



**Republic of Uganda**

**OFFICE OF THE PRIME MINISTER**

**NORTHERN UGANDA SOCIAL ACTION FUND 3**



**Resettlement Policy Framework (RPF)**

APRIL 2015

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## ABBREVIATIONS AND ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
CAADP	Comprehensive Africa Agriculture Development Program
CAIIP	Community Agriculture Infrastructure Improvement Project
CAO	Chief Administration Officer
CGV	Chief Government Valuer
CSO	Civil Society organizations
DPs	Displaced Persons
EAC	East African Community
GIS	Geographic Information Systems
GO	Grievance Officer
GRC	Grievance Redress Committee
HQ	Headquarters
KALIP	Karamoja Livelihood Program
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
M&E	Monitoring and Evaluation
MoLHUD	Ministry of Lands, Housing and Urban Development
MoLG	Ministry of Local Government
MoWE	Ministry of water and Environment
NAADS	National Agricultural Advisory Services
NARO	National Agricultural Research Organization
NDP	Uganda's National Development Plan
NGO	Non- Government Organization
NPCU	National Project Coordination Unit
NSCS	National Seed Certification Service
NUSAF	Northern Uganda Social Action Fund
PAPs	Project Affected Persons
PDO	Project Development Objective

PEAP	Poverty Eradication Action Plan
PLC	Parish Land Committee
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RPOs	Rural Producer Organizations
SACCO	Savings & Credit Cooperative Organizations
VPC	Village Peace Committee
WB	World Bank

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## **GLOSSARY OF TERMS**

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

**“Census”** means a field survey carried out to identify and determine the number of NUSAF 3 program Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions (LGIs).

**Project Affected Person(s) (PAPs)** are persons affected by land and other assets loss as a result of NUSAF 3 activities. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location.

**“Compensation”** means the payment in kind, cash or other assets given in exchange for the acquisition of land including fixed assets thereon as well as other impacts resulting from NUSAF 3 program activities.

**“Cut-off date”** is the date of commencement of the census of PAPs or DPs within the NUSAF 3 program area boundaries. This is the date on and beyond which any person whose land is occupied for NUSAF 3 program will not be eligible for compensation.

**“Displaced Persons”** mean persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the NUSAF 3 program, will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

**“Involuntary Displacement”** means the involuntary acquisition of land resulting indirect 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 Displaced Persons has moved to another location; or not.

**“Involuntary Land Acquisition”** is the repossession of land by government or other government agencies for compensation, for the purposes of a public NUSAF 3 program 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.

**“Land”** refers to agricultural and/or non-agricultural land and any structures there on whether temporary or permanent and which may be required for the NUSAF 3 program.

**“Land acquisition”** means the repossession of or alienation of land, buildings or other assets thereon for purposes of the NUSAF 3 program.

**Land expropriation**—Process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses.

**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 NUSAF 3 program Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre- NUSAF 3 program levels.

**Resettlement and Compensation Plan”, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan”** - is a resettlement instrument (document) to be prepared when program 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 legal binding requirements to resettle and compensate the affected party before implementation of the NUSAF 3 program activities.

**“Replacement cost”** means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on **Market rate (commercial rate)** according to Ugandan law for sale of land or property. In terms of land, this may be categorized as follows; (a) **“Replacement cost for agricultural land”** means the pre- NUSAF 3 program or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes.

**“Replacement cost for houses and other structures”** means the prevailing cost of replacing affected structures, in an area and of the quality similar to or better than that of the affected structures. Such costs will include: (a) transporting building materials to the construction site; (b) any labor and contractors’ fees; and (c) any registration costs.

**“Resettlement Assistance”** means the measures to ensure that NUSAF 3 program Affected Persons and Displaced Persons who may require to be physically relocated are provided with assistance during relocation, such as moving allowances, residential housing or rentals whichever is feasible and as required, for ease of resettlement.

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

**Vulnerable groups**—People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status may be more adversely affected by resettlement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.

**“The Resettlement Policy Framework (RPF)”** has been prepared as an instrument to be used throughout the NUSAF 3 Program implementation. The RPF will be disclosed 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 NUSAF 3 Program will be prepared in conformity with the provisions of this RPF.

## **EXECUTIVE SUMMARY**

### **Background**

Government of Uganda has implemented successive development projects and programmes in the Northern and North Eastern part of the country over the past two decades to address development gaps created by the effects of civil strifes, insurgencies and cattle rustling perpetuated for long in the region. The recent interventions included the first *Northern Uganda Social Action Fund (NUSAF 1)* Project implemented with IDA support from February 5, 2003 to March 31, 2009. The NUSAF 1 was succeeded by the *Second Northern Uganda Social Action Fund (NUSAF 2)* Project that became effective on November 25, 2009 and will close on August 31, 2015. Other key interventions to enhance the livelihood of persons in the Northern and North-Eastern region include Karamoja Livelihood Program (KALIP), Northern Uganda Agricultural Livelihoods Recovery Programme (ALREP) and National Agriculture Advisory Services (NAADS); amongst other undertakings by Government, Agencies, and International NGOs.

### **SUCCESSOR PROJECT TO NUSAF 2**

The proposed project is a successor project to the NUSAF 2 project currently under implementation and will have four components: (i) Labor-intensive Public Works and Disaster Risk Financing; (ii) Livelihood Investment Support; (iii) Transparency, Accountability and Anti-Corruption (TAAC); and (iv) Social Protection System and Program Management. The proposed project would be funded through a US\$ 130 million equivalent IDA credit and would operate over a period of five years.

### **Project Development Objective**

The Project Development Objective for the project is to contribute to increased incomes for poor and vulnerable households, to expand livelihood support, and to enhance basic system for social protection in Northern and North-Eastern Uganda

### **Project Components**

#### **Component 1: Labor-Intensive Public Works:**

The aim is to build on the lessons from the existing suite of public works programs in Uganda to create norms and standards for the delivery of a public works that achieve social protection objectives.

#### **Component 2: Livelihood Investment Support:**

This component will support the government's aim to extend livelihood support to poor and vulnerable households. While safety nets can reduce chronic poverty and vulnerability, households require additional support to strengthen their productive assets and income-earning opportunities to sustainably move out of poverty.

**Component 3: Institutional support for project management, systems building and monitoring and evaluation.** Firstly, this component will provide the financing for the administration of the program and system building, both for the public works program and livelihood support components. Secondly, Component 3 will finance the Transparency, Accountability and Anti-Corruption (TAAC) activities that were initiated under the NUSAF 2 project, which will be broadened to cover direct income support more generally and thirdly, the project will also establish the foundation to enable the public works program to scale-up in response to shocks, such as drought and floods

#### **Component 4: social protection system and program management**

#### **Subcomponent: social protection system**

The aim of this subcomponent is to support the Government to lay the foundation for the social protection system that is envisioned in the draft Uganda Social Protection Policy.

#### **Component 5: Disaster Risk Financing (DRF)**

This component shall support the development of a scalability mechanism that will enable the social protection program to rapidly scale up assistance to households when there is a disaster.

#### **Lessons from NUSAF 2**

A review of RPF for NUSAF2 was undertaken as one of the key tasks in this assignment and the key short comings in RPF for NUSAF2 noted included:

#### **Good Lessons**

##### **Land Acquisition:**

NUSAF2 safeguards unit as well developed a uniform voluntary land consent form which community beneficiaries have successfully used to consent on all the lands they voluntarily gave to support their projects. This was also made easier for investments particularly of CIR and PWP such as constructions, water, and roads which would otherwise cause conflicts, but as an access condition before approval of any project for funding, communities had to consent on availability of land. *(Refer to summary of stakeholder consultations)*

##### **Gender:**

Gender mainstreaming is observed across all project components of NUSAF2 projects. In CIR completed projects allocations female teachers are apriority for most of the schools allocations. There are very few cases where female teachers are not accommodated first. Meanwhile in HISP gender further observed in management structures CPC, SAC, CPMC and beneficiaries.

##### **Social Inclusion**

Broader universal social inclusion has also been pursued to ensure that all vulnerable categories including; PWDs, PLWA, Widows/Widowers, Orphans, Child mothers, Ex- combatants, IDP Returnees, Dis-harmed Karamojong, and Female headed households, Land mind victims and others are equally and equitably brought on board in line with the Project targeting goals.

#### **Institutionalisation of gender balance in management structures**

NUSAF2 defines the Institutional provision in the composition of CPMCs, CPCs and SACs. The requirement of having at least 30% of women in each of the above committees is being adhered to through both the justification processes. Cumulatively, a total of 122,472 of CPMCs, SAC and CPCs have been trained to date on their roles in regards to subprojects management. And out of that total number of 52,296 (42.7%) comprise of females which is more than the project set target of 30% for women composition.

#### **Equity and equality considerations in sharing the sub project benefits**

The sharing of sub project benefits so far delivered is in line with the gender provisions of NUSAF2. The 50/50 sharing of project benefits has so far been observed, with benefits being distributed equally between female and male beneficiaries especially under HISP. IPFs as well are distributed equally according to the number of sub counties in districts and also special considerations given to marginalised regions such as Karamojong to ensure regional existing gaps are addressed



**Gender sensitive designs considerations**

CIR of NUSAF2 component promotes universal designs that enable both gender access and equality. The institutional VIP Latrine designs separate toilets for men and women and boys and girls. Also provisions are made for a shower room, a ramp and as well grip bars to cater for teachers, health workers and pupils with disabilities.

**Safeguards Monitoring and Evaluation Systems and frame works:**

Having a functional safeguards system is very critical for the project. In NUSAF2 safeguards system and M&E frame is in place and mainstreamed in the main M&E project system. This system has enabled safeguards unit to have a focus on what to be done in subprojects to ensure compliance. The framework has also facilitated the TST and as well districts improve in monitoring, data capture, and reviews as part of tracking performance of projects in regards to safeguards requirement. The successor project should ensure that this system and framework is updated to suit its projects implementation.

**Monitoring, reporting, Certification and Documentation:**

Evidence of successes and failures of a project in regards to safeguards implementation can only be evident in reports and documents kept. NUSAF2 project emphasizes on documentation as a priority for all projects from EPRA processes, Implementation and Monitoring. Districts have proved this with evidence of availability of filing system present across all districts which provides all information on project generation, Implementation, monitoring and field assessment reports, certificates and documentation of minutes and site photos.

**GAPS IDENTIFIED IN IMPLEMENTATION OF NUSAF 2**

- Road specifications and alignments (drawings) for roads to be worked on need to be captured in plans for guidance during implementation. This was insufficient in NUSAF2 reports yet it is critical in understanding the context of compensation.
- There was late development of all screening tools such as land consent forms before project implementation in NUSAF2, by OPM NUSAF2 made communities have different consent forms others institutionalized the standard ones and others used local agreements.
- There is inadequate data on Gender for Teachers and Health Staff Houses CIR and PWP needs to be captured for all when projects completed by the 4<sup>th</sup> quarter
- Production of final state of Environment and Social Safeguards report for NUSAF2 project by number, type and location of subprojects that have attracted land acquisition and measures taken to resolve them is still inadequate.
- Sustainability challenges particularly on CIR and PWP trees investment which require proper guiding note to districts for all projects
- Unclear indicative cost for capacity building and implementation costs for social issues

**Purpose and Scope of RPF**

The purpose of this Resettlement Policy Framework is to establish the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various sub-projects to be implemented under the RPLRP. The RPF therefore

is prepared to guide and govern RPLRP as subprojects are selected for financing and sets out the elements that will be common to all subprojects that will entail involuntary resettlement, which will not be known by the time of project appraisal.

### **Methodology for RPF Preparation**

In preparation of the RPF, qualitative methods of data collection were mainly employed to generate the required information. In all the approaches, the methods assessed awareness/knowledge of the land acquisition processes and current land acquisition challenges, institutional capacities to hand land acquisition, suggestions and recommendations were sought. This guided the framework on appropriate recommendations in the preparation of RAPs and other social guidelines. Data was drawn from three broad data sources namely *records, self-reports, stakeholders* and *observations*.

### **Legal Framework**

There are a number of national and local legal frameworks that regulate land relations in Uganda. These frameworks define land rights, ownership, procedures and requirements of transfer and acquisition of land between individuals and groups. They also provide procedures for the acquisition of land by the state or a public body for public projects. Among the most important legal instruments in this regard are the Constitution of Uganda (1995), the Land Act (1998), the National Land Policy 2011, the Local Government Act (1992), and the Land Acquisition Act (1965).

The World Bank's safeguard policy on involuntary resettlement, OP 4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. In comparison to Ugandan law that defines rights to land ownership and ownership of property *per se*, the World Bank policy on Involuntary Resettlement goes further to highlight the important relationship between property rights, human settlement and the need to maintain people's source of livelihood. It compliments existing law in Uganda related to property rights and land ownership by recognizing the socio economic value this presents to persons affected. The higher of the two standards will be followed in this policy framework, since that procedure also satisfies the requirements of the lesser standard.

### **Key Stakeholder Issues Raised**

<b>ISSUE RAISED</b>	<b>CONSULTANT'S MEASURES</b>	<b>REMARKS/PROPOSED</b>
<p><b>Ms. Ali Munira – Head, Public and International Relations/Principal Relations Officer Inspectorate of Government (IGG)</b></p> <p>Under TAAC, Inspectorate of Government has undertaken a number of initiatives to sensitize and empower the communities to report corruption and maladministration tendencies through media channels and seminars;</p> <p>The Inspectorate has instituted avenues such as e-mails, Report 2 IG using Short Message System (SMS), telephone calls on <b>0414347387</b> (hot line)</p>	<p>A systematic way for capturing information and data on appeals and complaints has not been generally operational in NUSAF2. Yet, the latter would be an important mechanisms to ascertaining transparency and accountability in terms of whether project beneficiaries who have grievances are able to register them, and if the registered, whether concerned committees and/or authorizes take necessary action and on time. This intervention will foster a sense of responsibility and ownership among the citizenry by introducing a mechanism for the community level committees to become the first level of instance for grievances handling</p>	

<p>and other general lines, physical reporting to any of the 16 IGG Regional Offices spread throughout the country.</p> <p>Report2IG uses a short code <b>6009</b>. This short code is the number to which all complaints or reports are sent. It is <b>TOLL FREE</b> for all mobile networks.</p> <p>With your mobile phone, simply type the keyword “<b>CORRUPT</b>” and SMS to 6009 and follow the prompts. You will receive a Complaint reference number which will be used to follow-up the complaint.</p> <p>Complaints can also be filed online at <a href="http://www.igg.go.ug/complaints/">http://www.igg.go.ug/complaints/</a></p>	<p>and referral to the IG if no resolutions will have been reached.</p>
<p><b>Eng. Charles Ngeye – Senior Engineer, Dept. of Construction Standards and Quality Management, MoWT</b></p> <ul style="list-style-type: none"> <li>• NUSAF 3 needs to integrate cross-cutting issues into the project designs early enough and they should be integrated even in the BoQs for works;</li> <li>• The Environmental Management Specialist for NUSAF 3 should be in place right from the beginning of the project not as was the case under NUSAF 2;</li> <li>• NUSAF 3 should not assume the districts will monitor and enforce compliance on safeguards without allocating facilitation. The DEOs have challenges of resources and any additional load should be matched with resources; and</li> <li>• If the DEOs are to follow up works, they should be brought on board in the project early enough not much later in the project.</li> </ul>	<ul style="list-style-type: none"> <li>• Cross-cutting issues including environment, gender, HI/Aids, waste management to be included in the budgets.</li> <li>• NUSAF Secretariat has an Environment and Social Safeguards Specialist to provide guidance on safeguards implementation</li> <li>• The ESMF recommends facilitation of DEOs and CDOs to enforce safeguards; this item has been included in the budget for ESMF implementation.</li> <li>• The design of the NUSAF projects is in way that DEOs are involved in subprojects right from screening through monitoring.</li> </ul>
<p><b>Munguleni Alfred, NUSAF Desk Officer, Maracha District</b></p> <p>Screening is done by the environmental officer for all projects and issues of concern are identified and recommendations suggested before an environmental certificate is issued. This is done for all projects before implementation.</p> <p>The district lacks adequate capacity to provide technical advisory services to the benefiting communities. Line ministries such as MAAIF have not harmonized their activities with NUSAF2.</p>	<p>This is a good practice that has to be strengthened further in NUSAF3.</p> <p>OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries’ demands of extension services.</p> <p>Some NUSAF regions such as Karamoja region has continuously failed to attract more veterinary professionals and services both at local government level and the private sector. This has greatly affected the</p>

<p>OPM should involve the office of the RDC and GISO in monitoring of NUSAF projects other than the IGG's office which is under staffed and overwhelmed by work, for example West Nile has 3 Officers under IGG's department to monitor all government activities in the region.</p>	<p>delivery of the much needed veterinary services and inputs to the pastoralist communities. OPM will have to work with MAAIF to fill the human resource gaps in these regions by training more Community Animal Health Workers (CAHWs). The above is critical because of the need for training of the beneficiary groups on animal management practices to ensure sustainability. Equipping and strengthening the veterinary extension service system at district and sub county level is critical and should be prioritized.</p>
<p><b>Atto Francisca, District Environment Officer, Gulu District</b> Most projects were screened especially the road works and CIRs. A budget of UGX 600,000 was set aside, for the environmental issues on each project. Improve on the budget for environmental related issues in the design of NUSAF3 and there should be a provision for monitoring under NUSAF3</p>	<p>It is important to appreciate that the mitigations required vary from subproject to subproject and therefore the budgets for mitigations should be based on the required mitigations based on the screening results. This needs to be considered under NUSAF3. This is catered for in the budget for this ESMF. OPM should ensure that monitoring is duly undertaken.</p>
<p><b>Dr. Samuel Onyait, District Health Officer, Buliisa District.</b> NUSAF is a community demand driven project but sometimes the community doesn't accord health the attention for it to be a priority in terms of subprojects for funding.  NUSAF has only considered staff quarters under the health sector yet there are other infrastructure needs at existing health units that if addressed could lead to improved health services. Structures such as OPD, IPD, functional ambulances, toilets and <u>medical waste management facilities</u> at health centers are other such projects that should be considered under NUSAF3.</p>	<p>There remain challenges of hazardous wastes generated at different facilities financed under NUSAF2 especially medical waste at health centers. The setting up of new structures at these health centers translates into more service delivery but also contributes to more generation of medical waste. This means the provision of additional infrastructure should be accompanied with provision of more waste management facilities which has not been the case. It is recommended that a specific budget for environmental mitigations is put in place to cater for waste management issues.</p>
<p><b>Mr. Ojok Brian, NUSAF Desk Officer, Yumbe District</b> The selection criterion for group members depends on the level of discrepancy of community members. There are communities in Yumbe where everyone is too vulnerable hence every community member is eligible for selection. But in some instances, verbal and assertive members end up being beneficiaries even when they do not qualify.</p>	<p>There is a need for defining clear criteria in the selection of beneficiaries and but also while allowing flexibility to the community to identify poor in a participatory manner keeping community situation and ground realities in mind. Under NUSAF3, at the community-level, beneficiaries will be selected for inclusion in the Project through a community-based targeting process that will be facilitated by the CDO and other key actors based on eligibility criteria that are established at the national level.</p> <p>The selection of beneficiaries for Component 1 will be carried out through a two-step process including geographic identification of the poorest districts and community based targeting to reach the poorest and most</p>

	vulnerable. To facilitate this process, the NUSAF3 project will focus on few geographic areas with higher level of poverty, exposure to climatic hazards such as drought and flood.
<p><b>Ms. Teopista, NUSAF Trainer, NUSAF Desk Office, Nebbi District.</b></p> <p>Training of communities is inadequate and some of them are ill prepared to implement the subprojects. Training is supposed to be continuous but there are no budgetary provisions for this. There should be a component of continuous training but this is not provided for in the budget, therefore this should be considered when designing NUSAF 3.</p>	During the implementation of NUSAF2, the TST and Districts mainly focused on generation and approval of sub-projects. There wasn't much support for beneficiaries during and post implementation of sub-project. Under the new project, in order to provide implementation support and follow up mentoring to community and beneficiaries, an implementation support team at Sub-County, Parish and Community level will be put in place.
<p><b>Gadilaya Tree Planting Group, Jupuyik Village, Nebbi</b></p> <p>Training was inadequate because the trainer only appeared for 3 days. There is need for more training in nursery management and production of quality seedlings. Seedlings are often attacked by pests and diseases which cause great losses to the group. There is also inadequate information about where to obtain quality seeds and other inputs such as pesticides.</p>	This is an indication of lack of adequate extension services to the beneficiaries. OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.
<p><b>Amilobo Women Group, Gulu district</b>  <b>Subproject: Banana plantation</b></p> <ul style="list-style-type: none"> <li>• The plants wilt during prolonged dry season</li> <li>• It also becomes hard to maintain the garden during the rainy season due to the vigorous growth of weeds.</li> <li>• The yields from the plantation are very low especially last year no sales were made because wind brought down all plants that had fruited</li> </ul> <p>The initial training was not adequate as the group was trained for two days only.</p>	Such groups require adequate extension services on crop production to minimize losses. This echoes the need for OPM to closely work with MAAIF to strengthen extension services to the beneficiaries.
<p><b>Kuju Primary school</b>  <b>Amuria District</b></p> <p>The school has realized increase in school enrolment from 631 before and 785 pupils after classroom construction. This is directly linked to more classes.</p> <p>Solar should be included in the package to allow students make revision.</p>	<p>This is a good positive impact by NUSAF3 to improve upon education and literacy in the area.</p> <p>Provision of solar panels could be considered for schools and hospitals in general to enhance service delivery. In</p>

	addition, similar interventions have been initiated under the Electricity for Rural Transformation Phase 3 (ERT 3) that includes provision of solar to schools.
<p><b>Ms. Kyalisiima Lydia, Treasurer, Buliisa Health Centre IV, NUSAF Group</b></p> <p>For medical waste, there is an incinerator which is partially functional and another alternative is a shallow pit where waste is dumped openly.</p>	Provision of additional infrastructure to health centers should be accompanied with provision of more waste management facilities. It is recommended that a specific budget for environmental mitigations is put in place to cater for waste management issues.
<p><b>Ayesiga Mukama NUSAF Group, Kigwera sub county Headquarters, Buliisa District</b></p> <p>Most NUSAF decisions are taken at district level without directly involving the targeted beneficiary communities. District leaders often waste a lot of resources on workshops and seminars yet these do not directly benefit the community.</p>	<p>One of the components of NUSAF 3 is Transparency, Accountability and Anti-Corruption Programme (TAAC). The TAAC program is intended to promote good governance at all levels of Project implementation. The program is implemented independently by the Office of the IGG.</p> <p>As part of the TAAC program, the Inspectorate of Government will continue to use both enforcement and preventive/proactive measures. Enforcement measures will include investigation of complaints against corruption, as well as enforcement of the Leadership Code. The IG will be one of the first ports of call for the social accountability committees (SACs) in the communities.</p>
<p><b>Lamoki Village community – Beneficiary of Onyomtil – Adimola 8km Community Access Road</b></p> <p>Every able bodied member of the community was given a chance to participate in road construction. The women contributed the large number since they dominate the community in terms of population.</p>	Gender mainstreaming has been observed across all project components of NUSAF2 and the practice should continue to ensure that women continue to benefit from the project.

### **Land Acquisition Mechanisms for NUSAF 3**

Voluntary Land Contribution without Compensation is not recommended, because the experience has shown that opening up this venue either leads to elitism or to forced contribution from the most vulnerable groups or persons. To avoid this elitism, abuses of vulnerable groups, and delays in the NUSAF 3, it is preferable to compensate all land acquisition for program activities. Where involuntary land acquisition is unavoidable then it will be minimized to the greatest extent possible. **Potential Project Impacts and Mitigations**

#### **Potential Impacts**

No significant displacement of persons is expected except for the acquisition of required land for the expansion of existing facilities during the labour-intensive public works. The project interventions are meant to strengthen already existing means of livelihood of communities and they are likely to appreciate the services and will likely donate the land required or allow creation of new community access roads through their land or plots willingly where necessary. The subprojects are likely to temporal effects will



result into an interruption in the current use of property or land by the affected person as a result of the sub project activities.

### **Eligibility for Compensation**

Determination of the eligibility of the bona fide occupants of the properties to be compensated shall be done through a transparent and legal process, taking into consideration all the existing laws of Uganda and policies of the World Bank and local customs. Compensation will be paid only to those persons:

1. Who prior to the commencement of the project, have evidence of ownership or occupancy of the land of at least 30 days within the period of commencement of the project;
2. Who have property (a house, crops or thriving business enterprise) situated in the area identified for development;
3. With household members who derive their livelihood from the advantage of location and proximity to other social economic facilities provided the current settlement.

### **Valuation Methods**

#### **Agricultural land**

This will be calculated as the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

#### **Land in urban areas**

This will be calculated as the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes.

#### **Houses and other structures**

It is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes.

#### **Loss of Income**

Losses of income for businesses will be estimated from net daily/monthly profit of the business verified by an assessment of visible stocks and activities. In addition to the compensation, disturbance allowances of 10% of total compensation will be considered. The estimation of supplementary assistance for affected commercial structures or business units will generally be based on the estimated income obtained from the use of the business/commercial unit and the estimated period of disruption of business activities.

### **Project Screening and Preparation**

#### **Subprojects Screening**

*Step 1:* The subproject investment activities to be undertaken and the locations of the investments will undergo preliminary evaluation on the basis of the objectives of the sub-project.

**Step 2:** The LGs will approach the communities impacted with the view to arriving at a consensus on possible sites for the type of facility to be adopted.

**Step 3:** The Local Communities Authorities (Local Councils, Parish Development Committees, Sub-county and District Councils) will undertake their inter-communal consultations in order to arrive at a possible siting of the facility.

**Step 4:** The screening process in conformity with the provisions of the RPF screening process will determine:

- Whether or not any resettlement will be required at the chosen site and if so, whether or not alternative sites are available,
- Whether or not any loss of land, assets or access to economic resources will occur, or
- Whether or not any of the World Bank operational policies will be triggered.

**Step 5:** On the basis of the analysis of the matrix emanating from the screening processes, a final selection of the optimum site presenting the least negative environmental and social impacts including resettlement /loss of assets can be made.

**Step 6:** Where resettlement or loss of assets cannot be avoided, the provisions of the World Bank's OP 4.12 will be applied and a RAP is prepared for the sub project in question. From this point, the provisions of this RPF will be used up to payment of the compensation package including resettlement support where appropriate.

### **Preparation of RAPs**

Subproject specific Resettlement Action Plans will drafted by OPM/NUSAF in consultation with other parties responsible for resettlement specifying the procedures It will follow and the actions it will take to properly resettle and compensate affected people and communities. The Abbreviated Resettlement Action Plan will be used where less than 200 individuals are displaced or less than 10% of affected land is lost.

### **Community Sensitizations**

Communities within the project areas as well as indigenous communities will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts will be well communicated to the community.

### **Stakeholder Consultation and Participation**

#### **RPF Implementation and Monitoring**

**Compensation Committee** - The Compensation Committee will be responsible for organizing and ensuring that compensations payable to PAPs are made in line with the provisions and procedures of this RPF.

**Grievance Redress Committee-** The Grievance Redress Committee will be responsible for receiving and logging complaints and resolving disputes. The GRC will resolve each grievance or dispute to ensure that redress actions are implemented by whoever is mandated to undertake such action. If affected persons are not satisfied the GRC, they will be entitled to seek redress through the Courts of Law.



**Monitoring and Evaluation Team** - The Monitoring and Evaluation Team will be responsible for the monitoring of the RAP implementation programme to ensure that stated targets are met and project affected persons are duly compensated in line with the RAP requirements. The sequence of implementation activities and responsibilities are summarized in the table below.

### **Roles and Responsibilities**

The implementation activities will be under the overall guidance of the PCU with support from line ministries and lead agencies. The District Local Governments will be heavily involved in all resettlement, relocation and compensation efforts for subprojects where resettlement is indicated.

### **Project Implementation Framework**

<b>Institution</b>	<b>Responsibility and Safeguards Capacity for ESMF Implementation</b>
OPM	<p><b>Responsibility</b> – The institutional arrangement which has been used to implement the NUSAF 2 project will be used to implement the new project. The Office of the Prime Minister (OPM) will be the implementing agency of the project and will work with a wide range of institutions at central, district and sub-county levels to deliver the project. The OPM will continue to be supported by a Technical Support Team (TST) headed by a Project Coordinator and staffed by relevant technical experts. The exact composition and number of staff will be reviewed following further elaboration of the design but it is expected that the team will have a cost effective structure and more practical presence. The Permanent Secretary, Office of the Prime Minister will have overall responsibility for the coordination, accounting for the project resources and ensuring successful implementation of the Project.</p> <p><b>Safeguards Capacity</b> – NUSAF TST has a qualified Environment and Social Specialist</p>
IG	The Inspectorate of Government (IG) will conduct NUSAF3 specific IEC, oversight, grievance response and, where necessary, investigations. The IG under the TAAC will undertake grievance handling especially in regard to corruption. The IGG will liaise with the PS-OPM, Chief Administrative Officers and Sub-county Chiefs to ensure effective implementation of the TAAC Program at national, district and sub-county levels respectively. Under this arrangement, the IGG will submit six-monthly reports to OPM, MFPED, Parliament and the World Bank.
MoGLSD	<b>Responsibility</b> – While the OPM will be responsible for the overall resources management and implementation of the project, the Ministry of Gender, Labor, and Social Development (MGLSD) mandate as the government agency responsible for Social Protection sector policymaking and overall coordination of SP interventions. As a result, the MGLSD is leading the preparation of a national framework for public works, to which this Project will contribute. MGLSD will also lead efforts through the capacity building component of the Project to build the foundation for the direct income support program.
DLG	<p>The following institutions will be involved in screening and implementation of mitigation measures, monitoring and evaluation of subprojects within the District:</p> <ul style="list-style-type: none"> <li>• District Executive Council (DEC)</li> </ul>

	<ul style="list-style-type: none"> <li>• District Technical Planning Committee (DTPC)</li> <li>• The Sub County Technical Planning Committee (STPC)</li> <li>• Parish Development Committee (PDC)</li> <li>• Community Project Management Committee (CPMC)</li> <li>• IGG Regional Office</li> </ul> <p><b>Implementation</b> - At District level, the Chief Administrative Officers will be in charge, as the Accounting Officers and overall Coordinators of the project. Building on the positive experience from NUSAF 2 project implementation, the districts will assign an officer (civil servant) who will be a full-time focal person for the new project and will be supported by the District Community Development Officer, District Engineer, and District Environment Officer, among others. Multi-sectoral Technical Planning Committees (TPC) at the district and sub-county levels and the Parish Development Committee will ensure that the project's activities are: appropriately planned, approved and integrated into the budgets and work programs of the respective local governments and line ministry's technical agencies. The role of districts and sub-counties will be outlined in a Memorandum of Understanding between the OPM and Districts. The livelihoods component will be further supported by the creation of an implementation support team at sub-county level to support implementation at sub-county parish and community level. This team will be led by the CDO and comprises of Parish Chiefs, Parish Development Committee members, LC1, Extension staff and community facilitators. Key partnerships will include those with SACCOs, MFIs and banks, business entities that promote the marketing of agricultural produce and other organizations and programs providing financial literacy or business development services.</p> <p>The Role of the DEOs and CDOs will also be to ensure that NUSAF3 subprojects are implemented in accordance with environmental and social requirements. They will also attend the monthly site inspection meetings for the project and be able to point out issues of concerns. Specifically the CDOs will oversee implementation of compensation aspects and other social issues such as complaints.</p> <p><b>Safeguards Capacity</b> – Every district has a designated District Environment Officer whose responsibility is to monitor all environmental affairs of the district including compliance of activities within their jurisdiction. In addition, every district has a Community Development Officer who is responsible for mobilizing communities to participate in projects as well as coordinating and reporting on the impact of projects (positive and negative) on the communities. District Land Tribunals are also in place for some of the project districts to handle land related issues of the NUSAF3. However, the districts (specifically the DEOS and CDOs) will require facilitation to monitor project implementation as provided for in the ESMF budget.</p>
MAAIF	<p><b>Mandate and Responsibility</b> – MAAIF is responsible for policy formulation, planning, setting standards on irrigation, aquaculture and water for livestock. OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.</p>

	<p><b>Capacity</b> – Some NUSAF regions such as Karamoja region have continuously failed to attract more veterinary professionals and services both at local government level and the private sector. This has greatly affected the delivery of the much needed veterinary services and inputs to the pastoralist communities. OPM will have to work with MAAIF to fill the human resource gaps in these regions by training more Community Animal Health Workers (CAHWs). The above is critical because of the need for training of the beneficiary groups on animal management practices to ensure sustainability. Equipping and strengthening the veterinary extension service system at district and sub county level is critical and should be prioritized.</p>
MoH	<p><b>Mandate and Responsibility</b> - Health governance in Uganda is spearheaded by the MoH and shared with other ministries, health development partners, district leadership, providers (public and private), and representatives of civil society organizations (CSOs). The MoH is tasked with the role and responsibility of delivering on the health goals and objectives of government.</p> <p>Under decentralization law in Uganda, power, authority and resources are decentralized from the central government directly to the districts. Health services in Uganda are delivered within the framework of decentralization. The local governments are empowered to appoint and deploy public servants, including health workers, within the districts, through the District Service Committees. The local governments also plan for and oversee service delivery within the districts. The MoLG steers the local governments, which govern the District Health Offices. District Health Officers are responsible for performing the policy, planning, and supervision functions required of monitoring health services and products in the districts.</p> <p>Under NUSAF3, the Community Infrastructure Rehabilitation aims at improving access to basic socio-economic services through rehabilitation and improvement of existing community infrastructure such as schools, water points, Skills training centers, <u>health centers</u>, teachers' houses, classrooms, sanitation facilities, solar lighting systems and furniture among others.</p>
MoES	<p><b>Mandate and Responsibility</b> - The mandate of the Ministry of Education and Sports (MoES) is to provide quality Education and sports services in the country, which are constitutional obligations for the Government of Uganda.</p> <p>Under NUSAF3, the Community Infrastructure Rehabilitation aims at improving access to basic socio-economic services through rehabilitation and improvement of existing community infrastructure such as schools, water points, Skills training centers, health centers, <u>teachers' houses, classrooms, sanitation facilities</u>, solar lighting systems and furniture among others.</p>
MoWT	<p><b>Mandate and responsibility</b> – The mandate of this Ministry is to promote an adequate, safe and well-maintained transport infrastructure, an efficient and effective communications system, safe housing and buildings, and to contribute to the socio-economic development of the country. With regards to NUSAF3, the respective District Engineers will work closely with OPM to implement public works component.</p>

	<p><b>Capacity</b> – The Environment, Gender equality, HIV/AIDS and Occupational Health and Safety issues are part of the standard roads contracts, as it is required by the Government of Uganda through the NDP. The Ministry of Works and Transport (MoWT) has an Environmental Liaison Unit (ELU) responsible for these areas whose capacity includes the Principal Environment Officer, the Senior Environment Officer and the Senior Environment Officer (Social).</p>
NEMA	<p><b>Mandate and Responsibility</b> - NEMA is specifically mandated under the National Environment Act (NEA) Cap. 153 as the principal agency in Uganda charged with the responsibility of coordinating, monitoring, supervising, and regulating all environmental management matters in the country. One of the key institutional mandates of NEMA include among others ensuring the observance of proper safeguards in the planning and execution of all development projects including those already in existence that have or are likely to have significant impact on the environment. The role of NEMA in NUSAF 3 will be to review and approve environmental impact assessments and Project Briefs as well as monitoring project implementation in accordance with the National Environment Act and the respective regulations.</p> <p><b>Safeguards Capacity</b> – NEMA has adequate technical capacity to monitor the NUSAF3 through its Department of Environment Compliance and Monitoring in addition to the District Environment Officers in the respective project areas that will be able to report any cases of noncompliance. NEMA Environmental Inspectors do capture social issues/complaints during their inspections where feasible. However, NEMA is constrained by the small number of staff it has and in most cases does not monitor projects they deem of low-moderate environmental and social impacts. In addition, NEMA is also resource constrained since it does not have enough funds to take care of projects monitoring and compliance follow up. Overall, NEMA captures both environmental and social issues either through the mandatory annual compliance audits or through monitoring reports by the respective District Environment Officers who are xxviii Environment Inspectors. Therefore, there is need for close coordination between the DEOs and CDOs in order to fully integrate social issues into the monitoring reports prepared by the DEOs.</p>

### **Grievance Redress Mechanism (GRM)**

TAAC includes a grievance handling arrangement. Grievance handling will, at grassroots level, be anchored in Social Accountability Committees (SACs), and ultimately linked to the Inspectorate of Government (IG) headed by the IGG at national level. The SACs established during NUSAF2 will ensure that where grievances arise, they are addressed at the lowest possible level (subsidiary) and will act as first point of call for resolving or reference of grievances. The SAC will initiate a response to such grievances that shall be based on prevention, detection, and consequence. The SAC shall meet at least once every month and shall submit its reports to the Sub-county CDO and their respective beneficiary communities on monthly basis.

