



Republic of Uganda

MINISTRY OF EDUCATION AND SPORTS

UGANDA SKILLS DEVELOPMENT PROJECT

Resettlement Policy Framework

Final Draft Report

SEPTEMBER 24, 2014

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ABBREVIATIONS AND ACRONYMS

ARSDP	Albertine Region Sustainable Development Project
ATC	Agricultural Training College
Bank	World Bank
BTVET	Business, Technical, Vocational Education and Training
CBO	Community Based Organisation
CDO	Community Development Officer
CMU	Construction Management Unit
CoE	Centre of Excellence
DCDO	District Community Development Officer
DPs	Displaced Persons
ESIA	Environment Social Impact Assessment
ESSP	Education Sector Strategic Plan
FGD	Focus Group Discussions
GC	Governing Council
GO	Grievance Officer
GoU	Government of Uganda
GRM	Grievance Redress Mechanism
IDA	International Development Association
IMU	Independent Monitoring Unit
KII	Key Informant Interviews
LC	Local Council
LG	Local Government
M&E	Monitoring and Evaluation
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MIS	Management Information Systems
MoES	Ministry of Education and Sports
MoGLSD	Ministry of Gender, Labour and Social Development
MoLG	Ministry of Local Government
MoLHUD	Ministry of Lands, Housing and Urban Development
MTIC	Ministry of Trade, Industry and Cooperatives
NDP	National Development Plan
NGO	Non-Government Organisation
PAPs	Project Affected Persons
PCDP	Public Consultation and Disclosure Procedures
PCU	Project Coordination Unit
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RTF	Reform Task Force
SMEs	Small and Medium Enterprises
SSC	Sector Skills Councils
UNRA	Uganda National Roads Authority
UPE	Universal Primary Education
USDP	Uganda Skills Development Project
USE	Universal Secondary Education
UTC	Uganda Technical College
UVQF	Uganda Vocational Qualifications Framework
VI	Vocational Institutes

GLOSSARY

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 USDP Project Affected Persons 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 lost as a result of USDP 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 USDP program activities.

“Cut-off date” is the date of commencement of the census of PAPs or DPs within the USDP program area boundaries. This is the date on and beyond which any person whose land is occupied for USDP project activities 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 for the USDP project, 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 and; 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 livelihoods.

“Involuntary Displacement” means the involuntary acquisition of land resulting from direct or indirect economic and social impacts caused by: loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; loss of income sources or means of livelihood, whether or not the displaced persons have 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 USDP 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 USDP program.

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

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 USDP Project Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre-USDP project 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 USDP project 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”** which means the pre-USDP 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 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 labour and contractors’ fees and; (c) any registration costs.

“Resettlement Assistance” means the measures to ensure that USDP Project 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.

“The Resettlement Policy Framework (RPF)” has been prepared as an instrument to be used throughout the USDP Project 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 project. The **Resettlement Action Plans (RAPs)** for the USDP Project will be prepared in conformity with the provisions of this RPF.

EXECUTIVE SUMMARY

1. Introduction

Government of Uganda (GoU) with support from the World Bank/International Development Agency (IDA) is preparing the Uganda Skills Development Project (USDP) which will be implemented by the Ministry of Education and Sports (MoES). The project will support some of the key reforms proposed within the Skilling Uganda Strategy with a focus on agriculture and small and medium scale manufacturing sectors. The overall Project Development Objective (PDO) is “*to enhance the capacity of institutions to deliver quality and relevant skills training programs in agriculture, construction, and manufacturing sectors, in order to improve placement outcomes*”.

Component 1: *Institutionalizing Systemic Reforms in Skills Development.* This component will involve two sub-components namely: 1.1) The establishment of an integrated Skills Development Authority (SDA) to be the central force for transforming and reforming BTVET in Uganda and; 1.2) The establishment and operation of Sector Skills Councils (SSCs) in the sectors of agriculture, construction and manufacturing.

Component 2: *Developing Centers of Excellence (CoE) in Specific Trades and Occupations.* Uganda Technical Colleges (UTC) of Bushenyi, Elgon and Lira and, Bukalasa Agricultural Training College (ATC) which were selected based on a given criteria will be supported to become CoEs. There are four main sub-components under here. 2.1) Develop and adapt the curriculum and assessment system to international standards 2.2) Train instructors and develop training materials 2.3) Expand and equip colleges and network facilities, including civil works and lastly: 2.4) Support provided to improving management and monitoring mechanisms within the CoEs.

It is sub-component 2.3 of this component which will involve upgrading and equipping the CoEs including support to 3 to 5 Vocational Institutes (VIs) to be linked to each CoE that forms the basis for preparing this RPF. Under the sub-component, the project will support the acquisition of training equipment and supplies in line with adapted curricula; and civil works for the construction of new and/or refurbishing of existing infrastructure in line with the requirements to deliver the curricula. It is anticipated that the implementation of the sub-component particularly the civil works may trigger the World Bank’s Involuntary Resettlement Policy (IRP) OP 4.12.

Component 3: *Project Management, Monitoring and Evaluation.* Under here will be two sub-components: 3.1) Project management including the establishment of a Project Coordination Unit (PCU) and; 3.2) Project monitoring and evaluation.

Purpose of the RPF: The RPF has been developed because the civil works to be financed under USDP are not fully determined at this stage, the nature of the interventions based on the Project’s Component 2: Developing Centers of Excellence within existing institutions in specific trades and occupations) and specifically under Sub-component 2.3: Expand and equip colleges and network facilities, including civil works, may lead to some degree of restriction of access to sources of livelihood and economic resources. The upgrading and equipping of 4 CoEs in addition to supporting 3 to 5 VIs including civil works for the construction of new and/or refurbishing of existing infrastructure (buildings), may lead to expanded land use and change even if it is within the existing institutions.

Therefore, the RPF will 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 implementation of component 2, sub-component 2.3 of the USDP when definite spaces in the institution and designs for specific infrastructure is finalized. Consequently, the RPF will guide the implementation of sub-component 2.3, will set out the elements that will be considered and identify aspects that will result in land take and any related issues which may not be known by the time of the project appraisal.

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 RAPs will be developed to address specific impacts, proposed mitigation measures and compensation issues accordingly.

Methodology for Preparing the RPF: The preparation of the RPF involved literature review of the themes and RPFs of related projects as well as the policy and legal and institutional frame works for the project. In addition Field visits involving stakeholder consultations and observations were undertaken at the respective identified institutions and supporting documentation including photography was applied in this process. Stakeholders interviewed included selected officers in the Construction Management Unit (CMU) of MoES; management teams of the selected institutions; officers from the district Local Governments (LG) where the selected institutions are located and; some community leaders and representatives.

2. Policy, Legal and Institutional Framework

There are a number of policy and legal frameworks that regulate land relations in Uganda. These frameworks define land rights, ownership, and the 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 and policy instruments considered in this regard were: The Constitution of the Republic of Uganda, 1995; National Land Policy, 2013; Land Act, 1998; Land Acquisition Act, 1965; Physical Planning Act, 2010; Local Government Act, 1997; BTVET Act, 2008; BTVET Strategic Plan (2012/13- 2021/22) and; the revised ESSP 2007 – 2015. The institutional framework includes the MoES (implementing agency); the project line ministries of Ministry of Lands, Housing and Urban Development (MoLHUD), Ministry of Trade, Industry and Cooperatives (MTIC), Ministry of Agriculture Animal Industry and Fisheries (MAAIF), Ministry of Gender, Labour and Social Development (MoGLSD), Ministry; the selected beneficiary institutions of UTCs Bushenyi, Elgon, Lira and Bukalasa ATC and; whenever need arises the respective LGs of Bushenyi, Mbale, Lira and Luwero.

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

3. Potential Project Impacts and Mitigations

The likely adverse impacts sub-component 2.3 of the USDP on the community and their corresponding mitigation measures will depend on the various categories of people to be affected. It is important however to note that the magnitude of adverse impacts of the USDP will be small.

Categories of PAPs: These may include: i) Affected households - a household is affected if one or more of its members are affected by the sub-projects of USDP either in the form of loss of property, land or access to services or socio-economic resources. ii) Vulnerable households –such as those with vulnerable members, for instance, women, children, and the disabled, female and child-headed households and, internally displaced people. iii) Elderly and iv) Women. The expected number of persons who may be affected during the implementation sub-component 2.3 of USDP activities cannot be accurately estimated at this point in time.

Potential Impacts: Sub-component 2.3 project activities are likely to have two types of effects; permanent and temporary effects. Permanent effects will result from an infinite loss or use of property, vegetation or land by the affected persons. This is likely to take place where new buildings are to be constructed and workshops established. Temporary effects will result from an interruption in the current use of property or land by the affected persons. This is likely to occur during refurbishment (expanding and upgrading) of existing infrastructure especially the old structures for the institutions.

Mitigations: Provisions are made under this RPF to minimize all such impacts including those of socio-economic significance. Provisions are also made in this RPF 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, OP 4.12. The potential social impacts to be addressed within the context of preparing this RPF have been identified. It is expected though that site specific social assessment studies will be carried out within specific localities, as and when required. The framework for compensation/resettlement will then be applied incorporating the following specifics (1) institutional arrangements (2) resettlement/ compensation eligibility criteria (3) implementation procedures (4) financial responsibilities and (5) monitoring and evaluation plan.

4. Eligibility for Compensation

Determination of eligibility of *bona fide* occupants of properties to be compensated shall be done through a transparent and legal process, taking into consideration all the related existing laws of Uganda and World Bank policies as well as local customs. Compensation will be paid only to those persons: 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; who have property (a house, crops or a thriving business enterprise) situated in the area identified for development and; with household members who derive their livelihoods from the advantage of location and proximity to other social and economic facilities provided by the current settlement.

5. Project Screening and Preparation

Sub-projects' screening: All sub-projects likely to have a social impact on the community should be screened beforehand. In the process, potential socio-economic impacts that will require mitigation measures, resettlement and compensation will have to be identified. The sub-projects will be screened to know whether involuntary resettlement, land acquisition, or loss, denial or restriction of access to land and other economic resources will be caused by the implementation of the sub-projects of the USDP or whether the sub-projects would result in the permanent or temporary loss of crops, fruits and the institutions' infrastructures.

Preparation of RAPs: Sub-projects screening will establish whether RAPs must be prepared. In the event that they will be required, sub-project specific RAPs will be drafted by the USDP institutions in consultation with the MoES (PCU) and other stakeholders responsible for resettlement specifying the procedures to be followed and the actions they will take to properly resettle and compensate PAPs and communities if it applies.

Community sensitizations: Communities within the project areas will be informed and sensitized on the project, the project's likely impacts (positive and negative) and the extent of their involvement to ensure the project's success. Measures instituted to address adverse project impacts will also be communicated to the community.

Notification: PAPs will be informed of the intention to acquire or use land earmarked for the sub-projects through both formal (in writing) and informal (verbal) mechanisms, for example at community meetings called by LC Is in consultation with the institutions and public notices at the institutions' notice boards, in the daily newspapers, or radio services conducted to notify the public of the plan to use the land in question. 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.

Documentation: The names and addresses of PAPs will be compiled and kept in a database including claims and assets. The records are also important especially for future monitoring activities. Documentation will include documents relevant to involuntary land transactions.

6. Implementation of the Resettlement Policy Framework

The effective implementation of the RPF will require, when deemed necessary, the establishment of specific committees and teams responsible for compensation, handling grievances during compensation/resettlement and, the monitoring and evaluation of RAPs.

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 (GRC) - will be responsible for receiving and logging complaints and resolving disputes. The GRC will also resolve each grievance or dispute to ensure that redress actions are implemented by whoever is mandated to undertake such action. If PAPs are not satisfied with the decisions of the GRC, they will be entitled to seek redress through the Courts of Law.

Monitoring and Evaluation (M&E) Team - will be responsible for monitoring the implementation of RAPs to ensure that stated targets are met and the PAPs are duly compensated in line with the RAP requirements. Monitoring and evaluation will be the main mechanism through which the project will be alerted of any delays and problems. Monitoring will also help measure the extent to which the main objectives of the RPF have been achieved. The M&E team will be responsible for the internal monitoring of RAPs and; should it be necessary to undertake external monitoring an independent monitoring unit shall be engaged by the PCU.

Roles and Responsibilities in Implementing the RPF: The implementation of project activities will be under the overall guidance of the MoES (PCU) in partnership with various Sector Ministries and the respective CoEs that will be implementing the project on the ground. The respective LGs may be involved on a small scale in the process of implementing the RAPs including compensation as may be identified. On the other hand, the BTVET Department of the MoES will guide the BTVET project institutions in securing the services of a qualified consultant to prepare RAPs when necessary for the projects since they lack the capacity to do so.

7. Capacity Assessment of the Implementing Institutions

There were shortcomings identified in the capacity of the implementing agency (MoES) and the institutions with regard to the implementation of this RPF and the preparation of RAPs as well as their implementation when need arises. The assessment considered the required personnel, skills and logistics for planning and implementing RAPs. It was established that the capacity of the MoES to plan and implement the measures outlined in the RPF requires strengthening. While the MoES does not have an officer to handle social safeguards, plans are underway to recruit a social development specialist for the GPE financed Teacher and School Effectiveness Project who would benefit the USDP as well. It was also recommended that the MoES would in addition solicit for the services of a consultant whenever need arose to address social issues related to this RPF.

8. Budget Estimate and Funding

The budget cannot be determined at this point since it is impossible to estimate the likely number of people and/or households that may be affected by the sub-project. However, the GoU through the MoES is committing an estimated budget not exceeding USD for USDP for purposes of compensation. The budget commitment is indicated under FY..... The detailed budget will be developed based on site/institution specific preparation of RAPs as will be appropriate. The budget will cover resettlement activities including compensation costs for affected assets and where defined livelihood restoration.

9. Disclosure of RPF

This RPF prepared by the MoEs will be cleared by the World Bank and be disclosed in-country for all interested persons to read and know the details and then it will be disclosed at the World Bank's Info shop in compliance with relevant Ugandan regulations and the World Bank's OP 4.12. Subsequent RAPs developed will also be cleared by the Bank and disclosed in-country and at the World Bank's Info shop

1 INTRODUCTION

1.1 Background to the Uganda Skills Development Project

Uganda's vision 2040 which replaced vision 2025 envisages "a transformed Ugandan society from a peasant to a modern and prosperous country within 30 years". This will involve changing from a predominantly low income country to a competitive upper middle income country status by the year 2017. The National Development Plan (NDP) 2010/11 – 2014/15 outlines key strategic areas of government intervention for Vision 2040 to prevail. Consequently, the theme of the Plan is "growth, employment and socio-economic transformation for prosperity". The plan thus accords high importance to skills development as a means to raise productivity and incomes and enhance competitiveness of the economy. Therefore the GoU with support of the World Bank (IDA) is preparing the Uganda Skills Development Project which will be implemented by the MoES. The project will support some of the key reforms proposed within the Skilling Uganda Strategy with a focus on the agriculture and small and medium scale manufacturing sectors. The focus will be on creating a system which delivers skills and competencies amongst the labor force which are responsive to the demands of the target sectors.

1.2 Overview of the BTVET Sub-Sector in Uganda

Uganda's BTVET system is currently comprised of 145 public institutions, about 600 private training service providers, and an unknown number of apprenticeship and enterprise-based training programmes. The public BTVET system includes technical institutes, vocational training institutes and centres, technical schools, farm schools and community polytechnics. The GoU recognizes that the productivity of micro and, Small and Medium Enterprises (SMEs) in Uganda is greatly hampered by lack of basic technical and vocational skills. Skilled electricians, artisans, carpenters, machine repairers, mechanics are all in short supply and unavailable in some trades. The current vocational education and training system is considered no longer adequate for the demand placed on it by a fast growing economy. The key reforms laid out in the BTVET strategic plan will ensure the development of vocational and technical skills to support private sector growth.

In its strategy for Private Sector Development (PSD), the GoU recognises that the existing vocational and technical training facilities have considerable technical and financial constraints that have prevented them from developing technical skills in the country. The situation is not likely to improve in the short to the medium term, given the competing demands on the government budget. It is said that the key to resolving these constraints on a sustainable basis in the medium to the long term is to provide demand-led skills training on a cost-recovery or profit-making basis. This implies that the training should be tailored to the private sector needs, which should either have a strong influence or be provided by the private sector.

The government strategy for PSD gives priority to the rehabilitation of existing technical/vocational facilities and training of trainers in the short run while in the medium to the longer term, a framework shall be developed in collaboration with stakeholders that would ensure wider access to training, advice and extension services to SMEs. These could include countrywide training of trainers program in small business management, the establishment of at least one rehabilitated and strengthened private or public vocational institute in each district, the creation of mobile training facilities in nine regions to deliver

training, targeting mainly remote areas, and countrywide community based skills training for entrepreneurs

1.3 Project Development Objective

The overall PDO is “to enhance the capacity of institutions to deliver quality and relevant skills training programs in agriculture, construction, and manufacturing sectors, in order to improve placement outcomes”. The key performance indicators related to this objective are: (a) SSCs in the targeted sectors are established and functional; (b) percentage of trainees who are employed (including self-employment) six months after they complete training; and (c) the number of memoranda of understanding/partnership agreements signed between public/private entities and the respective CoEs for training. The Project is expected to achieve its objective through the implementation of three main components described below.

1.4 Description of Project Components

1.4.1 Component 1: Institutionalizing Systemic Reforms in Skills Development

Aligned to the Skilling Uganda strategy, this component aims at transforming the BTVET system from an educational sub-sector into a comprehensive system of skills development for employment, enhanced productivity and growth. It emphasizes a paradigm shift for skills development, which essentially aims at realigning the policy and institutional framework as well as investment in skills development to transform the current supply-driven system to a robust sustainable dynamic demand driven skills development system that would respond to the skills needs of the growing Ugandan economy. The strategic Plan recognises that systemic reforms in the sector is critical to realigning the delivery system without which investment in up-grading training institutions will inevitably result in further reinforcing the existing supply-driven system. Therefore systemic reform activities proposed under this component are crucial to the success of the entire project. The following sub-components shall be implemented in order to realise this component.

Sub-Component 1.1: SDA establishment and operation. Skilling Uganda calls for the establishment of an integrated SDA to be the central drive for the transformation and reformation of BTVET in Uganda. The SDA is to be a public-private partnership controlled by all major stakeholders. In approving the strategy, the establishment of a RTF was also authorised as an interim body to prepare for the establishment of the SDA and launch other reforms. The proposed project would support the RTF and the SDA, once established, to carry out its mandates. This sub-component will also finance for studies, staffing, technical assistance and operating expenses of the RTF and SDA.

Sub-Component 1.2: Establishing sector skills councils (SSCs). The project, through government counterpart funding, would support the establishment and initial operation of three SSCs in priority sectors, that is, agriculture, construction, and manufacturing. The SSCs would operate under the auspices of the RTF/SDA. The purpose is to help reduce skills gaps and shortages as well as improve worker and enterprise productivity. SSCs would carry out the following functions: (i) *identification and analysis of skill requirements in the economic sector*; (ii) *development of industry skills strategies and training plans to achieve priority goals*; (iii) *establishing occupational and competency standards and qualifications as part of the UVQF*; (iv) *evaluating performance in skills development*; (v) *regulation of private sector training providers* and; (vi) *promoting workplace based training in the sector*. The SSCs may also play a

role in raising and allocating funds for skills development through the Training Fund. The SSCs would be comprised of a strong employer majority along with representatives of workers and government ministries. The project would finance studies on training needs, fora for exchange of experience and sharing of best practices and development of standards.

