



Republic of Uganda

Department of Refugees, Office of the Prime Minister

**Regional Operation on Development Response to Displacement
Impacts Project (DRDIP) in the Horn of Africa DRDIP-Uganda
Project**



Resettlement Policy Framework (RPF)

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ABBREVIATIONS AND ACRONYMS

ARAP	Abbreviated Resettlement Action Plan
CAO	Chief Administration Officer
CGV	Chief Government Valuer
CSO	Civil Society organizations
DPs	Displaced Persons
EAC	East African Community
GIS	Geographic Information Systems
GO	Grievance Officer
GRC	Grievance Redress Committee
HQ	Headquarters
IPs	Implementing Partners
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
M&E	Monitoring and Evaluation
MoLHUD	Ministry of Lands, Housing and Urban Development
MoWE	Ministry of water and Environment
NARO	National Agricultural Research Organization
NDP	Uganda's National Development Plan
NGO	Non- Government Organization
NPCU	National Project Coordination Unit
NSCS	National Seed Certification Service
NUSAF	Northern Uganda Social Action Fund
PAPs	Project Affected Persons
PDO	Project Development Objective
PEAP	Poverty Eradication Action Plan
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
DRDIP	Development Response to Displacement Impacts Project
RWC	Welfare Council

GLOSSARY OF TERMS

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 DRDIP Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions (LGIs).

Project Affected Person(s) (PAPs) are persons affected by land and other assets loss as a result of DRDIP 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 DRDIP activities.

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

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

“Involuntary Displacement” means the involuntary acquisition of land resulting indirect or indirect economic and social impacts caused by: Loss of benefits from use of such land; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihood, whether or not the Displaced Persons has moved to another location; or not.

”Involuntary Land Acquisition” is the repossession of land by government or other government agencies for compensation, for the purposes of a public DRDIP 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 DRDIP.

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

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

Rehabilitation Assistance” means the provision of development assistance in addition to compensation such as land preparation, credit facilities, training, or job opportunities, needed to enable DRDIP Affected Persons and Displaced Persons to improve their living standards, income earning capacity and production levels; or at least maintain them at pre- DRDIP 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 DRDIP activities.

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

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

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

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

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

“The Resettlement Policy Framework (RPF)’ has been prepared as an instrument to be used throughout the DRDIP implementation. The RPF will be disclosed to set out the resettlement and compensation policy, organizational arrangements and design criteria to be applied to meet the needs of the people who may be affected by the program. The **Resettlement Action Plans (“RAPs”)** for the DRDIP will be prepared in conformity with the provisions of this RPF.

Background

Uganda is situated in central eastern Africa with the Democratic Republic of Congo (DRC), Rwanda, and Sudan among its neighboring countries. Hence, it is in the center of a region that has seen many civil wars and a vast extent of destruction and human suffering over the last half century. As a result of ongoing conflicts and instability in the Democratic Republic of Congo (DRC), Somalia, Burundi and South Sudan, Uganda is currently hosting over 480,000 refugees and asylum-seekers.

Host Communities in Uganda

Refugee settlements in Uganda are mainly found in areas of Arua, Adjumani, Moyo, Kyenjojo-Kyaka, Hoima, Masindi and Isingiro Districts. Today, active settlements include:- Kyaka II, Nakivale, Oruchinga, Kyangwali, Kiryandongo, Paralonya, Rhino Camp, Imvepi, Madi Okollo, the integrated camps of Adjumani, and Maaji settlement. Within these refugee hosting districts, refugees and nationals face similar development and basic service delivery challenges. The local hosts are equally vulnerable like the refugees themselves and feel they should be helped. One reason for conflict is the feeling by host community that the refugees are given aid yet the hosts are equally in need of aid. Refugee-impacted sub-counties are more vulnerable to shocks than non-impacted areas due to refugees' underlying poverty in relation to nationals, the demands on already-stressed resources, and refugees' limited resilience.

Regional Operation on Development Response to Displacement Impacts Project (DRDIP) in the Horn of Africa

On October 23, 2014 the World Bank launched the Regional Initiative in Support of the Horn of Africa (HOA) covering eight countries - Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, Sudan, and Uganda. The initiative was built on two interrelated pillars: (i) vulnerability and resilience; and (ii) economic opportunity and integration to address key drivers of instability and promote development in HOA. Displacement has emerged as one of the most complex and pressing regional challenges to reducing poverty and achieving sustainable development with peace and security in the HOA. Given the protracted nature of displacement in the HOA, displaced populations are a direct target group under Pillar One of the HOA initiative and it seeks to “enhance the productive capacities and coping mechanisms of displaced populations to allow them to contribute to the local economy in their areas of displacement, and promote durable social and economic reintegration for voluntary returnees”. The Proposed Development Objective is to improve access to social services, expand economic opportunities and enhance environmental management for host and forcibly displaced households in the targeted areas of Djibouti, Ethiopia and Uganda.

Project Development Objective

The Project Development Objective (PDO) is to improve access to basic social services, expand economic opportunities, and enhance environmental management for host communities impacted by refugee presence in the targeted areas of Djibouti, Ethiopia and Uganda. The proposed regional project will embed essential features of ensuring citizen participation and engagement in identifying and prioritizing developmental needs, including socio-economic infrastructure and livelihoods opportunities to improve self-reliance of host communities; improving social cohesion between refugees and host communities; increased citizen voice and role in development decision making; and greater demand for social accountability. The operational approach will be Community Driven Development (CDD) and will involve: (i) building grassroots institutions, (ii) ensuring voice of all communities in decision making, (iii) strengthening decentralized government administrative functions, as well as (iv) investing in public service delivery and social mobilization to enhance the social cohesion among the beneficiary communities. The Office of the Prime Minister will be responsible for project implementation in Uganda. The project will be implemented in refugee hosting districts of North, Mid-West and South West Uganda. The specific sites for project implementation will be determined during preparation.

Components, Activities and Potential Impacts

The project will support interventions designed to improve livelihoods and access to basic socio-economic services in selected districts. The salient physical characteristics relevant to safeguard analysis relate to project Component 1: Social and Economic Investments which entail civil works and/or construction/expansion of schools, health centers, water supply, and all weather roads. Component 2: Sustainable Environmental Management activities which will be identified based on: (i) analysis/mapping/typifying and prioritizing of environmental degradation, (ii) developing options for remediation/restoration approaches and methodologies, including cost intensity; (iii) selection of intervention areas, considering demand/priority, and available techniques/ budget. For example, some remediation would consist of constructing or rehabilitating physical structures for water catchment management such as check-dams, and water harvesting structures; and biological measures like afforestation. In addition alternate energy sources will be explored. Component 3: Livelihoods Program will support the development and expansion of traditional and non-traditional livelihoods of the poor and vulnerable households to build productive assets and incomes. A thorough mapping of existing productive livelihoods including agricultural, agro-pastoral and pastoral, will be undertaken based on consultations with target households accompanied by a technical and market analyses to understand the potential for each of the major livelihoods, the opportunities along the value chain and required inputs in terms of the information, finance, technology, tools, and technical assistance.

The infrastructure works under component 1 will pose civil works/ construction related impacts including health and safety considerations. Component 2 & 3 are expected to be positive through alleviating pressures on the poor that lead to unsustainable exploitation of natural resources and environmental degradation. Therefore, by their nature, project components 1, 2 and 3 may have limited and localized negative environmental and social impacts. The community sub-projects may involve limited land acquisition and displacement of land-uses and/or livelihoods. The potential environmental and social impacts can be adequately managed by integrating environmental and social due diligence into the sub-project cycle. Because of the overall limited likely environmental and social impacts, the project is rated as EA category B.

Status of Land Ownership and Conflicts

Kyaka II Settlement is located on Government land. Oruchinga RSC started way back in 1959; the land is government owned and with a land title. The land for Rhino Camp was donated by the community to the district for refugee settlement purposes. Written local agreements allowing the land to be used for refugee settlement do exist. There are future arrangements for Arua District Local Government to take over the land and even compensate the land owners. In Nakivale Settlement, there is a big number of people living and/or using the settlement land and Government needs to resolve existing land ownership disputes and conflicts. In Adjumani District, some of the pieces of land where refugee settlements have been established were offered by the communities freely without any MoUs with the landowners. This calls for the need to secure the land.

Land conflicts between refugees and nationals have been mainly due to ambiguous boundaries of settlement land but the Government of Uganda has undertaken administrative measures to resolve them. The challenge of encroachers was caused by Government's laxity on stopping people from grabbing Settlement land during the times when there were few or no refugees. There are claims by nationals that the Settlement/Camp leadership has pushed them out the land that they legally acquired and that was not within the original boundaries of the respective Settlements.

Purpose and Scope of RPF

The purpose of this Resettlement Policy Framework is to establish the resettlement and compensation principles and implementation arrangements for the DRDIP. It describes the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation; defines the eligibility criteria for identification of project affected persons (PAPs) and entitlements; describes the

consultation procedures and participatory approaches involving PAPs and other key stakeholders; and provides procedures for filing grievances and resolving disputes.

Methodology for RPF Preparation

The RPF follows the guidance provided in the World Bank Operational Policy on Involuntary Resettlement (OP4.12). Qualitative methods of data collection were mainly employed to generate the required information. In all the approaches, the methods assessed awareness/knowledge of the land acquisition processes and current land acquisition challenges, institutional capacities to hand land acquisition, suggestions and recommendations were sought. This guided the framework on appropriate recommendations in the preparation of RAPs and other social guidelines. Data was drawn from three broad data sources namely *records, self-reports, stakeholders* and *observations*.

Legal Framework

The political and legal context for the application of this Resettlement Policy Framework (RPF) will depending on the project components mainly be governed by *The Constitution of Uganda 1995* and *The Land Act of 1998 (as amended in 2004)* and to some extent *The Land Acquisition Act 1965, the Roads Act, Cap 358, the Electricity Act, Cap 145, the Water Act and the Uganda Communications Act Cap 106*. *The Water Act covers the water sector; the Electricity Act covers the electricity sector, while the Communications Act covers the telecommunications sector*. The key policy is the National Land Policy 2011.

World Bank Safeguard Policies

The project triggers the following policies for Uganda: Environmental Assessment (OP 4.01), Natural Habitats (OP 4.04), Forests (OP 4.36), Pest Management (OP 4.09), Physical Cultural Resources (OP 4.11), and Involuntary Resettlement (OP 4.12). The World Bank's safeguard policy on involuntary resettlement, OP 4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. In comparison to Ugandan law that defines rights to land ownership and ownership of property *per se*, the World Bank policy on Involuntary Resettlement goes further to highlight the important relationship between property rights, human settlement and the need to maintain people's source of livelihood. It compliments existing law in Uganda related to property rights and land ownership by recognizing the socio economic value this presents to persons affected. The higher of the two standards will be followed in this policy framework, since that procedure also satisfies the requirements of the lesser standard.

Key Land and Resettlement Issues raised by Stakeholders

During the consultations the following were some of the key issues that were raised:

- a. Government needs to formalize land acquisition in areas of Adjumani for the camps and settlements so as to mitigate latent tension between the host communities and the refugees;
- b. Some of the landlords claim that, though they had been promised to be constructed houses as a way of appreciation for giving land to host refugees, this has not been effected and it is breeding mistrust between the communities and Government agencies;
- c. Though land for refugees in western Uganda (Nakivale, Oruchniga, Kyaka II etc.) is owned by government, over time there have been encroachers on such lands. However, during consultations with Uganda Land Commission staff, it was revealed that, the encroachers will be compensated in line with Article 26 (2b) of the Constitution of the Republic of Uganda of 1995;
- d. In northern Uganda especially in Adjumani, the refugee camps are on private lands not acquired by government. However, the refugees seem to abuse this gesture by not recognizing the host communities claiming the land is the property of UNCHR. It is suggested that, OPM conducts sensitization meetings to create awareness amongst refugees on matters of land specially where government does not own land and on matters of harmonious co-existence;

Land Acquisition Mechanisms for DRDIP

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

Impacts and Mitigations

Potential Impacts

The proposed project will not undertake any activities that will displace people. However, it would support small-scale infrastructure that might affect land holdings of individual farmers. While these interventions are yet to be identified, as a precautionary measure, this Resettlement Policy Framework (RPF) will address any issues which might arise from economic displacement and/or restriction of access to communal natural resources. This RPF will be consulted upon, finalized and disclosed prior to appraisal.

