



Government of Uganda
Ministry of Trade Industry and Cooperatives

Resettlement Policy Framework

Great Lakes Trade Facilitation Project (GLTFP)

DRAFT REPORT

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EXECUTIVE SUMMARY

PROJECT DESCRIPTION

The Ministry of Trade Industry and Cooperatives (MTIC) in collaboration with other Government agencies is in the process of implementing a Great Lakes Trade Facilitation (GLTF) project focusing on improving regional infrastructure and in particular remove both at and behind the border constraints to regional trade. The project will support efforts for reducing non-tariff barriers to intraregional trade, by improving regional environments for business and by supporting regional measures to improve governance. In addition the project is designed to address underlying sources of conflict as well as reducing poverty among the communities at the Ugandan border with DRC. The project is expected to contribute to the attainment of key regional commitments on Peace and Security. Cross-border trade will be used as a tool for stimulating and facilitating agricultural trade and increasing resilience and social cohesion

The Government of Uganda will implement the project with funding from World Bank and targeting three border crossing points to the Democratic Republic of Congo-namely, Bunagana, Mpondwe and Goli. Interventions of the project to be undertaken at the targeted border posts will include improving infrastructure and facilities for border agencies, undertaking policy reforms to facilitating cross border trade, promoting change management in cross border administration and ensuring effective communication, monitoring and evaluation.

GLTF is estimated to cost US \$ 13 million, and will be implemented over a period of 5 years from 2015 to 2019. The project will also provide funds for institutional development by building the capacity for lead agencies to enable effectively implement, manage and monitor the project.

The project shall be managed through a Steering Committee comprised of representatives from various Ministries, Internal Affairs, MTIC, MFPED, MAAIF and MOWT. The Ministry of Trade, Industry and Cooperatives (MTIC) will be responsible for the overall coordination of the project and will chair the Steering Committee. The policy mandates and composition of the Steering Committee is illustrated in the table 2.

A technical Working Group (TWC) will provide oversight, guidance and advisory functions to the Project implementation Units. The TWC will develop TORS, review reports and provide guidelines and way forward on the outputs and reports developed under the GLTF Project. The composition of the TWC is indicated in table 3.

Project Management Units, the main one in the MTIC and the other in the MOWT ministry of works and transport shall be responsible for executing and managing day-to-day operations of the activities under their respective components.

The Project's component of infrastructure development will be limited to Mpondwe, Bunagana and Goli where specific civil works will be undertaken. While the final investments have not yet been determined, the physical civil works will potentially involve upgrading of housing for the border agencies including offices and residences, the border connecting roads, parking area, drainage and connectivity of utilities including water and electricity

Public consultations on the RPF

Consultations were held with stakeholders in February 2015 providing an overall description of the Project, the purpose of the ESMF and RPF, potential outcomes of the frameworks and to obtain feedback on ways to improve implementation of the frameworks. The key stakeholders

institutions consulted include the Ministry of Trade Industry and Cooperatives, Ministry of Finance Planning and Economic Development, Ministry of Works and Transport, Ministry of Lands Housing and Urban Development, Uganda Revenue Authority, Uganda National Roads Authority, Ministry of Internal Affairs-Directorate of Citizenship and Immigration Control , Police/Security , District Local Governments, Ministry of Agriculture Animal Industry and Fisheries, National Environment Management Authority, Uganda National Chamber of Commerce and Industry, Uganda National Cross Border Traders Association and other related agencies, local authorities and communities within the project area. More broadly, the stakeholders include the cross border traders who are the direct beneficiaries of the project.

In order to ensure that key interests of the public at various levels of governance are addressed and incorporated into the design and implementation of the ESMF safeguard tools, stakeholder consultations were carried out as part of the ESMF process. Consultations for proposed investments under the GLTF were undertaken by Ministry of Trade Industry and Cooperatives.

The Ministry through the District Commercial Officers of the respective districts, consulted cross border traders and the border communities who indicated no objection to the proposed project. The communities appreciated the project indicating that it will, in the short run, provide opportunities for jobs. For cross border traders, they welcomed the project indicating that it will improve their business by reducing costs and time they spend at the border.

Potential Land Acquisition and Affected Persons

Physical interventions will be undertaken under component one of the project and they include improvements of border post core infrastructure and development of the border market. Construction of border infrastructure and facilities includes upgrading customs related offices and residences for the staff, establishing Warehouses & storage facilities for customs purposes, upgrading the parking space, drainage improvements, provision of basic facilities such as safe water and electricity. In the first phase of the project, the sub component on border markets will focus on undertaking feasibility and impact studies, assessing product value chains and establishing mechanisms for enhancing the system, development of Master Plans and implementation of the enterprise development and value addition component of the program. Construction of the physical border markets will be covered in the second phase

Based on the consultations held, development of the sites will not result in major resettlement since the land is owned by either the central Government or Local Government. However Mpondwe and Goli have sections of the land that is in the hands of the private sector which may be affected by the developments under the project. In addition, there are a number of people including shop and market vendors who may be affected by the project even when they are operating businesses on Government land. In the event that issues of land acquisition or displacement arise, the RPF includes provisions to address these and to compensate affected persons accordingly.

Legislative framework

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

- Constitution of the Republic of Uganda, 1995

- Land Act, Cap 227, 1998
- Land regulations 2004
- Land [Amendment] Act, 2010
- Acquisition Act, 1965

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

Land Asset Classification, Valuation and Compensation

Valuation and compensation for permanent structures and land are undertaken in accordance with market values ascertained by the chief government valuer. In the case of crops and non-permanent structures the rates are set at district level. The rates, which are enacted by District Land Boards, are established and updated at District level.

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

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

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

Preparation and implementation of RAPs

The steps to be undertaken for each individual RAP include a screening process, a socio-economic census and land asset inventory of the area and identification of Project Affected Parties. This will be followed by the development of a RAP, RAP review and approval, implementation of the RAP and monitoring of RAP implementation and success. These steps will be spearheaded by a resettlement and compensation committee comprising of officials selected from the Ministry of Trade Industry and Cooperatives, UNRA, MOLHUD, and the District Local Government. The table below shows the proposed members of resettlement and compensation committee;

Table 1: Proposed grievance committee

Entity	Department	Responsible person
	Head Bilateral and Regional Trade	Department of Trade of External Trade-MTIC
	Head of Department of Land Administration	MOLHUD
	Head Social Issues Unit Services	Directorate of Project Planning-UNRA
	Head Social Issues Unit Services	Directorate of Project Planning-UNRA
	Directorate of Physical Planning	Director
Local Governments	District Political Head	LCV Chair Person
	LC 3 Political head	LC3 Chairperson
	Head Commercial Services	District Commercial officer

	Public Health & Environment	District Environmental Officer
	Gender & Community Welfare	Community Development Officer, CDO
Representative of PAPs from district		To be elected by PAPs

The Resettlement and compensation committee will work closely with the district compensation and implementation committee. Throughout this process, consultation and public disclosure will take place with PAPs, ensuring that the affected persons are informed.

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

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

Grievance redress mechanisms

The Grievance Redress Mechanism (GRM)/Resettlement and Compensation Committee will be simple and will be administered as close as possible to the project affected people, and in close consultation with existing systems and structures at the community, sub-county and District levels by the Compensation Committee to facilitate access by PAPs. Uganda Courts of Law will be a last resort.

RAP consultation and disclosure

If any grievances arise during implementation of GLTF project they should be addressed through a systematic and documentable grievance mechanism implemented by the Grievance Committee and involving local leaders, District Local Government Administration and Government agencies involved in the project.

Key objectives of the grievance process are supposed to be:

- a) Provide affected people with avenues for making a complaint or resolving any dispute that may arise during project implementation;
- b) Ensure that appropriate and acceptable corrective actions are identified and implemented to address complaints;
- c) Verify that complainants are satisfied with outcomes of corrective actions;
- d) Avoid the need to resort to judicial (legal court) proceedings, unless all non-judicial avenues fail.

Grievance management will aim to provide a two-way channel for the project to receive and respond to grievances from project affected persons (PAPs), stakeholders or other interested

parties. Grievances will be managed by a seven-member committee of composition indicated in table 10 above

Grievances will be resolved through a process that follows a stepwise approach. An aggrieved person will lodge a complaint to the officials of the district local Government. At the district level a redress shall be determined after the case has been discussed by all relevant parties and a solution determined. A Grievance Committee shall handle cases that are not addressed at the district level and parties not satisfied by the decision of the Committee will reserve their right to pursue the case in the courts of law.

Monitoring and evaluation

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

Estimated budget

There are no budget estimates yet because the scope and number of people to be affected in case there are any land acquisitions or even displacement are not known at the moment. However, financial provision will be made as a contingency for cases where land acquisition may occur and RAPs have to be prepared and implemented. For the GLTF, the government's contribution to the Project will be used to fund the RAP(s) if required.

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ACRONYMS AND ABBREVIATIONS

CBT	Cross Border Trade
CBTA	Cross Border Traders Association
COMESA	Common Market for Eastern and Southern Africa
DRC	Democratic Republic of Congo
EAC	East African Community
ERA	Electricity Regulatory Authority
GDP	Gross Domestic Product
GLTF	Great Lakes Trade Facilitation
GNI	Gross National Income
GoU	Government of Uganda
IDA	International Development Association
MITC	Ministry of Industry, Trade and Cooperatives
MLHUD	Ministry of Lands, Housing and Urban Development
MoFPED	Ministry of Finance Planning and Economic Development
NTBs	Non-Tariff Barriers
PAD	Project Appraisal Document
PBM	Performance-Based Management
PCDP	Public Consultation and Disclosure Procedures
PSC	Project Steering Committee
RAPs	Resettlement Action Plan
RPF	Resettlement Policy Framework
STR	Simplified Trade Regime
TA	Technical Assistance
UBOS	Uganda Bureau of Statistics
UG	Uganda Government
WBG	World Bank Group
CDO	Community Development Officer
DCO	District Commercial Officer
DEO	District Environment Officer

1.0 INTRODUCTION

INTRODUCTION

The Government of Uganda with Support from World Bank is in the process of implementing a Great Lakes Trade Facilitation project for improving regional infrastructure and in particular remove both at and behind the border constraints to regional trade. The project will support efforts for reducing non-tariff barriers to intraregional trade, by improving regional environments for business and by supporting regional measures to improve governance of cross border trade.

The project is also designed to address underlying sources of conflict as well as poverty and under-development, and is thus a key pillar for helping achieve the outcomes of the Bank's Great Lakes Strategy, as well as key regional commitments on Peace and Security. Cross-border trade will be used as a tool for stimulating and facilitating agricultural trade and increasing resilience and social cohesion on both sides of the border between the Republic of Uganda and the Democratic Republic of Congo.

GENERAL OVERVIEW OF CROSS BORDER TRADE

Cross border trade contributes significantly to the development of Uganda's economy. Cross-border trade enables the movement of produce across borders from surplus to deficit areas. It is therefore significant not only in providing employment and livelihood to border communities but also in promoting food security.