1.4.2 Component 2: Developing Centers of Excellence within existing Institutions in specific Trades and Occupations in the Focus Sectors (agriculture, construction and manufacturing)

The Project will support the Ugandan Government to develop four CoEs, within existing institutions of UTC Bushenyi, Elgon, Lira and, Bukalasa ATC in the target sectors. The long-term vision is for the CoEs to provide leadership, gather and share best practices, promote research and innovation and provide globally-recognized training within the target sectors. The specific sub-components of this component are as follows:

Sub-component 2.1: Develop and adapt the curriculum and assessment system to international standards. It is important to highlight in the conceptual CoE prototype, that the competency standards of the occupations to be provided by the CoEs, which translate into a competency-based curriculum (likely a multi-skill competency-based curriculum), becomes the kernel to align the assessment instruments; the trainers and training procedures; the equipment, learning materials and physical facilities; the organization of time, space and resources as well as the management of the CoE and; the linkages with the employment sector. Under this sub-component the mission will finance: (i) *twinning arrangements with qualified international training providers (technical assistance), through which the relevant competency-based curriculum will be sourced*; (ii) *adaptation of competency-based curriculum in specific trades/occupations to the requirements of the country as defined by the Sector Skills Councils* and; (iii) *the development of appropriate assessment systems which are administered by a third qualifying party and not the CoE itself.*

Sub-component 2.2: Train instructors and develop training materials. This sub-component will be focused on the provision of technical assistance for: (i) *the development and validation of materials to train teachers in the cluster of a given CoE* and; (ii) *provision of training for teachers belonging to the CoE and Vocational Institutes' network.* The partner international institute, through the twinning arrangement, is expected to train trainers and provide mentoring support during the first few years of the project. The project will also finance enhancement of teachers' qualifications and training in institutions and enterprises both within and outside the country.

Sub-component 2.3: Expand and equip colleges and network facilities, including civil works. The project will support the upgrading of 4 CoEs, one in agriculture, and three in manufacturing/construction. In addition, the project would support three to five VIs, through a phased approach, based on some eligibility and selection criteria to be linked to each CoE. This sub-component will support: (i) *acquisition of training equipment and supplies in line with adapted curricula* and; (ii) *civil works for the construction of new and/or refurbishing of existing workshops, classrooms and other facilities in line with the requirements to deliver the curricula.*

Sub-component 2.4: Support to improving management and monitoring mechanisms within the CoEs. This sub-component will support the CoEs to improve their monitoring systems in order to

effectively track trainees once they have completed training. By tracking the students, the CoEs would be in the position to send a signal to the market that its students are indeed being employed in their fields of training and that the return on the training investment is worthwhile. This sub-component will also support professional development of the management and staff of the CoEs and network institutes.

1.3.3 Component 3: Project Management, Monitoring and Evaluation

Two sub-components would be financed under this component: i) Project management which will include establishing a Project Coordination Unit (PCU) within the MoES to manage the project and implementation units within the respective CoEs; ii) social marketing campaigns to improve the image of the BTVET sub-sector with the aim to increasing equity in access by attracting more females and other marginalised groups into the sector and; iii) monitoring and evaluation under the project including baseline studies, mid-term and end-term tracer studies, employer satisfaction surveys, mid-term management reviews, and annual performance audits.

1.5 Selection Criteria for Colleges to Become CoE

A multi-ministerial technical team selected the colleges to become CoE based on the following criteria: (i) *Sectoral focus* (colleges focused on agriculture, manufacturing, and construction); (ii) *Regional representation* - there are four regions in Uganda (North, South, East and West) and; (iii) *Access to other financing* by the Colleges. There are currently five colleges focused on manufacturing/construction—UTCs of *Kichwamba, Kyema, Lira, Bushenyi, and Elgon*. Uganda Technical College *Kichwamba* (in the West) is receiving financing through the Islamic Development Bank (IDB) and the IDA financed Albertine Region Sustainable Development Project (ARSDP) and, is targeted to become a CoE. UTC *Kyema* is a relatively new college and is located within the same region. Therefore, the focus of this project will be on UTC *Lira* (North); UTC *Bushenyi* (Southwest); and UTC *Elgon* (East). In the central region, the focus will be on the only ATC in the country, *Bukalasa*. Limited funds could not allow the targeting of the fisheries institute in *Entebbe* under this project, as priority is given to crop production and animal industries, both of which are the focus in *Bukalasa* ATC.

1.6 Linking CoEs to a Network of Institutes

A CoE cannot remain a centre of excellence in isolation for two reasons; firstly, excellence in isolation is not sustainable, and secondly, building and sustaining a CoE in isolation is not cost-effective. Therefore, a CoE as a hub will have a network of institutions. This “network” will have three dimensions: (i) each CoE will network with three to five VIs, which qualify based on some eligibility criteria, preferably in the same region and support them for improving quality and relevance of training that the VIs offer; (ii) all the CoEs will network with each other for sharing of knowledge and expertise among themselves; (iii) each CoE may also network with other institutions such as Universities, public and private training institutions of repute for a variety of purposes such as joint research, faculty exchange, and student exchange. The CoE and the VIs comprising the network will be linked and function according to an agreed tailored-made action plan and time-schedule clearly displaying the envisaged value added training chain to be generated amongst themselves.

The VIs would focus on training in trades that are lower down the value chain and will be supported by the project to procure equipment and upgrade workshops to deliver this training. Instructors from the network VIs would be trained by the respective international partner institute at the CoE on the new curricula. The CoEs, on the other hand, would focus on trades higher up within the value chain in the respective centers and would accept students coming from the VIs who have completed the prerequisite courses.

1.7 Project Beneficiaries

The Uganda Skills Development Project beneficiaries are expected to be youths ranging from the age of 14 to 30 years covering all districts of the country. It was not possible to establish the estimated number of project beneficiaries over its life span from the project documents. However, an estimated projection of project beneficiaries at UTCs Elgon, Lira, Bushenyi and Bukalasa ATC during the first year; after the project's infrastructural developments are completed and were in use was given as 7608 youths as indicated in Table 1 below. If this number of expected beneficiaries in the first year is multiplied by 5 years of the project, then the expected project beneficiaries would be thirty eight thousand and forty (38,040) youths by the end of the project. These exclude youths for the VIs.

Table 1: Projected Enrolment Expected in the First Year of the USDP at Each Institution

Name of College	Current enrolment 2014		Total	Projected Enrolment		Total	% increase
	F	M	F/M	F	M	F/M	
1.UTC Bushenyi	120	580	700	300	1700	2000	65.0%
2.UTC Elgon	-	-	-	-	-	2000*	-
3.UTC Lira	80	714	794	150	1200	1350	47.1%
4. Bukalasa ATC	423	988	1411	677	1581	2258	60%
Total	633	2301	2905	1127	4481	7608	

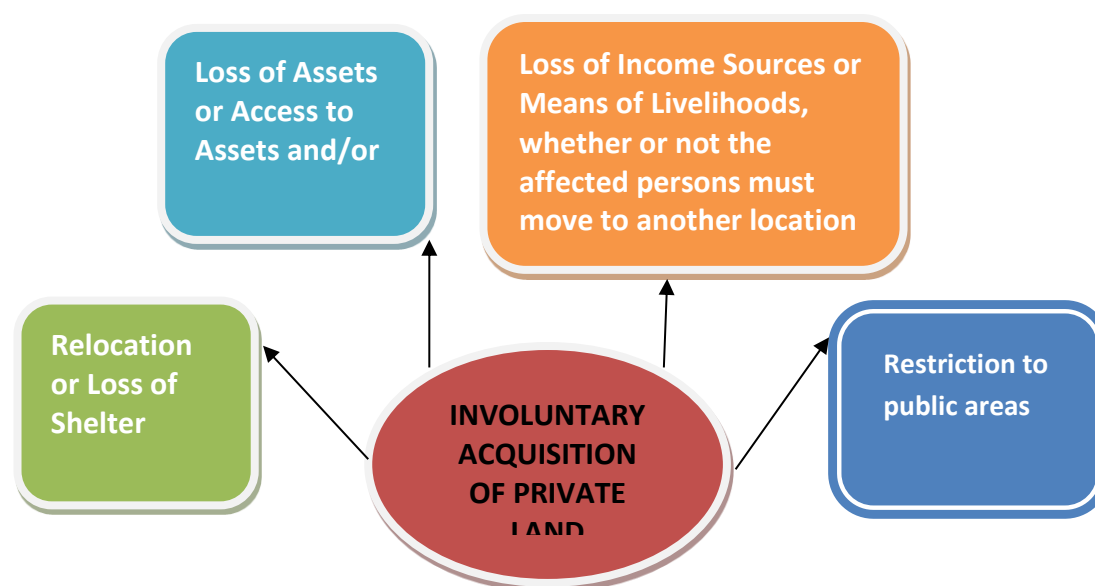
2000* - UTC Elgon did not provide the above information when requested but had indicated during the field visit that it was looking at increasing its enrolment to about 2000 with the project.

2 PREPARATION OF THIS RPF

2.1 Trigger of World Bank's IRP OP 4.12

It is expected that the implementation of Component 2, sub-component 2.3 of USDP may trigger the World Bank's safeguard policy on involuntary resettlement OP 4.12. The sub-project will support the expansion and equipping of four selected institutions to become CoEs, one in agriculture and three in construction/manufacturing as well as 3 to 5 network facilities to be selected. The civil works for the construction of new and/or refurbishing of existing workshops, classrooms, dormitories and other facilities aimed at expanding the institutions are likely to activate OP 4.12. Therefore the World Bank's OP 4.12 was reviewed to understand the direct social and economic impacts that may be caused by involuntary taking up of land should it arise. Figure 1 below illustrates the impacts that may be a consequence of involuntary acquisition of land.

Figure 1: Social and Economic Impacts caused by Involuntary Acquisition of Land



However, it is important to emphasise that the above diagram is not a depiction of the situation that will arise as a result of implementing USDP at the institutions as elaborated in the section below.

2.2 The Situation at the Institutions in Relation to Resettlement

Consultations with the institutions at the time of preparing this RPF indicated that USDP will be implemented within the institutions of UTCs Elgon, Lira, Bushenyi and Bukalasa ATC, all with enough land for the project and hence no land take issues may arise except for changes in the land use patterns of the institutions land. There are a few households/individuals, both from within the institutions (staff) and the outside community who are using some of the institutions land as a source of their livelihoods as details will be seen in later chapters. It can therefore be concluded that the magnitude of adverse impacts as a consequence of sub-component 2.3 may be small; will not involve land take or physical displacement

of people and may be limited to loss of income sources or means of livelihoods or restriction of access to social and economic resources/livelihood means or relocation/displacement of various land uses on the institutions' land. This is well demonstrated by photographs 1, 2, 3 and 4 below.



Photo 1: A casual laborer making bricks for the Business owner as his source of income on UTC Elgon Land may be economically displaced



Photo 2: Some staff and community members engaged in quarrying may lose access to economic resources on UTC Elgon's Land



Photo 3: A garden of a staff member of UTC Bushenyi may be displaced to pave way for new buildings



Photo 4: Some of the old used and unused structures at Bukalasa ATC that may be brought down to give space for new constructions

2.3 The Need for a Resettlement Policy Framework

The RPF is derived from the World Bank's Involuntary Resettlement Policy OP4.12 which lays out safeguard measures where a Bank assisted project will involve involuntary resettlement of persons to make way for the implementation of the project, and where such resettlement may result in loss of assets and create hardships for those affected. The RPF provides the basis for preparing RAPs for individual sub-projects once their location and scope are known. Therefore this framework is designed to enable the implementing agency, the World Bank and beneficiary institutions address the needs of the people that might be affected by the project by establishing policies, principles, institutional arrangements for the management of issues related to acquisition of land and hence displacement of persons and subsequent impacts on their livelihoods. Although USDP sub-projects to be financed are not fully determined at this stage, the civil works under the project's sub-component 2.3 may lead to changes in land use patterns which may restrict access to sources of livelihoods/economic resources by the community. Hence, the RPF will facilitate the screening of the sub-project's potential land acquisition impacts and streamline all the necessary procedures to follow in mitigating and minimizing involuntary resettlement associated with the proposed USDP. Appropriate RAPs will be prepared based on the results of the screening undertaken.

2.4 Objectives of the RPF

The specific objectives of the RPF are to:

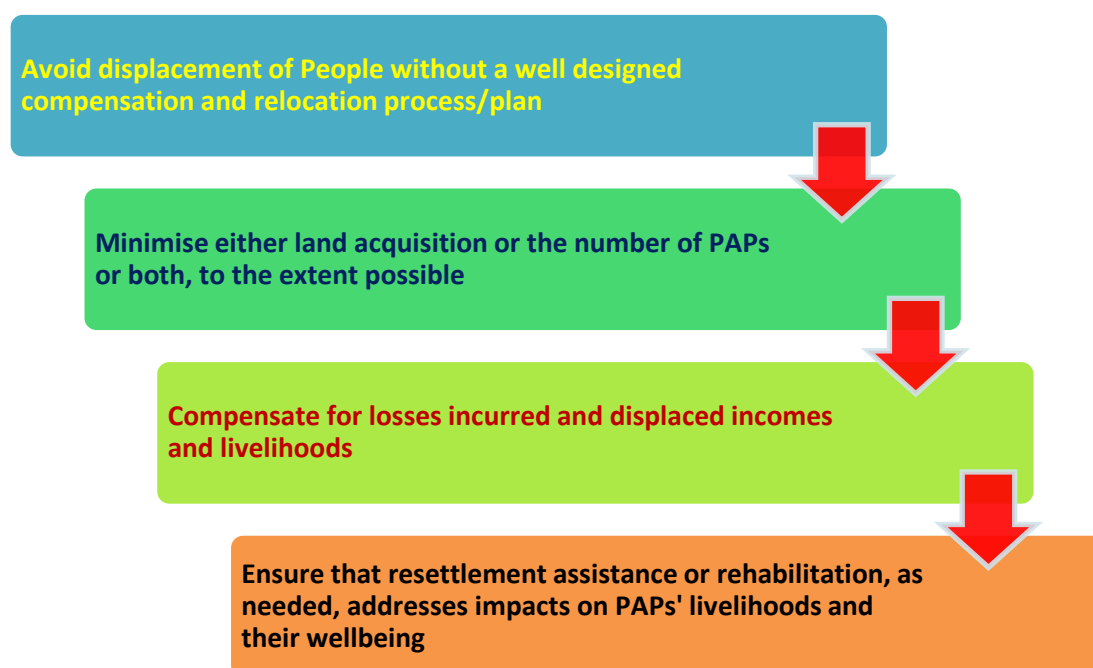
1. To guide the management of all social issues associated with infrastructure investments financed under USDP and ensure that the resettlement aspects of the project are adequately understood and addressed. During the development of this RPF, special reference was made, but not limited to the current national socio-economic dynamics, World Bank Social Safeguard Policies and, the Uganda policy, legal and institutional framework as applicable to the implementing ministry and line ministries specifically under the USDP.
2. To provide a thorough understanding of how the developed RPF will be applied by the MoES/institutions and other implementing agencies and what type of tools, technical inputs, institutional capacity and other kinds of support will be required for its effective use and implementation.
3. To provide framework guidance to identifying and managing situations where activities in the sub-projects and more specifically where proposed activities in Component 2 (sub-component 2.3) may lead to displacement of people, affect their livelihoods (physical or economic displacement/ resettlement, denial of rights of access to resources) or interfering with their cultural resources. Any resettlement and/or compensation measures will be implemented in accordance with the RPF, which will offer direction on when and how the site-specific RAPs will have to be prepared and implemented before any civil works can begin.

To ensure that any possible adverse impacts of the proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. The RPF will aim at minimizing the risks as much as possible through: a) avoiding displacement of people without a well-

designed compensation and relocation process; b) minimizing either land acquisition or the number of PAPs or both, to the extent possible; c) compensating for losses incurred, displaced incomes and livelihoods; and d) ensuring resettlement assistance or rehabilitation, as needed, to address impacts on PAPs livelihoods and their well-being. Refer to Figure 2 below illustrating how these risks can be minimized.

The defined RPF procedures will be applied throughout the implementation period ensuring appropriate screening is undertaken and impacts of any potential land take addressed including monitoring and evaluation of the activities. Where a RAP is required, it will be prepared in accordance with guidance provided in this RPF, including detailed measurements, identification (Census) of PAPs/displaced persons, and Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidance provided in the World Bank's OP4.12.

Figure 2: How to Minimise Potential Impoverishment Risks



2.5 Scope of the RPF

The RPF covers the following elements consistent with the provisions described in OP 4.12, paras. 2 &4:

- (a) Description of the project and components for which land acquisition and resettlement are required, and an explanation of why a resettlement plan is required;
- (b) Principles and objectives governing resettlement preparation and implementation;
- (c) Description of the process for preparing and approving resettlement plans;
- (d) Estimated population displacement and likely categories of displaced persons, to the extent feasible;
- (e) Eligibility criteria for defining various categories of displaced persons;

- (f) Legal framework reviewing the fit between borrower laws and regulations and the Bank's policy requirements and measures proposed to bridge any gaps between them;
- (g) Methods of valuing affected assets;
- (h) Organizational procedures for delivery of entitlements, including, for projects involving private sector intermediaries, the responsibilities of the financial intermediary, the government, and the private developer;
- (i) Description of the implementation process, linking resettlement implementation to civil works;
- (j) Description of a framework for grievance redress mechanisms;
- (k) Statement of the budget estimates and funding for resettlement/RAPs;
- (l) Description of mechanisms for consultations with, and participation of, displaced persons in planning, implementation, and monitoring;
- (m) Arrangements for monitoring by the implementing agency and, if required, by independent monitors;
- (n) Estimated budget commitment by GoU through the MoES as the lead implementing agency and;
- (o) Guidance on required formal disclosure of the RPF and subsequent RAPs both in the country and within the World Bank

2.6 Methodology for Preparing the RPF

2.6.1 Desk Review

A desk review was undertaken to provide background information as well as an overview of the policy, legal and institutional framework for the USDP project. A number of documents were reviewed and these included: the Constitution of the Republic of Uganda, 1995; National Land Policy, 2013; Land Acquisition Act, 1965; Land Act, 1998; Physical Planning Act, 2010; BTVET Act, 2008; BTVET strategic Plan/Skilling Uganda Strategy, (2012/13- 2021/22); and the World Bank's Operational Policy OP 4.12 on involuntary resettlement. Other documents examined were the USDP Aide Memoir; the RPF for the Uganda Teacher and School Effectiveness Project and; the RPF for Albertine Region Sustainable Development Project which was examined and updated to develop this RPF for the Uganda Skills Development Project according to the ToR provided.

2.6.2 Stakeholder Consultations

Consultations with stakeholders of USDP were conducted through Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) as the major data collection methods used. Interviews with key informants of the USDP were carried out to obtain in-depth qualitative data with regard to land acquisition issues for the USDP sub-projects. Specifically KIIs were held with relevant officials from the CBS and Natural Resources Management departments of the district LGs of Bushenyi, Lira, Luwero and Mbale. Other key informants interviewed were Local Council leaders of the areas in which the selected institutions are located including a few community members. Focus group discussions of 3 to 4 members of the management team of UTC Elgon, Bushenyi, Lira and Bukalasa Agricultural Training College were held at their respective institution's premises. Views of selected officers from the Construction Management Unit (CMU) of the MoES were also solicited in a focus group discussion. For the list of all people consulted in the preparation of this RPF, refer to Annex 1.

