robert	Moroto Municipal Engineer
Obol Mohammed	Lc 1-Katanga
Abura Paulina	Resident
Loru James	Resident
Akwang peter	Resident
Lokor Paul	Resident
Pulkol Hellen	Resident

Name	Designation
Lokolong Rapheal	Resident
Aleper Moses	Resident
Lodim Mark	Resident
Lochero John	Resident
Lokude Peter	Resident

**d) Soroti District Land Office**

Name	Designation
Okanya Simon	District Principal Personnel
Aruo Alfred	Mayor Soroti Municipal
Matsiko Peter	Town Clerk Soroti Municipal
Okaja Emmanuel	Deputy Town Clerk
Engwau Paul	District Physical Planner
Amodoi	Cartographer
Adoko George	Deputy Chief Administrative Officer
Opolot Francis	District Environmental Officer
Okello Simon	Soroti Municipal Engineer
Oryokot Abraham	Soroti Municipal Treasurer
Odele John	Soroti Municipal Planner
Osotto John	Elder
Esunget Steven	Secretary District Land Board
Obore James	Sub County Chief Katine
Oumo Steven	District Laboratory Focal Person
Iteba Andrew	Population Officer Soroti Municipal
Engulu Eric	Municipal Environment Officer

**e) Kabale District Land Office**

**f) Mityana District Land Office**

Mr. Ayazika Waiswa	Director Compliance	NEMA
Mr Richard Oput	Assistant Commissioner- LSSP	MLH&UD
Mrs. Deborah Kyazike Kinobe	Mityana LC 5 Chairperson	Mityana District Local Government
Mr. Kiwanuka Katende	RDC- Mityana	Mityana District Local Government
Mr. Yiga Anthony	CAO Mityana	Mityana District Local Government
Mr. John Sesanga	Mityana Town Engineer	Mityana Town Council
Mr. Kizito Ronald	District physical planner	Mityana District Local Government
M/s Nabuuma Janat	Registrar of Titles	Mityana District Local Government
Mr. Bbira Yasin	District Environmental Officer	Mityana District Local Government
Mr. Mukalazi Deo	Physical planner	Mityana Town Council
Mr. Sewankanbo Daniel	District Surveyor	Mityana District Local Government
Mr Muballa Tom	Cartographer	Mityana District Local Government
Mr Sempala Chripine	Senior records assistant	Mityana District Local Government
Ms Namata Specioza	Accountant	Mityana District Local Government
Ms Nabbanja Elios	Typist	Mityana District Local Government