The Background to the Budget 2013/14 indicates that informal exports amounted to US\$ 364.9 million in the 12 months ending March 2014, compared to US\$ 433.0 million in the same period ending March 2013. Informal exports accounted for 15.7% and 12.9% of Uganda's total export earnings in the respective 12 months period. In addition, the Survey report of Uganda Bureau of Statistics, 2012, shows that the share of informal exports to Uganda's total exports stood at 14.2 percent in 2011 while informal imports accounted for 0.9% in the same period.

Despite its significant contribution to the economy, scale cross-border trade remains largely an informal sector and the voices of the traders are seldom heard. Statistics on this subsector are still estimated and there are no clear and targeted programs to formalize and enhance competitiveness of the sub-sector so as to enable traders take advantage of the benefits of regional integration. Traders have not even been able to take advantage of the simplified customs processes and procedures available for them at the border under the Simplified Trade Regimes (STR) established by both the East African Community (EAC) and the Common Market for Eastern and Southern African (COMESA).

Based on the above and in an effort to improve the performance of the export sector, a number of studies have been undertaken by the Ministry, UBOS and other international organizations including COMESA, African Union and World Bank. The studies revealed numerous challenges in cross border trade including lack of awareness on trade policies; high taxes and charges; lengthy bureaucracy; poor relationships with border officials; language barriers; inappropriate laws; low value added exports; lack of capital; conflicting trade policies in the

region; lack of storage facilities; exchange rate fluctuations; inadequate capacity of border trade facilitating institutions, harassment of traders and low levels of literacy among traders, among others.

The studies have also proposed measures to address the above challenges. The Ministry with support from COMESA has undertaken a number of interventions to address some of the cross border trade challenges. Although a number of achievements were recorded under the CBT work program, cross border trade challenges as highlighted by the needs assessment study remain largely unaddressed.

There is enormous potential for trade to drive growth and poverty reduction in the region. For conflict affected households in the region there are considerable opportunities to benefit from cross-border and regional trade in a range of goods and services. For many communities, key markets are situated across a border. While the instability and insecurity over the last decade has caused serious disruption to cross-border trade, substantial flows of people and goods continued to traverse the borders between the two countries every day. Now that a degree of stability is returning, trade flows are again increasing. Trade can contribute to food security, to increasing employment throughout the region and the return of internally displaced persons. Trade across borders is essential to improve access and lower prices for critical inputs into economic activities including the exports of other goods and services.

Facilitating trade across borders will be an important mechanism to improve access of consumers to basic food products and to increase the returns to farmers. There are also considerable opportunities to increase trade in services, including professional services, logistics services, construction services and financial services. Many professionals are already crossing borders to work in other countries in the region and demand for certain financial services at the border with the DRC is being met by movement of consumers to providers across the border.

Informal cross-border trade plays the main role in linking producers to markets in the Great Lakes region of Africa and is typically dominated by women. Small cross-border trade fosters shared economic growth and interdependence between populations with a history of division and mistrust, and is thus important for peace building in the Great Lakes region. Official statistics vastly understate the amount of trade that crosses borders in the region. For example, the number of trucks crossing the border is a tiny fraction of the tens of thousands of people who cross official borders from Uganda to DRC every day for commercial purposes. This informal trade is not illegal trade but is unorganized small scale trade which does not appear in the customs record.

Cross-border exchange provides the main source of income for a large number of informal traders who are predominantly poor women carrying agricultural products and hence there is an important gender dimension to this issue. However, lack of governance at the border has led to a situation in which these traders are often subject to extortion and physical harassment including rape.

Cross-border trade between Uganda and the DRC is dominated by women and provides an essential source of income to many households in the region. A recent survey of traders at four border posts in the region identified the following key features of cross- border trade: the majority of traders are women (85 percent of the respondents); most of the officials who

regulate the border are men (82 percent); for almost two-thirds of the respondents, income from cross-border trade is the main source of income, and most (77 percent) report that household income is heavily dependent on their trading activity. Cross-border traders regularly have to pay bribes and suffer harassment. The responses from the survey paint a dark picture of the conditions experienced by poor women cross border traders.

There is a pressing need to improve physical conditions at the border between Uganda and DRC. This is of particular importance for small traders; most of whom are women. The very poor quality and condition of the infrastructure at the border, allows some of the worst types of harassment and violence. Both the transport infrastructure and poor quality and inappropriate design of buildings used by officials need to be rehabilitated, including the provision of basic facilities such as electricity and water. Work is immediately required to minimize the risks to safety and security that arise from dilapidated infrastructure and to provide an open and transparent area for officials and traders.

Infrastructure improvements at the border need to be accompanied by better border management and governance and better trained officials and support to traders associations. Providing a safe, transparent and well regulated border is a fundamental step towards stability and encouraging a movement away from the ‘survival economy’. It is also an issue in which countries clearly have a common interest to ensure effective control of borders and to facilitate trade.

Facilitating trade is in the common interest of all countries in the EAC and COMESA region and will enhance the effectiveness of national development policies. There would be very large economic pay-offs from interventions that facilitate freer movement of goods and people across the border. In the short-term this pay-off would be in the form of greater security and increased incomes for poor mainly women traders whose trading activities are crucial to the welfare of their households and hence to poverty reduction in communities along the border

1.1.1 GLTF Project Description

GLTF is a USD\$13 Trade Facilitation Project to be implemented with funding of \$10 million funding from the World Bank and counterpart funding of \$3 million by the Government of Uganda.

The GLTF will be implemented at three Borders; Bunagana, Mpondwe and Goli. The Project will be implemented through four components; (1) Improvements to core infrastructure and facilities, (2) Policy Reforms to facilitating Cross Border Trade (3) Change Management in Cross border Administration and (4) Communication, Monitoring and Evaluation.

1.1.2 Project Development Objective

The Development Objective of this project is to facilitate cross-border trade by reducing costs, time and harassment, especially of women, to improve the operating environment at the border for traders in the Great Lakes Region.

1.1.3 Rationale for the RPF

As part of funding arrangements for the GLTF component activities, several of the World Bank’s safeguards policies are triggered including Environmental Assessment (OP 4.01), Pest Management (OP 4.09), Cultural Resources (OP 4.11), and Involuntary Resettlement (OP 4.12).

Under the OP 4.01 and OP 4.12, safeguard provisions are required in the form of an Environmental and Social Management Framework and a Resettlement Policy Framework. The RPF has been developed because by nature interventions under component one of the project may lead to a degree of land take or restriction of access to sources of livelihood and resources.

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

OBJECTIVE OF THE RESETTLEMENT POLICY FRAMEWORK

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

- Establish the resettlement and compensation principles and implementation arrangements for the GLTF (refer to Annex 1 for a glossary of terms under in this document);
- Describe the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation;
- Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- Provide procedures for filing grievances and resolving disputes; and
- Develop an outline for the development of Resettlement Action Plans

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

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

These risks can be minimized by:

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

PAPs livelihoods and their well-being.

2.0 PROJECT BACKGROUND AND DESCRIPTION

DESCRIPTION OF THE PROJECT

The project will be financed by a loan in the amount of US\$ 10 million with counterpart funding by the Government of Uganda of estimated at \$2 million. It is estimated that about 70% of the budget will be allocated to component one of the project i.e border post infrastructure and border market preliminary works. The balance, 30% will be allocated to the remaining components. The specific budget allocations are yet to be determined.

Project Components

Component 1: Improvements to core infrastructure and facilities in the border areas

The project will finance improvements to core trade infrastructure and facilities at the selected border crossing points which are considered to be of strategic importance to Uganda in the context of trade development and regional peace and security. In addition, the project will finance the development of infrastructure for facilitating cross-border market exchanges. The infrastructure improvements will be supported under three main sub-components:

Sub-component 1 A): Construction of border infrastructure and facilities: The project will finance improvements to infrastructure and facilities at selected border posts including upgrading housing for border agencies including offices and residentials for the staff, establishing Warehouses & storage facilities for customs purposes, improving parking space, provision of basic facilities such as safe water and electricity

Sub-component 1 B): Implementation of the Border Market Program: The focus will be on addressing post-harvest losses and to engage more in cross border trade without having to travel over long distances into the country. This project is expected to finance development of border markets at a few strategic locations linked to the border posts to be improved by the project. In the first phase, implementation will focus on undertaking feasibility and impact studies, assessing product value chains and establishing mechanisms for enhancing the system, development of Master Plans and implementation of the enterprise development and value addition component of the program. Construction of the physical border markets will be covered in the second phase

Component 2: Implementation of Policy and Procedural Reforms and Capacity Building to Facilitate Cross Border Trade in Goods and Services

Support will be focused on two sub components, that is, implementation of the Simplified Trade Regime and improving Management in Cross border Administration and streamlining policies on cross border trade development.

Sub Component 2.1: Support for implementation of the Traders Charter and the COMESA Simplified Trade Regime (STR):

STR is an arrangement adopted by the COMESA and EAC and currently being implemented by Member States to formalize and improve the performance of the small scale cross border traders in order to enable them benefit from the regional preferential treatment when importing or exporting goods within the region. Planned STR activities include;

- Establishing toll free number on market issues- requires complaints
- Involvement of civil society in the promotion of cross border trade
- Enhancing trade in services involved in facilitating cross border trade
- Development of a common list through bilateral engagements with DRC
- Training of CBTA Members on sustainability of association and business development skills
- Establishing and enhancing a cross border traders association
- Creating awareness to Members of the CBTAs on trade development policies and tools available to facilitate cross border trade
- Establishment and enhancement of trade information desks
- Bilateral arrangements

Sub Component 2.2: Training and capacity building for traders and officials to support greater integrity and ethical behavior in trade processes

The project will support the simplification of immigration, agricultural, health other related cross border trade procedures. Specifically implementation will focus on reviewing the laws, regulations and procedures that govern the movement of goods and people involved in small scale trade across the borders. Capacity building will be an integral part of this component and will include training for border agencies as well as regional and joint training for peer learning of border procedures, among and between the officials and the traders.

Component 3: Performance Based Management in Cross border Trade Administration

Component 3 will support strengthening technical and management capacity of the border agencies and improve their performance to increase the quality of the services. The component will improve governance in cross-border administration and address political economy resistance to change. Following a functional review of the border agencies to assess the existing organizational functions and staff skills and identify functional and skills' gaps, the project will provide hands-on coaching and extensive training by a coach on the ground and strengthen the existing Performance Based Management (PBM) systems to improve the application of rules and regulations and create a secure environment for traders crossing borders. PBM will be accompanied by appropriate incentive mechanisms as well as effective evaluation methods and feedback mechanisms.

Sub-component 3.1: Professionalization and Change management in the border agencies

This sub-component will first conduct a functional review of institutional effectiveness and efficiency at the Customs and Immigration offices in each of the three countries. It will assess the existing organizational functions and staff skills and identify any functional and skills' gap to meet defined institutional targets. The results will support senior management to develop strategic organizational functions and staffing plans at the border posts.