3 SOCIO-ECONOMIC ASSESSMENT OF THE REGIONS OF UGANDA

This section examines the socio-economic status of the regions of Uganda namely the northern, eastern, central and western regions where the USDP will be implemented. It therefore presents socio-economic baseline information relevant to the project focusing on: population and land area, ethnicity and language, education and literacy; health, water and sanitation; economic activities; labor and employment, transport system and; poverty levels where regional information was available.

3.1 Population and Land Area

Uganda's population was estimated at 35.4 million by mid 2013 (UBOS Statistical Abstract, 2013) with an annual population growth rate of 3.6% (in 2005), which is above the sub-Saharan African regional average of 2.4%. About 78% of its total population is below 30 years of age, and 52% is below the age of 15 years (UBOS, 2012). This makes Uganda one of the most populous countries in Africa and the youngest population in the world (State of Uganda Population Report 2012). Most of Uganda's population is rural based and lives on a total land area of 241,550.7 square kilometres making it one of the most densely populated countries in Africa. However, the urban population has been steadily growing and currently stands at about 12.5% of the total population. This state of affairs varies from region to region.

Table 2 demonstrates that there is an almost even number of people per region with the eastern region (26.2%) having the highest proportion of the total population beating the central region which had the highest in 1991. It is followed by the central region (25.7%) which is particularly boosted by Kampala capital city's proportion of 4.7% of the total population. Whereas the northern region has the least population (23.1%), it has the largest proportion (35.4%) of Uganda's total land area compared to the rest of the regions. The eastern region on the other hand has the highest population but with the least (16.3%) proportion of Uganda's total sq. km. These statistics reveal that the northern region is the most sparsely populated with a significant margin with the rest of the regions while the eastern is the most densely populated region posing land shortage problems than in any other region.

Table 2: Population Estimates and Land Area per Region over the Past Two Decades

Region	Area (sq.km)	1991 Census	2002 Census	2011 Projection	%age of Total	Population Density	Main Reg. City/Town	2011 Projection
Central	61,403.2	4,843,594	6,575,425	8,465,400	25.7	175.7	Kampala	1,533,600
Eastern	39,478.8	4,128,469	6,204,915	8,623,300	26.2	225.8	Mbale/Jinja	86,200 84,700
Northern	85,391.7	3,151,955	5,148,882	7,620,700	23.1	64	Lira/Gulu	102,200 146,600
Western	55,276.7	4,547,687	6,298,075	8,229,800	24.9	126.9	Mbarara	80,300
Total	241,550.7	16,671,705	24,227,297	32,939,200	100%	123.9	-	-

Source: Adapted from the Uganda Bureau of Statistics: Uganda District Information Portal

Relation: Uganda's high population growth and a large youthful proportion pose both challenges and opportunities for the Ugandan economy. A large youthful population can be detrimental to Uganda's economy if left unskilled and untapped with the reverse being true. As regards the USDP, this implies

that there is and will continue to be a high demand for technical knowledge and skills from the youth than the available facilities can hold. The highest demand for technical and vocational skills among the youth may be in the Eastern region whose population density is highest as one of the strategies to address the land shortage problem by enabling the youth to engage in off-farm Income Generating Activities (IGAs) to reduce the stress on land and; gaining skills in better farming methods and management for increased productivity on the limited land resources. In the northern region, the districts with the highest population density may similarly apply the same strategy. The increasing urbanisation also implies an increase in the demand for BTVET given that most urban dwellers are engaged in off-farm income generating activities. Therefore, while the USDP may lead to an increment in enrolment for technical skills among the youth, its efforts to meet the full potential demands of the youth seeking technical knowledge and skills might be hampered.

3.2 Ethnicity and Language

Uganda is the most ethnically mixed country on the planet according to a new scientific study undertaken by the Institute of Economic Research of Harvard University. As the most multi-ethnicity nation, it is home to more than 40 different indigenous ethnic groups each with their own languages, cultures and customs. The 1995 constitution of Uganda recognises 46 tribes. These are categorized into 4 main ethnic groups with the *Bantu* being the largest covering mainly the central, western and parts of the eastern regions. The others are the *Nilotics* who occupy largely the northern region and include the *Acholi*, *Langi*, *Alur*, *Padhola*, *Lulya* and *Jonam*; the *Nile-Hamites* who live in the eastern and north-eastern parts comprise the *Itesots*, *Karamojong*, *Kumam*, *Kakwa*, *Sebei*, *Pokot*, *Labwor*, *Tepeth* and others like the *Madi*, *Lugbara*, and *Lendu* who live in the West Nile region and finally; the Sudanese group.

Communities from each of the ethnic groupings speak similar languages but with different dialects and are thus able to understand each other. While the official national language is English, with *Swahili* recently made a second official language due to its regional importance in the East African Community (EAC); *Luganda* is most widely spoken. The *Baganda* (language is *Luganda*) from the *Bantu* group constitute the largest single ethnic group in Uganda and are the majority in the central region where Bukalasa ATC is located. The other groups of *Bantu* located in western Uganda speak *Runyakitara* (a concoction of western Uganda languages) where UTC Bushenyi is found. Other groups of *Bantus* such *Bagisu*, *Basamia*, *Basoga* are located in the eastern region where UTC Elgon is situated but also in the same region are *Nile Hamites* such as *Itesots*, *Kumams* and *Karamojongs* in the north east. The *Nilotic* speakers mainly the *Langi*, and *Acholi*, are found in the northern region represented by UTC Lira, but some of them (*Padhola*) occupy parts of the eastern region. It is important to note that none of the ethnic groups constitutes a majority, thus limiting the ability of one group to control the others. Uganda is also home to several thousands of refugees from neighbouring countries some of whom have been integrated into Ugandan society and are engaged in various economic activities. There are also non-citizens who have preferred Uganda as their choice for home.

Relation: As the adage goes, “diversity is the spice of life”, and it could also be said that diversity is the spice of development. The diverse ethnicity provides Uganda with a rich cultural base and opportunities for modernization but could also pose major challenges if not adequately harnessed and provided with the required social services as well as tools for work. The different cultures and traditions pose different

perceptions and attitudes about BTVET hence different regions may have varying responses on the ability of enhanced technical and vocational skills in bettering their lives. For instance the Karamojong (*Nile Hamites*) in the north east who are mainly pastoralists may not be enthusiastic about BTVET due to their culture and customs unlike the *Bantu* ethnic group (except the *Bahima*), majorly farmers, may have a relatively different response.

3.3 Education and Literacy

The introduction of UPE in 1997 and, subsequently ten years later (2007) of Universal Secondary Education (USE) in Uganda has seen significant increases in school enrolment representing an increase of about 1%¹ and 2% between 2009 and 2010 of primary and secondary school enrolments respectively. The increment in enrolment at both primary and secondary levels has not only been experienced at varying degrees across the regions due to a range of factors but it has also suffered severe retention challenges. However, the massive enrolment called for an intervention that would address the growing numbers and needs of UPE and USE graduates. Consequently, the GoU made a policy that encourages Public-Private Partnership (PPP) in the education sector which has led to an increase in the number of private institutions of higher learning as well as vocational training institutes at different levels. Statistics show that slightly over half (55%) and about one fifth (22%) of Ugandans have some or completed primary education and, have some or completed secondary school education respectively (Uganda National Household Survey (UNHS, 2013). This revelation of a high percentage of Ugandans with just some or completed primary and secondary education, the majority of whom are youths, provides a viable market for technical and vocational training institutions.

The UNHS 2013 shows that Uganda's overall literacy rate dropped to 71% up from 73% in 2009/2010 for its population aged 10 years and above. UBOS 2011 indicates that the central region has the least proportion of people who cannot read and write with a literacy rate of 83% (excluding Kampala whose literacy rate was 92%). The northern region lags behind with the lowest literacy rate of 64% while the western and eastern regions stand at 71% and 68% respectively.

The regional performance according to selected parameters in primary and secondary education is presented in Table 3 overleaf. Considering the traditional four regions of Uganda, the northern region (N. East and North) comes at the bottom on most of the parameters while the central, eastern and western (S. West and West) regions are doing relatively well. The eastern region has the highest proportion (28%) of primary school enrolment while the north and central come at the bottom with about 23% each. The western region leads in the percentage of primary school teachers (29%) closely followed by the central with 28.8% and the northern region has the least, 18%. At secondary school level, the west leads in enrolment with about 30% of the national enrolment and the north comes again at the bottom with only 16%. The northern region takes the same position for the least proportion of secondary school teachers (13%) while the central region leads with 37%.

On the level of vulnerable school learners, the western region leads (31%) in the number of orphaned while the eastern region has the least (13%) orphaned children enrolled in primary school, way below the

¹Primary school enrolment skyrocketed when it was introduced but has now stagnated at a low percentage increase each year.

national percentage (15.7%). The perception attached to orphaned children or/and the ability of the extended family to take responsibility of the orphans could have a bearing on these results. The northern region comes top (5.3%) on the number of disabled pupils in primary school followed closely by the western region (4.6%). Relation: The implication of these results is that the northern region may provide the fewest potential candidates for the USDP than any other region. The central, western and eastern regions would have more candidates in need of skills development due to their higher enrolments (at both primary and secondary) and literacy rates.

Table 3: Regional Performance According to Various Education Parameters

Parameter	Central	East	N. East	North	S. West	West	National
Primary enrolment	1,903,588 22.9%	2,328,700 28.1%	138,739 1.7%	1,768,036 21.3%	877,220 10.6%	1,281,497 15.4%	8,297,780 100%
Repetition in Primary school	147,169 8.3%	281,745 12.7%	13,542 10.1%	303,058 17.0%	98,008 12.1%	127,790 10.3%	972,104 12.2%
Disabled pupils	35,247 1.9%	61,035 2.6%	2,801 2.0%	57,831 3.3%	24,866 2.8%	22,572 1.8%	204,352 2.5%
Orphaned pupils	390,609 20.5%	290,219 12.5%	15,888 11.5%	274,971 15.6%	136,044 15.5%	196,845 15.4%	1,304,576 15.7%
Primary Teachers	48,574 28.8%	39,971 23.7%	2,817 1.7%	27,724 16.5%	17,116 10.2%	32,174 19.1%	168,376 100%
Secondary school enrolment	428,346 27.0%	296,144 26.3%	17,087 2.0%	143,589 14.3%	107,020 9.8%	202,268 20.7%	1,194,454 100%
Secondary teachers	24,357 37.4%	14,658 22.5%	903 1.4%	7,821 12.0%	5,620 8.6%	11,686 18.0%	65,045 100%

Source: Adapted from the Uganda Education Statistical Abstract, 2009

3.4 Health, Water and Sanitation

Generally the proportion of Ugandans who fall sick has remained constant at 40% since 2005/06, the majority of whom seek medical attention in a government health facility and private hospitals/clinics. Respiratory infection, malaria and severe headache are the most prevalent illnesses in Uganda since 2005/06. The 2013 UBOS Statistical Abstract shows that malaria followed by cough or cold cases have remained the main causes of morbidity over the recent years. These two alone accounted for 60% of the cases in 2011/12 compared to 55% in 2010/11. HIV/AIDS also places a heavy burden on Uganda's health system and is being prevented and controlled through the use of Anti-Retroviral Therapy (ART) which has seen an increase in the number of active adults and children on ART. In 2011, the number of active adults on ART stood at 330,000 while for children was 25,400.

Access to safe water and sanitation in both urban and rural areas has increased compared to the situation over a decade ago. In 1991, only 11 towns were connected to National Water and Sewerage Corporation (NWSC) services which have increased to 19 towns at present. The Directorate of Water Development (DWD) of the Ministry of Water and Environment has also increased coverage in small towns. While safe water access has improved, functionality of water points remains an issue, costs of water in urban areas and the distance travelled to as well as long queues at the water points undermine accessibility. This calls for increased investment in the water sector. The UNHS, 2013 indicates that almost 73% of households have access to water from safe sources and, 80% households do not have washing facilities at their latrines.

The above national health, water and sanitation status may be representative of all regions in Uganda except the northern region for obvious reasons. Over two decades of violence and insecurity caused by the Lords Resistance Army (LRA) rebellion and cattle rustling in Karamoja, resulted in the destruction of social amenities and a breakdown of coping mechanisms in the northern region. Therefore the health indicators for the region are much lower than the national average or any of the other regions. The current stability in the region with the majority of the Internally Displaced Persons (IDPs) having returned home, has increased demand for quality health services. Although notable gains have been made in malaria and reproductive health indicators as well as the safe water coverage, communities in the north still face significant barriers to health care and, water and sanitation services. For example:

- High total fertility rates of 7.5% in the north compared to a national average of 6.7%
- HIV/AIDS prevalence in adults in the north remains at 8.2%, much higher than the national average of 6.4%.
- Northern Uganda has suffered recurrent epidemics including ebola, marbug, hepatitis, yellow fever and currently the nodding disease, which has already affected 3,000 children
- The north east and West Nile sub-regions in the north had the highest cases of malaria/fever (with the exception of Kampala).

Relation: The disease burden especially from malaria, respiratory infections and HIV/AIDS among the youth and the population generally may affect the project by trainees missing training sessions, and parents' failure to provide for the requirements due to high costs on medical care. Dispensaries should be provided at the institutions which should be augmented with sensitization on malaria control measures as well as HIV/AIDS prevention and control measures within the institutions and the community at large. Availability of adequate water for drinking, sanitation and other water related activities is still a challenge at all BTVET institutions. The magnitude of the proposed USDP may exacerbate the current water and sanitation situation and therefore the project should consider rainwater harvesting and storage, expanding the sewerage facilities and connecting them to NWSC sewerage system where it is available instead of septic tanks which are inadequate at the moment.

3.5 Economic Activities

The intensity and type of economic activities that the people of the various regions of Uganda engage in depend much on their soils and rain patterns, culture, natural resource endowments and level of urbanization.

Agriculture: Uganda is largely an agricultural country. Although the contribution of the agriculture sector to Gross Domestic Product (GDP) has been declining and stagnated at 22% over the years, it continues to be the major source of employment, raw materials to the local industries and contributed about 40% of the total goods export (mainly coffee, fish and tea) earnings in 2012 (UBOS Statistical abstract 2013). In addition, about 66% of the Ugandan working population is engaged in the agriculture, forestry and fishing industry and derives its livelihoods from it (UNHS, 2010).

Agriculture is not only important as a foreign exchange earner to Uganda's economy but also as the main food provider for both home consumption and a source of household incomes across all its regions. In terms of food production by region, the Eastern region was the largest producer of finger millet, maize, rice, sweet potatoes and cassava. The Northern region on the other hand was the biggest producer of sorghum, field peas, pigeon peas, ground nuts, soya beans and *simsim*. While the Western region led in the production of bananas of all types, beans and Irish potatoes, the central region did not lead in the production of any of the selected crops. There was however significant variations within the regions in terms of production at district level.

Manufacturing: According to a report released by the Uganda Business Inquiry (UBi) in 2012, manufacturing continues to lead as the most important aspect of Uganda's economic activity. The report indicates that manufacturing leads with 22% contribution to economic growth, followed by wholesale and retail trade (20%), construction (15%), and 8% for accommodation and food services. These findings provide an indication on the performance of different sectors of the economy and the structural changes that have taken place over the years. Covering 5 regions of Uganda, the study revealed that growth in business in Kampala region has declined to 45% up from 63% while all the other regions expressively improved with the Central registering 22% growth, Eastern (16%), Western (13%) and, Northern (4%).

Forestry: Uganda's forest cover had been depleting at an alarming rate until strict controls were put in place by government to reduce the loss in protected forests and hence total cover is currently stabilizing. However, protected forests make up only 30% of the national forest cover. The rest is on private and customary land where deforestation rates are high due to: used as a source of income from wood for fuel, poles and timber and, conversion of land into agricultural and pastoral land. In addition, the country's harvestable timber resources are almost exhausted. Therefore, to increase forest cover and ensure increased supply of timber, the Sawlog Production Grant Scheme (SPGS) and other licensing measures including charging economic rents for timber were introduced. The European Union is supporting private sector development of large forest plantations through SPGS. **Relation:** The USDP is likely to need a lot of wood for timber and poles during the construction. This may put a high demand on the forest products during construction and after as the institutions demand for wood fuel as well as wood for burning bricks by the communities.

Fisheries: Open water covers about 15% of Uganda's surface and comprises of 5 major lakes: Victoria, Albert, Kyoga, Edward, and George which are the main sources of fish in the country. Therefore, fishing is not only an important source of high quality animal protein for many Ugandans and a source of foreign exchange but also a means of livelihood (source of income) for many communities living along water bodies. The estimated Uganda's average per capita consumption of fish has been declining from 13 kg per person per year in 1994 to 5.7 kg (which is below the recommended WHO level of 12.5 per capita) per person per year in 2005 due to scarcity, cost and increased export of fish. There is also evidence of localised over fishing in some water bodies. Lakes Victoria and Kyoga and fish species Tilapia and Nile perch account for over 80% of annual harvest implying a high level of selectivity. On the other hand the Nile Perch is having devastating effects on other species in the two lakes due to its carnivorous nature. A few fisheries policies are in place and seek to address, among others, enhanced aquaculture development by adding 100.000 tones per year in the fisheries capture of 330.000 tones so as to raise a combined long term sustainable supply to 430.000 tones.

Tourism: Tourism is a source of foreign exchange in Uganda as well as a means of employment for many Ugandans, both directly and indirectly. According to the Uganda Tourism Board (UTB), Uganda's tourism earnings have doubled in the last five years from USD 440 Million to USD 800 Million in 2012. Uganda was ranked top in tourism industry growth in Africa where the sector grew by 25% in 2011 beating South Africa and Tanzania which grew by 21% and 13.4% respectively (Tourism Review in Africa, 2011). Uganda's tourism growth is attributed to its top tourist destinations of Murchison Falls National Park, Queen Elizabeth National Park, and Bwindi Impenetrable Forest renown for its mountain gorilla safari activities

3.6 Labour and Employment

The total labor force (persons aged 14 to 64) in Uganda increased by 23%; from 10.9 millions in 2005/06 to 13.4 million persons in 2009/10. The increase in the labor force is mainly due to a significant increase in the young population entering the working age bracket which offsets the reduction in the older population leaving the working age bracket and eventually join the labor force. The overall unemployment rate was 3.6% in 2009/10 while the urban unemployment rate was about 8.7% in the same year. The time related underemployment rate was about 3.2%. By status in employment, 79.4% of the working population in 2009/10 was self-employed. The paid employees constituted 18.5% (2012/2013) compared to 21.7% of the work force in 2009/10 and; the self-employed constituted 82% in 2012/13 compared to 71% (2009/2010). In 2009/10, the education level of the working population was low at 7.4% implying that nearly three quarters of the labor force had either primary or no education. The results further indicate that one quarter of the workforce had no formal education. Only 6.8% of the work force had specialized training, that is, post primary. The majority of the working population was engaged in the agriculture sector which employed 66% while by occupation, 66.5% of the working population was agriculture and fishery workers. There was an increase in the working population engaged in agriculture between 2009/10 and 2012/13 by both industry and occupation. Agriculture, forestry and fishing dominate the industry of employment in Uganda accounting for 70% and 73% in 2010 and 2013 respectively (UNHS 2012/13).