#### Annex 4: Relevant local legislation and guidelines

<b>Property Rights and Land Rights</b>	<b>Law / Regulation</b>
There are four land tenure systems in Uganda, as recognized by Ugandan law. Mailo, 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
<p>Customary tenure:</p> <ul style="list-style-type: none"> <li>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.</li> <li>Is owned in perpetuity</li> <li>Customary occupants are occupants of former public land, and occupy the land by virtue of their customary rights; they have proprietary interest in the land and are entitled to certificates of customary ownership</li> <li>Certificates for customary ownership may be acquired, through application to the Parish Land Committee and eventual issuance by the District Land Board</li> </ul>	Land Act 1998
<p>Freehold tenure:</p> <ul style="list-style-type: none"> <li>Derives its legality from the Constitution and its incidents from the written law</li> <li>Involves the holding of land in perpetuity or of a period less than perpetuity fixed by a condition</li> <li>Enables the holder to exercise, subject to the law, full powers of ownership.</li> </ul>	Land Act 1998
<p>Mailo tenure:</p> <ul style="list-style-type: none"> <li>Has roots in the allotment of land pursuant to the 1900 Uganda Agreement</li> <li>Derives its legality from the Constitutions and its incidents from the written law</li> <li>Involves the holding of land in perpetuity</li> <li>Permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant</li> <li>Enables the holder to exercise all the powers of ownership, subject to the rights of those people occupying the land at the time of the creation of the mailo title and their successors.</li> </ul>	Land Act 1998
<p>Leasehold tenure:</p> <ul style="list-style-type: none"> <li>Is created either by contract or by operation of the law</li> <li>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.</li> <li>The tenant has security of tenure and a proprietary interest in the land</li> </ul>	Land Act 1998
<p>“Licence” or “Share Cropper”</p> <ul style="list-style-type: none"> <li>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 proprietary right in the land. Their tenure is purely contractual.</li> </ul>	Land Act 1998
Every person in Uganda has the right to own property.	Constitution (1995) Article 26
<b>Land Acquisition</b>	<b>Law / Regulation</b>
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. <ul style="list-style-type: none"> <li>• The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health and</li> <li>• The compulsory taking of possession or acquisition of property is made under a law which makes provision for: <ul style="list-style-type: none"> <li>○ Prompt payment of fair and adequate compensation, prior to the taking or acquisition of the property, and</li> <li>○ A right of access to a court of law by any person who has an interest or right over the property.</li> </ul> </li> </ul>	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 Uganda Land Commission shall hold and manage any land in Uganda which is vested in or acquired by the government in accordance with the constitution and perform such other functions as may be prescribed by or under this Act or any other enactment."	Land Act (2004) Section 49 as amended specifically under subsections (a) and (d)
The Government or Local Government may acquire land in public interest.	Article 237(1)
<b>Compensation</b>	<b>Law / Regulation</b>
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
<b>Dispute Resolution and Grievance Mechanisms</b>	<b>Law / Regulation</b>
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

## Annex 5: CEDP Environmental and Social Screening Form

1. Proposal Information		
Recipient Name and Contact Details:		
Funding source:	MGF: <input type="checkbox"/>	Other: <input type="checkbox"/>
	If other, explain:	
Application/proposal #		
Name of reviewer:		Date of screening:

Subproject Details: Attach location map (longitude – latitude coordinates (GPS reading) if available):	
Subproject name:	
Location: (region/district/village)	
Type of activity:	
Estimated Cost:	
Proposed Date of Commencement of Work:	
Technical Drawing/Specifications Reviewed:	Yes/No – refer to Application Portfolio

2. Physical Data:	Comments
Subproject Site area in ha	
Extension of or changes to existing land use	
Any existing property to transfer to subproject	
Any plans for new construction	
Is there adjacent/nearby critical natural habitat?	

3. Preliminary Environmental and Land Information:	Yes/No	Comments
Is there an EIA required for this subproject? If so, is there a permit?		
Has there been litigation or complaints of any environmental nature directed against the proponent or subproject?		
Will the subproject require the acquisition of land?		
What is the status of the land holding (customary, lease, etc)?		
Is there evidence of land tenure status (affidavit, other documentation)?		
Are there outstanding land disputes?		
What is the plot currently being used for? (e.g. agriculture, gardening, etc)		List the key resources.

Will the proposed activities have any impact on any ecosystem services, biodiversity issues or natural habitats?		
Will the subproject require use of pesticides?		
Does the applicant (company) have in place an established Environmental Management System?		
Does the applicant currently incorporate clean technologies and/or sustainable practices?		

#### 4. Impact identification and classification:

When considering the location of a subproject, rate the sensitivity of the proposed site in the following table according to the given criteria. Higher ratings do not necessarily mean that a site is unsuitable. They indicate a real risk of causing undesirable adverse environmental and social effects, and that more substantial environmental and/or social planning may be required to adequately avoid, mitigate or manage potential effects. The following table should be used as a reference.