Building on the functional review, the project will propose appropriate changes in staffing planning and human resource management system, and elaborate the training program that will be financed under the Component 2.2.

In addition to the strengthening of technical capacities (Component 2.2), change management will be key to success in improving border management. Adaptive challenges must be seen alongside technical challenges, especially when introducing the new procedures and innovative changes in border management. Such changes can lead to resistance which can be mitigated through strengthened coordination and communication among stakeholders. An absence of discipline in the organization of work and management has been identified as one of the fundamental problems that lead to an insecure environment at the border, for instance, the presence of a large number and range of officials at the border. Therefore, this sub-component will provide a hands-on coaching program with a change management approach based on the principles of empowerment, integrity, collaboration among various stakeholders and discipline.

Sub-component 3.2: Performance Based Management and Incentive Mechanism

The project will support the use of Performance-Based Management (PBM) as a mechanism for enforcing the application of border management rules and regulations. The ultimate goal of PBM is to provide improved services, a secure trade environment and ultimately increase fiscal revenues through greater flows of trade. All three countries have been introducing and piloting the PBM at their customs offices. Building on this experience, the project will provide technical and hands-on support to enhance performance at customs and immigration offices and to include the key performance indicators related to improvement of the cross border environment for small scale traders. Those indicators will measure both technical aspects such as crossing and clearing time and collection of fees, and behavioral changes such as integrity, courtesy, and respect of ethics etc.

The project will support feedback mechanisms through the development of an appropriate evaluation method and introducing a third party monitoring mechanism using IT tools. The current performance evaluation system in each of three countries varies but generally uses the traditional approach of annual evaluation by the immediate supervisors and managers of the officials. In order to make the PBM evaluation more meaningful, the project will introduce a simple IT tool to monitor traders' satisfaction and service performance at the borders and regularly provide feedback to the officials. The reporting would encourage and motivate border agents in achieving their objectives and improving their work in day-to-day operations.

In addition, a perception survey by traders on an annual basis will be conducted by using mobile phone technology to provide more accurate feedback on the performance of agencies and agents and the quality of services provided. This will be complemented by the hotline by which traders can report harassment, to be financed under Component 2, which will capture the number of complaints and provide the basis to deal with them in real-time.

Building on international experiences, the project will develop a program for improved PBM with an appropriate incentive mechanisms. As a way of motivating staff, the project will provide technical assistance to develop appropriate incentive mechanisms. The project will support in-kind compensation and other types of rewards for the best performers. In addition, considering the extremely low level of remuneration, especially in DRC, which is one of the fundamental factors for persistent corruption and extortion of goods and money from traders, the project would support the government to develop a financial incentive mechanism if considered appropriate.

Component 4: Implementation support, Communication, Monitoring and Evaluation

Sub-component 4.1: Implementation Support & Communications

Sub-component 4.1 includes support for building the implementation capacity of government agencies and COMESA and communication activities. A common challenge of multi-sectoral projects is having in place effective mechanisms to coordinate project implementation across sectors and between countries. The capacity of agencies, especially in the DRC, may be insufficient to: (i) coordinate and implement multi-sectoral activities; (ii) channel funds to other institutions; and (iii) monitor progress in the eastern provinces as well as procure specialized equipment and services. In addition, the ability to deliver quality services in highly volatile environments and/or remote areas will be challenging.

The project will therefore provide financial support for recruiting international and local technical experts in project management, financial management, procurement, accountancy among other critical functions for effective implementation at the central and provincial governments to the regional organization, COMESA. In addition, the project will provide support to prepare the operational manual and finance related operational training to project teams, audit for the financial management, the accounting system, office equipment (vehicles, PC, printers, office furniture etc), and running cost throughout the project life.

The project will put particular importance on communications strategies as part of the implementation arrangements. For instance, the project will finance a dissemination plan that includes short documentaries/videos, other media programs, websites and use of social media to raise awareness of the conditions that cross border traders face and to familiarize all relevant stakeholders with the Traders Charter and related policy reforms.

Sub-component 4.2: Project M&E and Systems for Monitoring Small-Scale Cross-Border Trade

The development of a robust system of project monitoring and evaluation is essential. The project will develop a system, and build capacity of government agencies, to capture progress in improving conditions for cross-border trade, including, inter alia, the efficiency of cross-border operations, the relationships between border officials and cross-border traders, and the broader impact on conflict affected communities. The joint border committees, which will be supported under the Component 2, will also play a key role in M&E and as a platform supervising

activities on the ground. Furthermore, the project will develop a set of socio-economic indicators that not only measure the changing trade patterns but also measure the improved perceptions between traders and state officials; and give an (indirect) measure of whether socio-economic resilience at the community level has increased as a result of the project. These indicators will be developed with support from the Great Lakes Conflict Facility. Finally, citizen engagement with Civil Societies Organizations (CSO) and traders associations is critical to get direct feedback on conditions and quality of services delivered at the border. The project will attempt to use innovative techniques to obtain some of the data for M&E such as crowdsourcing based on mobile phone surveys.

The project will support systems for collecting data on cross-border trade flows which will provide an essential input into policy making and planning of border operations. The project will support coordinated information gathering on small-scale cross border trade at the priority border posts in the project. Both Rwanda and Uganda have existing programs for surveying small-scale goods traders. The project will support the pilot of a new small-scale cross border trade monitoring program at specified border points in DRC. In each country, the project will support the use of advanced IT collection systems and platforms (including tablets/PDAs) in the project countries to improve the efficiency, accuracy, standardization, and sustainability of the programs. COMESA will play an important role developing standardized data collection methodologies and best-practices, providing peer to peer learning and capacity building on measuring, analyzing and reporting on small-scale cross-border trade, and developing a platform and website for the dissemination of this information.

A number of the above components especially component 1 on border post/ market infrastructure development may have socio-environmental impacts (beneficial and adverse), hence the relevance of this ESMF.

Project Implementation Mechanism

The project shall be managed through a Steering Committee comprised of representatives from various Ministries, Internal Affairs, MTIC, MFPED, MAAIF and MOWT. The Ministry of Trade, Industry and Cooperatives (MTIC) will be responsible for the overall coordination of the project and will chair the Steering Committee. The policy mandates and composition of the Steering Committee is illustrated in the table below.

Table 2: Composition of the Project Steering Committee

Institutions	Policy Mandate	Responsibility in project implementation process	Membership position on the Steering Committee
Ministry of Trade Industry and Cooperatives	Formulate and oversee and implement policies and programs aimed at promoting trade facilitation, harmonization	Overall lead implementing institution	Chair

	product standards and elimination of unnecessary procedures that mutate as NTBs.		
Ministry of Finance Planning and Economic Development	Mobilization and allocation of resources of Government and overseeing how these resources are accounted for in achieving its targeted objectives.	Coordinating financing arrangement between the World Bank and the Government of Uganda	Member
Ministry of Works and Transport	Responsible for to planning, developing, and maintaining transport infrastructure and engineering works in the country.	Monitoring and providing oversight function on implementation of the one stop border posts and transport infrastructure	Vice Chair , lead institution on sub component 1.1
Ministry of Internal Affairs-	Regulating and facilitating the travel in and out of the country for both Ugandans and foreigners.	Coordination of immigration issues at the border	Member
Ministry of Agriculture Animal Industry and Fisheries	Initiating laws, regulations standards, enforcing and carrying out inspections on veterinary and Phytosanitary, measures	Ensuring that products involved in cross border trade conform to crop, plant and veterinary measures	Member

A technical Working Group (TWC) will provide oversight, guidance and advisory functions to the Project implementation Units. The TWC will develop TORS, review reports and provide guidelines and way forward on the outputs and reports developed under the GLTF Project. The table below shows the composition of the TWC

Table 3: Composition of the Technical Working Committee

Institutions	Policy Mandate	Responsibility in project implementation process	Membership position on the Steering Committee
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Ministry of Trade Industry and Cooperatives	Formulate and oversee and implement policies and programs aimed at promoting trade facilitation, harmonization product standards and elimination of unnecessary procedures that mutate as NTBs.	Overall lead implementing institution	Chair
Ministry of Finance Planning and Economic Development	Mobilization and allocation of resources of Government and overseeing how these resources are accounted for in achieving its targeted objectives.	Coordinating financing arrangement between the World Bank and the Government of Uganda	Member
Ministry of Works and Transport	Responsible for to planning, developing, and maintaining transport infrastructure and engineering works in the country.	Monitoring and providing oversight function on implementation of the one stop border posts and transport infrastructure	Vice Chair
Ministry of Lands housing and urban planning	Responsible for providing policy direction, national standards and coordination of all matters concerning lands, housing and urban development.	Coordinating aspects land access, utilization and management of displacements	Member
Uganda Revenue Authority	Assessing, collecting tax revenues, and enforcing taxation laws in the country	Lead institution on improvement of customs management performance	Member
Uganda National Roads Authority	Developing and maintaining national roads network	Lead institution on development and construction of border infrastructure	Member
Ministry of Internal Affairs-Directorate of Citizenship and Immigration Control	Regulating and facilitating the travel in and out of the country for both Ugandans and	Coordination of immigration issues at the border	Member

		foreigners.		
District Government	Local	Coordinate, oversee and Monitor implementation of the Government policies in a district;	Coordinating provision land, facilitating management of the targeted communities and any displacements that may occur	Member
Ministry of Agriculture Animal Industry and Fisheries		Initiating laws, regulations standards, enforcing and carrying out inspections on veterinary and Phytosanitary, measures	Ensuring that products involved in cross border trade conform to crop, plant and veterinary measures	Member
Uganda Chamber of Commerce and Industry	National	Umbrella private sector Organization that promotes interests of the business community	Provide overall private sector inputs to project implementation processes	Member
Uganda Cross Border Traders Association	National	Umbrella Association that promotes interests of the members	Provide specific inputs the cross border traders to project implementation processes	Member
National Environment Management Authority		Principal agency charged with the responsibility of coordinating, monitoring, regulating and supervising environmental management in the country.	Coordination environmental impact assessments and management	Member

Project Management Units, the main one in the MTIC and the other in the MOWT ministry of works and transport shall be responsible for executing and managing day-to-day operations of the activities under their respective components

PUBLIC CONSULTATIONS

Consultations for the Proposed GLTF Project

Consultations were held with stakeholders in February and March 2015 providing an overall description of the Project, the purpose of the ESMF and RPF and potential outcomes of the frameworks and to obtain feedback on ways to improve implementation of the frameworks. The key stakeholders consulted include the Institutions, Ministry of Trade Industry and Cooperatives, Ministry of Finance Planning and Economic Development, Ministry of Works and Transport, Ministry of Lands housing and urban planning, Uganda Revenue Authority, Uganda National Roads Authority, Ministry of Internal Affairs-Directorate of Citizenship and Immigration Control, Police/Security, District Local Governments, Ministry of Agriculture Animal Industry and Fisheries, Uganda National Chamber of Commerce and Industry, Uganda National Cross Border Traders Association National Environment Management Authority and other related agencies, local authorities and communities within the project area. More broadly, the stakeholders include the cross border traders who are the direct beneficiaries of the project.

