



**NILE BASIN INITIATIVE  
NILE EQUATORIAL LAKES SUBSIDIARY ACTION PROGRAM  
KAGERA RIVER BASIN MANAGEMENT PROJECT**

Consulting Services for

**ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA) AND  
DEVELOPING PRELIMINARY RESETTLEMENT ACTION PLANS FOR  
FOUR (4) PROPOSED SMALL MULTIPURPOSE DAMS AT BUYONGWE,  
TABA-GAKOMEYE, BIGASHA AND KARAZI IN THE KAGERA RIVER  
BASIN**

Burundi, Rwanda, Uganda and Tanzania  
**NBI/NELSAP/KAGERA/RFP02/2011**



**PRELIMINARY RESETTLEMENT ACTION PLAN FOR BIGASHA SITE  
– FINAL REPORT**

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**DECEMBER 2012**

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## SUMMARY OF THE REPORT

This report presents the Preliminary Resettlement Action Plan for the Bigasha Multipurpose Dam Project. The assessments undertaken were mainly for the reservoir component as other assessments are pending completion of the technical design. This Preliminary RAP covers all the requirements for a RAP but excludes the following aspects; actual census of the PAPs and actual inventory of affected property by name, owner, size. It should be noted that this is not the final RAP. A detailed/actual RAP is outside the Consultant's scope and will thus be undertaken as an independent study at another stage of the project.

### *Objectives of the Preliminary Resettlement Action Plan*

The objectives of the Preliminary Resettlement Action Plan are to:

- Establish the Bigasha Multipurpose Dam Project resettlement and compensation principles and implementation arrangements;
- 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;
- To estimate the costs for resettlement, compensation and or land acquisition where applicable.

### *Project Location, Characteristics and Components*

The proposed Bigasha dam site is located in Kigando village, Ngarama sub-county and Nyakabingo and Katyazo villages, Kashumba sub-county all in Bukanga County, Isingiro District. It is located on River Bigasha which flows into River Kagera at the border of Uganda with Tanzania. However in the project area, the river is not visible but is a sub-surface river. The project site is in a wooded-grassland dominated by *Acacia*, *Euphorbia*, *Albizia*, *Combretum*, *Amaranthus* and *Dombeya* spp.

The proposed dam has a height of 12m with full supply level of 10m high (1266 asl). The dam is expected to be an earth fill with maximum reservoir surface area of about 1.64 km<sup>2</sup>, maximum reservoir length of 2.37 km and reservoir width of 1.14 km. The storage capacity is expected to be about 6.41 million m<sup>3</sup> (Mm<sup>3</sup>).

The project components will include the following, the dam and associated structures, quarries and borrow areas, access roads and canals.

The report is prepared under the guidelines of both the Ugandan laws and policies and the World Bank Operational Policy on Involuntary Resettlement (OP4.12).

### *Legal and Institutional Framework*

Several national policies and local legal frameworks that regulate the land relations in the country been reviewed and these include The Uganda Constitution (1995), The Land Act (1998), The Land Acquisition Act (1965), The Local Government Act (1992), The Road Act (1964), The Access Road Act (1964), The Electricity Act (1999) and The Water Act (1997), CAP 152

A number of institutions will be involved in the overall implementation of this project, either by way of their mandate or because of the direct impact of the project on their areas of jurisdiction. These include: Ministry of Lands, Housing and Urban Development (MLHUD), Uganda Land Commission, Ministry of Water and Environment, National Environment Management Authority (NEMA), and Isingiro District Local Government.

### *Public Consultations*

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential land and alternative sites are being considered and is continuous throughout the project cycle.

It is always important to identify stakeholders at an early stage. In this project, stakeholders are those who have an interest in the project development, and who will be involved in the consultative process. Stakeholders for this project were thus identified purposively. Identified stakeholders include directly affected people in the villages of Nyakabingo, Kigando and Katyazo; indirectly affected persons in downstream and nearby villages of Kemikookoma, Kashenyi, Kakirara, Rubombo and Ntenga; Government or public sector agencies and Community Based Organizations.

A number of issues/concerns were raised by the consulted stakeholders and they included, fear of loss of land, under valuation and under compensation, resettlement in poor locations, flooding in case of breaching the dam embankment thereby leading to loss of property, non-compensation of land without legal documents (titles), delay of payments and negative effect on vulnerable people.

Continuous consultation of the stakeholders in all stages of the project is a key strategy for successful implementation and completion of the project.

### *Social Assessments and Socioeconomic Surveys*

The total population for the two affected Sub counties of Ngarama and Kashumba projected by 2012 is shown in the Table below.

<b>Sub-county</b>	<b>Males</b>	<b>Females</b>	<b>Total</b>
Ngarama	20,700	21,400	42,100
Kashumba	18,100	18,500	36,600
<b>Total</b>	<b>38,800</b>	<b>39,900</b>	<b>78,700</b>

*Source: Uganda Bureau of Statistics, Sub National Projections Report, Western Region – 2008-2012*

Household interviews showed that that 86.7 % of the households in the project area were headed by males while 13.3% of the households were headed by females.

In terms of age, the interviews showed that the average age of the household head was 43 years. The average household size in the project area is 5 persons which is close to the national average of 4.7 persons.

In regard to land tenure and size, majority of the households (88.2%) in the project area own land customarily. In regard to the size of land owned, the interviews indicated that the average land holding per household is 10.3 acres, while for female headed households the average size of land owned is 2.2 acres.

The most predominant economic activity in the project area is agriculture and it includes both crop farming and animal rearing. Other economic activities include trading practiced by 1.8% of the people in the project area, casual labor done by 11.5% and brick making and carpentry by 0.9%.

There are vulnerable groups in the project area which include female headed households (13.5%) and elderly headed households (65 years and above) were reported to be about 14%. Other vulnerable groups included People with Disabilities (PWDs) and unemployed youth among others.

Common conflicts in the area are mainly land wrangles and the major causes highlighted are distribution of land among between family members; contention of land boundaries with neighbors and trespassing.

#### *Potential Impacts*

About 40 households are likely to lose land (largely grazing land and a small proportion of cultivation land) to the project. In regard to land approximately 405 acres (164 Ha) of land will be lost to the project for the reservoir component. About 2 households are likely to be physically displaced. The project is will also to lead to loss of crops such as bananas and trees which are medicinal.

#### *Compensation Framework*

All affected persons irrespective of their status (whether they have formal title or not) are eligible for compensation and some assistance if they occupied the land before the entitlement cut-off date. These will include people with or without land titles and sharecroppers on the land.

#### *Methods of Valuing Assets*

Several methods shall be used and these will include the following; use of updated district compensation rates, undertaking of an inventory and registration of affected properties and persons. The inventory and registration of affected properties and persons shall include the

surveying of individual land, taking a careful a count of all affected property and undertaking of a socioeconomic profile for each PAP.

#### *Livelihood and Income restoration programs*

Livelihood and income restoration can be done through provision of alternative land to PAPs, provision of training and technical advice in improved agricultural methods and technology, training in income generating activities and financial management; extension of credit facilities to PAPs, provision of employment on the project, assistance to vulnerable groups

#### *Resettlement and Relocation*

Where possible, the relocation sites should be located within the two sub counties of Kashumba and Ngarama. If the land is not available in these Sub Counties, then sites in neighbouring Sub Counties should be considered. It is recommended that relocation sites should utmost be within Isingiro District. Relocation sites should have better or at least have comparable advantages with the old sites.

#### *Grievance Redress Mechanisms*

There are two channels proposed through which the grievances shall be resolved and these include formation of a Grievance Resolution Committee which will comprise of the LC III Chairperson, Sub County Chief, Area Land Committee representative, LC I Chairperson of the affected village and 2 PAP representatives. The second channel is the Courts of Law which will be used as a last resort when all avenues to solve the grievance by the committee have failed.

#### *Implementation Schedule*

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

#### *Costs and budget*

The estimated budget cost for the RAP implementation for the Bigasha dam project UGX 3,844,800,452.6 (USD 1,537,920). It should however be noted that the figures are just estimates.

#### *Monitoring and Evaluation*

There will be need to carry out both internal and external monitoring to ensure complete and objective information and to avoid biasness. Some of the indicators to be considered include number of grievances filed, number of sub-projects unable to settle compensation after two years; Changes (+/-) in PAPs conditions during transition process, Changes (+/-) in PAPs income and livelihood conditions etc.

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## List of Acronyms

AIDS	-	Acquired Immune Deficiency Syndrome
BP	-	Bank Procedures
CBO	-	Community Based Organizations
CGV	-	Chief Government Valuer
DIZ	-	Direct Impact Zone
DLB	-	District Land Board
DLT	-	District Land Tribunals
DP	-	Displaced Persons
EIA	-	Environmental Impact Assessment
EIS	-	Environmental Impact Studies
ENTRO	-	Eastern Nile Technical Regional Office
FY	-	Financial Year
Ha	-	Hectares
HIV	-	Human Immunodeficiency Virus
IDEAH	-	Integrated Development Alliance for Health
LC	-	Local Council
masl	-	Meters above sea level
M&E	-	Monitoring and Evaluation
MEP	-	Monitoring and Evaluation Plan
MLHUD	-	Ministry of Lands, Housing and Urban Development
MS EXCEL	-	Micro Soft Excel
NAADS	-	National Agricultural Advisory Services
NBI	-	Nile Basin Initiative
NEL	-	Nile Equatorial Lakes
NELSAP	-	Nile Equatorial Lakes Subsidiary Action Program
NELSAP-CU	-	Nile Equatorial Lakes Subsidiary Action Program – Coordination Unit
NEMA	-	National Environmental Management Authority
NGOs	-	Non Governmental Organizations
O.P	-	Operational Procedures
PAPs	-	Project Affected Persons
PIU	-	Project Implementing Unit
PRAP	-	Preliminary Resettlement Action Plan
PWDs	-	People with Disabilities
RAP	-	Resettlement Action Plan
SAPs	-	Subsidiary Action Program
SPSS	-	Statistical Package for Scientists
SVP	-	Shared Vision Program
TAC	-	Technical Advisory Committee
TV	-	Television
UGX	-	Uganda Shillings
UNRA	-	Uganda National Roads Authority
ULC	-	Uganda Land Commission
WB	-	World Bank
WB NBTF	-	World Bank Nile Basin Trust Fund

## 1.0 INTRODUCTION

This report presents the Preliminary Resettlement Action Plan for the Bigasha Multipurpose Dam Project. The assessments undertaken were mainly for the reservoir component as other assessments are pending completion of the technical design. This Preliminary RAP excludes the following aspects; actual census of the PAPs and actual inventory of affected property by name, owner, size. It should be noted that this is not the final RAP. A detailed/actual RAP is outside the Consultant's scope and will thus be undertaken as an independent study at another stage of the project.

### 1.1. Background

#### 1.1.1. Project Description and Rationale

The Nile Basin Initiative (NBI), through cooperation and partnerships among nine member countries – Burundi, Democratic Republic of Congo, Egypt, Ethiopia, Kenya, Rwanda, Sudan, Tanzania, and Uganda – follows a common vision: “to achieve sustainable socio-economic development through equitable utilization of, and benefits from, the common Nile Basin water resources.” Under the current NBI institutional arrangement, the program has: (i) a Shared Vision Program (SVP) meant to build confidence and trust, as well as institutional capacity, so as to create a strong foundation for regional cooperation; and (ii) two sub-basin Subsidiary Action Programs (SAPs) to bring about tangible benefits on the ground through identification and implementation of investment projects that are under implementation as complementary elements of the NBI's Strategic Action Program.

There are three main NBI institutions, namely the NBI Secretariat (Nile-SEC) in Entebbe, Uganda; the Nile Equatorial Lakes Subsidiary Action Program Coordination Unit (NELSAP-CU) in Kigali, Rwanda; and the Eastern Nile Technical Regional Office (ENTRO) in Addis Ababa, Ethiopia.

The NBI has taken steps to put in place systems and mechanisms to ensure environmental and social safeguards in all its interventions at the following key levels: (i) Basin-wide level; (ii) Sub-Basin (SAP) levels; and (iii) Project level.

#### 1.1.2. Nile Basin Regional Background

The River Nile, an asset of extraordinary regional and global importance, is shared by 10 countries and home to more than 300 million people. Some of the poorest countries in the world, the riparian states, all rely on Nile waters for basic needs and economic growth, and the Nile remains at the nexus of security and development in the region.

Over the past decade, the NBI has developed a transitional regional institution, built capacity for basin-wide water management and launched a significant investment portfolio to support water development. Key outcomes thus far included increased communication, trust, involvement and cooperation among Nile Basin governments and populations; enhanced

basin-wide capabilities based on best practices; and increased convergence of institutional frameworks of Nile Basin countries on trans-boundary issues. Significantly, Nile cooperation has led to more than US\$1.0 billion in a first round of investments under the NBI, and an equal amount under other programs that have been enabled by the NBI. Subsequent rounds of investments are focused on complex joint regional projects that could reach into several billions of dollars.

Despite the Basin’s natural endowments, the countries of the Nile Basin face considerable challenges, including high levels of poverty, rapid population growth, lack of access to basic services, an energy crisis, and severe environmental degradation. Four of the Nile Basin states are among the world’s 10 poorest countries.

However, through joint management and development of the Nile Basin’s resources—which the NBI is designed to make possible—the Nile has the potential to catalyze sustainable economic growth for all 10 countries with benefits far beyond those that can be derived from the river itself.

### 1.1.3. Nile Equatorial Lakes Subsidiary Action Program (NELSAP).



The mission of NELSAP is to contribute to the eradication of poverty, to promote economic growth, and to reverse environmental degradation in the NEL region. NELSAP oversees implementation of the jointly identified SAPs and promotes cooperative inter-country and in country investment projects related to the common use of the Nile Basin water resources.

The NEL region includes the six countries in the southern portion of the Nile Basin— Burundi, Democratic Republic of Congo, Kenya, Rwanda, Tanzania, and Uganda, as well as the downstream riparian countries of Egypt and Sudan. The water resources of the NEL region include one of the world’s great complexes of lakes, wetlands, and rivers. The region’s economies are characterized by rain-fed agriculture, subsistence farming, low industrialization, and poor infrastructure development.

Figure 1-1: The Nile River Basin

#### 1.1.4. NELSAP Regional Safeguards

An important part of the regional NELSAP project identification phase is determining the regional project's safeguards category on the basis of a consolidated assessment covering all participating countries. The safeguards categories are defined as follows:

- *Category A:* Regional projects that have significant adverse environmental impacts that are sensitive, diverse, or unprecedented (which may include impacts broader than the regional projects' coverage of sites, facilities, and physical works);
- *Category B:* Regional projects with potential adverse environmental impacts on human populations or environmentally important areas, including wetlands, forests, grasslands, and other natural habitats, but the impacts are less adverse than those identified under Category A;
- *Category C:* Projects with minimal or no adverse in-country or regional environment impacts, and;
- *Category F1:* Projects that involve investment of Bank funds, through a financial intermediary, in sub-projects within countries or as a region-wide entity, which may result in adverse environmental impacts.

Delineating the NELSAP regional project's area of influence will require due diligence at the earliest stages of the project cycle. This includes identification of cross-country physical coverage (such as power transmission corridors, pipelines, canals and tunnels, relocation and access roads, borrow and disposal areas, construction sites, and unplanned developments) as well as new areas that the regional project may affect. These new areas may be physical sites inducing spontaneous settlement or migration, logging, shifting agriculture, or commercial activities. Most regional natural resources projects will cover an area of influence defined by a watershed within a project, an estuary or coastal zone, or off-site areas for resettlement and compensatory tracts of land. The boundary demarcation for social impacts should be consistent with the NELSAP regional environmental assessment covering effects like airborne pollution (dust or smoke) and migratory routes of humans, wildlife, or fish. As with national projects included in the NEL region, coverage will include trans-boundary health and safety, livelihood activities, and religious or cultural areas.