3.7 Transport System

A well developed transport sector plays an important role in the economic development and poverty reduction of any nation. Uganda's transport sector is divided into 4 modes namely road, air, water and rail. However the road transport is the most prominent, air transport upcoming with a limited utilization of rail and then the traditional or poorly developed water transport. While the road network is the mostly used form of transport carrying about 95% of the country's goods and 99% of traffic, only 17% of the 20,000km of Uganda's national roads is paved. The road network in Uganda also consists of several Kms of feeder and community roads, most of which are in a poor state. These are worse in mountainous/hill areas like the South West where UTC Bushenyi is located, Mt Elgon area where UTC Elgon is found; and in lowlands or swampy areas like in the areas around Lira district where UTC Lira is located. Generally while GoU has put in a lot of effort to improve Uganda's road network, it is still in dire need of support. Entebbe airport is the only international airport but programs are underway to upgrade Gulu and Arua Airfields in the North and Kasese Airfield (West) to international standards.

3.8 Poverty Trends

The 2009/10 UNHS estimated that 24.5% (about 7.5 million persons) of Ugandans were poor. At national level, there was a 6.6% significant decline of the people living in absolute poverty between UNHS 2005/06 and UNHS 2009/10. The reduction in poverty between the surveys is most prominent in the northern region (15%) way above the national decline. The proportion of people in poverty in eastern region declined from 36% to 24%. In the central region, the decline in the headcount indicator from 16% to 11% is statistically significant at conventional levels. The Western region registered a slight and insignificant increase in the headcount from 21% to 22% (i.e. 1.44 million in 2005/06 to 1.6 million in 2009/10). Despite a significant reduction in poverty, the northern region is still home to the majority of the poor and the poverty head count remains higher than the national average.

While the UNHS 2009/10 presented a bright picture for all regions, the depiction by the 2012/13 UNHS is not a rosy one for some regions. Even as poverty declines nationally, a significant proportion of the population in Uganda still live in poverty. According to the current UNHS survey; the proportion of poor persons by region declined in the central and western regions, from 10% to 5% and 18% to 9% in 2009/10 and 2012/13 respectively. However the trend was different in the eastern and northern regions where the proportion of the poor increased. It was 24% (2009/10) and increased to 28% (2012/13) in the eastern region; while in the northern region, it increased to 49% (2012/13) from 46% in 2009/10. On the other hand, nationally, income inequality increased from 0.426 in 2009/10 to 0.431 in 2012/13. Income has continued to be more unequal in all regions except in the western where a reduction was observed. Table 4 below presents the number of poor people per region.

Table 4: Poor Persons in Millions per Region 2005 – 2013

Region	2005/06	2009/10	2012/13
Central	1.3	0.9	0.5
Eastern	2.5	2.2	2.8
Northern	3.5	2.8	3.5
Western	1.4	1.6	0.7
Total	8.7	7.5	7.5
National Percentage Reduction	31%	24.5%	24.5%

Source: UBOS: UNHS 2012/13

The above situation reflects the cleavage between the south and north of Uganda which divide, dates way back to pre-colonial times and worsened by the colonial rule where the British stimulated economic and political activities in the south of Uganda, especially among the *Baganda*. The colonial administration invested in education and infrastructure in the south thereby making it to grow wealthier. On the other hand the people from northern Uganda produced raw materials for the south and served in the army. The situation in the north was however, exacerbated by the prolonged atrocities inflicted on the population for decades in the past. If the current stability in the north is sustained, the region is likely to rebuild and get on the road to recovery.

Relation: Declining poverty levels at national level and in some regions is good news for the USDP in that more youths will be able to enrol for technical vocational skills. This implies that while the project

will boost the services and physical infrastructure of 4 selected colleges that will focus on trades higher up within the value chain, corresponding support should also be given to a good number of vocational institutes that offer trades down the value chain so as to meet the increasing demand for the skills. The northern region will particularly need more young people skilled in agriculture and construction to aid its reconstruction efforts.

3.9 Regional Representation of Students' Populations at Each Institution

It is expected that USDP will attract students from all over the country and Table 5 below provides a glimpse of the current estimated regional distribution of students in the four institutions. It is clear from the table that students come from all regions with the highest proportion coming from the regions where these institutions are located, taking advantage of their proximity to the institutions. For example UTC Bushenyi has about 84% of its students from the west while UTC Lira has 74% from the north. It can therefore be rightly concluded that the upgrading of the institutions to CoE with the project would attract more students from the various regions of Uganda.

Table 5: Estimated Regional Representation of Students at Each Institution, 2014

Institution/ Region	Eastern			Central			Northern			Western			Total	
	F	M	%	F	M	%	F	M	%	F	M	%	F	M
1.UTC Bushenyi	5	10	2.1	20	60	11.4	5	10	2.1	90	500	84.3	120	580
2.UTC Elgon	-	-	-	-	-	-	-	-	-	-	-	-	-	-
3.UTC Lira	6	102	14	9	47	7.2	29	553	74.4	5	31	4.6	49	733
4.Bukalasa ATC	66	157	16	82	178	18	170	438	43	105	215	23	423	988
Total	77	269	-	111	285	-	204	1001	-	200	746	-	592	2301

4 STAKEHOLDER CONSULTATION AND ENGAGEMENT ON THE USDP

4.1 Overview of Stakeholder Consultations

Consultations with key stakeholders of the proposed USDP were conducted with the management teams of UTCs Elgon, Lira, Bushenyi and, Bukalasa ATC; officers of the CMU of the MoES, local community leaders and community members in the areas where the four institutions are located, as well as officers of the community development offices of the respective districts. The consultations aimed at getting an understanding of the situation on the ground regarding the institutional arrangements for implementing the USDP; the roles and responsibilities of the various stakeholders; resettlement and compensation issues and subsequently generate relevant information and ideas that would aid the preparation of this RPF.

4.2 Summary of Key Issues Raised by Stakeholders Relevant to this RPF

A summary of important aspects gathered from the stakeholder consultations are provided in Table 6 below.

Table 6: Key Issues From Stakeholders that are Relevant to this RPF

Institution/ LG	Pertinent Issues Raised
UTC Elgon, Mbale LG 26/08/2014	<ul style="list-style-type: none"> ▪ The college has enough land (199.7 acres) of which only about 30% is occupied by the college's buildings. The rest of the land is being utilized by the college staff and community members for food production and income generation. Major activities undertaken include gardening, quarrying and brick making. The land is rocky and on the slopes of Mount Elgon. ▪ The community around the college is so poor that the college allowed them to use its land for income generating activities without charging them as a social corporate responsibility. It is one of the ways they benefit from the college since very few of them are able to bring their children to the college. It is for this same reason that the right procedures should be followed to minimise their impoverishment should the project trigger the World Bank's OP 4.12 ▪ Most of its land is rocky discouraging some development partners to construct building on the sites that the college would have preferred in order to minimise on the costs of construction ▪ A land title for the college is very crucial to enable its administrators deal with any community members who would dispute land demarcations; as security for any developments made on the land and; the college will now prepare a master plan for the college once the name of the land title is changed into that of the college. ▪ The college land is watched over by some elderly/senior local citizens who ensure the demarcations are not tampered with. It is through these elders that community member started using the land ▪ The people working on the college land would never be recognised if they become an encumbrance to any upcoming developments on college land. The college is so much in need that it would go a long way to ensure that nothing comes in the way of its development ▪ However, the people working on the land are aware that they are using the land temporarily and would peacefully vacate if asked without abusing the kind gesture of the college. While this may be true, once the project triggers OP 4.12, these potential PAPs should be catered for with guidance of this RPF since they may be economically displaced or denied/restricted access to economic resources and sources of their livelihoods.
DCDO, Mbale LG	<ul style="list-style-type: none"> ▪ Issues of any development project in relation to people's livelihoods are very critical and therefore require appropriate studies and stakeholder consultations to be undertaken in time and; adequately prepare the communities for acceptance and success of the project.

Institution/ LG	Pertinent Issues Raised
26/08/2014	<ul style="list-style-type: none"> ▪ It is important to always set up a committee to deal with compensation and money matters and never to be left to an individual. Committee members must be selected carefully to get credible and trustworthy people in order to minimise issues related to people without integrity. ▪ Issues of land donations must be well documented and documents stored in a safe place to avoid a sudden mushrooming of claims from some community members once they realise the land has no land title. Land titles should therefore be acquired for every public institution ▪ Although the department is incapacitated, it is very important in mobilizing and preparing communities for any project and should therefore be brought on board.
Bukalasa ATC, Luwero LG 28/08/2014	<ul style="list-style-type: none"> ▪ The college's 400 acres of land is enough for future developments although all of it is under use being an agricultural training college. It has a few pieces of land under fallow, and therefore proposed storeyed buildings for USDP. ▪ Bukalasa,s main land uses are: for buildings, food production (by both the college and community), animal grazing (paddocks) and about 1 acre is occupied by Luwero District Land Office. There are also vendors especially around the land office. The district land office has had its office on the said piece of land since time immemorial and the college has allowed the office to co-exist with the institution, the reason it sometimes quotes its land acreage as 399. The likelihood of these issues to trigger 4.12 is negligible because the land office was given the one acre of land hence no USDP developments would be undertaken there which caters for the vendors too and; the staff and community members are gardening in areas gazetted for farming and not for buildings given that it is an agricultural college. ▪ Whenever the outside community is not allowed to utilize the institution's land for gardening, they instead steal the college's food. It is therefore important that the community is allowed to use some of the 'unused' land of the college as a cooperate social responsibility. ▪ Seeking the best possible way to deal with moving/displacing people to pave way for renovations or constructions to take place is important ▪ The college would wish to have a specific person to handle social and environmental issues in the college since they do not benefit from the services of the district environment officer and CBS ▪ The college gives staff small plots of land to farm so that they can supplement their incomes. Most staff, both teaching and non teaching do garden. If the project comes with its workers especially for casual labor, it will hurt many people and they will not be happy (community leader as well as staff of the college)
UTC Lira, Lira Municipality 29/08/2014	<ul style="list-style-type: none"> ▪ The 93 acre land is titled and is being fenced under the UNES/IDB project. About 50% of it is under buildings, recreational facilities, a primary school and a kindergarten. The rest of the land is used for gardening by the community within and outside the college. The individuals gardening on the college's land produce food for household consumption and not directly for economic gains although it helps them keep their expenditure on food low. Should these areas be required for USDP, they will be denied access or displaced hence triggering the World Bank's OP 4.12 ▪ The institution's land was officially gazetted for the development of the institution by Lira DLB ▪ The GC of the college is in discussions over the preparation of a master plan for the college ▪ The project identified and proposed a suitable site for the UNES/IDB project but due to financial constraints it was rejected and instead chose a football pitch which was already leveled. And yet they have no component in the project to replace the play ground much as the issue was raised by a number of stakeholders. The IDB project could not be left to go due to many college needs. UTC Lira management proposed that USDP should endeavor as much as possible to use the proposed site. ▪ Other services like electricity, water and sanitation, telephone and internet should be considered and planned for expansion early enough as the project plans to expand the college so that the project does not displace the available capacity without plans for replacement. The college will require to be connected to NWSC sewer line as the available septic tanks are no longer adequate; there might be a need for a bigger transformer for electricity. The current transformer was observed to be small by the IDB project. Denial to these services may trigger the World Bank's OP 4.12. ▪ The institution considers having a social and environmental focal person from among the staff who

Institution/ LG	Pertinent Issues Raised
	will be responsible for all the social and environmental issues related to developments in the college
DCDO, Lira LG and LC I chairperson 29/08/2014	<ul style="list-style-type: none"> ▪ The community has a right to be informed in time about the project, sensitized and helped to understand its importance and benefits and it is the responsibility of the district community development office to mobilize and talk to the people. ▪ There were many issues raised by the community in the media over some project at UTC Lira, but the DCDO did not know that it was related to the IDB project – the office was not involved. Given that UTC Lira is located in Lira municipality; it served many urban dwellers working around the college in many ways, some to the disadvantage of the college. Some people without toilet facilities would freely walk into the college and help themselves; some community members had created small pathways through the college as shorter routes to other places; the children and community members around the college could freely get in and utilize the play grounds for recreation activities; there was free entry to the college which made thefts rampant in the college; there were some vendors with kiosks along the road reserves next to the college; there was a mini bus stage near the college’s main gate and so forth. ▪ When the IDB project started fencing the college, all the above uses were affected because there was no free access anymore; some of the mini bus stage space was taken up by the fence; the vendors were pushed further into the road and some of them could not continue operating. As a result the community raised many concerns over their dissatisfaction, some of them promising to steal the chain link and angle bars for the fence. It was understandable for the community to react that way given that they had not been informed and sensitized in time. The Local Council I convened a meeting with the community to sort the issues out. ▪ To avoid a repeat of such issues, especially with the proposed USDP, the office of CBS needs to be involved in all projects since they relate to people in many ways.
UTC Bushenyi, Bushenyi LG 26/08/2014	<ul style="list-style-type: none"> ▪ The 62 acre college land which is in one piece was donated by King <i>Kahaya</i> of the then <i>Ankole</i> Kingdom. It is situated on two hills with a natural boundary (swamp/wetland) around it and a main road (Bitumen) on one of the sides making its demarcations secure and free from encroachers. ▪ Only about 25% of the institution’s land is under use; mainly for buildings and recreational facilities. The rest of the land has a banana plantation (on less than 1 acre), eucalyptus forest for wood fuel (on about 2 acres), and grazing of about 10 heads of cattle on about 20 -30 acres. There is totally no use made of the institution’s land by the outside community. ▪ The college has a draft master plan (in its final stages) and was drafting a strategic plan at the time (also in its final stages) ▪ The expected and long awaited IDB supported project is taking a long time to start due to displacement and resettlement issues that have to be sorted out before it commences. The project chose a site which would displace staff quarters and members causing a lot of stress and yet the project has no resettlement plan. Moreover the IDB project’s chosen site is not in line with the college’s master plan. The site identified by the college was rejected because it would be costly for the project to embark on. ▪ The college requested the IDB project to consider a resettlement plan before the project could start and negotiations are still going on to come to a compromise. The college is constructing a few staff houses through students’ projects but these are not enough and might not be ready at the time they may be required. ▪ A lesson for the USDP to learn and avoid a similar scenario is to construct on unused land according to the master plan of the college and if this is not possible, implying triggering OP 4.12, then it should follow the right procedures and; prepare a RAP to compensate and resettle the staff before the project starts.
DCDO, Bushenyi LG 02/08/2014	<ul style="list-style-type: none"> • There is a big challenge in implementing two similar projects that create displacements but one compensates and another does not. The role of the CBS department becomes more critical in such situations. It was difficult but the community development office managed the situation well. UNRA was constructing Ishaka to Ntungamo road and compensated all the PAPs while the LG road

Institution/ LG	Pertinent Issues Raised
	<p>constructions under Community Agricultural Construction Program (CAGRIP) equally displaced people, property and plantations but no compensation was done at all.</p> <ul style="list-style-type: none"> • Infrastructure management committees were formed in each of the 3 sub counties benefiting to help with mobilisation of people. • Community members were involved in the casual work of the project and thus benefiting from the project increased their acceptability of the project. • Consultations, information provision, communication, dialogue and making people understand the differences between the two projects as well as the benefits that would accrue from the project are crucial. This is in line with public consultation and participation procedures. • Since the USDP is expected to resettle and compensate PAPs when displacements of any sort occur; should the above situation happen, it should make use of the CBS department and the MoES to mobilize the community and help them understand as in the above case.
<p>MoES MCU 04/09/2014</p>	<ul style="list-style-type: none"> • Most public institutions lack land titles and yet some of their lands are vast. As a result some people squat on or use it for some economic activities making it so challenging when it is needed for development. Whenever issues arise with the land when it is required for development, the ministry leaves it to the institution, LGs and local leaders to sort it out before the project can start. • Usually the institutions and local leaders work out ways to sort the issues (sometimes serious issues) out and the projects start. • The same should be applied to the USDP or avoid any area with such encumbrances. It is therefore expected that when such issues come up with USDP, the institutions' management and GC, the local leaders and perhaps some involvement of the district would sort the issues out before the project starts. However, these issues should be documented and the procedures used to sort out land issues be followed according to the recommendations in this RPF.

4.3 Institutional Capacity Assessment for the Implementation of the RPF

4.3.1 Capacity Needs Assessment to Implement the Prepared RPF and RAPs

Activities of sub-component 2.3 of component 2 on which the development of this RPF is based requires that the implementing agency should have the necessary capacities to implement the prepared RPF and be in position to use the RPF to guide the preparation and implementation of RAPs if people are directly or indirectly impacted by the civil works of the project. Capacity assessment of the MoES and the institutions was therefore undertaken regarding the implementation of the RPF and; their ability to prepare and implement RAPs for USDP.

It was established that the capacity of the MoES to plan and implement the measures outlined in the RPF requires strengthening. It is however important to note that USDP will benefit from the ministry's advantage of implementing other World Bank funded projects and experiences had with the requirements of safeguard policies for such projects. The assessment looked at the availability of staff, skills and logistics. Table 7 overleaf provides a summary of the capacity assessment and needs for implementing RPF/RAPs in the MoES, the four institutions and CBS departments of the respective LGs.