Eligibility for Compensation

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

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

Valuation Methods

Agricultural land

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

Land in urban areas

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

Houses and other structures

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

Loss of Income

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

Project Screening and Preparation

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

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

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

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

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

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

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

Preparation of RAPs

Subproject specific Resettlement Action Plans will drafted by OPM/DRDIP in consultation with other parties responsible for resettlement specifying the procedures It will follow and the actions it will take to properly resettle and compensate affected people and communities.

Public Consultation and Disclosure Plan

Public consultations in relation to the RAP will 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. The role of traditional political and cultural leaders, including the community elders and Refugee Welfare Committees, 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. Consultation should occur during: Data collecting phase, Implementation phase, and Monitoring and evaluation phase.

Grievance Redress Mechanism (GRM)

The refugee communities have social structures like any other society and elect their leaders and representatives, which also applies to the community of nationals outside the camps. The camps and settlements are divided into smaller units for ease of administration. Each unit has its own administration office so that its inhabitants have easier access to administration services. The constituent units in refugees' camp are headed by village chairpersons referred to as Refugee Welfare Committees (RWCs) which is the equivalent of the local government system of Uganda, known as the Local Council (LC) system.

One of the tasks of the RWC I is amongst others, mediate in the conflicts and solve problems within the villages in his/her constituency. However, in case of grievances and cases that the RWC I cannot resolve, such issues are referred to the RWC II. However, if RWC II fails to resolve a conflict that has been referred to its attention, they refer such conflict to the RWC III and if the problem fails to be solved at this level, the matter will be referred to the Camp Commandant who will also try to resolve it and in case he/she fails to resolve it, the matter is then referred to the governments courts of law.

The sub-project RAP team will establish an independent grievance mechanism through Local Authorities and Refugee Welfare Committees, including a Resettlement or Land Committee and through community leaders. The Land Act creates Land Tribunals, which are intended to help resolve land related disputes at local government levels. The Land Boards at the District level are not involved in resolving disputes but they do assist in registering land and can be called upon to give evidence on matters of land in courts of law. Issues of land conflicts do go through the Local Council system (i.e. LC I-III) in the locality and if not resolved, they are referred by LCIII to the courts of law whose decisions will be final. All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation and relocation. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances.

Monitoring and Evaluation

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

Reporting

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

Audit

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

Project Implementation Framework

The Office of the Prime Minister (OPM) will have overall responsibility for implementing and accounting for project funds and coordinating activities under all project components. The Permanent Secretary in OPM will be assisted by a Project Implementation Support Team (PIST) that will be established under the Refugee Department within the OPM. The PIST will be led by the Project Coordinator and will include Infrastructure specialist, Livelihoods Specialist, Monitoring and Evaluation (M&E) specialist, and Safeguards Specialist. This team will provide key technical support during implementation, monitoring and evaluation.

The implementation of the project will be mainstreamed into existing government structures at both national and local government levels. Accordingly, all levels of governments will have roles in providing oversight and implementation supports. Local authorities will be responsible for oversight and coordination of the project implementation at district, sub county and community levels. The community

will have a leading role in the identification, prioritization and implementation of their prioritized project activities.

The Project Implementation Manual (PIM) will set forth the roles and responsibilities of all stakeholders of the project. In addition, the PIM will also include details of all operational and procedural steps regarding reviews and approvals of specific activities, flow of information, detailed description of project management and implementing bodies, procurement and financial management arrangements, reporting requirements, and manual amendment procedures.

In addition, there will be project oversight mechanisms both at national and local levels. At district, sub-county and parish level the project will be fully mainstreamed into existing local government administrative structures. The relationship between the Local Government and Central Government under this project will be governed by a Memorandum of Understanding outlining the responsibilities of the respective parties. The MoU will be reviewed at mid-term to take into consideration emerging lessons from project implementation. The following are the main oversight mechanisms at local level.

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

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

Monitoring and Evaluation Team – The Monitoring and Evaluation Team will be responsible for the monitoring of the RAP implementation programme to ensure that stated targets are met and project affected persons are duly compensated in line with the RAP requirements.

Implementing Partners (IPs)

There are a number of Implementing Partners (IPs) that work with refugees and host communities. The UN agencies include: UNHCR, UNICEF, FAO, WFP and UNFPA. The UN agencies do not directly implement projects within the settlement but partner with other NGOs that carry out the implementation. The Implementing Partners include: Real Medicine Foundation (RMF) dealing in health services, Transcultural Psychosocial Organization (TPO) – education, Action Against Hunger – food distribution, African Development Corps (ADC), Danish Refugee Council (DRC), International Rescue Committee (IRC) – reproductive health, War Child Canada – Peace building, Samaritan Paths – food distribution, Concern Worldwide, Save the Children, Windle Trust, War child- peace building, and Action Against Hunger. These will be critical in project implementation.

Budget and Funding

Proposed 5 Year RPF Implementation Budget

Item	Cost in USD				
	Year 1	Year 2	Year 3	Year 4	Year 5
Training of CDOs, DEOs, RWCs and IPs in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	200,000				
Facilitation of CDOs and IPs to screen and monitor implementation of sub-projects (RAP studies and RAP implementation.)	100,000	100,000	100,000	100,000	100,000
Facilitation for CDOs and IPs to undertake consultation and mobilization of communities	200,000	200,000			

including IEC materials					
Social Safeguards monitoring and audits	50,000	50,000	40,000	40,000	30,000
Sub-totals	550,000	350,000	140,000	140,000	130,000
Total Budget Estimate					1,310,000

Disclosure

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

Recommendation

Based on the analysis of the complex refugee-host community relationships in Uganda as well as the impact of refugees on host communities, addressing land tenure issues, and strengthening conflict resolution and peace building systems is critical. Boundary opening is an urgent issue in addition to settling claims and disputes over land ownership between refugees and host communities in the respective settlements. In addition, there is need to streamline land ownership and use rights issues in Adjumani where no MoUs exist between refugees and host communities.

1 REGIONAL OPERATION ON DEVELOPMENT RESPONSE TO DISPLACEMENT IMPACTS IN THE HORN OF AFRICA

1.1 REGIONAL MAGNITUDE AND CONTEXT

Despite its rich endowment in human, social, and natural capital, the HoA region is plagued by a complex history of weak governance, insecurity, increasing environmental degradation, entrenched poverty and a range of persistent development and protection challenges. Conflict remains endemic in the region. The complex cultural, social, and political nature of these conflicts is compounded by the demographic shifts both due to population growth and peoples' movement, imbalanced service provision, increasing contestation over scarce natural resources, and harsh climatic conditions including frequent droughts and floods.

In a region with an estimated 242 million inhabitants, the HoA hosts over 8.7 million displaced persons, including, over 6.5 million internally displaced persons (IDPs) and about 2.2 million refugees. The majority of the displaced are children and women, with many female-headed households. Displacement in HoA has been compounded by migration within and outside the region driven by a number of natural and man-made reasons including a young population that faces unemployment and alienation.

1.2 REFUGEE HOST COMMUNITIES IN UGANDA

1.2.1 WEST NILE

The West Nile sub-region is located in the north-western corner of Uganda and shares borders with South Sudan and the Democratic Republic of the Congo. West Nile is host to a large population of South Sudanese/Sudanese refugees, and is characterized by a transient population and lingering cultural tensions (UNICEF, 2014). The sub-region was also severely affected by the LRA insurgency and remains in close proximity to LRA activity, making recovery challenging. As with other sub-regions, conflict and protracted displacement have led to education being under-resourced. Education indicators are low, with West Nile's completion rate half the national average. The effects of camp life and a dependence on aid have made families unwilling to support their children's education and undermined a sense of community ownership (UNICEF, 2014).

1.2.2 SOUTH-WESTERN UGANDA

The south-west of Uganda is marked by significant cultural, ethnic and economic diversity. There is a perception that this part of the country has benefited disproportionately from investments in infrastructure and service provision (UNICEF, 2014). Landholding remains inequitable and predominantly controlled by individuals with political connections. The area has also seen a large amount of in-migration from other parts of Uganda, leading to tensions and occasional violent clashes between native *Banyoro* and immigrant *Bakiga*. Large refugee populations from Rwanda and the Democratic Republic of the Congo have placed a strain on local resources and service provision. In the education sector, in addition to low literacy rates and lack of access to secondary education, the key challenge is to integrate a transient refugee population with psychosocial and language barriers (UNICEF, 2014).

1.2.3 ECONOMIC STATUS

Within refugee hosting districts, refugees and nationals face similar development and basic service delivery challenges. However, **refugee-impacted sub-counties are more vulnerable to shocks than non-impacted areas due to refugees' underlying poverty in relation to nationals, the demands on already-stressed resources, and refugees' limited resilience.**

Refugees and refugee-hosting communities are poorer and more vulnerable with the settlement areas suffering from lower agricultural productivity and greater environmental degradation due to poor climatic and soil conditions and/or overuse. In addition, the basic social services delivery is weak and economic opportunities are limited due to the remoteness of the settlements and the poor infrastructure. These areas are also prone to a higher prevalence of malaria, respiratory tract infections, diarrhea and preventable diseases among children. Given that the refugee hosting areas are also among the poorer and less developed regions in Uganda, refugee presence further undermines the coping abilities of host communities in the settlement areas, further exacerbated by limited social capital, less diverse livelihoods and low levels of assets.

Vulnerability of host communities – The combination of limited livelihood opportunities in the host community and imbalance of humanitarian assistance are the greatest challenges for promoting more coexistence. Local integration policy is dependent on the acceptance and willingness of the host population and can engender tensions between refugees and hosts, which could be a result of their uneven power distribution, with one group possessing more social power, leading to more opportunities in the community (Tollebrandt and Wrede, 2013). The local hosts are equally vulnerable like the refugees themselves and feel they should be helped. One reason for conflict is the feeling by host community that the refugees are given aid yet the hosts are equally in need of aid. Some of the host areas such as Adjumani are relatively poor districts which are recovering from decades of conflict. All those in the district face challenges accessing services. Although refugees are particularly vulnerable, many of the challenges they face, for example with access to medicine and health care, are also relevant for the local population (IRRI, 2015). In his study, Prommier (2014) reports a quote below from one of his respondents from the host community in Adjumani District. **“The community here is very poor and has just come out of 20 years of civil war, and now they see international NGOs come in to provide food, water, schools to the refugees...how do you think they would feel? It is normal human nature that some conflict came out of that”**. A similar observation was captured in Kiryandongo Refugee Camp: **“The fact that refugees are better off than local people could be a breeding ground for future conflict between the two groups”** - Mr. Baryamwesiga Robert, Commandant – Kiryandongo Refugee Settlement. District Officials in Adjumani observe that, **“The host communities now feel alienated from the ongoing social transformation among refugees yet they offered land.”** They cite an example of a poverty stricken elderly citizen who could have offered up to 20 acres of land for establishment of the Ayilo 1 Camp and such an individual can be resentful about the proposed project if there is no help to enhance their livelihood.