The World Bank's Grievance Redress Service (GRS) has been introduced to provide an easy way for project-affected communities and individuals to bring their grievances directly to the attention of Bank Management via email: [grievances@worldbank.org](mailto:grievances@worldbank.org); fax: +12026147313 or via mail: The World Bank, Grievance Redress Service, MSN MC 10-1018, 1818 H St NW, Washington, DC 20433, USA and/or via

Country Office in Kampala – Rwenzori House. 1 Lumuba Avenue, P.O. Box 4463, Kampala (U); Tel: +256 414 3022 00.

The grievance handling system will, depending on the severity and potential criminal liability of grievance, invoke referrals by the NUSAF3 grievance handling function to:

- refer the matter to the District Land Tribunal for land-related issues;
- The disciplinary regulatory system of the Ministry of Local Government (for Local Government employees at district level and below);
- The Inspector General of Government (IGG) for all levels of civil servants and elected government officials in accordance with the constitutional roles;
- The Police, Director of Public Prosecution (DPP), and the Judiciary as ultimately is the case with all Ugandan citizens in cases of criminal liability for collusion and corruption.
- The World Bank's Grievance Redress Service (GRS) via email: [grievances@worldbank.org](mailto:grievances@worldbank.org);

Under NUSAF2, the TAAC implemented a GRM through SMS and other convenient media of communication like mobile phone calls. The Inspectorate has instituted avenues such as e-mails, Report 2 IG using Short Message System (SMS), telephone calls on **0414347387** (hot line) and other general lines, physical reporting to any of the IGG Regional Offices spread throughout the NUSAF 3 areas of Mbale, Soroti, Lira, Arua, Tororo, Moyo, Gulu, and Moroto Districts. Report2IG uses a short code **6009**. This short code is the number to which all complaints or reports are sent. It is TOLL FREE for all mobile networks.

### **Monitoring**

The monitoring plan will include indicators to be monitored, guidelines, responsible persons or institutions, the resources required to carry out the monitoring activities and timelines (quarterly) when the monitoring exercises will be conducted. The arrangements for quarterly monitoring of the resettlement and compensation activities would fit the overall monitoring programme of the entire NUSAF3. Key players in the monitoring of the RAP include: OPM, LGs, and Parish Development Committee. These key players shall institute an administrative reporting system that shall:

- Alert OPM on the necessity for land acquisition in the program activities design and technical specifications;
- Provides timely information about the assets valuation and negotiation process;
- Provide reports on any grievances that require resolution, and
- Provide documents on timely completion of NUSAF2 Project resettlement obligations.
- Update the database with respect to changes that may occur on the ground as resettlement and compensations activities are being implemented.
- Undertake annual evaluations to assess the impacts of the compensation and resettlement activities.

### **Budget and Funding**

#### **Proposed 5 Year RPF Implementation Budget**

Item	Cost in USD				
	Year 1	Year 2	Year 3	Year 4	Year 5
Training of CDOs, DEOs, and NDOs in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	200,000				

## RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015

Training of sub-county stakeholders in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	500,000				
Facilitation of CDOs and NDOs to screen and monitor implementation sub-projects (RAP studies and RAP implementation.)	100,000	100,000	100,000	100,000	100,000
Facilitation for CDOs and NDOs to undertake consultation and mobilization of communities including IEC materials	300,000	300,000			
Social Safeguards monitoring and audits	50,000	50,000	50,000	50,000	50,000
<b>Sub-totals</b>	<b>1,050,000</b>	<b>450,000</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>
Total Budget Estimate	<b>1,950,000</b>				

### Disclosure

This RPF will be disclosed both in-country in one or two of the local dailies, on OPM's website and in the World Bank's infoshop in compliance with relevant Ugandan environmental regulations as well as in the World Bank Operational Policies. OPM will also provide copies of the respective RAPs (where applicable) for disclosure at the World Bank Infoshop for public access.

### Recommendations

The following recommendations need to be put in place in order to achieve better safeguards implementation under NUSAF3:

### RECOMMENDATIONS

- 1. Training of beneficiaries:** There is need for an adequate budget for training of communities on implementation of subprojects to ensure that land acquisition issues are well managed and to also ensure project sustainability. Although both the communities and NDOs proposed increase in the days of training from three to five, it is recommended rather than prolonging the days let there be a review in the methodology and approach to the trainings. One of the issues to consider is to assess the possibility of a mixed theory and practice approach or a modular approach so that theory is provided and trainees take home community assignments and return another day for another module, 5 days traing is long and costly.another module, 5 days traing is long and costly.
- 2. Public Consultation:** The importance of public consultation is central to project success therefore ensuring that all marginalized community groups are represented in the mobilization teams and are reached with information is critical. Previous lessons on who has never been reached and why is critical and can enhance community engagement, by in and participation. Commonly, the targeting of households for information dissemination tends to confine information sharing to heads of households or male relatives who are usually easier to access and are available given the traditional gender division of labour that tends to keep women engaged most of the day.
- 3. Consultation and inclusion of PWDs:** Consultation and mobilization of communities should take into consideration PWDs. The approach should take care on not only the lame but also the deaf and

the visually impaired. This will ensure that all categories of PWDs are systematically consulted and included in the planning and implementation of the project

4. **Involvement of Women in PWPs:** Regarding women involvement in PWPs in NUSAF 3, it is recommended that, in order to get more women to participate, there is need to ensure community involvement in task assessment, to ensure that seasonal calendars for the project areas are well understood and PWPs aligned to ensure that there is no time allocation conflict with traditional farming patterns and roles. Where possible gender friendly work tools and equipment could be a difference in motivating women to engage in PWPs.
5. **Selection Criteria:** There is a need for defining clear criteria in the selection of beneficiaries and but also while allowing flexibility to the community to identify poor in a participatory manner keeping community situation and ground realities in mind. The selection criteria should take into account the voiceless and traditionally underrepresented in the community, where possible, these should be represented on the selection teams to ensure that community members who have never been reached because of stigma and discrimination-poverty related or otherwise can be identified and reached to ensure inclusion.



## **INTRODUCTION**

### **BACKGROUND**

Government of Uganda has implemented successive development projects and programmes in the Northern and North Eastern part of the country over the past two decades to address development gaps created by the effects of civil strifes, insurgencies and cattle rustling perpetuated for long in the region. The recent interventions included the first *Northern Uganda Social Action Fund (NUSAF 1)* Project implemented with IDA support from February 5, 2003 to March 31, 2009. The NUSAF 1 was succeeded by the *Second Northern Uganda Social Action Fund (NUSAF 2)* Project that became effective on November 25, 2009 and will close on August 31, 2015. Other key interventions to enhance the livelihood of persons in the Northern and North-Eastern region include Karamoja Livelihood Program (KALIP), Northern Uganda Agricultural Livelihoods Recovery Programme (ALREP) and National Agriculture Advisory Services (NAADS); amongst other undertakings by Government, Agencies, and International NGOs.

### **SUCCESSOR PROJECT TO NUSAF 2**

The proposed project is a successor project to the NUSAF 2 project currently under implementation and will have four components: (i) Labor-intensive Public Works and Disaster Risk Financing; (ii) Livelihood Investment Support; (iii) Transparency, Accountability and Anti-Corruption (TAAC); and (iv) Social Protection System and Program Management. The proposed project would be funded through a US\$ 130 million equivalent IDA credit and would operate over a period of five years

### **PROJECT DEVELOPMENT OBJECTIVE**

The Project Development Objective for the project is to contribute to increased incomes for poor and vulnerable households, to expand livelihood support, and to enhance basic system for social protection in Northern and North-Eastern Uganda. Given the Government's priority is to improve household income and address the socio-economic imbalances in the North and North East where poverty levels are still severe, the new project will focus on improving incomes and livelihoods of the poor and vulnerable communities in that region and contribute to the revitalization of the local economy. To this effect, the project builds on the experiences of NUSAF 1 and 2 by scaling up the labor intensive public works and the household income support components.

### **PROJECT COMPONENTS**

#### **COMPONENT 1: LABOR-INTENSIVE PUBLIC WORKS:**

The government is leading a multi-stakeholder process to establish a framework for labor-intensive public works programming. The aim is to build on the lessons from the existing suite of public works programs in Uganda to create norms and standards for the delivery of a public works that achieve social protection objectives. Within this context, the public works component of the project will finance labor-intensive public works in selected districts to provide regular support to poor and vulnerable households. The aim will be to support the delivery of the national public works program, through the use of a common framework that will be established as part of the design process, in the selected districts. While public works are currently concentrated in northern and eastern Uganda, the distribution of poverty and vulnerability in the country demonstrates the need for a national program. While the government's ambition is to launch a



national public works program, the financing available for this project is not sufficient to support a national program, given the size of the vulnerable population and the need to provide multi-annual predictable support. The criteria for selecting the districts to participate in the World Bank operation will be determined as part of the design process and will aim to build on the capacity built in the NUSAF 2 areas.

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**COMPONENT 2: LIVELIHOOD INVESTMENT SUPPORT**

This component will support the government's aim to extend livelihood support to poor and vulnerable households. While safety nets can reduce chronic poverty and vulnerability, households require additional support to strengthen their productive assets and income-earning opportunities to sustainably move out of poverty. The experience from the NUSAF Phases one and two has demonstrated the effectiveness of such livelihood support. The proposed operation aims to build on this experience to further improve the efficiency, effectiveness and coverage of such livelihood activities. It will also combine the safety net support through the public works with the livelihood investments. This combination of support has been shown to enable households to fully exploit the opportunities provided by the livelihood activities, as the regular cash transfers through the public works guarantees a minimum level of income.

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**COMPONENT 3: INSTITUTIONAL SUPPORT FOR PROJECT MANAGEMENT, SYSTEMS BUILDING AND MONITORING AND EVALUATION**

Firstly, this component will provide the financing for the administration of the program and system building, both for the public works program and livelihood support components. The support to the public works program will, by design, include significant investment in operational systems, procedures and capacity at national and local-levels, including the hiring of staff and procurement of vehicles and equipment.

Secondly, Component 3 will finance the Transparency, Accountability and Anti-Corruption (TAAC) activities that were initiated under the NUSAF 2 project, which will be broadened to cover direct income support more generally.

Thirdly, the project will also establish the foundation to enable the public works program to scale-up in response to shocks, such as drought and floods. Internationally, there is a growing consensus that responding to shocks through an established safety net is more effective than providing humanitarian response. While food aid saves lives, it often arrives too little and too late to allow people to protect their livelihoods. Droughts and floods regularly affect the Uganda population, with parts of Karamoja most severely affected. The proposed operation will use, to the full extent possible, the existing early warning system to inform a response to shocks through the public works in project areas.

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**COMPONENT 4: SOCIAL PROTECTION SYSTEM AND PROGRAM MANAGEMENT**

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**SUBCOMPONENT: SOCIAL PROTECTION SYSTEM**

The aim of this subcomponent is to support the Government to lay the foundation for the social protection system that is envisioned in the draft Uganda Social Protection Policy. The component will thus support the MGLSD to establish and strengthen systems to promote the harmonization of the direct income support elements of the social protection sector, such as the national framework for public works and mechanisms which can support the avoidance of the same households accessing benefits from similar types of interventions (such as SAGE and NUSAF project). It will also invest in the systems and procedures that are required to deliver predictable, multi-annual labor-intensive public works and the livelihoods component.

1.4.5

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**SUBCOMPONENT: PROGRAM MANAGEMENT**

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The development interventions in Northern and North Eastern Uganda are aligned to the Peace, Recovery, and Development Plan (PRDP2) that provides strategic planning framework at the regional level. The PRDP2 will be succeeded by PRDP3 expected effectively in the FY 2015/2016. The PRDP3 prioritizes improvement of household income in line with the NDP2 to address the socio-economic imbalances. In the same vein, Government provided guidance to the proposed successor project that will be implemented under the PRDP3 framework to focus on improving incomes and livelihoods of the poor and vulnerable communities and contribute to the revitalization of the local economy.

The aim of this subcomponent is to support the Government to implement the proposed project. The details of institutional arrangements would be fleshed out further once the design of the other components and interventions is more advanced. However, key agreements regarding the direction were made. Overall project coordination and accountability of project resources would remain the responsibility of the OPM Permanent Secretary and the TST staff. To ensure effective project implementation, the sub-component will support the OPM, relevant sector ministries and local government staff in coordination and routine monitoring of the project activities.

**1.4.5 COMPONENT 5: DISASTER RISK FINANCING (DRF)**

Given the high exposure to disasters, and their impact on the poor and vulnerable in Uganda, the project shall contain a Disaster Risk Financing Component. This component shall support the development of a scalability mechanism that will enable the social protection program to rapidly scale up assistance to households when there is a disaster.

While the Labor Intensive Public work component focuses on chronically poor households, the Disaster Risk Financing component seeks to provide timely resources for those who will be affected by disasters such as drought or floods within existing program areas. This Component will be financed using a contingent grant, which will provide resources for scaling up activities under the Labor Intensive Public Work in response to localized or intermediate weather or price-related shocks in the project districts. This component will provide an early response that can more effectively prevent household asset depletion and increased levels of destitution.

Risk Financing can be used to extend support to the Labor intensive public work beneficiaries or support new beneficiaries who have transitory needs. This activity will focus on Districts that will be selected to pilot this mechanism for delivering risk financing. Strong linkages between risk financing and the emergency response system are required to ensure a coordinated response to shocks over time.

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**NUSAF 3 PROJECT AREAS**

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The project will be implemented in selected districts. While NUSAF-2 is currently concentrated in northern and eastern Uganda, the distribution of poverty and vulnerability in the country demonstrates the need for a national program, which is not feasible given the available financing. Therefore, the criteria for selecting the districts to participate in the World Bank operation will be determined as part of the design process and will aim to build on the capacity built in the NUSAF 2 areas.

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**CORE BENEFICIARIES**

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The project beneficiaries will be poor and vulnerable households, particularly those who are in the rural areas, often lack business skills to be able to manage their productive assets effectively to generate income sustainably. Through this component, business management skills training could be provided to groups before they can access small grants to increase their productive assets

### WORLD BANK SAFEGUARD POLICY

The Involuntary Resettlement policy of the World Bank was reviewed in detail to understand the project's direct economic and social impacts that may be caused by involuntary taking of land resulting in:

- (i) Relocation or loss of shelter;
- (ii) Loss of assets or access to assets, or
- (iii) Loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

The potential for involuntary restriction of access to legally designated areas and protected areas resulting in adverse impacts on the livelihoods of the displaced persons was also be assessed

### PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK-RPF

NUSAF 3 is expected to have significant positive impact on social and poverty conditions to improve household income and address the socio-economic imbalances in the North and North East where poverty levels are still severe the new project will focus on improving incomes and livelihoods of the poor and vulnerable communities in that region and contribute to the revitalization of the local economy. To this effect, the project builds on the experiences of NUSAF 1 and 2 by scaling up the labor intensive public works and the household income support components.

The framework document is designed to enable implementing institutions and the World Bank to address the needs of the populations that could be affected by the project by establishing policies, principles, institutional arrangements for management of social issues related to acquisition of land and hence displacement of persons and impact on their livelihoods. The legislation on resettlement for the Government of Uganda and the World Bank Safeguard policy (OP 4.12) will be the instruments that will govern any land acquisition issues arising out of the activities of the NUSAF 3 program.

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.

### RATIONALE OF THE RPF

There is need for a Resettlement Policy Framework (RPF) since the subprojects to be financed under the NUSAF 3 are not fully determined and as such, the assignment requires that potential resettlement aspects of NUSAF 3 are adequately understood and addressed at early stages of the project. Special reference during the development of the RPF is to be drawn but not limited to the current national social-economic dynamics, World Bank Social Safeguard Policies and the Uganda legal and institutional framework as may

be applicable to OPM and specifically under the NUSAF 3 project.

## OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK

The purpose of the policy framework is to clarify resettlement principles, organizational arrangements, the design criteria to be applied to subprojects to be prepared during implementation. The preparation will include (but not limited to) the following:

1. Establishing the resettlement and compensation principles and implementation arrangements for NUSAF
2. Describe the legal and institutional framework underlying Ugandan approaches for compensation, resettlement and rehabilitation;
3. Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
4. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
5. Provision of procedures for filing grievances and resolving disputes; and
6. Development of an outline for preparation 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. When a Resettlement Action Plan is required, it will be prepared in accordance with guidance provided in this RPF, including Detailed Measurement Surveys of the land to be acquired, Identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidelines provided in the World Bank's OP4.12, as described in Annex 1.

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, displaced incomes and livelihoods; and
- Ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their well-being.

## RPF METHODOLOGY AND APPROACH

In preparation of the RPF, qualitative methods of data collection were mainly employed to generate the required information. In all the approaches, the methods assessed awareness/knowledge of the land acquisition processes and current land acquisition challenges, institutional capacities to hand land acquisition, suggestions and recommendations were sought. This guided the framework on appropriate recommendations in the preparation of RAPs and other social guidelines. Data was drawn from three broad data sources namely *records*, *self-reports*, *stakeholders* and *observations*.

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### DESK REVIEW

A literature review was undertaken to provide background information as well as an overview of the policy, legal and institutional framework for the NUSAF 3. Documents reviewed included:

- The Uganda Constitution

- The Uganda Land Policy, 2013
- Land Use Policy, 2006
- NUSAF2 Operational Manual
- World Bank Safeguards Policy Documents
- Uganda Resettlement Policy Documents
- Social Protection Policy Documents
- Vision 2040 and the National Development Plan 2010/2015;
- World Bank Safeguard Policy on Involuntary Resettlement
- Agricultural Sector Development Strategy and Investment Plan 2010/11-2014/15;
- Economic Policy Research Centre/EPRC 2010 Public Expenditure Tracking on Road Infrastructure in Uganda; among others

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#### KEY INFORMANT INTERVIEWS

Interviews were conducted with NUSAF project District Officials (Chief Administrative Officers, District Agricultural Officers, Production Department, District Environment Officers, Community Development Officers, NAADS Officers, District Engineers, Lands Officers and District Physical Planners, Extension Workers) to obtain an informed view of the land acquisition processes and current land acquisition challenges, institutional capacities to handle land acquisition in their respective districts, and to solicit their suggestions and recommendations on how to handle land acquisition issues that may arise during the implementation of the NUSAF 3 project in Karamoja region, Bunyoro Region, Elgon and Teso and Acholi and Lango where the NUSAF3 will be implemented. In addition interviews were also held with officials from; OPM/NUSAF, MWE, NAADS, NARO, NEMA, IGG, MOH and The World Bank staff.

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#### OPEN GROUP DISCUSSION

Public consultations were conducted with Local Communities, Farmers, medical personnel, teachers and pupils of the selected project areas that benefited from the NUSAF 2 to establish feasible resettlement alternatives, generate information for evidence based impacts and recommendations. Table 2 below shows details of stakeholder consultations in the sampled districts of the entire project area in Uganda. A workshop of all Nusaf 2 Desk Officers and Subject Matter Specialists was held in Lira on 20<sup>th</sup> April 2015 to present to them the fieldwork findings and solicit their views on the implementation of NUSAF 3.

STAKEHOLDER	VENUE
Ms. Ali Munira – Head, Public and International Relations/Principal Relations Officer Inspectorate of Government (IGG)	Office

## RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015

Eng. Charles Ngeya – Senior Engineer, Dept. of Construction Standards and Quality Management, MoWT	MoWT offices
Munguleni Alfred, NUSAF Desk Officer, Maracha District	Maracha District offices
Atto Francisca, District Environment Officer, Gulu District	
Dr. Samuel Onyait, District Health Officer, Buliisa District.	Health centre offices
Ojok Brian, NUSAF Desk Officer, Yumbe District	Yumbe District offices
Katushabe Stella, NUSAF Front Desk Officer, Buliisa District	Buliisa District offices
Gadilaya Tree Planting Group, Jupuyik Village, Nebbi	Jupuyik Village
Teopista, NUSAF Trainer, NUSAF Desk Office, Nebbi District	Nebbi District office
Kyalisiima Lydia, Treasurer, Buliisa Health Centre IV, NUSAF Group	Health centre offices
Akena Geoffrey, NUSAF Desk Officer, Nwoya District	
Ayesiga Mukama NUSAF Group, Kigwera subcounty Headquarters, Buliisa District	Kigwera subcounty Headquarters
Lamoki Village community – Beneficiary of Onyomtil – Adimola 8km Community Access Road	Lamoki village
Workshop for all NUSAF Desk Officers and Subject Matter Specialist 20 <sup>th</sup> /03/2015	Lira POULINE HOTEL

### OBSERVATIONS

Ad hoc and unstructured observations were made throughout the stakeholder consultation exercise during the visits to the project areas. Observations of NUSAF 1 & 2 impacts to the communities were made to provide firsthand information to prompt additional probing for more information on the implementation of RAPs during the NUSAF 3 program. Photographs of the original situation on the ground were taken to give an informative view of the current issues in relation to the NUSAF 3 project. These photographs can also be used for future monitoring and evaluation of the impacts of the NUSAF in the project areas.

### CAPTURE OF GENDER AND VULNERABILITY ISSUES

Discussions groups with members of marginalized and vulnerable groups were constituted by gender dimensions. Particular attention was paid 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 historically disadvantaged groups. Within the Framework, it was not possible (outside RPF scope) to determine the household numbers which will be affected by the project. These numbers will be projected and area specific underscoring the need to systematically determine the numbers on a project by project basis.

### SAFEGUARD LESSONS ON THE PREVIOUS NUSAF 2 PROJECT

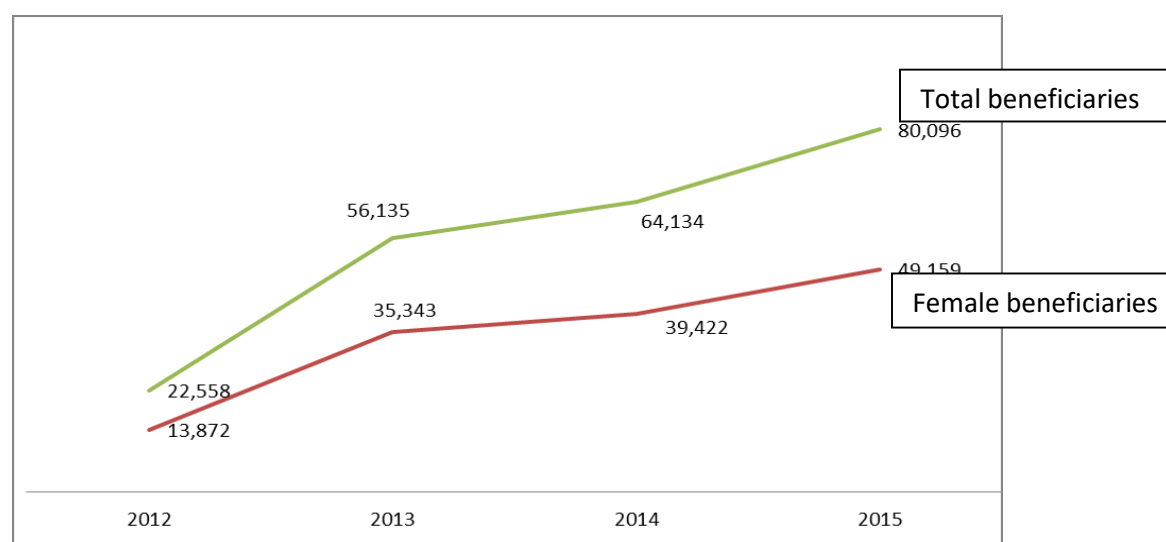
## GOOD LESSONS

### Land Acquisition

NUSAF2 safeguards unit as well developed a uniform voluntary land consent form which community beneficiaries have successfully used to consent on all the lands they voluntarily gave to support their projects. This was also made easier for investments particularly of CIR and PWP such as constructions, water, and roads which would otherwise cause conflicts, but as an access condition before approval of any project for funding, communities had to consent on availability of land. Districts had to ensure such investments were in their respective District and sub county development plans to avoid duplication and to ensure constructions projects done in the existing structures such schools, Health Centers, etc. Meanwhile, in the case of roads, each community member that lived adjacent on either sides of the road and had contributed land had to consent on community minutes for meetings held by CPMCs regarding voluntary land giving. For HISP a representative of a group would consent on behalf of other group members and all these documents are filed on respective community sub project files.

### Gender

Gender mainstreaming is observed across all project components of NUSAF2 projects. This is evident in the management and implementation structures, allocations of the completed structures on CIR and as well in the PWP road works. In CIR completed projects allocations female teachers are apriority for most of the schools allocations. There are very few cases where female teachers are not accommodated first. Meanwhile in HISP gender further observed in management structures CPC, SAC, CPMC and beneficiaries. According to the field performance monitoring reports from February 2014, out of the 64,134 total reached beneficiaries targeted, **female were 39,422 (63%) while male were 24,712 (37%)**. Currently, the numbers of beneficiaries have increased to a total of **80,096** direct for HISP Agriculture and Non Agriculture funded from 1<sup>st</sup> – 8<sup>th</sup> disbursement cycles. The gender distribution in this case is **Females 49,159 (61.4%) and Male 30,937 (38.6%)**. This clearly indicates that gender equality and women empowerment goal is being realised under NUSAF2 Project implementation. This is further summarized in Figure 1 below.

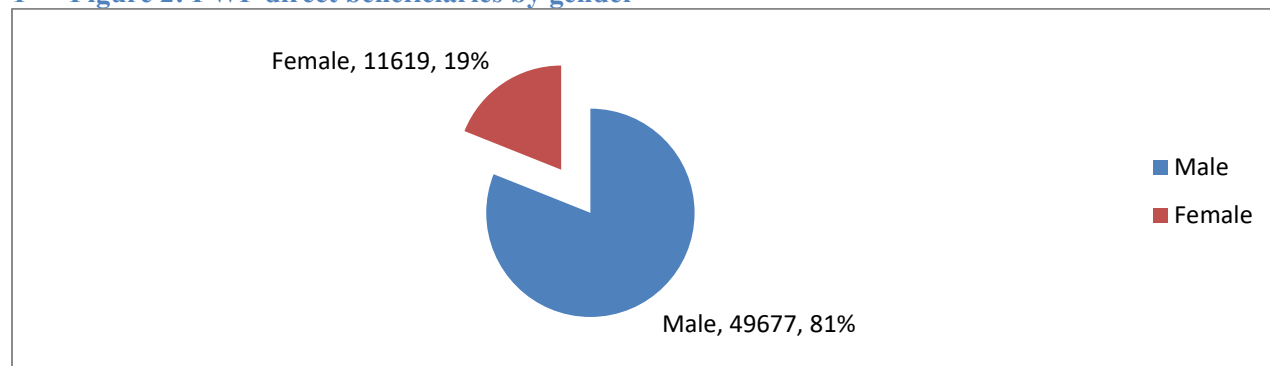


Source: NUSAF2 M&E Unit data Jan 2015



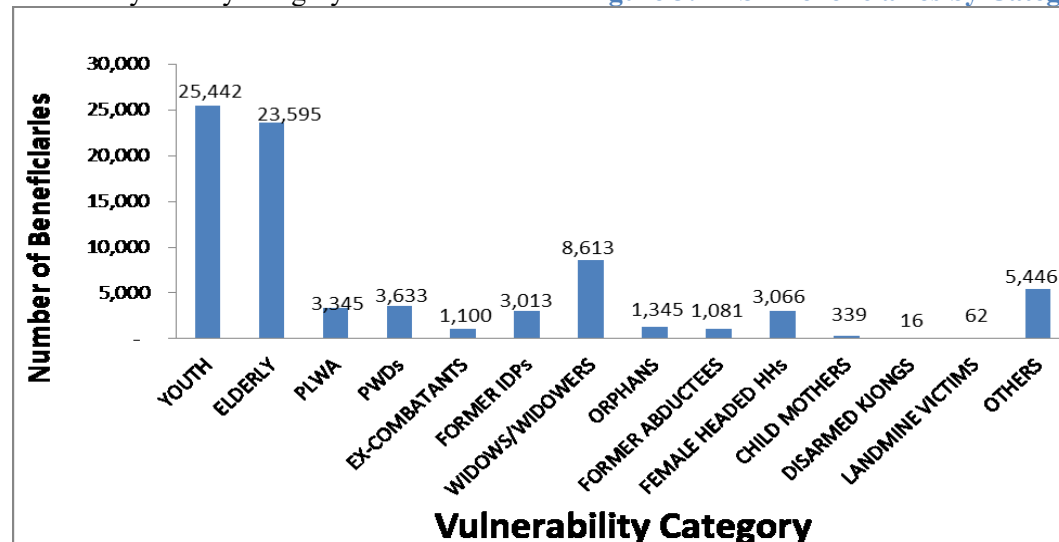
In regards to PWP, A total of 61,296 have so far benefited from PWP projects. According to available data and district reports, out of the overall total 49,677 are male while only 11,619 are female. The low participation of female in this PWP particularly roads where attributed to culture, attitude and timing of the works. For instance communities in districts visited such as Kapchorwa, Budaka, Bududa, Maracha, Tororo, Kitgum, Kiryadongo and Lira confirmed the low female participation due to the above mentioned. Females cannot fully participate in PWP because of their other family roles and during the wet seasons, they are fully engaged in farming activities. This therefore necessitates that, PWP menus and Implementation time should be looked at critically to avoid low female participation. Enough sensitization is also critical in this case. Figure 2 below shows the gender data for both female and male in PWP.

1 Figure 2: PWP direct beneficiaries by gender



Source: M&E data Jan 2015

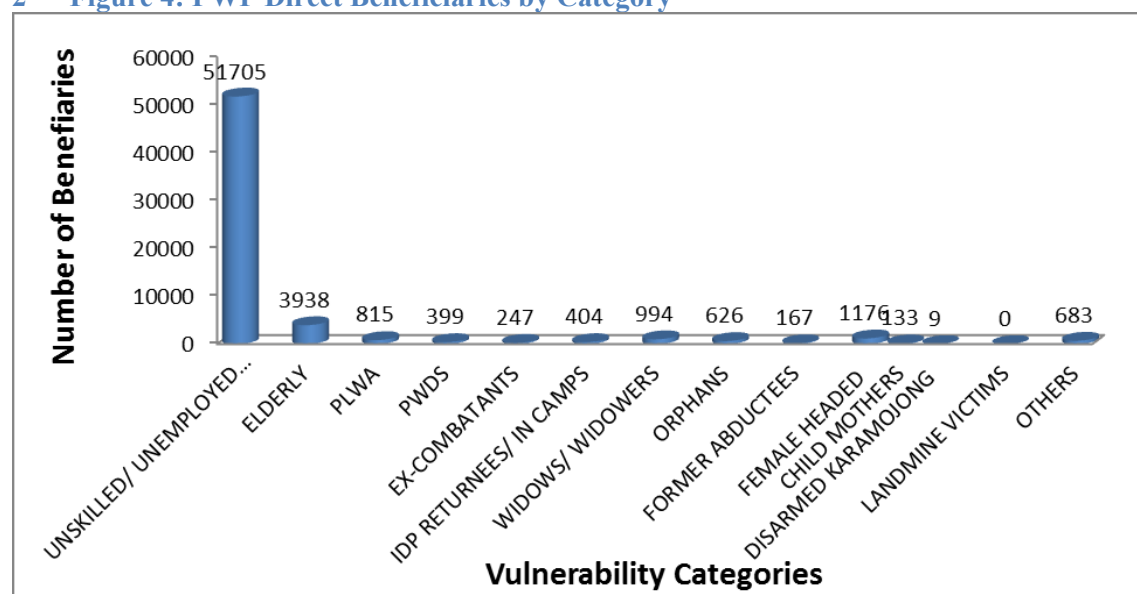
Broader universal social inclusion has also been pursued to ensure that all vulnerable categories including; PWDs, PLWA, Widows/Widowers, Orphans, Child mothers, Ex- combatants, IDP Returnees, Dis-harmed Karamojong, and Female headed households, Land mine victims and others are equally and equitably brought on board in line with the Project targeting goals. Figure 3 and 4 below provided summaries beneficiary data by category for HISP and PWP.



Source: NUSAF2 M&E data Jan 2015



2 Figure 4: PWP Direct Beneficiaries by Category



Source: M&E data Jan 2015

The project to-date has achieved positive results in ensuring inclusion of all community population sub groups as shown in the above graphs for HISP and PWP. Within the same, the project has endeavored to address regional and sub-regional economic and social disparities in terms of coverage. All population sub groups in the communities have been meaningfully engaged in the sub projects including youth, young and older women and persons with disabilities among others. The male have particularly benefited from employment in PWPs, while women have benefitted from HISPs.

### Institutionalisation of gender balance in management structures

NUSAF2 defines the Institutional provision in the composition of CPMCs, CPCs and SACs. The requirement of having at least 30% of women in each of the above committees is being adhered to through both the justification processes. Cumulatively, a total of 122,472 of CPMCs, SAC and CPCs have been trained to date on their roles in regards to subprojects management. And out of that total number of 52,296 (42.7%) comprise of females which is more than the project set target of 30% for women composition.

Equity and equality considerations in sharing the sub project benefits

The sharing of sub project benefits so far delivered is in line with the gender provisions of NUSAF2. The 50/50 sharing of project benefits has so far been observed, with benefits being distributed equally between female and male beneficiaries especially under HISP. IPFs as well are distributed equally according to the number of sub counties in districts and also special considerations given to marginalised regions such as Karamojong to ensure regional existing gaps are addressed

### Gender sensitive designs considerations

CIR of NUSAF2 component promotes universal designs that enable both gender access and equality. The institutional VIP Latrine designs separate toilets for men and women and boys and girls. Also provisions are made for a shower room, a ramp and as well grip bars to cater for teachers, health workers and pupils with disabilities.