When the OP4.12 (Involuntary Resettlement) policy is triggered, even if it only applies to one country in the NEL region, it is required that a Resettlement Action Plan (RAP) be prepared. An abbreviated plan (RAP) may be developed where less than 200 persons are affected by the project or where the impacts are minor (no one is physically displaced or loses more than 10 percent of their land).

#### 1.1.5. The Bigasha Multipurpose Dam Project

In the Bigasha multipurpose dam project, it is envisaged that more than 200 persons are likely to be affected by the dam development on each of the sites. It is therefore clear that a Resettlement Action Plan will be prepared once the technical designs for the dam are finalised. In the terms of reference the Consultant was required to prepare a resettlement policy framework for each of the 4 dam sites. However the fact that it was now clear that a RAP will be required, the Project Implementation Unit and the World Bank Social Specialist

advised that a preliminary /preparatory RAP be prepared instead. This report therefore presents a Preliminary Resettlement Action Plan for the Bigasha Multipurpose Dam Project. It covers all the requirements for a RAP except for the final identification of the PAPs, their census and an inventory of affected property for each PAP. These will be undertaken at the actual RAP preparation stage.

## 1.2. Objectives of the Preliminary Resettlement Action Plan

The objectives of the Preliminary Resettlement Action Plan are to:

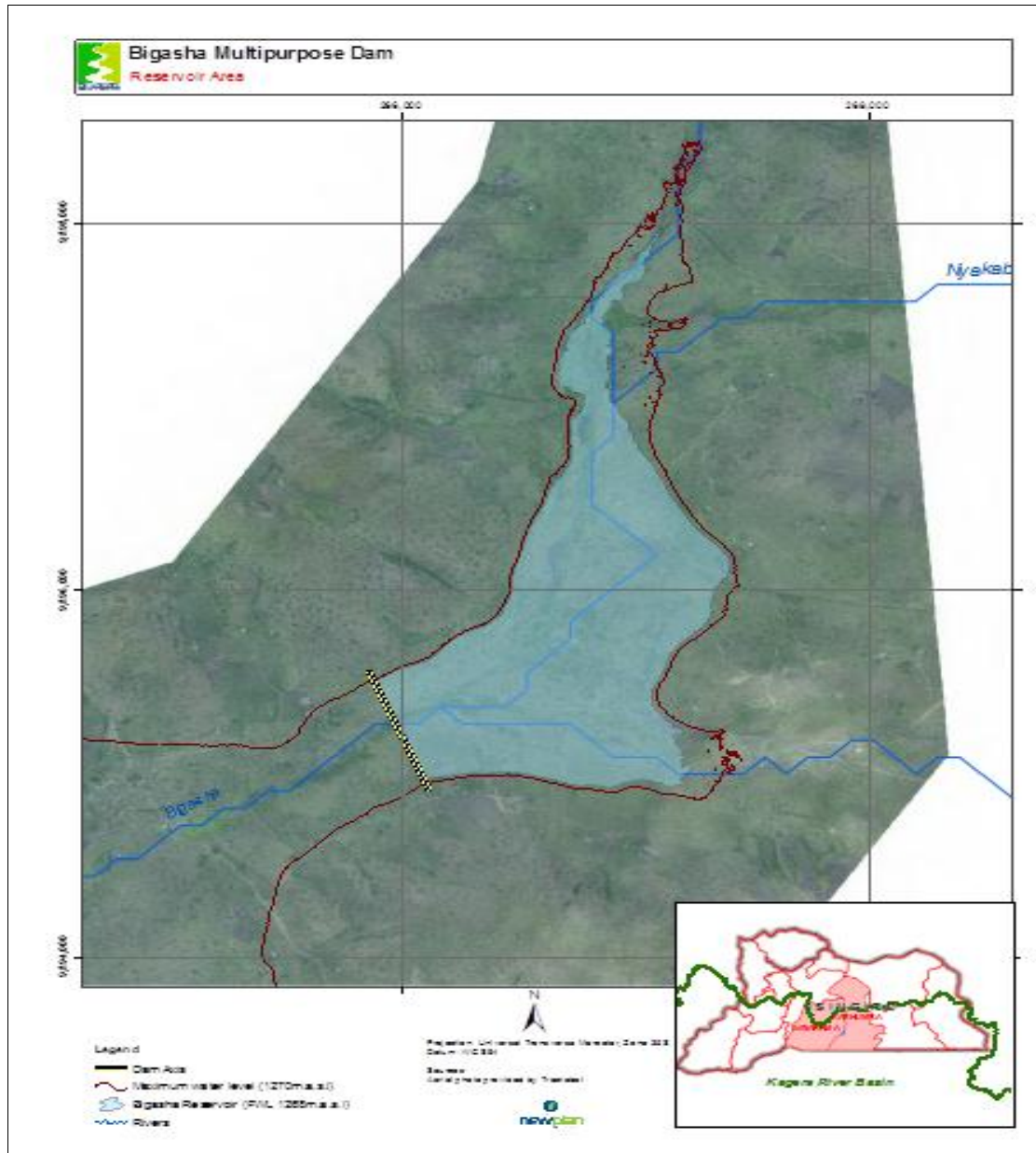
- Establish the Bigasha Multipurpose Dam Project resettlement and compensation principles and implementation arrangements;
- Describe the legal and institutional framework underlying *Ugandan* approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification 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;
- To estimate the costs for resettlement, compensation and or land acquisition where applicable.

## 1.3. Main Objectives of the WB Operational Policy on Involuntary Resettlement

- Avoid involuntary resettlement where feasible, or minimize it, exploring all viable alternative project designs;
- Consult affected persons meaningfully and provide opportunities to participate in planning and implementing resettlement programs, and;
- Assist affected persons in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels.

## 1.4. Project Location and Components

The proposed Bigasha dam site is located in Kigando village, Ngarama sub-county and Nyakabingo and Katyazo villages, Kashumba sub-county all in Bukanga County, Isingiro District. It is located on River Bigasha which flows into River Kagera at the border of Uganda with Tanzania. However in the project area, the river is not visible but is a sub-surface river. The project site is in a wooded-grassland dominated by *Acacia*, *Euphorbia*, *Albizia*, *Combretum*, *Amaranthus* and *Dombeya* spp. **Figure 1-2** shows the location of Bigasha Multipurpose Dam Project.



**Figure 1-2: Location of the proposed Bigasha Multipurpose Dam**

The proposed dam has a height of 12m with full supply level of 10m high (1266 asl). The dam is expected to be an earth fill with maximum reservoir surface area of about 1.64 km<sup>2</sup>, maximum reservoir length of 2.37 km and reservoir width of 1.14 km. The storage capacity is expected to be about 6.41 million m<sup>3</sup> (Mm<sup>3</sup>).

The proposed dam area is currently used mainly for cattle grazing and is water stressed. There are banana plantations observed at the slopes of the hills. Settlements were observed on the slopes of the hills a few kilometers away from the dam site. The catchment area is moderately steep. There is ample grass cover and forestation in the catchment. The hillsides



are generally covered with grass and scattered indigenous trees. The dam is expected to provide water for domestic use, hydropower, livestock, and irrigation, fisheries, aquaculture and flood control.

The project components will include the following:

- The dam and associated structures;
- Quarries and borrow areas;
- Access roads and;
- Canals

The preliminary RAP is prepared under the guidelines of both the Ugandan laws and policies and the World Bank Operational Policy on Involuntary Resettlement (OP4.12).

## 1.5. Methodology

- *Review of Documentation*

The Consultant reviewed the following documents:

World Bank Safeguard Policies [WB OP4.12 (14, 15) eligibility for benefits; WB OP 4.12 (8) attention to vulnerable groups; WB OP4.12 (12a) payment of cash compensation; WB OP4.12 Para (6b and c) assistance to cases of physical relocation/ displacement; WB OP4.12 Para 13 (a) grievance mechanisms]; Uganda National Laws and Regulations and Policies regarding land acquisition, compensation and resettlement among others.

- *Stakeholder Consultation*

The Consultant carried out consultations with the relevant stakeholders who included the District staff, national officers in the Ministry of Water, local authorities and also local people at the project sites that might be affected by the project. The local people provided information on the land tenure systems, existing conflicts in regard to natural resources, and socioeconomic information among others.

- *Rapid Assessment of Potential Affected Persons and Property*

The Consultant carried out foot surveys of property in the proposed reservoir area for the proposed Bigasha Dam. Maps including topography maps and locational maps showing administrative boundaries were also used to determine the extent and size of the areas to be affected. During the assessment, the Consultant took note of the type of trees and crops and made a rough estimate of their numbers. In regard to structures, these were also counted and coordinates picked. The types of materials used for construction of the structures were also taken into consideration. GPS coordinates for each affected property, especially the structures were picked and sample photographs taken.

- *Household Surveys*

The socio economic survey was done using a questionnaire administered at household level. In addition, discussions with the local authorities were held to assess the socio economic conditions of the potential project affected persons. The data collected by use of questionnaires was analyzed by use of MS Excel and MS SPSS.

An interviewer-administered questionnaire was developed with both open ended and close ended questions for gathering information on socio-economic conditions of the people living in the directly affected villages of Katyazo, Kagando and Nyakabingo. These were considered to be potential PAPs of the project. Research Assistants with the knowledge of the local language were deployed and trained. The approximate number of households in these villages was provided by the respective village Local Council I Chairpersons. A 30% sample of these households was randomly selected for inclusion in the interviews. A total of 113 households were included in the household survey as a representative sample.

- *Other Methods*

The Consultant used the Isingiro District FY 2011-2012 compensation rates to estimate the compensation for crops and structures. In addition, land areas and household sizes were used to compute the estimated costs of affected property and estimated number of affected persons.

Observation was also used to supplement and cross check the data from the various sources

## **1.6. Structure of the Report**

The Preliminary RAP Report has been organized in thirteen chapters as described below.

Chapter 1 of the report provides a background and description of the project, objectives of the PRAP, main objectives of the World Bank Policy on Involuntary Resettlement, and the study methodology.

Chapter 2 gives a description of the policy, legal and institutional framework within which land acquisition and compensation will be carried out. It also gives the difference between World Bank Safeguard Policies on Involuntary Resettlement and Ugandan Laws.

Chapter 3 provides an overview of the stakeholder consultation process and gives a summary of issues raised in regard to land acquisition and compensation.

Chapter 4 presents the socioeconomic baseline conditions of the people likely to be affected by the project.

Chapter 5 presents the potential impacts of the project. The different categories of PAPs and estimated number of people likely to be affected are also discussed under this chapter. Project alternatives to minimize land acquisition and resettlement are also discussed under this Chapter.

Chapter 6 provides the compensation system/framework. Under this chapter, the criteria and eligibility criteria is discussed.

Chapter 7 presents the methods for valuation of affected assets. Methods for public information and disclosure of compensation payments are also presented.

Chapter 8 gives an overview of the livelihood and income restoration programs/strategies.

Chapter 9 presents resettlement and relocation and gives an outline of relocation site characteristics.

Chapter 10 gives the grievance mechanism and different stages of grievance resolution are presented.

Chapter 11 presents the implementation Schedule. It gives the time schedule for implementing the RAP, implementing schedule linking resettlement to civil works.

Chapter 12 presents the Indicative Costs and Budget for resettlement and the sources of funding for resettlement activities.

Chapter 13 presents the Monitoring and Evaluation Plan of resettlement activities.

## **2.0 LEGAL AND INSTITUTIONAL DESCRIPTION**

This chapter discusses the policy, legal and institutional framework within which the RAP for the proposed Bigasha Multipurpose Dam Project is to be carried out and under which the project is to be implemented. The laws, legislation, regulations, and local rules governing the use of land and other assets in Uganda will be described.

### **2.1. Policy Framework**

#### **2.1.1. Government of Uganda Policies**

It is Government policy that all persons affected by construction works should be compensated for their land, structures and crops/trees. In addition income restoration must be done where applicable. The position of the Government of Uganda in relation to compensation to be paid if damage is caused to land is clear under the constitution and other Ugandan laws, policies and guidelines. Government of Uganda has no corrective resettlement and compensation policy.

A study leading to the development of National Resettlement Policy and Institutional Capacity for Resettlement was done in 1995 funded by the World Bank (UG/WB, 1995). However, much of the 1995 study on the policies was converted into law in the Uganda Constitution 1995, the Local Government Act 1997 and in the Land Act 1998. These laws and regulations are relevant with respect to land tenure and local governance all which have a bearing on compensation.

### **2.2. Legal Framework, Laws and Regulations**

There are a number of national and local legal frameworks that regulate the land relations in Uganda. These frameworks define land rights, ownership, procedures and requirements of transfer and acquisition of land between individuals and groups. They also provide procedures for the acquisition of land by the state or a public body for public projects.

Among the most important legal instruments in this regard are the following:

- 1) The Constitution of Uganda (1995);
- 2) The Land Act (1998);
- 3) The Land Acquisition Act (1965);
- 4) The Local Government Act (1992);
- 5) The Road Act (1964);
- 6) The Access Road Act (1964);
- 7) The Electricity Act (1999)
- 8) The Water Act (1997), CAP 152

### 2.2.1. The Uganda Constitution (1995)

Article 26 gives every person in Uganda a right to own property. Article 237(1) of the Constitution vests all land in the citizens of Uganda. The Constitution prescribes the tenure regimes in accordance with which rights and interest in which land may be held [Article 237 (3)]: Customary, Leasehold, Mailo and Freehold and Article 237(8) gave the lawful or bonafide occupants of Mailo land, freehold or leasehold land security of occupancy on the land.

- Customary land is owned in perpetuity and is governed by the customary laws by the people who have customary tenure. These people have propriety interest in the land and can acquire a certificate of customary ownership by requesting one through the Parish Land Committee (which will then be granted by the District Land Board).
- Freehold tenure involves the holding of land in perpetuity or of a period less than perpetuity fixed by a condition. It enables the holder to exercise full power of ownership.
- Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant. Additionally, it enables the holder to exercise full power of ownership.
- Leasehold tenure is created either by contract or by operation of the law. The landlord grants the tenants or lease exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land.

Article 237(2) (a), prescribes how Government or Local Government may acquire land in public interest and such acquisition is subject to the provisions of Article 26. The Constitution also provides procedures to follow during land acquisition for public interest. The Constitution stipulates the “prompt payment of fair and adequate compensation” prior to taking possession of land acquired from the owner/occupier. Article 243 (1-2) of the Constitution also provides for the establishment of Land Tribunals for determination of disputes during land acquisition.

### 2.2.2. The Land Act (1998)

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

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

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

The Act creates a series of land administration institutions (Section 46-76) consisting of Uganda Land Commission (ULC), District Land Boards (DLB), Parish Land Committees (PLC) and Land Tribunals. Section 42 states the procedures for land acquisition by Government or Local authority for public use.

Section 59 of the Act gives functions of the DLB including compilation and maintenance of compensation rates (1 (e)) for crops, buildings of non-permanent nature and yearly review of the compensation rates for crops and non-permanent buildings. Jurisdiction of the District Land Tribunals (DLT) is provided for in section 76, Sub-county tribunals in section 80 and Land tribunals in urban areas in section 81. Considerations in the computation of compensation are provided in section 77. Section 77 (1) requires that while assessing compensation DLT take into account the following for land acquisition:

- Customary owner, the value of unimproved land on the open market;
- The value of buildings on land are taken at market value for urban areas and depreciated replacement cost for the rural areas;
- Value of standing crops on land, excluding annual crops which could be harvested during the period of notice given and;
- In addition under the same subsection, 30% and 15% (of total sum assessed) disturbance allowance be paid if less than six months or six months' notice respectively is given to vacant possession.