1.3 LAND CHALLENGES OF HOSTING REFUGEES

One of the key tenets of Ugandan refugee policy is the Self-Reliance Strategy (SRS), a policy that expects refugees to economically support themselves by utilizing a given plot of land to develop a livelihood based on subsistence agriculture (Svedberg, 2014). The Government and host communities allocate land to refugees in designated settlements in Uganda (UNHCR, 2015). Although the policy has had success within the settlement, its narrow focus on subsistence agriculture makes it inadequate for many refugees

due to their diverse cultural, occupational, and socioeconomic backgrounds (Svedberg, 2014). Growth in national and refugee populations means that land is becoming scarce and plot sizes are shrinking to accommodate new arrivals (UNHCR, 2015). According to a study by Prommier (2014), **OPM used to allocate each refugee family 50 x 50 meter plots, but because of the high numbers of refugees, OPM now allocates them 30 x 50 meter plots. Field interviews confirmed that in Oruchinga, the settlement is almost full with very limited land for new refugees.** The UNHCR has identified key challenges as optimize opportunities, productivity and returns from these smaller plots in order to achieve adequate social and economic security for affected households (UNHCR, 2015). While Uganda's method of settling refugees appears ideal at first glance, the suddenness and size of the refugee influx in Adjumani complicates the task of acquiring land for these refugee settlements when the host community may be reticent to give up land, one of its most valuable resources (Prommier, 2014).

Furthermore, investigation into the dynamics of refugee livelihoods in the settlement finds that official efforts to promote self-reliance have had difficulties overcoming the inherent restrictions of the settlement system (Svedberg, 2014). **There is need for improving refugee self-reliance, many of which underscore the need to refine the agricultural requirements of the policy as well as allowing refugees to more easily pursue alternative sources of livelihood** (Svedberg, 2014).

Based on the analysis of the complex refugee-host community relationships in Uganda as well as the impact of refugees on host communities, addressing land tenure issues, and strengthening conflict resolution and peace building systems is critical. Boundary opening is an urgent issue in addition to settling claims and disputes over land ownership between refugees and host communities in the respective settlements. In addition, there is need to streamline land ownership and use rights issues in Adjumani where no MoUs exist between refugees and host communities.

1.4 THE PROJECT

In response to the impacts of forced displacement on refugee hosting countries and communities in HOA, the proposed operation is a multi-country development response by the respective Governments of Djibouti, Ethiopia and Uganda. The proposed regional operation addresses the unmet social, economic and environmental needs of the local communities both host and displaced (refugees and returnees) in targeted areas of the three proposed project countries.

1.5 PROJECT DEVELOPMENT OBJECTIVE

The Project Development Objective (PDO) is to improve access to basic social services, expand economic opportunities, and enhance environmental management for communities hosting refugees in the targeted areas of Djibouti, Ethiopia and Uganda.

The proposed regional project will embed essential features of ensuring citizen participation and engagement in identifying and prioritizing developmental needs, including socio-economic infrastructure and livelihoods opportunities to improve self-reliance of host communities; improving social cohesion between refugees and host communities; increased citizen voice and role in development decision making; and greater demand for social accountability. The operational approach will be Community Driven Development (CDD) and will involve: (i) building grassroots institutions, (ii) ensuring voice of all communities in decision making, (iii) strengthening decentralized government administrative functions, as well as (iv) investing in public service delivery and social mobilization to enhance the social cohesion among the beneficiary communities.

1.6 UGANDA SECTORAL AND INSTITUTIONAL CONTEXT

The Second National Development Plan (NDP II) provides an overall framework for development in Uganda. Its vision is to transform Uganda from a predominantly peasant and low income to a competitive, upper middle income country. In order to achieve this, the NDPII emphasizes the need for inclusive and sustainable growth while increasing overall competitiveness, and creating additional wealth and employment. Refugee-hosting areas are more vulnerable to shocks than non-impacted areas due to underlying poverty of refugees' in relation to nationals, the demands on already-stressed resources, and refugees' limited resilience.

The GoU, UNHCR and partners have been taking a number of steps to strengthen the self-reliance and resilience of refugees and host communities. Under the NDP II, GoU is currently developing the Settlement Transformative Agenda (STA) which aims to achieve self-reliance and local settlement for refugees and to promote social development in the refugee hosting areas. The STA's objectives relevant to the proposed project include sustainable livelihoods, environmental protection, and community infrastructure. The proposed project will support the STA implementation by taking an area-based and progressive solutions approach and will cover refugee-hosting districts in North, Mid-West and South West of Uganda.

1.7 PROJECT COMPONENTS

The proposed project seeks to demonstrate a fundamental shift in the way forced displacement is addressed in the HOA; first as a developmental challenge in addition to a humanitarian and security challenge; second a government-led and implemented development response complementary to traditional humanitarian agencies; and third as a long-term response to address systemic and structural constraints impeding development in marginalized refugee hosting areas further exacerbated by refugee presence. Given that the major impacts of forced displacement and categories of investments across the three proposed project countries is comparable, the four major components described in detail below will be implemented in all three countries: (i) in a modular fashion focusing on mobilization and capacity building for communities and local governments; and (ii) through an implementation process that is responsive to community priorities.

DRDIP has five main components and six sub-components intended to benefit refugee hosting communities, and are discussed hereunder.

Component 1: Social and Economic Services and Infrastructure (approximately US\$ 86.25 million)

Refugee hosting areas in Djibouti, Ethiopia and Uganda are characterized by huge development deficits, including low human capital, and limited access to basic social services and economic infrastructure. The service delivery capacity of local authorities in the three countries is also weak. Component 1 aims to improve access to basic social services and economic infrastructure and improve service delivery capacity of local authorities at the target subnational and local levels by financing community and strategic investments as well as capacity building initiatives. Community investments will be matched by community contributions, both cash and in-kind (materials and/or labor), and the process will follow a community-driven development approach.

Subcomponent 1(a): Community Investment Fund (approximately US\$ 78.6 million). Subcomponent 1(a) seeks to improve community access to basic social services and economic infrastructure providing investment funds that, together with community contributions, will expand and improve service delivery

and build infrastructure for local development. Investments will be identified, prioritized, implemented, and monitored by beneficiary communities. Potential investments (subprojects) include the construction, upgrading, rehabilitation and/or expansion of basic social services, such as education, water supply, human health, and veterinary care; and economic infrastructure such as rural roads, market structures, and storage facilities. The target community will identify and prioritize the specific social services and economic infrastructure to be funded under this subcomponent through the community-driven development approach. Only those subprojects which are currently functioning and/or have budget for staff and materials provided by the respective administration will be supported. This is to ensure the sustainability of the interventions. Subcomponent 1(a) will also support strategic investments, that are larger in scope and impact than typical community-level investments (subprojects), and that will serve a cluster of project beneficiary communities. These investments will be identified through the community prioritization process and will employ local labor, especially women and youth, during construction. Local governments will be responsible for operation and maintenance. An information and communication technologies (ICT) platform composed of a network of mobile phones/applications in the hands of beneficiaries and those managing the fund could be linked to a web-enabled dashboard, which could be used to upload data on investments and implementation status on a close to real-time basis. The process for planning, implementation and monitoring of the subcomponent 1(a) will be detailed in the Project Implementation Manual (PIM) for each participating country.

Subcomponent 1(b): Capacity Building for Local Planning and Decentralized Service Delivery (approximately US\$ 7.65 Million). The objective of this subcomponent is to improve the service delivery capacity of local level government authorities. It will support capacity-building interventions for local government authorities, the local implementing institutions for the community-driven planning process, local development management, service delivery capacities enhancement, mainstreaming of project interventions with government development planning and budgeting process, coordination of potential development stakeholders at local-level and community local-level development learning. Capacity-building activities to be financed under the project, will be explained in detail in the PIMs, but will include: (i) critically needed items, such as office equipment and facilities, field gear, vehicles, and technical resources, etc.; (ii) preparation, multiplication and dissemination of technical training materials; (iii) training, and knowledge and skills development at all levels, including for technicians and host communities; (iv) experience sharing tours; and (v) short-term overseas study tours and South-South exchange programs. The project will also support technical assistance to reinforce the capacity of specialized implementing agencies, including the recruitment of national and international technical assistants to help with planning, engineering design, procurement, construction management and technical monitoring of physical investments.

Component 2: Sustainable Environmental Management (approximately US\$ 32 million)

Refugee-hosting areas face severe degradation of their environmental and natural resources, including deforestation and devastation of agricultural and range lands. The continued presence and influx of refugees exacerbates already severe environmental conditions, turning localities into fragile ecosystems. Component 2 aims to ensure that environmental and natural resources are carefully and sustainably managed so they can support current and future needs and livelihoods. The implementation of demand and supply-side interventions will be supported by the component. Supply-side interventions will support and enhance sustainable environmental and ecosystem services including integrated natural resources management and small, micro and household-scale irrigation schemes. Demand-side interventions, such as alternative energy sources, will aim to reduce unsustainable exploitation of natural resources, including risks mitigation and other challenges faced by crisis-affected host communities. Demand-side interventions will also seek to address gender issues by reducing drudgery (time and energy spent on

collecting fuel wood) and exposure to risks and violence and by improving health and indoor air pollution through the use of cleaner fuels and fuel-saving cooking technologies. These aspects will be detailed in the individual country PIMs.

Sub-component 2(a): Integrated Natural Resources Management (approximately US\$ 26.25 million).

Subcomponent 2(a) intends to enhance the productivity of environmental and natural resources, including arresting the degradation of fragile ecosystems in forest, range and agricultural lands. It would support soil and water conservation biological and physical activities on individual farms and communal lands, including the construction of soil bunds, stone bunds, artificial waterways, cut-off drains, check dams (gully rehabilitation), bench terraces, hillside terraces, trenches, area closures, planting of multipurpose trees, and groundwater recharge interventions. The sub-component will also enhance irrigation water use and management thereby increasing irrigated land, production and productivity for host communities. Key activities to be supported include rehabilitation/improving/upgrading existing traditional and modern Small Scale, Micro and Household Irrigation schemes. The use of remote sensor technologies installed on water pumps at the farm-level could be considered to monitor water use to inform water management decisions. Capacity-building activities that enhance the implementation of Integrated Natural Resources Management and Small Scale Irrigation Development and Management will be supported in each participating country, with technical assistance to service providers at multiple levels and support to communities.

Sub-component 2(b): Access to Energy (approximately US\$ 5.75 million). Subcomponent 2(b) seeks to improve access to energy by host communities, promoting the better use of energy resources and access to alternative sources of energy. Support will be given to interventions that address the host communities' energy requirements, such as domestic cooking and lighting; social services such as schools and health services; and productive activities, including lighting for small shops/businesses and manufacturing/processing. Household cooking is currently based on firewood and charcoal. To address this concern, improved cook-stoves will be introduced with appropriate community consultations about methods of cooking and baking and what types of firewood are locally available. Training would be provided on the use of the new stoves, including the preparation of fuel wood. Attention would be given to monitoring use, regular maintenance, and repairs. Solar lanterns and lamps are among the options for meeting home and street lighting as well as mobile phone charging needs. Establishing connections to grids -where possible- and off-grid decentralized energy supplies based on renewables and diesel engines will be explored in cooperation with other projects (World Bank and other funding sources) for meeting these and other productive energy uses.

Component 3: Livelihoods Program (approximately US\$ 38.75 million)

People from refugee-hosting communities derive their income either from traditional livelihoods, including agriculture, fisheries, pastoralism and/or agro-pastoralism; and/or non-traditional livelihoods, including skills-based jobs, service enterprises and small businesses. Each type of livelihood is characterized by low-level technologies and skills, leading to inherent low productivity. The lives and livelihoods of people from refugee hosting communities are impoverished and their incomes levels are low and unsustainable. Component 3 seeks to improve livelihoods and increase incomes in refugee-hosting communities based on the market system approach. It will support interventions aimed at improving the productivity of traditional and nontraditional livelihoods. Traditional livelihoods will be informed by detailed technical, behavioral and performance market assessment for increased production, improved market interconnections and adoption of best practices. Non-traditional livelihoods will be identified based on market assessment to impart skills for increased employability, enterprise

development and promote other income-generating activities. The component will strengthen existing community-based organizations (CBOs) and also support formation of new ones.