Issues	Site Sensitivity		
	Low	Medium	High
Natural habitats	No natural habitats present of any kind	No critical natural habitats; other natural habitats occur	Critical natural habitats present
Water quality and water resource availability and use	Water flows exceed any existing demand; low intensity of water use; potential water use conflicts expected to be low; no potential water quality issues	Medium intensity of water use; multiple water users; water quality issues are important	Intensive water use; multiple water users; potential for conflicts is high; water quality issues are important
Natural hazards vulnerability, floods, soil stability/ erosion	Flat terrain; no potential stability/erosion problems; no known volcanic/seismic/ flood risks	Medium slopes; some erosion potential; medium risks from volcanic/seismic/ flood/ hurricanes	Mountainous terrain; steep slopes; unstable soils; high erosion potential; volcanic, seismic or flood risks
Cultural property	No known or suspected cultural heritage sites	Suspected cultural heritage sites; known heritage sites in broader area of influence	Known heritage sites in project area
Involuntary resettlement	Low population density; dispersed population; legal tenure is well-defined; well-defined water rights	Medium population density; mixed ownership and land tenure; well-defined water rights	High population density; major towns and villages; low-income families and/or illegal ownership of land; communal properties; unclear water rights
Indigenous peoples	No indigenous population	Dispersed and mixed indigenous populations; highly acculturated indigenous populations	Indigenous territories, reserves and/or lands; vulnerable indigenous populations



## 5. Checklist of environmental and social impacts

Roads and Footpaths	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
Soil erosion or flooding concerns (eg, due to highly erodable soils or steep gradients)					
Number of stream crossings or disturbances					
Wet season excavation					
Creation of quarry sites or borrow pits					
Significant vegetation removal					
Wildlife habitats or populations disturbed					
Environmentally sensitive areas disturbed					
Cultural or religious sites disturbed					
Economic or physical resettlement required					
New settlement pressures created					
Other (specify):					

Drinking Water Projects	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
New access (road) construction					
Existing water sources supply/yield depletion					
Existing water users disrupted					
Downstream water users disrupted					
Increased numbers of water users due to improvements					
Increased social tensions/conflict over water allocation					
Sensitive ecosystems downstream disrupted					
Economic or physical resettlement required					
Local incapacity/inexperience to manage facilities					
Other (specify):					

Irrigation Projects	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
Existing water sources supply/yield depletion					
Existing water users disrupted					
Downstream water users disrupted					
Water storage requirement and viability (soil permeability)					
Vulnerability to water logging (poor drainage)					
Vulnerability to soil and water salinization					
Sensitive downstream habitats and waterbodies					
Environmentally sensitive areas disturbed					
Cultural or religious sites disturbed					
Increased agric. chemicals (pesticides, etc) loading					
Increased social tensions over water allocation					
Local incapacity/inexperience to manage facilities					
Local incapacity/inexperience with irrigated agriculture					
Other (specify):					

Catchment, Forestry, Grasslands Projects	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
New access (road) construction					

Catchment, Forestry, Grasslands Projects	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
Wet season soil disturbance					
Potential for debris flows or landslides					
Sensitive downstream ecosystems					
Removal of native plant/tree species					
Introduced plant/tree species					
Invasion of native species					
Wildlife habitats or populations disturbed					
Environmentally sensitive areas disturbed					
Insufficient capacity to manage catchment ponds					
Insufficient capacity to prohibit or control open grazing					
Insufficient capacity to manage new plantations/pastures					
Economic or physical resettlement required					
Other (specify):					

Infrastructure Projects	Potential for Adverse Impacts				
	None	Low	Med	High	Unknown
New access (road) construction					
Alteration of existing drainage conditions					
Vegetation removal					
Wet season soil disturbance					
Construction materials impact on adjacent forests/lands					
Quarries and borrow pits created					
Cultural or religious sites disturbed					
Water supply development effects in available supply					
Effect of sanitation development on existing disposal sites					
Effects of medical waste on existing disposal system					
Economic or physical resettlement required					
Number of potential Project Affected Persons (PAPs)					
In-migration/settlement induced by facilities development					
Local incapacity/inexperience to manage facilities					
Other (specify):					

<p><b>6. Identify type of activities and likely environmental and social impacts:</b></p> <p>What are the likely environmental and social impacts, risks associated with the subproject?</p>
--

**7. Mitigation and Management Measures to be applied**

List actions required for mitigation and management of potential risks and impacts.