Land dispute resolution is by land tribunals as provided for under Section 77, traditional authorities prescribed under Section 88 and a mediator prescribed under Section 89. Disputes arising from the compensation to be paid should be referred to the high court for decision (section 87) if the Land Tribunal cannot handle.

The *Land Act, Cap 227* also 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.

However, District Tribunals were suspended in 2007 by the Chief Justice. Consequently, cases that were handled by the District Land Tribunals are currently being handled by the High Court.

**Note: It should be noted that the District Land Tribunals were suspended in 2007 by the Chief Justice. Consequently, cases that were handled by the District Land Tribunals are currently being handled by the High Court. Similarly, Parish Land Committees were also abolished.**

### **2.2.3. The Land Acquisition Act (1965)**

This Act makes provision for the procedures and methods of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister of Lands may authorize any person to enter the land, survey the land, dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose. The Government or developer is to compensate any person who suffers damage as a result. The Act requires that adequate, fair and prompt compensation is paid before taking possession of land and property. Disputes arising from the compensation to be paid should be referred to the court for decision if the Land Tribunal cannot handle.

Land is expected to be acquired for the proposed Bigasha Multipurpose Dam thus this Act will be applicable.

### **2.2.4. The Local Government Act, 1995**

This Act gives effect to the Government Policy on de-centralization and devolution of functions, powers, and services to Local Governments. Under this Act, District and lower Local Councils are given the responsibility of managing their natural resources. Some of the decentralized services and activities for which District Councils are responsible are stipulated under Second Schedule Part 2 section 5 and include land administration, physical planning, land surveying, conservation of forests and wetlands, social rehabilitation, labour matters, community development, vulnerable children, cultural affairs and others. Isingiro District and lower local councils therefore will be involved in issues of planning and actual compensation.

### **2.2.5. The Access Roads Act, Cap 350**

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

The Act also has provisions for grievance resolution between the developer and owner of land over which the access is to be constructed by applying to Magistrate's Court for leave to construct a road of access. Access roads to the dam site will be required thus this Act will be applicable.

There will be need to improve on the existing access roads to the site and where necessary also to open up new access. The Act will thus be relevant to this project.

#### **2.2.6. The Electricity Act, 1999**

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

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

This Act will be triggered in case the Bigasha Multipurpose Dam generates electricity to the community as one of its benefits.

#### **2.2.7. The Water Act 1997 (CAP 152)**

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

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

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

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



## **2.3. Institutional Framework**

This section spells out sectors, institutions, and processes through which planning and implementation of the project will be effected.

A number of institutions will be involved in the overall implementation of this project, either by way of their mandate or because of the direct impact of the project on their areas of jurisdiction. These include: Ministry of Lands, Housing and Urban Development (MLHUD), Uganda Land Commission, National Environment Management Authority and Isingiro Local Government.

### **2.3.1. The Ministry of Lands, Housing and Urban Development**

The Ministry of Lands, Housing and Urban Development is responsible for providing policy direction, national standards and the coordination of all matters concerning lands, housing and urban development. Under this ministry, the Division that would be very instrumental in this project is the Valuation Division (Office of the Chief Government Valuer CGV). The CGV is responsible for guiding the valuation process, approving the compensation principles and ascertaining compensation rates.

### **2.3.2. Uganda Land Commission**

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

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

### **2.3.3. Ministry of Water and Environment**

The Ministry of Water and Environment will be the lead implementing agency and will ensure that all laws, policies and Social Safeguards are adhered to. In addition, the Ministry will ensure effective timelines for compensation and also ensure cost effectiveness of the land acquisition activities.

### **2.3.4. NBI/NELSAP**

NBI/NELSAP will undertake the role of overall monitoring of the RAP process and will ensure that there is compliance to the necessary laws, regulations and the World Bank Safeguards.

### 2.3.5. National Environment Management Authority (NEMA)

NEMA will have the responsibility of assessment and monitoring of compliance of the Resettlement Action Plan to the Environmental and Social Safeguards. This could be done through Isingiro District or directly through NEMA's gazetted Environmental Inspectors.

The EIA guidelines prescribe the need to undertake an EIA process in connection with infrastructure development involving significant environmental impacts. The authority will be responsible for reviewing the process of the Environmental Impact Assessment (EIA) and the submitted Environmental assessment report.

The EIA Regulations prescribe a public notice by NEMA after submission of a project brief with a summary of project characteristics inviting objections and comments from the public. It is further required that Public Consultations shall be undertaken during scoping and other appropriate stages during the Environmental Impact Studies (Source: Environmental Impact Assessment Regulations, Part III: Environmental Impact Studies, Point 12 Public Participation, Part IV: Review of EIS Point 19 23).

Elements of resettlement policy directions in Uganda is contained in the Constitution and the Land Act but not expressed in a separate approved Resettlement Policy.

### 2.3.6. Local Governments

The primary responsibility of the Local Government of Isingiro District, Kashumba and Ngarama Sub Counties will be;

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

#### The District Land Boards

The District Land Board will:

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

#### The Office of the District Environmental Officer

The office of the District Environmental Officer will:

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

The RAP activities will depend on the legal backup and support of the institutional arrangement of the Republic of Uganda and the decentralization process in the Districts.

## **2.4. World Bank Safeguard Policies on Involuntary Resettlement**

The World Bank Resettlement Policy Framework (OP 4.12 and BP 4.12) is applied for projects that require World Bank financing. It is assumed that this project will be financed by the World Bank Nile Basin Trust Fund (WB NBTf); thus this policy will be applicable to this project.

The World Bank OP 4.12, Annex A (Paragraphs 17-31), describes the scope (level of detail) and the elements that a resettlement plan should include. These include objectives, potential impacts, socio economic studies, legal and institutional framework, eligibility, valuation and compensation of losses, resettlement measures, relocation planning, community participation, and grievance redress procedures, implementation schedule, costs and budgets, and monitoring and evaluation. The most relevant paragraphs from the policy are listed below.

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

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

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

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

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

In addition displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to

compensation measures such as land preparation, credit facilities, training, or job opportunities.

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

The World Bank’s Operational Policy on Environmental Assessment (WB. OP 4.01 - point 14a and b) prescribes that public consultation is carried out at least 2 times, after environmental screening or during the process, and after submission of the EIA. Thus the consultations have been carried out during the preliminary phase of Resettlement Action Plan (RAP) and are expected to be carried out during preparation of RAP.

## 2.5. Difference between Ugandan Laws and World Bank Safeguards Policies on Resettlement

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

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

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

A comparison of the Ugandan law and WB requirements regarding compensation is given in Table 2-1. In a number of cases, as shown in Table 2-1, the WB requirements are more favorable to PAPs than the provisions of the Ugandan Law.

**Table 2-1: Comparison of Uganda and World Bank Policies on Resettlement and Compensation**

Category of PAPs/ Type of Lost Assets	Ugandan Law	World Bank OP4.12
Land Owners	<p>The Constitution of Uganda, 1995 recognizes four distinct land tenure systems, Customary tenure, Freehold tenure, Leasehold tenure, and Mailo land tenure.</p> <p>Customary land is owned in perpetuity and is governed by the customary laws by the peoples who have customary tenure.</p>	<p>Identification done through census and socio-economic surveys of the affected population,</p> <p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>

Category of PAPs/ Type of Lost Assets	Ugandan Law	World Bank OP4.12
	<p>Privately owned land's value is negotiated between the owner and the developer. In rural areas, land is valued at open market value and a 15% to 30% disturbance allowance must be paid if six months or less notice is given to the owner.</p> <p>Cash compensation</p>	
Land Squatters	<p>Leasehold tenure is created either by contract or by operation of the law. The landlord grants the tenants or lease exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land.</p> <p>Cash compensation is based upon market value of land and disturbance allowance (15-30%)</p>	Must be compensated whatever the legal recognition of their occupancy.
Land Users/ Land Sharecroppers	<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>They are not entitled to compensation for land. They are only entitled to compensation for crops and disturbance allowance (15-30%).</p>	<p>No specific provisions to land compensation.</p> <p>Entitled to compensation for crops and income must be restored to at least pre-project levels.</p>
Owners of non-permanent buildings	Cash compensation based upon rates per m <sup>2</sup> established at District level disturbance allowance (15% or 30%).	Recommends in-kind compensation or cash compensation at full replacement cost including labor. Recommends resettlement assistance
Owners of permanent buildings	Valuation is done by the CGV & disturbance allowance (15% or 30%). Valuation based on replacement value	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement
Perennial and annual Crops	Cash compensation based upon rates per m <sup>2</sup> ./bush/tree/plant established at District Level and disturbance allowance (15% or 30%)	Income restoration. Land for land compensation allows people to re-establish annual crops immediately.
Seasonal crops	No compensation. 3-6 months' notice given to harvest crops.	
Livelihood restoration and assistance	There are no explicit provisions	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better
Timing of compensation payments	<p>There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.</p> <p>However, 3-6 months' notice is given to the owner after payment of compensation. This is based on a disturbance allowance paid. Six</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>

Category of PAPs/ Type of Lost Assets	Ugandan Law	World Bank OP4.12
	months' notice given for 15% disturbance allowance and 3 months' notice given for payment of 30% disturbance 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).	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.
Relocation and resettlement	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 defence, public safety, public order, public morality or public health.”	Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher
Grievance mechanism and dispute resolution	The Land Act, 1998 states that land tribunals must be established at all local governments. All land disputes must be processed by the tribunals, before the case can be taken to the ordinary courts. <i>However, District Land Tribunals were scrapped in 2007</i>  The act also states that traditional authority mediators must retain their jurisdiction to deal with, and settle, land disputes.	Establish appropriate and accessible grievance mechanisms

In regard to this project, land to be acquired will be subject to the Laws of Uganda and the World Bank OP4.12. In the event of divergence between the two, the policy which will be considered to be of a comparatively higher standard shall apply.

## 3.0 PUBLIC CONSULTATION

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

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential land and alternative sites are being considered and is continuous throughout the project cycle.

Public consultation and participation are essential because they provide PAPs the opportunity to contribute to both the design and implementation of the project activities and reduce the likelihood for conflicts. It also provides room for proposal of feasible mitigation measures by the stakeholders. One key factor that exists in all successful approaches to project development and implementation is participation by all stakeholders and communities in all the stages of the project. The more direct involvement of the local level people in the planning and management processes, the greater the likelihood that resource use and protection problems will be solved as well as the likelihood of development opportunities occurring in a balanced way and to the broad benefit of all communities in the project. In addition, involvement of stakeholders provides a sense of ownership for the project.

In regard to this project a participatory approach is adopted as an on-going strategy throughout the entire project cycle.

### 3.1. Stakeholders Identification

It is always important to identify stakeholders at an early stage. In this project, stakeholders are those who have an interest in the project development, and who will be involved in the consultative process. Stakeholders for this project were thus identified purposively.

Different categories of stakeholders were identified and these included those directly and indirectly affected by the project. These included stakeholders at different levels that is, at national level, local government level, NGOs and communities in the project area. Their participation will make them understand and appreciate the likely impacts of the dam over their livelihood. In the context of the resettlement activities in the project area, extending and distribution of opportunities to PAPs is very important.

The four main groups of stakeholders are:

- **Directly Affected people:** - All those who reside or derive their living from areas where the project will have a direct impact, often referred to as the Direct Impact Zone (DIZ), consisting of all the project components. For Bigasha dam, directly affected persons are persons who have property in the proposed dam area and its sub-components and most of these live in the villages of Nyakabingo, Kigando and Katyazo.

This being preliminary RAP where specific PAPs have not yet been identified, consultations were held with potential directly affected communities in the villages where reservoir will be located. Consultations specifically with identified and confirmed PAPs will be held during the RAP preparation stage.

These were informed about the project including its location, purpose, features, objectives of the study and the consultation meetings, the team of experts, and the different activities to be carried out throughout this phase of the assignment. Their views and concerns in regard to the project were sought and suggestions to mitigate the negative impacts were recorded.

- **Indirectly Affected Persons:** All those who reside near project features or are reliant on resources in the project area and will have to change or adjust their livelihoods. For this project, these include communities living in the villages affected by the dam but do not own property in the earmarked locations for the reservoir and communities downstream of the reservoir. Consultations were held with communities downstream and surrounding villages and these included communities in the villages of Kemikookoma, Kashenyi, Kakirara, Rubombo and Ntenga.
- **Government or public sector agencies and community based organizations:** These include;
  - *National Stakeholders* : National Liaison Officer, TAC Members, Directorate of Water Resources officials (Director, Commissioner – Water Regulator), Directorate of Water Department, Ministry of Water and Environment, Commissioner Water for Production, Commissioner Water Regulator, National Environmental Management Authority (NEMA).
  - *Local Government stakeholders - Political leadership:* District Political Leaders who include: the LC V Chairperson, District Councillor/Secretary for Education and Health, Councillor in charge of Technical services, and the LC III Chairperson.
  - *Local Government stakeholders – Technical Staff:* Isingiro District Chief Administrative Officer, District Technical Officers (Planner, Environment, Education, Water, Fisheries, Agriculture, Health Inspector, Community Development, Production), Sub County Chiefs, Sub County Community Development Officers, Health Assistant – Ngarama and Kashumba Sub Counties, District Land Board representatives.
  - *Village leaders* - LC I Chairpersons (Kigando, Katyazo, Nyakabingo, Kemikokoma, Rwamacumu)
  - *NGOs and CBOs, Host Communities*

Only 1 CBO was consulted i.e. Integrated Development Alliance for Health (IDEAH), a community based organization whose main focus is to provide assistance to the vulnerable groups in the area was consulted.



- **Other stakeholders**

These include: The **Client (Nile Basin Initiative)**; donors; companies with an indirect interest; external advisors and consultants and the private sector. At this stage of the project, only NBI has been consulted.

### 3.2. Summary of Consultations Undertaken

Meetings were held with the relevant officers at national, local government level and with NGO officers. The meetings were held in their respective offices and most of these were impromptu meetings but for some appointments were first made through phone calls. They were all conducted in the English language. A list of the different stakeholders consulted is attached to this Report as Appendix I.

Furthermore, a total of 5 public meetings were held with potential PAPs. The local leaders were instrumental in mobilizing for community meetings. A total of 130 participants turned up for all the community meetings with an average of about 30 participants for each community meeting. Of the total participants, about 14% were women. All the community meetings were held using the local language, Runyankore. A schedule of the meetings held is attached as Appendix II while issues raised in regard to land acquisition and compensation disaggregated per meeting are attached as Appendix III.

However, Section 3.3 gives a summary of all issues raised in regard to land acquisition and compensation.

### 3.3. Summary of issues raised in regard to land acquisition and compensation by the different stakeholders and communities

Consultations were held with some of the stakeholders mentioned in Section 3.1 of this report and these were carried out in the months of January and April 2012. Information regarding aspects of the project was disseminated. The Consultant also sought for information regarding policies, general socioeconomic trends among others. Hard copies and soft copies of secondary information were provided to the Consultant by the different stakeholders. In addition, their views and concerns in regard to the project were sought and suggestions to mitigate the negative impacts were also sought.

Through the discussions and consultations with the community members and other stakeholders, a number of issues were raised in regard to compensation and resettlement and these are summarized below.