In order to ensure that key interests of the public, at various levels of governance, are addressed and incorporated into the design and implementation of the ESMF safeguard tools, stakeholder consultations were carried out as part of the ESMF process. Consultations for proposed investments under the GLTF were undertaken by Ministry of Trade Industry and Cooperatives.

The Ministry through the District Commercial Officers of the respective districts, consulted cross border traders and the border communities who indicated no objection to the proposed project. Actually the communities even appreciative of the project indicating that in the short it will provide opportunities for jobs. For Cross border traders the project is a welcome move since it will direct improve their business by reduce costs and time they spend at the border.

In general consultations indicated that the proposed project will generally have a positive impact on the promotion of cross border trade.

- Jobs Creation both skilled and unskilled workers will be involved in this project during construction and operation.
- Increased revenue generation to the districts especially from the border market program and to government in the context of Value Added Tax (VAT) on construction materials/ but also on increased trade flows at the border.
- Stakeholders welcomed the fact that project activities will lead to improvement of infrastructure (border crossing road, sewerage, and supply of water and electricity).
- The proposed project has the potential to stimulate influence commercial trends in the area in various ways and in the long run the multiplier effect will lead to development and reduction of poverty.

The proposed border post/market infrastructure component of the GLTF project shall consume various materials during construction such as stones, cement, sand, glass, steel products, wood products, PVC products, and ceramic products thus creating market for goods and services and secondary businesses.

Consultations for the Local communities and district Officials

Consultation identified initial project stakeholders at the border post level. The key stakeholder groups include Government agencies based at the border, District Land office Site, Local Government, Vulnerable groups (e.g. women,) Local authorities and Local community members.

3.0 LEGAL AND INSTITUTIONAL FRAMEWORK

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

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

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

RELEVANT NATIONAL LAWS

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

3.1.1 Constitution of Uganda, 1995

The Constitution of the Republic of Uganda (1995) creates for government and local authorities a statutory power of compulsory acquisition of land in public interest, and makes provision, inter alia, for the prompt payment of fair and adequate compensation¹ prior to the taking of possession of any privately-owned property.

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

- a) The value for customary land is the open market value of unimproved land;
- b) The value of buildings on the land is taken at open market value for urban areas, and depreciated replacement cost for rural areas;

¹ Prompt, fair and adequate compensation is define as:

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

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

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

3.1.2 The Land Act 1998

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

Regarding control of land use, the Act reaffirms statutory power of compulsory acquisition conferred on the government and local authorities under articles 26 (2) and 237(2) (a) of the Constitution (Section 43). Since the Act does not repeal the Land Acquisition Act No. 14 of 1965, it is assumed that this legislation, meets requirements of Article 26(2) of the Constitution that requires a law to be in place for the payment of compensation and access to the courts. The Act also requires that landowners manage and utilize land in accordance with regulatory land use planning (Sections 44 and 46). Section 77(2) of the revised edition (2000) of the Land Act 1998 provides for a disturbance allowance on top of the computed compensation amount as shown below:

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

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

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

- a) Sell, exchange, transfer, pledge, mortgage or lease any land; or enter into any contract for the sale, exchange, transfer, pledge, mortgage or lease of any land;
- b) Give away any land *inter vivos*, or enter into any transaction in respect of land:
 - In the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;

- In the case of land on which the person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent children of majority age;
- In the case of land on which the person ordinarily resides with his or her dependent children below the majority age, except with the prior written consent of the Committee²;
- In the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the Committee.

3.1.3 The Local Government Act 1997

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

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

3.1.4 The Land Regulations, 2004

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

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

3.1.5 The Land (Amendment) Act 2010

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

3.1.6 The Land Acquisition Act (1965)

The Land Acquisition Act makes provision for procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The

² “Committees” are defined under Section 65 of the Land Act; they are Parish Land Committees.

authority responsible for the land may authorize any person to enter upon the land, survey the land, dig or bore the subsoil or any other actions necessary for ascertaining whether the land is suitable for a given public purpose. However, compensation should be paid to any person who suffers damage as a result of such actions.

The Land Acquisition Act stops at payment of compensation to affected people. In Uganda, it is not a legal requirement for a project to purchase alternative land for affected people. Once affected people are promptly and adequately compensated, the project proponent's obligations stop at this extent and there is no legal requirement or provision that people should be moved or provided with alternative land. Therefore, in Ugandan legal context, once people are compensated, they are expected to vacate affected properties without further claim.

PROPERTY AND LAND RIGHTS IN UGANDA

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

3.2.1 Land tenure systems under the 1995 Constitution

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

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

Table 4: Description of land tenure systems under the 1995 Constitution

Type of land tenure system	Description
Customary	Customary tenure is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies and is not governed by written law. Land is owned in perpetuity. Customary occupants are occupants of former public land and occupy the land by virtue of their customary rights; hence, they have propriety interest in the land and are entitled to certificates of customary ownership. Certificates of customary

Type of land tenure system	Description
	ownership may be obtained through application from the Parish Land Committee with an eventual issuance from the District Land Board.
Freehold	The freehold tenure derives its legality from the constitution and its incidents from the written law. It involves the holding of land in perpetuity or a term fixed by a condition and enables the holder to exercise, subject to the law, full powers of ownership.
Mailo	Mailo tenure has roots in the allotment of land pursuant to the 1900 Uganda Agreement. It derives its legality from the constitution and its incidents from written law and involves the holding of land in perpetuity. The system permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant. Moreover, this system enables the holder to exercise all powers of ownership, subject to the rights of those persons occupying the land at the time of the creation of the mailo title and their successors.
Leasehold	This system is created either by contract or by operation of the law and is a form under which the landlord or lessor grants the tenant or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land.

LAND ASSET CLASSIFICATION, VALUATION AND COMPENSATION

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

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

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

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

3.3.1 Valuation for State Owned Land

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

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

3.3.2 Valuation for Customary Land

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

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

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

3.3.3 Calculation of Compensation

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

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

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

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

3.3.4 Compensation for Land

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

3.3.5 Determination of Crop Compensation Rates

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

DISPUTE RESOLUTION AND GRIEVANCE MECHANISM

Any aggrieved party will lodge their complaint with either the local District Community Development Officer (CDO) or District Environmental Officer (DEO) at the District Local Government Office. The grievance will be discussed and a redress determined by the Local Government Team led by the CDO and including the District Commercial Officer (DCO) and DEO. The complaint will be closed at that stage and upon satisfaction, the complainant will sign against their grievance to indicate closure. The Land Act, Cap 227 states that land tribunals must be established at district level. It empowers the District Land Tribunals to determine disputes relating to amount of compensation to be paid for land acquired compulsorily.

If a solution cannot be found at the district level, the complaint will be referred to a Grievance Committee which will discuss the complaint and take a decision. If the aggrieved entity is satisfied with the solution, they will sign a closure statement. If the aggrieved party is not satisfied with the solution of the Grievance Committee, he or she is entitled to seek redress in courts of law. The Land Acquisition Act allows for any person to appeal to the High Court within 60 days of the award being made. All land disputes must be processed by the tribunals before the case can be taken to the ordinary courts. The act also states that traditional authority mediators must retain their jurisdiction to deal with, and settle, land disputes.

At present, however, the land dispute management system in Uganda does not recognize the inherent differences between disputes over land held under customary tenure and those held under other tenure regimes.

PROCEDURES FOR RESETTLEMENT ACCORDING TO THE WORLD BANK OP 4.12

The World Bank OP 4.12 applies to all components of the GLTF and to all economically and /or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. OP 4.12 further requires particular attention to be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons.

The Policy requires that a RAP shall be prepared and cleared by the World Bank prior to implementing resettlement activities. The World Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

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

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

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

Furthermore, the GOU has recently prepared the final draft of the National Land Policy (March 2011) aimed at consolidating a number of scattered policies, which exist on various aspects of the land question, but are diverse, sectoral and inconclusive in many

respects. Uganda has never had a clearly defined and / or consolidated National Land Policy since the advent of colonialism in the nineteenth century. Post-independence and recent attempts to settle the land question by the Land Reform Decree 1975, the 1995 Constitution of Uganda, and the Land Act 1998 failed to deal with the fundamental issues in land tenure due to absence of clear policy principles to inform the enactment of legislation that offers politically and socially acceptable and technically feasible solutions. The key policy issues touch on (1) historical injustices and colonial legacies, (2) contemporary issues, mainly arising from such legacies; and (3) land use and land management issues.

Table 3.2 outlines the gaps between Uganda law and World Bank requirements for resettlement and compensation. It is clear in the comparison that the OP 4.12 offers more reasonable and/or fair benefits and recognition to PAPs than Ugandan law; therefore in cases where benefits are greater, OP 4.12 will apply and in all cases, the higher of the two standards will be followed in the RPF.

Table 5: Comparison of Ugandan Laws and the World Bank Policies on Resettlement and Compensation³

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

³ In case of displacement and compensation, the more stringent policy will be applied. The higher of the two standards will be followed in the RPF

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	<p>certificate of title by requesting one through the Parish Land Committee (which will then be granted by the District Land Board).</p> <p>Customary land owners are entitled to compensation based on the open market value of the unimproved land</p>	cost.		
Land Tenants/Squatters	<p>Ugandan law does not make any specific accommodation for squatters or illegal settlers, and compensation is based on legal occupancy. (lawful or bonafide occupancy)</p> <p>Leasehold tenure is created either by contract or by operation of the law. The landlord grants the tenants or lessee exclusive possession of the land,</p>	Squatters and encroachers are persons without legal titles to the land and structures occupied / used by them. The term 'squatters' is typically used for those occupying structures for residential / commercial purposes, while 'encroachers' are those occupying land for agriculture. OP 4.12 explicitly states that the affected persons cannot be denied compensation	There is no distinction or discrimination made on the basis of gender, age, or ethnic origin between Ugandan law and Bank policy. However, there is no explicit equivalence on the specific requirements for enforcing non-discrimination, including the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.	Ugandan law provide compensation to legal and non-legal land owners, and to legal users of affected property.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	<p>usually for a period defined and in return for a rent. The tenants or lessee has security of tenure and a proprietary interest in the land.</p> <p>The Land Act treats lawful occupants and bonafide occupants as statutory tenants of the registered owner. Under Section 29 of the Land Act, “lawful occupant” means a person who entered the land with the consent of the registered owner, and includes a purchaser; or a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title. “Bona fide occupant” means a person who before the coming into force of the</p>	<p>/resettlement assistance based on the lack of legal title. Bank projects, therefore, need to make provisions for helping squatters / encroachers achieve the objectives of the Bank's resettlement policy.</p> <p>For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihoods.</p>	<p>Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.</p>	

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	<p>Constitution had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or had been settled on land by the Government or an agent of the Government, which may include a local authority.</p> <p>For the avoidance of doubt, a person on land on the basis of a licence from the registered owner shall not be taken to be a lawful or bona fide occupant under this section. Any person who has purchased or otherwise acquired the interest of the person qualified to be a bona fide occupant under this section shall be taken to be a bona fide occupant for the purposes of this Act.</p>			