Table 7: Institutional Capacity Needs for Implementing RPF/RAPs

Implementing agency	Capacity Assessment and Gaps
<p>1. Ministry of Education and Sports</p>	<p>Staffing: -The MoES (BTVET sub-sector) has its officers according to the Ministry's sub-sector establishment. According to the sub-sector's establishment there is no provision for a social development officer but normally seeks the services of such personnel when need arises. It had been reported that there was a social development officer/desk officer in the User department (Primary, Secondary and BTVET sub-sectors) but was later established that it was not the case.</p> <p>-The ministry is implementing other World Bank/IDA financed projects such as GPE and ARSDP which are expected to have a social development officer, particularly under the GPE project. It was reported that once approval is made, a social development officer for the GPE project will be recruited who may also support the USDP in handling safeguard issues.</p> <p>-There may be need for the services of a social development officer to handle social safeguard issues for the USDP project (especially preparation of RAPs) and the MoES will solicit for the services of a consultant whenever need arises or use those of the social development officer under the GPE project when recruited.</p> <p>Skills: -It is apparent that since there are no social development personnel in the MoES, not even for the GPE and ARSDP projects at the moment, relevant skills required for implementing RPF/RAPs are lacking.</p> <p>Logistics: -The USDP is expected to have a budget for its logistical requirements including that for implementing RPF/RAPs. It is the responsibility of GoU (MoES) to ensure that logistical needs for implementing RPF/RAPs are catered for in the budget.</p>
<p>2. Institutions (UTCs Elgon, Lira, Bushenyi and Bukalasa Agricultural College)</p>	<p>Staffing: All the institutions are ideally understaffed – not all positions are filled according to the establishment, hence do hire some staff on part time or private basis to fill the gaps. For example, UTC Lira's establishment is 40 lecturers out of which only 12 are on government pay role and 28 are privately employed by the institution; UTC Bushenyi has 38 staff on government payroll out of the establishment of 48 and outsources 4 additional staff on part time and private basis and; Bukalasa ATC's establishment is 38 of which half are on government pay roll and 19 on a private basis. It is hoped that the staffing gaps will be addressed by the USDP and ensure staff are filled according to the establishment based on the curricula. However, the institutions have Estates officers and Farm managers who were identified as relevant staff for implementing RPF/RAPs at the institutions' level. They would mobilise the PAPs with the help of LC I office since they know them and; they would also serve on any of the compensation committees, GRCs and M&E teams as required</p> <p>Skills: -The entire institutions' staff including the Estates officers and Farm managers lack skills necessary for the implementation and management of RPF/RAPs. UTCs, Lira, Elgon and Bushenyi have had experiences with the IDB supported project related to resettlement issues but these were not well handled (in Elgon and Lira) and have delayed the start of the project in UTC Bushenyi.</p> <p>Logistics: All the institutions suffer from insufficient resources to run their daily operations where by they have to deal with the available resources and required needs. The grants from government are inadequate and therefore have to find other sources of income to supplement what government offers. Therefore, they are all logistically incapacitated to implement RPF/RAPs without outside support.</p>
<p>3. Community Based</p>	<p>Staffing: Most of the respective LGs were understaffed in their CBS department at district and sub-county levels. For instance Bushenyi district has only 2 staff out of the required 4 and each sub-county</p>

<p>Services (CBS) Departments of the Respective LGs (Mbale, Luwero, Lira and Bushenyi)</p>	<p>is supposed to have one Community Development Officer (CDO) and an assistant but some sub-counties lack substantive CDOs and assistants. Mbale LG has 4 out of 6 required staff in the CBS department but all sub-counties have substantive CDOs. UTC Lira is served by the Municipality CBS departments given its location in Lira Municipality. The Municipality lacks only one staff in the CBS department and two at divisions' level implying some divisions lack CDOs and ACDOs. This kind of situation stresses the personnel in the department whenever additional tasks are given to them.</p> <p>Skills: The CBS departmental staff in all the respective LGs have had some sort of experience with resettlement/compensation issues to do with buildings and roads constructions (although not directly) which is relevant to the USDP project. This was mainly in mobilisation and sensitisation of people about the projects; informed those who would be adversely affected and; undertook research to seek views of the community regarding displacement and resettlements. However they all lack training in relevant RPF/RAPs skills.</p> <p>Logistics: The CBS department is the least funded across the respective districts. Most CBS staff thus struggle in carrying out their duties. For instance the CBS budget for Lira Municipality is 5.2 million per year and; Bushenyi is only 5 million per year. Logistics like computers are available but the biggest logistical challenge is transport. The department in all the respective districts have no vehicle; have a few motorcycles in good condition but lack fuel in most cases.</p>
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4.3.2 Recommendations for Institutional Strengthening

- Given the expected small proportion of people who may be affected by the civil works of sub-component 2.3 (USDP), it is recommended that the MoES through the PCU will outsource the services of a social development specialist to support the project in addressing social safeguard issues especially in the preparation and implementation of RAPs when need arises.
- It is further recommended that should the GPE project recruit a Social Development Specialist; the PCU (MoES) once established should as much as possible utilize her or his services to address social safeguard issues related to the USDP since the two are sister projects in the same User department of the MoES.
- It was difficult to draft a budget for the implementation of RPF/RAPs during the preparation of this RPF. It is therefore recommended that the MoES should prepare a detailed budget for the implementation of RPF/RAPs including all the logistical requirements for up to the lowest level (participating institutions) of its implementation since the potential CoEs lack the necessary funds.
- The Estates officers and Farm managers available at the beneficiary institutions were identified as some of the staff who would be relevant for the implementation of RPF/RAPs at institutional level and therefore these should be trained in relevant skills regarding resettlement/compensation issues since they lack the required skills.
- The Community Development Officers (CDOs) at the sub-counties and Divisions (for Municipalities) where the four institutions (UTCs Lira, Elgon, Bushenyi and Bukalasa ATC) are located should be facilitated by USDP to enable them assist in consultations with the likely affected communities. It is thus recommended that a provision be made in the budget of USDP to allow the CDO office to participate in handling social issues of the project.

- While all the four institutions had land titles except UTC Bushenyi, it is recommended that they should all have and be able to present them before the start of the project. And where the institutions are unable to transfer the names of the land titles into the college names, the MoES should work with the MoLHUD to ensure that it is transferred in the appropriate names as required by the ULC.
- It is further recommended that the MoES should exercise strict adherence to the World Bank guidelines for social safeguards when necessary in implementing USDP so that a repetition of what happened in UTCs Lira and Elgon with the IDB project does not happen again.

4.4 Recommendations from Stakeholders' Consultations

- It was recommended that issues of land donations must be well documented and documents stored in a safe place to avoid a sudden mushrooming of claims from some community members once they realise the land has no title. In essence all public institutions should acquire land titles for their land.
- In an effort to have as much land as possible spared for agricultural demonstrations, trials and farming, Bukalasa ATC recommended the construction of storeyed buildings under the USDP.
- Given the challenges faced by UTC Lira management during the site location and eventual displacement of its play ground without prior plans to replace it by the UNES/IDB project, it is strongly recommended that the proposed USDP should endeavor as much as possible to use the institution's proposed site to avoid such stress for the college.
- Similarly UTC Elgon had to crowd buildings in one place for the IDB project because its site choice was not accepted. Therefore, it was also recommended that unlike the IDB project which benefited from the desperate situation of the college and were allowed to construct on the site against the wish of the college, USDP should try as much as possible to go by the institutions' choice of site unless there are technical limitations that would not allow.
- Experiences with the IDB project point to the need for a corresponding expansion of other services like electricity, water and sanitation, telephone and internet as the colleges to become CoE are expanded. Therefore USDP should consider liaising with the relevant providers and plan early enough for the expansion of these services so that the proposed CoE can operate as expected. For instance UTC Lira recommended that it should be connected to NWSC sewer line as the available septic tanks are no longer adequate and; a bigger transformer for electricity should be provided since the current one was observed to be small by the IDB project.
- In line with procedural standards of stakeholder consultation and participation, it was recommended that consultations, information provision, timely communication, dialogue and making people understand the differences between various project should be at the centre of efforts to minimise community rejection and suffering as a result of a project.
- Some institutions underscored the need to have a social and environmental focal person at their institutions selected from among the staff that would handle and oversee all social and environmental

issues related to developments in the college since some of them have not benefited from the services of the district on the same issues.

- It was further recommended by all officers of the CBS department interviewed in the respective LGs that their office needs to be involved in all projects particularly in mobilizing and sensitizing communities affected since most of the projects relate to people in many ways.

5 POLICY, LEGAL AND INSTITUTIONAL FRAMEWORK

This section of the RPF presents an analysis of the national policy, legal and institutional framework as well as the World Bank's policies that guide public infrastructure developments that may involve land acquisition, and resettlement and rehabilitation of PAPs. It looks at the direct policies and legal instruments available that guide the implementation and management of land acquisition, and related issues while implementing the sub-projects of the UDSP. It also endeavors to make a fit between the borrower's (Ugandan) laws and regulations and, the World Bank policy requirements and measures proposed to bridge any gaps between them. It further outlines the institutional arrangements for the implementation of the USDP.

5.1 National Laws

A review of Uganda's legal context that regulates land relations in Uganda reveals a number of frameworks available. These frameworks build a foundation for defining 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 Physical Planning Act, 2010 and;
- The Local Government Act, 1997;

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.

5.1.1 The Uganda Constitution, 1995

Article 237(1) of the Constitution vests all the land of Uganda in the citizens of Uganda. However under the same Article section (a), the government (Central or Local government) can compulsorily acquire private 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 rights and interests in which land may be held namely; customary, freehold, *mailo* and leasehold. It introduces '*bona fide* occupancy' as a form of tenure that gives the occupant some rights to the land occupied. According to the Uganda Constitution, all land belongs to the people of Uganda and is held in trust by the Government. Article 26 of the constitution allows government to compulsorily acquire private 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*" to the owners prior to taking possession of the land. However, the Constitution does not make resettlement a right.

5.1.2 The Land Act, 1998

The 1998 Land Act aims at enhancing tenure security by recognizing existing rights to land and decentralizing land administration. It also aims at promoting a more effective use of land and improving the market in land by strengthening the land administration and supporting the registration of titles, thereby stimulating investments. Therefore the Act addresses land holding, management, control and dispute processing. It creates a series of land administration structures, 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, that is, 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 and Article 243 of the 1995 Ugandan Constitution creates DLTs with the 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 same Act gives powers to the DLTs to determine any other dispute relating to land under this act. And article 88 (1) of the Act stipulates that an appeal shall lie from the decision of a DLT to the High Court. The recognized forms of land tenure in Uganda and their key features are:

Customary Tenure: -This 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 the different regions of Uganda 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: - This type of 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 defined period and in return for a rent. The tenant has security of tenure and a proprietary interest in the land.

Freehold Tenure:—This form of tenure derives its legality from the constitution and its incidents from the written law. It involves the holding of land in perpetuity or a term fixed by a condition and also enables the holder to exercise, subject to the law, full powers of ownership.

Mailo Tenure—This type of 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 land ownership from the ownership of developments on the 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.

5.1.3 Land Acquisition Act, 1965

The Land Acquisition Act lays down the provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. Section 2 (1) of the Act provides that the Minister responsible for land is empowered to acquire any land if s/he is satisfied that the land is required for a “Public Purpose”. Accordingly the minister 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 Act also makes provision for payment of compensation by the GoU to any person whose interest in the acquired land is extinguished as a result and that any person aggrieved by the Minister’s decision or by the compensation paid may appeal to the High Court.

The Act stops at payment of compensation and provides no further obligation by government. For instance, it is not a legal requirement for government to purchase alternative land for resettling project affected people. Once they are promptly and adequately compensated, that is the end of government’s obligations. The government through the MoLHUD will pay compensation to the affected persons. There is no requirement or provision in the law that people need to be moved or that alternative land should be made available or bought. Each affected person entitled to compensation; on receipt of his/her compensation is expected to move and has no further claim.

5.1.4 The Physical Planning Act, 2010

The Physical Planning Act, 2010 (the “new Act”) which commenced in April 2011 revokes the 1964 Town and Country Planning Act (Cap 246) (the “old Act”) and brings with it significant changes that are of particular importance to real estate developers.

Under the old Act, the obligation to obtain development permission in order to develop structures for land use was restricted to developments in urban areas. The new Act makes it mandatory for a person carrying out a development within a planning area to obtain development permission from a physical planning committee at the district, urban and local levels. The new Act regulates control of developments, approval of physical development plans and applications for development permission. The physical planning committees established under the “new Act” are tasked with preparing physical development plans, recommending plans for change of land use and approving development applications relating to housing estates, industrial locations, schools, petrol stations, dumping sites and sewerage works.

5.1.4.1 Obtaining development permission

Under the new Act, an application for development permission is made to the relevant LG which forwards the application to the relevant physical planning committee. The new Act sets up planning committees at local levels to consider special development needs in these areas. The physical planning committee is required to notify the applicant of its decision within thirty (30) days and attach this notice

to the development permission granted. A physical planning committee may, if it thinks expedient, by notice of deferment served on the applicant, defer consideration of the application for development permission for a given period and for reasons specified in the deferment notice.

When considering a development application, the physical planning committee is required to take into consideration the regard for the health, amenities and conveniences of the community generally and the proper planning and density of development and land use in the area.

5.1.4.2 Ensuring compliance

In the absence of development permission, the new Act requires demolition of the structure and restoration of the land on which the development is made, as much as possible to its original condition. The new Act also prohibits the registrar of documents from recording a document relating to the development of land under the Registration of Documents Act, unless development permission, in respect of the development, has been granted. The new Act further provides for the establishment of a National Physical Planning Board to advise the government on all matters relating to physical planning.

The functions of the Board include:

- Hearing and determining appeals lodged by persons or LGs aggrieved by the decision of any physical planning committee;
- Determining and resolving physical planning matters referred to it by physical planning committees;
- Advising the government on broad physical planning policies, planning standards and the viability of any proposed subdivision of urban or agricultural land;
- Approving regional, urban or district physical development plans, recommending to the minister national plans for approval and monitoring implementation of the plans;
- Advising the minister responsible for local government on the declaration of town councils, town boards or upgrading of urban authorities;
- Formulating draft planning policies, standards, guidelines and manuals for consideration by the minister;
- Exercising general supervisory powers over all lower planning committees such that they can seek guidance, set standards and take control and;
- Foster co-ordination of physical planning related to interdisciplinary activities in the country in order to promote orderly and sustainable development of human settlements in rural and urban areas.

5.1.5 The Local Government Act, 1997

The Local Government Act (LGA) gives full effect to the policy of decentralization and devolution of functions, powers, responsibilities and services at all levels of LGs to ensure good governance and democratic participation in, and control of decision making by the people. The LGA provides for a system of LGs, which is based on the district. Under the district are lower LGs and administrative units. The system provides for elected Councils. The district chairperson nominates the executive committee of each council. The functions of the executive committee include:

- Initiating and formulating policy for approval of the council;
- Overseeing the implementation of government and councils' policies, and monitor and coordinate activities of NGOs in the district and;
- Receiving and solving disputes forwarded to it from lower LGs.

According to the second schedule of the LGA, the central government is responsible for water resources and the environment (Part I, second schedule of the LGA). The lower LG 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 NGOs in their area (Section 50 (8)).

5.2 National Policies

A review of Uganda's policies that relate to the administration of land and related issues in Uganda and the BTVET sub-sector were also undertaken which included:

- The National Land Policy, 2013;
- The Revised Education Sector Strategic Plan, 2007 – 2015;
- The BTVET Act, 2008;
- The BTVET Strategic Plan, 2012/13-2021/22

5.2.1 The National Land Policy, 2013

The recently finalised Land Policy for Uganda sets out a systematic framework for articulating the role of land in national development, land ownership, distribution, utilisation, alienability, management and control of land in the country. The policy's vision is: *“Sustainable and optimal use of land and land-based resources for the transformation of the 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”*. The policy stipulates procedures for accessing land for investment and provides rights for minorities as well as measures for protecting land rights as stated below:

Access to Land for Investment: Section 3.16 of the policy (88 – b) 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”. Whereas 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 the Protection of Land Rights: Section 3.17 (91) 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: Regarding 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 and;
- (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 and;
 - detail terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources extraction;
- ii) pay compensation to those ethnic minorities that have in the past been driven off their ancestral lands for preservation or conservation purposes;
- iii) deliberate and specify benefit-sharing measures to ensure that minority groups benefit from resources on their ancestral lands rendered to extractive or other industry;
- iv) recognize the vital role of natural resources and habitats in the livelihoods of minority groups in the gazettement or degazettement of conservation and protected areas

5.2.2 The Revised Education Sector Strategic Plan, 2007 – 2015

The revised Education Sector Strategic Plan (ESSP) accords special attention to BTVET in light of the numerous challenges Universal Primary Education (UPE) leavers seeking post primary education or training in the country face. Uganda's vision is to develop a BTVET system that will enable greater access, and realization of the full potential of Uganda's human resources for the benefit of its economy. BTVET has the potential of producing a competent and polyvalent workforce with practical work skills, entrepreneurship skills and orientation that are essential for employment.

According to the revised ESSP, the demand for BTVET over the past years has continued to rise from both primary and secondary school leavers. It is therefore envisaged that the demand for employment-oriented skills training will maintain a rise both in the medium and long term. Consequently, BTVET deserves appropriate recognition and support in order to create a significant impact on poverty eradication.

Although Uganda has made great strides in the expansion and development of its BTVET system, there remain major challenges: high unit cost, inadequate funding, limited access and participation, inadequate infrastructure of BTVET institutions, and lacks a comprehensive tutor training and management system. Subsequently, the majority of the population cannot meaningfully participate in national development activities and in the labor market due to a lack of relevant skills. This situation reinforces social perception of BTVET as a non viable area and hence affects the overall performance of its graduates in

the job market. In addition the amorphous structure of non-formal BTVET renders coordination and management difficult thereby causing transactional costs within the sub-sector to be too high. This has implications for efficiency and cost effectiveness of the sub-sector.

5.2.3 BTVET Act, 2008

Governments in developing economies are expected to carry the primary responsibility for BTVET. However in modern market economies, BTVET policy design and delivery is achieved through new partnerships between governments, employers, professional associations, industry, employees and their representatives, local communities and NGOs. These partnerships must create coherent legislative frameworks to enable the launching of national strategies for change. Governments and the private sector must recognize that BTVET is an investment, not a cost, with significant returns, including the well-being of workers, enhanced productivity and international competitiveness. Therefore, funding for BTVET must be shared to the largest extent possible between the government, industry, community, and the learner.

The Business, technical and vocational education and training program has continued to develop in a manner that responds more flexibly to changing work dynamics and employment patterns and, in a way that closes the gap between the world of work and training. To achieve this, BTVET Act, 2008 was approved to establish an institutional framework for the promotion and co-ordination of BTVET that clearly defines the scope and levels of its programmes and the roles of the different stakeholders in delivering them. The Act also strengthens BTVET through the separation of training and delivery of BTVET from quality assurance functions. The Act formalizes a number of reforms that include:

- The introduction and promotion of modular training which is flexible to suit the trainees' occupational or skills requirements;
- The introduction of assessment that is competency-based;
- The introduction of certification based on a Vocational Qualification Framework;
- Recognition of prior learning;
- Recognition of formal and non-formal training and;
- The development and implementation of quality assurance mechanisms.

The Directorate of Industrial Training (DIT) is guided by the Industry Training Council which in turn provides oversight of the DIT and approves policies for BTVET.

5.2.4 Skilling Uganda (BTVET) Strategy, 2012/13-2021/22

The ten-year BTVET strategic plan on skilling Uganda builds on considerable progress in the reform of the BTVET system over the last decade including the adoption of the BTVET Act, 2008; and with it the continuation of DIT, and the establishment and operationalization of the Uganda Vocational Qualifications Framework (UVQF) within the context of flexibility, accessibility, attractiveness, affordability, and relevance to both employers and trainees. Uganda's Vision 2040, and the National Development Plan (NDP), 2010/11, 2014/15 outlines the point of departure for the Plan. It is embedded in the Government White Paper on Education (GWPE) 1992, and the revised ESSP (2007-2015) concerning

the overall policy framework. The development goal for BTVET sub-sector is to ensure that Ugandans and enterprises acquire the skills they need to raise productivity and income.

The Plan thus identifies five areas of weaknesses with the present BTVET system and outlines their respective strategies to address them as follows:

- i. Raise economic relevance of BTVET- by strengthening the role of the business community (including informal sector) and employers, expanding UVQF coverage, making training supply more flexible, expanding and improving agriculture training, promoting skills for productivity in the informal and Micro and Small Enterprises (MSEs), and Labor Market Information Systems (LMIS)
- ii. Increase the quality of skills provision - by strengthening the capacities of BTVET providers, improving production and deployment of instructors, and introducing better quality assurance system for public and private BTVET providers.
- iii. Provide equitable access to skills development- by increasing access to formal and non-formal BTVET through public subsidies, expanding private training provision, supporting and expanding public BTVET supply, creating awareness about BTVET career paths, and enhancing participation of disadvantaged groups to skills development.
- iv. Achieve greater effectiveness in BTVET management and organization- by consolidating BTVET functions and make them accountable for performance outcomes, and establish an effective BTVET-Management Information Systems and, BTVET sub-sector monitoring system.
- v. Increase internal efficiency - through results-oriented transfer mechanisms, increasing resources available for BTVET and establishing a Skills Development Fund.

5.3 World Bank Safeguard Policy

The World Bank's safeguard policies require the "screening" of all projects proposed for Bank financing in order to ensure that they take social concerns into account with respect to adverse impacts on the PAPs and to appropriately plan for and respond to these impacts, and thus improve decision making about resettlement, alternatives, participation of PAPs and compensation. Compliance with the World Bank's safeguard policy on involuntary resettlement, OP 4.12 should be made where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions on 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 their own resettlement programs and;

- 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 compulsory 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

5.3.1 Procedures for Resettlement According to the World Bank’s OP 4.12

The World Bank’s Operational Policy 4.12 applies to component 2, sub-component 2.3 of the USDP and to all economically and /or physically affected persons, regardless of the number of people affected, the severity of the impact and the legality of the land holding. The policy 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. Specifically, 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.