**Loss of land:** The issue of loss of land was a major concern for the communities and other stakeholders consulted. The potential affected persons feared that they will lose their land to the project and as a result they will not be able to share the benefits of the project. This was attributed to the fact they might be relocated to faraway places.

**Under valuation and under compensation:** There was general fear among the potential PAPs in regard to valuation. The potential PAPs feared that their property might be given a rate that was lower than the actual rate which in turn would lead to under compensation.

They were worried that if given monetary compensation, it may be too low to enable them purchase alternative land elsewhere. They therefore requested that their property be properly valued and fairly compensated.

**Resettlement in poor locations:** The potential PAPs feared that they might be relocated to areas which are bad and have worse characteristics than the land they are currently occupying. They were further worried that the resettlement land might not have similar developments as that found on the affected piece of land. They therefore requested that the alternative land should be in a good location and the project should put similar developments as found on the affected land.

**Flooding in case of breaching the dam embankment thereby leading to loss of property.** The potential PAPs feared that the dam embankment might be breached causing flooding thereby destroying people's property and gardens.

**Non compensation of land without legal documents (titles):** The potential PAPs expressed concern about untitled land. They feared that land without titles may not be compensated.

**Economically unviable pieces of land:** There was concern that potential PAPs may be stuck with small pieces of land that could be economically unviable to them after a bigger part has been lost to the project. They requested that such small pieces of land should be acquired by the project to enable the affected persons look for land elsewhere without worrying about the small piece left behind.

**Delay of payments.** The potential PAPs were worried that after valuation the government might take long to pay them and this will make it difficult for them to get other pieces of land elsewhere due to the ever increasing prices of land. They also feared that by the time the government compensates them, some of them might have died. They therefore requested the government to compensate them promptly.

**Effect on vulnerable people:** The potential PAPs expressed concern about vulnerable people like the elderly and disabled who will lose big pieces of land and homes yet they are too old to start new lives. They requested the government to help these people as much as possible and if possible avoid taking their land.

The stakeholder consultation process initiated during this preliminary RAP will continue throughout the next stages of the RAP.

### 3.4. Public Participation & Consultation framework

A key strategy for implementation of the RAP is collaboration both in the vertical and horizontal levels between the affected communities/people, central and local government executives to enhance co-ordination, enabling sharing of experiences to consolidate the RAP process.

Consultation and community participation is a continuous process which will be followed in all stages of the project (that is, during project inception and planning, the feasibility assessment stage, preparation and development of project designs, implementation of the project and implementation of after-project community support activities).

All levels and different types of stakeholders shall be consulted, such as directly affected communities, indirectly affected communities and host communities among others. The consultation process will ensure that all identified stakeholders are consulted. Information about the project will be shared with the public to enable meaningful contribution, and enhance the success of the project

There are several methods that could be used for communication and consultation and these include; stakeholder meetings, use of questionnaires, use of the media (radio, newspapers, TV) with particular emphasis on local media using the local language, use of notice boards at the local administration offices, posters in strategic locations frequented by the local people such as trading centers and offices of the local leaders among others. Where necessary, representatives of the different stakeholders shall be chosen and involved in the consultation process.

All concerns, views and issues raised by the stakeholders will be documented by written minutes. Attendance lists and photographs of the meetings will form part of the RAP Report and will be used as evidence that the consultation took place.

Different stakeholders at the national, local and community level will thus be involved in the process of land acquisition and RAP implementation. In addition, NGOs and CBOs currently working in the area can also be involved in the RAP process. These can be involved through acting as witnesses for the compensation process, strengthening local institutions, enhancing the positive impacts and implementing the mitigation measures among other things. In case of relocation of households, it is important to consult the host communities so as to ensure that the new comers are accepted and measures put in place to ensure that there is no increased stress to the existing social services in the new locations.

## 4.0 SOCIAL ASSESSMENT AND SOCIO-ECONOMIC SURVEYS

To assess the impacts of the project on the potential Project Affected Persons (PAPs), baseline surveys were conducted by the Consultant in month of April 2012. Households considered for the survey included households in the vicinity of the project. This section of the report gives baseline conditions of the project area and the people that are likely to be affected during the implementation of the proposed Bigasha Multipurpose Dam. Details of each individual PAP will be got at the stage of preparation of the RAP.

### 4.1. Socio-economic Baseline Information

#### 4.1.1. Population

According to the 2002 Population and Housing Census, the total population of the country was 24.4 million people and that of Isingiro district stood at 316,025 persons. The population of the district was projected to be 420,200 persons by 2012 of which 204,800 would be males and 215,400 would be females (Uganda Bureau of Statistics, Sub National Projections Report, Western Region – 2008-2012). The total population for the two affected Sub counties of Ngarama and Kashumba projected by 2012 is shown in Table 4-1.

**Table 4-1: Total population of Ngarama and Kashumba Sub-Counties by 2012**

Sub-county	Males	Females	Total
Ngarama	20,700	21,400	42,100
Kashumba	18,100	18,500	36,600
<b>Total</b>	<b>38,800</b>	<b>39,900</b>	<b>78,700</b>

*Source: Uganda Bureau of Statistics, Sub National Projections Report, Western Region – 2008-2012*

From the interviews it was established that 86.7 % of the households in the project area were headed by males while 13.3% of the households were headed by females.

In terms of age, the interviews showed that the average age of the household head was 43 years with majority of them (46%) being in the age group of 18-39 years, followed by those in the age group of 40-64, while 12.4% of the household heads were in the elderly age group (65+ years). Among the sampled households there were no child headed households. The results further imply that the population in the project area is employable as the majority is still in the productive age.

The average household size in the project area is 5 persons which is close to the national average of 4.7 persons.

#### **4.1.2. Land tenure and size**

Majority of the households included in the household survey (88.2%) own land customarily. In regard to the size of land owned, the interviews indicated that the average land holding per household is 10.3 acres, while for female headed households the average size of land owned is 2.2 acres.

#### **4.1.3. Settlement patterns and size distribution of settlements**

Observations showed that the households are scattered from each other and this is attributed to the big sizes of land owned. However, consultations revealed the pieces of land were being utilized by many people including the sons and their wives and other relatives. In trading centres, structures are close to each other and most of them are used for commercial purposes. There are temporary, semi-permanent and permanent structures in the area, majority of which are semi-permanent.

#### **4.1.4. Social capital and mechanisms for social cohesion**

Consultations revealed that mechanisms for social cohesions included reliance on family members as most of them were staying near each other, religious organizations, farmers' groups like NAADS and support groups to the vulnerable people among others.

#### **4.1.5. Social structure**

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

Like most rural societies, the project area is patrilineal in nature where the men are considered to be superior to the women. The men are major decision makers on several aspects including resources like land. Consultations revealed that when a man dies, one of his sons is expected to be the heir. However, in some instances if a woman has children, she can be chosen to look after the property but if she has no children the property is taken over by other family members or clan members.

#### **4.1.6. Livelihood Activities**

##### **Crop farming**

As it is with other areas in the country and in the study district, the predominant economic activity in the project area is agriculture. From the interviews it was established that 79.6% of the people interviewed were peasant farmers while 3.5% were commercial farmers. The main crops grown include bananas, maize, beans, millet and coffee. Labor is mostly manual using simple hoes and machetes. Women are more involved in the cultivation of seasonal crops than annual crops. In the proposed reservoir area only banana plantations were cited.

### Animal rearing

Isingiro district is one of the major producers of indigenous cattle and goats. Statistics show that 20% of the Banyankole are cattle keepers (Bahima) while 69% are cultivators (Bairu). According to information from Isingiro District, Ngarama sub county has the second highest number of households rearing livestock in the district.

In the project area, livestock rearing is a major economic activity and the area that will be inundated by the reservoir is mainly used as grazing land for cattle.

### Other economic activities

Other economic activities include trading which is practiced by 1.8% of the people in the project area, casual labor done by 11.5% and brick making and carpentry by 0.9%.

#### **4.1.7. Income**

The results of the household interviews indicate that the average monthly income for the households within the project area is UGX 251,650 while the average annual income is UGX 2,910,000. However, for female headed households the average monthly income is UGX 85,500 and the annual income is UGX 1,050,000. It was reported although cattle generate large sums of money when sold, farmers who own cattle attach great value to them and only sell them once in a while to cater for a unique need. Given the household size of 5 members, a further analysis of the income levels indicated that the household members rely on less than 1 dollar day. It can therefore be deduced that the people in the proposed area for the reservoir are poor.

#### **4.1.8. Vulnerable Groups**

Household surveys and consultations revealed that in the project area there were vulnerable groups which included female headed households (13.5%) and elderly headed households (65 years and above) were reported to be about 14%. Other vulnerable groups included People with Disabilities (PWDs) and unemployed youth among others. Out of the households interviewed, 12.7% said that they had a disabled person in their household with the major type of disability being physical.

All the vulnerable groups identified will need special attention in terms of rehabilitation and livelihood support and ensuring that their status does not get worse than the pre project period. Details of the directly affected vulnerable groups will be collected in the next stage of RAP preparation.

#### **4.2. Potential conflicts inherent in dealing with natural resources**

During community consultations, several potential conflicts regarding natural resources were pointed out and these included land wrangles. The major causes of land disputes were noted as: distribution of land among between family members; contention of land boundaries with neighbors and trespassing. Other conflicts arise because of denial of access to community

resources like water and footpaths/access roads. The issue of land disputes will be investigated further when the full RAP is prepared.

The main mechanisms for resolving such conflicts include family/clan members, church leaders and local council leaders. The aggrieved parties usually go to court when the above mechanism fails.

At the RAP preparation stage, a census of the affected populations will be undertaken and a socioeconomic profile of each PAP will be documented for measuring the magnitude of the impacts and for future monitoring of the PAPs. The period when the census of the Project Affected People is complete will be used as a cut-off date for the RAP.

## 5.0 POTENTIAL IMPACTS OF THE PROJECT

The proposed Bigasha multipurpose dam will be located in the 3 villages of Katyazo, Nyakabingo and Kigando which are located in Ngarama and Kashumba sub counties. It will require land for the reservoir, camp site, access roads, soil disposal sites, quarry and borrow pit sites, among others. This preliminary RAP provides information on the potential impact and likely project affected persons that could be displaced by the reservoir component.

Households will be affected by one or a combination of categories of losses below:

- Loss of land;
- Loss of crops and trees;
- Loss of structures
- Loss of footpaths and;
- Loss of income sources/means of livelihood.

### 5.1. Categories of PAPs and Estimated number of PAPs

#### 5.1.1. Categories of PAPs

Land acquisition for the Proposed Bigasha Multipurpose dam and its associated components will result in negative impacts to different categories of PAPs. The likely displaced (economically or physically) persons can be categorized into three groups namely:

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

**Project affected households** are groups of PAPs in one household and where one or more of its members are directly affected by the Proposed Bigasha Multipurpose dam. These include members like the head of household, male, and female members, dependent relatives, and tenants among others.

#### **Vulnerable Persons/Households**

The Proposed Bigasha Multipurpose dam project will pay special attention to the needs of the vulnerable groups that will in one way or another be affected by the project.

The studies have so far revealed that there are several vulnerable groups in the project area and these include the women headed households, the elderly headed households, the disabled and families affected by HIV/AIDS among others. The major aims of identifying these groups is to provide additional assistance to restore their pre-project living standards, to ensure that their already vulnerable situations are not made worse by the existence of the project and to ensure that resettlement provides an opportunity to enhance their socioeconomic conditions.

Vulnerable households may have different land needs from most households, or needs unrelated to the amount of land available to them. The RAP will identify the different



categories of vulnerable households and persons and an analysis of their socioeconomic situation will be undertaken.

A deeper analysis of the different categories of PAPs will be done during the RAP preparation stage.

### **5.1.2. Estimated affected population**

The socioeconomic survey indicated that the average land holding per household in the directly affected villages was 10.3 acres (4 ha). With an estimated land take for the reservoir of 405 acres (164 Ha), it is estimated that about 40 households will be directly affected by the reservoir through loss of land and 2 households will be displaced. The low number of land owners is attributed to the big sizes of land being owned by each individual.

Household surveys further revealed that in each household there are 5 members implying that for about 40 households, about 200 persons in a household will be affected as these derive their livelihood from the affected piece of land.

It should however be noted that the exact number of the different categories of PAPs and their exact numbers will be determined at the next stage of RAP preparation which will take place after the final design of the project is completed and the location of all the sub-projects is known.

## **5.2. Loss of land**

Approximately 405 acres (164 Ha) of land will be lost to the project for the reservoir component. Currently, the area that will be inundated by the reservoir is being utilized mainly as grazing land and a small section is used for cultivation.

All people with or without legal documents will be compensated for their loss. Compensation of land could be done by cash payment or in kind payment. **Figure 5-1** shows cattle grazing in the project area.



*Figure 5-1: Cattle grazing in the project area and types of trees*

### **5.3. Loss of crops and trees**

In the project direct area of influence, banana plantations were noted. Construction of the proposed dam will lead to destruction of these plantations. However, it was noted that a small portion of the land was utilized for crop farming. Consultations revealed that some of the crops belonged to women and some belonged to other family members who did not own land. All these categories of PAPs are thus eligible for compensation. In addition to crops, sisal and other local trees were cited in the area. The most common tree species in the project area is Enkukuru, a medicinal tree used to treat cows.

### **5.4. Loss of structures**

There are currently 2 houses and a local fence in the area proposed for the reservoir. However, consultations with the local people revealed that that the owners of these structures do not own land but just hire the land for cultivation purposes only and consequently construct semi-permanent or temporary structures for shelter and safety of their families. Figure 5.2 and Figure 5.3 show the residential structures in the proposed reservoir area.



**Figure 5-2: Residential Structure in the Proposed area for the Reservoir**



**Figure 5-3: Residential Structure in the Proposed Area for the reservoir**

### **5.5. Loss of cultural property**

By the time of the study, there was no cultural property identified in the proposed reservoir area.

### **5.6. Loss of income sources or means of livelihood**

The study revealed that majority of the people in the direct impact zone are cattle keepers and they rely on cattle for their livelihood and source of income. According to records from Isingiro Agricultural and Production Department, a mature healthy local cow was sold at UGX 800,000 - 1,000,000 while a crossbreed cow cost between UGX 1,000,000 - 1,500,000. The cattle are also used for milk production which is sold or consumed at home. A litre of milk was reported to cost UGX 500.

Loss of grazing land will affect the feeding of the cows which will thus reduce their value, their milk production and therefore reduce the income earned by these people. However, the loss of income is indirect and is hard to quantify for future monitoring.

The RAP report that will be compiled after the design and knowledge of the location of all project sub components will assess further the level of the identified impacts.

### **5.7. Project Alternatives to Minimize Land Acquisition, Resettlement and Impact on Other Infrastructure**

One of the main objectives of the World Bank Operational Policy on Involuntary Resettlement is to avoid involuntary resettlement where feasible, or minimize it by exploring all viable alternative project designs. The project has thus considered several options as a way of minimizing land acquisition and resettlement.

**Option 1:** This option had a Dam Height of 14m and storage capacity of 9.62 million m<sup>3</sup> (Mm3). It would inundate about 444 acres of land and about 45 households would be

affected in terms of loss of land. Furthermore, this option would lead to physical displacement of about 5 households.

**Option 2:** This option has a dam height of 12m with full supply level of 10m high (1266 asl), reservoir surface area of 1.64 Km<sup>2</sup>, storage capacity of 6.41 (Mm<sup>3</sup>), maximum reservoir length of 2.37 km and reservoir width of 1.14 Km. This option shall inundate about 394 acres of land (159.5 Ha) and will affect about 39 households in terms of loss of land. This option will only physically displace 2 households.