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
Land Users/Licensees	<p>Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land.</p> <p>The Land Act, section 29(5) clearly states that for the avoidance of doubt, a licensee shall not taken to be a lawful or bonafide occupant</p>	<p>Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.</p>	<p>No equivalence between Bank and Ugandan systems for identifying and addressing impacts resulting from project related activities.</p>	<p>Land users will be compensated whatever the legal recognition of their tenure/occupancy. If tenants have no legal land title deed, they will compensate for crops or any improvements they have made to the land.</p> <p>Relocation assistance will be provided.</p>
Owners of non-permanent buildings	<p>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.</p> <p>Owners of non-permanent buildings are entitled to compensation based on rates set by District Land</p>	<p>For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.</p>	<p>There appears to be a significant difference between Ugandan laws and Bank policy. Those without formal legal rights or claims to such lands and/or semi-permanent structures are not entitled to resettlement assistance or compensation.</p>	<p>Project will provide compensation based on replacement value. This will include the payment of government valuation rates and payment of a disturbance allowance</p>

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	Boards.			
Owners of permanent buildings	Valuation of buildings is based on open market value for urban areas and depreciated replacement cost in the rural areas.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	Values based on depreciated replacement cost do not reflect full replacement cost/value	Project will provide compensation based on replacement value. This will include the payment of government valuation rates, the payment of a disturbance allowance, and a top up allowance (based on the current inflation rate) to compensate for the rise in construction materials.
Timing of compensation payments	Once the assessment office takes possession, the land immediately becomes vested in the Land Commission, according to the Land Acquisition Act. However the Land Act Cap 227 (section 42) provides compulsory acquisition must comply with the provisions of the Constitution(article 26)	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	Project to pay prompt, adequate and fair as per Ugandan law.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
Calculation of compensation and valuation	According to the Land Act, Cap 227 (section 77), the value of customary land shall be the open market value of the unimproved land. Value of the buildings shall be at open market value for urban areas and depreciated replacement cost for rural areas. The crops and buildings of a non-permanent nature are compensated at rates set by District Land Boards.	Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.	There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure. The basis of compensation assessment is not stated in the Land Acquisition Act (an old law due for review), although the Constitution provides for ‘prompt, fair and adequate’ compensation. (article 26)	Market value is based on recent transactions and thus if alternative property is purchased within a reasonable period of the payment of compensation, it is likely that market value will reflect replacement value. However, local inflation in price land or construction materials can affect what is determined as replacement cost. If this is not reflected in recent transactions, market value may not reflect replacement value.
Relocation and resettlement	Both The Constitution, 1995 and The Land Act,	To avoid or minimize involuntary resettlement	Ugandan laws do not appear to make provisions	Project will provide compensation based on

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	1998 gives the government and local authorities power to compulsorily acquire land. The Constitution states that “no person shall be compulsorily deprived of property or any interests in or any right over property of any description except” if the taking of the land necessary “for public use or in the interest of defense, public safety, public order, public morality or public health.”	and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	for avoidance or minimizing of involuntary resettlement	replacement value. This will include the payment of government valuation rates and payment of a disturbance allowance
Completion of resettlement and compensation	Privately owned land’s value is negotiated between the owner and the developer. In rural areas, land is valued at open market value, buildings are valued at replacement cost, and a 15% to 30% disturbance allowance must be paid if six months or less notice is given to the owner.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence between Ugandan law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	The project will conform to WB and best practices during implementation of the RAP.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
Livelihood restoration and assistance	There are no explicit provisions under resettlement or relocation for livelihood assistance.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better	Ugandan policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement.	The project will provide transition allowance.
Consultation and disclosure	There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries (e.g. roads and energy). The Land Acquisition Act, however makes provision for an enquiry whereby the affected person can make formal written claim and the assessment officer is obliged to conduct a hearing before making his award.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy.	No gap.
Grievance mechanism and dispute resolution	The Land Act, 1998 states that land tribunals must be	Establish appropriate and accessible grievance		Grievance committees to be instituted and procedure

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	
	<p>established at all districts. The Land Act empowers the Land Tribunals to determine disputes and it provides for appeal to higher ordinary courts. The Land Acquisition Act provides for the aggrieved person to appeal to the High Court.</p> <p>Section 70 (2) of the Electricity Act provides the procedures for determining disputes which relate to a claim for compensation. A claim for compensation should be lodged with the Electricity Regulatory Authority (ERA). A person aggrieved by the decision of ERA can appeal to the Electricity Disputes Tribunal.</p>	mechanisms.		will not replace the existing legal process in Uganda rather it seeks to resolve issues quickly so as to expedite receipt of entitlements and smooth resettlement without resorting to expensive and time-consuming legal action. If the grievance procedure fails to provide a settlement, complainants can still seek legal redress.

4.0 ESTIMATED POPULATION DISPLACEMENT AND ELIGIBILITY CATEGORIES

4.1 POTENTIAL LAND ACQUISITION AND AFFECTED PERSONS

Given the scope of the proposed project activities, there are no major resettlements expected as a result of physical interventions proposed under the GLTF; however, in the event that issues of land acquisition or displacement arise, the RPF includes provisions to address these and to compensate affected persons accordingly

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

Based on the consultations held, project activities especially under component one which includes infrastructure development will not result in major resettlements since the land is owned by government and implementation will be undertaken on the land/sites where government has existing operations. However, for Mpondwe and Goli, there may be issues of displacements considering the existence of the business community that operates close to or on the targeted land. Moreover, some sections of the land, as it may be required, are owned by private individual. Land titles could not be easily ascertained given the short nature for developing this report. However efforts are underway to undertake follow-up site visits and liaise with relevant offices to ensure that titles included as part of the final RPF.

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

Table 4.1: Landownership and Tenure at the targeted Border Posts

Project and District	Site description, tenure and land ownership
Mpondwe	<p>Mpondwe is located in Western Uganda, Bukonjo/Rwenzori sub region in Kasese district at <i>coordinates</i>: 0° 02' 24.00"N, 29° 43' 30.00"E (Latitude:0.0400; Longitude:29.7250).</p> <p>According to the 2014 national census figures, Mpondwe had a population of 51,018 and 51% of whom are women. The 14-35 age group constitutes a significant number of the population at the border indicating both the scale and the impact of in-migration of young adults in pursuit of economic benefits associated with the border posts.</p> <p>The principle land use around Mpondwe border is dominated by residential use and small-scale agriculture. Small-scale agriculture is widely distributed in existing land around the area as well the periphery areas which are not yet transformed into other uses. The border post is characterized by substandard building structures which the communities are using for residential and business purposes. Specific structures which stand out at Mpondwe include the offices of Uganda Revenue Authority, Mpondwe Central</p>

Project and District	Site description, tenure and land ownership
	Market and offices of Mpondwe-Bwera Town Council. There is a sizeable number of local communities that operate business in the shops and the market at the border. Shops are operated on the land that belongs to Government and while others are on the private land. Either group is likely to get affected by the project.
Bunagana	<p>Bunagana is located in the South western Uganda, Kisoro district at coordinates 1° 18' 0.00"S, 29° 36' 0.00"E (Latitude:-1.3000; Longitude:29.6000).</p> <p>Bunagana's population is not estimated separately but is part of the four parish level villages of Muramba Sub county whose population was estimated at 36,355 of which over 55% are women.</p> <p>Similar characteristics of Mpondwe apply to Bunagana. However the actual border post area is extended a few meters away from the main town of Bunagana. The Customs offices at Bunagana are immediate to the international border crossing and are on both sides of the road to DRC. There are no others land users on the customs land at the border. However there are cultivations activities just next to the customs land</p>
Goli	<p>Goli is situated in North Western Uganda, West Nile region in Nebi District at coordinates 02 23 12N, 31 01 48E (Latitude:2.3867; Longitude:31.0300).</p> <p>Goli also has similar land use characteristics like Mpondwe and Bunagana. Goli's population is also not estimated separately but is part of the villages of Nebbi Subcounty whose population was estimated at 24,197 of which over 51% are women.</p> <p>Government has a small piece of land at Goli. Most of the land is privately owned under customary ownership. This may cause compulsory acquisition of land and also trigger compensations and resettlement legal provisions. Close to the border post there is River Namrwodho whose river bank encroachment zone may need to be avoided during construction and this may result in extending construction activities into the land up the slope and the occupants will have to be compensated appropriately before displacement. Some compensation will have to be made for some domestic buildings, the land, planted trees and crops like bananas and coffee around the site. There are however not many people involved and so compensations and resettlements would not be on a large scale</p>

4.1.2 Potential land acquisition associated with the Project

There are no large scale resettlements that will result from the project activities. It is only under component one of the project where there is infrastructure development that brings on board aspects of land acquisition, compensations and resettlements. Most of the related activities will be undertaken on the land that is owned by Government. However, Mpondwe and Goli may have aspects of acquisition of land, compensations and resettlements since some of the ideal land may be in the hands of the private individuals. Moreover, there are business persons operating on and around the targeted border posts who may be affected by the project.

4.2 ELIGIBILITY CRITERIA

4.2.1 Affected Parties

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

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

- ethnic minorities;
- indigenous peoples; and orphans.

4.3 ELIGIBILITY FOR COMPENSATION

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

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

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

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

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

4.4 METHOD TO DETERMINE CUT-OFF DATES

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

The entitlement cut-off date refers to the time when the assessment of persons and their property in the project area is carried out, i.e. the time when the scope of infrastructure

development has been finalised, the scope of the land involved earmarked and when the site-specific socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. The establishment of a cut-off date is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a major risk to the project.

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

4.5 VALUATION OF AFFECTED ASSETS

4.5.1 Types of Compensation Payments

Individual and household compensation will be made in kind and/or in cash (refer to Table 5). Although the type of compensation may be an individual's choice, compensation in kind will be preferred, if the loss amounts to more than 20% of the total loss of assets.

Table 6: Forms of compensation

Type of Compensation	Description
Cash Payments	Compensation will be calculated and paid in Ugandan Shillings at replacement cost. Rates will be adjusted for inflation.
In – kind Compensation	Compensation may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Assistance	Assistance may include moving allowance, transportation and labour

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

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

4.6 COMPENSATION CALCULATIONS FOR ASSETS AND ASPECTS

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

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

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

4.6.1 Rules for Compensation

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

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

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

4.6.2 Compensation for Cultivated Land and Crops

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

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

4.6.3 Determination of Labour Compensation

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

The Table 6 below provides an example of a compensation schedule for a one-hectare plot of land. The monetary values will need to be availed at the time that the payments are made.

Table 7: Examples of Land Compensation Schedule of Payments

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

4.6.4 Land measurement

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

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

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

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

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

Crop values will be determined based on:

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

In Uganda, crops and trees are valued using district compensation rates provided by District Land Boards. These rates are normally submitted to the office of the Chief Government Valuer for consideration and approval for each particular year. In cases where District Authorities have not fulfilled their obligations to compile or review these rates and a particular project takes place in that District, then, valuation will be done based on rates of the neighbouring districts. Each type of crop is to be compensated for, using the same rate. Calculating compensation using one rate guarantees uniformity and allows anyone to measure the area of land for which compensation is due and to multiply the area by the one rate known to all. Table 7 provides example rates based on compensation at market value.