## **Land Management**

A Resettlement Policy Framework (RPF) for the NUSAF2 project is in place and has enabled to extensively guide on all issues related to land acquisitions. NUSAF2 safeguards unit as well developed a uniform voluntary land consent form which community beneficiaries have successfully used to consent on all the lands they voluntarily gave to support their projects. This was also made easier for investments particularly of CIR and PWP such as constructions, water, and roads which would otherwise cause conflicts, but as an access condition before approval of any project for funding, communities had to consent on availability of land. Districts had to ensure such investments were in their respective District and sub county development plans to avoid duplication and to ensure constructions projects done in the existing structures such schools, Health Centers, etc. Meanwhile, in the case of roads, each community member that lived adjacent on either sides of the road and had contributed land had to consent on community minutes for meetings held by CPMCs regarding voluntary land giving. For HISP a representative of a group would consent on behalf of other group members and all these documents are filed on respective community sub project files.

## **Structures, Capacity and Stakeholders Participation**

Structure for management of safeguards is well designed in NUSAF2. There is designated Environment and social safeguards specialist at OPM to manage safeguards issues. At district level, there are District Community development officers, District Environment Officers, Community development officers and Environment Focal Persons at the sub counties charged with the management of safeguards.

Their capacity has also been built through refresher trainings by OPM TST, Ministries and the World Bank and to date, a total of 275 district persons have been trained on safeguards management and these categories comprised of CDOS, DEOs, Agriculture extension staffs, DVOs and Forest officers. This capacity enhancement extended to districts has enabled proper institutionalization and management of safeguards up to the Lower Local Government. It has also enabled full participation of all required safeguards management staffs on monitoring and reporting on safeguards performance in all imple.

## **Safeguards Monitoring and Evaluation Systems and frame works:**

Having a functional safeguards system is very critical for the project. In NUSAF2 safeguards system and M&E frame is in place and mainstreamed in the main M&E project system. This system has enabled safeguards unit to have a focus on what to be done in subprojects to ensure compliance. The framework has also facilitated the TST and as well districts improve in monitoring, data capture, and reviews as part of tracking performance of projects in regards to safeguards requirement. The successor project should ensure that this system and framework is updated to suit its projects implementation.

## **Monitoring, reporting, Certification and Documentation:**

Evidence of successes and failures of a project in regards to safeguards implementation can only be evident in reports and documents kept. NUSAF2 project emphasizes on documentation as apriority for all projects from EPRA processes, Implementation and Monitoring. Districts have proved this with evidence of availability of filing system present across all districts which provides all information on project generation, Implementation, monitoring and field assessment reports, certificates and documentation of minutes and site photos. In regards to safeguards, documents related to land acquisitions; screening, environment restoration certification and field reports are filed in districts, sub counties and community levels. Districts only missed out making photo Albums on tree planting as mitigation investments. There is need for the

project to strengthen this in future so that in the event that there is physical audit, there is prove to show mitigations where done as most of this investments are currently affected by weather and other challenges.

## **GAPS IN THE RPF NUSAF 2**

### **LIMITED INFORMATION ON LAND ACQUISITION**

The project progress reports do not show the number, type and location of subprojects that have attracted land acquisition, and the measures taken to resolve the need even though this guidance was provided in the RP. Even though the subprojects are small, it is important for both IDA and the implementing agencies to get insight into land related and other social cumulative impacts as a result of NUSAF II activities to the people in the project area and the measures taken to ensure that these same peoples' livelihoods are maintained or even better than before the project. In addition, it is useful to note and document cases of innovative measures implemented and use them as lessons learnt in NUSAF 3 project.

***Under NUSAF 3, the following should be considered:***

- ***Consent from the communities to offer land.***
- ***Documentation should be in form of agreements with communities.***
- ***Sub County Area Land Committees must be involved in the transaction.***
- ***Storage of information must be at: community level, Sub County and the District Land Board (Secretary Land Board).***
- ***Budget line to facilitate the area land committees be identified***

### **LACK OF ASSESSMENT OF SAFEGUARDS CAPACITY OF INSTITUTIONS**

Institutional capacity assessment was not provided in the NUSAF2 RPF yet it is critical to ensure that there is an adequate budget for capacity building and training for safeguards management. NUSAF2 had a number of institutions that played critical roles during the NUSAF 2 projects implementation such as MAAIF, MLGSD, MoWT, MoES, and MoH among others and it was important that the different institutions are assessed in terms of their safeguards capacity and to identify capacity gaps. For example, every line ministry would be expected to have an Environmental Specialist and Social Development Specialist to guide on safeguards implementation.

- ***In this RPF, the safeguards capacity of every implementing institution is assessed and recommendations made including recruitment or training of the technical support staff in safeguards issues.***

### **GENDER MAINSTREAMING**

Although Gender was clearly mainstreamed especially in the CIR projects, in PWP road projects in certain districts the percentage of women participating in road works is low due to cultural aspects, others have been dictated due to the work load and as well the wage rate, and as well season of work. Women involvement has been observed to be low during farming period. RPF Implementation

#### **Lack of Road Designs**

Field visits have shown that some subprojects that involve land uptake from the people like Community Access Roads were cleared with no pegs on the ground and it is therefore difficult to establish the standards

used for the width of the road, or even those households whose crops and trees were affected by the road. Consent from the community members for the use of the land for expansion of the road seem to be done quickly.

There were challenges faced were issue of drawings or alignment by engineers which were not provided to the communities during appraisals. This caused few challenges in about 3 projects in Butaleja, Kitgum and Maracha. CPMCs and SAC within each community had to discuss with land owners and resolved the land matters, minutes are in place and Land consent forms were signed by the CPMCs, Land owners and as well the LC1s. all land taken where not more than 5 meters.

## **LESSONS LEARNT IN THE IMPLEMENTATION OF SAFEGUARDS IN NUSAF2 PROJECT**

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### **SUBPROJECT SCREENING AND APPROVAL**

According to district cumulative reports, five main critical issues have been identified across projects that were thought to be critical to be safeguarded in NUSAF 2 projects and these included de-vegetation (tree cutting and over grazing), soil erosion, run offs, solid waste issues, pollution and health hazards (OPM, 2015). In addition these issues were also site-specific and by component and districts endeavored to utilize the Environment and Social Checklist to identify mitigations to address the identified issues which were then included in the respective Environment and Social Management Plans for Costing (OPM, 2015).

In summary to date, all the NUSAF2 approved sub projects have all been screened for their likely environment and social negative impacts. Districts according to their filed subproject documents endeavored to utilize the Environment and Social screening forms, gender Matrix, and as well Environment Checklists that outlined guidance on specific activity and its possible mitigation measures applicable to all identified NUSAF2 Menu for all components (OPM, 2015).

***It is therefore recommended that during NUSAF 3, involvement of the Environment Focal Point Persons (EFPPs) during the screening will be beneficial for the achievement of expected results. NUSAF 3 should therefore include a budget for their facilitation.***

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### **INCLUSION OF WOMEN**

Gender mainstreaming has been observed across all project components of NUSAF2. This is evident in the management and implementation structures, allocations of the completed structures on CIR and as well in the PWP road works. However these vary across all components. For instance, in PWP road projects in certain districts, the percentage of women participating in road works is low due to cultural aspects, others have been dictated due to the work load and as well the wage rate, and as well season of work (OPM, 2015).

For instance communities in districts visited such as Kapchorwa, Budaka, Bududa, Maracha, and Lira confirmed the low female participation due to the above mentioned. Females cannot fully participate in PWP because of their other family roles and during the wet seasons, they are fully engaged in farming activities. This therefore necessitates that, PWP menus and Implementation time should be looked at critically to avoid low female participation. Enough sensitization is also critical in this case (OPM, 2015). Women involvement has been observed to be low during farming period.

The sharing of sub project benefits so far delivered is in line with the gender provisions of NUSAF2. The 50/50 sharing of project benefits has so far been observed, with benefits being distributed equally between

female and male beneficiaries especially under HISP. IPFs as well are distributed equally according to the number of sub counties in districts and also special considerations given to marginalized regions such as Karamojong to ensure regional existing gaps are addressed (OPM, 2015).

***Therefore to maximise the involvement and participation of women, NUSAF 3 should explore other ways of mobilizing the communities so that everyone gets to participate. a multi-pronged approach of using LCs, Parish Chiefs and Community Leaders as this will ensure that every member of the community is reached.***

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#### SUBPROJECTS AND ACTIVITIES FOR VULNERABLE GROUPS

Under NUSAF2, broader universal social inclusion has also been pursued to ensure that all vulnerable categories including; PWDs, PLWA, Widows/Widowers, Orphans, Child mothers, Ex- combatants, IDP Returnees, Dis-harmed Karamojong, and Female headed households, Land mine victims and others are equally and equitably brought on board in line with the Project targeting goals (OPM, 2015).

The project has endeavored to address regional and sub-regional economic and social disparities in terms of coverage. All population sub groups in the communities have been meaningfully engaged in the subprojects including youth, young and older women and persons with disabilities among others. The male have particularly benefited from employment in PWPs, while women have benefitted from HISPs (OPM, 2015).

Based on the experience from implementation of NUSAF 2 HISP Component, a menu of successful and productive livelihood activities will be prepared to enable poor and vulnerable households to make an informed selection of their livelihoods activities for stable and sustainable income earning and graduation out of poverty. There is a need to create diversified menu of possible and viable livelihoods to allow more diverse income generating options.

Under NUSAF3, The Public Works Component will have a participatory and gender sensitive approach that would take into account the special needs of women. Appropriate implementation guidelines and work site arrangements would ensure that public works activities would be conducted in close proximity to villages in order to ensure that at least 40 percent of the participants would be women.

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#### GRIEVANCE REDRESS MECHANISMS

Under NUSAF2, the TAAC implemented a GRM through SMS and other convenient media of communication like mobile phone calls. A toll free SMS Corruption reporting system called “Report 2 IGG” with the slogan, “Expose Corruption” was launched in 2013. The hotline allows citizens to report grievances to the IGG at no cost and at any time.

However, a systematic way for capturing information and data on appeals and complaints has not been generally operational. Yet, the latter would be an important mechanisms to ascertaining transparency and accountability in terms of whether project beneficiaries who have grievances are able to register them, and if the registered, whether concerned committees and/or authorizes take necessary action and on time. This intervention will foster a sense of responsibility and ownership among the citizenry by introducing a mechanism for the community level committees to become the first level of instance for grievances handling and referral to the IG if no resolutions will have been reached.

During field consultations, some NUSAF2 Desk Officers raised a concern of the limited human resource capacity of the IGG. An example of West Nile where the IGG has only 3 Officers to monitor all government activities in the region was cited. They recommend that OPM should involve the office of the RDC and GISO in monitoring of NUSAF projects other than the IG's office which is under staffed and overwhelmed by work.

*During NUSAF 3, a Village level IG should be assigned additional duty of auditing(Community Monitoring Group).*

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## LAND ACQUISITION ISSUES

A Resettlement Policy Framework (RPF) for the NUSAF2 project has enabled to extensively guide on all issues related to land acquisitions. NUSAF2 safeguards unit as well developed a uniform voluntary land consent form which community beneficiaries have successfully used to consent on all the lands they voluntarily gave to support their projects (OPM, 2015). This was also made easier for investments particularly of CIR and PWP such as constructions, water, and roads which would otherwise cause conflicts, but as an access condition before approval of any project for funding, communities had to consent on availability of land.

Districts had to ensure such investments were in their respective District and sub county development plans to avoid duplication and to ensure constructions projects done in the existing structures such schools, Health Centers, etc. Meanwhile, in the case of roads, each community member that lived adjacent on either sides of the road and had contributed land had to consent on community minutes for meetings held by CPMCs regarding voluntary land giving. For HISP, a representative of a group would consent on behalf of other group members and all these documents are filed on respective community sub project files (OPM, 2015).

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## LACK OF SUPPORT TO BENEFICIARIES

The NUSAF2 Implementation Manual states that, “Communities are expected to implement subprojects that are affordable and within their capacity to manage and maintain.” During the implementation of NUSAF2, the TST and Districts mainly focused on generation and approval of sub-projects. There wasn't much support for beneficiaries during and post implementation of sub-project. A number of NUSAF2 Desk Officers raised the issue of inadequate training of beneficiaries to sustainably manage their subprojects and where training has been done, it has been for a very short period and inadequate. During stakeholder consultations both community and NUSAF Desk Officers recommended that the training be extended from 3 days to 5 days and the training should include the following components:

- Training package should be expanded to include environment issues
- Methodology should include more practical sessions
- Environment staff should be one of the SMS involved in training beneficiaries on the implementation of environment issues in their sub-project.
- Environment staff should be incorporated as ToTs; OPM to issue guideline on this before districts set-up pools of ToTs.
- Plan for post-project training geared to entrepreneurship skills and sustainability of the inputs and other enterprises acquired.

However, it is recommended that: rather than prolonging the days let there be a review in the methodology and approach to the trainings. One of the issues to consider is to assess the possibility of a mixed theory and practice approach or a modular approach so that theory is provided and trainees take



home community assignments and return another day for another module, 5 days training is long and costly.

In this successor project, EPRA facilitators will be selected from the community and trained by the project would be engaged for the longer duration. These facilitators will work closely with Sub-County Core Technical Team led by CDO and comprising of Parish Chiefs, PDC, LC1 and extension staff to provide support during implementation as well as provide follow up mentoring support after implementation. Tools used for EPRA process would also be simplified, shortened and translated in local languages.

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#### CONSULTATION AND INCLUSION OF PWDS

CIR of NUSAF2 component promoted universal designs that enable both gender access and equality. The institutional VIP Latrine designs separate toilets for men and women and boys and girls. Also provisions are made for a shower room, a ramp and as well grip bars to cater for teachers, health workers and pupils with disabilities (NUSAF2, 2015).

However, gaps in consultation strategy were noted during NUSAF2 implementation. During NUSAF2, PWDs were consulted, particularly those in leadership positions. However, the consultation was inadequate because it did not take care of the information needs of the deaf and the visually impaired. To be effective there is a need for sign language interpretations services and information in Braille as may be applicable. Providing information in Braille may not be possible at community level but use of sign language should be encouraged because most communities easily communicate with the deaf using an agreed sign language.

The consultation process targeting every community member should fully recognize the different needs of community members such as PWDs who might need sign language interpretations services and information on NUSAF in accessible formats. PWDs also need to be involved in leadership (subproject committees) in order for them to influence issues on disability.

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#### CAPACITY TO IMPLEMENT SAFEGUARDS

According to the proposed NUSAF3 Concept Note, in NUSAF 2, the District, Sub-County and Parish level staff were not given sufficient orientation and training about the project. One of the important lessons from NUSAF 2 implementation is that the District with well-informed political and technical leadership performed better. Therefore orientation and capacity building of District, Sub-County and Parish level officials is important.

In addition, of recent, their capacity has also been built through refresher trainings by OPM TST, Ministries and the World Bank and to date, a total of 275 district persons have been trained on safeguards management and these categories comprised of CDOS, DEOs, Agriculture extension staffs, DVOs and Forest officers. This capacity enhancement extended to districts has enabled proper institutionalization and management of safeguards up to the Lower Local Government. It has also enabled full participation of all required safeguards management staffs on monitoring and reporting on safeguards performance in all implemented projects and documentation of critical issues (OPM, 2015).

***During the Safeguards Implementation, the following are proposed:***

- ***NUSAF 3 could borrow from SFG Certification procedure and start issuance of completion certificate and include the Environment Officer to sign.***
- ***In addition, NUSAF 3 should endeavor to share the project drawings/designs at TPC level before implementation.***

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**PUBLIC CONSULTATION DURING MOBILIZATION**

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In NUSAF 2, OPM noticed that not all HHs attended the meetings and therefore were not involved in the mobilization process in the target villages. Also, only few villages were targeted and covered. In order to ensure increased coverage and participation of community in the mobilization process, the mobilization in NUSAF 3 will involve the following:

- *Mobilization shall be carried out by a joint team comprising the Parish Chief, LC1 and Community Facilitators in all the villages in the Parish;*
- *All households in the village shall be informed and involved in the process. The team shall ensure all the elderly, the disabled and other vulnerable and marginalized persons are informed;*
- *The mobilization team shall use community radio, community notice boards and places of workshops like Churches and mosques to mobilize the community.*
- *Explore other ways of mobilizing the communities so that everyone gets to participate.*
- *Facilitation to undertake consultations should also include EFPP, commercial Officer, and Environment Officer.*

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**MONITORING AND REPORTING**

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Clarity of projects Key Performance Indicators (KPIs) is important as it enables demonstration of results achieved by the project. NUSAF2 KPIs developed do not adequately capture all safeguards outputs (OPM, 2015). NUSAF3 monitoring, evaluation and reporting system should look critically on identifying clear KPIs that can support the project to demonstrate well safeguards results.

***In NUSAF 3, Project monitoring, Supervision and certification should be carried out by sector specialist.***

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**SOCIAL-ECONOMIC ASSESSMENT OF THE NUSAF 3 PROJECT AREA**

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The NUSAF 3 will be specifically implemented in the four regions of Karamoja Region, Bunyoro Region, Elgon and Teso Region and Acholi and Lango Region. Their socio-economic profiles are summarised below

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**KARAMOJA REGION**

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**GENERAL SOCIAL CHARACTERISTICS OF THE REGION**

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The region comprises seven districts and nine ethnic groups of the Matheniko and the Tepeth of Moroto district, the Bokora of Napak district, the Pian of Nakapiripirit district, the Jie of Kotido district, the Pokot of Amudat district, the Labwor (sometimes called the AcholiLabwor) of Abim district, the Dodoth, Nyangia (sometimes called the Napore) and Ik (sometimes called the Teuso) of Kaabong district. With an estimated population of just about 1.1 million people (UBOS, 2013), Karamoja region is the poorest and least developed region of the country (Ayoo et al., 2013) and is host to the worst human development indicators in key areas, including primary school enrollment, maternal and infant mortality, life expectancy, and population below poverty. As such Karamoja region has the highest Human Poverty Indices (HPI) of above 53% compared to the national average which is 37.5% (Ayoo et al., 2013).

According to the UNHS on decomposing total national poverty by region, incidence of income poverty varies significantly. The incidence of poverty remains highest in the Northern region and poverty in this region is driven largely by the North East sub-region although poverty intensity is higher in the mid-Northern sub-region.

**Table: Poverty Estimates in the UNHS IV (2009/10) by Sub-region**

Sub-region	Pop. Share	Mean CPAE
Kampala	5.0	155,260
Central 1	11.2	101,418
Central 2	10.2	72,213
East central	13.1	53,733
Eastern	16.5	46,499
Mid-northern	9.8	41,541
North-east	3.4	31,323
West Nile	6.9	39,127
Mid-western	11.7	48,737
South-western	12.3	63,389

**Notes:** Sub-region of North East includes the districts of Kotido, Abim, Moroto, Kaabong, Nakapiripiriti, Katwaki, Amuria, Bukedea, Soroti, Kumi and Kaberamaido

## LIVELIHOOD CHALLENGES IN KARAMOJA

Three livelihood zones exist within the region – the arid pastoral zone, the agro-pastoral zone (most of central Kaabong, most of Kotido, central Moroto, and central Nakapiripirit) and the wet-agricultural zone. Based on the social assessment study as well as findings by Ayoo et al. (2013), the major livelihood activities in Karamoja are agriculture, unskilled wage labour, livestock management and brewing.

The region has suffered from cyclic drought which occurs every two to three years. The increase in poverty and vulnerability in recent decades is attributable to cattle raiding and the accompanying insecurity, proliferation of small arms and light weapons through the porous borders with Sudan and Kenya, lack of essential infrastructure, and climatic changes resulting in droughts and famine.

Karamoja has one of the poorest roads in the country. All the districts are connected through gravel murram roads which are periodically washed by seasonal rains, hence rendering the region inaccessible. The above scenario has hampered effective delivery of social services and economic activities in the region.

Since 2008, disarmament and a transition to recovery programming have been implemented through the Karamoja Integrated Disarmament and Development Programme (KIDDP) 2007-2010. This medium-term framework harmonized the various interventions by the Government and its development partners. The livelihood component of the KIDDP is implemented through the Karamoja Action Plan for Food Security (KAPFS). The sustainable development of Karamoja has been guided by the Peace, Recovery and Development Plan (PRDP) for Northern Uganda. Central government policy for Karamoja now falls under the Minister for Karamoja Affairs.

Protected Kraals is one of the condition the local communities gave government to guarantee safety of the people and Animals. The police have developed their structure to provide security in all sub counties. Law and Order is returning. Cultural change is happening because law and order is returning but today these systems have been put in place. OPM implemented NUSAF2 successfully in a secure and stable environment. Social order continues to be restored using government and traditional systems and structures; this can all be used as an avenue to promote NUSAF3.

DFID is one of a number of development partners that are assisting the Government of Uganda (GoU) with recovery and reconstruction in Karamoja through a mixture of initiatives aimed at addressing risk and building the resilience of vulnerable people. Together with others, including the World Bank, DFID decided to provide support to the second Northern Uganda Social Action Fund (NUSAF 2) under the leadership of the Office of the Prime Minister (OPM).

***The involvement of subject matter specialists in screening/ selection and implementation of the selected sub projects is very crucial in NUSAF 3 should ensure that during this phases, communities have the necessary guidance so that sustainable and profitable projects are chosen. Involvement should also be sought from the and include commercial Officer to make sure that commercial enterprises are carefully chosen***

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## **FOOD SECURITY**

According to the comprehensive food security and vulnerability analysis (CSFVA) conducted by the World Food Programme (WFP) Uganda and the Uganda Bureau of Statistics (UBOS), unlike the rest of Uganda, Karamoja, has a ‘uni-modal’ climate with roughly six months of rains (April – October) followed by a six month dry season so it benefits from only one annual harvest, normally around the month of October. This means that the effects of a poor harvest are felt more keenly in Karamoja than elsewhere in the country, because the resulting ‘food gap’ lasts for twice as long. Its hunger season generally lasts from April through to the following harvest (Sept/Oct) though it can often start earlier if the previous harvest has been poor because of climatic conditions. In fact the region experienced three consecutive seasons of poor harvests (2006 – 2009) with delayed, lower than normal and poorly distributed rains reducing crop yields, pastures and livestock production and prompting high crop prices – all of which led to greater food insecurity (WFP and UBOS, 2013).

There is an increasing range of donor and NGO funded activities in Karamoja, working towards the broad goal of livelihood improvement/ building the resilience of food insecure households. These are of varying scale, maturity and orientation and expected to align with an overarching strategy – the Karamoja Action Plan for Food Security 2010-2015 – coordinated by the Department of Karamoja Affairs of the OPM.

***NUSAF 3 should link up with MAAIF in its coordination arrangements with Agriculture and utilize the regional zoning guidance from the ministry and offer expert information to the communities on what***

*comparative advantage they have in the production and/ or rearing of a particular type of crop or animal respectively.*

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## LAND TENURE

Land tenure system is multiple i.e. individual, institutions, prisons, leased/Titled Free Hold/Customary owned – Land for settlements and gardens individually by families/grazing areas defined by individual – Fallow land primary access rites/wide range lands which have clans with primary users, secondary and tertiary users rights e.g. Turkana and Toposa. The danger of rangelands type of land use is that no clear ownership exists; everyone uses it without restrictions. So issues of carrying capacity and user rites, bush burning, environment degradation in general is high in this case. At present, customary tenure has evolved into individualized and communal sub-tenures, each with distinct characters and resource rights embedded therein for the individuals, households and the community at large.

Gardens plots have definitive boundaries marked by a variety of features including trees, anthills, and rocks. However, the most common boundary markers are strips or bands (ekikoru) of uncultivated land between garden plots. This type of land is in the realm of family authority and family heads hold conclusive rights over these plots, including the right to even engage in various land transactions. It is thus no surprise, that this is the type of land for which registration into title is taking place across the region in Karamoja. These landholdings are often of small sizes and are considered to be individual property. It can be transmitted to kin either by inheritance or sub-division within families. NUSAF3 needs to look critically at land tenure to inform program implementation.

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## WATER RESOURCES OWNERSHIP

Use and access to the different water sources is governed by both customary rules and practices and statutory provisions. Although, traditionally set rules are non-documented, they are still existent in the minds and hearts of the Karamojong and are effective in regulating water use and management. However, customary rules on use and access vary with seasonality and across clans and ethnic communities. Large water sources that have no customary access restrictions especially among clans and ethnic groups are controlled by the traditionally instituted structures and the community in general. Individual ownership of small water sources and catchments is predetermined by the private creation of a water source by a family or a clan group. Secondly, ownership is determined by the location of the source; if the water source is found on land owned by a clan or ethnic group, it is then privately owned. Therefore, if the water source meets these two conditions, clansmen and ethnic group members are entitled to unlimited access and user rights.

In Loletio parish among the Jie ethnic group, an elder is responsible for identifying a site for the construction of a water pond or a catchment rendering clansmen and ethnic groups to have exclusive customary rights over use, control and management of such water resources. By implication, access to water resources which are individually constructed and owned is subject to acquisition of user rights from clan leaders or community elders. This was particularly observed among the Jie of Panyangara, the Dodoth of Kalapata, and the Matheniko of Rongom. Among these communities, clansmen and ethnic group members have ownership and access rights over water resources constructed privately.

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## POPULATION

The population of the seven project districts was estimated at 1,147,800 in 2010 and 1,218,900 in 2011. The population growth rate for Karamoja is estimated at almost 4% (UBOS, 2011) as in the Table 1.

**Table 1: Population of Karamoja Districts**

<b>District</b>	<b>Population 2002</b>	<b>Census</b>	<b>Population 2012</b>	<b>Projection</b>	<b>Population 2014</b>	<b>Projection</b>
Nakapiripiti	90,922		161,600		169,691	
Abim	67,171		103,306		109,039	
Kotido	122,541		233,300		178,909	
Moroto	77,243		136,000		104,539	
Kaabong	202,758		395,200		169,274	
Napak	112,697		197,700		145,219	
Amudat	63,572		113,700		111,758	

*(Source: UBOS 2014, National Population and Housing Census provisional results)*

## LITERACY LEVELS

Despite the existence of the Universal Primary Education (UPE), Functional Adult Literacy (FAL) and the Universal Secondary Education (USE), Karamoja continues to record the lowest literacy levels of 12%. The above scenario is aggravated by a complexity of factors that include the traditional agro–pastoral lifestyle that requires the labour of young boys and girls as herders; high levels of poverty and negative perceptions to education by the parents. Besides, there is a high failure rate in the existing schools due to poor quality of education and this phenomenon discourages the few parents who attempt to take their children to school.

The low literacy levels for Karamoja will influence NUSAF3 programme implementation and therefore, it will be critical to define effective mechanisms to package and disseminate information through media, prints, documentation, etc. in order to support programming.

## ACCESS TO HEALTH SERVICES

Karamoja region has the poorest health indicators in the country. About 100 children below five years die each week from preventable illnesses. Only 3.4 % of households in Karamoja have two insecticide-treated bed nets and 5.9% have one, yet the regional target is 60% of households with two nets. The region is "off-track in meeting health and nutrition-related Millennium Development Goals and is the worst place to be a child, with highly elevated levels of early childhood mortality and morbidity". The above situation is attributed to low access and utilization of basic health services – averaging 24% compared with the national rate of 72%. The situation is compounded by lack of awareness among local communities. Maternal mortality is at 750 per 100,000 live births – 50% higher than Uganda's national average.

## WATER COVERAGE

In Karamoja, water sources are diversified and include ponds, BH, rivers, Valley Tanks, Dams, wetlands, swamps. Water resource management should be a key focus of interventions in the Karamoja Sub region if

sustainable food security is to be attained. Water coverage in Karamoja still remains low. Dry rivers are a major challenge for both crop and livestock development in the Sub region.

The water and sanitation services in Karamoja are lagging behind the national average, although the coverage continues to improve. Water coverage ranges from 26.4% in Kaabong, 45% in Kotido, 74% in Abim, 68.9% in Moroto and 56% in Nakapiripirit, as compared to 65% in 2009 nationally. The household latrine coverage is less than 10% on average, compared to the national average of over 68% in 2009. The low functionality of the Water and Sanitation Committees and water sources farther reduces the effective access to services. There is need to continue providing water for livestock for first track of dry season and also determine the migratory patterns of cattle movement. These potential water areas as well are sources of conflict of resource use.

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## VULNERABILITY AND GENDER DIMENSION IN KARAMOJA REGION

Vulnerability in Karamoja is endemic and is a regular feature of ‘normal’ life, though cattle raiding, theft and insecurity, and drought exacerbate it. However, even within the same locality, vulnerability varies according to age, gender, marital status - especially polygamy -, and access to labour. There is a significant gender dimension to the experience of, and vulnerability to, poverty. Agriculture is associated with women and girls, cattle herding to men and boys. Polygamy is widespread and each wife is expected to support her own household. Household livelihoods do not provide women with sufficient access to food to meet the needs of their young children at the early stages of life. As a result of these challenges, stunting rates are well above 30 percent in most districts, and over 80 percent of children and 50 percent of women in Karamoja suffer from anaemia. In such a drought prone area accessing water, and firewood as the main source of energy and as virtually the only means for poor women to earn cash, places a significant workburden on women and their children.

The women are treated as inferior and socially excluded from decision making and other civic engagements because society accords them little worth. The women’s voice are not heard or not heard as loudly as of men because of the prejudice against women devalues their hearers’ credibility judgments to what they say (World Bank, 2013). This prejudice has effects on gender inequality and poverty because a person whose word is devalued cannot influence others, cannot exercise authority, and cannot defend herself from violence. In fact many of the people we interviewed perceived that domestic violence is normal and wife beating is perceived as disciplining.

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## BUNYORO REGION (BULIISA AND MASINDI DISTRICTS)

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### ETHNICITY

Banyoro are the majority in Buliisa followed by the Alur. The Bagungu are fifth in ranking. This also indicates that the major languages used are Lunyoro and Alur. The above ethnic composition may change in future due to oil exploration. While some ethnic groups may increase in number others may become smaller.

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### HOUSEHOLD CHARACTERISTICS AND GENDER ASPECTS

The average household size for Buliisa is 7 persons. There is no access to hydro-electricity in entire District and the majority of households in rural settings use paraffin or candles for lighting. Ninety eight percent of

all households use wood for cooking. Domestic water is obtained from boreholes, protected springs and the lake.

Levels of income in the area are low and most depend on grazing as the main source of livelihood in the area. Being close to Buliisa, a small proportion of the community members are both in formal and informal employment within the town. But this is not significant. A section of the local community is engaged in small scale businesses that includes food vending, sale of fish, charcoal and firewood. Fishing is another major economic activity for communities bordering Lake Albert. Protected areas such as the Bugungu Wildlife Reserve, Murchison Falls National Park and Karuma Wildlife Reserve under the Murchison Falls Conservation area have great tourism potential.

Like many areas of Buliisa, the gender roles of women are domestic work, and care for the sick and elderly, in addition to working in the fields. In terms of assets, both men and women have access to land and labour that they use in the fields although most women have no control over productive assets. The practical needs based on gender roles and resources have not been taken into account yet. Considering that women have a heavy workload, water points need to be more conveniently located so that women, who are the main water carriers, can save time and energy.

Gender issues that are of common concern for environment and natural resource conservation in Masindi District are dominance of men in decision making concerning natural resources at household level and the few women owning land. This has been brought about by traditional cultures which consider men as superior to women and the perception that family assets belong to men. In turn this has led to limited participation of women and children in the decision making process; and income inequality.

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#### EMPLOYMENT, LIVELIHOODS AND RESOURCE USE

The economy of Bunyoro Kitara Kingdom thrives on a number of economic activities, prominent among which is large scale commercial farming in tobacco, sugarcane, tea, cereals like maize, rice and ranching. Bordered by Lake Albert which sits astride the Albertine Oil Graben, where commercially viable deposits of oil and gas have been discovered, a bright spotlight should be cast on the future of Bunyoro region. The predominantly youthful population which stands at over one million represents a tireless engine of growth that can restore Bunyoro's leadership as a food basket for Uganda and beyond.

The major economic activities in Buliisa are fishing and livestock rearing. Other key occupations are cattle rearing, crop farming, fishing, and retail trade. Common crops include cassava, maize, millet, sesame (simsim) and pigeon beans. Commercial and ornamental trees are also planted on small-scale household level basis. Buliisa is also renowned for livestock trade, selling live cattle to Nebbi, Pakwach, Panyimur and as far as Democratic Republic of Congo.

**Table 2: Poverty Estimates in the UNHS IV (2009/10) by Sub-region**

<b>Sub-region</b>	<b>Pop. Share</b>	<b>Mean CPAE</b>
Kampala	5.0	155,260
Central 1	11.2	101,418
Central 2	10.2	72,213
East central	13.1	53,733



Eastern	16.5	46,499
Mid-northern	9.8	41,541
North-east	3.4	31,323
West Nile	6.9	39,127
Mid-western	11.7	48,737
South-western	12.3	63,389

**Notes: Mid-Western includes Masindi, Bullisa, Hoima, Kibaale, Bundibugyo, Kabarole, Kasese, Kyenjojo and Kamwenge;**

## HEALTHCARE

There are few numbers of beds compared to the patients in the district, the biggest health unit in the district is Buliisa HC IV which has slightly more beds, but the number is not enough for the whole population. This has led many people sleeping down on mats while some come with their own mattresses. Based on consultations with Buliisa Health Centre IV, NUSAF Group, the OPD is a bit efficient, but for in-patients, the Theater is non- functional , wards are too small and patients like expectant mothers some times are referred to Hoima which is about 100Km away. One staff unit has been constructed under NUSAF2 project. There is a need for more structures at the health centre especially staff quarters because the current ones are overcrowded to the extent that up to five people share one house.

For medical waste, there is an incinerator which is partially functional and another alternative is a shallow pit where waste is dumped openly. Much as NUSAF has considered staff quarters under the health sector, there are other infrastructure needs at existing health units that if addressed could lead to improved health services. Structures such as OPD, IPD, functional ambulances, toilets and medical waste management facilities at health centers are other such projects that should be considered under NUSAF3.

The accessibility to health services is still low compared to the population of the district. This describes the Households distance, the Ratios and the number of private clinics, doctors, clinical officers and nurse's population ratios and OPD utilization.

On average 70 percent of the population are within 5 kms to the health units while 30 percent walk over 5 km and these are people from areas like Bugana and waiga villages who seek for treatment from Buliisa HC IV.

## LAND OWNERSHIP

Generally land in Buliisa district is/was customary owned, but the trend is now changing due to the presence of oil where the landlords expect a lot from the oil proceeds. The process of leasing land mainly began around 2008 and at least 50 percent of the land is on free hold.

## EDUCATION

The Educational Institutions are generally increasing in the district. This involves both Primary and Secondary schools. However, there is need for establishment of vocational institutions to cater for the big number of dropouts. There is need for more infrastructure especially staff quarters and classrooms although some has been done under the NUSAF2 project.



**Figure 1: Staff quarters under constructed as part of NUSAF 2 at Nyamasoga P/S, Biiso S/C, Buliisa District**

## **WEST NILE AREAS**

This covers the planned NUSAF3 areas of Arua, Yumbe, Nebbi and Moyo Districts and their baseline information is summarized as follows:

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### **SAFE WATER COVERAGE**

There are a number of water sources in the four districts including boreholes, protected springs, open wells and piped water especially in urban centers. The safe water coverage of West Nile region is generally above 50% but below the national average of 63% due to drying up of water sources following climate change and decommissioning of some water sources that are non-functional for a long period of time. This leaves a very big percentage of the population in West Nile region without access to clean and safe water.