Option 2 is being considered for further studies and it is clear that it will have fewer impacts in regard to land take and displacement.

## **6.0 COMPENSATION SYSTEM/Framework**

### **6.1. Criteria and Eligibility for Compensation**

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

- (a) Those who have formal legal rights to land (including customary and traditional rights recognized under the laws of the country);
- (b) Those who do not have formal legal rights to land at the time the census begins but have a claim to such land or assets-provided that such claims are recognized under the laws of the country or become recognized through a process identified in the resettlement action plan (itinerant farmers or sharecroppers) and;
- (c) Those who have no recognizable legal right or claim to the land they are occupying.

WB OP 4.12 Para 16 states that Persons who encroach on the area after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

In regard to the proposed Bigasha multipurpose dam, affected persons irrespective of their status (whether they have formal title or not) are eligible for compensation and some assistance if they occupied the land before the entitlement cut-off date. These will include people with or without land titles and sharecroppers on the land.

### **6.2. Eligibility for resettlement/relocation**

Eligibility for resettlement will consider the following categories of PAPs:

- All those affected households whose family house (principle place of residence) is located within the reservoir and any other sub-projects.
- Households whose land will be acquired by the project and the remaining piece is considered no longer economically viable.

### **6.3. Eligibility for Community Compensation**

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

As regards the proposed Bigasha multipurpose dam, farmers will lose grazing land for their cattle. The issue of loss of grazing land for the community will be investigated further during

the preparation of the Resettlement Action Plan. The Consultant will discuss with several key informants in regard to this issue.

#### 6.4. Compensation Guidelines by the Host Government

According to the Land Acquisition Act (1965), the Government is supposed to pay compensation in cash to any person who suffers damage as a result of any action from land acquisition.

The Constitution of Uganda (1995) stipulates that there should be prompt payment of fair and adequate compensation prior to the taking possession or acquisition of property.

The Electricity Act (1999), Part VIII also calls for prompt payment of fair and adequate compensation to all interested parties on the land.

The Land Act (1998) Section 78 stipulates that the basis for compensation is depreciated replacement costs for rural properties and market values for urban properties.

**Table 6-1** gives a summary of the entitlement matrix for compensation of assets regardless of whether the PAP has legal documents or not.

**Table 6-1: Entitlement Matrix**

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Less than 20% of land holding affected	Farmer/ title holder	Cash compensation for affected land equivalent to replacement value or Market value
	Land remains economically viable.	Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Greater than 20% of land holding lost	Farmer/ Title holder	<p>Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice.</p> <p>Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )</p> <p>Relocation assistance (costs of shifting + assistance</p>

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )
		Tenant/Lease holder	<p>Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature</p> <p>Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature )</p> <p>Relocation assistance (costs of shifting + allowance).</p>
Commercial Land	Land used for business partially affected  Limited loss	Title holder/ business owner	<p>Cash compensation for affected land</p> <p>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).</p>
		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)
	Assets used for business severely affected  If partially affected, the remaining assets become insufficient for business purposes	Title holder/business owner	<p>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.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</p>
		Business person is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to reestablish the business.</p>
Residential Land	Land used for residence partially affected, limited loss	Title holder	Cash compensation for affected land
	Remaining land viable for present use.	Rental/lease holder	Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)
		Title holder	<p>Land for land replacement or compensation in cash according to PAP's choice.</p> <p>Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
	Land and assets used for residence severely affected	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p> <p>Assistance in rental/ lease of alternative land/ property</p> <p>Relocation assistance (costs of shifting + allowance)</p>
Buildings and structures	Structures are partially affected	Owner	Cash compensation for affected building and other fixed assets
	Remaining structures		Cash assistance to cover costs of restoration of the remaining structure



Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	viable for continued use	Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant).  Disturbance compensation equivalent to two months rental costs
	Entire structures are affected or partially affected  Remaining structures 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)  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)
		Squatter/informal dweller	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  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.

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			Relocation assistance (costs of shifting) Assistance to obtain alternative site to re- establish the business.
Standing crops	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.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)

### A Summary of Compensation under the Ugandan and World Bank guidelines

There are some differences in compensation between Ugandan and World Bank guidelines. The Government of Uganda normally pays cash for property affected and emphasizes less of in kind compensation.

The Government of Uganda under the implementing agency i.e. the Ministry of Water and Environment will try as much as possible to incorporate both World Bank and the country's compensation guidelines when compensating the people. Table 6-2 gives a summary of the compensation guidelines for Uganda and the World Bank.

**Table 6-2: A Summary of Compensation under Uganda and World Bank guidelines**

Lost Asset	Compensation under Ugandan guidelines	Compensation under World Bank
Land	Cash compensation	Land for land compensation if more than 20% of the land is taken and the remaining land is considered economically unviable.  Cash compensation if less than 20% of the land is taken and the land is considered still economically viable.  Compensation based on replacement cost.
Permanent House	Cash compensation	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement

Lost Asset	Compensation under Ugandan guidelines	Compensation under World Bank
Non-permanent House	Cash compensation	In-kind compensation or cash compensation at full replacement cost including labor.
Other Structures (graves, toilets etc.)	Cash compensation	Cash compensation, relocation assistance for graves
Crops/Trees	Cash compensation	Income restoration. Land for land compensation allows people to re-establish annual crops immediately.
Community asset/resource	No provision	In-kind compensation

### 6.5. Loss of Income

PAPs who will be affected by a reduction in income due to the project should be considered for employment during the construction stage of the project. Where necessary, PAPs will be entitled to transitional assistance, which include moving expenses and temporary residence.

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

### 6.6. Cut-off Date

The entitlement cut-off date refers to the time when the valuation assessments of the land and assets/developments on the land and a census of all the affected people are complete. The date of the census will serve as the cut-off date for eligibility and no new arrivals in the project area or assets created after the cut-off date will be eligible for compensation after this date.

All stakeholders including PAPs will be informed of the cut-off date and its implications. Information about the cut-off date will be disseminated mainly through public meetings, notices in local newspapers, radio announcements and use of local authorities.

### 6.7. Proof of Eligibility

The RAP implementing team shall consider several aspects for proof of eligibility and these will include among others the following: legal documents like land titles, customary certificates, tenancy agreements, consultations with and witnesses like local authorities,

neighbors, family members, customary leaders/clan leaders, elders and the general community. This will ensure that the right beneficiaries of the project are compensated.

Consultations with the local leaders and the potential PAPs revealed that some PAPs had formal titles for their land while others did not.

#### **6.8. Salvage of Materials**

PAPs shall be given a chance to salvage materials or other items from their land before the demolition takes place for instance trees. They will be given at least a 3-6 months' notice to move as provided by law.

#### **6.9. Moving Arrangements**

PAPs shall receive notice that they must relocate at least 3-6 months prior to the date they must move. Along with details of their entitlements, the process for receiving compensation and assistance will be explained by the RAP implementation team. They may be assisted with moving expenses, temporary residence and transitional assistance where necessary.

## 7.0 METHODS OF VALUING AFFECTED ASSETS

### 7.1. Use of District Compensation Rates

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

### 7.2. Inventory and Registration of Affected Properties and Persons

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

The land inventory will specify the different customary tenures under which the different affected plots of land fall (e.g. customary, leasehold, freehold etc). In addition, a socio-economic profile for each PAP will be undertaken

#### 7.2.1. Valuation Exercise

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

#### Valuation Procedure

The calculation to determine the amount for compensation for crops, trees, structures and land will be done using the prevailing approved Isingiro District Compensation Rates. Table 7-1 shows what the compensation calculations will be based on.

*Table 7-1: Valuation procedure*

<b>Lost Asset</b>	<b>Ugandan Law</b>
Land	Valuation will be based upon market value of unimproved land plus a 15-30% disturbance allowance.
Permanent House	Valuation on case-by-case basing on materials, based upon the replacement cost plus a 15-30% disturbance allowance.
Non-permanent House	Valuation will be based upon the official district approved compensation rates with type of materials, condition and age taken into account plus a 15-30% disturbance allowance.
Other Structures (graves, toilets, kitchens etc.)	Valuation will be based upon the official district approved compensation rates with type of materials, condition and age taken into account plus a 15-30% disturbance allowance.
Crops/Trees	Valuation will be based upon the official district approved compensation rates and count of trees and crops on the affected land/plot plus a 15-30% disturbance allowance.

In respect to this preliminary RAP, the Consultant made an on-foot assessment of all properties in the reservoir area guided by the local leaders and the map provided by the feasibility team. Consultations with the local leaders and the local people were also carried out. During the assessment, the Consultant took note of the type of trees and crops and made a rough estimate of their numbers. In regard to structures, these were also counted and coordinates picked. The types of materials used for construction of the structures were also taken into consideration. The calculations to determine the indicative amount of compensation was based on the approved rates of Isingiro district.

### **7.2.2. Land Survey Exercise**

A land surveyor will demarcate the boundary of the project land required for acquisition. He will then demarcate individual affected property so as to determine the different land areas/sizes acquired from each PAP. The surveyor will work hand in hand with the affected persons, other community members and the Local authorities (i.e. the LC I Chairpersons, Vice Chairpersons and any member of the LC I committee). This was for purposes of transparency and confirming land boundaries and ownership of the affected property. In cases where the land owners will be absent, family members, caretakers or spouses will be encouraged to be present and represent the household. The output of the location survey will be a Strip Map showing affected persons' land parcels and structures.

### **7.2.3. Socioeconomic Profile of Each PAP**

Structured questionnaires will be administered by the Sociologist in order to document each Project Affected Person's profile. The questionnaires will be entered in a database and analysed to estimate the magnitude of the impacts and for monitoring purposes.

### 7.3. Public Information and Disclosure of Compensation Payments

Public disclosure of compensation will be carried out by the compensation committee responsible for implementing the RAP to enable the dissemination of the results of the land and property compensation assessment process. The individual household database will be updated after individual consultation disclosure.

- The first stage disclosure meetings by the verification team will be organized at any convenient place in the affected area with the area LC1s of all affected villages detailing the principles of compensation for the different types of loss.
- The second stage disclosure meetings will be at village level with individual PAPs during which the results of the land and property assessment will be disclosed to them. The list of each affected individual will be published. However, no amounts shall be indicated against each PAP.
- The third disclosure will involve meetings that will be held on individual basis with each affected person at an appropriate gazetted place in the affected village. The proposed compensation for land and other affected properties will be discussed. Family members that is, spouse and children of majority age have to express their written consent at this level as required by the Land Act 1998.

If the compensation is agreeable to both parties, a Compensation Consent Form will be signed.

### 7.4. Compensation Process

The Compensation Payment Committee will draw up a payment plan to ensure that payments are not delayed. The verification team shall work hand in hand with local authorities at village level before the actual compensation payment. The verification team will include LC1 Officials, Sub County representative, Land Area Committee Representative and any other person. After verification, an update of the compensation lists will be done before actual compensation can take place. Compensation may be done in several forms as indicated in **Table 7-2** below

**Table 7-2: Forms of compensation**

Cash Payments	Compensation will be paid in Uganda local currency.
In-kind Compensation	Compensation may include items such as land, houses, buildings, seedlings, agricultural inputs and financial credits for equipment.
Assistance	Assistance may include moving allowance, transportation and labour

#### **7.4.1. Individual and Household Compensation**

Individual and household compensation will be made in cash, in kind, and/or through assistance. The type of compensation will be an individual choice. However, PAPs will be advised on the importance of accepting in-kind compensation especially when more than 20% of the land has been affected as stated in OP4.12. However, the implementing agency will consult the stakeholders and will make a decision on what percentage land take will be eligible for alternative land. This is because the country laws have no provision for alternative land to PAPs.

It is further recommended that all compensation payments above UGX 100,000 or UGX 200,000 be paid through bank accounts accessed by the respective PAPs and amounts below UGX 100,000 or UGX 200,000 paid in cash directly to the PAPs.

Reputable local banks will be identified by the Project Implementing Team to work closely with the local administration, the compensation team and the PAPs so as to encourage the use of their facilities and to ensure safekeeping of large amounts of compensation payments. The identified local banks will be encouraged to bring account opening services closer to the people so as reduce on the cost of transport to the banks.

The issue of security, especially for people who will be receiving cash compensation payments should be addressed by the local administration.

Each person who receives compensation will sign a compensation payment certificate acknowledging receipt of the compensation and titled or untitled land transfer forms. The Compensation Payment Certificate will clearly show different compensation amounts from land taken and developments (e.g. crops, trees, structures) affected and disturbance allowance. Several parties will sign on the compensation payment certificate and these will include; compensation recipient/claimant, Spouse, LCI Chairperson/Representative as a witness, Land officer of affected District and a representative of the implementing agency.

#### **7.4.2. Community Compensation**

Community compensation will be in-kind only for a community as a whole in the form of reconstruction of the affected structure to at least the same standard as or better standard than the affected structure. In case of community land, an alternative piece of land equal to or bigger than the affected land will be provided by the project. This will be done in close consultation with the affected community and their leaders.



## **8.0 LIVELIHOOD AND INCOME RESTORATION STRATEGY**

### **8.1 Introduction**

WB OP4.12 Para (6c) states that displaced persons should be offered support after displacement, for a transition period, based on a reasonable estimate of the time likely to be needed to restore their livelihood and standards of living; and provided with development assistance in addition to compensation measures. Such as land preparation, credit facilities, training, or job opportunities.

In addition, WB OP4.12 Para (2c) requires that displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

### **8.2. Income restoration/rehabilitation measures**

The following may be considered by the project to restore the people's incomes and livelihoods.

#### **8.2.1 Replacement of gardens**

This may be done through provision of alternative land to all PAPs who will be losing large proportions of their land (e.g. more than 20% as recommended by World Bank OP.4.12. However, the percentage can be determined by the implementing agency). It is paramount that alternative land identified has similar or better characteristics with affected land especially in terms of soil fertility. The land identified should at least have cash crop gardens already established. The land should at least be in the same locality as the affected piece of land so as to ensure that social networks are not broken

Replacement of gardens may also be done through provision of seedlings to PAPs who will have at least more than 20% of their of their cultivation land. Seedlings may include banana suckers and coffee seedlings. One of the action plans for Uganda's Modernization of Agriculture is through agricultural transformation by increasing productivity per unit area through adoption of high yielding, pest and disease resistant crop varieties. It is therefore important that the PAPs are given high quality yielding seedlings which are pest resistant so as to help the restoration of their livelihood in the shortest time possible.

#### **8.2.2 Training**

The PAPs may be provided with training and technical advice for agricultural methods and technology to increase production on the non-affected land and increased milk production.

In addition households may be offered training on the basic income generating activities, management of farms and financial management. A Needs Assessment of the training needs

for income generation programs shall be undertaken so as to provide training in relevant programs that will help to restore the PAPs incomes in a short period.

The above intervention is in line with Uganda's Poverty Eradication Plan (PEAP) Pillar 2; the Modernization of Agriculture whose interventions include research and technology and extension of advisory services.

### **8.2.3 Extension of credit facilities to the PAPs**

Another way of restoring PAPs livelihoods is through extension of credit facilities. Credit can be extended to PAPs as startup capital for income generating activities for individual PAPs or to organized groups. However, this should be followed with constant monitoring, training and capacity building in viable income generating activities so as to ensure that the credit is put to proper use. Training should start even prior to provision of the credit.

### **8.2.4 Employment offers**

Able bodied members of the affected communities will be given special consideration during the construction phase. They will be given first priority during the recruitment phase. It is expected that through employing them, they will be able to accumulate income that will facilitate their survival during the transition stage.