Table 8: Examples of Compensation Rates for Crops Based on Market Values

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

	Shillings/kg*	Average yield per Hectare (kg)
Sesame	600,000 UGX per acre of mature/ready to harvest 300,000 UGX per acre of young/still in garden crop	400
Sorghum	400,000 UGX per acre	1000

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

4.6.6 Compensation for Vegetable Gardens

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

4.6.7 Compensation for Residential Buildings, Structures and Fixtures

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

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

Compensation will be made for structures that are:

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

Replacement values will be based on:

- Drawings of individual's household and all its related structures and support services;

- Average replacement costs of different types of household buildings and structures based on collection of information on the numbers and types of materials used to construct different types of structures (e.g. poles, bricks, rafters, bundles of straw, corrugated iron sheets, doors etc.) For vulnerable groups identified in earlier section of this RPF, replacement values will be based on actual replacement cost;
- Prices of these items collected in different local markets;
- Costs for transportation and delivery of these items to acquired/replacement land or building site;
- Estimates of construction of new buildings including labour required.

4.6.8 Compensation for Sacred Sites

There are no known immediate Sacred Sites at the targeted border posts. However, to avoid possible conflicts between individuals and/or communities, the use of any identified sacred sites by the project should not be permitted under the GLTF and alternative locations should be assessed.

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

4.6.9 Compensation for Loss of Businesses or Employment

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

4.7 METHODS OF VALUATION

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

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

5.0 RAP PREPARATION, REVIEW AND APPROVAL

This RPF provides a framework for resettlement associated with the GLTF. Each project will need to go through a process to identify the level of resettlement required, and if so, the development of a plan for resettlement. At this stage, the World Bank OP 4.12 calls for the preparation of individual RAPs that must be consistent with this RPF.

5.1 OVERALL PROCESS

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

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

5.2 SCREENING

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

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

5.2.1 Screening

The first step in the process of preparing individual resettlement and compensation plans is the screening process to identify the land/ areas that may result in environmental and social impacts, including resettlement. Project screening is used to identify the types and nature of potential impacts related to the activities proposed under the GLTF, and provide adequate measures to address the impacts. It also ensures that the proponent, in consultation with the

local community members, chooses a site with the least environmental and social impacts, and lowest chance of resettlement.

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

Screening will be spearheaded by a resettlement and compensation committee comprising of officials selected from the Ministry of Trade Industry and Cooperatives, UNRA, MOLHUD, and the District Local Government. The Committee will use the screening tool as attached to the ESMF and provided in the RPF as **Annex 5**. The same form shall be used when screening grant applications. This will be part of the environmental and social screening process for each project as detailed in the ESMF. It will take place as early in the project process as possible and will identify land-take that will require resettlement. This will be in consultation with the PAPs to ensure that it takes all considerations into account and all potential impacts are identified.

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

5.2.2 Socio-economic Survey and Asset Inventory

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

In essence, the census will achieve the following:

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

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

5.3 RAP PREPARATION AND APPROVAL

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

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

5.3.1 Socio-Economic Assessment

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

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

5.3.2 Preparing the RAP

The basic elements of a RAP, as outlined in OP 4.12 are provided in Annex 6 and summarized in Box 1 The RAP will be prepared by the District Land Office (ie Proponent) through a third-party/Consultant if necessary.

Box 1 Contents of a RAP

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

The following guidelines are used when a RAP is developed.

Consultation and participatory approaches. A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process. Consultation and participation by the affected communities and individuals is an essential element of the land acquisition, compensation and resettlement process. Throughout the process, and particularly during screening, there must be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons must be informed about the intentions to use the earmarked sites for the GLTF activities, facilities and structures and their options associated with this.

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

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

(i) Disclosure and notification. All eligible PAPs are informed about the GLTF and the RAP process. Land holders and users will be informed through both a formal notification in writing and, as many people are illiterate, by verbal notification delivered in the presence of the Village Head or his representative. In addition, the Compensation Committees and affected landholders and users will accompany a survey teams to identify sensitive areas. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) – may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.

(ii) Documentation and verification of land and other assets. The government authorities at both national and local levels; community elders and leaders; representatives from MTIC, UNRA and MHLUD will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the project, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or

locally acceptable body (e.g. Resettlement Committee). Dossiers will be kept current and will include documentation of lands surrendered. Each individual will be provided a copy of the dossier at the time of negotiations. This is necessary so that the resettlement process pertaining to each individual PAP can be monitored over time. All claims and assets will be documented in writing and will be regularly updated and monitored.

- (iii) Compensation and valuation. All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, the UNRA and collaboration with MTIC will produce a Contract or Agreement that lists all property and assets being acquired by the project and the types of compensation selected. Table 8 below provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.
- (iv) Community payments. Although most projects do not normally take land and other assets belonging to a community, such as a community center, school, or sacred site, if this occurs in a project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation of wells or pumps; creation of market places; and reconstruction of community roads.

Table 9: Entitlement and Compensation Matrix

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

Type of Impact	Entitled Person	Compensation Entitlement
No displacement: Land used for residence partially affected, limited loss, and the remaining land remains viable for present use	Title holder	Cash compensation for affected land
	Rental/lease holder	Cash compensation equivalent to 10% of lease/rental fee for the remaining period of rental/lease agreement (written or verbal)
Displacement: Premise used for residence severely affected, remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning law/s	Rental/lease holder	Cash compensation equivalent to 3 months of lease/rental fee Assistance in rental/lease of alternative land/property Relocation assistance (costs of shifting + allowance)
COMMERCIAL LAND (URBAN & RURAL)		
No displacement: Land used for business partially affected, limited loss	Title holder/business owner	Cash compensation for affected land Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records) from comparable business, or estimates where such records do not exist).
	Business owner is lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)

Type of Impact	Entitled Person	Compensation Entitlement
Displacement: Premise used for business severely affected, remaining area insufficient for continued use	Title holder/business owner	Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs. Relocation assistance (costs of shifting + allowance) Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates).
	Business owner is lease holder	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance in rental/lease of alternative land/property (for a maximum of 6 months) to re-establish the business
BUILDINGS & STRUCTURES		
No displacement: Structure partially affected but the remaining structure remains viable for continued use	Owner	Cash compensation for affected building and other fixed assets Cash assistance to cover costs of restoration of the remaining structure
	Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence) Disturbance compensation equivalent to two months rental costs

Type of Impact	Entitled Person	Compensation Entitlement
Displacement: Entire structure affected OR structure partially affected but the remaining structure is not suitable for continued use	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + allowance) Rehabilitation assistance if required (assistance with job placement, skills training)
	Rental/lease holder	Cash compensation for affected assets (verifiable improvements to the property by the tenant – e.g. a fence) Relocation assistance (costs of shifting + allowance equivalent to four months rental costs) Assistance to help find alternative rental arrangements Rehabilitation assistance if required (assistance with job placement, skills training)
	Squatter/ Informal dwellers	Cash compensation for affected structure without depreciation Right to salvage materials without deduction from compensation Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project CBO. Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available) Rehabilitation assistance if required (assistance with job placement, skills training)

Type of Impact	Entitled Person	Compensation Entitlement
	Street vendor (informal without title or lease to the stall or shop)	Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher. Relocation assistance (costs of shifting) Assistance to obtain alternative site to re-establish the business
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)

6.0 Grievance Mechanism

Any grievances arise during implementation of GLTF project will be addressed through a systematic and documentable grievance mechanism involving local leaders, District Local Government Administration and Government agencies involved in the project. The Resettlement/Compensation Committee working closely with the project implementation team will spearhead the compensations and resettlement processes.

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

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

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

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

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

Key objectives of the grievance process are supposed to be:

- a) Provide affected people with avenues for making a complaint or resolving any dispute that may arise during project implementation;
- b) Ensure that appropriate and acceptable corrective actions are identified and implemented to address complaints;
- c) Verify that complainants are satisfied with outcomes of corrective actions;
- d) Avoid the need to resort to judicial (legal court) proceedings, unless all non-judicial avenues fail.

Grievance management will aim to provide a two-way channel for the project to receive and respond to grievances from project affected persons (PAPs), stakeholders or other interested parties. Grievances will be managed by a seven-member committee of composition indicated in table below.

Table 10: Proposed grievance committee OR Resettlement/Compensation Committee

Entity	Department	Responsible person
	Head Bilateral and Regional Trade	Department of Trade of External Trade-MTIC
	Head Social Issues Unit Services	Directorate of Project Planning-UNRA
	Head Social Issues Unit Services	Directorate of Project Planning-UNRA
	Head of Department of Land Administration	MOLHUD
	Directorate of Physical Planning	Director
Local Governments	District Political Head	LCV Chair Person
	LC 3 Political head	LC3 Chairperson
	Head Commercial Services	District Commercial officer
	Public Health & Environment	District Environmental Officer
	Gender & Community Welfare	Community Development Officer, CDO
Representative of PAPs from district		To be elected by PAPs

Grievances will be resolved in a 5-step process as outlined below:

Step 1: Any aggrieved party will lodge their complaint with either the Community Development Officer or Environmental Officer at the District Local Government Office.

Step 2: The grievance will be recorded in a log but discussed and if redress can be made by the Local Government Team led by the CDO and including the DCO and DEO, the complaint will be closed at that stage and upon satisfaction, the complainant will sign against their grievance to indicate closure.

The grievance log will be designed such that besides capturing the general complaint and detail of the aggrieved party, it will also record the core cause of the complaint to enable the Grievance Committee understand origin and patterns of complaints so that a solution can be found for their cause and avoid recurrence.

A grievance database will be maintained at the district, UNRA and MTIC for recording and keeping track of grievances and how they were resolved. The database will be a living document, updated weekly.

Step 3: If a solution cannot be found in Step 2, the complaint will be referred to a Grievance Committee meeting held which must convene within one week after the complaint is recorded. The committee will discuss the complaint and notify the complainant of a solution within 2 days after the meeting.

Step 4: If the aggrieved entity is satisfied with the solution, they will sign a closure statement but if not, then the complainant will be invited to attend the next Grievance Committee meeting to discuss the outstanding query in their presence.

Step 5: If agreement is secured in Step 4, the aggrieved party will sign a closure statement but if not, they are entitled to seek redress in courts of law.

7.0 RAP IMPLEMENTATION PROCEDURES AND SCHEDULE

It is essential that the timeframes and action plans associated with the RAPs are linked to the GLTF project implementation schedule. Provisions must be made for compensation and assistance prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities. In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to affected people. For project activities requiring relocation or resulting in loss of shelter, this RPF further requires that measures to assist the project-affected persons are implemented in accordance with the individual RAPs.