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### **HOUSING AND SETTLEMENT PATTERN**



The Districts have a spatial population, which is unevenly distributed. Settlement in Nebbi, Yumbe, Arua, and Moyo like in other areas is determined by natural resources and availability of infrastructure. The districts have two main patterns of settlements. These include: dispersed rural homesteads and nucleated urban centers. The project area has a mixture of household structures and the quality of buildings differ both in rural and urban centers. The urban areas are dominated by permanent structures and semi-permanent structures in some instances. In rural areas, the dwelling units are dominated by semi-permanent and temporary structures made of mud and wattle with grass thatching.

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## LAND

Typical land holdings vary generally from half to about three acres per household on average and more than half of the farmers would like to cultivate more land. This situation varies significantly; farmers in the less populated areas have bigger plots than farmers elsewhere in the region. Land in the region is held under four tenure systems as described below: -

- ❖ Customary land tenure; means a system of land tenure regulated by customary rules which are linked in their operation to a particular description or class of persons. Land acquisition under this system is usually through inheritance. Land is allocated by a father to his sons who in turn assign it to their wives to cultivate. According to the law, women can inherit property (and thus land), although in the patriarchate societies in the district, this is virtually never the case, so women tend to be excluded from having control over this basic resource.
- ❖ Leasehold land tenure; means the holding of land for a given period from a specified date of commencement, on such terms and conditions as may be agreed upon by the lessor and the lessee. Land can be leased (to a maximum of 500 acres) from the state and this currently is done by very few farmers. In case, land to be leased is held under customary land tenure system by some individuals, these previous owners with customary claims are compensated before leasing it to the new owner.
- ❖ Communal land tenure system; this system is gradually disappearing due to increase in population size. Communal land is used for grazing livestock. It is common in all sub counties.
- ❖ Mailo land tenure system.

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## HIV AND AIDS

HIV/AIDS/STIs and Tuberculosis together pose increasing threat to the survival of the people of not only Yumbe district but the country at large. A recent survey by MoH indicates that HIV/AIDS prevalence rate in Yumbe District is 8% above the national average of 6.1%

The effects of this scourge have impacts that cut across all the sectors and categories of people including effects on social, economic, political, cultural dimensions. The end impact of the epidemics rests on the households where both the affected and the infected live.

The promoting factors of this situation include the cultural practices that hinder open discussions on sexuality, the parents' shyness and inadequate knowledge of current scientific facts on sexuality and HIV/AIDS, powerful negative influence on the youth by the electronic media.

There is a serious problem of drug abuse among the youth. This makes them vulnerable to crime and HIV/AIDS/STI infections hence need to develop support mechanism for especially the youth. These could

be through peer-to-peer strategy and adherence to the ABC strategy that the country is advocating for as the best way in the struggle to avoid and reduce the prevalence of the disease.

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#### **SAFE WATER COVERAGE**

There are a number of water sources in the four districts including boreholes, protected springs, open wells and piped water especially in urban centers. The safe water coverage of West Nile region is generally above 50% but below the national average of 63% due to drying up of water sources following climate change and decommissioning of some water sources that are non-functional for a long period of time. This leaves a very big percentage of the population in West Nile region without access to clean and safe water. NUSAF2 has worked towards improvement of access to safe water.



**Figure 2: Children collecting water from a borehole constructed by NUSAF in Yumbe Town Council**

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#### **HEALTH FACILITIES IN YUMBE DISTRICT**

The number of operational health facilities is 22. These include: 1 general hospital, 1 health centre IV and 8 health centre III's and 12 health centre II's. Construction of 1 new health unit at Mocha in Midigo Sub County started in FY 2009/10 with funding from PRDP funds and will continue until the facility is ready

for operationalization. Another health unit at Limidia in Romogi Sub County has a complete OPD and needs a staff house and VIP latrines to become functional. There are two PNFP units in Yumbe namely; Lodonga H/C III and Kei H/C III.

The infant mortality rate is 107/1000 live births which is higher than the national which stands at 84/1000 LB while Child mortality rate is 157/1000 LB compared to the national 84/1000 LB and the maternal mortality rate is very high at 506/100,000 births. While malaria and respiratory tract infections continue to be the main causes of morbidity and mortality in the community, the poor sanitary conditions seem to worsen the situation with the infestation of intestinal worms becoming the third commonest cause of morbidity among the adults.

## POPULATION

**Table 3: Population for NUSAF3 areas in the West Nile Region**

DISTRICT	2002 CENSUS			Population projections					
				2012			2014		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
ARUA	268,746	290,329	559,075	373,700	403,000	776,700	373,762	411,427	414,904
NEBBI	126,832	139,480	266,312	164,700	181,500	346,200	184,507	200,713	385,220
YUMBE	126,226	125,558	251,784	282,000	263,500	545,500	229,811	255,771	485,582
ZOMBO	81,224	87,824	169,048	105,500	114,300	219,800	115,411	124,957	240,368

(Source: UBOS 2014 Population Projections)

## POVERTY ESTIMATES

**Table 4: Poverty Estimates in the UNHS IV (2009/10) by Sub-region**

Sub-region	Pop. Share	Mean CPAE
Kampala	5.0	155,260
Central 1	11.2	101,418
Central 2	10.2	72,213
East central	13.1	53,733
Eastern	16.5	46,499
Mid-northern	9.8	41,541
North-east	3.4	31,323
West Nile	6.9	39,127
Mid-western	11.7	48,737
South-western	12.3	63,389

Notes: West Nile includes Moyo, Adjumani, Yumbe, Arua, Koboko, Nyadri, and Nebbi

## ELGON AND TESO REGIONS

### POPULATION

The population details of the three districts of Serere, Soroti and Kumi where NUSAF3 projects will be implemented in the region are summarized as follows:

**Table 5: Population Summaries for Serere, Soroti and Kumi NUSAF3**

DISTRICT	2002 CENSUS			Projections					
	2002 Census			2012			2014		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
<b>KUMI</b>	79,518	85,847	<b>165,365</b>	125,100	130,400	<b>255,500</b>	125,289	132,784	<b>258,073</b>
<b>SERERE</b>	85,925	90,554	<b>176,479</b>	145,800	148,300	<b>294,100</b>	137,657	145,973	<b>283,630</b>
<b>SOROTI</b>	94,222	99,088	<b>193,310</b>	159,800	162,200	<b>322,000</b>	144,408	152,746	<b>297,154</b>

(Source: UBOS 2014 Population Projections)

### HOUSING SITUATION

The housing situation in the areas is generally poor with most dwelling units constructed of mud and wattle. The commonest roofing material is grass that is easily destroyed by fires and rots after a few years; some have iron sheet roofed houses although the floors are of mud and wattle. The floors of the houses are just rammed earth with no cement making their condition to be unfavorable to human health, bearing in mind that most households sleep on the floor with local materials like mats for bedding. There are very few permanent buildings. They exist mostly in trading centers and rural growth centers that are mushrooming in most parts of the district.

### GENDER DIMENSION

Overall the level of gender mainstreaming in development Projects is low despite the efforts made previously. Therefore, the participation of women in developmental process is low. The communities in the district are largely patriarchal in nature. In Serere, Kumi and Soroti areas (like most parts of Uganda), the place of women and men in terms of their roles in the community can be largely categorized into two; reproduction and production respectively. It is a practice that in more than 90% of the households and communities in the district, men hold sway in matters relating to control of resources and access to them. These resources mainly include productive assets like land, capital and finances. The males are by tradition the heads of households under the traditional clan systems.

### SOCIO- ECONOMIC AND ASPECTS OF LIVELIHOODS

Iteso are an agro-pastoralist community. The Teso sub-region has suffered from floods, drought and famine, conflicts and cattle raiding. This vulnerability to floods, compounded by unpredictable weather patterns and Karamojong cattle raiding, continues to negatively impact the livelihood security of people at community and household levels in the sub region. While internal displacement has ended in Teso, several factors are undermining sustainable resettlement and recovery. Gaps in social service provision and limited livelihood opportunities continue to hamper the quest for durable solutions.

**Table 6: Average Monthly Income by Region and Residence (UGX)**

	2005/06			2009/10		
Region	Urban	Rural	Total	Urban	Rural	Total
Kampala	347,900	-	<b>347,900</b>	959,400	-	<b>959,400</b>
Central	320,200	192,600	<b>209,300</b>	603,800	336,800	<b>389,600</b>
Eastern	261,700	144,100	<b>155,500</b>	361,000	151,400	<b>171,500</b>
Northern	209,000	76,200	<b>93,400</b>	361,200	117,200	<b>141,400</b>
Western	313,100	144,200	<b>159,100</b>	479,000	282,300	<b>303,200</b>
<b>Uganda</b>	<b>306,200</b>	<b>142,700</b>	<b>170,800</b>	<b>660,000</b>	<b>222,600</b>	<b>303,700</b>

(Source: UBOS UNHS  
<http://www.ubos.org/UNHS0910/chapter7.Average%20Monthly%20Household%20Income.html> )

**Table 7: Poverty Estimates in the UNHS IV (2009/10) by Sub-region**

Sub-region	Pop. Share	Mean CPAE
Kampala	5.0	155,260
Central 1	11.2	101,418
Central 2	10.2	72,213
East central	13.1	53,733
Eastern	16.5	46,499
Mid-northern	9.8	41,541
North-east	3.4	<b>31,323</b>
West Nile	6.9	39,127
Mid-western	11.7	48,737
South-western	12.3	63,389

**Notes:** Sub-region of North East includes the districts of Kotido, Abim, Moroto, Kaabong, Nakapiripiriti, Katwaki, Amuria, Bukedea, Soroti, Kumi and Kaberamaido

## NATURAL RESOURCE USE AND ACCESS

The existing communal natural resources include; grazing land (pasture), water, and firewood (Social Assessment, 2013). These resources are all shared within the communities without much disturbance from the outside communities save for the dry season when the neighboring communities from Karamoja and Sebei come in search of water and pasture. According to the results of the social assessment in Bukedea District, grazing land is still used communally but due to land scarcity some people have started fencing off their land hence denying communities the right to use their land.



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**GENDER IN PRODUCTION IN TESO**

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As in most districts in Uganda, crop farming for consumption and sale is the predominant economic activity of both women and men in the communities in the areas of Teso and those of NUSAF3. A part from farm-based income, women are also engaged in brewing (beer and spirits), except for a relatively small percentage who are successful traders or owners and managers of service enterprises, such as bars and restaurants. On the other hand, men are engaged in a broader range of income activities most of which are physically demanding activities, such as collection and sale of forest products especially charcoal burning, and higher income gender-prescribed manufacturing activities, such as brick making and carpentry which rely on both physical strength and skills acquired through training or passed down informally. Such trainings traditionally favor men more than women. Farm labor is also a common form of employment though often practiced periodically according to opportunity and need and is one of the sources of cash and in-kind income for poor and medium-income households. Generally, enterprises or activities falling into the lowest income bracket are performed by both men and women.

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**LAND TENURE IN TESO REGION**

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In Teso region, the most common mode of land ownership is customary system, which is almost the same as customary law in other parts of northern Uganda. Under customary tenure in Teso, the clan elders have the responsibility for administering land, but this includes the right to say who can sell land and to whom. This is because, they have the responsibility to protect the land for all the clan, and to make sure that everyone in the clan is given rights to land. The family head manages the land on behalf of the family as the steward of the land. His rights to manage the land go together with the responsibility to look after the rights of others to use the land, and to make sure that the next generation will also be able to enjoy the land. Other people in the family also have rights over the land. Security of tenure over land always comes with land allocation, on condition only that a household is able to use the land. The family head is responsible for ensuring security of tenure, with clan authorities as the overall guarantor.

The clan on its part has therefore the responsibility for overseeing the administration of all the land. This means making sure that there are heirs appointed at household levels to manage the land and to oversee and authorize any land sales. The clan also owns land which is communally used, such as for hunting and grazing. It is responsible for ensuring proper use of the land and that, there are no trespassers. A son becomes head of household after marriage and is allocated land to hold and to manage for the good of his family. He is the steward of that land and his wives, children and other family members also have rights to that land, but he is the overall ‘manager’.

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**NATURAL RESOURCE USE AND ACCESS**

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The existing communal natural resources include; grazing land (pasture), water, and firewood (Social Assessment, 2013). These resources are all shared within the communities without much disturbance from the outside communities save for the dry season when the neighboring communities from Karamoja and Sebei come in search of water and pasture. According to the results of the social assessment in Bukedea District, grazing land is still used communally but due to land scarcity some people have started fencing off their land hence denying communities the right to use their land.

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**ACHOLI AND LANGO REGIONS**

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These comprise NUSAF3 areas of Gulu, Lira, Amuru, Oyam, Nwoya and Dokolo Districts

### 2.1.1 ACCESS ROADS

In Uganda, Community access roads comprise 43% and they form a link in the road network between farmer communities and other transport networks. Community access roads are characteristically narrow, pot holed; their edges have over-grown vegetation to the road verges, and in the rainy season become less impassable while in dry seasons, they are grossly dusty.

In 2005, a comprehensive review of Uganda's agriculture and rural sector was carried out by the Government of Uganda (GoU) in collaboration with the African Development Bank (AfDB). The review, which was undertaken under the auspices of Uganda's Plan for Modernization of Agriculture, identified a number of gaps (including gaps in investment), in infrastructure for access to markets, infrastructure for agro-processing, and the management of environmental and natural resources. The review revealed that transport constraints were hampering the sellers of agricultural produce and stymieing the development of an efficient marketing system. The lack of access roads in many rural communities made it extremely difficult for farmers to market their produce. This limits farmers' productivity, contributes to their apathy about technical innovations, and burdened traders in rural areas with high transaction costs and at the end of it, farmers receive lower prices from their produce.

Poor roads increase transportation costs for all commodities, resulting in lower returns to producers and higher prices for consumers. For example, transport costs constitute up to one-third of the wholesale price in Kampala for cassava produced in and shipped from Kapchorwa District.

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### LAND TENURE

Land tenure system in the regions is largely customary land tenure type with the exception of church missions, hospitals and schools a number of which hold Freehold land tenure titles. Inheritance of land is usually passed on to a male heir and negotiations affecting land acquisition is always geared to the male head of the household after the clan head has given the go ahead.

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### LAND USE AND AGRICULTURE

The Districts have spatial populations, which are unevenly distributed. Accessibility to socio-economic infrastructures has largely determined population distribution in the districts while natural resource endowments largely determined and greatly influenced the settlement pattern. It is worthwhile to mention that in the past two decades or so the population settlement pattern in the districts has had a departure from natural resource endowment potentials and existence of socio-economic activity determinants to security concerns. People predominantly live in grass thatched houses.

According to the comprehensive food security and vulnerability analysis (CSFVA) conducted by the World Food Programme (WFP) Uganda and the Uganda Bureau of Statistics (UBOS), on average Ugandan agricultural households have 1.34 hectares (3.3 acres) and 61% cultivate less than a hectare. Those in the north have more land available, but often it takes them longer to reach it (WFP and UBOS, 2013).

While it takes the majority less than 15 minutes to access their land, 13% have to walk between half an hour and an hour to tend to their land. In the north, almost a fifth (19%) of farmers take two hours or more to access some of their land, which could be a factor that prevents them from cultivating well or frequently, thereby limiting food availability (WFP and UBOS, 2013). Central households are generally better connected to markets (to buy inputs and sell outputs) than those elsewhere.

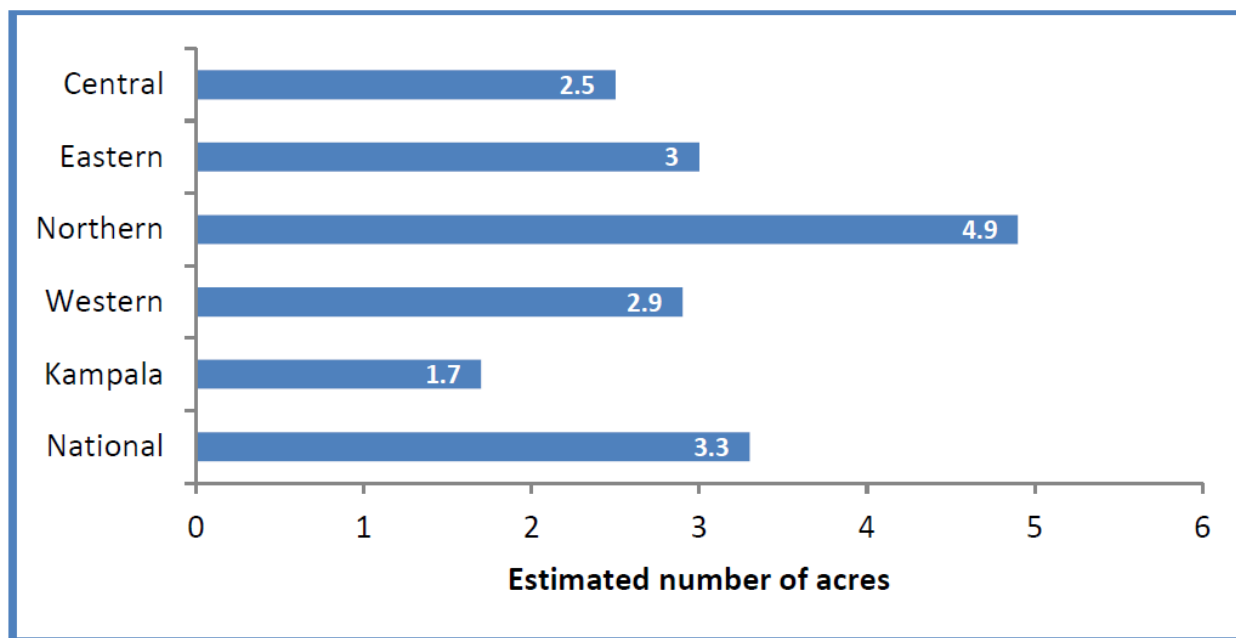


Figure 3: Acreage available per household

(Source: WFP and UBOS, 2013)

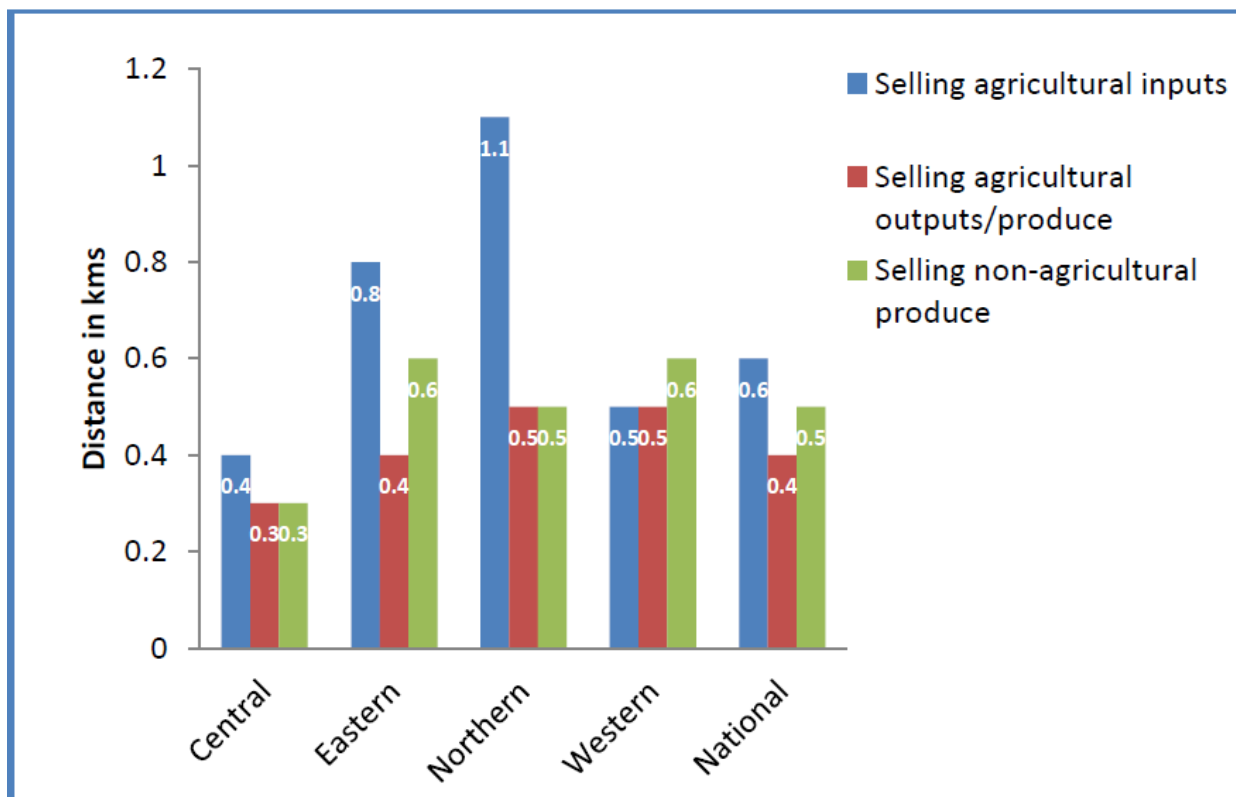


Figure 4: Average distance of household to nearest market by region

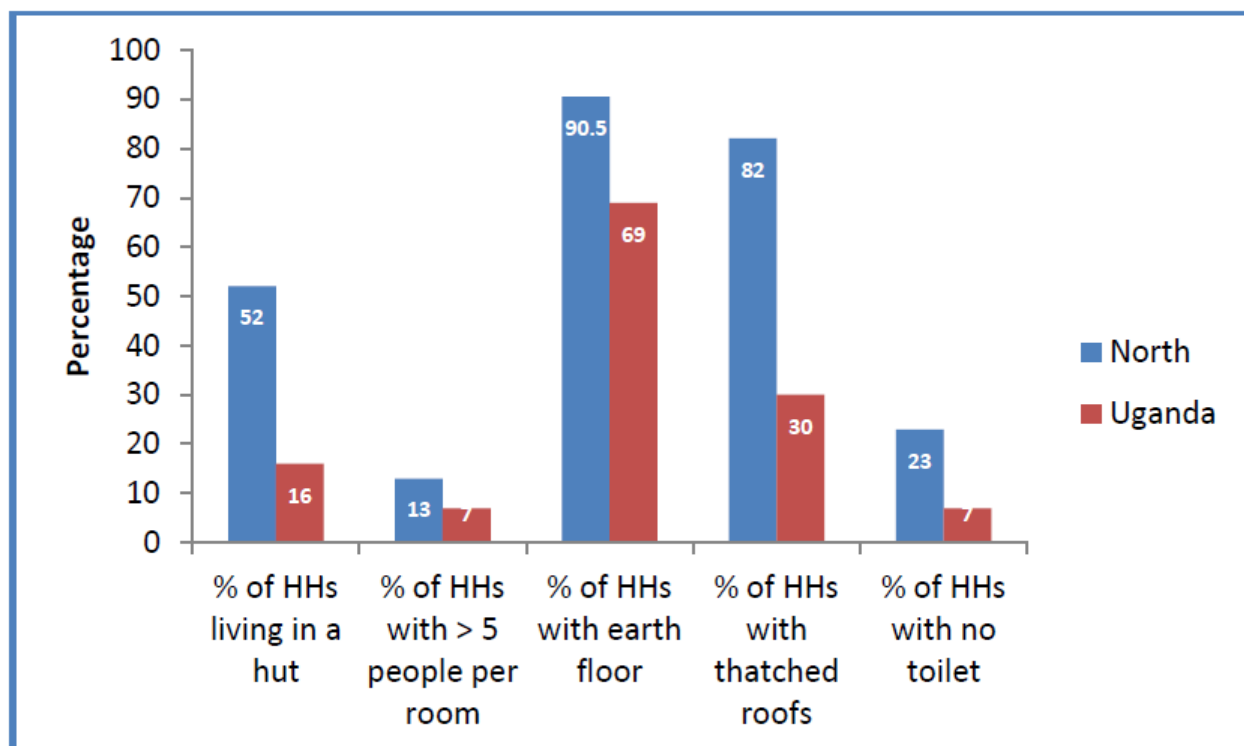


(Source: WFP and UBOS, 2013)

## HOUSING AND SANITATION

According to the comprehensive food security and vulnerability analysis (CSFVA) conducted by the World Food Programme (WFP) Uganda and the Uganda Bureau of Statistics (UBOS), Housing is much more rudimentary in the north with more than half living in huts with thatched roofs and earth floors. 13% have more than five people sharing a room, almost double the national average. Sanitation is much poorer than elsewhere in the country with almost a quarter of households devoid of toilet facilities and forced to defecate in the bush. Of course both factors are an indicator of poverty but poor quality housing and sanitation can also lead to disease, a leading cause of malnutrition (WFP and UBOS, 2013).

With the exception of acute respiratory infection, child illness rates (diarrhoea, bloody diarrhoea and fever) are the highest in the country. Furthermore, vaccination rates for children (for Tuberculosis, Diphtheria, whooping cough (Pertussis), Tetanus, Hepatitis B, Haemophilus Influenza, Polio and Measles) are the lowest in the country (WFP and UBOS, 2013). A fifth of communities have experienced epidemic outbreaks since 2008, the highest in the country.



**Figure 5: Housing, sanitation and crowding: northern Uganda vs national average**

(Source: WFP and UBOS, 2013)

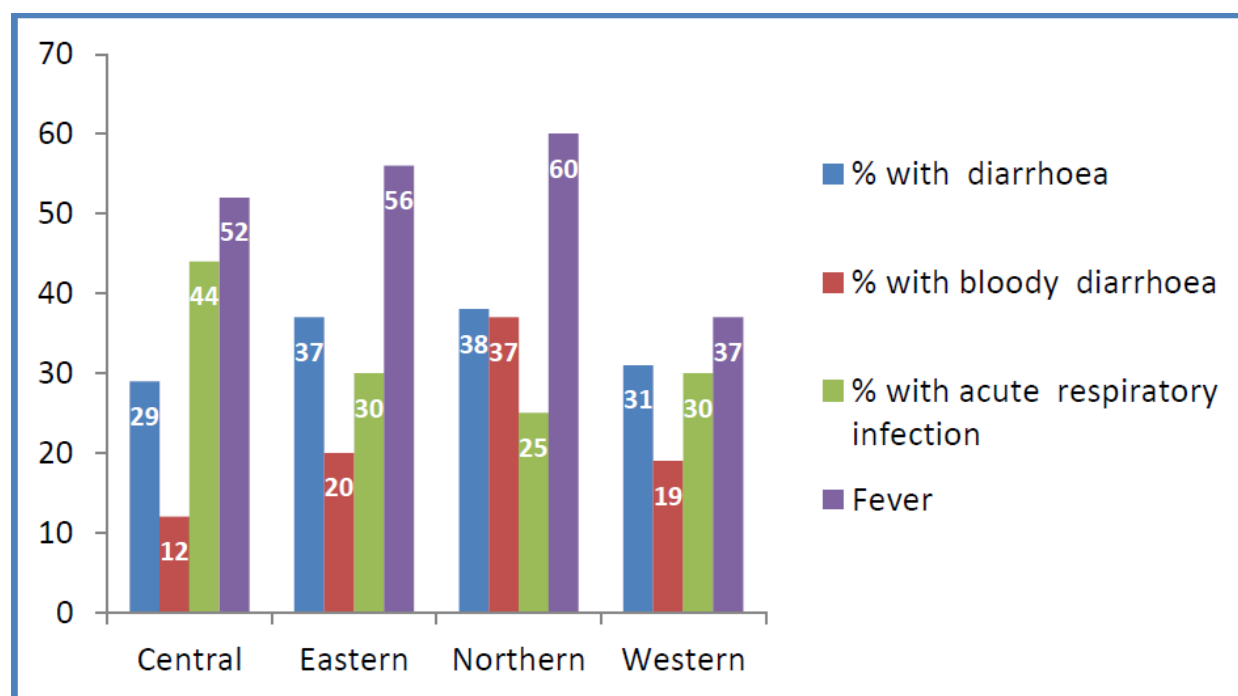


Figure 6: Child illness by region in the two weeks preceding the survey

## POPULATION

Population estimates of some of the Districts are summarized in the Table below:

Table 8: UBOS Population Estimate for a sample of Acholi and Lango Districts

DISTRICT	2002 CENSUS			Project Populations					
				2012			2014		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
AMOLAT AR	47,828	48,361	96,189	63,200	64,200	127,400	72,492	74,412	146,904
AMURU	66,919	68,804	135,723	88,000	90,800	178,800	92,502	98,014	190,516
DOKOLO	62,988	66,397	129,385	88,900	94,500	183,400	88,650	93,929	182,579
GULU	146,750	151,777	298,527	196,300	200,200	396,500	215,610	228,123	443,733
LIRA	142,380	148,221	290,601	196,400	206,700	403,100	196,891	213,625	410,516
OTUKE	30,514	31,504	62,018	42,200	43,800	86,000	51,444	54,173	105,617

(Source: UBOS 2014 Population Summaries)

## **ECONOMIC SITUATION IN THE REGION**

On the basis of a multi-dimensional index of poverty (MPI), Northern Uganda has the highest proportion of poor people, estimated at 86% compared to a national average of 72%. It also has a significantly lower HDI score than the rest of the country.

After decades of conflict, the return of the IDPs to the land is seen as a major opportunity for significant and rapid progress in poverty reduction, as agricultural livelihoods are reconstructed, trade is restored and the local economy rebuilt. According to the United Nations Security Council (UN Security Council Report of the Secretary-General on the Lord's Resistance Army-affected areas, November 2011), most of the 1.8 million people formerly displaced in northern Uganda have returned to their villages of origin or integrated locally elsewhere.

Although there are clear signs of economic regeneration, hopes for the possibility of poverty eradication in northern Uganda have relied on the assumption that the major factors constraining progress have disappeared with the end of the active conflict in the north; freedom of movement has removed constraints to trade and also, with a few exceptions, the exploitation of agricultural land. However other constraints remain, many relating to the massive asset depletion which took place during the period of conflict, in particular relating to the loss of cattle (formerly used for ploughing), and this has an on-going impact on people's livelihoods in several ways, limiting the area that can be farmed, and contributing to the lack of capital available at household level. Significant numbers of people continue to be affected by the legacy of the war, including those who have suffered physical or mental injuries and those who lost household members. Acholi in particular has a high rate of widows, and over half of all households have at least one member who has suffered some serious crime.<sup>6</sup> Such households have been found to have higher rates of food insecurity due to both direct economic effects, such as the reduction of labour capacity and also indirect effects resulting from social isolation, which increases their vulnerability to land grabbing (Gelsdorf et al 2012).

Until recently, the population of Northern Uganda has been receiving long term humanitarian aid including food aid delivered by a range of non-state actors in response to the effects of both conflict and economic crisis. This context is changing. Following the return of relative peace to the region the Government of Uganda embarked on a programme of recovery and reconstruction, under the Peace, Recovery and Development Plan (PRDP) for Northern Uganda.

After decades of humanitarian aid provision in the north, the international community has scaled down its humanitarian programme significantly in recent years as the IDPs have returned home, with WFP ceasing most of its food aid operations in 2009, and agencies such as ECHO, OCHA, and OFDA and UNHCR closing their missions in the country. The agencies which have remained in Northern Uganda are shifting their approach from food relief toward recovery oriented interventions and from food distribution to cash transfers. Poverty is now being framed as a 'catch-up' problem, requiring the physical rehabilitation of infrastructure and livelihood promotion, and social protection is being proposed as an interim measure to address chronic poverty, pending the development of the north.

In this context public works programmes (PWPs) have become a popular instrument for addressing both livelihoods and poverty challenges, with NUSAF 2 being the largest programme in the region including a PWP component, alongside a number of other smaller programmes. In Acholi alone PWP are implemented by ACTED, CESVI, Goal, Mercy Corps, NUDEIL and the Diocese of Northern Uganda, as well as the GoU NUSAF 2 programme.



Figure 7: Amilobo Women's Group one of the NUSAF2 beneficiaries in Gulu district in their banana plantation

Table 9: Average Monthly Income by Region and Residence (UGX)

	2005/06			2009/10		
Region	Urban	Rural	Total	Urban	Rural	Total
Kampala	347,900	-	<b>347,900</b>	959,400	-	<b>959,400</b>
Central	320,200	192,600	<b>209,300</b>	603,800	336,800	<b>389,600</b>
Eastern	261,700	144,100	<b>155,500</b>	361,000	151,400	<b>171,500</b>
Northern	209,000	76,200	<b>93,400</b>	361,200	117,200	<b>141,400</b>
Western	313,100	144,200	<b>159,100</b>	479,000	282,300	<b>303,200</b>
Uganda	<b>306,200</b>	<b>142,700</b>	<b>170,800</b>	<b>660,000</b>	<b>222,600</b>	<b>303,700</b>

(Source: UBOS UNHS  
<http://www.ubos.org/UNHS0910/chapter7.Average%20Monthly%20Household%20Income.html> )

**Table 10: Poverty Estimates in the UNHS IV (2009/10) by Sub-region**

Sub-region	Pop. Share	Mean CPAE
Kampala	5.0	155,260
Central 1	11.2	101,418
Central 2	10.2	72,213
East central	13.1	53,733
Eastern	16.5	46,499
Mid-northern	9.8	41,541
North-east	3.4	31,323
West Nile	6.9	39,127
Mid-western	11.7	48,737
South-western	12.3	63,389

**Notes:** Mid-Northern included Gulu, Amuru, Kitgum, Pader, Apac, Oyam, Lira, Amolatar and Dokolo

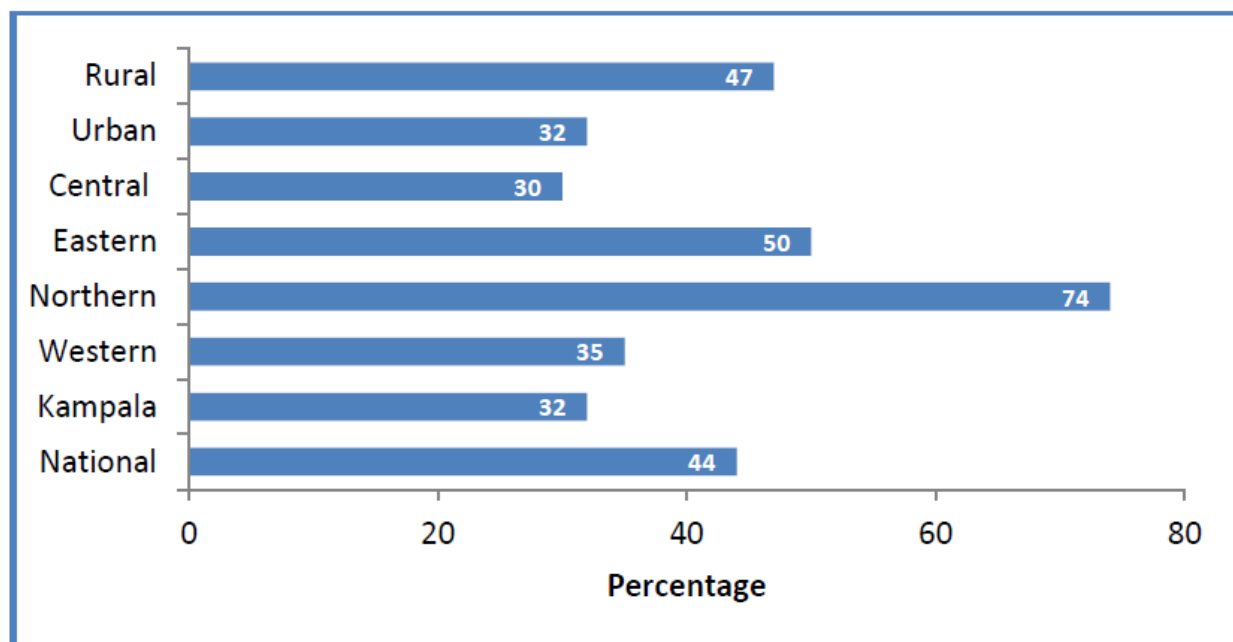
## FOOD SECURITY

According to the comprehensive food security and vulnerability analysis (CSFVA) conducted by the World Food Programme (WFP) Uganda and the Uganda Bureau of Statistics (UBOS), Northerners are far more likely to be lacking in food energy than Ugandans elsewhere in the country: some 54% are food energy deficient compared with an average of 48% nationally (WFP and UBOS, 2013). They are more likely to have poor food consumption (6.2% vs 4.6% national average), which, as discussed above, suggests they have an extremely limited and one sided diet. And some 12% of northern households are surviving on one meal a day compared with 6.3% at the national level.