### **8.2.5 Assistance to Vulnerable Groups**

Vulnerable households in this case include households with low incomes prior to the construction of the project, elderly (widowed/separated/divorced), child and women headed families, households headed by HIV/AIDS positive people, disabled headed households and households solely depending on the affected piece of land.

Support to vulnerable households may include additional financial assistance and other support which will be provided to households with the greatest needs. Other support may include assistance with the bank process, provision of separate and confidential consultation etc. Members of vulnerable households will also benefit from the proposed training programs and, if able-bodied, will be given priority in gaining project-related employment.

The Uganda National AIDS Policy (2004) recognizes special groups and recommends the need to identify strategies to address challenges faced by vulnerability to HIV/AIDS.

The major objectives of the Gender Policy, 1997 are; to ensure the participation of both women and men in all stages of the development and planning process and, to promote equal access to and control over economically significant resources and benefits. The strategies to assist vulnerable groups shall ensure that the women are given special consideration so to make their lives better.

**Note:** The income restoration action programmes will be described in greater detail in the next stage of the preparation of the Resettlement Action Plan. It is important that programs are prepared in close consultation with the affected people.

## 9 RESETTLEMENT AND RELOCATION

### 9.1. Relocation planning

WB OP 4.12 (6a) requires that the resettlement plan includes measures to ensure that displaced persons are (ii) consulted on, offered choices and provided with technically and economically feasible resettlement alternatives.

Based on the above policy guideline, this section gives the alternative relocation/resettlement sites from which affected people can make a choice.

### 9.2. Location of relocation sites

If possible, the relocation sites should be located within the two sub counties of Kashumba and Ngarama. If the land is not available in these Sub Counties, then sites in neighbouring Sub Counties should be considered. It is recommended that relocation sites should utmost be within Isingiro District.

### 9.3. Relocation Site Characteristics

Several characteristics shall be considered when identifying relocation sites and these include;

- Locational advantages, production potential of the sites (fertile soils) are of great importance. The strategic location of relocation sites will make monitoring of the resettlement activities much easier. Locational advantages will also help in maintaining social networks of the PAPs.
- Existence of social services such schools and health centres.
- Host communities with similar norms, cultural practices and beliefs
- Availability of land – this will enable the project to acquire bigger land for the PAPs than what they originally owned.
- 

In other words the relocation sites should have better or at least have comparable advantages with the old sites. PAPs and local authorities will be instrumental in the identification of relocation sites.

Note: The search for relocation sites will be undertaken and intensified during the next stage of preparation of the RAP

## 10 GRIEVANCE MECHANISMS

### 11.1. Introduction

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

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

The grievance mechanisms should

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

### 11.2. Grievance redress mechanisms

#### (i) Stage I: Grievance Committee

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

- LCIII Chairperson/a representative
- Sub-county Chief/ a representative
- Chairperson Area Land Committee / a representative
- LCI Chairperson for each affected village
- Two representatives of Project Affected Persons (1 Male and 1 Female)

The PAP representatives and the Elders will be democratically chosen by the PAPs with the help of their leaders. Complaints of PAPs on any aspect of compensation or addressed losses shall first be lodged in writing to the Committee, which will be resolved by use of customary rules. The project implementers will also verify the claims on ground with the assistance of the grievance committee. If unresolved then the case will be forwarded to stage II;

**(ii) Stage II: Courts of law**

The constitution allows a right of access to courts of law by any person who has an interest or right over property. Therefore the PAP as a last resort may submit the case to courts of law.

District Land Tribunals were previously very instrumental in solving of land related grievances. However, these were suspended in 2007.

**11.3. Grievance resolution process**

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

After registration of the complaint, an investigation will be carried out by the committee members to verify its authenticity thereafter a resolution approach will be selected based on the findings. The decisions of the action to be taken or taken will be communicated to all involved parties mainly in written form. All measures will be undertaken to ensure that the grievance is solved amicably between the concerned parties and the courts will be the last resort. Efficiency in solving of the grievances will be of paramount importance. Grievances shall be resolved within a maximum of period of 60 days after the date of registration.

**11.4. Monitoring Complaints**

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

## 11 IMPLEMENTATION SCHEDULE

This section outlines the different activities that will be undertaken to ensure a successful implementation of the project and their expected timeframes. It should be noted that all construction activities for the different sub-projects will commence after compensation has been paid to the PAPs and all resettlement activities carried out.

### 11.1. Time Schedule for Implementation of the RAP

The Compensation payments should occur in the pre-construction phase to avoid both delays in the project construction and stress to the PAPs. In general, all affected persons should be given not less than six months to relocate.

**Table 11-1** shows the different compensation and resettlement activities, the timeframes in which they will be implemented and the responsible bodies and persons.

**Table 11-1: Compensation Payments Implementation Schedule**

Time Frame (Months)	Activity	Responsibility
9	Preparation of the RAP  This will include consultation and sensitization of PAPs and all stakeholders including host communities about the process of RAP, surveying, taking an inventory of all affected properties, carrying out a census of all PAPs and undertaking a social economic profile for each PAP, identification of relocation sites. A RAP Report will be prepared and submitted to the relevant authorities for approval.	Consultant, Ministry of Water and Environment, Office of the Chief Government Valuer, Local Government
9	<b>Implementation of the RAP</b>	
1	Consultations and Sensitization at local government level  This will be a continuous process throughout the project cycle.	Consultant, Ministry of Water and Environment

Time Frame (Months)	Activity	Responsibility
1	<p>Sensitization of PAPs and Mobilization for Disclosure of entitlements</p> <p>This will be done through meetings, media announcements, posters in strategic places, use of local leaders.</p> <p>Information sharing and consultation with PAPs will continue throughout the planning and implementation phase of the program, including the relocation and the restoration of livelihoods.</p>	Consultant, Ministry of Water and Environment, Local government
1	<p>Verification of PAPs and Disclosure of entitlements</p> <p>A verification committee will be set up to ensure that the claimants are the rightful owners of the property. After verification then the entitlements will be disclosed to the rightful owners.</p>	Consultant, District Local Governments, Verification Committee
2	<p>Agreement of entitlements</p> <p>If the PAPs agree with the package, they will then sign forms showing consent and any other necessary forms.</p>	Consultant, Local Government, PAPs
4	<p>Compensation Payments</p> <p>All PAPs who will have agreed to the entitlements will be paid based on the agreed form of payment. Civil works should not begin before compensation payments are done.</p>	Consultant, Ministry of Water and Environment
6	<p>Grievance Resolution</p> <p>PAPs with complaints will lodge them in writing and submit to the relevant authorities for handling. The implementing team will ensure that all channels are utilized to solve the grievances amicably. The courts of law will be considered as last resort.</p>	Consultant, Grievance Resolution Committee,
	<p>Relocation process</p> <p>There will be transition arrangements for displaced families until they get their replacement housing.</p>	Consultant, Host Communities, Local Authorities, PAPs, Ministry of Water and Environment

Time Frame (Months)	Activity	Responsibility
5	<p>Land Acquisition Process /Processing of Project title</p> <p>Taking of land and related assets may take place only after compensation has been paid and where applicable, resettlement sites and moving allowances have been provided to displaced persons.</p>	Consultant, Ministry of Lands and Urban Development, District Land Boards,
6	<p>Livelihood Restoration Programs</p> <p>These will be put in place in close collaboration and consultation with the PAPs. NGOs or independent consultants may be brought on board to ensure success of the process.</p>	Consultant, Ministry of Water and Environment, NGOs, independent Consultants.
1	<p>Notification of demolition of structures</p> <p>PAPs will be given ample time to salvage any useful materials from the site before demolition is done.</p>	Contractor, Ministry of Water and Environment, Local Government
2	<p>Physical project mobilization and site clearing</p> <p>This will be done after completion of compensation payments.</p>	Consultant, Contractor, District Environmental Officer, NEMA
	<p>Construction</p> <p>All construction activities will commence after the affected communities have been paid and resettled</p>	Contractor, District Environmental Officer, NEMA
	<p>Final Report</p> <p>After the implementation process, the Consultant will write an End Project Report and submit to the implementing agency and to the World Bank.</p>	Consultant



Tasks	Month																						
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
Preparation of the RAP	█	█	█	█	█	█	█	█	█														
Approval of RAP									█														
RAP Implementation										█	█	█	█	█	█	█	█	█	█				
Consultation and sensitization at local government level										█													
Sensitization of PAPs and Mobilization for Disclosure										█													
Verification of PAPs and Disclosure of entitlements											█												
Agreement of Entitlements												█	█										
Payment of Compensation to PAPs														█	█	█	█						
Grievance Resolution													█	█	█	█	█						
Relocation process										█	█	█	█	█	█	█							
Land Acquisition Process /Processing of Project title														█	█	█	█	█					
Livelihood Restoration Programs														█	█	█	█	█	█				
Notification of demolition of demolition of structures																█							
Physical project mobilization and site clearing																				█	█		
Monitoring and Evaluation of Impacts										█	█					█	█				█		
Construction																						█	█

Figure 11-1: Implementation Schedule

Key:  Resettlement activities  Construction activities

Consultation will be an ongoing activity throughout all the phases of the project. Comprehensive time frames shall be given in the comprehensive work plans of the procured Consultants.

## **11.2. Implementation Schedule, Linking Resettlement Implementation to Civil Works**

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

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

Land will have to be evacuated prior to beginning of construction works. The PAPs are expected to evacuate the land 6 months after compensation. In the case of replacement land, this should be provided 6 months prior to the PAPs evacuation so that they can prepare for the new agricultural season in their new fields. This is only applicable if 15% disturbance allowance was given to the PAPs. In case 30% is given, as the disturbance allowance then evacuation can be done in 3 months.

The proposed schedule is thus expected to ensure that all PAPs, prior to their physical relocation will;

- have been adequately consulted about the project, its impacts and compensation entitlements;
- have received compensation entitlements in a timely manner;
- have been provided with means to establishing livelihoods.

## **11.3. RAP Implementation Responsibilities**

The major stakeholders with statutory and administrative roles and functions in compensation and resettlement endeavors are Ministry of Water and Environment (lead agency), Ministry of Land, Housing and Urban Development, (approval of Compensation Rates, setting valuation principles and supervision of valuation surveyors) and Uganda Land Commission (land titling) and Isingiro District Land Board.

### **12.3.1. Ministry of Water and Environment**

The overall responsibility for implementation of the RAP lies with Ministry of Water and Environment directly and through the Consultant's Team.

Ministry of Water and Environment's specific roles will be to: source the compensation funds; approve final alignment; ensure timeliness and cost effectiveness of the land acquisition activities are consistent with Ugandan Laws and World Bank guidelines and coordinate with different stakeholders. Ministry of Water and Environment will liaise with the CGV throughout implementation of the RAP.

### **12.3.2. The Ministry of Lands, Housing and Urban Development**

The Ministry of Lands, Housing and Urban Development is responsible for providing policy direction, national standards and the coordination of all matters concerning lands, housing and urban development. Under this ministry, the Division that would be very instrumental in this project is the Valuation Division (Office of the Chief Government Valuer CGV). The CGV is responsible for guiding the valuation process, approving the compensation principles, approving compensation rates and approving the Valuation Report.

### **12.3.3. Uganda Land Commission**

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

Land Act section 49 states the functions of the Uganda Land Commission are to hold and manage any land in Uganda which is vested in or acquired by the Government in accordance with the Constitution, and they are responsible for procuring the certificates of title for any such land.

The Uganda Land Commission in collaboration with Isingiro District Land Board and Local Councils will facilitate applications for acquisition of land and issuance of land titles and ensure timely execution of the whole process.

### **12.3.4. National Environment Management Authority (NEMA)**

NEMA will have the responsibility of assessment and monitoring of compliance of the Resettlement Action Plan to the Environmental and Social Safeguards. This could be done through Isingiro District or directly through NEMA's gazetted Environmental Inspectors.

The EIA guidelines prescribe the need to undertake an EIA process in connection with infrastructure development involving significant environmental impacts. The authority will be responsible for reviewing the process of the Environmental impact assessment and the submitted Environmental assessment report.

The EIA Regulations prescribe a public notice by NEMA after submission of project brief with a summary of project characteristics inviting objections and comments from the public. It is further required that Public Consultations shall be undertaken during scoping and other appropriate stages during the EI Studies (Source: Environmental Impact Assessment Regulations, Part III: Environmental Impact Studies, Point 12 Public Participation, Part IV: Review of EIS Point 19 23).

Elements of resettlement policy directions in Uganda is contained in the Constitution and the Land Act but not expressed in a separate approved Resettlement Policy.

#### **12.3.5. Local Governments**

The primary responsibility of the Local Government of Isingiro District and Kashumba and Ngarama Sub Counties will be to review the progress of the land acquisition and resettlement implementation and problems, if any, identified through monitoring, make decisions regarding actions to solve the problems and designate officers to carry out these actions. They will also assist the resettlement offices in the following areas.

(i) The District Land Boards

- The District Land Board will facilitate the registration and transfer of interests in land;
- The District Land Board will compile and maintain a list of compensation rates payable in respect of crops, buildings of a non-permanent nature and any other thing that may be prescribed.
- They will also review every year the list of rates for compensation.
- Deal with any matter which is incidental or connected with the above functions.

(ii) The Office of the District Environmental Officer

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

(iii) Local Councils

- Witness ownership claims
- Community mobilization
- Adjudication over ownership and boundaries
- Provide local guidance during the compensation process

#### **12.3.6. The Consultant**

A Consultant will be involved in all the stages of the RAP and will be procured by the Ministry of Water and Environment. Some of the Consultant's roles will include overall monitoring and supervision, quality control and ensuring compliance with the relevant laws, regulations and guidelines, community sensitization and consultation, survey and valuation of assets, identification of PAPs, follow up of titles for Government, display strip maps showing property boundaries, plot numbers, ownership and respective valuations, grievance resolution among others.

### **12.3.7. NGOs**

Independent NGOs will be procured to implement some of the activities of RAP such as design and implementation of livelihood programs, witnessing the compensation process among others.

### **12.3.8. NBI/NELSAP**

NBI/NELSAP will undertake the role of overall monitoring of the RAP process and will ensure that there is compliance to the necessary laws, regulations and the World Bank Safeguards.

The RAP activities will greatly depend on the legal backup and support of the institutional arrangement of the Republic of Uganda and the decentralization process in the District.

## 12 COSTS AND BUDGET

Since the specific sub-projects are not yet determined, this Preliminary RAP refers only to an estimated number of PAPs. 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 at this stage.

### 12.1. Compensation Rates

It is required by law for District Land Boards to approve compensation rates to be applied in their respective Districts for involuntary resettlement.

For this preliminary RAP, the district of Isingiro provided updated compensation rates (2011-2012) and these were subsequently used to come up with the indicative costs and budgets for trees and crops. A copy of the Isingiro District Compensation Rates is attached as Appendix V). During the subsequent RAP preparation stage, the district will be required to update these rates.

### 12.2. Land

The land rate used for the calculation of the indicative compensation costs for land reflects market prices applied in the project area during the survey. Consultations with the local people revealed that at the moment the cost of land in the project area per acre ranges between UGX 3,000,000 – 5,000,000. A rate of 5,000,000 million per acre was used to come out with the cost estimates for land required for the reservoir. There are both customary land owners and leasehold or freehold title holders. The average rate of land used put into consideration that there are both customary land owners and leasehold or freehold land title holders. On average a total estimate of 394 acres (159.5 Ha) will be required for the reservoir area. Land required for other sub-projects will be determined at a later stage.