**8. ADDITIONAL INFORMATION**

**(a) Has the Applicant complied with national laws and regulations (e.g. obtained an environmental permit/clearance from NEMA)?**

In case of Yes, please attach the declaration of the Applicant in this regard. In case of No, please provide details in this regard:

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**(b) E & S assessment comments based on site visit:**

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**(c) Determination of environmental category based on findings of the screening: A \_\_\_ B \_\_\_ C \_\_\_**

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Requires an EIA or RAP   |
| <input type="checkbox"/> | Requires preparation of additional E&S information (e.g. to address pesticide use) |
| <input type="checkbox"/> | Does not require further environmental or social due diligence                     |

Reviewer: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

## Annex 6: Annotated Outline for Preparing a RAP

This template is extracted from the OP 4.12: Annex A.

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

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

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

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

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

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

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

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

- (i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and how they will be affected by the sub-project;
- (iii) Public infrastructure and social services that will be affected; and
- (iv) Social and cultural characteristics of displaced communities, and their host communities, including a description of formal and informal institutions. These may cover, for example, community organizations; cultural, social or ritual groups; and non-governmental organizations

(NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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

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

The institutional framework governing RAP implementation generally covers:

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

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

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

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

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

- (i) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban, for which a combination of productive potential, location advantages, and other factors is at least comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (ii) Any measures necessary to prevent land speculation or influx of eligible persons at the selected sites;

- (iii) Procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (iv) Legal arrangements for recognizing (or regularizing) tenure and transferring titles to those being resettled.

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

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

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

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

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

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

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

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

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

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

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

## Annex 7: Sample Grievance and Resolution Form

<b>GRIEVANCE RECORD</b>				
Grievance Number				<b>Copies to forward to:</b>
Name of the Recorder				(Original)-Receiver Party
District/Sub-county/Town				(Copy)-Responsible Party
Date				
<b>INFORMATION ABOUT GRIEVANCE</b>				
Define The Grievance:				
<b>INFORMATION ABOUT THE COMPLAINANT</b>			<b>Forms of Receive</b>	
Name-Surname				<input type="checkbox"/> Phone Line <input type="checkbox"/> Community/ Information Meetings <input type="checkbox"/> Mail <input type="checkbox"/> Informal <input type="checkbox"/> Other
Telephone Number				
Address				
District/Town				
Region				
Signature of Complainant				
<b>DETAILS OF GRIEVANCE</b>				
<b>1. Access to Land and Resources</b>  a) Fishing grounds b) Lands c) Pasturelands d) House e) Commercial site f) Other	<b>2. Damage to</b>  a) House b) Land c) Livestock d) Means of livelihood e) Other	<b>3. Damage to Infrastructure or Community Assets</b>  a) Road/Railway b) Bridge/ Passageways c) Power/Telephone Lines d) Water sources, canals and water infrastructure for irrigation and animals e) Drinking water f) Sewerage System g) Other	<b>4. Decrease or Loss of Livelihood</b>  a) Agriculture b) Animal husbandry c) Beekeeping d) Small scale trade e) Other	<b>5. Traffic Accident</b>  a) Injury b) Damage to property c) Damage to livestock d) Other
<b>6. Incidents Regarding Expropriation and Compensation (Specify)</b>	<b>7. Resettlement Process (Specify)</b>	<b>8. Employment and Recruitment (Specify)</b>	<b>9. Construction Camp and Community Relations</b>  a) Nuisance from dust b) Nuisance from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other	<b>10. Other (Specify)</b>





## **Annex 8: Sample Table of Contents for Consultation Reports**

### **1.0 Introduction**

- 1.1 Project Description
- 1.2 Applicable Laws, Regulations, and Policies to Public Engagement
- 1.3 Project Lenders