According to the same report, Households in this part of the country spend a higher share of their overall expenditure on food than other regions (56% vs. 51% average). In fact some 45% spend more than 65% of their overall income on food (nationally 30% of households spend more than this portion of their income on food) (WFP and UBOS, 2013).

In the survey, households were asked whether they had faced a situation when they did not have enough food to feed the household members in the year before the survey (September 2008 – 2009). Nationally some 44% of households responded that they had –rising to 74% in northern Uganda.





**Figure 8: Households that reported they did not have enough to eat by region Sept 08-09 (%)**

(Source: WFP and UBOS, 2013)

Many of these food security and malnutrition indicators may be linked to the conflict that has blighted the lives of hundreds of thousands of people in the north for 20 years, particularly the Acholi people in the districts of Gulu, Kitgum and Pader (WFP and UBOS, 2013).

#### CONFLICT ANALYSIS (IN THE POST-CONFLICT AREAS)

Conflict issues play out differently in some of the districts in the NUSAF 3 project areas. Competition over natural resources and property: such as land, forests and minerals is so eminent in some of these areas that land acquisition for the NUSAF 3 project if not handled well may escalate the already existing post war conflicts in these areas.

According to the history and specificities of each area, though all are undergoing dramatic social and economic changes that could cause social instability are being attended to by different stakeholders it is important the NUSAF 3 project implementers work with the already existing structures to sort out conflicts that may arise as a result of the land acquisition.

It is noted that many communities in northern Uganda appear to be in a state of latent conflict, with increasingly frequent manifestations of overt conflict in the form of clashes between communities and government officials (district, UWA, NFA), violent community disputes over boundaries or resources, or sexual and gender-based violence (SGBV) amongst other examples. The inadequately addressed legacies of the war with the Lord's Resistance Army (LRA), fuelled by new and long-standing grievances (such as historic marginalization) are keeping communities in a state of latent conflict where trigger events can lead to a rapid escalation of violence. The conflict drivers identified in this analysis (**such as land grabbing, corruption, or competition over natural resources**) are supporting this cycle and pushing communities in the NUSAF 3 district areas towards what many respondents believe is an inevitable return to overt

conflict, whether in the form of increasing social unrest or more organized violence. As grievances grow, so does the potential for trigger events already taking place in the NUSAF 3 district areas to lead to greater unrest and more organized forms of violence.

#### **GUIDELINES FOR HANDLING OF LAND ACQUISITION ISSUES (IN THE POST CONFLICT AREAS)**

##### ***To the Central Government of Uganda***

- Establishment of district oversight forums including relevant district departments, CSOs, cultural and religious leaders, community leaders and investors to monitor, collate and share information regarding resource exploration/extraction and commercial land development activities to promote transparency and lawful investment.
- Disseminate the land policy and relevant legislative acts widely in local languages and in accessible local media or public information forums to increase awareness.
- Support access to fair compensation rates for those affected by exploration or commercialization of land and resources through information campaigns, engagement and discussion with the landowners, free legal aid, and support CSOs working on these issues.
- Reform the conservation laws and provide effective compensation for affected communities.

##### ***To the sub-regional/district levels of the Government of Uganda***

- Build capacity of lower-level local council courts and area land committees to tackle natural resources and property conflicts in the NUSAF 3.
- Recognize and engage traditional leaders in dispute resolution mechanisms.

##### ***To development partners and international agencies/NGOs***

- Support the above government-led processes and facilitate consensus-building amongst international stakeholders on joint approaches to tackle natural resources and property conflicts in the NUSAF 3.

##### ***To community leaders***

- Document and disseminate principles and practices of customary land tenure to enhance awareness amongst relevant stakeholders, and promote knowledge of relevant land policy/legislation to ensure communities' awareness of applicable communal and individual property rights.
- Ensure a balanced approach between communal and individual property rights to ensure equitable access and enjoyment by all community members
- Collaborate with lower-level local council courts and area land committees to tackle natural resources and property conflicts.
- Participate in mechanisms established to oversee resource exploration/extraction and commercial land development activities.

##### ***To communities and local civil society***

- Support local government and cultural institutions' efforts to tackle conflicts over natural resources and property in the NUSAF 3.
- Participate in mechanisms established to oversee resource exploration/extraction and commercial land development activities.



## **STAKEHOLDER CONSULTATIONS AND ENGAGEMENT ON THE NUSAF 3 PROJECT**

Public consultations were conducted with Local Communities, Farmers, Traders, teachers and students, medical workers at Health Centres of the selected project areas who will benefited from the NUSAF 3 program. Interviews were also conducted with NUSAF project District Officials (Chief Administrative Officers, District Agricultural Officers, Production Department, District Environment Officers, Community Development Officers, NAADS Officers, District Engineers, District Forestry Officer, Lands Officers and District Physical Planners, Extension Workers of Pallisa, Butaleja, Bulisa, Lira, Gulu, Apac, Nebbi among others District Local Governments where the NUSAF 3 will be implemented. In addition interviews were also held with officials from; OPM/NUSAF, MOWT, MAAIF, MWE, NAADS, NARO, NEMA, MOH, IGG and The World Bank.

### **GOAL OF CONSULTATIONS**

- Improve decision-making, and build understanding by actively involving key project stakeholders in two-way communication. Through this process, the implementing agencies will better understand the concerns and expectations of stakeholders, and the opportunities to increase project value to the local community

### **OBJECTIVES OF THE STAKEHOLDER CONSULTATIONS**

The consultations with these stakeholders were carried out to specifically achieve the following objectives:

- To provide information about the project and to establish institutional arrangement for effective implementation of the NUSAF 3
- To obtain an informed view of the land acquisition processes and current land acquisition challenges, institutional capacities to handle land acquisition and social safeguard issues during project implementation
- To provide opportunities to stakeholders to discuss their opinions, concerns and solicit for their recommendations on how to handle land acquisition and social safeguard issues.

### **CONSULTATIONS FROM THE SELECTED SAMPLED DISTRICTS FOR NUSAF 3PROJECT**

<b>MINISTRIES AND Districts</b>	<b>ISSUES RAISED</b>	<b>CONSULTANT'S REMARKS/ PROPOSED MEASURES</b>
<p><b>Ms. Ali Munira – Head, Public and International Relations/Principal Relations Officer Inspectorate of Government (IGG)</b></p>	<p>Under TAAC, Inspectorate of Government has undertaken a number of initiatives to sensitize and empower the communities to report corruption and maladministration tendencies through media channels and seminars;</p> <p>The Inspectorate has instituted avenues such as e-mails, Report 2 IG using Short Message System (SMS), telephone calls on <b>0414347387</b> (hot line) and other general lines, physical reporting to any of the 16 IGG Regional Offices spread thought the country.</p>	<p>A systematic way for capturing information and data on appeals and complaints has not been generally operational. Yet, the latter would be an important mechanisms to ascertaining transparency and accountability in terms of whether project beneficiaries who have grievances are able to register them, and if the registered, whether concerned committees and/or authorizes take necessary action and on time. This intervention will foster a sense of responsibility and ownership among the citizenry by introducing a mechanism for the community level committees to become the first level of instance for grievances handling and referral to the IG if no resolutions will have been reached.</p>
<p><b>Eng. Charles Ngeya – Senior Engineer</b></p> <p><b>Dept. of Construction Standards and Quality Management, MoWT</b></p>	<p>The Environmental Management Specialist for NUSAF 3 should be in place right from the beginning of the project not as was the case under NUSAF 2;</p> <p>If the DEOs are to follow up works, they should be brought on board in the project early enough not much later in the project</p> <p>Cross-cutting issues including environment, gender, HI/Aids, waste management to be included in the budgets.</p> <p>NUSAF 3 needs to integrate cross-cutting issues into the project designs early enough and they should be integrated even in the BoQs for works;</p> <p>NUSAF 3 should not assume the districts will monitor and enforce compliance on safeguards without allocating facilitation. The DEOs have</p>	<p>Cross-cutting issues including environment, gender, HI/Aids, waste management to be included in the budgets.</p> <p>NUSAF Secretariat has an Environment and Social Safeguards Specialist to provide guidance on safeguards implementation</p> <p>The ESMF recommends facilitation of DEOs and CDOs to enforce safeguards; this item has been included in the budget for ESMF implementation.</p> <p>The design of the NUSAF projects is in way that DEO are involved in subprojects right from screening through monitoring.</p>

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

<b>MINISTRIES AND Districts</b>	<b>ISSUES RAISED</b>	<b>CONSULTANT'S REMARKS/ PROPOSED MEASURES</b>
	challenges of resources and any additional load should be matched with resources	
<b>Munguleni Alfred, NUSAF Desk Officer, Malacha District</b>	<p>Screening is done by the environmental officer for all projects and issues of concern are identified and recommendations suggested before an environmental certificate is issued. This is done for all projects before implementation.</p> <p>The district lacks adequate capacity to provide technical advisory services to the benefiting communities. Line ministries such as MAAIF have not harmonized their activities with NUSAF2.</p> <p><b>Recommendation</b></p> <p>OPM should involve the office of the RDC and GISO in monitoring of NUSAF projects other than the IGG's office which is under staffed and overwhelmed by work, for example West Nile has 3 Officers under IGG's department to monitor all government activities in the region</p>	<p>This is a good practice that has to be strengthened further in NUSAF3.</p> <p>OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.</p> <p>Some NUSAF regions such as Karamoja region has continuously failed to attract more veterinary professionals and services both at local government level and the private sector. This has greatly affected the delivery of the much needed veterinary services and inputs to the pastoralist communities. OPM will have to work with MAAIF to fill the human resource gaps in these regions by training more Community Animal Health Workers (CAHWs). The above is critical because of the need for training of the beneficiary groups on animal management practices to ensure sustainability. Equipping and strengthening the veterinary extension service system at district and sub county level is critical and should be prioritized</p>
<b>Atto Francisca, District Environment Officer, Gulu District</b>	Most projects were screened especially the road works and CIRs. A budget of UGX 600,000 was set aside, for the environmental issues on each project.	It is important to appreciate that the mitigations required vary from subproject to subproject and therefore the budgets for mitigations should be based on the required mitigations based on the

<b>MINISTRIES AND Districts</b>	<b>ISSUES RAISED</b>	<b>CONSULTANT'S REMARKS/ PROPOSED MEASURES</b>
	<p><b>Recommendation</b></p> <p>Improve on the budget for environmental related issues in the design of NUSAF3 and there should be a provision for monitoring under NUSAF3</p>	<p>screening results. This needs to be considered under NUSAF3.</p> <p>This is catered for in the budget for this ESMF. OPM should ensure that monitoring is duly undertaken.</p>
<b>Dr. Samuel Onyait, District Health Officer, Buliisa District.</b>	<p>NUSAF is a community demand driven project but sometimes the community doesn't accord health the attention for it to be a priority in terms of subprojects for funding.</p> <p>NUSAF has only considered staff quarters under the health sector yet there are other infrastructure needs at existing health units that if addressed could lead to improved health services. Structures such as OPD, IPD, functional ambulances, toilets and <u>medical waste management facilities</u> at health centers are other such projects that should be considered under NUSAF3.</p>	<p>There remain challenges of hazardous wastes generated at different facilities financed under NUSAF2 especially medical waste at health centers. The setting up of new structures at these health centers translates into more service delivery but also contributes to more generation of medical waste. This means the provision of additional infrastructure should be accompanied with provision of more waste management facilities which has not been the case. It is recommended that a specific budget for environmental mitigations is put in place to cater for waste management issues.</p>
<b>Ojok Brian, NUSAF Desk Officer, Yumbe District</b>	<p>The selection criterion for group members depends on the level of discrepancy of community members. There are communities in Yumbe where everyone is too vulnerable hence every community member is eligible for selection. But in some instances, verbal and assertive members end up being beneficiaries even when they do not qualify</p>	<p>Under NUSAF3, at the community-level, beneficiaries will be selected for inclusion in the Project through a community-based targeting process that will be facilitated by the CDO and other key actors based on eligibility criteria that are established at the national level.</p> <p>The selection of beneficiaries for Component 1 will be carried out through a two-step process including geographic identification of the poorest districts and community based targeting to reach the poorest and most vulnerable. To facilitate this process, the NUSAF3</p>

<b>MINISTRIES AND Districts</b>	<b>ISSUES RAISED</b>	<b>CONSULTANT'S REMARKS/ PROPOSED MEASURES</b>
		<p>project will focus on few geographic areas with higher level of poverty, exposure to climatic hazards such as drought and flood.</p> <p>There is a need for defining clear criteria in the selection of beneficiaries and but also while allowing flexibility to the community to identify poor in a participatory manner keeping community situation and ground realities in mind</p>
<b>Teopista, NUSAF Trainer, NUSAF Desk Office, Nebbi District.</b>	<p>Training of communities is inadequate and some of them are ill prepared to implement the subprojects. Training is supposed to be continuous but there are no budgetary provisions for this. There should be a component of continuous training but this is not provided for in the budget, therefore this should be considered when designing NUSAF 3.</p>	<p>During the implementation of NUSAF2, the TST and Districts mainly focused on generation and approval of sub-projects. There wasn't much support for beneficiaries during and post implementation of sub-project. Under the new project, in order to provide implementation support and follow up mentoring to community and beneficiaries, an implementation support team at Sub-County, Parish and Community level will be put in place.</p>
<b>Gadilaya Tree Planting Group, Jupuyik Village, Nebbi</b>	<p>Training was inadequate because the trainer only appeared for 3 days. There is need for more training in nursery management and production of quality seedlings. Seedlings are often attacked by pests and diseases which cause great losses to the group. There is also inadequate information about where to obtain quality seeds and other inputs such as pesticides.</p> <p><b>Recommendation</b></p> <p>Adequate training and information is recommended to understand and own</p>	<p>This is an indication of lack of adequate extension services to the beneficiaries. OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.</p>

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

<b>MINISTRIES AND Districts</b>	<b>ISSUES RAISED</b>	<b>CONSULTANT'S REMARKS/ PROPOSED MEASURES</b>
	the project for the effective implementation.	
<b>Katushabe Stella, NUSAF Front Desk Officer, Buliisa District</b>	Some target communities are too poor and illiterate yet they have been given too much authority over money e.g. in some groups you find that all group members are not able to write and read yet they have to fill forms, register their groups and open up bank accounts. This increases the work load of the NUSAF technical person. And at times, this leads to mismanagement of funds, and the NUSAF Focal person carries the blame for not guiding the group well.	<p>Considering the high poverty levels and vulnerability of the beneficiary individuals and the fact that it was the first time for some households to own cows and goats they need adequate extension services which have been limited and that could be the reason for death of the animals.</p> <p>The animals especially cattle take longer to yield returns and so beneficiaries can also easily sell of the animals to make quick money and claim that the animals died. OPM needs to find out the truth.</p> <p>Despite that, it is important for OPM to strengthen extension services at District and Subcounty if communities are going to genuinely benefit from the livelihood improvement projects.</p>
<b>Kyalisiima Lydia, Treasurer, Buliisa Health Centre IV, NUSAF Group</b>	For medical waste, there is an incinerator which is partially functional and another alternative is a shallow pit where waste is dumped openly.	Provision of additional infrastructure to health centers should be accompanied with provision of more waste management facilities. It is recommended that a specific budget for environmental mitigations is put in place to cater for waste management issues.
<b>Akena Geoffrey, NUSAF Desk Officer, Nwoya District</b>	Much as there are no IDP camps, there are individuals still in transit i.e., communities that have not yet reached their original villages where they came from during the LRA war.	These are some of the vulnerable people that the project should select as beneficiaries so that they can be empowered to improve their livelihoods.
<b>Ayesiga Mukama NUSAF Group, Kigwera subcounty</b>	One of the components of NUSAF 3 is Transparency, Accountability and Anti-Corruption Programme (TAAC). The TAAC program is intended to promote	One of the components of NUSAF 3 is Transparency, Accountability and Anti-Corruption Programme (TAAC). The TAAC program is

<b>MINISTRIES AND Districts</b>	<b>ISSUES RAISED</b>	<b>CONSULTANT'S REMARKS/ PROPOSED MEASURES</b>
<b>Headquarters, Buliisa District</b>	<p>good governance at all levels of Project implementation. The program is implemented independently by the Office of the IGG.</p> <p>As part of the TAAC program, the Inspectorate of Government will continue to use both enforcement and preventive/proactive measures. Enforcement measures will include investigation of complaints against corruption, as well as enforcement of the Leadership Code. The IG will be one of the first ports of call for the social accountability committees (SACs) in the communities.</p> <p><b>Recommendation</b></p> <p>Most NUSAF decisions are taken at district level without directly involving the targeted beneficiary communities. District leaders often waste a lot of resources on workshops and seminars yet these do not directly benefit the community.</p> <p>Most NUSAF decisions are taken at district level without directly involving the targeted beneficiary communities. District leaders often waste a lot of resources on workshops and seminars yet these do not directly benefit the community.</p> <p>Therefore, resources should be placed in practical work/ development for all the beneficiaries than selecting a few.</p>	<p>intended to promote good governance at all levels of Project implementation. The program is implemented independently by the Office of the IGG.</p> <p>As part of the TAAC program, the Inspectorate of Government will continue to use both enforcement and preventive/proactive measures. Enforcement measures will include investigation of complaints against corruption, as well as enforcement of the Leadership Code. The IG will be one of the first ports of call for the social accountability committees (SACs) in the communities.</p>
<b>Lamoki Village community – Beneficiary of Onyomtil – Adimola 8km Community Access Road</b>	<p>Every able bodied member of the community was given a chance to participate in road construction. The women contributed the large number since they dominate the community in terms of population</p>	<p>Gender mainstreaming has been observed across all project components of NUSAF2 and the practice should continue to ensure that women continue to benefit from the project.</p>



<b>MINISTRIES AND Districts</b>	<b>ISSUES RAISED</b>	<b>CONSULTANT'S REMARKS/ PROPOSED MEASURES</b>

### **CAPACITY TO IMPLEMENT LAND ACQUISITION ISSUES FOR NUSAF 3**

At district level, staff to handle land acquisitions include; the Physical Planning Department, the Lands Officers, Agricultural Officer, Commercial Officer, District Valuer, Entomologist, Production Officer, , Community Based Services and the District Surveyor. These staff lack transport facilitation to perform their duties. These staff should also be informed of their proposed participation as staff resources. Most times many projects do not inform these staff but will expect them to participate. However, despite the fact district staff was already trained during NUSAF 2 it is important they given re-fresher training to all district staff for NUSAF 3 project implementation. Particular attention should be given to:

- GIS to know the location of the roads for planning
- Refresher training in contractor management, database, accounts workers handling payroll management , on maintenance aspects, especially with roads gangs, how to manage workers all including district, sub-counties and workers
- Train people on how to make culverts
- District training on how to manage force accounts because staff still hangover of contracting
- Training in Management of Land Acquisition Resettlement and Rehabilitation
- Conflict resolution management
- Training in Monitoring and Evaluation of the NUSAF 3 project.

### **POTENTIAL RESETTLEMENT IMPACTS AND MITIGATIONS**

#### **PROJECT ACTIVITIES**

The project will support interventions designed to improve livelihoods and access to basic socio-economic services in selected districts. The salient physical characteristics relevant to safeguard analysis relate to project Component 1: Labour-Intensive Public Works and Component 2: Livelihood Investment Support.

The labour intensive public works will focus on a variety of asset creation interventions, including rural access roads, tree nurseries, afforestation, construction of different soil and water conservation measures, and flood control structures, rainwater harvesting, rehabilitation and construction of market shelters, rural health facilities, and schools, among others. These assets would aim to help poor households respond to and build resilience against the impacts of climate change by helping communities diversify risk, enhance incomes, and build skills and assets.

The project will also support household income activities to help poor households build new income-generating opportunities, and also encourage the poor to mobilize themselves in livelihood-oriented groups and business organizations. In addition, NUSAF 3 will finance activities aimed at improving accountability and transparency in the use of project resources at national, district, sub-county and community levels, strengthening governance and accountability at all levels.

The implementation of the project component 1(e.g. new access roads, markets, water points, schools, health centres etc.) that will/may require land acquisition (involuntary land acquisition from individuals with freehold title and involuntary land acquisition from communities).

In situation above, the fact that there is no land acquisition involved means that procedures required by the Ugandan law do not need to be triggered. Proposed processes will therefore be consistent with WB requirements only. Where land is donated this must be in accordance with the laws of Uganda to ensure that the donation is truly voluntary and free of coercion. The requirements of this RPF will, however, still apply, as this does not depend on the scale or complexity of the resettlement required.

## NATURE OF IMPACTS

The sub projects are likely to have two categories of effects:

**Permanent effects** - Permanent effects will result into an infinite loss of use of property, vegetation, or land by the affected person as a result of the subproject activities. This is likely to occur where permanent installations such as markets, Health centers and school facilities are established. Such effects are anticipated to affect:

- a) Farmers and pastoralists whose land is found suitable for these installations and this can translate into either loss of land or crop cover or both;
- b) Resettlement can also lead to the loss of access to communal resources:
  - ✓ Loss of land for grazing;
  - ✓ Loss of access to water;
  - ✓ Loss of medicinal plants; and
  - ✓ Loss of trees for charcoal production and firewood.
- c) Increase of infectious diseases like HIV/AIDS due to new interactions of communities that utilize the new facilities

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

**Temporal effects** - Temporal effects will result into an interruption in the current use of property or land by the affected person as a result of the sub project activities. This is likely to occur during rehabilitation of existing infrastructure especially cattle crushes, holding grounds, pastureland, water points etc. This is likely to affect:

- 1. Pastoralists that currently use water points and pasturelands meant for rehabilitation;
- 2. Business persons who own or operate existing markets that will have to be rehabilitated

The mitigation measures to the above temporary impacts is for OPM/NUSAF to implement the project in phases i.e. one set of water points and pasturelands is rehabilitated while the others are in use to avoid the

need for the communities to search for alternative water points and pasturelands. After the first set is fully rehabilitated and functional, then the second set will then be rehabilitated.

## CATEGORIES OF LOSSES AND THEIR IMPACTS ON DISPLACED PERSONS

**Table 11: Summary of loss categories and impacts**

<b>Loss Category</b>	<b>Impacts</b>
Relocation	Impoverishment, disturbance of production systems, loss of sources of income, loss or weakening of community systems and social networks, loss of access to social amenities such as hospitals and schools, water; dispersion of kin groups, loss of cultural identity and traditional authority, loss or reduction of potential for mutual help, emotional stress.
Loss of land but no relocation	Impoverishment, loss of sources of income and means of livelihood, loss of productive assets or access to assets, increased time to access resources.
Alienation due to neighbors being relocated	Impoverishment, weakening of community systems and social networks, loss of mutual help and community support, loss of traditional authority, loss of identity and cultural survival, emotional stress.
PAPs and host Communities	Impoverishment, loss of sources of income, reduced access to resources such as hospitals and schools, water, increased time to access resources, disruption of social fabric, increased crime, increase in diseases such as HIV/AIDS, clash of cultural norms and religious beliefs.

Overall, no significant displacement of persons is expected except for the acquisition of required land for the expansion of existing facilities and the labour intensive works. The project interventions are meant to strengthen already existing means of livelihood by the pastoral communities and the communities are likely to appreciate the services and will likely donate the land required or allow creation of new community access roads through their land or plots willingly where necessary. Where land is donated this must be in accordance with the laws of Uganda to ensure that the donation is truly voluntary and free of coercion. The requirements of this RPF will, however, still apply, as this does not depend on the scale or complexity of the resettlement required.

## MINIMIZATION OF PHYSICAL DISPLACEMENT

Major challenges associated with rural resettlement include: requirements for restoring income based on land or resources; and the need to avoid compromising the social and cultural continuity of affected communities, including those host communities to which displaced populations may be resettled. Provisions are made under this RFP to minimize all such impacts including those of socio-economic significance and on environmentally sensitive sites. Provisions are also made in this RFP to accommodate all potential situations, including cases that entail actual displacement and livelihood restoration assistance in accordance with the World Bank Policy on Involuntary Resettlement, OP4.12. This Resettlement Policy Framework, for the NUSAF 3 activities advocates all measures to eliminate or minimize the impacts of physical and economic displacement of people. Therefore when the acquisition of land is required, the program will:

- Initially endeavor to utilize available freehold or public land;
- Seek voluntarily donated land, sufficient for the purposes of the NUSAF 3;
- Negotiate acquisition of land suitable for implementation of the NUSAF 3 program activities using agreed compensation plans and only as a last resort;

- Acquire land through involuntary means following the provisions outlined in this RPF.

In line with the World Bank safeguard policy OP 4.12, the NUSAF 3 project will minimize displacement through the following design procedures:

- Wherever inhabited dwellings may potentially be affected by a component of a subproject, the subproject shall be redesigned (facility relocation or rerouting) to avoid any impact on such dwellings and to avoid displacement/relocation accordingly;
- Wherever the impact on the land holding of one particular household is such that this household may not be sustainable in the long term, even if there is no need to physically displace this household, the subproject shall be redesigned (facility relocation or rerouting) to avoid any such impact;
- Minimization of land impact will be factored into site and technology selection and design criteria;
- Costs associated with displacement and resettlement will be internalized into activity costs to allow for fair comparison of processes and sites;
- To the extent possible, project facilities will be located on community lands; a participatory approach will be put in place for the communities to confirm where to site these facilities. This participatory approach process will pay particular attention to representation and participation of women community members;
- Infrastructures required by the project will be routed inside existing right-of-ways, easements or reservations wherever possible

## INSTITUTIONAL CAPACITY ASSESSMENT FOR IMPLEMENTATION OF THE PREPARED NUSAF 3 RPF AND RAPS

### ROLES AND RESPONSIBILITIES OF KEY PLAYERS

The overall responsible authority for NUSAF 3 will be the OPM/NUSAF on behalf of the GoU. OPM/NUSAF will be oversight by a National Project Steering Committee with representation from relevant ministries at PS level and members of the Inspectorate of Government (IG), District Environment Officer (DEO), District Veterinary Officer (DVO) and Community Development Officer (CDO). These will be supported by parish and Sub-county staff and sector-specific input from the relevant technical staff at the sub-county level (e.g., Agricultural Extension Officer, Forest Officer, etc.) as well as the community project management teams. NUSAF 3 planning and coordination will take place at two levels, central and local government, with multi-stakeholder representation at each of these levels, with authority to submit proposals for ministerial approval and guide implementation. Actual implementation is done at national and district level. OPM/NUSAF in consultation with the relevant district will be responsible for recruiting an implementing entity –Non-governmental organization or consultant to manage the implementation of the RPF/RAPs.

The World Bank will supervise RPF implementation through the periodic project monitoring reports prescribed by the RPF and the NUSAF3 Operations Manual. The Bank will also undertake random desk and field review of subprojects

### CAPACITY NEEDS ASSESSMENT FOR IMPLEMENTATION OF THE PREPARED NUSAF 3 RPFs AND RAPS

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## INSTITUTIONAL IMPLEMENTATION

### OFFICE OF THE PRIME MINISTER/NUSAF

**Responsibility** – The institutional arrangement which has been used to implement the NUSAF 2 project will be used to implement the new project. The Office of the Prime Minister (OPM) will be the implementing agency of the project and will work with a wide range of institutions at central, district and sub-county levels to deliver the project. The OPM will continue to be supported by a Technical Support Team headed by a Project Coordinator and staffed by relevant technical experts. The exact composition and number of staff will be reviewed following further elaboration of the design but it is expected that the team will have a cost effective structure and more practical presence. The Permanent Secretary, Office of the Prime Minister will have overall responsibility for the coordination, accounting for the project resources and ensuring successful implementation of the Project.

**Safeguards Capacity** – NUSAF has a qualified Environment and Social Specialist who will be expected to undertake the following responsibilities:

- Ensuring that communities and local government departments have up-to-date information on project activities.
- Facilitating environmental and social impact assessments including developing relevant TOR for consultants etc.
- Coordinating environmental and social commitments and initiatives with relevant government agencies.
- Supervising and monitoring RPF implementation and producing periodic reports.
- Training local governments, contractors, and communities on environmental and social safeguards issues and implementation of RPF.
- Facilitating land acquisition and resettlement processes as required.
- Coordinating with, and receiving feedback from, the Independent Third Party Monitoring Agencies.

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#### INSPECTORATE OF GOVERNMENT

NUSAF3 will strengthen the existing collaboration arrangement with the office of the IGG. Ensuring the independence of the IGG will form part of the guiding principles of this collaborative arrangement. The Inspectorate of Government (IG) will conduct NUSAF3 specific IEC, oversight, grievance response and, where necessary, investigations. The IG under the TAAC will undertake grievance handling especially in regard to corruption.

The IGG will liaise with the PS-OPM, Chief Administrative Officers and Sub county Chiefs to ensure effective implementation of the TAAC Program at national, district and sub-county levels respectively.

Under this arrangement, the IGG will submit six-monthly reports to OPM, MFPED, Parliament and the World Bank. These NUSAF3 TAAC reports will also be tabled in the PRDP Monitoring Committee. To maintain the independence of the IG, there will be under the TAAC support program an arrangement under which the IG will receive financial support directly from MFPED. The project will follow guidelines as laid down under the Local Government Good Governance and Anti-Corruption Strategy, the National Anti-Corruption Strategy and other measures aimed at fighting corruption.

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#### MINISTRY OF GENDER, LABOR, AND SOCIAL DEVELOPMENT

**Responsibility** – While the OPM will be responsible for the overall resources management and implementation of the project, the Ministry of Gender, Labor, and Social Development (MGLSD) mandate as the government agency responsible for Social Protection sector policymaking and overall coordination of SP interventions. As a result, the MGLSD is leading the preparation of a national framework for public works, to which this Project will contribute. MGLSD will also lead efforts through the capacity building component of the Project to build the foundation for the direct income support program.

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#### MINISTRY OF HEALTH

**Mandate and Responsibility** - Health governance in Uganda is spearheaded by the MoH and shared with other ministries, health development partners, district leadership, providers (public and private), and

representatives of civil society organizations (CSOs). The MoH is tasked with the role and responsibility of delivering on the health goals and objectives of government.

Under decentralization law in Uganda, power, authority and resources are decentralized from the central government directly to the districts. Health services in Uganda are delivered within the framework of decentralization. The local governments are empowered to appoint and deploy public servants, including health workers, within the districts, through the District Service Committees. The local governments also plan for and oversee service delivery within the districts. The MoLG steers the local governments, which govern the District Health Offices. District Health Officers are responsible for performing the policy, planning, and supervision functions required of monitoring health services and products in the districts.

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#### **MINISTRY OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES**

Mandate and Responsibility – MAAIF is responsible for policy formulation, planning, setting standards on irrigation, aquaculture and water for livestock. OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services. The above is critical because of the need for training of the beneficiary of NUSAF 3 to ensure sustainability. Equipping and strengthening the e system at district and sub county level is critical and should be prioritized.

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#### **MINISTRY OF WORKS AND TRANSPORT**

Mandate and responsibility – The mandate of this Ministry is to promote an adequate, safe and well-maintained transport infrastructure, an efficient and effective communications system, safe housing and buildings, and to contribute to the socio-economic development of the country. With regards to NUSAF3, the respective District Engineers will work closely with OPM to implement public works component.

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#### **MINISTRY OF EDUCATION AND SPORTS**

Mandate and Responsibility - The mandate of the Ministry of Education and Sports (MoES) is to provide quality Education and sports services in the country, which are constitutional obligations for the Government of Uganda.

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#### **MINISTRY OF WATER AND ENVIRONMENT**

Mandate and Responsibility - The Ministry of Water and Environment (MWE) has the responsibility for setting national policies and standards, managing and regulating water resources and determining priorities for water development and management. It also monitors and evaluates sector development Projects to keep track of their performance, efficiency and effectiveness in service delivery.

**Safeguards Capacity** – MoWE does have in-house capacity in terms of qualified staff to implement this RPF.

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#### **LOCAL GOVERNMENT ADMINISTRATION STRUCTURES**

**The following institutions will be involved in screening and implementation of mitigation measures, monitoring and evaluation of subprojects with the District:**

- District Executive Council (DEC)



- District Technical Planning Committee (DTPC)
- The Sub County Technical Planning Committee (STPC)
- Parish Development Committee (PDC)
- Community Project Management Committee (CPMC)
- IGG Regional Office

Implementation - At District level, the Chief Administrative Officers will be in charge, as the Accounting Officers and overall Coordinators of the project. Building on the positive experience from NUSAF 2 project implementation, the districts will assign an officer (civil servant) who will be a full-time focal person for the new project and will be supported by the District Community Development Officer, District Engineer, and District Environmental officer, among others. Multi-sectoral Technical Planning Committees (TPC) at the district and sub-county levels and the Parish Development Committee will ensure that the project's activities are: appropriately planned, approved and integrated into the budgets and work programs of the respective local governments and line ministry's technical agencies. The role of districts and sub-counties will be outlined in a Memorandum of Understanding between the OPM and Districts. The livelihoods component will be further supported by the creation of an implementation support team at sub-county level to support implementation at sub-county parish and community level. This team will be led by the CDO and comprises of Parish Chiefs, Parish Development Committee members, LC1, Extension staff and community facilitators. Key partnerships will include those with SACCOs, MFIs and banks, business entities that promote the marketing of agricultural produce and other organizations and programs providing financial literacy or business development services.

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## NGOS

Involvement of NGOs in the project areas to deliver capacity building services is important to ensure participation of vulnerable groups. Capacity building at the community level will involve helping communities to conduct participatory needs assessments to identify, prioritize and plan projects and to choose members to represent them as part of the community level project coordination. NGOs could also perform an ombudsman role or serve as a steward of the 'rules of the game'. If a particular group feels that it was not being treated fairly or the project components have not been implemented, it could contact an appointed NGO to share its grievance. The NGO will, in turn, make sure that the NUSAF3 operating norms are being respected.

Public consultation and information dissemination, for them to be effective and meaningful, in turn requires adequate community mobilization to ensure all stakeholders are well informed and have their voices heard. Vulnerable groups have to be mobilized to encourage their active participation in consultation and information dissemination processes. Where such groups lack capacity, local NGOs will be engaged to help mobilize them to carry out consultation and information dissemination.