Information on land ownership, average land sizes owned by potential PAPs, land requirements for the project was got through consultation of local leaders, household surveys, on foot assessments as well as available maps. From previous experience, pre-construction social surveys tend to spark off intense speculation in land identified for project implementation. As soon as it is general local knowledge that the project is about to commence, the ownership / holdings figure is likely to multiply through speculative buyers.

### 12.3. Total Compensation Costs

The estimated budget cost for the RAP implementation for the Bigasha dam project UGX 3,844,800,452.6 (USD 1,537,920). Table 12-1 shows a breakdown of the estimates.

It should however be noted that the figures are just estimates. The detailed and accurate figures of affected property and costs will be calculated during the preparation of the RAP and after locations of all sub-projects are identified.

**Table 12-1: Estimated Compensation Costs**

Item	Amount /Number	Cost (Shs)	Cost (US \$)	Assumptions
Compensation for Land (acres)	405	2,025,000,000	810,000	Based on project area market value rate at the time of the study
Compensation for Structures	2	1,340,000	536	Includes all types
Compensation for Crops and trees - Approx.200 Meters Local fence - Approx. 350 Enkukuru trees - Approx. 300 Banana Stems - Approx. 200 Sisal		33,800,000	13,520	No seasonal crops included
<b>Sub-Total</b>		<b>2,060,140,000</b>	<b>824,056</b>	
Disturbance Allowance (15% of subtotal)		309,021,000	123,608	PAPs will be given 6 months to relocate
<b>Sub Total</b>		<b>2,369,161,000</b>	<b>947,664</b>	
Inflation (18%)		426,448,980	170,580	Based on the inflation rate in the country at the time of the study
<b>Sub Total</b>		<b>2,795,609,980</b>	<b>1,118,244</b>	
Land acquisition Process (Leasing from the District)		17,900,000.00	7,160	Includes payments to the different land offices in Isingiro and Entebbe and costs for mark stones
Implementation of the Resettlement Action Plan (10% of compensation)		279,560,998	111,824	
Income restoration (10% of the compensation)		279,560,998	111,824	Includes livelihood restoration programs, trainings and capacity building
<b>Total</b>		<b>3,372,631,976</b>	<b>1,118,244</b>	
Contingency (10%)		337,263,198	230,809	Includes any local changes in design or alignment and for any unforeseen circumstances during construction.
Administrative costs (2%)		67,452,639.52	26,981	Includes administrative costs for the respective local institutions (local

				authorities)
Monitoring budget (2%)		67,452,639.52	26,981	
<b>Total Budget</b>		<b>3,844,800,452.6</b>	<b>1,537,920</b>	

Rate for the dollar at the time of study = UGX 2500

#### 12.4. Sources of Funding

The government of Uganda under the Ministry of Water and Environment will be responsible for the funding of the Resettlement activities. It should ensure prompt and adequate provision plus efficient flow of funds for resettlement. It should further ensure that land acquisition and compensation are adequately funded and carried out in accordance with applicable laws, rules and guidelines.



## 13 MONITORING AND EVALUATION

This Section sets out requirements for the monitoring and evaluation of the implementation of the RAP in order to successfully complete the resettlement management as per the implementation schedule and compliance with the entitlement framework.

### 13.1. Purpose of Monitoring and Evaluation (M & E)

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

### 13.2. Arrangements for Monitoring by Implementing Agency

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

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

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

### 13.3. Internal and External Monitoring

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

### 13.3.1. Internal Monitoring

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

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

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

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

#### Indicators

The following indicators (in **Table 13-1**) can be used to monitor implementation of the RAP.

**Table 13-1: Indicators of RAP Impacts**

Monitoring (of Issues)	Evaluation (of Impacts)
Number of compensation (and valuation) not completed	Changes (+/-) in PAPs conditions during transition process
Number of sub-projects unable to settle compensation after two years	Changes (+/-) in PAPs income and livelihood conditions
Number of grievances filed	Nature of grievances or disputes resolved
Number of livelihood restoration programs	Changes (+/-) in affected households income

Monitoring (of Issues)	Evaluation (of Impacts)
completed	levels
Pre project production versus present production levels ( crops for crops, land for land)	Equal or improved production per affected household/homestead

### 13.3.2. External Monitoring

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

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

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

#### **Indicators**

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

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

Specific indicators may include the following;

- Yield / produce quantity/quality from farming
- Access/ distance/ quality of agricultural plots
- Quality of, and access to, water
- Source of income
- Number of households engaged in fish farming
- Number of households with access to electricity
- Number of tourists
- Number of children in-school
- Changes in health standards;
- Changes in access to markets or roads – all of which may reflect overall improvements in standards of living.

- Number of ‘vulnerable’ people
- Yield/ produce quantity/quality from livestock
- Number of PAPs employed by the project
- Number of people with agricultural plots
- General relations between the project and local communities

### **Methods for Measuring Impacts**

The following methods will be used for measuring impacts:

- (i) Questionnaires with data stored in a database for comparative analysis (before-after and with-without);
- (ii) Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
- (iii) Relocation/resettlement and Compensation Reports.
- (iv) Consultations

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

#### **13.4. Annual Audit**

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

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. Annual audit reports will be submitted for scrutiny to the World Bank.

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

#### **13.5. Socio-Economic Assessment**

The purpose of socio-economic assessment, which is part of the evaluation process, is to ensure that PAPs livelihood and wellbeing have improved, and have not worsened as a result of the sub-project. An assessment will be undertaken on payment of compensation, restoration of income and livelihoods, and provision of sufficient community development activities. Monitoring of living standards will continue after resettlement.

Additionally a reasonable period (usually two years) must be established for monitoring post-resettlement impacts. A number of indicators (discussed above) will be used for measuring status of affected people.

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

### **13.6. Storage of PAPs Details**

Details of each PAP including his/her socioeconomic status prior to the project, amount of compensation received per sub-project will be compiled. Compensation Certificates will bear each PAPs' photograph and in case of additional land acquisition, the respective PAP's reports or files will be updated. Copies of the reports will be kept by the Project Implementing Team, the PAP, and copies sent to the Ministry of Water and Environment, NBI and World Bank.

## REFERENCES

NEMA (2004), Environmental Legislation of Uganda

The Constitution of Uganda

Uganda Bureau of Statistics, Sub National Projections Report, Western Region  
2008-2012

World Bank O.P. 4.12 – Involuntary Resettlement

## APPENDICES

## APPENDIX I: List of Stakeholders Contacted

Name	Designation	Date Consulted
Kitamirike	NLO Uganda	6 -01-2012
Eng. Shillingi	Director WR Uganda, TAC member	6 -01-2012
Dr. Calist Tindimugaya	Commissioner Water Regulator Uganda, TAC member	6 -01-2012
Mr. Alex Kwizera	Ag. Chief Administrative Officer, Isingiro District	20-01-2012
Mr. Nuwamanya Boaz	Project Focal Point Isingiro	14 -01-2012 & 5th April 2012
Mr. Godfrey Sengendo	Deputy Project Manager, Water Resources Kagera Basin	17 <sup>th</sup> January 2012
Mr. Innocent Kabenga	Deputy Project Manager, Planning and Management Kagera Basin	17 <sup>th</sup> January 2012
Mr. Habiyalemye Fabian	Isingiro District Inspector of Schools	5 <sup>th</sup> April 2012
Mr. Ayanekini Fredric	District Food Production Officer	5 <sup>th</sup> April 2012
Mr. Karugaba	Head of Production Unit	5 <sup>th</sup> April 2012
Mr. Batyani James	DLG	5 <sup>th</sup> April 2012
Kamugasha Bosco	Health Assistant, Ngarama Sub County	5 <sup>th</sup> April 2012
Abaine Asaph E.K		
Muhumuza Hillary	Community Development Officer, Ngarama Sub county	6 <sup>th</sup> April 2012
Tushabe Fred	Kashumba Sub county Chief	5 <sup>th</sup> April 2012
David Tumwesigye	Agricultural Extension Worker, Kashumba Sub county	5 <sup>th</sup> April 2012
Mr. Kwesiga Alex	Community Based Trainer, Integrated Development Alliance for Health (IDEAH)	10 <sup>th</sup> April 2012
Mr. Mukiibi Rashid	Deputy Head Teacher	10 <sup>th</sup> April 2012



## APPENDIX II: Schedule of Public Meetings

Date	Venue	Time	Participants
6 <sup>th</sup> April 2012	Kagando Trading Center	10:00 am	Kagando Village Community Members
6 <sup>th</sup> April 2012	Katyazo Trading Center	2:00 pm	Katyazo Village Community Members
7 <sup>th</sup> April 20 12	Nyakabino Trading Center	10:00 am	Nyakabingo Village Community Members
7 <sup>th</sup> April 2012	Nyakabino Trading Center	1:30 pm	Nyakabingo women
10 <sup>th</sup> April 2012	Kemikokoma Trading Center	2:00 pm	Kemikokoma Village Community Members

## APPENDIX III: Issues Raised Disaggregated by Villages

Date	Villages	Number of Participants	Key Issues Raised
6 <sup>th</sup> April 2012	Kigando	38	<ul style="list-style-type: none"> <li>• <b>Loss of land</b> The participants pointed out that there will be loss of land for farming and grazing of animals.</li> <li>• <b>Flooding in the downstream area</b> Many families will lose property and lives in the event of dam breakage or over filling of the dam.</li> </ul>
6 <sup>th</sup> April 2012	Katyazo Trading Center	33	<ul style="list-style-type: none"> <li>• <b>Loss of land</b> The project will lead to the loss of land for cattle grazing animals and for crop farming and this increase poverty among the communities.</li> <li>• <b>Displacement of people</b> There will be displacement of people due to loss of land for settlement, crop farming and animal grazing.</li> <li>• <b>Destruction of property</b> The communities have fear that their lost properties will not be compensated by the developers. The affected people will become landless, poverty hence suffering.</li> <li>• <b>Undervaluation/under compensation</b> Under compensation of their lost properties and this will lead to failure to acquire alternative land for settlement, crop farming and animal grazing</li> </ul>
7 <sup>th</sup> April 2012	Nyakabingo	30	<ul style="list-style-type: none"> <li>• <b>Loss of land</b> The project will lead to the loss of agricultural and grazing land as many people will be displaced so as to pave way for the construction of the dam.</li> <li>• <b>Destruction of property</b> The project will destroy people' properties that will be affected like houses and bananas plantations and as a result people will become homeless and poor.</li> <li>• <b>Undervaluation/under compensation</b> Under valuation of property will lead to less/little compensation of their lost properties and this will lead to failure to acquire alternative land for settlement, crop farming and animal grazing.</li> <li>• <b>Non-compensation of land</b> Corruption among the government officials will lead to project affected persons to be evicted from their land without compensation</li> </ul>
10 <sup>th</sup> April 2012	Kemikokoma, Kashenyi, Kakirara,	29	<ul style="list-style-type: none"> <li>• <b>Loss of land</b> The project will lead to the loss of agricultural and grazing land as many people will be displaced so as to pave way for the</li> </ul>

	Rubombo, Ntenga		<p>construction of the dam.</p> <ul style="list-style-type: none"> <li>• <b>Destruction of property</b> The project will destroy people' properties that will be affected like houses and bananas plantations and as a result people will become homeless and poor.</li> <li>• <b>Non-compensation of land</b> Corruption among the government officials will lead to project affected persons to be evicted from their land without compensation.</li> <li>• <b>Undervaluation/under compensation</b> Under valuation of property will lead to less/little compensation of their lost properties and this will lead to failure to acquire alternative land for settlement, crop farming and animal grazing.</li> </ul>
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## APPENDIX IV: Sample Grievance Resolution Form

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

<input type="checkbox"/>	Valuation	<input type="checkbox"/>	Survey
<input type="checkbox"/>	Payment	<input type="checkbox"/>	Others
<input type="checkbox"/>			Specify .....

\_\_\_\_\_  
 \_\_\_\_\_

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

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

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

### Review/Resolution

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

\_\_\_\_\_  
 \_\_\_\_\_

### Summary of Conciliation Session Discussion:

\_\_\_\_\_  
 \_\_\_\_\_

Issues \_\_\_\_\_

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:  
 If agreement was not reached, specify the points of disagreement below:


\_\_\_\_\_  
 \_\_\_\_\_

Signed (Conciliator): \_\_\_\_\_ Signed (Filer): \_\_\_\_\_

Signed: \_\_\_\_\_  
 Independent Observer

Date: \_\_\_\_\_

## APPENDIX V: Isingiro District Compensation Rates – 2011/2012

Chief Administrative Officer 0772-925554 District Chairperson Cellular Phone 0772-517749	 THE REPUBLIC OF UGANDA	Isingiro District Local Government Land Management Department P.O. Box 1, Isingiro P.O. Box 1803, Mbarara Date 19 <sup>th</sup> September 2011
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**Our Ref:**  
**Your Ref:** .....

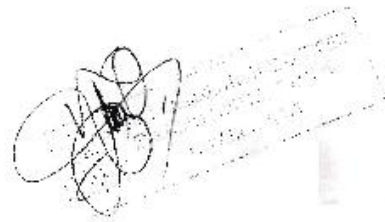
**ISINGIRO DISTRICT COMPENSATION RATES FOR THE YEAR 2011-2012 PROPOSED On 19<sup>th</sup> SEPTEMBER 2011 AS AMENDED BY THE CHIEF GOVERNMENT VALUER.**

**MEMBERS PRESENT**

1.	Batarinyebwa Pius	Chairman
2.	Haji Kakande Haruna	Member
3.	Mrs. Agaba Justine Alimbisibwe	Member
4.	Najuna John B	Member
5.	Hilda Katooko B	Member

**IN ATTENDANCE**

1.	Kanyamuhanga Edison	Ag. District Engineer – Isingiro
2.	Dwengye Emmanuel	District Forestry officer – Isingiro
3.	Muhwezi Stephen	Ag. Sec. Land Board – Physical Planner
4.	Tumwagisigye Patrick	Agricultural Officer.



1

APPROVED ISINGIRO DISTRICT COMPENSATION RATES FOR THE YEAR  
2011/2012

A) CROPS:

1. Banana/Matooke

Mature/good	4,000 per stem	10,000 per clump
Mature/average	3,000 per stem	8,000 per clump
Mature/poor	2,000 per stem	4,000 per clump
Young/good	3,000 per stem	8,000 per clump
Mature/good	3,500,000 per acre	
Mature/average	2,500,000 per acre	
Mature/poor	1,800,000 per acre	
Young/good	2,500,000 per acre	
Young /Poor	500,000 per acre	500 per stem.