5.3.2 Comparison Between Land Laws 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 at 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. The World Bank’s OP 4.12 states that displaced persons should be compensated at full replacement cost.

Uganda’s land 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 last year finalised the preparation of the national land policy 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; and the Land Act, 1998 failed to deal with fundamental issues in land tenure due to an 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 management issues.

Table 8 overleaf outlines the gaps between Uganda’s laws and the World Bank’s 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 the RPF; and therefore, the World Bank OP4.12 will be followed since it is higher on application of these policies”*.

5.4 Institutional Framework

The implementation of the USDP will be the responsibility of MoES, Directorate of Higher, Technical and Vocational Education and Training (D/HTVET). However, the following agencies will be key stakeholders in the USDP:

- Ministry of Finance, Planning & Economic Development (MoFPED)
- Ministry of Trade, Industry and Cooperatives (MTIC)
- Ministry of Local Government (MoLG)
- Ministry of Agriculture Animal Industry and Fisheries (MAAIF)
- Ministry of Lands, Housing & Urban Development (MLHUD)
- National Environment Management Authority (NEMA)
- Ministry of Gender, Labour & Social Development (MGLSD)
- National Curriculum Development Centre
- UTCs Lira, Elgon and Bushenyi
- Bukalasa Agricultural Training College
- Luwero District Local Government
- Mbale District Local Government
- Bushenyi District Local Government
- Lira District Local Government
- The World Bank

Table 8: Comparison of Land Laws in Uganda 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 1995 Constitution of Uganda 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 <i>mailo</i> tenure.</p> <p>Customary land owners are entitled to compensation based on the open market value of the unimproved land</p>	<p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>	<p>The legal right to resettlement is applicable only to those with proprietary interest in the affected land.</p> <p>Customary land holds property and ownership.</p> <p>Entitlement for payment of compensation is essentially based on the right of ownership or legal user/occupancy rights.</p>	<ul style="list-style-type: none"> 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 the price of 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 <i>bona fide</i> occupants as statutory tenants of the registered owner. Under Section 29 of the Land Act, “lawful occupant” means a person who entered the land with the consent of the registered owner, and includes a purchaser; or a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title. “Bona fide occupant” means a person who before the coming into force of the Constitution had occupied and utilised or developed any land unchallenged by the registered 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</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 land or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihoods.</p>	<p>There is no distinction or discrimination made on the basis of gender, age, or ethnic origin between Ugandan law and Bank policy. However, there is no explicit equivalence on the specific requirements for enforcing non-discrimination, including the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.</p> <p>Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.</p>	<ul style="list-style-type: none"> Design USDP to avoid where possible or minimize resettlements or displacements. Dialogue with policy makers will be initiated to explore the possibility of giving compensation to illegal tenants

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	<p>Government, which may include a local authority.</p> <p>For the avoidance of doubt, a person on land on the basis of a licence from the registered owner shall not be taken to be a lawful or bona fide occupant under this section. Any person who has purchased or otherwise acquired the interest of the person qualified to be a bona fide occupant under this section shall be taken to be a bona fide occupant for the purposes of this Act.</p>			
Land Users/Licensees	<p>Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land.</p> <p>The Land Act, section 29(5) clearly states that for the avoidance of doubt, a licensee shall not be taken to be a lawful or <i>bona fide</i> 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 the Bank and Ugandan systems for identifying and addressing impacts resulting from project related activities.	<ul style="list-style-type: none"> • Design USDP to avoid resettlement or minimize displacement of people. • The program should have a strategy for enabling the PAPs restore their incomes to at least pre-USDP levels • Dialogue with policy makers will be initiated to explore the possibility of giving compensation to all illegal tenants. • Relocation assistance will be provided.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
Owners of non-permanent buildings	<i>Mailo</i> tenure involves the holding of land in perpetuity. It was established under the 1900 Uganda Agreement. It permits the separation of ownership of land from the ownership of developments on the 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 land 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 the affected persons' livelihoods.	There is a significant difference between Ugandan laws and the 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 according to Ugandan law.	<ul style="list-style-type: none"> Project will provide compensation based on replacement value. This will include the payment of government valuation rates and payment of a disturbance allowance. Dialogue with policy makers will be initiated to explore the possibility of including labour 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 or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	Values based on depreciated replacement cost do not reflect full replacement cost/value	<ul style="list-style-type: none"> Project will provide compensation based on replacement value. This will include the payment of government valuation rates, the payment of a disturbance allowance, and a top up allowance (based on the current inflation rate) to compensate for the rise in construction materials.
Timing of compensation payments	Once the assessment office takes possession, the land immediately becomes vested in the Land Commission, according to the Land Acquisition Act. However the Land Act Cap 227 (section 42) provides compulsory acquisition must comply with the provisions of the Constitution(article 26)	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of action.	There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	<ul style="list-style-type: none"> Project to pay prompt, adequate and fair as per Ugandan law.
Calculation of compensation and valuation	According to the Land Act, Cap 227 (section 77), and 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	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	<ul style="list-style-type: none"> 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 the price of land or construction materials

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
		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.	Constitution provides for 'prompt, fair and adequate' compensation. (article 26)	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 1995 Constitution and the 1998 Land Act give the government and local authorities' power to compulsorily acquire land. The Constitution states that "no person shall be compulsorily deprived of property or any interests in or any right over property of any description except" if the taking of the land necessary "for public use or in the interest of defence, public safety, public order, public morality or public health."	To avoid or minimize involuntary resettlement and, where this is not feasible, to assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher	Ugandan laws do not appear to make provisions for avoidance or minimizing of involuntary resettlement	<ul style="list-style-type: none"> Project will provide compensation based on replacement value. This will include the payment of government valuation rates and payment of a disturbance allowance
Completion of resettlement and compensation	Privately owned land's value is negotiated between the owner and the developer. In rural areas, land is valued at open market value, buildings are valued at replacement cost, and a 15% to 30% disturbance allowance must be paid if six months or less notice is given to the owner.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence between Ugandan law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	<ul style="list-style-type: none"> The project will conform to WB OP 4.12 and best practices during the 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.	<ul style="list-style-type: none"> The project will provide transition allowance.
Consultation and disclosure	There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries (e.g. roads and energy). The Land Acquisition Act, however makes provision for an enquiry whereby the affected person can make formal written claim and the assessment officer is obliged to conduct a hearing before making his award.	Consult PAPs, host communities and local NGOs, as appropriate. Provide them with opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of the Bank policy.	<ul style="list-style-type: none"> No gap.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
		accessible grievance mechanisms.		
Grievance mechanism and dispute resolution	The 1998 Land Act states that land tribunals must be established in 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 and the procedure will not replace the existing legal process in Uganda. Rather it seeks to resolve issues quickly so as to expedite receipt of entitlements and smooth resettlement without resorting to expensive and time-consuming legal action. If the grievance procedure fails to provide a settlement, complainants can still seek legal redress.

6 POTENTIAL (RESETTLEMENT) IMPACTS AND MITIGATIONS

The beneficiary institutions of the proposed USDP have enough land, the smallest piece being 62 acres (UTC Bushenyi) and the largest is 400 acres (Bukalasa ATC). Lira and Elgon UTCs have 93 and 199.7 acres respectively. With the exception of UTC Elgon that allowed a police post on its land near the project's proposed site and; Bukalasa ATC which has Luwero District Land Office on about 1 acre of its land, there were no settlements by the outside community on any of the institutions' land at the time of preparing this RPF. At UTC Bushenyi, there were no outside community members utilising its land at the time of the field visit but should there be any before the commencing of the project, this RPF will apply. Therefore there is no foreseen threat from external land acquisition posed by the project since all the civil works will be undertaken on the institutions' land. And hence the extent of land take impacts will be minimal involving a few staff and community members who are using some of the institutions land.

6.1 Potential Positive Impacts

There are high expectations of the project from stakeholders and hence enormous positive impacts anticipated from it. Generally, there will be an improved image of the beneficiary institutions and the public's perception of BTVET when the project is completed and the vision of the BTVET sub-sector lives on. Some of the general USDP positive social impacts expected are:

- Improved teaching and learning processes due to a good learning environment;
- Increased enrolment of both boys and girls due to increased capacities of the institutions;
- Enhanced pedagogical competency through retooling of trainers/lecturers of colleges and VIs;
- High quality products of BTVET graduates as a result of effective teaching and learning;
- Improved attitude towards BTVET due to social marketing and improvements in the sub-sector;
- Increased rate of employment (including self-employment) of the youths;
- Increased number and quality of SMEs from self-employment and increased productivity;
- Creation of employment opportunities at the institutions during civil works and after;
- Market for goods and services in the project areas and districts, boosting the local economic base;
- Improved motivation and concentration of trainers with provision of basic facilitation;
- A Reduction in social vices by the youth in their communities and;
- Increased community ownership of the colleges by the local community.

6.2 Potential Negative Impacts and Mitigations

Under sub-component 2.3 of component 2, the project will expand and equip colleges and network facilities, including civil works where it will support the upgrading of UTC Lira, UTC Elgon, UTC Bushenyi in manufacturing/construction and Bukalasa ATC in agriculture. In addition, the project will support 3 to 5 VIs, through a phased approach based on some eligibility and selection criteria to be linked to each CoE. It is the civil works that will see the construction of new and/or refurbishing of existing workshops, classrooms and other facilities in line with the requirements to deliver the curricula that may trigger the World Bank's safeguard policy on involuntary resettlement which is at the centre of this RPF and the section on adverse impacts. Findings indicate that the civil works at the institutions may have one key negative impact with related impacts which will vary from institution to institution based on the

circumstances on the ground. The direct negative economic and social effects may be limited to change of land use within the institutions or restriction of access to land and other resources since the project's civil works interventions will be on the institutions' existing land and therefore land take related impacts are not expected. The exact impacts will be defined when the ESIA and RAPs are prepared.

The BTVET Sub-sector Analysis Technical Paper 6 and the, Social Equity report (January 2011) also isolate other negative issues that may need be addressed to ensure social equity and inclusiveness. It is recommended that USDP integrates the recommendations of this study as part of the implementation of the project for inclusiveness and equity. A social assessment should be undertaken prior to the implementation of the project to strengthen the institutions' specific programs and population attraction.

A summary of adverse impacts, mitigation measures and the responsible party presented according to the different institutions are given in Table 9 below.

Table 9: Adverse Impacts, Mitigation and Responsible Parties for Mitigation

Adverse impacts/Institution	Mitigation	Responsible to ensure Mitigation
<p>Key Negative Impact: Displacement of prevailing land uses at the locations where new buildings would be constructed - It may happen that identified sites where buildings will be built may currently be used for various purposes e.g. gardening, quarrying, grazing, green areas, staff housing, buildings, play grounds, and other land uses. Building on these locations would stop their availability for the uses.</p>		
<p>1. UTC Bushenyi (Has 36 staff members with small gardens around their houses/residences)</p>		
<p>a) UTC Bushenyi did not have any outside community members working on its land. Only staff and the institution utilise its 'unused' land for growing crops mainly vegetables and bananas; eucalyptus trees for wood fuel and grazing animals on several paddocks. Should these areas be needed for construction, the users may be denied access. (Refer to photos 3, 10 & 11)</p> <p>b) The institution knows where the new constructions will be based on its almost completed master plan and request that these be respected by the USDP. According to its master plan, it is unavoidable that some old buildings will be demolished to pave way for new ones. (Refer photo 13)</p>	<p>-Where feasible, avoid using land which is already in use or has encumbrances</p> <p>-Plan early enough to relocate to alternative sites, any activities going on at locations where new structures will be built. For example, UTC Bushenyi, through its students practice projects (learning by production), is putting up some 3 two-bed roomed staff houses about to be completed and a semi-detached staff house (at ring beam level) which may help to mitigate displacement of staff but these are not enough. (Refer to photo 12)</p> <p>-Preparation of a RAP is recommended.</p>	<p>UTC Bushenyi & MoES</p> <p>UTC Bushenyi & MoES</p> <p>MoES</p>
<p>2. UTC Elgon (From field visit observations could be over 20 households – both staff and outside community members working on the land)</p>		
<p>a) UTC Elgon had staff and outside community members who were using its land for gardening, quarrying, brick making, and grazing (goats) which might be displaced leading to loss of incomes and/or impoverishment (Refer to photos</p>	<p>-Where feasible, avoid using land which is already in use or has encumbrances</p> <p>- Plan to relocate to alternative sites, these activities going on at locations where new structures will be</p>	<p>UTC Elgon & MoES</p>

Adverse impacts/Institution	Mitigation	Responsible to ensure Mitigation
<p>1,2, 5 to 9)</p> <p>b) A police post at the request of the institution is located near the proposed site for the new constructions and since the institution prefers that its choice be respected, the police post may have to be displaced to another location.</p>	<p>built before the project starts.</p> <p>-Preparation of a RAP is recommended.</p> <p>-Engage the PAPs in the Project's construction activities and any related activities so that they can benefit from the project.</p> <p>-The PAPs could also be asked to provide the required bricks, hard core and aggregates for the construction activities</p> <p>- Develop a master plan for the institution to guide new constructions. A CoE must be organised in all important aspects.</p>	<p>MoES</p> <p>Contractor</p> <p>Contractor</p> <p>UTC Elgon</p>
<p>3. UTC Lira (Has about 20 households – about 120 persons mainly gardening on the land)</p>		
<p>a) The institution had staff and a few outside community members using its land for gardening.</p> <p>b) Old buildings and/or recreational areas might be affected should those areas be needed for new constructions</p> <p>(Refer to photos 15 and 16)</p>	<p>-Where feasible, avoid using land which is already in use or has encumbrances</p> <p>- Plan to relocate to alternative sites, the activities going on at locations where new structures will be built before the project starts.</p> <p>-Preparation of a RAP is recommended.</p> <p>-Engage the PAPs in the Project's construction activities and any related activities so that they can benefit from the project.</p> <p>- Develop a master plan for the institution to guide new constructions/developments.</p>	<p>UTC Lira & MoES</p> <p>MoES</p> <p>Contractor</p> <p>UTC Lira</p>
<p>4. Bukalasa ATC (Most staff members, teaching and non teaching plus community members utilise its land)</p>		
<p>a) Bukalasa ATC has its staff and some community members using its land for mainly gardening, and a few vendors at the land office</p> <p>b) Bukalasa ATC has an idea where it would have the new constructions made. As such old buildings and/or recreational areas might be affected should those areas be needed for new constructions. (Refer to photo 4)</p>	<p>-Where feasible, avoid using land which is already in use or has encumbrances.</p> <p>- Plan to relocate to alternative sites, the activities going on at locations where new structures will be built before the project starts.</p> <p>-Preparation of a RAP is recommended.</p> <p>-Engage the PAPs in the Project's construction activities and any related activities so that they can benefit from the project.</p> <p>- Develop a master plan for the institution to guide new constructions/developments.</p>	<p>Bukalasa ATC & MoES</p> <p>MoES</p> <p>Contractor</p> <p>Bukalasa ATC</p>



Photo 5: This stream running through UTC Elgon Land along which a community member has a garden of yams for 3 years should be protected against silting



Photo 6: A community member and his brother assisting him to quarry on UTC Elgon land may lose access to his source of livelihood



Photo 7: A banana and beans garden of a community member on UTC Elgon Land



Photo 8: This A' level student, a son to a staff member of UTC Elgon quarrying for his school fees during his holidays



Photo 9: UTC Elgon Land is also utilized by the community for grazing their goats



Photo 10: Old structures like these at Bukalasa ATC may have to be demolished to create room for new ones



Photo 11: The above Staff houses at UTC Bushenyi might be inevitably demolished to pave way for new structures



Photo 12: These cattle belong to UTC Bushenyi which graze on some of the institution's Land.



Photo 13: A semi-detached house (left) and a two bed-roomed house under construction for staff at UTC Bushenyi as a mitigation measure



Photo 14: Such old buildings at UTC Bushenyi are historical and a treasure. A few of them should be preserved since they are still very strong



Photo 15: This staff member's cassava garden at UTC Lira was partly displaced by IDB project; similar gardens may be affected by the USDP



Photo 16: This staff member's banana plantation at UTC Lira behind IDB project construction site may be displaced should USDP require the land for construction

7 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 DLBs, 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 the districts. Permanent structures and land are valued based on market rate by a government valuer.

Under the 1998 Land Act, the DLT 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 and;
- 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 a Disturbance Allowance of 15% or if less than six months' notice to vacate possession is given, a 30% of any sum assessed is given under subsection (1) of this section.

7.1 Valuation for State Owned Land

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

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

7.1.1 Valuation for Customary Land

In cases where the USDP will require a portion of land under customary tenure for its activities, valuation methods for the affected land and assets should conform to customary laws and land assets would be valued and compensated for according to the following guidelines:

- The communities would be compensated for assets and investments (including labor, crops, buildings, and other improvements) according to the provisions of the resettlement plan;
- Compensation rates would be replacement costs as of the date that the replacement is to be provided;
- The market prices for cash crops would have to be determined and used;
- Calculations for compensation would not be made after the cut-off date, in compliance with this policy and;

- For community land held under customary law, the permanent loss of any such land will be covered by compensation in kind to the community.

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

7.1.2 Calculation of Compensation

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

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

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

- The value of such lands, estates or interests or profits at the time of the emission of the notice to acquire, and will not take into account any improvements or works made or constructed thereafter on the lands;
- That part only of the lands belonging to any entity /person acquired under this Act without consideration for the enhancement of the value of the residue of the lands by reason of the proximity of any improvements or works to be made or constructed by the USDP and;
- The value of the lands acquired for public purposes but also to the damage, if any, to be sustained by the owner by reason of the injurious effects of severance of such lands from other lands belonging to such owner or occupier.

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

7.2 Compensation for Land

Compensation for land is aimed at providing for loss of crops and the labour used to cultivate the crops. 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 crops lost.

7.2.1 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 labour to be invested in preparing new land.

7.2.2 Dispute Resolution and Grievance Mechanism

The Land Act, Cap 227 states that land tribunals must be established at district level. The Act empowers the DLTs to determine disputes relating to the amount of compensation to be paid for land acquired compulsorily. The affected person may appeal to a higher ordinary court if unsatisfied with the DLT. 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.

Presently, 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.

However, for implementation of this project, the grievance redress mechanisms will be established based on the RPF guidelines.

8 LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS

8.1 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 and;
- 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 impossible or fails, recourse can be heard at State legal institutions on land ownership in Uganda.

8.2 Land Acquisitions, Title, Transfer and Terms 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. A Title to a 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 titles; 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 permitted by the Land Law is 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.

8.3 Land Acquisition Mechanisms for the Skills Development Project

The institutions under the proposed Uganda Skills Development Project will not require acquiring land in the short and medium term since they have enough land for the project and future developments. In the unlikely event that the institutions need to acquire land for the project, the following are some of the important issues to consider and mechanisms to pursue.

8.3.1 Critical Issues

This RPF for the project activities advocates for all measures to eliminate or minimize the impacts of physical and economic displacement of people. Therefore should acquisition of land be required, the program will:

- Initially endeavor to utilize available freehold or public land;
- Seek voluntarily donated land, sufficient for the purposes of the USDP;
- Negotiate acquisition of land suitable for the implementation of the USDP activities using agreed compensation plans and only as a last resort and;
- Acquire land through involuntary means following the provisions outlined in this RPF.