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## THE ROLE OF THE CONTRACTORS

The Role of the Contractor, which will be as per the contract will be accountable for the overall implementation of the mitigation measures and this will be monitored and supervised by the OPM social spac Unit. As such, an RAP will be prepared for each sub-project. In the schedule of works, the Contractor will include all proposed mitigation measures, and the Supervising Engineers will also ensure that, the schedules and monitoring plans are complied with. This will lend a sense of ownership to the Contractor. The Contractor on his part will also be responsible for planning, implementing and reporting on mitigation measures during the execution of the project works.

**Capacity** – The Contractors are unknown at this point. However, the selection criteria will include past RAP performance as well as adequacy of contractor's staff to effectively put mitigations in place.

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#### ROLE OF OFFICE OF CHIEF GOVERNMENT VALUER

The application of the valuation exercise on ground will be done in the presence of at least two local council leaders with the participation of the affected persons. Values assigned to assets must be based on the market rates approved by the respective districts. Where this is not possible, the Chief Government Valuer (CGV) will be engaged to do this. In the event that a Government Valuer handles this process, the depreciation cost will not be imputed and the consent of the affected person on the outcome of the process must be sought in order to arrive at agreements on the total profile of losses and compensation.

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#### WORLD BANK

The World Bank will be responsible for review and clearance of RAPs as well as independently monitoring the project's environmental and social performance in relation to the respective safeguards through implementation support supervision missions. World Bank will also be responsible for reviewing regular monitoring reports and officially disclosing the RAPs on its website. Technical guidance may also be provided by World Bank to OPM as needed from time to time.

In addition, all the new staff plus all the Subject Matter Specialists be sensitized and taken through a tailor made **Management of Land Acquisition Resettlement & Rehabilitation (MLARR) training similar to that initiated by World Bank and co-facilitated by a private entity called Social Economic Empowerment Consortium (SEEC).**

NUSAF 2 established a set of minimum standards of staffing and capacity which participating districts should have in order to be considered a full partner in the program. These standards will be revised in the light of the new design; and minimum standards established for sub-counties. Districts and sub-counties will be expected to meet this minimum standard of staffing and capacity before they can receive program resources.

The Project will involve funding of subprojects which will have various levels of impacts on the social and general environment set up. This implies that in order to effectively operationalize the RPF, the line agencies need to have basic skills and understanding of general environmental and social dimensions and with specific reference to the NUSAF 3 aspects. The overall objective will be to build and strengthen the institutional capacity of the implementing agencies to better support the development and integration of social and environmental measures into the project. The institutional capacity building strategy will seek to:

- Develop organizational mechanisms to ensure that environmental and social requirements of the World Bank and Uganda are followed throughout the NUSAF 3 project.
- Assist OPM and the respective project implementing agencies in strengthening their capacity to deal with social and environmental issues and develop socially and environmentally sound projects.
- Ensure effective coordination between the respective implementing agencies
- Identify and assess overall needs for environmental education, information, awareness building and training.

### ***Strategy***

Prior to the subproject cycle, mobilization and sensitization of relevant technical teams and communities is important. The TST will put together a team of experts/consultants/persons that will orient the members of DEC, district and sub county technical planning committees on the RPF and equip them with skills to analyse potentially adverse environmental and social impacts, prescribe mitigation approaches, integrate environmental standards for planning and implementation into subproject contracts and to prepare and supervise the implementation of the projects. This training will address such matters as community participatory methods; environmental analysis; social analysis, , reporting; and subproject supervision and monitoring

Furthermore, the NUSAF TST, District and Sub County Authorities will undertake sensitization and awareness rising among key stakeholders of the project at national, district, Sub County and community levels. The CDO, together with Sub county Authorities will mobilize communities and sensitize them on the project objectives and its implementation modalities. Special emphasis will be put on the relevance and significance of environmental and social issues all through the sub project cycle so that they are familiar enough with these issues and can make informed and specific decisions and requests for technical support whenever need arises.

The NUSAF Environmental and Social Specialist will work through the CDOs and DEOs and other relevant forums to organize practical training to build the knowledge and awareness of local government officials and local communities, on social and environmental issues related to proposed NUSAF3 activities. Training will also seek to build the skills of local people to participate actively in identifying appropriate mitigation measures to avoid or reduce potential negative impacts of project activities.

The Capacity building will be required to implement the recommendations outlined in the RPF. The key areas of capacity building Project to include:

- a. World Bank Safeguards
- b. Understanding of the preparation of Social Impact Assessments and Resettlement Action Plans requirements in Uganda,
- c. Supervision of works
- d. How to monitor mitigation measures and reporting
- e. Livelihood restoration plans

## LEGAL, POLICY AND INSTITUTION FRAMEWORK

### UGANDAN LAWS

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

- The Constitution of Uganda (1995)
- The Land Act (1998)
- The Land Acquisition Act (1965)
- The Town and Country Planning Act (1964);
- The Land Regulation Act (2004)
- The Land Act (Amendment) (2010)
- The National Environment Act
- The Local Government Act (1997)
- The Judicature Act
- The Equal Opportunity Commission Act, 2007

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### THE UGANDA CONSTITUTION (1995)

Article 237(1) of the Constitution vests all land of Uganda in the citizens of Uganda. However under Article 237(1) (a), the government or local government can acquire land in the public interest. Such acquisition is subject to the provisions of Article 26 of the Constitution, which gives every person in Uganda a right to own property.

The Constitution also prescribes the tenure regimes in accordance with which rights and interests in which land may be held namely; Customary, Freehold, Mailo and Leasehold. It introduces ‘bonafide occupancy’ as a form of tenure that gives the occupant some rights to the land occupied. According to the Constitution, all land belongs to the people of Uganda and is held in trust by the Government. Government is authorized to acquire land for a public purpose and compensate affected persons in accordance with the law. It provides procedures to follow during the acquisition of land for public interest and provides for the “*prompt*

*payment of fair and adequate compensation*” prior to taking possession of the land. The Constitution however, does not make resettlement a right.

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**THE LAND ACT, CAP 227 (1998)**

The 1998 Land Act addresses land holding, management control and dispute processing. The Act creates a series of land administration institutions, namely, Uganda Land Commission (ULC), District Land Boards (DLB), Parish Land Committees (PLC) and District Land Tribunals (DLT). Section 78 of the Act gives valuation principles for compensation, i.e. compensation rates to be yearly approved by DLBs. The basis for compensation is depreciated replacement costs for rural properties and market values for urban properties.

Article 75 of the Land Act 1998 and Article 243 of the 1995 Constitution creates District Land Tribunals with jurisdiction to determine disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the ULC or other authority with responsibility relating to land; and the determination of any disputes relating to the amount of compensation to be paid for land acquired. Article 77 (e) of the Land Act 1998 gives power to the DLTs to determine any other dispute relating to land under this act. Article 88 (1) of the act stipulates that an appeal shall lie from the decision of a DLT to the High Court. Key features of the recognized forms of land tenure in Uganda are:

**Customary Tenure** - Is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies. That is customary tenure is not governed by written law. Landowners do not have deeds recognizing their ownership rights and land is run according to rules and practices generally accepted as legitimate and binding by a particular community. Customary laws vary according to regions but most systems are based on the same general principles. Ownership rights are recognized by the community through inheritance, purchase, or by settling on a plot of land which was previously vacant. Under Ugandan customary legal systems, particularly in northern and eastern Uganda, land is usually communally owned by the clan but it can also be owned individually. Rights and responsibilities that derive from communal ownership are shared among various members of the clan according to traditional practices. Usually, the head of the clan or family, the “custodian”, has the responsibility to look after each member’s land rights and to allocate land fairly to all. Under this system, disputes are heard and settled by clan elders.

**Leasehold Tenure** - 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.

**Freehold Tenure** - Derives its legality from the constitution and its incidents from the written law. Involves the holding of land in perpetuity or a term fixed by a condition and also enables the holder to exercise, subject to the law, full powers of ownership.

**Mailo Tenure** - Has roots in the allotment of land pursuant to the 1900 Uganda Agreement and derives its legality from the constitution and its incidents from written law. It involves the holding of land in perpetuity and permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant. The 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.

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**LAND ACQUISITION ACT (1965)**

This Act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister responsible for land may authorize any person to enter upon the land and survey the land, dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose. The Government of Uganda is supposed to pay compensation to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision.

The Land Acquisition Act stops at payment of compensation. It is not a legal requirement to purchase alternative land for the affected people by the project. Once they are promptly and adequately compensated, then the obligations stop there. The Government through the Ministry of Lands, Housing and Urban development will pay the compensation to the affected persons. There is no requirement or provision in the law that people need to be moved or that alternative land is made available or bought. Each affected person entitled to be compensated; on receipt of his/her compensation is expected to move and has no further claim.

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### THE LAND ACT 1998

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

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

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

The rights of spouse and children are protected under the Constitution of Uganda and the Land Act (Cap 227). The consent of spouse and children must be acquired prior to any transaction by the head of household on land on which the family ordinarily resides. Section 40 of the Land Act, 1998 requires that no person shall:

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

- In the case of land on which the person ordinarily resides with his or her dependent children below the majority age, except with the prior written consent of the Committee<sup>1</sup>;
- In the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the Committee.

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#### 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.

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#### 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.

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#### LAND ACQUISITION ACT (1965)

This Act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister responsible for land may authorize any person to enter upon the land and survey the land, dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose. The Government of Uganda is supposed to pay compensation to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision.

The Land Acquisition Act stops at payment of compensation. It is not a legal requirement to purchase alternative land for the affected people by the project. Once they are promptly and adequately compensated, then the obligations stop there. The Government through the Ministry of Lands, Housing and Urban development will pay the compensation to the affected persons. There is no requirement or provision in the law that people need to be moved or that alternative land is made available or bought. Each affected person entitled to be compensated; on receipt of his/her compensation is expected to move and has no further claim.

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#### THE LOCAL GOVERNMENT ACT (1997)

The Local Government Act (LGA) was enacted to give effect to the policy of decentralisation and devolution of functions, powers and services; and to provide for decentralisation at all levels of local government to ensure good governance and democratic participation in, and control of decision making by the people. The Local

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Government Act provides for the system of Local Governments, which is based on the district. Under the district there are lower Local Governments and administrative units. This system provides for elected Councils. The chairman nominates the executive committee of each council. The functions of this committee include:

- Initiating and formulating policy for approval of council;
- Overseeing the implementation of the Government and Councils' policies, and monitor and coordinate activities of Non-Government Organizations in the district; and
- Receiving and solving disputes forwarded to it from lower local governments.

According to the second schedule to the LGA, the Central Government is responsible for water resources and the environment (Part I, Second Schedule of the Local Government Act). The Lower Local Government Councils (sub-county or division) are responsible for the protection and maintenance of local water resources (Part 4). It is the function of the various executive committees, including the parish or village executive committees, to generally monitor projects and other activities undertaken by government, local governments, and non-governmental organisations in their area (Section 50(8)).

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#### THE NATIONAL ENVIRONMENT ACT

The National Environment Act CAP 153 defines the principles for environment management to include the encouragement of maximum participation by the people in the development of policies, plans and processes for management of the environment. The other principle defined by the Act is the conservation of the cultural heritage and use of the environment and natural resources for the benefit of both present and future generations. The law in effect, therefore, requires that indigenous peoples be consulted and involved in processes leading to the gazetting of their land. The Acts also recognize historical rights of persons who resided inside conservation areas.

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#### THE TOWN AND COUNTRY PLANNING 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. Further, such authorities can determine set back lines “beyond which no building may project” into a roadway including the road reserve area.

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#### THE JUDICATURE ACT

Customary law is stipulated under the Act as law applicable in Uganda though it is subordinate to written law. Further the custom in issue should not be repugnant to natural justice or equity. Some customary laws recognize the importance of maintaining clean water sources particularly for drinking water. There are cultural practices that recognize the value of the common good which could be harnessed.

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#### THE EQUAL OPPORTUNITIES COMMISSION ACT, 2007

The Act makes provision in relation to the Equal Opportunities Commission pursuant to articles 32 (3) and 32 (4) and other relevant provisions of the Constitution; to provide for the composition and functions of the Commission; to give effect to the State's constitutional mandate to eliminate discrimination and inequalities

against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters. Regulation 14 2(a) states on the functions of the commission being to investigate or inquire into, on its own initiative or on a complaint made by any person or group of persons, any act, circumstance, conduct, omission, programme, activity or practice which seems to amount to or constitute discrimination, marginalization or to otherwise undermine equal opportunities. While all matters relating to land acquisition, compensation and resettlement are managed within the provisions of the above legislation, the most decisive document in this regard is the Land Act of 1998, as amended.

## **POLICY FRAMEWORK**

- The National Land Policy 2013
- The National Gender Policy, 1997
- The National Development Plan 2010/11-2014/15
- The National HIV/AIDS Policy, 2004
- The National Policy for Older persons 2009
- The National Trade Policy 2008
- The Draft Uganda Rangeland and Pastoralism Policy 2012
- The World Bank Policy

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## **THE UGANDA NATIONAL LAND POLICY 2013**

This new land policy addresses the contemporary land issues and conflicts facing the Country. The vision of the policy is: “Sustainable and optimal use of land and land-based resources for transformation of Ugandan society and the economy” while the goal of the policy is: “to ensure efficient, equitable and sustainable utilization and management of Uganda’s land and land-based resources for poverty reduction, wealth creation and overall socio-economic development”.

**Access to Land for Investment:** Section 4.16 of the Policy (86) states that government shall put in place measures to mitigate the negative impacts of investment on land so as to deliver equitable and sustainable development. While part 90 of the same section positions government to protect land rights, including rights of citizens in the face of investments with measures for clear procedures and standards for local consultation; mechanisms for appeal and arbitration; and facilitate access to land by vulnerable groups in the face of investments.

**Measures for Protection of Land Rights:** Section 4.18 (93) of the Policy recognizes the inability of the majority of Ugandans to afford the cost of formally securing land rights and therefore government will put in place a framework that would ensure that land rights held by all Ugandans are fully and effectively enjoyed.

**Rights for Minorities:** As regards land rights of ethnic minorities, the Policy states that:

- (a) Government shall, in its use and management of natural resources, recognize and protect the right to ancestral lands of ethnic minority groups;
- (b) Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action.

To redress the rights of ethnic minorities in natural habitats, Government will take measures to:

- (i) establish regulations by Statutory Instrument to:
  - recognize land tenure rights of minorities in ancestral lands;
  - document and protect such de facto occupation rights against illegal evictions or displacements;
  - consider land swapping or compensation or resettlement in the event of expropriation of ancestral land of minorities for preservation or conservation purposes;
  - detail terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources extraction;
- (i) pay compensation to those ethnic minorities that have in the past been driven off their ancestral lands for preservation or conservation purposes;
- (ii) deliberate and specify benefit-sharing measures to ensure that minority groups benefit from resources on their ancestral lands rendered to extractive or other industry;
- (iii) recognize the vital role of natural resources and habitats in the livelihood of minority groups in the gazettement or degazettement of conservation and protected areas

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#### THE NATIONAL GENDER POLICY, 1997

The government adopted a National Gender Policy of 1997, a tool to guide and direct the planning, resource allocation and implementation of development programs with a gender perspective. The adoption of the gender policy has facilitated Uganda's gender mainstreaming programs in all sectors of the economy (implying, the planned works project should equally integrate gender into the implementation of works. OPM as an agency implementing NUSAF 3 has mainstreamed gender dimensions into its activities, plans and policies.

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#### THE NATIONAL HIV/AIDS POLICY, 2004

The policy provides the principles and a framework for a multi-sectoral response to HIV/AIDS in Ugandan's world of work. The policy applies to all current and prospective employees and workers, including applicants for work, within the public and private sectors. It also applies to all aspects of work, both formal and informal. NUSAF has mainstreamed HIV/AIDS interventions into its plan, programmes and activities.

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#### THE NATIONAL POLICY FOR OLDER PERSONS 2009

This policy is clearly set within the framework of the Constitution of the Republic of Uganda and other laws that promote the rights of older persons among other vulnerable groups. It provides a framework for enhancing the recognition of the roles, contributions and potentials of older persons in the development process among others. The policy targets older persons aged 60 years and above with special emphasis on the vulnerable. Section 3.4 states that, "All stakeholders will ensure that issues of older women and men are included in planning and implementation of programmes."

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**THE NATIONAL TRADE POLICY 2008**

It is aimed at enhancing competitiveness in the regional markets through developing capacity to exploit existing and future market opportunities

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**THE NATIONAL WATER POLICY, 1999**

The objective of the policy is to provide guidance on development and management of the water resources of Uganda in an integrated and sustainable manner, so as to secure and provide water of adequate quantity and quality for all social and economic needs, with full participation of all stakeholders and mindful of the needs of future generations. Water use by the camp shall be governed by this policy. This policy provides guidance on development and management of the water resources of Uganda in an integrated and sustainable manner so as to secure and provide water of adequate quantity and quality for all social and economic needs with full participation of all stakeholders and mindful of the needs of future generations.

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**INSTITUTIONAL FRAMEWORKS**

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**UGANDA'S VISION 2040**

Uganda has envisaged a development perspective termed “Uganda Vision 2040” with the aspiration to transform the country from a predominantly peasant and low income to a competitive, middle income country with a per capita income of approximately USD 9,500 by the year 2040 . To this effect, the country’s current development interventions are guided by the National Development Plan (NDP1) which ends in June 2015 and will be succeeded by the NDP2 starting in the FY 2016/17. The NDP2 will be the second of the six NDPs structured under the Comprehensive National Development Planning Framework (CNDPF) towards implementation of the Uganda Vision 2040. The NDP1 that runs from 2010/11 to 2014/15 was instrumental in instilling the culture and discipline for development planning and financing while the NDP2 prioritizes key development opportunities and fundamentals with the aims to increase overall competitiveness, create additional wealth and employment while emphasizing inclusive and sustainable growth.

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**PEACE, RECOVERY, AND DEVELOPMENT PLAN (PRDP2)**

The development interventions in Northern and North Eastern Uganda are aligned to the Peace, Recovery, and Development Plan (PRDP2) that provides strategic planning framework at the regional level. The PRDP2 will be succeeded by PRDP3 expected effectively in the FY 2015/2016. The PRDP3 prioritizes improvement of household income in line with the NDP2 to address the socio-economic imbalances. In the same vein, Government provided guidance to the proposed successor project that will be implemented under the PRDP3 framework to focus on improving incomes and livelihoods of the poor and vulnerable communities and contribute to the revitalization of the local economy.

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**THE DRAFT UGANDA RANGELAND AND PASTORALISM POLICY 2012**

The draft provides an institutional framework for rangeland and pastoral resource management. It provides a participatory approach by pastoral communities and other local communities in determining the best opportunities in managing rangelands for sustainable development and improved welfare of the local communities. It provides environmental protection aimed to sustain soil fertility, increase crop and livestock productivity and protect the ecosystem. It further provides for infrastructure development and research,

training and advisory service delivery programmes that enhance efficiency and profitability in priority areas. It also covers areas of wildlife and tourism development, mitigation of conflicts and development of a code to govern pastoral activities in Uganda.

### THE WORLD BANK POLICIES

World Bank policy requires “screening” of all projects proposed for Bank financing to help ensure that they take social concerns into account with respect to adverse impacts on project affected people (PAP’s) and to appropriately plan for and respond to these impacts, and thus improve decision making about resettlement, options, alternatives, participation of PAP’s and compensation. The World Bank’s safeguard policy on involuntary resettlement, OP 4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. It includes requirements that:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable persons physically displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by the involuntary taking of land resulting in:

- (i) relocation or loss of shelter;
- (ii) loss of assets or access to assets; or
- (iii) loss of income sources or means of livelihood, whether or not the affected persons must move to another location

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

The World Bank OP 4.12 applies to all components of the NUSAF 3 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.

#### 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 National Land Policy (2013) 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 5:** 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 OP 4.12 will apply and in all cases, **“the higher of the two standards will be followed in the implementation of RPF; therefore, the World Bank OP4.12 will be followed since it is higher on application of these policies.”**

Table 12: Comparisons of Ugandan Laws and the World Bank Policies on Resettlement and Compensation.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
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 owners are entitled to compensation based on the open market value of the unimproved land</p>	Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.	<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>	Land-for-land. If this is not possible, 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.
Land Tenants/Squatters	<p>Ugandan law does not make any specific accommodation for squatters or illegal settlers, and compensation is based on legal occupancy</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</p>	<p>The OP 4.12 explicitly states that the affected persons cannot be denied compensation /resettlement assistance based on the lack of legal title. Bank projects, therefore, need to make provisions for helping squatters/ encroachers achieve the objectives of the Bank's resettlement policy.</p> <p>For those without formal legal rights to lands or claims to such land that could be recognized under the laws</p>	<p>There is no distinction or discrimination made on the basis of gender, age, or ethnic origin between Ugandan law and Bank policy. However, there is no explicit equivalence on the specific requirements for enforcing non-discrimination, including the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.</p>	<ul style="list-style-type: none"> <li>• Design NUSAF 3 to avoid resettlement or minimize displacement of people</li> <li>• Where necessary, dialogue with policy makers will be initiated to provide assistance to illegal tenants to move to a place where they can reside and/or work legally</li> </ul>



**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	<p>owner, and includes a purchaser; or a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title. "Bona fide occupant" means a person who before the coming into force of the Constitution had occupied and utilised or developed any land unchallenged by the registered 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</p>	<p>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>	

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

<b>Types of Affected Persons/ Lost Assets</b>	<b>Ugandan Law</b>	<b>World Bank OP4.12</b>	<b>Comparison/Gaps</b>	<b>Mitigation Measure</b>
	be taken to be a bona fide occupant for the purposes of this Act.			
Land Users/Licensees	<p>Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land.</p> <p>The Land Act, section 29(5) clearly states that for the avoidance of doubt, a licensee shall not taken to be a lawful or bonafide occupant</p>	Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between Bank and Ugandan systems for identifying and addressing impacts resulting from project related activities.	<ul style="list-style-type: none"> <li>• Design of NUSAF 3 to avoid resettlement or minimize displacement of people</li> <li>• The program will have a strategy for enabling the PAPs restore their incomes to at least pre-NUSAF 3 Project levels</li> <li>• Relocation assistance should be provided.</li> </ul>
Owners of non-permanent buildings	Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant. Owners of non-permanent buildings are entitled to compensation based on rates set by District Land Boards.	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.	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.	<ul style="list-style-type: none"> <li>• Project will provide compensation based on replacement value. This will include the payment of government valuation rates, taking into account market rates for structures and materials, and payment of a disturbance allowance</li> <li>• Dialogue with policy makers will be initiated to explore the possibility of including</li> </ul>

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

<b>Types of Affected Persons/ Lost Assets</b>	<b>Ugandan Law</b>	<b>World Bank OP4.12</b>	<b>Comparison/Gaps</b>	<b>Mitigation Measure</b>
				labor and relocation expenses prior to displacement
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, market rates for structures and materials, and the payment of a disturbance allowance.
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	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. Compensation and resettlement, where applicable, must take place before civil works commence.

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

<b>Types of Affected Persons/ Lost Assets</b>	<b>Ugandan Law</b>	<b>World Bank OP4.12</b>	<b>Comparison/Gaps</b>	<b>Mitigation Measure</b>
	provisions of the Constitution(article 26)			
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, 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	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of	Ugandan laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement	Project will provide compensation based on replacement value. This will include the payment of government valuation rates, taking into account market values for assets and materials, and payment of a disturbance allowance

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

<b>Types of Affected Persons/ Lost Assets</b>	<b>Ugandan Law</b>	<b>World Bank OP4.12</b>	<b>Comparison/Gaps</b>	<b>Mitigation Measure</b>
	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.”	project implementation, whichever is higher		
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.
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	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	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy.	No gap.

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

<b>Types of Affected Persons/ Lost Assets</b>	<b>Ugandan Law</b>	<b>World Bank OP4.12</b>	<b>Comparison/Gaps</b>	<b>Mitigation Measure</b>
	claim and the assessment officer is obliged to conduct a hearing before making his award.	for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.		
Grievance mechanism and dispute resolution	The Land Act, 1998 states that land tribunals must be established at all districts. The Land Act empowers the Land Tribunals to determine disputes and it provides for appeal to higher ordinary courts. The Land Acquisition Act provides for the aggrieved person to appeal to the High Court.	Establish appropriate and accessible grievance mechanisms.		Grievance committees to be instituted within the procedure but 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.

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

Valuation and compensation are in accordance with rates set at district level for crops and non-permanent structures. The rates, which are enacted by District Land Boards, are established and updated at District level. It should be noted however that, unlike for crops and semi-permanent structures, land value is not determined by districts. Permanent structures and land are valued based on market value. Under the 1998 Land Act, the District Land Tribunal shall, in assessing compensation referred to in paragraph (b) of subsection (1) of section 77 take into account the following:

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

In addition to compensation assessed under this section, there shall be paid as a Disturbance Allowance of fifteen percent (15%) or if less than six months' notice to give vacant possession is given, and thirty percent (30) of any sum assessed under subsection (1) of this section.

However, for the NUSAF 3 the value of buildings in the rural areas should also be at replacement cost without considering depreciated because this could be the only way of ensuring that the property is replaced.

### **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.

- Compensation rates would be at a replacement costs, these costs are guided by the CUT-OFF Date,
- The market prices for cash crops and perennial crops are already determined by the Districts and will 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/replacement value of the crops, land and structures. Where there is physical relocation of the affected persons to new land including provision of housing and social services, in some cases, the affected persons are entitled to new housing on authorized land under government housing programs. Under the customary law, land is given in compensation for land. For institutional land take and compensation, it must be done in kind replace to avoid public loss.



### **VALUATION FOR CUSTOMARY LAND**

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 (inherent) 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 NUSAF 3;
- 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 at replacement cost/market rates 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. In addition, where assistance may be required, it will include moving allowance, transportation and labor.

### **COMPENSATION FOR LAND**

Compensation for land where there is agriculture 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.

### **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. Perennial crops are compensated using the District Rates that are established by the districts and approved by the Chief Government Valuer.

### **VALUATION OF BUSINESSES, STRUCTURES AND LAND**

Compensation for structures and businesses will take into account market values for the structures and loss of economic opportunity while the PAP is transitioning to a new location. This includes: for partial loss of land and no resettlement, cash compensation for affected land, and opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records. For loss of structures, the affected people will receive cash compensation for entire structure and other fixed assets without depreciation or an alternative structure of equal or better size and quality in an available location which is acceptable to PAP. The PAPs are also be accorded a right to salvage materials without deduction from compensation.

For major or total loss of land, land for land replacement where feasible or compensation in cash at a replacement cost/market value for the entire land holding according to PAPs choice will be accorded. Land for land replacement will be in terms a new parcel of land of equivalent size and market potential with a secure tenure status without encumbrances at an available location which is acceptable by the PAP.

In addition to the relocation assistance to be paid (costs of shifting + Allowance), rehabilitation assistance, if required, will be given to the PAPs.

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

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

At present, however, the land dispute management system in Uganda does not recognize the inherent differences between disputes over land held under customary tenure and those held under other tenure regimes. There is no specific recognition given to indigenous mechanisms for dispute processing or customary law as a normative framework for the processing of disputes under customary tenure. This can in a way affect the implementation of this RPF and RAP given the fact that the NUSAF 3 project is mainly being implemented in rural areas which predominately have a customary land tenure system. It is therefore expected that the on-going drafting of the Compensation Policy will take in consideration the indigenous mechanisms for dispute resolutions under the customary tenure.

However, for implementation of this project, the grievance redress mechanisms will be established based on the findings of the land study and social assessment to ensure that the responses are within existing system and structures and accessible to the lowest project affected person.

## **LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS**

### **JURISDICTION OF THE FRAMEWORK**

The following will apply in the implementation of this framework:

- all land acquisition, including voluntary land contribution will be compensated,
- compensation will be limited to valuations made after the cut-off date
- compensation for existing infrastructure will be limited to new land acquired for extensions and rehabilitation of these infrastructures and related services,
- All land conflicts will be resolved in a transparent manner and in a manner that is not coercive. Attempts will be made to resolve conflicts at the village, traditional authority or district level. Where this is not possible, recourse can be heard at State legal institutions on land ownership in Uganda

### **LAND ACQUISITIONS, TITLE, TRANSFER AND TERM OF OWNERSHIP**

Land acquisition in Uganda may be achieved through:

- occupancy by individual persons and by local communities, in accordance with customary norms and practices, which do not contradict the Constitution;
- uninterrupted occupancy by individual nationals who have been using the land in good faith for at least twelve years before 1995 and;
- authorization on the basis of an application submitted by an individual or corporate person in the manner established by the Land Law

The Land Law stipulates that a land title will be issued by the Lands Department. However, the absence of a title will not prejudice the right of land use and benefit acquired through occupancy. The application for a land title will include a statement by the local administrative authorities, preceded by consultation with the respective communities, for the purpose of confirming that the area is free and has no occupants. Title to local community land will be issued in a name decided upon by the community and individual men and women who are members of the local community may request individual titles after partitioning community land.

The right of land use and benefit can be proved by presentation of the respective title; testimonial proof presented by members, men and women of local communities and by expert evidence and other means permitted by law.

Among other modes of land transfer, the Land Law permits the transfer of land by inheritance, without distinction by gender. The right of land is not subject to time limit for the following cases: (i) Where the right was acquired by local communities through occupancy; (ii) Where it is intended for personal residential purposes and; (iii) Where individual nationals intend it for family.

### **LAND ACQUISITION MECHANISM FOR NUSAF 3**

This Resettlement Policy Framework, for the NUSAF 3 program activities advocates for all measures to eliminate or minimize the impacts of physical and economic displacement of people as much as possible. Therefore when the acquisition of land is required, the program will:

- initially endeavor to utilize available freehold or public land;

- seek voluntarily donated land, sufficient for the purposes of the NUSAF 3 program;
- negotiate acquisition of land suitable for implementation of the NUSAF 3 program activities using agreed compensation plans and only as a last resort and;
- acquire land through involuntary means following the provisions outlined in this RPF

### **VOLUNTARY LAND CONTRIBUTION WITH COMPENSATION**

Voluntary Land Contribution with Compensation will refer to cases where individuals or community land owners will agree to provide land for NUSAF 3 program-related activities, in return for negotiated compensation. Where this approach is taken, the entire process should be fully documented and consent agreements banked by the District Land Board as well as the lower level local governments.

Note: Voluntary Land Contribution without Compensation is not recommended, because the experience has shown that opening up this venue either leads (i) to elite capture or to (ii) forced contribution from the most vulnerable groups or persons. To avoid this elite capture, abuses of vulnerable groups, and delays in implementation of the program, it is preferable to compensate all lands acquired for program activities.

### **INVOLUNTARY ACQUISITION OF LAND**

Involuntary acquisition of land and assets thereon, including resettlement of people, unless absolutely necessary, will be avoided. Where involuntary land acquisition is unavoidable then it will be minimized to the greatest extent possible. The Displaced Persons will participate throughout the various stages of the planning and implementation of the land acquisition, compensation and resettlement plans and processes. Prior to the preparation of the Resettlement Action Plans, the persons to be displaced will be informed of the provisions of this Framework and their entitlements at public meetings.

### **CATEGORIES OF PROJECT AFFECTED PEOPLE (PAPS)**

The likely numbers of persons who may be affected and displaced during implementation of the NUSAF 3 program activities cannot be accurately estimated since the specific project sites which may require land are not yet defined. However, the NUSAF 3 Affected Persons (PAPs) or the persons likely to be displaced economically or physically can generally be categorized into the following main groups.

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#### **AFFECTED HOUSEHOLDS**

A household will be affected if one or more of its members are affected by the NUSAF 3 activities. This will be either in the form of loss of property, land or access to services or socio-economic resources. Affected household members will include:

- Any member of the household whether men, women, children, dependent relatives, friends and tenants,
- Vulnerable individuals who may be too old or ill to farm or perform any duties with the others,
- Members of the household who are not residents because of cultural rules, but depend on one another for their livelihood,
- Members of the household who may not eat together but provide housekeeping or reproductive services, critical to the family's maintenance,
- Other vulnerable people who cannot participate, for physical or cultural reasons; in production, consumption, or co-residence.
- Disabled people who may be attached to a particular service center.

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## **VULNERABLE HOUSEHOLDS**

One of the objectives in the decentralization policy of Uganda targets empowering women by removing restrictive practices on women's participation in decision-making processes that affect them. Particular attention will be paid to impacts on vulnerable members of these communities such as women, children, the disabled, female and child headed households, and internally displaced people. Internal conflicts, historical marginalization, poor infrastructure, and diseases still affect the region, with significant impacts on human welfare and quality of life.

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## **ELDERLY**

The elderly people farm or engage in other productive activities as long as they are physically able to. Their economic viability does not depend on how much land they farm or how much they produce because, by producing even small amounts of food to “exchange” with others, they can subsist on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbors. Losing land will not necessarily affect their economic viability. They will have cash or in-kind replacements to exchange. For future production they need access to only a small parcel of land. What would damage their economic viability is resettlement that separates them from the person or household on whom they depend for their support. The definition of household by including dependents avoids this.

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## **VOLUNTARY LAND CONTRIBUTORS**

Under some development projects, especially community projects very similar to NUSAF 3, there were instances when individual members gave land voluntarily. Particular attention will be paid to ascertain that these contributions were indeed voluntary and free from all pressures from society and free from fear of prosecution, marginalization or stigmatization. All persons or groups affected by this will be monitored even where contributions are voluntary to ascertain whether they have not been or likely to be affected such that they are left poorer or livelihoods affected without course for compensation. Sometimes land is given “voluntarily” because people do not want to be seen as or accused of, holding back community development. Where this approach is taken, the entire process should fully be documented and consent agreements banked by the District Land Board as well as the lower level local governments.

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## **WOMEN**

Women may depend on husbands, sons, brothers or others for support. In many cases too, women are the main breadwinners in their households, yet in some communities in Uganda, women cannot own land. Also, as mothers and wives, they need access to health service facilities. Women are central to the stability of the household. They will not be resettled in a way that separates them from their households as the survival of their households depends on them. Furthermore, the decentralization policy of Uganda recognizes the plight of women and seeks to encourage employment and the involvement of women in decision-making. Their compensation will take into account all these factors. The needs and problems of the women are likely to be different both in character and magnitude from those of men, particularly in terms of social support, services, employment and means of survival. Female heads of households are

eligible for the same benefits as their male counterparts but they would need special attention if they lack resources, educational qualifications, skills, or work experience compared to men.

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#### CHILDREN AND CHILD-HEADED HOUSEHOLDS

Children and adolescents (especially girls) are important elements in vulnerability. Intergenerational ties link experiences between one generation and the next to the extent that fateful intergenerational experiences get transferred from one generation to the next. This means experiences related with social, symbolic and economic capital (especially high birth and illiteracy rates, and rigid social norms) make children and young girls more vulnerable than others. In many households, due to drop in income and living standards, children may never return to school, instead getting drafted into the labor market or into prostitution.

The situation even gets worse when children suddenly find themselves in situations where they are the sole bread earners for their younger siblings. This is even truer now in the HIV/AIDS pandemic where many families have had older (parents) bread winners wiped out. To cope with the sudden social change, older siblings become ‘foster’ parents to their young siblings without any experience family making. Among the affected households, the child headed households are clearly the most vulnerable and consequently they will need special attention in terms of rehabilitation and livelihood support.