2. COFFEE

Clonal mature/good	16,000 per plant
Mature Arabica	15,000 per plant
Mature Robusta	12,000 per plant
Average (both)	10,000 per plant
Poor (both)	5,000 per plant
Young/good/both	10,000 per plant
Mature /good clonal	5,000,000 per acre
Mature Arabica	4,500,000 per acre
Mature Robusta	4,500,000 per acre
Average (both)	3,000,000 per acre
Poor (both)	1,500,000 per acre
Young good (both)	3,000,000 per acre

3. Cotton

Good	600,000 per acre	200 per m <sup>2</sup>
Poor	300,000 per acre	100 per m <sup>2</sup>
Young/good	400,000 per acre	150 per m <sup>2</sup>

4. Maize (if not harvested)

Mature/good	6,00,000 per acre	200 per plant to harvested.
Average	400,000 per acre	150 per plant
Poor	150,000 per acre	100 per plant
Young/good	250,000 per acre	100 per plant

**5. Sorghum (if not harvested)**

Mature/good	500,000 per acre	300 per m <sup>2</sup>
Poor	200,000 per acre	200 per m <sup>2</sup>

**6. pumpkin/ebyangu**

Mature/good	20,000	per plant
Poor	7,000	per plant
Young/good	10,000	per plant

**7. Onion**

Good	1,000,000 per acre	500 per m <sup>2</sup>
Average	500,000 per acre	200 per m <sup>2</sup>

**8. Garlic (katunguru cicumu)**

Good	1500,000 per acre	800 per m <sup>2</sup>
Average	800,000 per acre	500 per m <sup>2</sup>

**9. Peas (if not harvested)**


Mature/good	1,600,000 per acre	400 per m <sup>2</sup> to be harvested.
Young	800,000 per acre	200 per m <sup>2</sup>
Average	1,000,000 per acre	250 per M <sup>2</sup>

**10. Beans (if not harvested)**

Mature/good	1,000,000 per acre	300 per m <sup>2</sup> to be harvested.
Young	300,000 per acre	150 per m <sup>2</sup>
Average	500,000 per acre	200 per m <sup>2</sup>

**11. Enkore/obuhindihindi/empande**

Mature good	400,000 per acre	500 per m <sup>2</sup>
Young	200,000 per acre	250 per m <sup>2</sup>



**12. Soya beans (if not harvested)**

Mature/good	1,400,000 per acre	500 per m <sup>2</sup> to be harvested.
Young	700,000 per acre	300 per m <sup>2</sup>

**13. Groundnuts (if not harvested)**

Mature/good	1,750,000 per acre	700 per m <sup>2</sup>
Young	1,000,000 per acre	400 per m <sup>2</sup>
Poor	500,000 per acre	300 per m <sup>2</sup>

**Ebyangu ( Sponge)**

Mature good	5000 per plant
Poor	2000 per plant
Young and good	3000 per plant

**14. Millet/rice/wheat**

Good	600,000 per acre	200 per m <sup>2</sup>
Average	400,000 per acre	150 per m <sup>2</sup>
Poor	200,000 per acre	100 per m <sup>2</sup>
Young and good	300,000 "	150 per m <sup>2</sup>

**15. Sweet potatoes**

Mature/good	600,000 per acre	200 per m <sup>2</sup> to be harvested.
Poor	300,000 per acre	100 per m <sup>2</sup>
Young	400,000 per acre	150 per m <sup>2</sup>

**16. Irish potatoes**

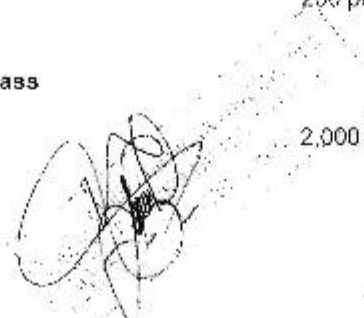
Mature/good	1,000,000 per acre	300 per m <sup>2</sup>
Young	600,000 per acre	200 per m <sup>2</sup>
Poor	200,000 per acre	100 per m <sup>2</sup>

**17. Sisal**

Good	400 per cluster/clump
Poor	200 per cluster/clump

**18. Elephant grass**

Good	2,000 per clump
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Poor 1,000 per clump

19 Legume pasture

Pastures 3000 per m<sup>2</sup>

20. a) Valley tanks/ Dams/ wells  
To the valuer's discretion

21. Tete for chai 2000 per clump

22. Sugar canes

Mature 3,000 per clump

Average 2000 per clump

Poor 1000 per clump

Young/good 1,500 per clump

Rice/ Wheat

Good 1,000,000 pre acre 300/m<sup>2</sup>

Average 800,000 per acre 250/m<sup>2</sup>

Poor 400,000 " 100/m<sup>2</sup>

Young and good 300,000 " 150/m<sup>2</sup>

23. Tobacco

Mature 800,000 per acre 1,500 per plant

Young 400,000 per acre 750 per plant

24. Tomatoes

Local bread

Mature/good To adopt Kiruhura.

Average

Young

Poor

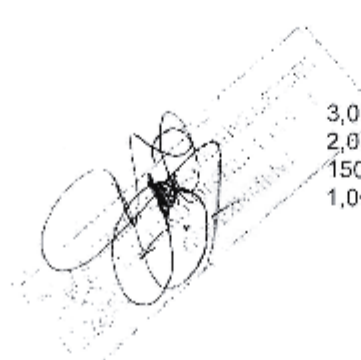
Exotic bread

Mature/good 3,000 per plant

Average 2,000 per plant

Young 1500 per plant

Poor 1,000 per plant



<b>25. Entutu</b>		1,000 per plant
<b>26. Cassava</b>		
Mature/good	2,000,000 per acre	3,000 per plant to be harvested.
Average	1,500,000 per acre	2,500 per plant
Poor	500,000 per acre	2,000 per plant
Young	1,000,000 per acre	1,000 per plant
<b>27. Cauliflower</b>		
Mature		1,000 per plant
Young		500 per plant
<b>Cabbage</b>		
Mature		700 per plant
Young		350 per plant
<b>28. chillies/peppers</b>		
Mature		1,500 per plant
Young		1,000 per plant
Poor		500 per plant
<b>29. Pineapples</b>		
Good		1,000 per plant
Young		500 per plant
<b>30. Greens</b>		1,000 per m <sup>2</sup>
<b>31. Yams (Mayuni)</b>		
Mature		1,000 per plant
Average		500 per plant
Young		200 per plant
<b>32. Sunflower</b>		
Mature	500,000 per acre	500 per plant
Young	2500,000	250 per plant
<b>33. Ntura</b>		



Mature	1,500 per plant
Young	500 per plant
Average	1000 per plant

**(B) Fruits trees**

**1. Jambura**

Mature	30,000 per tree
Medium	15,000 per tree
Young	10,000 per tree

**2. Ovacado Local**

**Grafted ( adopt Kiruhura)**

Mature/good	100,000 per tree
Average	70,000 per tree
Poor	10,000 per tree
Young	30,000 per tree
Very young	5,000 per plant

**3. Guava**

Mature	20,000 per tree
Young	8,000 per tree

**4. Tugunda**

Mature	20,000 per tree
Young	8,000 per tree

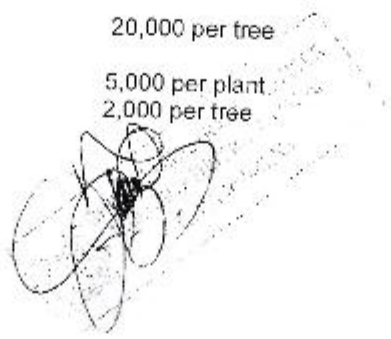
**5. Jack fruit (Fene)**

Mature/yeilding	80,000 per tree
Average	50,000 per tree
Medium	30,000 per plant
Young	10,000 per tree

<b>6. Rubber tree</b>	30,000 per plant.
<b>Pine tree</b>	20,000 per tree

<b>7. Mulberry</b>	20,000 per tree
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<b>8. Medicinal tree</b>	5,000 per plant
<b>Shrub</b>	2,000 per tree



9.	<b>Bush trees (big size)</b>	10,000 per tree	
	Medium	6,000 per plant	
10.	<b>Orange/lemon/ tangerine</b>		
	Mature/good	80,000 per tree	
	Average	50,000 per tree	
	Poor	10,000 per tree	
	Young	20,000 per tree	
11.	<b>Mango trees</b>		
	Mature exotic	100,000 per tree	
	Mature local-Average	50,000 per tree	
	Poor	10,000 per tree	
	Young & good	20,000 per tree	
12.	<b>Pawpaw</b>		
	Mature/good	30,000 per tree	
	Poor	15,000 per tree	
	Young/good	10,000 per tree	
13.	<b>Passion fruit</b>		
	<b>Exotic</b>		
	Mature	80,000 per tree	
	Average	40,000 per tree	
	Poor	20,000 per tree	
	Young	25,000 per tree	
	<b>Local</b>		
	Mature	60,000 per tree	
	Average	30,000 per tree	
	Poor	10,000 per tree	
	Young	20,000 per tree	
14.	<b>Wild fruits</b>		
	Good	20,000 per tree	
	Poor	10,000 per tree	
15.	<b>Tea</b>	3,000,000 per acre	10,000 per plant



(c) **Trees**

**1. Mivule/Musizi/Mahogany**

Mature	210,000 per tree
Average	150,000 per tree
Poor/young	30,000 per tree
Young & good	40,000 per tree

**2. Eucalyptus trees**

Canoe	100,000 per tree
Timber/ electricity pole	70,000 per tree
Seedling/ young & good	3,000 per tree
	6,000 per building tree
Young seedling	500 per plant.

**3. Cypress**

Mature Big size	60,000 per tree
Pole medium	15,000 per tree
Young Cyprus	6,000 per tree
Seedling	1,000 per tree

<b>4. Emoskamori (Mature)</b>	<b>15,000 per tree</b>
Young	5,000 per tree

<b>5. Emisheshe/eminyinya/emitongole</b>	<b>15,000 per tree</b>
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Young	5,000 per tree
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**6. Bark cloth /emikunyu/emisisa**

Canoe type	50,000 per tree
Medium size	20,000 per tree
Young	10,000 per tree
Big average	30,000 per tree

**7. Musambya/gravelia**

Big (timber)	30,000 per tree
Small (pole)	10,000 per tree
Young	3,000 per tree



**8. Acacia (black wattle) kabakanjagara**

Big size	15,000 per tree
Medium	9,000 per tree
Small	3,000 per tree

**9. Kihogo/shade tree 10,000 per tree**

**10. Coconut tree 30,000 per tree**

**11. Palm tree/royal palm/onementata/olive palm tree**

Mature	30,000 per tree
Medium	15,000 per tree
Young	7,500 per tree

**12. Castor oil**

Mature	3,000 per tree
Young	1,000 per tree

**(D) HEDGES/FENCING**

Cypress hedge	5,000 per meter running
Local hedge	3,000 per meter running
Barbed wires with treated poles	20,000 per meter running
Barbed wires with untreated poles	10,000 per meter running
Compound decoration plants /Flowers	5,000 per plant.

**(E) BATH ENCLOSURES**

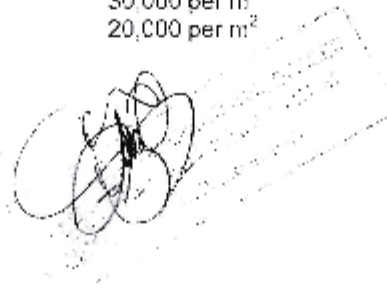
Grass walls	15,000 per unit
Tin debe	30,000 per unit
Reeds	15,000 per unit

**(F) PLATE RACK**

Reeds	10,000 each
G.C /cobo	20,000 each

**(G) COFFEE (DRYING YARD)**

Cemented	30,000 per m <sup>2</sup>
Wooden/wires	20,000 per m <sup>2</sup>



## (H) BUILDING AND OTHER STRUCTURES

### Permanent building to be assessed by the Chief Government Valuer

#### Temporary buildings

Bee hive hut earth floor	50,000 per unit
M/W grass roof earth floor rough walls	30,000 per m <sup>2</sup>
M/W grass roof earth floor smooth walls	35,000 per m <sup>2</sup>
M/W grass roof plastered walls cemented floor	50,000 per m <sup>2</sup>
M/W debbe roof earth floor rough walls	40,000 per m <sup>2</sup>
M/W debbe roof plastered walls cement floor	60,000 per m <sup>2</sup>

#### SEMI PERMANENT BUILDINGS

a)	M/W baati roof earth floor rough walls	50,000 per M <sup>2</sup>
b)	M/W baati roof earth floor smooth walls	60,000 per M <sup>2</sup>
c)	M/W baati roof plastered walls cement floor	80,000 per M <sup>2</sup>
d)	M/W tiled roof earth floor rough walls	100,000 per M <sup>2</sup>
e)	M/W tiled roof cement floor plastered walls	150,000 per M <sup>2</sup>
f)	Murrum blocks, GCI, plastered walls cement floor	150,000 per M <sup>2</sup>
g)	GCI roof, plastered painted walls cement floor electrical wired	Decision of GV
h)	M/W plastered cement floor at trading centres	Decision of GV
i)	Sun baked bricks GCI cement floor plastered and painted	Decision of GV
j)	Adobe bricks, GCI roof earth floor	Decision of GV
k)	Pit latrine (super structure to be compensated as above)	6,000 per foot depth

#### (j) GRANARIES

A - Modern	Decision of Government Valuer
B - Traditional	200,000=

#### (K) GRAVES

a)	Un cemented (earth)	300,000 each
b)	Cemented	500,000 each
c)	With stones (marble)	800,000 each

#### (L) MURRAM


a)	Ordinary murrum (top soil to be replaced after excavating)	2,000 per M <sup>3</sup>
b)	Stone quarry	5,000 per M <sup>3</sup>



**DISTRURBANCE ALLOWANCE**

- a) Should be at least three (3) months notice before compensation
- b) Less than six (6) months quit notice 30%
- c) 6 months or more quit notice 15%

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Batarinyebwa Pius  
**CHAIRMAN DLB**

  
.....  
Muhwezi Stephen  
**AG. SECRETARY DLB**





## APPENDIXVI: Glossary of Terms

Census	A field survey carried out to identify and determine the number of Project Affected Persons (PAPs) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement, and other measures emanating from consultations with affected communities and the local government institutions.
Compensation	The payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets, is called compensation. These include other impacts resulting from activities to rehabilitate or cushion the impacts from displacement.
Cutoff Date	The cut-off date is the date of commencement of the census of PAPs or DPs within the EASP program area boundaries. This is the date on and beyond which any person whose land is occupied for EASP program, will not be eligible for compensation.
Directly Affected Persons	All those who reside or derive their living from areas where the project will have a direct impact, often referred to as the Direct Impact Zone (DIZ), consisting of all the project components.
Involuntary Resettlement	The unavoidable displacement of people arising from development projects that creates the need for rebuilding their livelihood, income and asset bases in another location. It includes impacts on people whose livelihood and assets may be affected without displacement.
Land	Land refers to all types of agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be acquired by the project.
Land Acquisition	Land acquisition means the possession of or alienation of land, buildings, or other assets thereon for purposes of the project.
Project Affected Persons	Project affected persons (PAPs) or Displaced Persons (DPs) are persons affected by land and other assets loss as a result of project activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose

(PAPs) or Displaced Persons (DPs)	shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location. Most often, the term DPs applies to those who are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.
Project Impacts	Impacts on the people living and working in the affected areas of the project, including the surrounding and host communities are assessed as part of the overall evaluation of the project.
Rehabilitation Assistance	Rehabilitation assistance is the provision of development assistance in addition to compensation such as livelihood support, credit facilities, training, or job opportunities, needed to assist PAPs or DPs restore their livelihoods.
Replacement Cost	Replacement cost refers to the amount sufficient to cover full recovery of lost assets and related transaction costs.
Resettlement Action Plan (RAP)	The RAP is a resettlement instrument (document) to be prepared when sub-project 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 implementing agency and contain specific and legal binding requirements to resettle and compensate the affected people before project implementation.
Resettlement Assistance	Resettlement assistance refers to activities that are usually provided during, and immediately after, relocation, such as moving allowances, residential housing, or rentals or other assistance to make the transition smoother for affected households.
Rights and Entitlements	Rights and entitlements are defined for PAPs and DPs (with the cut-off date) and cover those losing businesses, jobs, and income. These include options for land-for-land or cash compensation. Options regarding community and individual resettlement, and provisions and entitlements to be provided for each affected community or household will be determined and explained, usually in an entitlement matrix.

Stakeholders Any individuals, groups, organizations and institutions interested in and potentially affected by a project or having the ability to influence the project.