Component 2, sub-component 2.3: The proposed expansion and equipping of the four selected project institutions to become CoEs. It was established regarding the institutions' land that: UTC Bushenyi has a title deed which indicates the institution has 62 acres of land, and was in the process of getting a land title in the names of UTC Bushenyi Governing Council. Bukalasa ATC has 399 acres separated by a road, 299 on one side and 100 acres on another; it has a title for the 299 acres in the names of the 'Governor of Uganda' (during the British administration) holding it in trust in the name of the college but the title for the 100 acres got lost and the institution is in the final stages of getting a certified copy of the original title from the Uganda Land Commission. When management of Bukalasa attempted to change the title name from 'Governor of Uganda' to the college's name, it was informed that it is the ULC which is vested with powers of handling all government land and no longer issues titles in the names of the college for security purposes. On the other hand, UTC Lira which has 93 acres of land in one piece has a land title issued three years ago in the Names of UTC Lira Governing Council. And finally, UTC Elgon which has 199.7 acres of land separated into two by the main road has a certified copy of the original land title in the names of Elgon Technical School having lost the original title – the title was obtained when the college was still a technical school.

In essence, all the 4 institutions have land titles except UTC Bushenyi which is in the process of acquiring one. It is therefore expected that by the time civil works for the USDP begin; UTC Bushenyi will have secured its land title. It is important that the project is executed on secure land.

The most critical issue likely to trigger OP 4.12 is the institutions' staff and some outside community members who are using the institutions' land for gardening; quarrying; making bricks and other activities which will lead to social and economic displacements should the utilised lands be required for the project.

8.3.2 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 USDP related activities, in return for a negotiated compensation. Where this approach is taken, the entire process should be fully documented and consent agreements banked by the DLB as well as the lower level local governments.

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

Stakeholder consultations however, revealed that the colleges have enough land for the UDSP and other future developments and do not fore see voluntary land contributions in the immediate future. There has not been a history of land donations to the institutions over their course of existence except in the beginning when they were established, many decades ago and the land is undisputed.

8.3.3 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 land acquisition, compensation and resettlement plans and processes. Prior to the preparation of the RAPs, the persons to be displaced will be informed of the provisions of this Framework and their entitlements at public meetings.

Note: All the four institutions have resettlement issues which are minimal. It is the magnitude and type of potential PAPs that varies. The only institution without land users from the outside community is UTC Bushenyi whose potential PAPs are staff members with small gardens.

8.4 Categories of Project Affected Persons

The likely number of persons who may be affected and displaced during the implementation of the USDP program activities cannot be accurately estimated. However, the approximate number of persons/households likely to be affected is small as revealed by the consultations. The USDP project affected persons or the persons likely to be displaced economically or physically can generally be categorized into the following main groups.

8.4.1 Affected households

A household will be affected if one or more of its members are affected by the USDP 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 and;
- Disabled people who may be attached to a particular service center.

8.4.2 Vulnerable households

Particular attention will be paid to impacts on vulnerable members of the communities such as women, children, the disabled, female and child headed households and internally displaced people.

8.4.3 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 survive on cooked food and generous return gifts of cereal from people such as their kith and kin and neighbours. 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 plot of land. What would damage their economic viability is resettlement that separates them from the person or households on whom they depend for their support. The definition of household by including dependents avoids this.

8.4.4 Women

One of the objectives of the decentralization policy in Uganda targets empowering women by removing restrictive practices on women's participation in decision-making processes that affect them. 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. 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 processes. 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 headed 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.

Note: The social screening undertaken prior to the preparation of RAPs will inform the decision for the land acquisition mechanisms proposed above.

9 SUB-PROJECT SCREENING, LAND ACQUISITION AND RESETTLEMENT

9.1 Project Screening

The RPF requires that all Bank-financed operations are screened for potential impacts and that the required compensation work be carried out on the basis of the screening results before implementation or civil works for each sub-project begins. Sub-projects might also have a social impact on the community. Potential socio-economic impacts that will require mitigation measures, resettlement and compensation will have to be identified. The sub-projects will be screened to answer the following critical questions:

- i. Will involuntary resettlement, land acquisition, or loss, denial or restriction of access to land and other economic resources be caused by the implementation of the sub-projects?
- ii. Will the sub-projects result in the permanent or temporary loss of crops, fruits and household infrastructures such as granaries, outside toilets, kitchens, and other structures?

9.1.1 Preparation of RAPs

The screening process is a very important component of several activities that contribute to the preparation of RAPs. The RAPs which will be drafted for USDP will specify the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities. The RAP will have to identify the full range of people affected by the project and justify their displacement after consideration of alternatives that would minimize or avoid displacement. The preparation and submission of the RAP to the relevant local government authorities, MoES and World Bank comprises the following steps:

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

Step 2: The developer, USDP, and implementing institutions will approach the communities impacted through local government authorities with the intention of arriving at a consensus on possible sites for the type of facility to be adopted.

Step 3: The local communities' authorities (village councils, parish/sub-county, county and district development committees) will undertake their inter-communal consultations in order to review the location of the facility.

Step 4: The environmental and social screening process will be undertaken in conformity with the provisions of the ESMF and the RPF screening process. The process will determine:

- whether any resettlement will be required at the chosen site and if so;
- whether alternative sites are available;
- whether any loss of land, assets or access to economic resources will occur or;
- Whether any of the World Bank operational policies will be triggered.

Step 5: On the basis of analysis of the matrix emanating from the two 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 prepared for each sub-project.

In the event that resettlement will be triggered, a comprehensive RAP will be prepared for the respective sub-project. The RAP shall:

- Establish the method for determining a cut-off date for compensation.
- Provide the description of different categories of impacted people determined by the degree of impact and assets lost.
- Define the criteria to be used in identifying who is eligible for compensation for each category of the 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 the amount of losses, ownership status, tenancy status, and any other relevant information.
- Identify who and how affected persons will be impacted, who will determine eligibility, and how the process will work.
- Set out the different categories of people that may be affected by the sub-project, 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 the sub-projects “on the ground” will be able to quickly identify whether people affected are eligible for compensation or not, 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 the 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.
2. Be based on baseline study reports and inventory of assets.
3. Uphold the principle of fairness in compensating affected persons.

4. Contain deliberate activities and mechanisms to enhance capacity to efficiently manage the resettlement process. This must include strengthening existing capacities of relevant institutions and local governments to handle the process where necessary.

The process of preparing RAPs in line with the above requirements will involve the following:

- A census shall be carried out to identify the PAPs;
- The census will generate information about the displaced persons, their entitlements regarding compensation, resettlement and rehabilitation assistance as required;
- Disturbances, especially those affecting income-generating activities and impact on assets should be properly recorded with the view to compensation or replacement in case of resettlement and;
- 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, shall be prepared.

The PCU will be responsible for recruiting a consultant to prepare the RAPs as required. To ensure transparency of procedures, PAPs shall be informed of the method of valuation employed to assess their loss. All payments of compensation, resettlement and rehabilitation assistance, as the case may be, shall be made by the PCU in close collaboration with the Estates Officer and Farm Manager where they exist in each CoE in the presence of the PAP(s) in question, a witness, and local officials. And when necessary a grievance redress mechanism will be established within the CoE including a representation of the PAPs. The MoES and MoLHUD will monitor this process and give advisory services as required.

10 STAKEHOLDER CONSULTATION AND PARTICIPATION

10.1 Overview

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).

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 outlined in this RPF.
 - ✓ The engagement of the PAPs will take the form of public meetings in the project areas.
- Consultation on the draft RAP:
 - ✓ Once the draft RAP is completed, it should be discussed with the affected communities, whose comments will be incorporated into the final document.

10.1.1 Key Issues

The objective of the consultations will be to secure the participation of all project affected people in their 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;
- development opportunities and initiatives;
- development of procedures for redressing grievances and resolving disputes and;

- mechanisms for monitoring and evaluation including for implementing corrective actions.

10.2 Consultation Phases

10.2.1 Data collection phase

Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for the successful data collection process. The levels of consultation will vary from households to community groups, based on a given 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 centres, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

10.2.2 Implementation phase

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

10.2.3 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 will 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.

10.3 Community involvement and sensitization

The affected persons should be engaged in meaningful consultations at the beginning of the project and they should have access to the RAP and be encouraged to provide input. Consultations should be done in the local language(s) where possible; and women should be consulted separately if that is more appropriate. The consultation process should ensure a 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 understandable and accessible to community members. 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 effectively communicated to the community. The Ugandan law requirements on consultation and information, as well as those related with grievance management fall short of meeting World Bank requirements. The application of these will require:

- Meaningful information sharing and consultation to take place before the process leading to displacement is launched in each of the project areas of the USDP and;
- A specific grievance registration and processing mechanism to be put in place

10.3.1 Notification Procedures

Affected persons will be notified through both formal (in writing) and informal (verbal) manner, for example, at community meetings called by the LC I in consultation with the institutions. Public notices on the institutions' notice boards, in the daily newspapers, or radio services will be conducted to notify the public of the intention to utilise land earmarked for the sub-project. 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 utilise the land;
- The public purpose for which the land is wanted;
- That the proposal or plan may be inspected at the PCU 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 and;
- List the cut-off date detailing that in-migration after this date will not receive compensation.

10.3.2 Documentation

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

10.3.3 Contract Agreement

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

11 ELIGIBILITY CRITERIA AND DISPLACEMENT PROCEDURES

11.1 World Bank Criteria for Determining Eligibility for Compensation

According to the World Bank’s social safeguards policy OP 4.12, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for PAPs, 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 with 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 1998 Land Act 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 OP 4.12, squatters are also entitled to resettlement assistance provided they occupied the land before the established cut-off date. However, for the PAPs under the third category to be able to qualify for resettlement assistance, they 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. Anybody who occupies the project area after the cut-off date will not qualify for resettlement assistance under this RPF.

11.2 Considerations 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 PAPs whose livelihoods are land-based. Where sufficient land is not available at a reasonable price, non-land based options centred 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, child headed households etc.) as identified by the census will be provided with appropriate assistance by the project. Assistance may be in the 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 households including women, children and other vulnerable groups.

11.3 Cut-off date

In accordance with OP 4.12 and for the sub-project activities under the USDP, 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 World Bank policies, this cut-off date should be the date of notification to owners/occupiers as provided under the Lands Acquisition Act, 1965, where acquisition of land is involved.

Once the relevant local authority has approved the sub-project, the project implementation team and the 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 representatives in the 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, that is, 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 District Land Boards and Land Use Administration will notify the community leaders and representatives to help in identifying and locating the land users. The leaders and representatives will also be charged with the responsibility of notifying 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 community leaders or their representatives.

11.4 Eligibility Criteria for Compensation

Determination of 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 and;
3. With household members who derive their livelihoods from the advantage of location and proximity to other socio-economic facilities provided by the current settlement.

Table 10 below presents the eligibility criteria indicating the categories of PAPs and the type of compensation that is to be provided.

Table 10: Eligibility criteria

Category of PAPs	Assets	Type of Compensation
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	To be provided compensation for the land lost considering market values and other assistance. Compensation to be granted to communities.
Persons with customary claims of ownership or use of property recognized by community leaders (including the landless and migrants)		To be provided compensation for land lost considering market values and other assistance. Users to be provided with alternative land 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.
Persons encroaching on land after the notification		Not eligible. No compensation or any form of resettlement assistance to be provided.

Table 11 overleaf presents the entitlement matrix showing 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 11: Entitlement and Compensation Matrix

Asset Acquired	Type of Impact	Entitled Person	Compensation Entitlement
Agricultural land	No displacement: - Part of the land is affected but the rest of the land remains economically viable	Farmer/Title holder	Cash compensation for affected land equivalent at market value
		Tenant//Leaseholder	Cash compensation for the harvest of affected land equivalent to the average market value over three years or the compensation rates as established by the DLBs in collaboration with the Chief Government Valuer whichever is the higher.
		Squatter	Cash compensation for the harvest of affected land equivalent to the average market value over three years or the compensation rates as established by the DLBs in collaboration with the Chief Government Valuer whichever is higher.
	Displacement: - 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 according to the PAPs 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 without encumbrances at an available location which is acceptable by the PAP. 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 equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the DLBs in collaboration with the Chief Government Valuer whichever is 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 equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the DLBs 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 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	No Displacement: - Land used for business partially affected	Title holder/ Business owner	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.
		Business owner is lease Holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year or equivalent business or suitable estimates in

Asset Acquired	Type of Impact	Entitled Person	Compensation Entitlement
			absence of records.
	Displacement: - 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 the PAPs' choice. Land for land replacement will be in terms of 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 to the PAP. 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.
		Business owner is lease Holder	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. Relocation assistance in rental/lease alternative land, property for a maximum of six months to re-establish business
Residential land	No Displacement: - Land used for residence partially affected, limited loss and remaining land remains viable for present use	Title holder	Cash Compensation for affected land, taking into account market values
		Rental/Lease holder	Cash compensation equivalent to 10% of lease / rental fee for the remaining period of rental lease agreement
	Displacement: - 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	Land-for-land replacement where feasible or compensation in cash for the entire land holding according to the 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 at an available location which is acceptable to the PAP. In addition relocation assistance to be paid (costs of shifting + allowance)
Building and Structures	No Displacement: - Structure partially affected, but remaining structure remains viable for continued use	Owner	Cash compensation for affected building and other fixed assets, taking into account market rates for structures and materials Cash assistance to cover costs of restoration of remaining structure
		Rental/Leaseholder	Cash compensation for affected assets (verifiable improvements to the property by the tenant -e.g. fence), taking into account market rates for materials Disturbance compensation to the tenant equivalent to two month's rental costs
	Displacement: - Entire structure	Owner	Cash compensation for entire structure and other fixed assets without depreciation or alternative structure of

Asset Acquired	Type of Impact	Entitled Person	Compensation Entitlement
	affected or partially affected but remaining structure not suitable for continued use		<p>equal or better size and quality in an available location which is acceptable to the PAP. Compensation should take into account market rates for structures and materials. Right to salvage materials without deduction from compensation.</p> <p>In addition relocation assistance to be paid (costs of shifting + allowance) + rehabilitation assistance if required</p>
		Rental/Leaseholder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant -e.g. fence), taking into account market rates for materials.</p> <p>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</p>
		Squatter/Informal dwellers	<p>Cash compensation for affected structure without depreciation + Right to salvage materials without deduction from compensation.</p> <p>In addition relocation assistance to be paid (costs of shifting + allowance) + rehabilitation assistance if required.</p> <p>Alternatively the PAP is assisted to find accommodation in rental housing or in a squatter settlement scheme if available.</p> <p>Assistance with job placement/skills training</p>
Standing Crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant or squatter)	Cash compensation equivalent to the average of at least three years market value for the mature and harvested crops.
Trees	Trees lost	Title holder	Cash compensation based on the type, age and productive value of affected trees + 10% premium
Temporary Acquisition	Property temporarily acquired	PAP (whether owner, tenant or squatter)	Cash Compensation for any assets affected e.g. boundary wall demolished, trees removed – taking into account market rates for materials.

11.5 Women, Children and other Vulnerable Groups

Vulnerable groups will be at risk of becoming more vulnerable due to displacement, compensation, and resettlement process. Vulnerable groups include female headed households, households victimized by HIV/AIDS that are headed by children, households made up of the aged or handicapped, households whose members are impoverished, or households whose members are socially stigmatized (as a result of traditional or cultural bias) and economically marginalized. Considered majorly to 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 the 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 moving: providing a vehicle, driver and assistance at the moving stage;
- Assistance in 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; have their share of the compensation and assisted in finding alternative sites for farming in addition to being incorporated into the out-grower and small holder schemes of the project;
- Assistance in building, that is, providing materials, workforce, or building houses and;
- Health care if required at critical periods, that is, moving and transition period.

Women comprise a disproportionately large number of the poor in the project areas due to gender discrimination which limits women's access to resources and opportunities necessary to improve the standard of living for themselves and their families. As a result, women are often the first to suffer when resettlement is planned or executed badly. Women with children also have less physical mobility to travel to find ways of earning a livelihood. One of the immediate and practical initiatives to be considered is ensuring that land titles and compensation entitlements for a particular household are issued in the name of both spouses. The social screening of the respective CoEs will identify and or establish the presence of these groups of persons.

11.6 Displacement of People

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 to 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.

12 ENTITLEMENTS AND VALUATION METHODS

12.1 Extent of Compensation by Law

The 1998 Land Act provides for the 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 labour.

12.2 Specific Compensation Components

All the four institutions’ earmarked for developments under the USDP have enough institutional land where the sub-projects will be implemented. Three of them have land titles for the institutions land in place and it is expected that the only institution without a land title will have obtained one before the project starts since the process for acquiring one started. Therefore no land acquisition is expected except issues related with community members utilising some of the institutions land as well as some other social and environmental impacts which will be identified after the preparation of environmental and social impact assessments for the project, when necessary.

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 labour to be invested in preparing new land.

Compensation Rates for Labour

The value of labour invested in preparing agricultural land will be compensated for at the average wage in the community for the same period of time. The labour 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 labour and construction materials of these structures including fences, water and sanitation facilities 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 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.

12.3 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 full 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 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, the loss of income could be minimised if the affected persons are incorporated into the activities of the project. 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 a 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 PCU of USDP. All negotiations will be done in collaboration and in the presence of grievance redress 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.

13 PROCEDURES FOR THE DELIVERY OF COMPENSATION

13.1 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 at all stages. This trend will ensure that all affected individuals and households are well informed and adequately involved in the entire process.

13.2 Notification of Land Resource Holders

Those who hold title to the land resources will be informed through the above consultation process. In case there are no clearly identified owners or users of land to be acquired, MoLHUD, 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.

13.3 Documentation of Holdings and Assets

The MoES either through the PCU or through a consulting firm will undertake a detailed survey of all losses that will be incurred by each household, enterprise, or community affected by the USDP. 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.

The local government structures, that is, 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, compensation and payment processes up to the level of the accounting officer of the PCU.

Therefore, the community development officers of the districts, particularly those at sub-counties, in collaboration with the LC Is will compile and record data/information. The community workers 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 submission to the district's CAO/Municipal town clerk. Likewise, the CAO together with the town clerk will compile data/information and submit to the PCU in the MoES. 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.

13.4 Procedures for Payment of Compensation

Compensation payment will be made in the following ways:

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

- The MoES will offer such sums deemed adequate as compensation 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 MoES and the Affected Entity.

13.5 The Role of the Office of the Chief Government Valuer

The application of the valuation exercise on the 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 undertake the valuation. 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.

14 GRIEVANCE REDRESS MANAGEMENT

If any grievances arise during the implementation of sub-component 2.3 of USDP (which entails civil works and building construction) they should be addressed through a systematic grievance redress mechanism. The mechanism should provide avenues for affected persons to lodge complaints against the project or contractors. It should also describe procedures, roles and responsibilities for managing grievances and resolving disputes. Every aggrieved person shall be able to trigger this mechanism to quickly resolve their complaints. The entire process should be well documented. Given the magnitude of the likely persons to be affected by the implementation of the sub-project, the mechanisms for grievance redress shall be simple but effective.