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#### CUSTOMARY LAND USERS WITHOUT A FORMAL TITLE

These are the local or/and indigenous groups and are usually peasant farmers or pastoralists who may have customary rights to the land and other resources (crops and trees) taken away due to the NUSAF 3. These people usually have ancestral customary rights to regulate collective common property and have open access to common grazing land, fishing areas, forest and grassland resources for subsistence and cash incomes. The World Bank Policy (OP 4.10) has been triggered for NUSAF 3 because it will cover areas inhabited by legally recognized these peoples.’ OPM/NUSAF will have to consider the affected people in this category and work out a compensation and resettlement package for them if the project affects them with respect to physical and economical land dislocations or/ and involuntary abstraction to a legally designated parks and protected areas.

## **ENTITLEMENTS AND VALUATION METHODS**

### **EXTENT OF COMPENSATION BY LAW**

The Land Act provides for extent of compensation as quoted here forth: “Where any land has been acquired under this Act, compensation shall only be payable in addition to the value of any improvement or works constructed on such lands: - for the loss of usufructuary rights over such lands in the case of land under customary tenure, and - for 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 shall be taken into account:

- a) The value of such lands, estates or interests or profits at the time of the emission of the notice to acquire, and shall not take into account any improvements or works made or constructed thereafter on the lands,
- b) 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 Project, and
- c) 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.

### **SPECIFIC COMPENSATION COMPONENTS**

The extent of land acquisition impact could not be established since though NUSAF 3 Sub-projects have not been identified and OPM/NUSAF has not commissioned any RAP studies yet. This will happen as soon as the RAPs for the specific sub-projects are finalized.

#### ***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.

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

Prevailing prices for cash crops would have to be determined. Each type of crop is to 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.

#### ***Compensation Rates for Labour***

The value of labor invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labor cost for preparing replacement land is calculated on what it would cost a farmer to create a replacement farmland.



### ***Compensation for Buildings and Structures***

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

### ***Compensation for Vegetable Gardens***

Vegetables are planted and harvested for daily use. Until a replacement garden can be harvested, the family displaced (economically or physically) as a result of the project will thereafter have to be compensated at the purchase prices of these items on the market.

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

Compensation for sacred sites (e.g., proprietary rights and reconstruction) is determined through negotiation with the appropriate parties.

Sacred sites include but are not restricted to: altars, initiation centers, ritual sites, tombs and cemeteries. Sacred sites include such sites or places/features that are accepted by local laws including customary practice, tradition and culture as sacred.

To avoid any possible conflicts between individuals and/or communities, homesteads and village government, the use of sacred sites for any project activities is not permitted under the NUSAF 3.

### ***Compensation for Horticultural, Floricultural and Fruit trees***

Given their significance to the local subsistence economy, fruit trees will be compensated on a combined replacement value. Fruit trees commonly used for commercial purposes in Uganda will be compensated at replacement value based on historical production statistics.

## **KEY VALUATION METHODS**

In Uganda, values for compensation of assets are determined by the Chief Government Valuer. The process, however, normally takes consideration of depreciation and the market values. The World Bank policy of compensation at Replacement Cost may be adopted where it provides a more appealing and adoptable position for handling compensation.

***Agricultural land*** - it is the pre-project or pre-displacement, whichever is higher, market value of land of equal productive potential or use located in the vicinity of the affected land, plus the cost of preparing the land to levels similar to those of the affected land, plus the cost of any registration and transfer taxes.

***Land in rural areas*** - 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.

***Land in urban areas*** - it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land,

plus the cost of any registration and transfer taxes. This is to ensure that the values obtained are adequate to secure in-kind alternative land or cash compensation at market value for the affected owners.

**Houses and other structures** - it is the market cost of the materials to build a replacement structure with an area and quality similar to or better than those of the affected structure, or to repair a partially affected structure, plus the cost of transporting building materials to the construction site, plus the cost of any labour and contractors' fees, plus the cost of any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

### ***Loss of Income***

Losses of income for businesses will be estimated from net daily/monthly profit of the business verified by an assessment of visible stocks and activities. In addition to the compensation, disturbance allowances of 10% of total compensation will be considered. The estimation of supplementary assistance for affected commercial structures or business units will generally be based on the following factors:

- Estimated income obtained from the use of the business/commercial unit; and
- Estimated period of disruption of business activities.

Generally, loss of income will be minimal. The farmers will be incorporated into the activities of the project. It is the intention of NUSAF 3 to develop new pastures in rangelands surrounding the project area. These areas will be used by Pastoralists as grazing areas for their livestock. The Enumeration Approach will be adopted for the crops affected by the project. The Enumeration Approach involves taking census of the affected crops and applying flat realistic rate approved by the Land Valuation Division.

Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in OP 4.12, paragraph. 6. The valuation of the assets will be done with the engagement and participation of the PAPs. The PAPs have the opportunity to do their own valuation if they have doubts or misgivings through the facilitation of the project for further negotiations between them (PAPs) and the OPM/NUSAF. All negotiations will be done in collaboration and in the presence of Social Accountability Committee to ensure that the PAPs who do not have good negotiating skills are not left behind, and that they also get benefits commensurate with their losses in most cases.

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## **ELIGIBILITY CRITERIA AND DISPLACEMENT PROCEDURES**

### **WORLD BANK CRITERIA FOR DETERMINING ELIGIBILITY FOR COMPENSATION**

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

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

Persons covered under (a) and (b) above are provided compensation for loss of land and assets and other assistance as needed. Persons covered under (c) above are provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary, if they occupy the project area prior to the cut-off date. In practice, this means that people usually considered in Uganda as “squatters” will be entitled to Project assistance as long as they are present on site at the cut-off date.

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

#### CONSIDERATION UNDER THE PROJECT

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in the desk studies and field consultations. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be made to PAP households and individuals as the case may be.

In dealing with compensation, preference shall be given to land based resettlement strategies for Project Affected Persons whose livelihoods are land-based. Where sufficient land is not available at a reasonable price, non-land based options centered on opportunities for employment or self-re-employment should be provided in addition to cash compensation for land and other assets lost. However this lack of land shall be documented and justified.

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

the nature of the projects, it is possible to suggest that the most likely affected persons will comprise both individuals and communities as a whole including women, vulnerable groups.

## CUT-OFF DATE

In accordance with OP 4.12 and for each sub-project activities under the NUSAF 3, a cut-off date will be determined, taking into account the likely implementation schedule of the activities. To ensure consistency between Ugandan legal requirements and WB policies, this **cut-off date** should be the date of notification to owners/occupiers as provided under the Lands (land act) Act, 1995, where acquisition of land is involved.

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

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

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

## ELIGIBILITY CRITERIA FOR COMPENSATION

Determination of the eligibility of the bona fide occupants of the properties to be compensated shall be done through a transparent and legal process, taking into consideration all the existing laws of Uganda and policies of the World Bank and local customs. Compensation will be paid only to those persons:

1. Who prior to the commencement of the project, have evidence of ownership or occupancy of the land of at least 30 days within the period of commencement of the project;
2. Who have property (a house, crops or thriving business enterprise) situated in the area identified for development;
3. With household members who derive their livelihood from the advantage of location and proximity to other social economic facilities provided the current settlement.

The Entitlement Matrix below shows will show the types and number of affected people, the types and quantity of losses, and the forms and amounts of compensatory actions that will be taken for each type.

**Table 13: Eligibility Criteria**

Category of affected persons	Assets	Type of compensation
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Persons with formal legal rights to land, including customary leaders who hold land in trust for community members.	Physical and non-physical assets such as residential structures, productive lands, economic trees, farm lands, cultural sites commercial/ business properties, tenancy, income earning opportunities, and social and cultural networks and activities	Land-for-land compensation. If this is not possible, then compensation for land lost taking into account market values and other assistance. Compensation to be granted to communities as well.
Persons with customary claims of ownership or use of property recognized by community leaders (including the landless and migrants)		Land-for-land compensation. If this is not possible, then compensation for land lost taking into account market values and other assistance. Users to be provided with alternative lands to use.
Persons with no recognizable legal right or claim to land they are occupying, e.g. squatters		To be provided resettlement assistance in lieu of compensation for land occupied. (See below)
Persons encroaching on land after the notification		Not eligible for compensation or any form of resettlement assistance

**Table 14:Entitlement and Compensation Matrix**

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
Agricultural land	<b>No Displacement:</b> - Cash compensation for affected land equivalent to current market value. The remaining land remains economically viable	Farmer /Title holder	Cash Compensation at Replacement Cost for affected land equivalent to market value which should be current and able to replace the property.
		Tenant /Leaseholder	Cash compensation at Replacement Cost for the harvest of affected land equivalent to the average current market value over three years or the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher.
		Squatter	Cash compensation at Replacement Cost for the harvest of affected land equivalent to the average market value over three years or the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher.
	<b>Displacement:</b> - If more than 50% of the land holding is lost or less than 50% of the land lost but remaining land not economically viable.	Farmer /Title holder	Land for land replacement where feasible or compensation in cash for the entire land holding, taking into account market values for the land, according to PAPs choice. Land for land replacement will be in terms a new parcel of land of equivalent size and productivity with a secure tenure status, without encumbrances, and at an available location which is acceptable by the PAP.

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
			In addition relocation assistance to be paid (costs of shifting + assistance in re-establishing perennial crops including economic trees up to a maximum of 12 months while short term crops mature)
		Tenant /Leaseholder	Cash compensation at Replacement Cost equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement..  In addition relocation assistance to be paid (costs of shifting + Allowance)
		Squatter	Cash compensation at Replacement Cost equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement.
		Agricultural worker	Cash compensation at Replacement Cost equivalent to the local average of 6 months' salary + relocation assistance to be paid (costs of shifting + Allowance) +Assistance in getting alternative employment
Commercial Land	<b>No Displacement:</b> - Land used for business partially affected	Title Holder / Business owner	Cash compensation at Replacement Cost for affected land, and opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
		Business owner is lease Holder	Opportunity cost compensation at Replacement Cost equivalent to 10% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
	<b>Displacement:</b> - Premise used for business severely affected remaining area not sufficient for continued use	Title Holder / Business owner	Land for land replacement where feasible or compensation in cash for the entire land holding according to PAPs choice. Land for land replacement will be in terms a new parcel of land of equivalent size and market potential with a secure tenure status without encumbrances at an

**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
			<p>available location which is acceptable by the PAP.</p> <p>In addition relocation assistance to be paid (costs of shifting + Allowance ), Opportunity cost compensation equivalent to two months net income based on tax records for previous year or equivalent business or suitable estimates in absence of records.</p>
		Business owner is lease Holder	<p>Opportunity cost compensation at Replacement Cost equivalent to two months net income based on tax records for previous year or equivalent business or suitable estimates in absence of records.</p> <p>Relocation assistance in rental/lease alternative land, property for a maximum of six months to re-establish business</p>
Residential land	<b>No Displacement:</b> - Land used for residence partially affected, limited loss and remaining land remains viable for present use	Title Holder	Cash Compensation at Replacement Cost for affected land, taking into account market values for land.
		Rental / Lease holder	Cash compensation at Replacement Cost equivalent to 10% of lease / rental fee for the remaining period of rental lease agreement
	<b>Displacement:</b> - Premise used for residence severely affected remaining area not sufficient for continued use or becomes smaller than minimally acceptable under the Town and country planning Act	Title Holder	<p>Land for land replacement where feasible or compensation in cash at Replacement Cost for the entire land holding according to PAPs choice. Land for land replacement will be of minimum plot of acceptable size under the Town And Country Planning Act, whichever is larger in the community, or a nearby resettlement area with adequate physical and social infrastructure systems as well as a secure tenure status, without encumbrances, and at an available location which is acceptable by the PAP.</p> <p>In addition relocation assistance to be paid (costs of shifting + allowance)</p>
Building and Structures  (All structures (none) permanent)	<b>No Displacement:</b> - Structure partially affected, but remaining structure remains viable for continued use	Owner	<p>Cash compensation at Replacement Cost for affected building and other fixed assets, taking into account market values for materials</p> <p>Cash assistance to cover costs of restoration of remaining structure</p>
		Rental / Lease Holder	Cash compensation at Replacement Cost for affected assets (verifiable improvements to the property by the tenant -e.g. fence)



**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

<b>Asset acquired</b>	<b>Type of Impact</b>	<b>Entitled Person</b>	<b>Compensation Entitlement</b>
to be treated equally both in rural and urban areas.)	<b>Displacement:</b> - Entire structure affected or partially affected but remaining structure not suitable for continued use	Owner	Disturbance compensation to the tenant equivalent to two month's rental costs  Cash compensation at Replacement Cost 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 PAP. Right to salvage materials without deduction from compensation.  In addition relocation assistance to be paid (costs of shifting + allowance) + Rehabilitation assistance if required
		Rental /Lease Holder	Cash compensation at Replacement Cost for affected assets (verifiable improvements to the property by the tenant -e.g. fence) In addition relocation assistance to be paid (costs of shifting + allowance equivalent to four months rental costs) + Assistance to help find alternative rental arrangements + Rehabilitation assistance if required
		Squatter /Informal dwellers	Cash compensation at Replacement Cost for affected structure without depreciation + Right to salvage materials without deduction from compensation. In addition relocation assistance to be paid (costs of shifting + allowance) + Rehabilitation assistance if required Alternatively assisted to find accommodation in rental Housing or in a squatter settlement scheme if available, provided they can legally reside and/or work in the new location Assistance with Job placement/skills training
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant or squatter)	Cash compensation at Replacement Cost equivalent to average of at least three years market value for the mature and harvested crops.
Trees	Trees lost	Title Holder	Cash compensation at Replacement Cost based on type age and productive value of affected trees + 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant or squatter)	Cash Compensation at Replacement Cost for any assets affected e.g. boundary wall demolished, trees removed.

## **WOMEN, CHILDREN AND OTHER VULNERABLE GROUPS**

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

- Assistance in financial literacy training especially for women and assistance in compensation payment procedures (e.g., going to the bank with then person to cash the compensation cheque);
- Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery;
- Assistance in the locating and growing of fodder banks for the Pastoralists for cattle grazing;
- Ensuring migrant and settler farmers are included in the consultations regarding the RPF/RAP and compensation and have their share of the compensation and assist in finding alternative sites for farming and also be incorporated into the out-grower and small holder schemes of the project;
- Assistance in building i.e. providing materials, workforce, or building houses;
- Health care if required at critical periods i.e. moving and transition period.

## **DISPLACEMENT OF PEOPLE**

The project does not anticipate physical relation of people given that this time round NUSAF 3 will most likely not involve construction of new structures but may only renovate the existing ones. In addition component 2 will also concentrate on extending livelihood support to poor and vulnerable households. However, where displacement of people is unavoidable, the following conditions shall be followed:

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

## **PROCEDURE FOR DELIVERY OF COMPENSATION**

### **CONSULTATION AND PUBLIC PARTICIPATION**

Consultation and public participation with the PAPs will initiate the compensation process. This consultation and public participation will have been part of an on-going process that will be expected to continue in all stages. This trend will ensure that all affected individuals and households are well informed and adequately involved in the entire process.

### **NOTIFICATION OF LAND RESOURCE HOLDERS**

Those who hold title to the land resources will be informed through the consultation process above. In case there are no clearly identified owners or users of land to be acquired, OPM/NUSAF, the respective local government administrations through the lands officers and the local council leaders of the respective communities where the land is located will be solicited to help identify owners or users in order to sensitize them on the project and its implications. Customary landholders, renters, and squatters will also be notified in a timely manner.

#### **DOCUMENTATION OF HOLDINGS AND ASSETS**

OPM/NUSAF either through an internal team or through a consulting firm will undertake a detailed survey of all losses that will result for each household, enterprise, or community affected by the NUSAF 3. The survey will have to account for land acquisition and loss of physical assets as well as loss of income temporary or permanent resulting from displacement of household members from employment or income-generating resources. Assets held collectively, such as water sources, livestock grazing areas, irrigation systems, and community structures will be recorded separately.

The local government structures i.e. the LGs and the lower councils (LCs 1-3) will be charged with all documentation and verification of data and information related to the acquisition of land, the compensation and payment processes up to the level of the Accounting Officer of the OPM/NUSAF.

Therefore, the Community workers of the Districts and Town Council in collaboration with the village councils, the District Steering Committee will compile and record data/information. The Community Worker in collaboration with the parish chief and the Executive of the Parish Council will compile parish data and submit to the Sub-county Chief/Town Clerk for on ward submission to the District Chief Administrative Officer/Municipal Town Clerk. Likewise, the CAO together with the Town Clerk will compile data/information and submit to OPM/NUSAF. These will serve as data for resettlement monitoring and evaluation.

**Note:** During inventories of assets, the owners or persons authorized to represent them on their behalf will be required to countersign them to minimize the possibility of subsequent claims or disputes regarding claims.

#### **PROCEDURES FOR PAYMENT OF COMPENSATION**

Compensation payment will be made in the following ways:

(a) By agreement between the OPM/NUSAF and the PAPs or entities (individuals /households /communities:

- The OPM/NUSAF will offer such sums deemed adequate as compensation as assessed/agreed to the entity who may accept that amount as compensation payable to him or her and;
- Such sums will be disbursed directly to the beneficiary entity with the relevant records of payments consigned to the RAPs and the records of the appropriate local government authority (District Land Boards).

(b) By court order on the amount of compensation where this has been the subject of litigation between the OPM/NUSAF

(c) and the Affected Entity.

#### **ROLE OF OFFICE OF CHIEF GOVERNMENT VALUER**

The application of the valuation exercise on ground will be done in the presence of at least two local council leaders with the participation of the affected persons. Values assigned to assets must be based on the local market rates. Where this is not possible, a Government Valuer will be engaged to do this. In the event that a Government Valuer handles this process, the depreciation cost will not be imputed and the consent of the affected person on the outcome of the process must be sought in order to arrive at agreements on the total profile of losses and compensation.

## **SUBPROJECT SCREENING, LAND ACQUISITION AND RESETTLEMENT**

### **PROJECT SCREENING**

During project screening, a lot of considerations are necessary to ensure the projects are pro poor considering the differentials in access to and control of productive resources. Issues of resettlement need need a gender and poverty lens including human rights perspectives. The screening of sub project activities will be based on the findings of field investigations, and will emphasize the following principles:

- Avoiding or minimizing involuntary land acquisition and resettlement, where feasible and exploring all viable alternatives before resorting to involuntary resettlement.

- Where involuntary resettlement and land acquisition is unavoidable, assistance and sufficient resources should be provided to the displaced persons with the view to maintaining and/or improving their standards of living, earning capacities and production levels.
- Encouraging community participation in planning and implementing land acquisition, compensation and/or resettlement, and provision of assistance to the affected people regardless of the legality of their land rights or their title to land.

The screening process is a very important component of several activities that contribute to the preparation of the Resettlement Action Plans (RAPs). It comprises the following steps:

**Step 1:** The subproject investment activities to be undertaken and the locations of the investments will undergo preliminary evaluation on the basis of the objectives of the sub-project.

**Step 2:** The LGs will approach the communities impacted with the view to arriving at a consensus on possible sites for the type of facility to be adopted.

**Step 3:** The Local Communities Authorities (Local Councils, Parish Development Committees, Sub-county and District Councils) will undertake their consultations in order to arrive at a possible siting of the facility.

**Step 4:** The screening process in conformity with the provisions of the RPF screening process will determine:

- Whether or not any resettlement will be required at the chosen site and if so, whether or not alternative sites are available,
- Whether or not any loss of land, assets or access to economic resources will occur, or
- Whether or not any of the World Bank operational policies will be triggered.

**Step 5:** On the basis of the analysis of the matrix emanating from the screening processes, a final selection of the optimum site presenting the least negative environmental and social impacts including resettlement /loss of assets can be made.

**Step 6:** Where resettlement or loss of assets cannot be avoided, the provisions of the World Bank's OP 4.12 will be applied and a RAP is prepared for the sub project in question. From this point, the provisions of this RPF will be used up to payment of the compensation package including resettlement support where appropriate.

The costs associated with this resettlement or relocation will be included in the Resettlement Action Plans (RAPs) for all the investments. The Government of Uganda through the Office of the Prime Minister shall provide for the compensation after the LGs have identified the land and a comprehensive evaluation report made by the Government Valuer.

## PREPARATION OF RESETTLEMENT ACTION PLANS

NUSAF3 and LGs will make sure that, a comprehensive Resettlement Action Plan is prepared for each activity that triggers resettlement. The process of preparing the resettlement action plans will involve the following:

- A census to identify the affected persons and their assets. The census will generate information about the displaced persons, their entitlements regarding compensation, resettlement and rehabilitation assistance as required,;
- Consultations with the affected people about acceptable alternatives, disturbances, especially those affecting income-earning activities. Impact on assets should be properly recorded with the view to making compensation or replacement in case of resettlement
- Based on the census and inventory of losses, and in consultation with the displaced persons, a time-phased action plan with a budget for provision of compensation, resettlement, and other assistance as required, will be prepared.
- Making arrangements for implementation and monitoring of the RAP.

The RAP shall, among others:

- Establish method for determining a cut-off date for compensation.
- Provide description of different categories of impacted people determined by degree of impact and assets lost.
- Define criteria to be used in identifying who is eligible for compensation for each category of population impacted. These criteria may include, for example, whether losses are partial or total, whether people have their own land or also rent land, and what happens when buildings are occupied by more than one business tenant or household.
- Elaborate on amount of losses, ownership status, tenancy status, and any other relevant information.
- Identify who and how impacted persons will be impacted, who will determine eligibility, and how process will work.
- Set out the different categories of people that may be affected by subproject, and show the types of losses such people may suffer, whether to land, income, rights of access, housing, water sources, proximity to work, and others, and including combinations (house and land, for example).
- Make the eligibility criteria user-friendly, so that those applying the principles to subprojects “on the ground” will be able to quickly identify whether people affected are eligible for compensation, and how.
- Describe who will judge eligibility in difficult cases, for example by the use of neighborhood or village committees, or outside experts, and how such processes will work.
- Define categories of people eligible under national law, and, separately, any others who must be compensated because of the requirements of World Bank policy.
- Define the unit of compensation – individuals, families, collectives (or all three, because some losses may be sustained by individuals, others by the community as a whole or by associations within it such as religious or farmers’ groups).

#### **AS A GENERAL GUIDE THE RAP MUST**

1. Sufficiently justify resettlement as unavoidable – the alternative analysis done before the the final choice of the specific sitr will be important in this justification.
2. Be based on the baseline study reports and inventory of assets.
3. Uphold the principle of fairness in compensating affected persons – same principles of replacement cost apply for both urban and rural affected persons.
4. Contain deliberate activities and mechanisms to enhance capacity to efficiently manage the resettlement process. This must include strengthening existing capacity of Water authorities and local Councils to handle the process where necessary.



To ensure transparency of procedures, PAPs and Displaced Persons shall be informed of the method of valuation employed to assess their assets. All payments of Compensation, Resettlement Assistance and Rehabilitation Assistance, as the case may be, shall be made by the MAAIF in the presence of the PAP(s) in question and a witness, and local officials. OPM/NUSAF will be responsible for implementing the resettlement process, carrying out a census of PAPs and the affected properties, RAP preparation and compensation. The District Local Governments will monitor this process and give advisory services as required.

Note: The recommended land study and social assessments planned to be undertaken in parallel with the prefeasibility in Year 1, prior to the RAP preparation will feed in the RAPs and ESIA. Therefore the above recommended guidelines may be modified as a result of the findings from the these studies.

### APPROVAL OF THE RESETTLEMENT ACTION PLAN

The Project Implementing Agency (OPM/NUSAF) will engage a consultant prepare a Resettlement Action Plan report giving details of all the project impacts in terms of the numbers of all Project Affected Persons plus their properties and values which must be approved by the Chief Government Valuer. This report is then sent to the World Bank for approval and onward disclosure at the Bank's Info shop prior to commencing resettlement activities.

**Table 15: Example of a Resettlement Budget**

<b>Asset acquisition</b>	<b>Amount or number</b>	<b>Total estimated cost</b>	<b>Agency responsible</b>
Land			
Structure			
Crops and economic tress			
Community infrastructure			
<b>Land Acquisition and Preparation</b>			
Compensation for Household Structures			
Compensation for Crops			
Compensation for Trees, Less than 4.5 m Tall			
Compensation for Trees, More than 4.5 m Tall			
Compensation for Community Assets			
<b>Relocations</b>			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

## **STAKEHOLDER 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.

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

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of

PAPs are fully involved in designing the public consultation procedures. Two steps of information and consultation are proposed to be implemented in the course of the preparation of RAPs and ARAPs:

- Initial information:
  - ✓ this step should coincide with the cut-off date (information should not be delivered in advance of the cut-off date to avoid encroachment by new arrivals),
  - ✓ Basic information will be provided to potentially affected people on the Project, and resettlement and compensation principles as they are outlined in this RPF,
  - ✓ The engagement of the PAPs will take the form of a public meeting at project areas
- Consultation on draft RAP/ARAP: once these are available in draft form, they should be discussed with the affected communities, whose comments will be incorporated into final documents.

## KEY ISSUES

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

- alternative project design;
- assessment of project impacts;
- resettlement strategy;
- compensation rates and eligibility for entitlements;
- choice of resettlement site and timing of relocation;
- Community development opportunities and initiatives;
- development of procedures for redressing grievances and resolving disputes; and
- mechanisms for monitoring and evaluation; and for implementing corrective actions

## CONSULTATION PHASES

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### DATA COLLECTING PHASE

Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers' associations, individuals who own farms, 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.

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### 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.

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## COMMUNITY INVOLVEMENT AND SENSITIZATION

The affected persons should be engaged in active consultations at the beginning of the project and they should have access to the Resettlement Action Plan and be encouraged to provide input. Consultations should happen in local language where possible; women should be consulted separately if that is more appropriate. The consultation process should ensure sizeable participation of women, youth, migrants, and groups at risk of exclusion, and also ensure prior distribution of project information in a form that is accessible to community members, etc. Communities within the project areas will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts will be well communicated to the community. The Ugandan law requirements on consultation and information, as well as those related with grievance management fall short of meeting WB requirements. The application of these will require:

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

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## MONITORING AND EVALUATION PHASE

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

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## NOTIFICATION PROCEDURE

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

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

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## DOCUMENTATION

The names and addresses of affected persons will be compiled and kept in a database including claims and assets. OPM/NUSAF will maintain records of these persons as well as the CAO. The records are also

important especially for future monitoring activities. Documentation will include documents relevant to land transactions (voluntary and involuntary).

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## CONTRACT AGREEMENT

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

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## LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

PAPs will need to be compensated, in accordance with this Resettlement Policy Framework and subsequent Resettlement and Compensation Plan, before work on that road segment can begin

For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made, for compensation and for other assistance required for relocation, prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities.

In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual RAPs.

In the Implementation Schedule of each RAP, details on resettlement and compensation must be provided. The schedule for the implementation of activities, as agreed between the Project Planning team and PAPs must include:

- 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.

## **MANAGEMENT AND MONITORING OF RPF IMPLEMENTATION**

### **SETUP OF RESETTLEMENT MANAGEMENT TEAMS**

The Resettlement Management Teams will be setup to implement the RAPs and will consist of three smaller teams namely:

***The RAP implementing entity*** – The entity (NGO/Consultant) hired by OPM/NUSAF will be responsible for the RAP implementation on behalf of OPM/NUSAF. The entity will coordinate and integrate the responsibilities of the compensation committee and SAC. The entity will report to PCU. However, this entity will work in close collaboration with DCT to manage effective and timely implementation of all the land acquisition and other related issues.

***Compensation Committee*** - The committee will comprise representatives of the affected persons (2 to 3), District Steering Committee members, Land Valuation Board, and Traditional authorities. The committee will be chaired by the representative of the District Steering Committee or otherwise selected by OPM/NUSAF. The Compensation Committee will be responsible for organizing and ensuring that compensations payable to PAPs are made in line with the provisions and procedures of this RPF.

***Community Monitoring Groups(CMGs)*** - The CMGs will be responsible for receiving and logging complaints and resolving disputes. The CMGs will work with IG and OPM/NUSAF2 to resolve each grievance or dispute to ensure that redress actions are implemented. If affected persons are not satisfied the grievance redress structures, they will be entitled to seek redress through the District Land Tribunals or Ugandan Courts of Law. It is important that the CMGs be set up as soon as compensation report or resettlement plan preparation starts. Disputes can arise from census operations and it is therefore important that the mediation mechanisms be available to cater for claim, disputes and grievances at the early stage.

***Monitoring and Evaluation Team*** - The Monitoring and Evaluation Team will be responsible for the monitoring of the RAP implementation programme to ensure that stated targets are met and project affected persons are duly compensated in line with the RAP requirements. The sequence of implementation activities and responsibilities are summarized in the table below.

### **IMPLEMENTATION OF THE RAP, ROLES AND RESPONSIBILITIES**

The implementation activities will be under the overall guidance of the OPM/NUSAF. In addition the District Local Governments will be heavily involved in all resettlement, relocation and compensation efforts for subprojects where resettlement is indicated. Each district in Uganda has a five tier Local Government structure which operates from the lowest level known as the Local Council I through to the Local Council V at the District Headquarters. This structure is a political set up whose office bearers are elected into their positions. There is a parallel administrative structure at each Local Government level composed of technical public officers whose appointments are based on the required qualifications and experience for the respective technical offices. These are headed by the CAO who is also the accounting Officer of the district. All projects which require resettlement have to closely liaise with the Local Government Administration to ensure equity, acceptability and compliance with the RPF. The other main institutions to be involved in the implementation of resettlement activities and their respective roles and responsibilities are summarized in the Table below:

**Table 16: Roles and Responsibilities of Different Institutions**

No.	Institution	Responsibility
1.0	Office of The Prime Minister and NUSAF	<ul style="list-style-type: none"> <li>• Overall supervision of the RPF and Resettlement/Compensation Plan.</li> <li>• To provide funds for compensation payment.</li> <li>• Trigger the process through inventory of affected persons and assets and implement planning close consultation with Consultant.</li> <li>• Mainstream gender and conflicts assessment in the NUSAF 3 implementation in close collaboration with Ministry of Gender, Labour and Social Development</li> </ul>
2.0	Ministry of Lands Housing and Urban Development	<ul style="list-style-type: none"> <li>• To carryout to support district annual property assessment; the valuation and compensation payment process (through Chief Government Valuer); and reporting for the affected persons</li> </ul>
3.0	Ministry of Works and Transport	<ul style="list-style-type: none"> <li>• To liaise with relevant parties for valuation of damages of assets of affected persons and support as appropriate on the technical proposed roads and bridges construction with NUSAF 3 project areas</li> </ul>
4.0	Ministry of Gender, Labour and Social Development	<ul style="list-style-type: none"> <li>• To oversee gender related issues to ensure that vulnerable women, former IDPs, the poor and elderly are compensated equally.</li> </ul>
5.0	Ministry of Water and Environment	<ul style="list-style-type: none"> <li>• Document water resources in the area where the affected might be relocated to and give guidance on management of water resources.</li> </ul>
	Ministry of Energy and Mineral Development	<ul style="list-style-type: none"> <li>• To enhance rural electrification through its Agency REA that is responsible of extending power to rural areas because it is very vital for completion of the value addition chain which is one the main objectives of the NUSAF 3.</li> </ul>
7.0	Project Coordination Unit	<ul style="list-style-type: none"> <li>• To liaise with OPM/NUSAF, Districts and Grievance handling teams in ensuring peaceful implementation of the process including handling any grievances.</li> </ul>
9.	Chief Government Valuer	<ul style="list-style-type: none"> <li>• Support annual property rates reviews by District Land Boards</li> <li>• Review and approve the RAPs especially the valuations.</li> </ul>



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**RESETTLEMENT POLICY FRAMEWORK for NUSAF 3 2015**

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8.0	Regional/District Land Valuation Officers	<ul style="list-style-type: none"><li>• Undertake annual property rates reviews in the respective districts prior to property valuation and compensation to inform the valuation</li><li>• Assist in the valuation and compensation payment process and reporting.</li></ul>
10.0	District Steering Committees and Traditional authorities.	<ul style="list-style-type: none"><li>• To assist the community and support in the inventory of affected persons.</li></ul>
11.0	Consultants, NGO, CSO/implementing entity	<ul style="list-style-type: none"><li>• Prepare plans and assist with implementation and capacity building. Assist with sensitization and monitoring.</li></ul>
12.0	Local financial institutions (Banks)	<ul style="list-style-type: none"><li>• Safe disbursement of compensation amounts.</li></ul>

## **GRIEVANCE MECHANISM**

Grievance redress mechanisms provide a way to provide an effective avenue for expressing concerns and achieving remedies for communities, promote a mutually constructive relationship and enhance the achievement of project development objectives. Grievance redress mechanisms are increasingly important for development projects where ongoing risks or adverse impacts are anticipated. They serve as a way to prevent and address community concerns, reduce risk, and assist larger processes that create positive social change. It has been learned from many years of experience that open dialogue and collaborative grievance resolution simply represent good business practice both in managing for social and environmental risk and in furthering project and community development objectives.

### **COMMUNITY EXPECTATIONS WHEN GRIEVANCES ARISE**

When local people present a grievance, they generally expect to receive one or more of the following:

- Acknowledgment of their problem
- An honest response to questions about project activities
- An apology
- Compensation
- Modification of the conduct that caused the grievance
- Some other fair remedy.

In voicing their concerns, they also expect to be heard and taken seriously. Therefore, the project's PCUs must convince people that they can voice grievances and the project will work to resolve them without retaliation.

### **PROCEDURES AND TIME FRAMES**

There is no ideal model or one-size-fits-all approach to grievance resolution. The best solutions to conflicts are generally achieved through localized mechanisms that take account of the specific issues, cultural context, local customs, and project conditions and scale. In its simplest form, a grievance mechanism can be broken down into the following primary components:

- a. Receive and register a complaint.
- b. Screen and validate the complaint.
- c. Formulate a response.
- d. Select a resolution approach, based on consultation with affected person/group.
- e. Implement the approach.
- f. Settle the issues.
- g. Track and evaluate results.
- h. Learn from the experience and communicate back to all parties involved.

### **GRIEVANCE PREVENTION**

There are ways to proactively solve issues before they even become grievances. Implementers should be aware and accept that grievances do occur, that dealing with them is part of the work, and that they should be considered in a work plan. Implementers should do the following:

- a. ***Provide sufficient and timely information to communities.*** Many grievances arise because of misunderstandings; lack of information; or delayed, inconsistent, or insufficient information. Accurate and adequate information about a project and its activities, plus an approximate implementation schedule, should be communicated to the communities, especially PAPs, regularly. Appropriate communication channels and means of communication should be used.
- b. ***Conduct meaningful community consultations.*** OPM/NUSAF should continue the process of consultation and dialogue throughout the implementation of the project. Sharing information, reporting on project progress, providing community members with an opportunity to express their concerns, clarifying and responding to their issues, eliciting communities views, and receiving feedback on interventions will benefit the communities and the project management.
- c. ***Build capacity for project staff, particularly community facilitators and other field-level staff.*** The community-level facilitators and field-level staff of OPM/NUSAF should be provided with adequate information on the project such as project design, activities, implementing schedules, and institutional arrangements as well as enhanced skills in effective communication, understanding community dynamics and processes, negotiation and conflict resolution, and empathizing with communities and their needs. Building trust and maintaining good rapport with the communities by providing relevant information on the project and responding effectively to the needs and concerns of the community members will help solve issues before they even become grievances. It is also important that community facilitators and field-level staff provide regular feedback on their interactions with the communities to the higher levels of the implementing agencies.