In the Implementation Schedule of each RAP, details on resettlement and compensation must be provided. The schedule for the implementation of activities, as agreed between the District Compensation Committee, PCU (including Environmental/Social Scientist) and PAPs must include:

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

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

8.0 PUBLIC CONSULTATION AND DISCLOSURE PLAN

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

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

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures.

Data collecting phase.

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

Implementation phase.

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

Monitoring and evaluation phase.

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

9.0 MONITORING AND EVALUATION

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

The arrangements for monitoring the resettlement and compensation activities will fit the overall monitoring program of the GLTF, which will fall under the overall responsibility of the different lead implementing agencies. The agencies, with support from the Project Coordination Unit, will institute an administrative reporting system that:

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

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

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

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

9.1 INDICATORS

A number of objectively verifiable indicators (OVIs) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP

will have to be developed to respond to specific site conditions. As a general guide, Table 8.1 provides a set of indicators that can be used.

Table 11: Types of verifiable indicators

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

9.1.1 Indicators to determine status of affected people

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

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

9.1.2 Indicators to measure RAP performances

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

- questionnaire data will be entered into a database for comparative analysis at all levels of local government;

- each individual will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received;
- the District authorities will maintain a complete database on every individual impacted by the project land use requirements including relocation/resettlement and compensation, land impacts or damages;
- percentage of individuals selecting cash or a combination of cash and in-kind compensation;
- proposed use of payments;
- the number of contentious cases as a percentage of the total cases;
- the number of grievances and time and quality of resolution;
- the ability of individuals and families to re-establish their pre-displacement activities, land and crops or other alternative incomes;
- agricultural productivity of new lands;
- number of impacted locals employed by the civil works contractors;
- seasonal or inter-annual fluctuation on key foodstuffs; and
- general relations between the project and the local communities.

9.1.3 Indicators to monitor and evaluate implementation of RAPs

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

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

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

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

9.2 ANNUAL AUDIT

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

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP project

activities. The aim is to learn lessons for application to future projects or other projects in the sector and in the country. Finally, the audit will ascertain whether the resettlement entitlements were appropriate, as defined in the RPF guidelines. Annual reports will be submitted to the implementing agencies, MTIC and UNRA and the World Bank for review.

9.3 INSTITUTIONAL STRENGTHENING

Borrower capacity to plan and implement the measures outlined in the RPF requires strengthening. The key implementing agencies MTIC has no Environmental and Social Development Specialists and there is no qualified person in the current staffing who can satisfactorily undertake these tasks. To ensure adequate staffing capacity, an Environmental Specialist will be included in the Project Implementation Unit as indicated in the ESMF, and an Environmental Consultant will be retained for screening and technical support to complement the expertise at UNRA and guide the Ministry on related activities of the project.

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

10.0 IMPLEMENTATION BUDGET

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

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

Table 12: Indicative Outline of a RAP Budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			

Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			
Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			
#	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Ugandan average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labor invested and average of highest price of staple food crops and Ugandan market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include

			ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labor invested and average of highest price of trees (and tree products) and Ugandan market prices
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP/capita in Uganda
9	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP
10	Cost of Training Farmers, pastoralists and other PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities

Competitiveness and Enterprise Development Project (CEDP)

OPERATIONAL TOOLS AND GUIDELINES

Annex 1: Glossary

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

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

7. "Involuntary Displacement" means the involuntary taking of land resulting in direct or indirect economic and social impacts caused by:
 - Loss of benefits from use of such land;
 - relocation or loss of shelter;
 - loss of assets or access to assets; or
 - loss of income sources or means of livelihood, whether or not the project affected person has moved to another location.
8. "Involuntary Land Acquisition" is the taking of land by government or other government agencies for compensation, for the purposes of a public project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.
9. "Land" refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.
10. "Land acquisition" means the taking of or alienation of land, buildings or other assets thereon for purposes of the Project.
11. "Rehabilitation Assistance" means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable project affected persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-project levels.
12. "Resettlement and Compensation Plan", also known as a "Resettlement Action Plan (RAP)" or "Resettlement Plan" - is a resettlement instrument (document) to be prepared when 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 party impacting on the people and their livelihoods. RAPs contain specific and legally binding requirements to be abided by to resettle and compensate the affected party before implementation of the project activities causing adverse impacts.
13. "Replacement cost" means replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related transaction costs. In terms of land, this may be categorized as follows;
14. "Replacement cost for agricultural land" means the pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:
 - preparing the land to levels similar to those of the affected land;
 - any registration, transfer taxes and other associated fees;
15. "Replacement cost for houses and other structures" means the prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures, in an area and. Such costs shall include:
 - Building materials

- transporting building materials to the construction site;
 - any labour and contractors' fees; and
 - any registration costs.
16. "Resettlement Assistance" means the measures to ensure that project affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement during relocation,
17. "The Resettlement Policy Framework (RPF)" has been prepared as an instrument to be used throughout the GLTF implementation. The RPF will be publicly disclosed in impacted areas to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The Resettlement Action Plans ("RAPs") for the GLTF will be prepared consistent with the provisions of this RPF.
18. "Resettlement Action Plan": see Resettlement and Compensation Plan above.
19. "Vulnerable Groups" refers to:
- Widows, the disabled, marginalized groups, low income households and informal sector operators;
 - Incapacitated households – those no one fit to work and;
 - Child-headed households and street children

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

Annex 2: World Bank Resettlement Policy Framework

ANNEX 1: World Bank Resettlement Policy Framework (RPF)

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

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

Resettlement Policy Framework

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

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

For other Bank-assisted project with multiple projects²⁶ that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific project or projects (a) the zone of impact of projects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see **Annex A**, paragraphs 23- 25). For other projects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

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

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

Annex 4: Relevant local legislation and guidelines

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

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

Article 26(2) of the Constitution provides that: “No person shall be compulsorily deprived of property or any interests in or any right over property of any description except where the following conditions are satisfied. <ul style="list-style-type: none"> • The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health and • The compulsory taking of possession or acquisition of property is made under a law which makes provision for: <ul style="list-style-type: none"> ○ Prompt payment of fair and adequate compensation, prior to the taking or acquisition of the property, and ○ A right of access to a court of law by any person who has an interest or right over the property. 	Constitution (1995), Article 26(2)
“Where the assessment officer takes possession of land, the land shall immediately by the operation of this act be vested in the land commission free from all encumbrances”	Land Acquisition Act 7(2)
“the <i>Uganda Land Commission shall hold and manage any land in Uganda which is vested in or acquired by the government in accordance with the constitution and perform such other functions as may be prescribed by or under this Act or any other enactment.</i> ”	Land Act (2004) Section 49 as amended specifically under subsections (a) and (d)
The Government or Local Government may acquire land in public interest.	Article 237(1)
Compensation	Law / Regulation
Prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the property.	Constitution 1995
Prompt payment of fair and adequate compensation to all interested parties on the land.	Electricity Act (1999), Part VIII
Compensation for affected people should be determined according to the Land Act (1998) and the Land Acquisition Act (1965).	Electricity Act n 71
Electricity Regulatory Authority has the power to handle claims for compensation for land acquired.	Electricity Act (1999)
The Government is supposed to pay compensation (cash) to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred by the Attorney General to court for decision.	Land Acquisition Act (1965)
The basis for compensation is depreciated replacement costs for rural properties and market values for urban properties.	Land Act (1998) Section 78
Each District Land Board adopts its own compensation rates. As a result, variation exists among the different districts. The rates are reviewed each year.	None cited
Dispute Resolution and Grievance Mechanisms	Law / Regulation
Land Tribunals must be established at all local governments and all land disputes must first be processed through them before any resort can be made to ordinary courts.	Land Act (1998), Article 75

Traditional authority mediators retain their jurisdiction over land disputes.	Land Act (1998), Article 89
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Annex 5: GLTF Environmental and Social Screening Form

Please type or print clearly, completing this form in its entirety. You may provide additional information on a separate sheet of paper if necessary. Kindly note that the information you are to provide is required by Section 22 of the National Environmental Management Act of 1994 and it is an offence to give inaccurate information under Section 53 (C) of the same Act.

SECTION 1: INFORMATION ON THE CONTACT PERSON

Name:-----

Institutional Affiliation -----

Business Title / position -----

Business Address-----

Telephone -----

SECTION 2: DESCRIPTION OF THE PROPOSED PROGRAM

Name of Proposed Program -----

Date expected to start construction -----

Proposed location of program ----- (Attach a map or maps, covering the proposed site and Surrounding 5 km radius)

Land Area ----- (Approximate land area and of proposed location)

Current Land use (Describe how the land is being used at present)

Describe any Possible Alternative Site(s) -----

Describe other types of facilities (including health centers and schools) which are located within 100 meters of the site, or are proposed to be located near the proposed facility. Indicate the proximity of the proposed site to residential areas, national parks or areas of ecological, historical or cultural importance.

Indicate whether adequate infrastructure exists at the proposed location, or whether new building, roads, electricity and water lines, or drainage systems will need to be constructed as a part of the proposed program.

SECTION 3: EMPLOYEES AND LABOURERS

Number of people to be employed:

Employees and Laborers	During Construction	During Routine Operation
FULL-TIME		
PART-TIME		

Indicate whether you plan to construct housing/sanitation facilities for temporary or permanent Workers.

SECTION 4: PRODUCTS

Briefly state the nature of the product(s) or output of the proposed sub-program and the expected quantities on a quarterly or annual basis. Indicate the intended uses of the product(s).

Name of Product / Output	Description of uses	Anticipated Output per Qtr/Yr
	A	
	A	
	A	
	A	

SECTION 5: BY-PRODUCTS, WASTE MANAGEMENT AND DISPOSAL

Specify the nature of each waste or by-product and the quantity to be generated

Type	Description	Quantity in Kg per wk/mo	Proposed disposal method
Solid (Bulk)			
Solid (particulate)			
Liquid			
Gaseous			
Medical Waste			
Asbestos			
PCB			
Other			

Proposed methods of disposal or management of waste (e.g. Burning, burying, landfills etc.) and capacity needed to safely implement the proposed disposal method.

Type(s) Source	Method of Disposal and Management	Capacity Needs

Indicate sources of noise pollution, the type / quality of noise (i.e. machinery / repetitive pounding, etc.)

Source of Noise	Type of Noise

SECTION 6: ENVIRONMENTAL IMPACTS

Please indicate environmental impacts that may occur as a result of the proposed program.