14.1 Objectives

Key objectives of the grievance redress process are to:

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

14.2 Grievance Redress Mechanisms

The implementation of sub-component 2.3 of the USDP will require establishing a simple Grievance Redress Committee (GRC) at each institution (UTCs, Lira, Elgon, Bushenyi and Bukalasa ATC) with the involvement of the LC I, PAPs, relevant staff of the institutions and the implementing agency, MoES (PCU). The general steps of a grievance redress process are as follows:

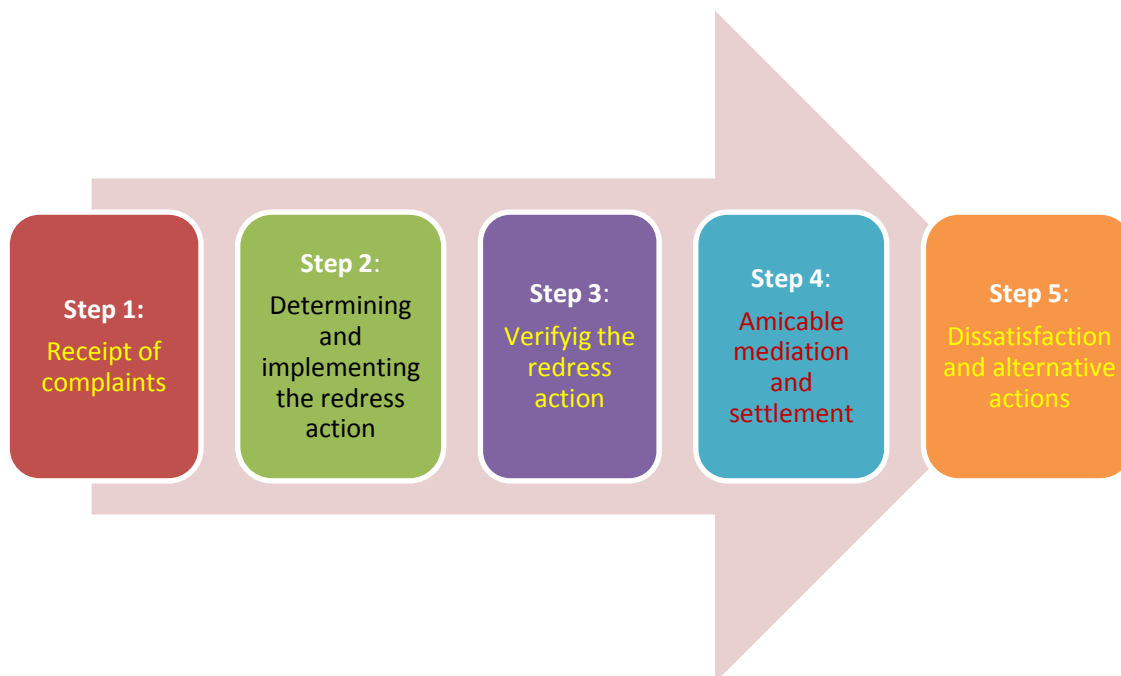
1. Receipt of complaints - Is the first step when a verbal or written complaint from a complainant is made, received and recorded in a complaints log by the GRC.
2. Determining and implementing the redress action - If in his/her view, a grievance can be solved at this stage, the GRC will determine a corrective action in consultation with the aggrieved person. Grievances will be resolved and the status reported back to complainants within 5 working days. If more time is required this will be communicated clearly and in advance to the aggrieved person.
3. Verifying the redress action - The proposed corrective action and timeframe in which it is to be implemented will be discussed with the complainant within 5 days of receipt of the grievance.

Consent to proceed with corrective action will be sought from the complainant and witnessed by the area's local council chairperson (LC Chairman).

4. Amicable mediation and settlement - Agreed corrective action will be undertaken by the project or its contractor within the agreed timeframe. The date of the completed action will be recorded in the grievance log.
5. Dissatisfaction and alternative actions - To verify satisfaction, the aggrieved person will be asked to return and resume the grievance process, if not satisfied with the corrective action.

The above general steps are summarised in Figure 3 below:

Figure 3: General Steps of the Grievance Process



In the event that there is no resolution to the grievance, then:

- (a) The GRC at the institution (UTC Lira, Bushenyi, Elgon and Bukalasa ATC) and the aggrieved PAP(s) shall refer the matter to the District Land Tribunal (DTL);
- (b) An Appeal to Court - Ugandan laws allow any aggrieved person the right to access courts of law. If the complainant still remains dissatisfied with the DLT, the complainant has the option to pursue appropriate recourse via a judicial process in Uganda. Courts of law will be a “last resort” option, in view of the above mechanism.

15 MANAGEMENT AND MONITORING OF THE RPF IMPLEMENTATION

15.1 Management of the RPF Implementation Process

15.1.1 Setting up of Resettlement Management Teams

It is important to point out that the number of likely persons to be affected by USDP is small but should the situation warrant, resettlement management teams commensurate with the extent of the impact will be setup to implement the prepared RAPs and will consist of three smaller teams namely:

Compensation Committee – The committee will comprise of representatives of the affected persons (2), Land Valuation Board, LCI, and two representatives of the CoE and a representative from the MoEs. The committee will be chaired by the representative of MoES. 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 GRC will be responsible for receiving and logging complaints and resolving disputes. This committee will work with the MoES (PCU) to resolve each grievance or dispute to ensure that redress actions are implemented. If affected persons are not satisfied with the grievance redress structures, they will be entitled to seek redress through the DLT or Ugandan courts of law. It is important that the GRC be set up as soon as the compensation report or resettlement plan preparations start. Disputes can arise from census operations and it is therefore essential that the mediation mechanisms be available to cater for claim, disputes and grievances at an early stage.

Monitoring and Evaluation Team - The M&E team will be responsible for the monitoring of the RAP implementation programme to ensure that stated targets are met and the PAPs are duly compensated in line with the RAP requirements. This is an integral part of the monitoring process of the project.

15.1.2 Implementation of the RAP on the Ground

The implementation of RAPs will be under the overall guidance of the MoES (PCU) as the responsible implementing agency. On the ground however, the institutions to become CoE will undertake the actual implementation of RAPs in close collaboration with the committees for compensation, grievance redress, the M&E team as well as the LC I of the area. Although all projects which require resettlement have to closely liaise with the respective LG administration to ensure equity, acceptability and compliance, this will not be the case since the impact and likely persons to be affected may be small. As a result, the LC I is expected to serve adequately at this level. The main institutions to be involved in the implementation of resettlement activities and their respective roles and responsibilities are summarized in Table 12 below.

Table 12: Institutional Framework Players for Resettlement

No.	Institution	Responsibility
1.0	Ministry of Education and Sports (PCU)	<ul style="list-style-type: none"> • Coordinate the implementation of USDP resettlement activities in the selected institutions • Guide the institutions on enforcing the mandated regulatory safeguard policies such as carrying out the ESIA of the developments by USDP by procuring the consultants • Monitor and supervise the implementation of this RPF/RAP during the implementation of the USDP • Liaise with the district and MoLHUD when need arises in ensuring the peaceful implementation of the process including handling of any grievances.
2.0	Ministry of Lands, Housing and Urban Development	<ul style="list-style-type: none"> • Assist in the supervision of the RPF and Resettlement/Compensation Plan. • Liaise with MoES to provide funds for compensation payment. • Trigger the process through inventory of affected persons and assets and implement planning in close consultation with the district CDO. • Carryout the valuation and compensation payment process (through the Chief Government Valuer) and reporting for the affected persons
3.0	Chief Government Valuer	<ul style="list-style-type: none"> • Review and approve the RAPs especially the valuations.
4.0	The Institutions (UTCs Elgon, Bushenyi, Lira and Bukalasa ATC)	<ul style="list-style-type: none"> • Execute the RPF and Resettlement/Compensation Plan on the ground • Handle grievances in liaison with the GRC • Manage the compensation process (payments)
5.0	Local Council I	<ul style="list-style-type: none"> • Assist in the mobilisation of PAPs • Participate in resettlement and compensation

15.1.3 Institutional Strengthening

The capacity of the MoES to plan and implement the measures outlined in the RPF requires strengthening. As a key implementing agency, the MoES expects to have a social development specialist under one of its projects, the Global Partnership for Education (GPE) project, also financed by the World Bank, who will take care of social safeguard issues for the project and the USDP project would equally benefit from the services of the social development specialist. The USDP will benefit from the ministry's advantage of implementing other World Bank funded projects and experiences had with the requirements of safeguard policies for such projects. However, to strengthen its capacity, the social development specialist to be recruited under the GPE project in MoES should have relevant training in social safeguards or should undertake relevant training in the same should s/he lack the training.

15.2 Monitoring the RPF Implementation

Monitoring and Evaluation is a key component of the RPF and feeds the management system of the RPF with the required information when needed. The M&E team will be responsible for monitoring the implementation of this RPF.

15.2.1 Purpose of Monitoring

Monitoring and evaluation will be the main mechanism through which USDP will be alerted of any delays and problems. The monitoring activities will help the implementers to measure the extent to which the main objectives of the RPF have been achieved. Monitoring will enable timely correction of any mistakes made in implementation methods, while evaluation will aim at checking whether policies have been complied with and providing lessons learnt for amending strategies and implementation in a longer term perspective. It is expected that internal monitoring will be adequate for USDP. The purpose of internal monitoring and evaluation will be to verify that:

- All affected persons are involved in all the preparatory processes of the RAP as required and that all affected properties and assets are captured in the Entitlement matrix and inventories are 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 and affected persons are satisfied with the resettlement process and;
- All grievances and complaints are channeled correctly and appropriately attended to.

15.2.2 Objectives and Scope of Monitoring

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 and;
- 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, USDP 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 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 the RAP and that PAPs have better living conditions and livelihoods.

15.2.3 Overall Monitoring Mechanism

To ensure that the implementation of resettlement is executed in line with this RPF, the activities will be monitored and evaluated internally by an M&E team of the PCU in the MoES at national level and on the ground at the institutions/district level. The PCU will undertake the routine internal monitoring and evaluation of the implementation of resettlement issues so as to ensure that all the responsible units follow the schedule and comply with the principles of the resettlement plan. Other key players will be the BTVET department, the CMU and the Education Planning Department of the MoES. An evaluation programme will be implemented periodically to check on compliance with the action plan and provide lessons to amend strategies, especially in the longer term. Progress will be reported against a schedule of required remedial actions. The arrangements for monitoring resettlement and compensation activities will also fall under the overall responsibility of the institutions and LGs. The institutions/LGs will institute an administrative reporting system that:

- a) alerts project authorities to the necessity for land acquisition in the USDP 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 the USDP resettlement obligations (i.e. payment of the agreed-upon) and;
- 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 USDP activities; and whether the PAPs enjoy the same or higher standards of living than before.

A number of Objectively Verifiable Indicators (OVIs) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators shall 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 will have to be developed to respond to specific site conditions. The monitoring should assess the extent to which: use of resources are determined in a participatory and inclusive manner and; payments are used for community purposes.

15.2.4 Types of Information Required

The census carried out during the RAP preparation will provide MoES with the required quantitative data that will enable the PCU to track the delivery of resources and services to the affected population, and to correct mistakes in the delivery of resources and services throughout the 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 identify indicators not only for resettlement implementation, but also for monitoring and evaluating income restoration and sustainable development initiatives associated with the RAP. The Resettlement team will maintain basic information on all physical or economic displacement arising from the project which will include the following:

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

15.2.5 Internal Monitoring and Evaluation

The objectives of internal monitoring and supervision to be undertaken by the PCU 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 and guidelines provided by the World Bank;
- ii) to oversee that the RAPs are implemented as designed;
- iii) to verify that funds for implementation of the RAP are provided for by MoES 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 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.

15.2.6 Monitoring and Evaluation Indicators

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

- Income levels before-and-after the RAP implementation;
- Access to livelihoods and employment;
- Changes in the standards of housing and living conditions;
- Number of grievances and their status, time and quality of resolution;
- Number of individuals and families to re-establish their pre-resettlement activities, in terms of other alternative incomes;
- Number of demolitions after giving notice and;
- Number of PAPs paid in a given period in comparison with what was planned

Monitoring indicators: A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, Table 13 below provides a set of monitoring indicators that can be used.

Table 13: Types of Verifiable Indicators

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

15.2.6.1 Indicators to determine status of affected people

A number of indicators would be used to determine the status of affected people: for example land being used compared to before, standard of house compared to before if applicable, level of participation in project activities compared to before, number of kids in school compared to before, and health standards. Therefore, RAPs 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.

15.2.6.2 Monitoring tools

- (i) Questionnaires with data stored in a database for comparative analysis (before and after and, with or without);
- (ii) Documentation and recording of PAPs situation, including subsequent uses of assets/improvements (A template to record and document);
- (iii) Relocation/resettlement and compensation reports, including status of land impacts; percentage of individuals selecting cash or a combination of cash and in-kind compensation if applicable; proposed use of payments.

15.2.6.3 Audit

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

- i) A summary of RAP performance of the 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.

15.2.6.4 Reporting

The monitoring unit will submit periodic (preferably bimonthly) reports to the PCU and copied to the MoES. The report will at least cover the status of compensation disbursement, nature of complaints, redress actions and follow-ups.

15.2.6.5 Annual Reviews

The annual reviews of the RPF implementation, and where applicable of RAP implementation in the sub-project, 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.

15.2.6.6 Disclosure

This RPF will be disclosed in compliance with relevant Uganda's regulations and the World Bank's OP 4.12. After the Bank's review and approval as part of the overall proposed project for funding, the MoES shall share the final RPF with all other relevant Ministries, LGs and the institutions. It will also be disclosed in-country including posting it on its website and that of the partner ministries for all interested persons to read and know the details and at the World Bank's Info shop. Subsequent RAPs developed will also be cleared by the World Bank and disclosed in-country and at the World Bank's Info shop.

16 RPF BUDGET AND FUNDING

16.1 Budget Estimates and Funding Sources to Implement RPF/RAPs

It is the duty and contribution of the GoU to this project to ensure that land acquisition requirements are met prior to implementation of the USDP's civil works. It was not possible at the time of preparing this RPF to give a definite number of people likely to be affected by the USDP. This is because much as the project will be implemented in already established institutions, specific site locations, and gaps in the infrastructure of each CoE have not been identified and designs prepared. It is not also fully clear to what extent each CoE will refurbish and/or construct new infrastructure. However, it is known from the field visit, that the proposed CoEs have their own land to be used with limited encumbrances. The estimated number of affected person as at the preparation of the RPF are few and there are no physical settlements on the proposed CoEs lands apart from a few households using the land in 3 institutions except UTC Bushenyi, which has no encumbrances. In view of this, the MoES commits an estimated budget of **USD:** under the **FY**budget. A detailed RAP budget will be developed during the RAP preparation. The budget will cover resettlement activities including compensation cost for affected assets if any. 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

Details on technical designs of the structures have not yet been developed and the land needs have not been identified as well but field findings indicate enough land at the selected institutions. Site specific socio-economic studies to be undertaken will provide information on specific impacts, individual and household incomes, numbers of affected persons and other demographic data. The information will facilitate the preparation of a detailed and accurate budget for resettlement and compensation. The number of affected persons is expected to be small and therefore the resettlement budget to be prepared by the MoES shall not reach 10% of the total construction/rehabilitation cost of the USDP facilities. There shall be a training programme for building capacities of the MoES (PCU) and project institutions involved in implementing resettlement issues even before they arise. The estimated cost shall not exceed 10% of the resettlement cost for the entire period.

Funds for implementing inventory assessments and RAPs will be provided by the GoU through the Ministry of Finance, Planning and Economic Development. The MoES will prepare the resettlement budget and this budget will be managed through the administrative and financial management rules and manuals of the PIM. A sample of a resettlement budget is provided in Table 14 below.

Table 14: A Sample of a Resettlement Budget

Asset acquisition	Amount or Number	Total Estimated Cost	Agency Responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
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			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

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18 ANNEXES

Annex 1:

List of Stakeholders Consulted for the USDP RPF Preparation

Name	Designation	Contact	Date
Institutions and Local Government Stakeholders			
1. Mr. Andrew Musaazi	Principal, UTC Elgon	0772 873306 musaaziana@gmail.com	26/08/2014
2. Mr. Apunyo A. Henry	Accountant, UTC Elgon	,	"
3. Mr. Musiimaami David	Institution Relations Officer, UTC Elgon	0700 550431 0782 888413	"
4. Mr. Olowo D. Fransis	Estate Officer, UTC Elgon	0772 032505 0755 074522	"
5. Mr. Opusi Joseph	Natural Resources Officer, Mbale District Local Government	0772/0754-682978	"
6. Mr. Wandwasi Robert	Ag. District CDO, Mbale District Local Government	0772 639774	"
7. Ms. Christine Anyaiti	Principal, Bukalasa Agricultural Training Institute	0782 893454 anyaitchristine@gmail.com	28/08/2014
8. Ms. Mirembe Sarah K.	Warden, Bukalasa Agricultural Training Institute	Mirembesarahkabal@gmail.com	"
9. Ms. Gateesa Teopista	Senior Environment Officer, Luwero District Local Government	0772 605165 tgateese@yahoo.com	"
10. Mr. Taryana B. Nathan	Principal, UTC Lira	0772 374432 nathantalwana@gmail.com	29/08/2014
11. Mr. Omwa Michael	Deputy Principal, UTC Lira	0777 609569 hmomwa@yahoo.co.uk	"
12. Mr. Nabyata Abbas	Institution Relations Officer	0783 361141 iroutchna@yahoo.com	"
13. Mr. Angela Geoffrey	Academic Registrar, UTC Lira	0772 685568 Geoffreyangela@gmail.com	"
14. Mr. Otim Jimmy	Estate Officer, UTC Lira	0772 001387	"
15. Ms. Anono Christine	Ag. District CDO, Lira District Local Government	0772 672792/0701 672792 anonochristine@yahoo.com	"
16. Mr. Alok Odida George	Forest Ranger, Lira District Local Government	0756 568066 alokodida@gmail.com	"
17. Mr. Rugoogamu Edgar	Academic Registrar, UTC Bushenyi	0775 300150	02/09/2014

Name	Designation	Contact	Date
18. Mr. Muhairwe N. Francis	Dean of Students	0772 367889/0702 524819	“
19. Mr. Tushabe Harriet	Institutional Relations Officer	0781 406401 tushabe.harriet@yahoo.com	“
20. Mr. Muhanguzi Basil	DCDO	0772 380712/0705 339459 muhanguzibasil@yahoo.com	“
21. Mr. Kitaate Vincent	District Environment Officer	0772 686525 vinkataate@gmail.com	“
Community Members and Leaders			
22. Mr. Munobe Stephen	Custodian, UTC Elgon	-	27/08/2014
23. Masaba Stephen	Quarrying, UTC Elgon Land	0775 975827	“
24. Gidudu Robert	“	-	“
25. Munobe Tom	“	-	“
26. Nambasi Roger	Brick laying, UTC Elgon Land	-	“
27. Manijursharif	“	-	“
28. BoscoMugoya	“	-	“
29. Babirey Salima	Gardening on UTC Elgon Land	-	“
30. Kagodowa H.	Gardening “	-	“
31. Nasiyo Susan	Gardening “	-	“
32. Oyo Martin	C/P LC I, Bukalasa Parish	-	28/08/2014
33. EkwangSemmy	Chairperson, LC I, UTC Lira	0774 267078 alebtongagesupport@gmail.com	29/08/2014
34. Rutatigirwa Basil	Chairperson LC II, Bushenyi UTC	0700 826393	
MoES Officials			
35. Mr. Emmanuel Tinkansimire	Civil Engineer		04/09/2014
36. Ms. Louise Mpagi	Architectural Assistant		“
37. Mr. Mukwana Ronald Samuel	Assistant Engineering Officer		“
38. Mr. Lugolobi Thaddeus	Civil Engineer		“
39. Mr. Monday Moses	Assistant Engineer		“
40. Mr. Mukiibi Tonny	Assistant Engineer		“