### ANTICIPATED GRIEVANCES IN NUSAF 3

The project activities which will include; expansion, rehabilitation and improvements of access roads and rehabilitation and/or construction of health, schools facilities/structures. Other schemes/sub-projects in other regions to be identified during implementation. These activities are likely to cause grievances related; a) Issues related to compensation, b) Location of community access roads and c) Location of storage facilities. The site specific land study and social assessment will provide for recommendations for the establishment of the grievance redress mechanisms that will be integrated into the relevant RAPs.

### MECHANISM UNDER NUSAF 3

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#### COMMUNITY LEVEL GRM

The Community Monitoring Groups (CMGs) established under the Community Subproject Management Committee in NUSAF2 will continue to promote social accountability at the community level. The CMGs will be constituted by 5 democratically elected members of proven integrity (5 members of the beneficiary community (who are neither members of the Community Project Management Committee (CPMC) nor Community Procurement Committee (CPC)). Where possible, the Chairperson and/or the Secretary of the SAC should be literate. The SAC shall meet at least once every month and shall submit its reports to the Sub-county CDO and their respective beneficiary communities on monthly basis.

The CMGs mechanism will:

- Ensure that where grievances arise, they are addressed at the lowest possible level (subsidiary);
- Act as first point of call for resolving or reference of grievances.

The CMGs will initiate a response to such grievances that shall be based on prevention, detection, and consequence. The CMGs will be focused on cases of:

- Gender exclusion and deliberate or ignorant obstruction of achieving the project's gender equity process and output targets;
- Nepotism (misuse of station, power and influence to benefit relatives and friends),
- Collusion (secret or illegal cooperation to divert or pervert project resources, including manipulation in reaching the intended target groups); and
- Corruption (dishonest and fraudulent conduct of power and office holders, typically involving soliciting and/or accepting bribes).
- Compensation for land uptake

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#### REFERRAL OF SEVERE OR UNRESOLVED GRIEVANCES

The communities using various social accountability mechanisms will hold each other as well as government officials and bureaucrats accountable. The grievance handling system will, depending on the severity and potential criminal liability of transgressions, invoke referrals by the NUSAF3 grievance handling function to:

- refer the matter to the District Land Tribunal for land-related issues;
- The disciplinary regulatory system of the Ministry of Local Government (for Local Government employees at district level and below);
- The Inspector General of Government (IGG) for all levels of civil servants and elected government officials in accordance with the constitutional roles;
- The Police, Director of Public Prosecution (DPP), and the Judiciary as ultimately is the case for all Ugandan citizens in cases of criminal liability for collusion and corruption.
- The World Bank Group.

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#### INVOLVEMENT OF THE INSPECTORATE OF GOVERNMENT

One of the components of NUSAF 3 is Transparency, Accountability and Anti-Corruption (TAAC). This sub-component is aimed at ensuring transparency, accountability and putting in place anticorruption measures in the implementation of the project.

As part of the TAAC program, the Inspectorate of Government will continue to use both enforcement and preventive/proactive measures to ensure that the project is not frustrated by corruption and other malpractices. Enforcement measures will include investigation of complaints against corruption, as well as enforcement of the Leadership Code. The IG will be one of the first ports of call for the social accountability committees (SACs) in the communities.

In terms of grievances, to link communities to the national anti-corruption institutions, TAAC will include a grievance handling arrangement. Grievance handling will at grassroots level be anchored in Social

Accountability Committees (SAC), and ultimately linked to the Inspectorate of Government (IG) headed by the Inspector General of Government (IGG) at national level.

The Inspectorate of Government is an independent institution charged with the responsibility of eliminating corruption, abuse of authority and of public office. The powers as enshrined in the Constitution and IG Act include to; investigate or cause investigation, arrest or cause arrest, prosecute or cause prosecution, make orders and give directions during investigations; access and search – enter and inspect premises or property or search a person or bank account or safe deposit box among others.

The Inspectorate has instituted avenues such as e-mails, Report 2 IG using Short Message System (SMS), telephone calls on 0414347387 (hot line) and other general lines, physical reporting to any of the 16 IGG Regional Offices spread throughout the country. Report2IG uses a short code 6009. This short code is the number to which all complaints or reports are sent. It is TOLL FREE for all mobile networks.

With your mobile phone, simply type the keyword “CORRUPT” and SMS to 6009 and follow the prompts. You will receive a Complaint reference number which will be used to follow-up the complaint. Complaints can also be filed online at <http://www.igg.go.ug/complaints/>

To take its services closer to the people, pursuant to the provisions of Article 228 of the Constitution, the Inspectorate has so far established sixteen (16) Regional Offices headed by Principal Inspectorate Officers. The Regional Offices are structured to perform the functions of the Inspectorate and are distributed over the country. Those relevant to NUSAF 3 are as follows:

<b>IG Office</b>	<b>Contacts</b>
Arua Regional Office (Arua, Koboko, Zombo, Nebbi, Maracha and Terego)	<a href="mailto:arua@igg.go.ug">arua@igg.go.ug</a> 0476-420317
Gulu Regional Office (Gulu, Kitgum, Pader, Agago, Lamwo, Nwoya and Amuru)	<a href="mailto:gulu@igg.go.ug">gulu@igg.go.ug</a> 0471-432569
Lira Regional Office (Lira, Apac, Oyam, Dokolo, Otuke, Aleptong, Kole and Amolatar)	<a href="mailto:lira@igg.go.ug">lira@igg.go.ug</a> 0473-420099
Mbale Regional Office (Mbale, Bukwo, Kapchorwa, Sironko, Budaka, Pallisa, Bulambuli, Kibuku and Kween)	<a href="mailto:mbale@igg.go.ug">mbale@igg.go.ug</a> 0454-435029/35255
Moroto Regional Office (Moroto, Abim, Nakapiripirit, Amudat, Kotido, Napak and Kaabong)	<a href="mailto:moroto@igg.go.ug">moroto@igg.go.ug</a> 0352-278373
Moyo Regional Office (Moyo, Adjumani and Yumbe)	<a href="mailto:moyo@igg.go.ug">moyo@igg.go.ug</a> 0372-280102
Soroti Regional Office (Soroti, Amuria, Kaberamaido, Katakwi, Bukedea, Ngora, Serere and Kumi)	<a href="mailto:soroti@igg.go.ug">soroti@igg.go.ug</a> 0454-463201
Tororo Regional Office	<a href="mailto:tororo@igg.go.ug">tororo@igg.go.ug</a> 0454-445534

(Tororo, Busia, Butaleja, Manafwa and Bududa)	
<b>HOT LINES</b>	0414-347386 0312-101346
<b>Inspector General of Government</b>	0414-259723  Email: <a href="mailto:imulyagonj@igg.go.ug">imulyagonj@igg.go.ug</a>
<b>Director – Regional Affairs and Follow-up</b>	0414-346116/254421  <a href="mailto:regional@igg.go.ug">regional@igg.go.ug</a>

## **Implementation**

In the implementation of the Anti-Corruption function the IG carries out investigations where commission of any offence under the Anti-Corruption Act 2009 or the Leadership Code Act is alleged. Where the subject of an investigation is found to have committed an offence he/she may be arrested and prosecuted. Disciplinary action in varying degrees from warnings to dismissal may also be recommended to the supervisors of public officers and monies lost or embezzled recovered from them. Assets may be confiscated from a public officer who investigations establish to have acquired them through corrupt means.

**Awareness** – The IGG is required to educate the public about their Constitutional right to access public services without having to pay bribes or any other extra costs and made aware of their civic duties and responsibilities to demand for accountability from their leaders, value for money and to report corrupt practices, mismanagement or abuse of public office to the Inspectorate of Government. Workshops will be carried out in various areas of NUSAF 3. The purpose of these workshops will be to educate and inform the various NUSAF 3 stakeholders about the NUSAF 3 project in terms of its goals and strategy of implementation so as to maximize value to intended beneficiaries.

**Arrests** – The IG has powers to arrest or cause arrests of people who investigations reveal to have engaged in corrupt practices and abuse of office or authority or who for no good reason refuse or ignore to respond to summons issued by the IG.

**Prosecutions** – The powers of the Inspectorate of Government to prosecute or cause prosecution of suspects alleged to have been engaged in corruption and abuse of office are derived from the Constitution of the Republic of Uganda.

## **MONITORING AND REPORTING OF GRIEVANCES**

The respective Sub-counties should include regular updates and analysis of the GRM in their quarterly reports and also provides regular feedback to communities and other relevant stakeholders. All submitted complaints and grievances will be added to a database/project files which will be updated regularly. Each complaint and grievance should be ranked, analyzed and monitored according to type, accessibility and degree of priority. The status of grievances submitted and grievance redress will be reported through the monthly report.

## **THE WORLD BANK’S GRIEVANCE REDRESS SERVICE (GRS)**

### **GRS DEFINITION AND PURPOSE**

The GRS is the World Bank's easy way to provide PAPs and communities an avenue to bring their complaints directly to the attention of Bank Management. The project-level GRM will remain the primary tool to raise and address grievances in Bank-supported operations except issues that cannot be resolved at the project level.

Thus, grievances that are brought directly to the project team or to the country office should be addressed at the project level, unless the complainants specifically refer to the GRS in their complaint, or Task Team or Bank Management considers that referring the case to the GRS adds value. Complaints that are being addressed at the project-level can always be referred to the GRS at a later stage, especially if successful resolution (perceived or actual) was not possible (escalation).

The GRS facilitates corporate review and resolution of grievances by screening and registering complaints and refereeing them to the responsible Task Teams/Managers. The GRS undertakes the follow functions within defined time frame:

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

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#### **SUBMITTING A COMPLAINT TO GRS**

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

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

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

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

***Issues pertaining to fraud and/or corruption will be referred to INT – the Bank's official mechanism of handling integrity issues of transparency and accountability.*** These include cases of possible fraud, corruption, collusion, coercion and obstruction in World Bank-funded projects.

#### **Freedom from Retaliation**



Bank policies provide for the participation of PAPs in project preparation and implementation. Complainants who use the GRS **MUST NOT** be subject to any form of retaliation, abuse or any kind of discrimination based on the fact that they exercised their right to complain to the GRS.

### **GRS Review Process**

#### ***Registration of Complaints***

After receipt of a complaint, the GRS immediately *logs* the complaint and a notification of receipt will be sent to the complainant. Within *10 business days*: The GRS *reviews and evaluates* the complaint, determines the eligibility and type of complaint according to the categories in the table below, registers it and forwards it to the appropriate Task Team/Managers, which is noted in the online system. GRS will notify the complainant of the eligibility determination of the complaint:

- If the complaint is *eligible*, the complainant will be notified that the Task Team has been assigned the case with a case number and the expected time frame in which s/he will be contacted.
- If the complaint is *unclear*, the complainant will be requested to submit additional information or provide clarifications in order to allow a decision on registration.
- If the complainant is *not eligible*, the complainant will be notified of this decision and referred to relevant institutions where appropriate and the case will be closed.

#### ***Review of issues raised and Formulation of Proposal***

Within *30 business days* after registration the Task Team will respond to the complainant. For Type I complaints (information requests) the Task Team will provide the requested information in line with the Bank's Access to Information policy. For Type II (minor and medium impacts) and III (serious issues of corporate relevance, harm, and complex policy issues) complaints the Task Team will propose to the complainant how the issue raised in the complaint will be addressed, including a proposed time frame. The proposed time frame for Type II should not exceed 60 days and for Type III 180 days. If Task Team needs more time it will justify the additional time required. If the review by the task team reveals that the issues of concern raised in the complaint are not related to the Bank-supported project or any aspects thereof it will advise the complainant accordingly and refer the complainant to relevant government authorities to which the complaint should be addressed.

The specific proposal to address the issue or the recommendation to refer it to the borrower will be cleared by the relevant managers. The same applies to notifications that the concern is not related to the Bank project and hence the Bank has no means to address it. If the complainant accepts a specific proposal to resolve the concerns, the Task Team implements according to proposed process and proposed timeframe. The Complainant may provide input on all or parts of the initial proposal.

If the complainant rejects the proposal and/or the issue cannot be resolved through this process, the complainant will be informed by the GRS that the complaint is closed without resolution. The complainant will be referred to other options for remedy if appropriate such as responsible country authorities, relevant local/national grievance redress mechanisms or the World Bank Inspection Panel, if the complaint relates to noncompliance and harm.

Acceptance of the proposal should be reached within 30 business days after the initial proposal has been presented to the complainant. For extraneous circumstances, request for extension can be submitted if both parties agree for an additional 30 days business at a time.

***Implementation of Proposal***

Once the proposal is accepted, the Task Team implements the proposal. The Task Teams will update the status and progress of the implementation of the proposal in the GRS log and will keep the complainant informed of such progress until resolution of complaint. The Task Team may request support and advice through the GRS at any point. Such support and advice can be provided by other Bank Global Practices where required and as appropriate.

## **MONITORING OF THE RPF**

### **PURPOSE**

The monitoring and evaluation will be the main mechanism to alert the NUSAF 3 of any delays and problems and these activities will help measure the extent to which the main objectives of the RPF have been achieved. Monitoring aims at correcting implementation methods during the course of the Project, as required, while evaluation is intended at checking whether policies have been complied with and providing lessons learnt for amending strategies and implementation in a longer term perspective. Monitoring will be internal and evaluation external. The purpose of the internal monitoring and evaluation will be to verify that:

- All affected persons are involved in all the preparatory processes of the Resettlement action plan and that all affected properties and assets are captured in the Entitlement matrix and inventories and given appropriate budgets.
- Compensation is done on schedule and in accordance with the RPF
- All funds are spent on the line items for which they are budgeted for and affected persons are satisfied with the resettlement process.
- All grievances and complaints are channeled correctly and appropriately attended to.

### **OBJECTIVES AND SCOPE**

Evaluation and monitoring are key components of the Resettlement Policy Framework. The monitoring plan will indicate parameters to be monitored, institute monitoring guidelines and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities. Objectives include:

- Monitoring of specific situations or difficulties arising from the implementation and of the compliance of the implementation with objectives and methods as set out in this Resettlement Policy Framework;
- Evaluation of the mid- and long-term impacts of the Resettlement and Relocation Action Plan on affected households' livelihood, environment, local capacities, on economic development and settlement.

Through the monitoring and evaluation, OPM/NUSAF will establish a reporting system for the project RAP that will:

- (i) Provide timely information to the project about all resettlement and compensation issues arising as a result of resettlement related activities;
- (ii) Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels;
- (iii) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses; and

- (iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RAP and that PAPs have better living conditions and livelihoods.

## OVERALL MECHANISM

The monitoring plan will include indicators to be monitored, guidelines, responsible persons or institutions, the resources required to carry out the monitoring activities and timelines (quarterly) when the monitoring exercises will be conducted. The arrangements for quarterly monitoring of the resettlement and compensation activities would fit the overall monitoring programme of the entire NUSAF2.

The arrangements for monitoring the resettlement and compensation activities will also fall under the overall responsibility of LGs. The LGs will institute an administrative reporting system that:

- a) alerts project authorities to the necessity for land acquisition in the project activities design and technical specifications;
- b) provides timely information about the assets valuation and negotiation process;
- c) reports any grievances that require resolution, and
- d) documents timely completion of project resettlement obligations (i.e. payment of the agreed-upon);
- e) Updates the database with respect to changes that occur on the ground as resettlement and compensations activities are being implemented.

Annual evaluations will be made in order to determine whether the PAPs have been paid in full and before implementation of the individual sub project activities; and whether the PAPs enjoy the same or higher standards 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 and DPs, to determine and guide improvement in their social well-being. Therefore, monitoring indicators to be used for different RAPs or NUSAF 3 will have to be developed to respond to specific site conditions. Independent monitoring as for example by NGOs can be arranged from time to time to validate the programme implementation. NGOs will also help with monitoring and validation of the implementation of the safeguards instruments as well as help in monitoring of payments to communities and extent to which:

- (i) Use of resources are determined in a participatory and inclusive manner and
- (ii) Payments are used for community purposes.

They will also help in action plans and some sensitization and education and capacity building activities. The cost for the Independent Monitoring Agencies is usually incorporated in the RAP Budget.

## REQUIRED INFORMATION

The census carried out during the RAP preparation will provide OPM/NUSAF with the quantitative data that will enable them track the delivery of resources and services to the affected population, and to correct problems in the delivery of resources and services throughout implementation of the RAP. In addition, information gathered during the census will yield important baseline data at the household and community levels, which will be used to establish indicators not only for resettlement implementation, but also for monitoring and evaluation of income restoration and sustainable development initiatives associated with a RAP. The Resettlement team will maintain basic information on all physical or economic displacement arising from the project which will include the following:

- a) Number of households and individuals physically or economically displaced by the project by gender;
- b) Length of time from sub-project identification to payment of compensation to PAPs;
- c) Timing of compensation in relation to commencement of physical works;
- d) Amount of compensation paid to each PAP household and communities (if in cash), or the nature of compensation (if in kind);
- e) Decision-making process for use of funds paid to community's gender.
- f) Number of people raising grievances in relation to the project by gender
- g) Number of grievances or complaints by gender;
- h) Time spent to resolve the complaint; and
- i) Number of resolved and unresolved grievances by gender.

#### INTERNAL MONITORING AND EVALUATION

The objectives of internal monitoring and supervision will be:

- (i) to verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement policies provided by World Bank Policies and guidelines;
- (ii) to oversee that the RAPs are implemented as designed and approved;
- (iii) to verify that funds for implementation of the RAP are provided for by OPM/NUSAF or GoU in a timely manner and in amounts sufficient for their purposes, and that such funds are utilized in accordance with the provisions of the RAP

The main internal indicators that will be monitored regularly include:

- (a) that entitlements are in accordance with this RPF and that the assessment of compensation is carried out in accordance with agreed procedures;
- (b) payment of compensation to the PAPs under the various categories is made in accordance with the level of compensation described in the RPF and RAPs;
- (c) public information and public consultation and grievance procedures are followed as described in the RPF and RAPs;
- (d) relocation and payment of subsistence and shifting allowances are made in a timely manner; and
- (e) Restoration of affected public facilities and infrastructure are completed prior to construction.

#### EXTERNAL MONITORING AND EVALUATION

OPM/NUSAF will engage an Independent Monitoring Unit (IMU) if necessary for purposes of external monitoring and evaluating implementation of compensation and resettlement activities. In establishing the unit, effort will be made to draw on personnel with resettlement and social development experience in Uganda. The IMU shall be appointed to monitor the resettlement and compensation process and implementation of requirements to verify that compensation, resettlement and rehabilitation have been implemented in accordance with this RPF and the agreed subproject RAPs. The IMU will also be involved in the complaints and grievance procedures to ensure concerns raised by PAPs are addressed. Alternatively, external monitoring of RAP will be provided by the World Bank who will monitor the entire process through regular reports and supervision missions.

## MONITORING AND EVALUATION INDICATORS

The evaluation will be based on current WB procedures and also national provisions on resettlement/compensation. The main indicators will include:

- a) income levels before-and-after the RAP;
- b) access to livelihoods and employment;
- c) changes in standards of housing and living conditions;
- d) number of grievances and their status, time and quality of resolution;
- e) Management of (post-)conflict related issues
- f) number of individuals and families to re-establish their pre-resettlement activities, in terms of other alternative incomes;
- g) number of demolitions after giving notice, and
- h) Number of PAPs paid in a given period in comparison with what was planned.

## 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 9: provides a set of indicators that can be used.

**Table 17: Types of 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

<b>Monitoring</b>	<b>Evaluation</b>
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.

*Note: The project should provide gender disaggregated data to the extent feasible.*

## 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.

## MONITORING TOOLS

- Questionnaires with data stored in a database for comparative analysis (before-after and without);
- Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
- Relocation/resettlement and Compensation Reports, including status of land impacts; percentage of individuals selecting cash or a combination of cash and in-kind compensation; proposed use of payments.

## RAP PERFORMANCE AUDIT

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

- a summary of RAP performance of each subproject;
- a compliance review of RAP implementation process; and
- a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF.



## **REPORTING**

The monitoring unit will submit periodic (preferably bimonthly) reports to the OPM/NUSAF. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups. RAP implementation report will also form the bi-annual supervision reports, and any other projects reports

## **ANNUAL REVIEWS**

The annual audit of RPF implementation, and as applicable RAP implementation in sub-project(s), includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process; and (iii) a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF similar to the process outlined in the ESMF. Annual reports will be submitted to the implementing agencies, OPM/NUSAF and the World Bank for review.

## **DISCLOSURE**

This RPF will be disclosed in compliance with relevant Ugandan regulations and The World Bank Operational Policy 4.12. After The World Bank's review and approval of the RPF as part of the overall proposed project for funding, the implementing agencies coordinated by OPM/NUSAF shall share the final RPF with all other relevant Ministries, Local Governments and Institutions; it will also be disclosed in-country for all interested person to read and know the details and at the World bank's Infoshop. Subsequent RAPs developed will also be cleared by the World Bank and disclosed in-country for all interested person to read and know the details and at the World Bank's Infoshop.

## **RPF BUDGET AND FUNDING**

## BUDGET TO IMPLEMENT RPF

At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the land needs have not yet been fully identified. The budget will be developed from the specific social assessment studies and mitigation/livelihood restoration measures to be developed. It will cover resettlement activities including compensation cost for affected assets. The cost will be derived from expenditures relating to:

- (1) the preparation of the resettlement/compensation action plan;
- (2) Relocation and transfer,
- (3) Income and means of livelihood restoration plan, and
- (4) administrative costs

## ESTIMATES AND FUNDING SOURCES

### Proposed 5 Year RPF Implementation Budget

Item	Cost in USD				
	Year 1	Year 2	Year 3	Year 4	Year 5
Training of CDOs, DEOs, and NDOs in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	200,000				
Training of sub-county stakeholders in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	500,000				
Facilitation of CDOs and NDOs to screen and monitor implementation sub-projects (RAP studies and RAP implementation.)	100,000	100,000	100,000	100,000	100,000
Facilitation for CDOs and NDOs to undertake consultation and mobilization of communities including IEC materials	300,000	300,000			
Social Safeguards monitoring and audits	50,000	50,000	50,000	50,000	50,000
<b>Sub-totals</b>	<b>1,050,000</b>	<b>450,000</b>	<b>150,000</b>	<b>150,000</b>	<b>150,000</b>
Total Budget Estimate	<b>1,950,000</b>				

## RECOMMENDATIONS, SUMMARY AND CONCLUSION

Summary and Conclusion

This RPF provides a step-by-step guidance on how to identify potential adverse land acquisition and social impacts from project activities, and how to plan, implement and monitor measures to mitigate them. It also sets out the guidelines for the resettlement action plans (RAPs) to be prepared for any subproject that triggers the Involuntary Resettlement Policy.

The overall social impacts of the NUSAF3 project are expected to be positive through extension of livelihood support to poor and vulnerable households and establishment of a framework for labour-intensive public works which will see poor households involved and hence enhancing their income. The community sub-projects may involve limited degree of land take and displacement of land-uses and/or livelihoods. The project ties in the twin goals of the World Bank group of alleviating poverty and promoting shared prosperity. The potential land acquisition and social impacts can be adequately managed by integrating social due diligence into the subproject cycle using this RPF for guidance.

### Recommendations

1. **Training of beneficiaries:** There is need for an adequate budget for training of communities on implementation of subprojects to ensure that land acquisition issues are well managed and to also ensure project sustainability. Although both the communities and NDOs proposed increase in the days of training from three to five, it is recommended that rather than prolonging the days let there be a review in the methodology and approach to the trainings. One of the issues to consider is to assess the possibility of a mixed theory and practice approach or a modular approach so that theory is provided and trainees take home community assignments and return another day for another module, 5 days training is long and costly.
2. **Public Consultation:** The importance of public consultation is central to project success therefore ensuring that all marginalized community groups are represented in the mobilization teams and are reached with information is critical. Previous lessons on who has never been reached and why is critical and can enhance community engagement, by in and participation. Commonly, the targeting of households for information dissemination tends to confine information sharing to heads of households or male relatives who are usually easier to access and are available given the traditional gender division of labour that tends to keep women engaged most of the day.
3. **Consultation and inclusion of PWDs:** Consultation and mobilization of communities should take into consideration PWDs. The approach should take care on not only the lame but also the deaf and the visually impaired. This will ensure that all categories of PWDs are systematically consulted and included in the planning and implementation of the project
4. **Involvement of Women in PWPs:** Regarding women involvement in PWPs in NUSAF 3, it is recommended that, in order to get more women to participate, there is need to ensure community involvement in task assessment, to ensure that seasonal calendars for the project areas are well understood and PWPs aligned to ensure that there is no time allocation conflict with traditional farming patterns and roles. Where possible gender friendly work tools and equipment could be a difference in motivating women to engage in PWPs.
5. **Selection Criteria:** There is a need for defining clear criteria in the selection of beneficiaries and but also while allowing flexibility to the community to identify poor in a participatory manner keeping community situation and ground realities in mind. The selection criteria should take into

account the voiceless and traditionally underrepresented in the community, where possible, these should be represented on the selection teams to ensure that community members who have never been reached because of stigma and discrimination-poverty related or otherwise can be identified and reached to ensure inclusion.

6. During the implementation of NUSAF2, the TST and Districts mainly focused on generation and approval of sub-projects. There wasn't much support for beneficiaries during and post implementation of sub-project. Under the new project, in order to provide implementation support and follow up mentoring to community and beneficiaries, an implementation support team at Sub-County, Parish and Community level will be put in place.
7. OPM should involve the office of the RDC and GISO in monitoring of NUSAF projects other than the IGG's office which is under staffed and overwhelmed by work, for example West Nile has 3 Officers under IGG's department to monitor all government activities in the region.
8. Community access roads will mainly be rehabilitated using marrum which is going to be acquired from with the communities. This will lead to increase in household incomes of the communities who will sell their marrum to the contractors however, it is a common occurrence that these borrow pits are never restored after the road works leading water stagnation hence a breeding site for mosquitoes and also danger to children and animals. and therefore the Project Implementing Unit is expected to monitor compliance by the contractor.
9. **Content of Operations Manual:** It was noted that most NUSAF Desk Officers didn't have a copy of the NUSAF Environment and Social Handbook and rely entirely on the Operations Manual. It may be more useful if the NUSAF3 Operations Manual would contain more guidance on management of environmental and social issues.

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## REFERENCES

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6. ISDS ACDP Agricultural Sector Development Strategy and Investment Plan 2010/11-2014/15.
7. The Constitution of the Republic of Uganda 1995, Ministry of Justice and Constitutional Affairs.
8. The National Development Plan 2010/11– 2014/15.
9. UBOS 2010, Uganda Census of Agriculture 2008/2009.
10. Uganda Bureau of Statistics Statistical Abstract 2011.

## **LIST OF ANNEXES**

### **ANNEX 1: WORLD BANK RESETTLEMENT POLICY FRAMEWORK (RPF)**

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

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

### **Resettlement Policy Framework**

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

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

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

For each subproject included in a project described in paragraphs 26, 27, or 28 that may involve resettlement, the Bank requires that a satisfactory resettlement plan or an abbreviated resettlement plan that is consistent with the provisions of the policy framework be submitted to the Bank for approval before the subproject is accepted for Bank financing. For projects described in paragraphs 26-28 above, the Bank may agree, in writing that sub-project resettlement plans may be approved by the project implementing agency or a responsible government agency or financial intermediary without prior Bank review, if that agency has demonstrated adequate institutional capacity to review resettlement plans and ensure their consistency with this policy. Any such delegation, and appropriate remedies for the entity's approval of resettlement plans found not to comply with Bank policy, is provided for in the legal agreements for the project. In all such cases, implementation of the resettlement plans is subject to ex post review by the Bank.

## **ANNEX 2: ANNOTATED OUTLINE FOR PREPARING A RESETTLEMENT ACTION PLAN (RAP)**

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

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

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

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

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

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

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

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

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

- (i) Land tenure, property, and transfer systems, including an inventory of common property natural resources from which people derive their livelihoods and sustenance, non-title-based usufruct systems (including fishing, grazing, or use of forest areas) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the sub project area;
- (ii) Patterns of social interaction in the affected communities, including social support systems, and



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

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

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

The institutional framework governing RAP implementation generally covers:

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

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

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

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

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

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

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

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

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

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

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

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

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

dispute settlement mechanisms.

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

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

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

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

**ANNEX 3: SAMPLE GRIEVANCE AND RESOLUTION FORM**

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

6. Incidents Regarding Expropriation and Compensation (Specify)	7. Resettlement Process (Specify)	8. Employment and Recruitment (Specify)	9. Construction Camp and Community Relations	10. Other (Specify)
			<p>a) Nuisance from dust</p> <p>b) Nuisance from noise</p> <p>c) Vibrations due to explosions</p> <p>d) Misconduct of the project personal/worker</p> <p>e) Complaint follow up</p> <p>f) Other</p>	

ANNEX 4: GRIEVANCE CLOSE OUT FORM

<b>GRIEVANCE CLOSE OUT FORM</b>		
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		
<b>COMPENSATION ACTION AND SIGN OFF</b>		
<p>This part will be filled in and signed by the complainant when he/she receives the compensation or the file is closed out.</p> <p><b>Notes:</b></p> <p>Date: &gt;.....</p> <p>Complainant Representative of Responsible Party</p> <p>Name and Signature and Signature</p> <p>&gt;.....</p> <p>&gt;.....</p> <p style="text-align: right;">Name</p>		

ANNEX 5: SAMPLE TABLE OF CONTENTS FOR CONSULTATION REPORTS

**1.0 Introduction**

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

**2.0 Stakeholder Analysis**

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

**3.0 Stakeholder Engagement**

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

**4.0 Summary of Key Issues**

**5.0 Future Consultation Events**

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



## 6.0 Disclosure Plan

### Tables

Table 2.1: Consultation Activity Summary

Table 3.1: Initial Government Agency Consultations

Table 3.2: Summary of NGO Meetings

Table 3.3: Sub-County Committee Composition

Table 3.4: Summary of Community Discussions

Table 3.5: Local Community Comments

Table 4.1: Summary of Key Issues and Responses

Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

### TEMPLATE Table on Consultation Activity Summar

Location and Communities Represented	Meeting Dates	Attendees	Discussion Summary
Example:			

**ANNEX 6: RELEVANT LOCAL LEGISLATION AND GUIDELINES**

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

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

Article 26(2) of the Constitution provides that: “No person shall be compulsorily deprived of property or any interests in or any right over property of any description except where the following conditions are satisfied. <ul style="list-style-type: none"> <li>• The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health and</li> <li>• The compulsory taking of possession or acquisition of property is made under a law which makes provision for: <ul style="list-style-type: none"> <li>○ Prompt payment of fair and adequate compensation, prior to the taking or acquisition of the property, and</li> <li>○ A right of access to a court of law by any person who has an interest or right over the property.</li> </ul> </li> </ul>	Constitution (1995), Article 26(2)
“Where the assessment officer takes possession of land, the land shall immediately by the operation of this act be vested in the land commission free from all encumbrances”	Land Acquisition Act 7(2)
<i>“the Uganda Land Commission shall hold and manage any land in Uganda which is vested in or acquired by the government in accordance with the constitution and perform such other functions as may be prescribed by or under this Act or any other enactment.”</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)
<b>Compensation</b>	<b>Law / Regulation</b>
Prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the property.	Constitution 1995
Prompt payment of fair and adequate compensation to all interested parties on the land.	Electricity Act (1999), Part VIII
Compensation for affected people should be determined according to the Land Act (1998) and the Land Acquisition Act (1965).	Electricity Act 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
<b>Dispute Resolution and Grievance Mechanisms</b>	<b>Law / Regulation</b>
Land Tribunals must be established at all local governments and all land disputes must first be processed through them before any resort can be made to ordinary courts.	Land Act (1998), Article 75
Traditional authority mediators retain their jurisdiction over land disputes.	Land Act (1998), Article 89

## ANNEX 7: SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK

- Review the relevant legislation, regulations and local rules governing the use of land and other assets, with specific reference to the following:
  - i. Political economy and governance in Uganda
  - ii. Property and land rights as defined by Ugandan law and customary practice
  - iii. Acquisition and valuation of land and other assets including regulations over the buying and selling of these assets.
  - iv. Entitlement and compensation in particular the accepted norms influencing people's basic rights to livelihood and basic services.
  - v. Dispute resolution and grievance mechanisms. Specifically the legal and institutional arrangements for filing grievances are addressed through formal and informal systems of dispute resolution.
  - vi. Comparison with The World Bank OP 4.12 using equivalence and acceptability standards.
- Review relevant Ugandan laws and procedures regarding land taking and compensation;
- Study the RPF Template for Uganda and use it for the preparation of the required RPF specifically relating it to the rationale of NUSAF project. The template will be provided by IDA on selection of consultant;
- Consult with relevant Local Government and other key stakeholders such as key government parastals that are engaged in land acquisition processes so as to identify current land acquisition challenges and community vulnerabilities and suggest workable recommendation to be adopted in to the current project;
- Undertake field visit to generate information on the institutional capacities in selected Districts that would inform the current Resettlement Policy Framework implementation. The RPF should be an operational document providing detailed background information. Reference to OP 4.12 Involuntary Resettlement was used in the preparation of this document.

## NUSAF2

### Consent Form: Voluntary Land Contribution (Generic)

<b>Name(s) of Land Owner(s)</b>	1.	2.
Village:		
Sub-County:		
District:		
<b>Location of Land:</b>		
Village:		
Sub-County:		
District:		
<b>Land Tenure System</b> ( <i>Please tick</i> ):	Leasehold land	Public Customary Freehold Mailo
<b>Land Holding Size (ha):</b>		
<b>Confirmation of Land Ownership</b>	<p>I certify that this land legally or traditionally belongs to the following:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>of Village ....., Parish.....Sub-County.....in</p> <p>.....District</p> <p>.....</p> <p>.....</p> <p>LCI Signature</p> <p>.....</p> <p>.....</p> <p>Sub-county LC III Signature</p>	



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	<p>.....</p> <p>.....</p>
<b>Contribution Type</b> <i>(Please tick):</i>	<p>Voluntary without compensation      Voluntary with compensation</p> <p>Amount of compensation: Ug. Shs.</p>
<b>Period of Use:</b>	<p>Indefinite      Number of Years</p>
<b>Declaration of Landowner(s)</b>	<p>I/We declare that this land belongs to me/us and I/we hereby contribute it voluntarily for a community project</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Name(s) of Landowner(s)      Signature</p>
<b>Name and Type of Development Project:</b>	<p>Name:.....</p> <p>.....</p> <p>Type:.....</p> <p>.....</p>
<b>Affidavit of Declaration of Offer by Land Owner(s)</b>	<p>I/We declare and transfer Land User/Land Ownership rights to my/our land to the Community Based Organization or Group without any conditions for the development and implementation of the community development project described above:</p> <p>_____</p> <p>—</p> <p align="center">Name of Land Owner      Signature</p> <p>_____</p> <p>—</p> <p align="center">Name of Land Owner      Signature</p>

**ANNEX 8: DETAILS OF THE DISCUSSIONS AND KEY ISSUES RAISED DURING STAKEHOLDER CONSULTATIONS**