Sub-component 3 (a): Support to Traditional and Non-Traditional Livelihoods (approximately US\$ 34.3 million). Subcomponent 3(a) aims to increase the production and productivity of agriculture (crops and livestock), pastoralism (livestock), agro-pastoralism (crop and livestock) and fisheries; and commercialize livelihood activities for improved incomes, employment, and self-reliance. Intervention areas were identified based on key stakeholder and community consultations, but in-depth technical and market system assessment will inform implementation. Support will be provided to key activities based on the results of the market system assessment combined with the region and locality's potential and the traditional forms of livelihood practiced, including improved production practices; access to technology, equipment, storage and processing infrastructure, and finance; and access to input and output markets.

Nontraditional livelihoods will be identified based on market assessment to provide skills training for increased employability, and enterprise development and to promote other income-generating activities. Based on key stakeholder consultations, a number of livelihood options were identified, but market system assessments will inform implementation. The proposed interventions will be informed from lessons learned from existing projects, build on the experience of implementing agencies, tailored to country contexts. The subcomponent will follow a process-driven approach for systematic implementation with three phases: (i) preparatory phase, (ii) livelihood business plan subproject generation and approval phase; and (iii) livelihood business plan subproject implementation, follow-up mentoring, and commissioning phase. The subcomponent will also support innovations that could include technological, institutional and process innovations to be determined during implementation. Support programs for youth and women in technological innovations like digital commerce as well as in IT-enabled services that require computer/digital literacy could support modern and salaried jobs. The relevant department ministry will support the implementation of the livelihoods activities.

Sub-component 3 (b): Capacity Building of Community-Based Organizations for Livelihoods (approximately US\$ 4.45 million). Subcomponent 3(b) is intended to improve the service delivery capacity of farmer, pastoral, or agro-pastoral organizations, including CBOs. Establishing and building the capacity of CBOs will be supported due to the project's CDD approach, which involves CBOs being inclusively involved in the implementation and sustainability of project investments. CBOs involved in livelihoods promotion include farmer organizations, cooperatives, Savings and Credit Co-Operatives (SACCOs) and common interest groups (CIGs), will receive training in group management, savings, financial literacy, and book keeping. They will be encouraged to practice regular meetings, savings, and inter-lending; timely repayment; and up-to-date accounting. The traditional and nontraditional livelihood activities will be implemented by CIGs and will receive capacity building on Group Management, Enterprise Selection, livelihood business plans preparation, procurement management, and technical and computer/digital skills. Local administration technical committees and/or facilitators will undertake these efforts.

Component 4: Project Management, and Monitoring and Evaluation (approximately US\$ 15 million).

Project management and implementation will follow a decentralized approach using existing government structure at the national, subnational and local levels and community institutions to be established at the local level. The objective of this component is to ensure enhanced and effective project management, coordination, and implementation; and support the design of the project's monitoring and evaluation (M&E) system to be detailed in the M&E Manual. The component will support the establishment of institutions with different roles and responsibilities at multiple levels, including oversight, coordination,

and technical bodies. Steering Committees (SCs), and Technical Committees (TCs) will be established at national, subnational and local levels. Project Coordination Units (PCUs) will be established at the National, subnational and local levels in Ethiopia and Djibouti; and a Project Implementation Support Team at the National level in Uganda; both will be adequately staffed with technical experts recruited in a competitive process. They will play a coordination and facilitation role. The project will build on existing community-level structures, such as Community Development Committees, and will establish new local-level institutions as needed, including Community Facilitation Teams, Community Project Management Committees, Community Procurement Committees, Social Audit Committees, etc.

The component will support the designing of the project Management Information System (MIS) for monitoring inputs, outputs and processes; evaluation of outcome and impacts; environmental and social safeguards monitoring; and participatory monitoring and evaluation and internal learning. M&E activities will also include regular monitoring of implementation progress and performance, independent process monitoring, including *inter alia* regular assessments of community-level planning and review of the effectiveness and quality of capacity-building efforts; outcome and impact evaluations at baseline, mid-term and end-of-project; and annual thematic studies. The project's Results Framework (RF) will be used as a basis for reporting progress against indicators, including progress towards achieving the PDO and Implementation Progress (IP). The project will consider the use of mobile technologies to increase the reach and frequency of data capturing at local level and aggregating in a platform that could serve as a dashboard; such a tool would provide near real-time monitoring and ability to visualize and/or geo-localize activities supported by the project in the three countries.

Component 5: Regional Support for Coordination, Capacity and Knowledge (approx. US\$ 5 million).

The key objective of the component is to support the establishment of a Regional Secretariat on Forced Displacement and Mixed Migration primarily for the HOA but with relevant linkages with the Great Lakes Initiative that will: (i) Spearhead the advancement of the development approach to displacement in the HOA; (ii) Facilitate the creation of knowledge with partnerships with relevant think tanks and/or universities in the three project countries of Djibouti, Ethiopia and Uganda and the HOA emerging from the implementation of the DRDIP with respect to Durable Solutions to Forced Displacement; (iii) Ensure annual learning and sharing workshops for all the HOA countries; and (iv) Contribute to the better understanding of the nexus between socio-economic development, forced displacement and mixed migration in the HOA by commissioning studies and/or focused research.

The Regional Secretariat will be anchored in IGAD, a regional organization with convening and political mandate for the 8 countries of the Horn and also in a good position to initiate regional conversations around FD and MM. In addition to its role of commissioning research, generating knowledge, capturing lessons, and coordinating sharing and learning both in the project countries and at the regional level; the Regional Secretariat will host the Regional Steering Committee (RSC) to be constituted by representatives from the National Steering Committees of each project country. The RSC will play an important role of: (i) providing oversight of implementation of the Regional program, and (ii) guide, advice and support regional policy dialogue.

Finally, the Regional Secretariat will work towards building the capacities of the executing agencies in the three project countries on the development approach to displacement. This will ensure harmonization and set up some standards for future similar projects. The details of the proposed trainings, study tours as

well as the other activities of the Regional Secretariat will be detailed in the PIM that will be prepared by IGAD.

1.8 PROJECT AREA AND IMPLEMENTER

The Office of the Prime Minister will be responsible for project implementation in Uganda. The project will be implemented in four refugee hosting districts of Arua, Adjumai, Isingiro and Kiryandongo specifically in the Refugee Settlement areas.

The proposed project seeks to maximize synergies across Global Practices and with other projects. Uganda the focus is on livelihoods infrastructure and investments, and market linkages environmental amelioration with the Northern Uganda Social Action Fund–III; and (iv) at the regional level with the Great Lakes Region: Improving Resilience and Social Cohesion of Displaced and Border Communities (P152821) project for mutual learning, M&E, and synergy to deal with the durable solutions of Congolese refugees in Uganda; and the Regional Pastoral Livelihoods Resilience Project (RPLRP), under implementation in Uganda, Ethiopia and Kenya, with IGAD hosting a regional secretariat and coordinating policy harmonization and other regional aspects.

1.9 PROJECT BENEFICIARIES

Primary project beneficiaries will be the host communities in the refugee hosting areas who have been experiencing displacement impacts and the secondary project beneficiaries will be the displaced persons (refugees and returnees). The project will support communities to identify and prioritize investments with specific focus on women, female-headed households and youth, who are disproportionately affected by displacement. The project's institutional beneficiaries include (i) local governments, implementing agency staff and the agencies responsible for refugees in each of the proposed project countries and (ii) IGAD. It is envisaged that a careful integration of community priorities in the local government development planning process will ensure ownership and sustainability of the investments at the community and local government levels.

Project beneficiary communities will therefore benefit from: (a) investments in basic socio-economic infrastructure financed under the project and consequently the improvement in access to social services and economic infrastructure; (b) increased opportunities for augmenting incomes from traditional and non-traditional livelihoods; (c) improved environmental and eco-system services; (d) improvements in local governance and accountability; and (e) improved access to social services, connectivity and domestic energy, reducing exposure to protection risks, including gender-based violence.

1.10 REFUGEE SETTLEMENT CAMPS

A number of refugee settlements have been setup by Government of Uganda. These are mainly found in Arua, Adjumani, Moyo, Kyenjojo-kyaka, Hoima, Masindi and Isingiro Districts. Today, active settlements include:- Kyaka II, Nakivale, Oruchinga, Kyangwali, Kiryandongo, Paralonya, Rhino Camp, Imvepi, Madi Okollo and the integrated camps of Adjumani. Due to the increasing numbers of new arrivals, Maaji settlement was recently reopened in addition to other existing settlements. All these settlements have basic provisions for the refugees according to their needs. They also have farm lands and some do even grazing on small scales, besides poultry farming.

Asylum seekers and refugees who opt to stay in towns like Kampala, Hoima and others rather than in the designated settlements are expected to be self-reliant. Those who are no longer able to sustain themselves in Kampala are always advised to approach OPM for relocation to the settlement. In general, the Government of Uganda and UNHCR do not provide accommodation and material assistance to asylum

seekers and refugees in outside the camp. Basic material assistance is only provided to refugees residing in refugee settlements. In exceptional circumstances, where assistance is deemed to be life-saving or in face of serious protection consequences, a one-time only assistance may be provided.

2 THE RESETTLEMENT POLICY FRAMEWORK (RPF)

2.1 RATIONALE OF THE RPF

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

The infrastructure works under component 1 will pose civil works/ construction related impacts including health and safety considerations. Component 2 & 3 are expected to be positive through alleviating pressures on the poor that lead to unsustainable exploitation of natural resources and environmental degradation. Therefore, by their nature, project components 1, 2 and 3 may have limited and localized negative environmental and social impacts. The community sub-projects may involve limited land acquisition and displacement of land-uses and/or livelihoods. The potential environmental and social impacts can be adequately managed by integrating environmental and social due diligence into the sub-project cycle. Because of the overall limited likely environmental and social impacts, the project is rated as EA category B.

Since the exact locations of project interventions are not yet known with certainty at this time, the extent of resettlement needs are equally not easy to determine as of now hence, a need to prepare a Resettlement Policy Framework (RPF) to provide a framework for processes and procedures for handling any resettlement issues that may arise during project implementation.

2.2 OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK

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

1. Establishing the resettlement and compensation principles and implementation arrangements for DRDIP.
2. Describe the legal and institutional framework underlying Ugandan approaches for compensation, resettlement and rehabilitation;
3. Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
4. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
5. Provision of procedures for filing grievances and resolving disputes; and
6. Development of an outline for preparation of Resettlement Action Plans (RAPs)

The RPF will apply to [all sub-projects/activities to be identified/areas to be demarcated]. The procedures will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation. When a Resettlement Action Plan is required, it will be prepared in accordance with guidance provided in this RPF, including Detailed Measurement Surveys of the land to be acquired, Identification (Census) of PAPs/displaced persons, Public Consultation and Disclosure Procedures (PCDP). The RPF follows the guidelines provided in the World Bank's OP4.12, as described in Annex 1.

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

minimized by:

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

2.3 PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK-RPF

DRDIP is expected to have significant positive impact on social and poverty conditions to improve household income and address the socio-economic imbalances in the four refugee hosting districts of Arua, Adjumani, Isingiro and Kiryandongo West where poverty levels are still severe the new project will focus on improving incomes and livelihoods of the poor and vulnerable host communities and the Refugees in that region and contribute to the revitalization of the local economy. To this effect, the project will scale up the labor intensive public works and the household income support components.