A. The Biological Environment

8.0 The Natural Environment

8.1 Describe the habitats and flora and fauna in the sub-program area and in the entire area expected to be affected by the sub-program (e.g., downstream areas, access roads):

8.2 Will the sub-program directly or indirectly affect:

8.2.1 Natural forest types?

8.2.2 Mangroves or swamps?

8.2.3 Wetlands (i.e., lakes, rivers, swamps, seasonally inundated areas)?

8.2.4 Natural critical habitats (parks, protected areas)?

8.2.5 Other habitats of threatened species that require protection under Mozambican laws and/or international agreements? YES-----NO-----

8.3 Are there according to background research / observations any threatened / endemic species in the program area that could be affected by the program? YES-----NO-----

8.4 Will vegetation be cleared? YES-----NO-----

8.5 Will there be any potential risk of habitat fragmentation due to the clearing activities? YES-- -- NO-----

8.6 Will the program lead to a change in access, leading to an increase in the risk of depleting biodiversity resources? YES-----NO-----

Provide an additional description for “yes” answers:

9.0 Protected Areas

Does the sub-program area or do sub-program activities:

9.1 Occur within or adjacent to any designated protected areas? YES----- NO-----

9.2 Affect any protected area downstream of the program? YES-----NO-----

9.3 Affect any ecological corridors used by migratory or nomadic species located between any protected areas or between important natural habitats (protected or not) (e.g. mammals or birds)? YES_NO

Provide an additional description for “yes” answers:

10.0 Invasive Species

10.1 Is the sub-program likely to result in the dispersion of or increase in the population of invasive plants or animals (e.g. along distribution lines or as a result of a dam)?

8.1 Describe the habitats and flora and fauna in the sub-program area and in the entire area expected to be affected by the sub-program (e.g., downstream areas, access roads):

8.2 Will the sub-program directly or indirectly affect:

8.2.1 Natural forest types?

8.2.2 Mangroves or swamps?

8.2.3 Wetlands (i.e., lakes, rivers, swamps, seasonally inundated areas)?

8.2.4 Natural critical habitats (parks, protected areas)?

8.2.5 Other habitats of threatened species that require protection under Mozambican laws and/or international agreements? YES__ NO

8.3 Are there according to background research / observations any threatened / endemic species in the program area that could be affected by the program? YES_NO _

8.4 Will vegetation be cleared? YES NO _

8.5 Will there be any potential risk of habitat fragmentation due to the clearing activities? YES _ NO

8.6 Will the program lead to a change in access, leading to an increase in the risk of depleting biodiversity resources? YES__ NO

Provide an additional description for “yes” answers:

9.0 Protected Areas

Does the sub-program area or do sub-program activities:

9.1 Occur within or adjacent to any designated protected areas? YES NO

9.2 Affect any protected area downstream of the program? YES_NO

9.3 Affect any ecological corridors used by migratory or nomadic species located between any protected areas or between important natural habitats (protected or not) (e.g. mammals or birds)? YES_NO

Provide an additional description for “yes” answers:

10.0 Invasive Species

10.1 Is the sub-program likely to result in the dispersion of or increase in the population of invasive _____ plants _____ or _____ animals (e.g. along distribution lines or as a result of a dam)? YES NO

Provide an additional description for a “yes” answer:

B. The Physical Environment

11.0 Geology / Soils

11.1 Will vegetation be removed and any surface left bare? YES NO

11.2 Will slope or soil stability be affected by the program? YES NO

11.3 Will the sub-program cause physical changes in the program area (e.g., changes to the topography)? YES NO _

11.4 Will local resources, such as rocks, wood, sand, gravel, or groundwater be used? YES NO

11.5 Could the sub-program potentially cause an increase in soil salinity in or downstream the program _____ area?
YES_NO

11.6 Could the soil exposed due to the program potentially lead to an increase in lixiviation of metals, clay sediments, or organic materials? YES NO

12.0 Landscape / Aesthetics

12.1 Is there a possibility that the sub-program will adversely affect the aesthetics of the landscape? YES_NO

13.0 Pollution

13.1 Will the sub-program use or store dangerous substances (e.g., large quantities of hydrocarbons)? YES_NO

13.2 Will the sub-program produce harmful substances? YES NO

13.3 Will the sub-program produce solid or liquid wastes? YES NO

13.4 Will the sub-program cause air pollution? YES NO

13.5 Will the sub-program generate noise? YES NO

13.6 Will the sub-program generate electromagnetic emissions? YES __NO

13.7 Will the sub-program release pollutants into the environment? YES __NO

13.8 Will the sub-program generate medical waste? YES_NO__

13.9 Will the sub-program generate asbestos? YES_NO_

14.0 Will the sub-program generate PCB? YES_NO

C. Social Environment

14.0 Land use, Resettlement, and/or Land Acquisition

14.1 Describe existing land uses on and around the sub-program area (e.g., community facilities, agriculture, tourism, private property, or hunting areas):

14.2 Are there any land use plans on or near the sub-program location, which will be negatively affected by sub- program implementation? YES _ NO_

14.3 Are there any areas on or near the sub-program location, which are densely populated which could be affected by the sub-program? YES NO

14.4 Are there sensitive land uses near the program area (e.g., hospitals, schools)? YES NO

14.5 Will there be a loss of livelihoods among the population? YES NO

14.6 Will the sub-program affect any resources that local people take from the natural environment? YES_NO

14.7 Will there be additional demands on local water supplies or other local resources? YES NO

14.8 Will the sub-program restrict people's access to land or natural resources? YES NO

14.9 Will the program require resettlement and/or compensation of any residents, including squatters? YES_NO

14.10 Will the sub-program result in construction workers or other people moving into or having access to the area (for a long time period and in large numbers compared to permanent residents)? YES NO

14.11 Who is/are the present owner(s)/users of resources/infrastructures the sub-program area?

15.0 Loss of Crops, Fruit Trees, and GLTF Infrastructure

Will the sub-program result in the permanent or temporary loss of:

15.1 Crops?

15.2 Fruit trees / coconut palms?

15.3 GLTF infrastructure?

15.4 Any other assets/resources?

16.0 Occupational Health and Safety, Health, Welfare, Employment, and Gender

16.1 Is the sub-program likely to safeguard worker's health and safety and public safety (e.g., occupational health and safety issues)? YES NO _

16.2 How will the sub-program minimize the risk of accidents? How will accidents be managed, when they do occur?

16.3 Is the program likely to provide local employment opportunities, including employment opportunities for women? YES NO _

Provide an additional description for "yes" answers:

17.0 Historical, Archaeological, or Cultural Heritage Sites

Based on available sources, consultation with local authorities, local knowledge and/or observations, could the sub-program alter:

17.1 Historical heritage site(s) or require excavation near the same? YES NO

17.2 Archaeological heritage site(s) or require excavation near the same? YES NO

17.3 Cultural heritage site(s) or require excavation near the same? YES NO

17.4 Graves, or sacred locations (e.g., fetish trees or stones) or require excavations near the same? YES_NO

N.B. For all affirmative answers (YES) Provide description, possible alternatives reviewed and/or appropriate mitigating measures.

D. RECOMMENDATIONS:

Based on the above screening results, the following recommendations are made:

- 1) The sub-program has been assigned the environmental category A: Since the parent program has been categorized as a B, this sub-program cannot be funded.
- 2) The sub-program has been assigned the environmental category: B1: Implementation of the environmental mitigation measures as proposed in the Environmental and Social Checklist (with amendments as appropriate) and as per Environmental Guidelines for Contractors and Clause 8 contained in the Bidding Documents will suffice
- 3) The sub-program has been assigned the environmental category B2: The sub- program will require a separate Environmental Impact Assessment to be reviewed and approved by NEMA.
- 4) The sub-program has been assigned the environmental category C: The sub-program does not require any additional environmental work and therefore can be implemented immediately.

In the event that a sub-program requires land acquisition, please prepare and implement a Resettlement Action Plan (RAP) consistent with the provisions of the Resettlement Policy Framework, July 2007

Please note that civil works cannot commence until the provisions of the RAP have been implemented to the satisfaction of the World Bank and the affected persons.

SECTION 8: AUTHENTICATION

I confirm that the information provided herein is accurate to the best of my knowledge

Annex 6: Annotated Outline for Preparing a RAP

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

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

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

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

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

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

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

- (i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;
- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement,

- physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made;
- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

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

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

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

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

The institutional framework governing RAP implementation generally covers:

- (i) Agencies and offices responsible for resettlement activities and civil society groups like NGOs that may have a role in RAP implementation;

- (ii) Institutional capacities of these agencies, offices, and civil society groups in carrying out RAP implementation, monitoring, and evaluation; and
- (iii) Activities for enhancing the institutional capacities of agencies, offices, and civil society groups, especially in the consultation and monitoring processes.

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

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

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

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

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

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

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

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

- (i) Description of the strategy for consultation with and participation of PAPs and hosts in the design and implementation of resettlement activities;
- (ii) Summary of the consultations and how PAPs' views were taken into account in

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

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

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

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

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

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

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

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

Annex 7: Sample Grievance and Resolution Form

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

			from noise c) Vibrations due to explosions d) Misconduct of the project personal/worker e) Complaint follow up f) Other	
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GRIEVANCE CLOSEOUT FORM

Grievance closeout number

Define long term action required (if necessary)

Compensation required: Y N

Verification of Corrective Action and Sign off

	Corrective Action Steps:	Due date:
1		
2		
3		
4		
5		

Responsible Party

COMPENSATION ACTION AND SIGN OFF

This part will be filled in and signed by the complainant when he/she receives the compensation or the file is closed out.

Notes:

Date:

Complainant

Representative of Responsible Party

Name and Signature

Annex 9: Summary of Consultative meeting held by the MTIC

The table below provides the list of stakeholders that participated in the final validation meeting of the RPF report held on 7th March 2015 in MTIC Boardroom.

No	NAME	ORGANIZATION	TELEPHO NE	E-MAIL
1.	Kiwanuka Ben	MAAIF	0772354200	kiwaben2000@yahoo.com
2.	Opio Robert	MLHUD	0751914846	robertopio@mlhud.go.ug
3.	Byamugisha Benon	MAAIF	0772558794	benbyamu@yahoo.co.uk
4.	Kiiza David	MTIC	0772612590	dkiiza@gmail.com
5.	Cleopas Ndorere	MTIC	0775958300	cndorere@mtic.go.ug
6.	Karyn Aneno	MTIC	0705210543	kaneno@mtic.go.ug
7.	W. Ngonde	Immigration Department (MOIA)	0772485623	n_wilberforce@yahoo.co.uk
8.	Patrick Okilangole	MTIC	071203206	pokilangole@mtic.go.ug
9.	Katusiime Zaharah	MFPED	0773736529	Zahra.katusiime@gmail.com
10.	Geoffrey Turyamuhika	MFPED		geoffrey.turyamuhika@finance.go.ug
11.	Ogwang Geoffrey	MOWT	0772684078	ogwangobia@gmail.com
12.	Oundo Godfrey	National Cross Border Traders Association	0772684078	Godfreyncbta2012@gmail.com
13.	Steven Kamukama	MTIC	0772524846	skamukama@gmail.com

Summary of Issues raised by the participants

- The issue of institutional roles and coordination of environmental management of the project was raised and wanted to understand their roles in the design and implementation phase.
- Support of the environmental officers by the project
- Disclosure mechanism to include workshops to be mentioned specifically
- Implementation mechanism of the Environmental audits
- Participants sought to know their respective roles and relevance in the RPF

- The issue of the district being informed on the progress of the project was raised as at times information flow from the project is not availed to them

Response and how it is addressed in the ESMF and RFP

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