### **2.0 Stakeholder Analysis**

- 2.1 Areas of Influence/Stakeholders
- 2.2 Description of Stakeholders

### **3.0 Stakeholder Engagement**

- 3.1 Previous Consultation Activities
- 3.2 Implemented Community Engagement Activities
- 3.3 Project Sponsor's Community Engagement Plan
  - 3.3.1 Phase 1 – Initial Stakeholder Consultation
  - 3.3.2 Phase 2 – Release of the SESA Terms of Reference and Draft Public Consultation and Disclosure Plan (PCDP)
  - 3.3.3 Phase 3 – Release of SESA Consultation Summary Report

### **4.0 Summary of Key Issues**

### **5.0 Future Consultation Events**

- 5.1 Phase 4 – Release of the SESA Report and Action Plans
- 5.2 Phase 5 – PCDP Planning Consultation
- 5.3 Phase 6 - Ongoing Project Communication

### **6.0 Disclosure Plan**

#### **Tables**

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

#### **TEMPLATE Table on Consultation Activity Summary**

<b>Location and Communities Represented</b>	<b>Meeting Dates</b>	<b>Attendees</b>	<b>Discussion Summary</b>
Example:			

## Annex 9: Summary of Public Consultations on ESMF and RPF

### Agenda for the Workshop

1. Introduction of Participants
2. Opening Remarks: World Bank-Mr. Moses Kibirige
3. Environmental Social Management Framework-Consultant-Dr. Koojo Charles Amooti
4. Discussion
5. Health Break
6. Resettlement Policy Framework-Consultant-Dr Koojo Charles Amooti
7. Discussions
8. Closing Remarks –PSFU

The participants who attended the ESMF and RPF meeting at Metropolitan Hotel on the 7<sup>th</sup> of March 2013

No.	NAME	ORGANIZATION	TELEPHONE	E-MAIL
1	Kagoro Grace	MLHUD	0706-581455	kagoro@mlhud.go.ug
2	Kakumba Eria	Mpigi District Local Government	0752-997506	kakumberia@yahoo.com
3	Ann Nakimbugwe	Mukono District Local Government	0772-470285	mariannekavuma@yahoo.com
4	Gateese Teopista	Luweero District Local Government	0772-605165	tgateese@yahoo.com
5	Bbira Yasin	Mityana District Local Government	0782-600905	bbirayasin@yahoo.com
6	Besigye Samuel	Uganda Wild Life Authority	0703-921254	samuel.besigye@ugandawildlife.org
7	Richard Oput	MLHUD	0772-412702	landproj@mlhud.go.ug
8	Koojo Charles	URTC	0772-522207	koojocharles@yahoo.co.uk
9	Prova Nangobi	URSB	0775-201188	pnangobi@ursb.go.ug
10	Moses Kibirige	World Bank		
11	Herbert Oule	World Bank	0772-620004	houle@worldbank.org
12	John Marie Kyewalabye	PSFU	0772-447393	Jkyewalabye@psfuganda.org.ug
13	Namutosi Miriam Amon	HTTI	0772-668282	amonmiriam@gawo.com
14	Gongo John	Tororo District Local Government	0752-626817	weseyf@yahoo.com
15	Baguma Edwin	PSFU	0782-730860	bgmedwin@gmail.com
16	Naomi Obbo	NEMA	0774-391306	nobbo@nemaug.org
17	Morris Okello	PSFU	0773-480595	Mokellopsfuganda.org.ug
18	Kinyosi Micheal	Moroto District Local Government	0772-615819	Kcabrals2000@yahoo.co.uk

NB: The Participants were District Environmental Officers, MOLH&UD, UWA,NEMA,PSFU and URBS

## **Summary of Issues raised by the participants**

- The issue of institutional roles and coordination of environmental management of the project was raised and wanted to understand their roles in the design and implementation phase.
- Support of the environmental officers by the project
- Disclosure mechanism to include workshops to be mentioned specifically
- Implementation mechanism of the Environmental audits
- The introduction of the Pest Management Plans and the RAPs to the project relevance was further sought in order for the participants to appreciate its relevance in the ESMF
- The issue of the district being informed on the progress of the project was raised as at times information flow from the project is not availed to them
- The participants wondered why Resettlement Policy Framework (RPF) was being developed for the land Offices and HTTI as they were clear manifestation from records that there would be no compensation or relocation.