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

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

2.4 RPF METHODOLOGY AND APPROACH

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

2.4.1 DESK REVIEW

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

2.4.2 KEY INFORMANT INTERVIEWS

Interviews were conducted with, Refugee Desk Officers, District Officials (Chief Administrative Officers, District Agricultural Officers, Production Department, District Environment Officers, Community Development Officers, District Engineers, Lands Officers and District Physical Planners, Extension Workers) to obtain an informed view of the land acquisition processes and current land acquisition challenges, institutional capacities to hand land acquisition in their respective districts, and to solicit their suggestions and recommendations on how to handle land acquisition issues that may arise during the implementation of the DRDIP in Isingiro, Arua, Adjumani, and Kiryandongo Districts where

the project will be implemented operating in Refugee Settlements- UNHCR, among others. More so, interviews were held with officials from; OPM/Department of Refugees, Ministry of Works and Transport (MoWT), Ministry of Education, Sports and Technology (MoES&T), Ministry of Water and Environment (MoWE), Ministry of Health (MoH), Ministry of Gender Labor and Social Development (MoGLSD), Ministry of Energy and Mineral Development (MoEMD), Ministry of Agriculture Animal Industry and Fisheries (MoAAIF), and World Bank officials.



Figure 1: Meeting with the landlord for Nyumanzi Refugee Settlement, Adjumani District

2.4.3 OPEN GROUP DISCUSSION

Public consultations were conducted with Refugee Communities, Host communities, Refugee Welfare Committees- RWCs, medical personnel, inspector of schools, with operating and implementing Partners in the Refugee Settlements- UNHCR, ARC, AAHU, AHAU, HIJIRA, LWF, Windle Trust Uganda, MTI, Samaritan Purse among others to establish feasible resettlement alternatives, generate information for evidence based impacts and recommendations.

2.4.4 OBSERVATIONS

Ad hoc and unstructured observations were made throughout the stakeholder consultation exercise during the visits to the project areas. Observations of Refugee settlements impacts to the communities were made to provide firsthand information to prompt additional probing for more information on the implementation of RAPs during the project program. Photographs of the original situation on the ground were taken to give an informative view of the current issues in relation to the proposed project. These

photographs can also be used for future monitoring and evaluation of the impacts of the DRDIP in the proposed project areas.

2.4.5 CAPTURE OF GENDER AND VULNERABILITY ISSUES

Discussions groups with members of marginalized and vulnerable groups were constituted by gender dimensions. Particular attention was paid to the needs of vulnerable groups especially those below the poverty line the elderly, women and children, child headed families and other disadvantaged groups (people with special needs- PSNs). Within the Framework, it was not possible (outside RPF scope) to determine the household numbers which will be affected by the project. These numbers will be projected and area specific underscoring the need to systematically determine the numbers on a project by project basis.



Figure 2: Meeting with the host community and refugees, Siripi Village, Rhino Camp in Arua District

3 SOCIAL-ECONOMIC ASSESSMENT OF THE PROJECT AREAS

The DRDIP will be implemented in refugee hosting areas of Arua, Adjumani, Isingiro, and Kiryandongo. However, the socio-economic profiles for the nine refugee hosting districts are summarised below:

3.1 STATUS OF LAND OWNERSHIP

Settlement/Camp	History, Status of Land Ownership and Utilization
Nakivale Settlement (Isingiro District)	It occupies an area of 185 km ² with 3 Zones (Rubondo, Base camp and Juru) and 79 villages with an average of 800 to 1,000 people per village. The settlement was established in 1958 and officially recognized as a refugee settlement in 1960 through the Uganda Gazette General Notice No. 19. Much as the Settlement has a land title, there is an estimated 30,000 people (encroachers) who claim ownership of the settlement land. Refugees in Nakivale are granted access to free land to build their shelter and are expected to use the rest for farming.
Oruchinga (Isingiro District)	The Oruchinga RSC started way back in 1959, the Land is government owned and with a land title. However, there are some encroachers not residing on the land but do cultivate and graze on it.
Rwamwanja (Kamwenge District)	<p>The settlement is approximately 40 square miles and was created in 1964 to host Tutsi refugees from Rwanda until 1985 when most were repatriated seeing the Uganda government repossess the then encroached upon land only in 2012 for resettlement of refugees from DRC.</p> <p>Although there are some conflicts, the entire Settlement is gazetted as Government property. Under these circumstances it is kept in trust by the Uganda land Commission for the people of Uganda. On the other hand, the Toro Kingdom also claims that the land is theirs. A few of the Ugandans who involuntarily removed also claim that they have legal land titles for the land within the Settlement and they have gone to court to prove so. Field consultations revealed that the size of land allocated to refugees varies depending on the household size. On average, plots of 50 by 50m are allocated to a household of about 3-5 people.</p>
Kyaka II (Kyenjojo District)	<p>Kyaka II refugee settlement was established in May 1983 in Kyenjojo district (previously part of Kabarole district) to host refugees mainly from Rwanda and Congo. It is located on 84 square kilometres of land. Kyaka II is referred to as a “settlement” rather than a “camp” because the Government of Uganda supports refugee self-reliance and freedom of movement. Kyaka II settlement is located on Government land. However, there are a number of nationals who live on it and many use it for grazing.</p> <p>Refugees in Kyaka II are allotted plots of land, where they can build homes and cultivate the land. The Government of Uganda (OPM) ensures the security of all refugees and has a generous policy which provides refugees in settlements with plots of land (50 metres x 100 metres) in order for them to become self-sufficient.</p>
Kyangwali (Hoima District)	Kyangwali is the oldest refugee settlement in Uganda. The land was first home to the displaced from the conflict in Rwanda beginning in 1960. The 92 square

	mile settlement is subdivided into 22 villages. Refugees are given a portion of land where they can build their own house and grow crops for their own consumption and sale.
Kiryandongo (Kiryandongo District)	The land is owned by government of Uganda and refugees are given the right to use the land but not to own it. Each refugee household or family is allocated a piece of land measuring 50x100metres to construct a house and use the rest for other livelihood purposes. No nationals own land within the refugee camp although they are allowed to access resources and services such as water points, schools and health centers. Land conflicts exist within the settlement (among refugees) especially those regarding boundaries. Land conflicts are mainly solved by Refugee Welfare Councils and settlement commandant.
Rhino Camp (Arua District) and Koboko camp (Koboko District)	There are majorly 2 camps in Arua and Koboko, one being Rhino camp in Arua and the other in Koboko district named Koboko camp. Rhino Camp: Rhino Camp was the first refugee settlement in the West Nile Region, established in the early 1960s. The land was donated by the community to the district for refugee settlement purposes. Written local agreements allowing the land to be used for refugee settlement do exist. There are future arrangements for local government to take over the land and even compensate the land owners.
Adjumani District	Adjumani district hosts up to 67,000 refugees in 8 different camps as Nyumanzi, Mireyi, Alero 1 & 2, Ayilo and Mungula among others. Adjumani district has hosted refugees for over 20 years and currently about 11,000 hectares of land have been allocated to them. Land where these settlements have been established was offered by the community freely and no MOU was signed. Every household is allocated a 20x30 meter plot within which all activities have to be conducted but it is not very clear whether there is an MOU between communities and OPM. Ayilo 1 was established in March 2015 and covers a total of 4.8 square kilometers and an estimated population of 22,730 people. The land was donated by the community for an unspecified period of time. The camp has 15 household of nationals within the camp and refugees have been allocated 30x20m per household basically for settlement. Plans are under way to negotiate for more land with the community so that the refugees can be allocated plots for cultivation.

3.2 LAND CONFLICTS BETWEEN REFUGEES AND HOST COMMUNITIES

The Government of Uganda (GoU) and the United Nations High Commissioner for Refugees (UNHCR) employ policies predicated on the use of land in order to promote development and self-sufficiency. While theoretically this may function successfully in areas of abundant land, these policies can be detrimental to the coexistence of refugees and nationals in areas of land scarcity. Where land is limited and boundaries of ownership are unclear, the possibility of conflict, often manifesting in various forms of ethnic, social, economic, and political disputes, becomes inevitable (RLP, 2003). OPM allocates plots of land to refugees depending on the size of their families for instance a size of 1-5person you are allocated (50x100) for both settlement and cultivation and a size of 5-10 (100x100). In some instances, Host communities also voluntarily avail land for settling of refugees. However, the available land is mostly for

settlement and not cultivation due to lack of adequate land. Land-related conflicts between registered refugees and host communities emerge. Host communities in Adjumani have voluntarily availed land for settling of refugees. Unlike Kiryandongo, the available land in Adjumani is mostly for settlement and not cultivation due to lack of adequate land. Land-related conflicts between registered refugees and host communities appear relatively minor in Adjumani (Refugee Law Project, 2015).

Field interviews revealed that land and structures are a source of conflict because locals feel refugees are being facilitated a lot yet giving them land alone was enough. **Refugees also tend to undermine local people claiming that they are UNHCR people so they cannot be touched** (Field Consultations, 2015). All the Settlements in Western Uganda have land titles. However, there are land issues in all of them, especially **Nakivale where an estimated 30,000 people (encroachers) claim ownership of the settlement land**. Land conflicts between refugees and nationals have been an issue for some of the settlement such as Nakivale and Rwamwanja mainly due to ambiguous boundaries of settlement land but the Government of Uganda has undertaken administrative measures to resolve them (RLP, 2003). Field interviews revealed that the challenge of encroachers was caused by Government's laxity on stopping people from grabbing Settlement land during the times when there were few refugees and others no refugees. A meeting with the people who claim to be the 'land owners' in Rwamwanja was held Nkoma village. They confirmed that they took up 'free land' that originally belonged to the Settlement. However, they stated that in many areas, the Settlement leadership has pushed them out the land that they legally acquired and that was not within the original boundaries of the Settlement.

In other settlements (Kyaka II and Oruchinga), the land issues are considered minor, by their respective commandants. Land conflicts between refugees and host population can be attributed to two main factors, that is, exceeding of field or residential boundaries (encroachment) and acquisition by nationals (Rugadya, 2009). Land conflicts are fuelled by the fact that large expanses of settlement land are unutilized land since the refugee population is small. The relative degree to which individuals can profit from land resources is influenced by three factors: utilization, duration of occupancy and relocation rights. However, population increase and the advent of a cash economy increased the value of land, leading to strained social relations between refugees and nationals. Land conflicts in the refugee hosting areas are partly attributed to lack of clear refugee settlement boundaries. This has resulted in a limitation on expansion of refugee agricultural activities especially women in other parts of the settlements; limited access to natural resources such as fuel wood and water and grazing land. It is about 'the bundle of rights' held and enjoyed in the land resource (Rugadya, 2009). Field interviews revealed that in Rwamwanja, a presidential directive was issued in 2012 to de-gazette 2 Km² of the settlement land. All stakeholders interacted with believe that this intervention by the president solved the main land issues in the Settlement.

As an agrarian economy, the value of land as for Uganda is naturally high as a strategic socioeconomic asset, where wealth and survival are measured by control of, and access to land. As a wealth and survival asset, it is a central element in the most basic aspects of subsistence for many, particularly among the poor despite its being characterized by complex social relations of production. It is therefore the single most important determinant of a rural family's livelihood and well-being (Rugadya, 2009).

It is important to understand the interplay of various factors that influence access to and utilization of land by both host communities and refugees. At the centre of land conflicts are questions of ownership, access to and control over natural resources. Land is regarded by locals as belonging to Ugandans with refugees having no rights whatsoever. Regarding their interests in land, locals accuse the government of placing

refugees' above those of the national population. Moreover, refugees are regarded as non-citizens who should not have any rights over land (Rugadya, 2009).

3.3 NAKIVALE IN ISINGIRO DISTRICT

3.3.1 LOCATION

Nakivale refugee settlement, located near the Tanzania border in Isingiro district, Southern Uganda, currently hosts the largest number of refugees in the country. It occupies an area of 185 km² with 3 Zones (Rubondo, Base camp and Juru) and 79 villages with an average of 800 to 1,000 people per village. Nakivale refugee settlement was established in 1958 and officially recognized as a refugee settlement in 1960 through the Uganda Gazette General Notice No. 19 (UNHCR Nakivale Factsheet 2014).

3.3.2 REFUGEE NUMBERS

Whilst refugees from the Democratic Republic of Congo (DRC) constitute the majority of the settlement's population, Nakivale also accommodates refugees and asylum seekers from diverse countries, such as Somalia, Rwanda and Burundi. Currently the majority of refugees in the settlement are Congolese but the number of refugees from Burundi is rapidly increasing. 13,204 Burundi refugees received in Nakivale Refugee Settlement since November 2014. According to the UNHCR December 2015 update on the Burundi Refugee Response, the inter-agency Contingency Plan for the Burundi refugee situation has been finalized with a worst case scenario of 100,000 refugees (83,000 new arrivals over the next six months). The refugees are mainly coming from Bujumbura, Muyinga, Kirundo, Kibitoke and Bubanza provinces, the new arrivals are citing insecurity in Burundi quoting new fights as reason for fleeing (UNHCR, 2015).

3.3.3 HOST POPULATION

There is an estimated **population of 35,000 nationals** surrounding the Refugee Settlement who directly benefit from water, education, health and nutrition programmes in the settlement (UNHCR Nakivale Factsheet 2014).

3.3.4 EDUCATION

According to the UNHCR Nakivale Factsheet (2014), there are 9 primary schools and 27 Early Childhood Development Centres in Nakivale along with 1 secondary school and 1 vocational school. Windle Trust Uganda (WTU) also implements the German-funded DAFI scholarship programme which supports tertiary education. Children requiring special needs education are supported in 2 schools outside the refugee settlement. The Vocational Training Centre (VTC) provides skills training for asylum seekers, refugees and Ugandan nationals to give them the skills necessary for informal employment opportunities and small scale entrepreneurship. Nakivale also hosts a Community Technology Access (CTA) Centre which consists of a training area where students enroll and are trained in basic computer courses and an internet café. Finnish Refugee Council (FRC) provides training in Adult Literacy, English for Adults and related life skills through 36 learning centres across the settlement.

3.3.5 ECONOMIC ACTIVITIES

Both Kyangwali and Nakivale settlements are situated in districts with rich soil and grasslands for livestock grazing. As such, the most common livelihood strategies among refugees in both settlements are agriculture and animal husbandry. Crops grown consist primarily of maize, beans, sorghum, cassava and

potatoes. Animal husbandry typically involves goats, cattle, pigs and poultry, and to a lesser extent, turkeys and rabbits. Plot farming (referred to as ‘digging’ by most refugees) is also promoted as a self-reliance strategy: within five years, refugees are expected to sustain themselves with agricultural crops grown on individually-allotted plots (Omata and Kaplan, 2013).

Certain livelihood strategies are commonly associated with specific nationalities of refugees. For instance, several focus groups held with mixed Congolese, Rwandan and Burundian participants identified Rwandans as the leading nationality involved in middle-men trade, used cloth selling, butchery and lodge ownership, while Congolese were cited as owning the majority of music stores and hair salons (Omata and Kaplan, 2013).

Perhaps the clearest example of livelihood strategies unique to a particular nationality can be seen among the Somali refugees in Nakivale. This community maintains a strict geographic, though by no means economic or social, separation from the rest of the settlement – the majority of Somali refugees are found within one village in Nakivale’s Base Camp Zone. Somalis in this village largely reject agriculture as a culturally foreign concept. As a result, most Somali arrivals in Nakivale tend to quickly sell on or rent their allotted farm plots to other refugees and engage in small business.

It is important to note, however, that even within the ostensibly-homogenous Somali community, not all refugees pursue business over agriculture: the exception are ‘Bantu Somalis’, a distinct ethnic group descended from Central African Bantu migrants who migrated to Somalia several centuries ago, and who today primarily pursue agricultural livelihoods in Nakivale (Omata and Kaplan, 2013).

Both settlements demonstrated an active in-kind and cash economy based on internal trade between different refugee populations within the settlements, carried out via a network of trading centres and markets.

As noted above, the vast size of Nakivale settlement, coupled by diversity of residential refugee populations, separates its economy from Kyangwali in terms of scale and complexity. Each of the settlement’s three zones – Juru, Rubando and Base Camp – possesses markets and trading centres of their own. However, using the analogy of a city, it appears that Base Camp operates as the settlement’s ‘business district’. Base Camp contains the largest trading centre in Nakivale, Isangano market, a larger Rwandan trading centre known as ‘Kigali’, and a Congolese market known as ‘New Congo’. In each of these locations, and in several other trading centres throughout Juru and Rubando, refugees sell their own crops, shop goods and services to one another, as well as to the Ugandan nationals who live within the settlement or in the surroundings. Alongside fixed trading centres, a number of daily, weekly and monthly markets can be found in all three Zones, and along the outskirts of the settlement.

We also observed clear evidence of economic interdependence between refugees. In Nakivale, our initial assumption of Somali economic isolation was dispersed by a quick walk through the main Somali market street with rows of produce like tomatoes, cabbage, and beans on the table markets. We were informed that most of these crops were directly purchased from Congolese, Rwandan, Burundian and other refugee farmers inside the settlement. Focus group interviews with Congolese and Rwandan refugees reported that they purchase certain types of merchandises such as electronic items from Somali refugee traders living in the settlement.

3.3.6 ADMINISTRATION

The administration of Nakivale is managed at the top level by The Office of the Prime Minister (OPM) on-site settlement management team, led by the Ugandan Settlement Commander. Each zone is officially represented by selected members from the refugee population, who form the settlement's three Refugee Welfare Councils. Refugees in Nakivale are granted access to free land to build their shelter and are expected to use the rest for farming.

3.3.7 HEALTH

Common Diseases – In Nakivale, Malaria remains highly reported and this is partly attributed to communities not clearing bushy surroundings, plant crops so close to housing and not clearing mosquito breeding sites. The partnering NGOs are continuing with community awareness outreaches on malaria prevention and control measures besides general early health seeking behaviors (UNHCR, 2015).

HIV/AIDS: In a study by O’Laughlin et al. (2013) on HIV/AIDS intervention in Nakivale, it was observed that refugees prioritized daily survival needs such as obtaining food, maintaining shelter, cultivating land, and ensuring safety. Attending to these priorities meant other needs (including HIV/AIDS) had to be postponed or foregone. In this setting, there is a tension between meeting the needs of immediate survival and meeting needs perceived as less urgent, such as preserving health. For the refugees interviewed, testing tended to occur when the tension temporarily eased, allowing priorities to shift (O’Laughlin et al. 2013).

Health Centers: According to the UNHCR Nakivale Factsheet (2014), health services provided include Out-Patient Department services, community outreach activities such as immunization, sensitization and mobilization for antenatal care (ANC) and systems strengthening. There are 4 health centres in Nakivale (one grade III and three Grade II H/Cs). Main referral point is Mbarara RRH and Rwekubo H/C IV. MTI intervenes and also supports awareness messages on HIV/AIDS, other communicable diseases, health promotion campaigns, and capacity building of Community Health Workers. As a result there has been an improvement in ANC attendances, maternal child health and family planning response. All indicators in morbidity and mortality are also within standard. Most common diseases within the settlement are Malaria and Respiratory Tract Infections. The Global Acute Malnutrition (GAM) for Nakivale in 2013 was 2.9% (with critical being more than 15%) and Severe Acute Malnutrition rate was negligible (critical = 5%).

3.3.8 WATER, SANITATION AND HYGIENE

According to the UNHCR Nakivale Factsheet (2014), Refugees receive both underground water (through boreholes and shallow wells) and surface water pumped from Lake Nakivale and treated at one of 3 water plants in the settlement (Base camp, Misiera and Kabazaana). There are 50 hand pumps and 318 water taps in the settlement. Water trucking (in schools and health centres) is also used during the dry season and rain water harvesting during the wet season. The sanitation sector is involved in hygiene promotion in communities and institutions. Latrine coverage in 2013 was 87%.

However, field interviews indicate that latrine coverage in Nakivale and Oruchinga Settlements and host communities is still low at an average of 60%. The soil structure of Nakivale and Oruchinga does not support the traditional latrine structures. The refugees have resorted to building their latrine in anthills. These are a challenge to the elderly and disabled who can hardly access the latrines. In addition, most latrines constructed with the help of UNHCR/OPM have either caved-in or have their superstructures broken. The communities and the Settlement management think that Ecosan toilets are the best option for this soil type.



Figure 3: *One of the latrines with a damaged superstructure*



Figure 4: *A typical latrine built on an anthill*

3.3.9 COMMUNITY SERVICES

According to the UNHCR Nakivale Factsheet (2014), support includes distribution of non-food items, construction of shelters to persons with specific needs (PSNs) and psychosocial support to vulnerable refugees. Vulnerable groups supported by this sector include the elderly, people with disabilities, single parents, unaccompanied/separated children, as well as other men, elderly persons, women at risk, persons with medical conditions, children at risk and more generally women and children in the settlement. It is also involved in the capacity building of refugee leaders, and mobilizing of communities for community works such as building PSN houses, classrooms, water point maintenance and community roads. The sector is also responsible for mobilization for other sector activities including health and WASH and the community mobilization and sensitization for the celebration of international days such as International Women's Day, World Refugee Day and 16 days of activism.

3.3.10 LIVELIHOODS & ENVIRONMENT

According to the UNHCR Nakivale Factsheet (2014), the main activities include food crop production (including mushroom growing inside houses), crop post-harvest handling (mainly for maize), livestock husbandry, small businesses and vocational skills (tailoring, soap making, bakery and crafts/sandal making), making energy efficient stoves that use less firewood and making charcoal out of household waste. A total of 2,590 energy saving stoves have been constructed in the settlement through community participation. As part of promoting and supporting small holder associations, beneficiary households have also been organized into groups/associations. In order to promote conservation and stop deforestation tree-planting and energy saving technologies have been introduced.

3.4 ARUA

3.4.1 LOCATION OF CAMPS/SETTLEMENTS

The Rhino camp is in Arua hosting at least 23,000 refugees. The Rhino Camp is located in the Arua district, a district in the West Nile sub-region of northwestern Uganda, bordered by the DRC to the west and South Sudan on part of its northern border. Rhino Camp was the first refugee settlement in the West Nile Region, established in the early 1960s. This specific area was selected because of land availability, proximity of the area to refugees' countries of origins such as southern Sudan and the DRC, and ethnic similarity to host populations.

3.4.2 REFUGEE POPULATION

The Rhino Camp is home to several South Sudanese tribes, including the *Nuer*, *Dinka*, *Murle* and *Anuak*. The majority ethnic groups in South Sudan are the *Dinka* and *Nuer*, which make up 36.8% and 15.6% respectively of the total population, and these two ethnic groups are also the main groups present in Rhino Camp. However, during the migration and displacement, tribal loyalties are reported to become less and less important.

Refugees from South Sudan in Rhino Camp as of Dec 2015 are 18,117. The majority of South Sudanese refugees are women and children. Resulting from the displacement, significant numbers of families have been separated.

Male (48.4%)	Age	(51.6%) Female
9.2%	0 - 4	8.3%
15.4%	5 - 11	14.5%
12%	12 - 17	10.2%
11.4%	18 - 59	17.5%
0.3%	60 +	1.2%

3.4.3 WATER SOURCES

Uganda Red Cross Society (URCS) in partnership with International Federation of Red Cross (IFRC), German Red Cross, Belgium Red cross and Norwegian Red Cross have provided 4 WATSAN Kit 5 (Water Pumps) that help pump water from different rivers, purify it and transport it to different refugee camps with aid of trucks. These generator powered water pumps are of modern technology that can be used during disaster times and can be transferable in case of need to another area. URCS has 2 water

pumps in both Ayilo and Mungula camps which pump 80,000 and 60,000 litres of water respectively. At Rhino camp in Arua, water is pumped from river Enyau to supply up to 40,000 litres of water every day to the camp. 60,000 litres of water every day is supplied in Koboko camp which is majorly occupied by Congolese refugees.