## **Response and how it is addressed in the ESMF and RFP**

- The EMSF experience of the previous projects did not have an ESMF and it was assumed that the district environmental Officers would be fully involved in the implementation. The ESMF singled out this aspect and has proposed under the PCU to have an Environmental Specialist who would provide and technical advises and also coordinate with various stakeholders including the DEO's in each respective district. The district Environmental officers would also be involved under capacity building of which the project activities will detailed in form of workshops, consultations and monitoring programmes.
- It was agreed that continuous engagement of the project on environmental and social aspects throughout the project time horizon right from the planning, design and implementation stages.
- The PCU would support the environmental officers under capacity building whenever they undertake project activities i.e through workshops etc.
- The Disclosure procedure was agreed that it was elaborate and both the Ugandan and the World Bank procedures and laws takes care of means of disclosure right from the preparation of the ESIS,EMP.RAP and associated management plans with specific details i.e public hearing, newspaper, infoshop, workshop etc
- The environmental audits would be part monitoring the performance of the applicants and on an annual basis undertake an audit of the project and submitted to NEMA and the World Bank.
- It was explained to the participants that in case of any project using pests or hazardous chemicals then the Pest management Plan would guide and also it was observed that termites were cited as being common in buildings. The possibility of resettlement or location was taken care of by either presenting a full RAP or an abbreviated one.

- Information from the project/client would be disseminated to the districts and other stakeholders on a timely basis through the environmental Specialist.
- The RPF has been developed because there is a possibility of land acquisition or displacement of land uses due to civil works and rehabilitation of infrastructure and the specific sites or locations of some of the projects physical activities are not known.

## **Presentation : Resettlement Policy Framework**

### **Rationale and Objective of the RPF**

- The RPF has been developed because there is a possibility of land acquisition or displacement of land uses due to civil works and rehabilitation of infrastructure and the specific sites or locations of some of the projects physical activities are not known.

### **Matching Grant Program investments**

- support to MSMEs to establish community-based tourism including accommodation and retail outlets. In the eventuality that an investment may lead to land acquisition or involuntary resettlement, the Applicant will be required to undertake a RAP as a requirement for approval of the grant.

### **Land Asset Classification, Valuation and Compensation**

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

### **Preparation and implementation of RAPs**

- consultation (a continuation of the process entered into during the site selection, screening and RAP development process);
- notification to affected parties;
- documentation of assets;
- agreement on compensation; and
- preparation of contracts, compensation payments and provision of assistance in resettlement

### **RAP consultation and disclosure**

- During the course of the Project, consultations should be carried out with all significant stakeholder groups including: Government and regulatory agencies, non-government organizations, and local stakeholders i.e. community based organizations, district and municipal level committees, unions and other local groups. RAPs for subprojects under the CEDP will also need to be disclosed to the public

### **Estimated budget**

- It is not expected that there will be any significant land acquisition or even displacement as part of the Project; however, some financial provision has to be made as a contingency for cases where land acquisition is likely. Because costs of resettlement and compensation are based on technical designs and results of scoping, it is not possible to produce a detailed budget for RAP implementation.

### **INSTITUTIONAL STRENGTHENING**

- The implementing agency, MLHUD, does not have Environmental and Social Development Specialists, other than a Gender Specialist, and there is no qualified person in the current staffing who can satisfactorily ensure that provisions outlined in the RPF are adequately implemented. In addition, the PSFU also does not have Environmental and Social Development Specialists or the institutional capacity to manage environmental and social safeguards associated with the CEDP particularly under the Project's tourism sub-component.

### **Operational tools and guidelines**

- **ANNEX 1: Annex 1: Glossary**
- **ANNEX 2; World Bank Resettlement Policy Framework (RPF)**
- ANNEX 3: People Consulted
- Annex 4; Relevant local legislation and guidelines
- ANNEX 5: CEDP Environmental and Social Screening Form