How the generator powered water pump works: A pipe is inserted into a water source with a filter on, and then a generator powers the water to 2 segment tanks which are over 50- 100 metres away. The water is then tested and if it passes the test it is then pumped into the sand filter after that to a carbon filter where aluminum sulphate and chlorine are mixed. The water then goes to the storage bladder ready for consumption. A tap is placed near the storage bladder ready for consumption.

3.4.4 GENDER ISSUES

Based on field visits and the findings of the 2015 report by the Refugee Law Project, it is evident that there are more women, children and elderly in settlements as opposed to male youth and men. The ratio of women to men in settlements is typically 6:1 while the ratio of children to generally adults is 7:1. It is alleged that most men remained to take part in the ongoing conflict, while others were killed, wounded or separated from their families during flight and their whereabouts remains unknown.

Although women and children make up over 80% of the refugee population from South Sudan, they possess limited autonomy within the camps. The forms of Sexual and Gender Based Violence (SGBV) cases recorded by police and Refugee Welfare Committees include defilement, rape, early marriages, indecent assault, and domestic violence. Some cultural practices in South Sudan such as certain parts of the Dinka marriage tradition, in Uganda are considered rape. Furthermore, there are significant gender gaps in education and traditional practices. South Sudan's diverse socio-cultural groups are overall strongly influenced by patriarchal norms and values, which has been reported to contribute towards higher stress, anxiety and depression for girls and women. Almost half of South Sudanese girls ages 15-19 are married, with some married as young as 12 as there is currently no legislation in South Sudan that sets 18 as the minimum age of marriage (GCJFCS, 2014). Early marriages are frequent in the Rhino Camp, and often occur because youth engage in pre-marital sex that leads to pregnancy (PCAF, 2015). Age of consent in South Sudan is 16 years as opposed to 18 years in Uganda, such that marriages that are legal in South Sudan are categorized as 'early marriages' and therefore 'defilement' in Uganda (Refugee Law Project, 2015).

3.4.5 HEALTH SERVICES

Status of Arua Referral Hospital

It is the referral hospital for the districts of Adjumani, Arua, Koboko, Maracha, Moyo, Nebbi, Yumbe, and Zombo. The hospital also receives referrals from neighboring parts of South Sudan and the Democratic Republic of the Congo. The major challenge is inadequate funding for priority programs of the hospital. The National Budget Framework Paper indicates that the hospital has a planned output for the year 2015/2016 of 18,000 Admissions, 2,600 Major Surgeries, 4,800 deliveries, 85% Bed Occupancy rate, 4 days Average length of stay, 55,000 general outpatient attendances, 140,000 specialised outpatient attendance, medicines and supplies worth UGX 1.1 billion to be procured, 100,000 laboratory tests done, 9,000 imagings done and 80 postmortems done, hospital management and preventive services.

Health Centers: There are a number of Health Centers offering integrated healthcare for refugees and nationals in Arua District. However, the District has only one functioning ambulance. Refugees settled in Rhino camps and Imvempi settlement areas can access Osea PHC II, Odubu PHC II, Siripi PHC III, Olujobo PHC III, Envipi PHC II, and Yenga PHC III which are the government run PHCs in this catchment area. Some of them are still partly supported by UNHCR.

3.4.6 EDUCATION

Refugee education has been integrated and delivered through the local government structures, and administered through the DEO's office in Arua, Adjumani and Kiryandongo refugee settlements. In Adjumani settlement, there are 15 primary schools within the refugee hosting sites, and 4 secondary schools all these schools were visited during the assessment as well as 1 ECD center. These facilities are spread out across the 6 sub-counties. In Rhino and Imvepi camps in Arua, the team visited a total of 19 primary school, one secondary school and ECDs centre, it is however important to note that at the moment there is no refugee at Imvepi. In Kiryandongo the team visited 5 primary schools and 2 ECD centers as well as two secondary schools one private the other community owned.

In terms of conditions, many school structures are dilapidated, inadequate and need significant renovation including; classrooms, latrines and teacher accommodation. Existing structures, latrines in particular, do not fully accommodate teachers and children with special needs. With the current influx of refugee children, more classrooms and latrines need to be built, expansion of the education infrastructure will include renovation works and in some areas establishment of new learning sites. Moreover, existing schools lack child friendly spaces and ECDs. In locations with existing ECDs, they are mainly community owned, insufficiently resourced and operates at ad hoc basis due to resource constraints. Additionally, limited water sources within school premises including inadequate water harvesting and lack of hand washing facilities will hinder refugee children's access to education. Within the settlements there is uneven distribution of secondary schools. High dropout rate, especially among girls remained urgent concern and was mainly caused by poverty, early marriage, teenage pregnancy, child labor, long distance to school and lack of parental support for education as they prioritize household needs over education due to generalized poverty.

Inadequate number of teachers is a critical gap in all locations. Associated with this is an acute need for female teachers with most school only having one. In lower primary for example in Arua, the average teacher-pupil ratio is 1:100 this seemed to be the case across most of the schools visited. Lack of sufficiently trained teachers in special needs education was noted in all four locations. Inadequate supply of scholastic materials especially textbooks for core subject and desks as well as lack of learning materials for children with special needs are the common challenges. Lastly, lack of school feeding also hinders children's consistent school attendance. As some of the schools have no previous experience hosting refugees, there are concerns that teachers may lack knowledge and skills in handling refugee children's specific needs associated with their experiences.

3.4.7 VULNERABILITY ISSUES

A team of researchers from Refugee Law Project (RLP) visited Arua, Adjumani and Kiryandongo districts to assess the trend of influx and the emerging issues relating to South Sudanese refugees and asylum seekers (Refugee Law Project, 2015). Findings indicate that refugees have a number of issues:

- Memories of violence, loss of loved ones and property, poor nutrition, inadequacy of basic needs, harassment, abuse and bullying are affecting the mental health and psychosocial wellbeing of

refugees and asylum seekers. Refugees and asylum seekers present similar mental health and psychosocial problems. Concerning mental health, four common conditions emerged: (1) Depression (2) Post-Traumatic Stress Disorder (PTSD) (3) Anxiety, and (4) Alcohol abuse.

- Language barriers, cultural and ethnic differences, self-relocations and insufficient funding remain a huge challenge particularly to service providers.
- Land conflicts involving refugees and host communities are emerging.

3.4.8 GRIEVANCE MANAGEMENT

Refugee Welfare Committees (RWCs) established by OPM together with clan heads (all male) play a big role in dispute resolution within the settlement. This has seen a reduction in ethnic tension among refugees in the settlements (Refugee Law Project, 2015). Access to justice is ensured in the Refugee Hosting Areas (RHAs) through two mechanisms depending on the severity of the incident being addressed. The refugees themselves address less severe conflicts (e.g. quarrels at water points, minor land disputes) within the settlements through traditional justice mechanisms, known as Refugee Dispute Resolution Systems (DRS). More significant conflicts of a criminal nature must be reported to OPM and the police, and they are then addressed through official legal proceedings in the Ugandan formal justice system (Pommier, 2014). However, the lack of active involvement by non-refugee officials in DRS creation and management raises significant concerns regarding fair representativeness (for women and minorities), democratic mandates, and training to address the specific needs of a traumatized population (Pommier, 2014).

3.5 ADJUMANI

3.5.1 LOCATION

Adjumani district hosts up to 67,000 refugees in 8 different camps as Nyumanzi, Mireyi, Alero 1 & 2, Ayilo and Mungula among others. All the refugees in Adjumani are South Sudanese who escaped fighting in their volatile country. Adjumani refugee settlement in West Nile region of Uganda offers protection and mixed solutions to refugees from South Sudan.

3.5.2 REFUGEE POPULATION

The number of refugees from South Sudan in Adjumani as of 1st December 2015 was 104,857. The population is mainly composed of children and women and very few men. The District Authorities believe that men could have stayed to fight on or risked to look after cattle which are the main source of livelihood.

Male (46.2%)	Age	(53.8%) Female
9.4%	0 - 4	8.9%
14.6%	5 - 11	14%
9.3%	12 - 17	8.4%
12.1%	18 - 59	20.2%
0.9%	60 +	2.2%

3.5.3 ENVIRONMENTAL DEGRADATION

According to the Adjumani District Forestry Officer, an estimated 15million trees have been cut by both nationals and the refugees but only around 1 million have been planted to replace them which is a big

imbalance. No gazetted forest degradation can be associated to refugees or host communities for now if the rate at which non gazetted vegetation is being cleared is not checked, then after these are depleted those that are gazetted will follow suit. About 85 hectares of tress have been established but their management may not be sustainable because these are in small scattered portions managed by individuals.

3.5.4 HEALTH

The baseline information is based on field studies as well as the South Sudanese Refugee Inter Agency Emergency Assessment Report for West Nile Region and Acholi Sub Region conducted in January 2014 led by the Office of the Prime Minister.

Adjumani District Hospital: This is the main referral point for the district and some areas of neighbouring districts like Moyo (Obongi) and Amuru (Pabbo). There are inadequate supplies and equipment, including key diagnostic equipment and supplies. The theatre lacks adequate CS sets and other reproductive health supplies. The delivery ward lacks delivery equipment and protective gear. Key essential drugs such as misoprostol and magnesium sulphate were lacking. Staffing levels were low, with only two medical doctors. There is only one ambulance.

Nyumanzi: Nyumanzi HC II is a government run HC II run by two technical health workers and conducts and OPD, and emergency deliveries, and EPI. Currently the health centre serves a population of 25,000 refugees and 5,000 Ugandan nationals who still access services there. There is need to increase the capacity and scope of services of this health centre..

Ayilo Settlement: Located 5km from Lewa Health Centre II serves Olua refugee settlement. This health centre has a fully equipped maternity, OPD, EPI, and staff houses. There is 9 staff, but only 3 technical staff: one enrolled comprehensive nurse and two nursing assistants. The settlement is reached through an inaccessible road with a seasonal stream that requires an improved road infrastructure development. As soon as the transit centre is established, there is need for a health outpost, with a plan to have an additional HC II.

3.5.5 EDUCATION

In Adjumani district, teachers required additional skills to address issues related to HIV/AIDS, trauma, violence, guidance and counseling. While this was not widely mentioned in the other sites, it is an area that will require close attention to ensure delivery of a conflict sensitive curriculum. Nyumanzi Primary school receives children of refugee settled in Nyumanzi and requires infrastructural improvements to meet the increased numbers and the needs. The situation as follows:

- Water situation: the nearest borehole is 1.5km away,
- The existing storage tanks are three and all of them are not functional
- Latrines sub-structures are existing but super-structures are damaged

3.5.6 VULNERABILITY

Women remain economically marginalized: among Ugandans, 90% of all rural women work in agriculture, as opposed to 53% of rural men. As a result, women in refugee and host communities are disproportionately affected by changing livelihood patterns, conflict, natural disasters and climate change. It is known that low education levels among girls are a factor contributing to early marriage, with ensuing complications for maternal health. In Adjumani, Boys are preferred over girls even in the host community so much emphasis is put on the boy as compared to the girl child. Early marriages are also common

among the Dinkas; they sometimes give away girls as young as 10 in exchange for cows. There are cases when men who had earlier paid bride price for the girls while in Sudan follow them but a few have been arrested to serve as an example to the rest.

Women and children, comprising over 85% of the refugees, are the most affected categories in the refugee population. There are EVIs (Extremely Vulnerable Persons), including un-accompanied minors and persons living with HIV/AIDS (GWEGD, 2015). Limited specific attentions are accorded to these categories under current emergency situation as the refugees are being settled down in the various camps. In particular, there is a limited response to reproductive health, and maternal and child health at the available health facilities, issues of women’s rights and high potential for Sexual and Gender Based Violence (SGBV) in the camp setting, which is compounded by the inadequate presence of law enforcement organs. Ninety percent of arrests carried out by the police at both reception centres and camps so far stemmed from SGBV related incidences, an indication that women’s human rights are under violation (GWEDG, 2015).

3.5.7 GENDER ISSUES

Up to 85% of the refugee population comprised of women and children, while 30% is men. In this situation, it is already observed that women are exposed to many unique difficulties, making them particularly vulnerable to suffering and personal violence. A rapid assessment conducted indicates that facilities put in place to support the crisis are insufficient to support the specific needs of women and girls, particularly on reproductive health, sanitary facilities, and logistics amongst others. It is further estimated that 15% of women are widows whose spouses potentially perished in the battle back home in Sudan, while considerable number of young girls are heads of households in the category of un-accompanied minors. It is observed that women are already carrying bigger portion of responsibility of taking care of their families: searching for water, firewood, handling all household chores, and supporting men to set up temporary structures on the plots of land allocated to each household. Women human rights violation in many forms including Sexual gender based violence have been reported in the inter-agency meetings. It is also noted that gender and rights of women are strongly influenced by the culture and tradition of the refugees themselves (GWEGD, 2015).

3.6 KIRYANDONGO

3.6.1 LOCATION

Kiryandongo refugee settlement is located near the town of Bweyale in Kiryandongo District, South western region of Hoima District Uganda and hosts refugees from Rwanda, Burundi, Congo but the predominantly refugees are from South Sudan and Kenya.

3.6.2 REFUGEE POPULATION

Population of the settlement as of 4th January 2016 is 46,256 refugees. Average number of refugees per household is about 7 people.

Male (50.9%)	Age	(49.1%) Female
8%	0 - 4	7.7%
13.5%	5 - 11	12.8%
10.4%	12 - 17	9%

18.4%

18 - 59

18.4%

0.5%

60 +

1.3%

3.6.3 ADMINISTRATION AND IMPLEMENTING PARTNERS

The Commandant is the head of the Refugee Settlement assisted by the Deputy Commandant and the Assistant Commandant. Then the next in the administrative hierarchy are the Heads of Sectors for 1) Protection, 2) Community service and 3) Registration. Land and environmental issues are handled by the commandant with support from the district technical staff. Gender based violence and child protection is handled by the head of community service in collaboration with the district and the implementing partners in the camp. The settlement does not have a specific annual budget but prepares an indicative budget although annual expenditure depends on the needs in the settlement and the donors' response. Sources of funding are UNHCR, government of Uganda and other NGOs.

Land conflicts exist within the settlement (among refugees) especially those regarding boundaries. Land conflicts are mainly solved by Refugee Welfare Councils and settlement commandant. To reduce on the congestion in Commandant's office, ADR (Alternative Dispute Resolution) is used. This method encourages refugees to solve those small disputes within their communities other than reporting to the police or Commandant's office. The UN agencies working at the settlement include: UNHCR, UNICEF, FAO, WFP and UNFPA. The UN agencies do not directly implement projects within the settlement but partner with other NGOs that carry out the implementation.

3.6.4 EDUCATION

The schools in settlement were first constructed for refugees only but after the first group of refugees went back in 90s, these schools were transferred to government and they are now government aided schools. There are 4 government aided primary schools, 1 private primary school, 1 community secondary school within the settlement. Most refugees children are studying in government aided schools together with the nationals. Lower classes have qualified teachers and teaching assistants for translation purposes. Early Childhood Development (ECD) is implemented by Development partners such as Save the Children, Africa Development Corps and Transcultural Psychosocial Organization (TPO). There are 12 ECD centers 8 of which are within the primary schools and 4 are in isolation. Window Trust is also supporting about 300 refugee students to study vocational skills in Kiryandongo Technical Institute. Most schools within and outside the settlement have enough classrooms to cater for both the host community and refugees. NGOs such as Inter-Aid and Window Trust have constructed classroom blocks and latrines within the schools.

Primary Education: There are very few primary schools accessible by refugees. One of the four primary schools at Kiryandongo camp is Candrom with indicators and statistics below:

- Inclusive school with both refugee pupils and nationals
- Has a section of ECD with a total of 400 children
- Total number of pupils in school – 3,664
- Total number of teachers in the school – 48
- Ratio of boys to girls – 40%:60%
- Lower classes like P.1, P.2 have more girls than boys
- Teacher to pupil ratio- 1:80
- Classroom to pupil – 1:80
- Dropout rate is low but girls tend to drop out more often than boys

Secondary Education: Kiryandongo Refugee Settlement is hosting over 12,000 youth who are of school age and practically there is only one secondary school with targeted numbers of enrollment leaving out the majority. In addition there is ongoing scholarship program being provided by partners implementing education however the scholarship program targets very few numbers of youths, thus leaving the majority without such opportunities.

Vocational – In April 2011, Real Medicine Foundation (RMF) initiated a Vocational Training Program at the Kiryandongo Refugee Settlement after being presented by the refugee community with issues surrounding the lack of skills and vocational training for students graduating from the settlement high school. The program is targeting refugees with any nationalities living in Kiryandongo refugee settlement as well as people of host community. The program accommodates both male and females, but of age between 15 to 40 years old. To meet with the growing demand for vocational training in the settlement, RMF expressed interest to expand the number of courses offered based on the refugees’ request. And this year 2015 new courses are; Bricklaying, Carpentry, and Joinery were initiated at the institute. The duration of each course is three months. The first three months of skills training ended in March with 98 students attaining certificates in the four offered skills training courses. The 268 students who have attained these skills are few compared to the over 15,000 young people in the camp.

Challenges – Some refugee community especially Sudanese do not value education. Absenteeism is very common in schools because most household are female headed and women tend not to be very authoritative. Absenteeism occurs on days when refugees are to get food rations or nonfood items. Children learn on empty stomach especially in schools outside the camp. Capacity building for school management committees and sensitization about the need for education to the refugees is required. Language barrier makes communication between teachers and pupils hard as many children from S. Sudan speak Arabic or their local dialects.

3.6.5 HOUSING

Most houses are temporary.



Figure 5: A Homestead within Kiryandongo settlement

3.6.6 LAND OWNERSHIP

The land is owned by government of Uganda and refugees are given the right to use the land but not to own it. Each refugee household or family is allocated a piece of land measuring 50x100metres to construct a house and use the rest for other livelihood purposes. No nationals own land within the refugee camp although they are allowed to access resources and services such as water points, schools and health centers.

3.6.7 HEALTH

Statistics Summary

- Distance to the nearest Referral Hospital (Kiryandongo Hospital) is 20Km
- The settlement has two well-equipped health centres, Panyandoli Health Centre III with a doctor available 24hrs and Panyandoli Hill H/C II
- 2 ambulances are available for referral cases
- Common diseases
- Malaria
- Diarrhea
- Respiratory tract infections (RTIs)
- HIV/AIDS prevalence rate is 5 – 6% in Bweyale Town Council which prevalence is taken to be similar to that of the camp.
- Interventions for HIV/AIDS
- ART clinic is available at all health centres within settlement

Kiryandongo Referral Hospital – The District has one referral hospital. Kiryandongo Hospital is a government owned hospital with a status of a district hospital. It has a projected population of 400,000 with a service area covering the areas of Kiryandongo, Masindi, Nakasongola, Oyam, Apac, Amuru, and Nwoya District. It has a bed capacity of about 109 beds. Challenges faced the hospital include: under staffing; under funding; Infrastructure is not enough and dilapidated; equipment not enough; wage bill does not allow for more training; unstable supply of electricity and electricity; Motivation not adequate; inadequate supply of drugs and other supplies and lack of transport.

In order to provide the required health services, there is need for vehicles and motorcycles for staff, games and space for adolescent reproductive services, total rehabilitation including the staff quarters, more staffing, more equipment (dental, theatre, laboratory), fridges for EPI and Laboratory running water, availability of drugs and other supply and space for posttest.

Kiryandongo Refugee Settlement has a total of three health centers which includes; Panyadoli Health Center III, Panyadoli Hills Health Center II and Reception Center (Health Center II). The Panyadoli Health Center, located at the Kiryandongo Refugee Settlement in Bweyale, Uganda, provides **healthcare services to over 60,000 in the region** including 41,000 Ugandan IDPs, Bududa survivors, and Refugees from Kenya, Sudan, Congo, Burundi and Rwanda which are the main target population. Patients continue to come from many different parts of Kiryandongo with some patients even leaving Kiryandongo Main Hospital to come to the Panyadoli Health Centre because of better availability of medications and supplies. Also, many patients cannot afford to be treated at local private clinics in Bweyale.



Figure 6: Ambulance at Panyadoli Health Center IV

HIV/AIDS Voluntary Counseling and Testing (VCT) services are provided in the Panyadoli Health Center III by RMF staff. ART clinics are conducted every Wednesday; condoms have been distributed and opportunistic infections properly managed with patients having been assisted and supported. Communities are sensitized on prevention, care and guarding against discrimination and the risk of engaging in risky lifestyles that lead to the spread of HIV/AIDS.



Figure 7: IEC materials at one of the schools

The Refugee Settlement also receives services from other partners that bridge the gaps in health service delivery. For instance community services, environment and livelihood programmes are implemented by InterAid-Uganda; Danish Refugee Council (DRC) for WASH and livelihood; International Rescue Committee (IRC) providing reproductive health services; TPO for mental health; Samaritan Purse-food distribution in collaboration with WFP; ACF and Concern Worldwide for nutrition; Windle Trust for education; AIRD for logistics. UNHCR and OPM conduct oversight function including ensuring that activities are planned, coordinated, and reviewed on a weekly, monthly and quarterly basis through coordination meetings chaired by OPM at settlement level. There is need to upgrade and maintain the Panyadoli Health Care Center III at a high level of hygienic and operating standards.

3.6.8 WATER, SANITATION AND HEALTH

Most common sources of water are boreholes and shallow wells; piped water is also available in urban centres like Bweyale, Kigumba and Kiryandongo. Water per household is 17litres per day. Common sources of water are: Borehole (41 in total all functioning), Piped water pumped from underground covering a radius of 7km within the settlement. 30% of the settlement population access water within a radius of 300m. 60% have water within a radius of 900m and 10% of the settlement dwellers have water within a radius of 1km. Latrine coverage is now high at 61% up from 26% in 2014. Household waste is managed by use of rubbish pits but mostly through open dumping. The settlement does not have any central waste collection point. Medical waste is burnt in Incinerators at respective Health Centres within the settlement.



Figure 8: Water pump in Kiryandongo Refugee Settlement powered by Solar Energy



Figure 9: Sanitation and hygiene messages at one of the schools in the Settlement

3.6.9 ENERGY

Electricity is available in Bweyale Town, the health center and at the base camp in the settlement but other parts of the settlement and surrounding sub-counties like Mutunda s/c do not have electricity. Fuelwood and charcoal are sourced from within the camp and in communities around. Refugees and host communities engage in charcoal burning which has led to massive cutting down of trees. According to the Kiryandongo District Environment Officer, the nearby Nyamakedi forest reserve has been completely destroyed by nationals and some refugees involved in charcoal burning. Within the settlement cutting down of trees has been reduced due to interventions by UNHCR such as marking each tree within the

settlement. Also NGOs such as Inter-Aid have established woodlots within the settlements. The Environmental protection Interventions by UNHCR/Refugee Settlement Management are summarized below:

- No refugee is allowed to cut a tree within the settlement, permission is only granted by the settlement commandant
- Planting 10 trees to replace one cut tree.
- The settlement has two tree nurseries where seedlings are provided for free to the settlement dwellers for planting in their gardens.
- There is also a project of Environmental protection and Restoration being implemented within the settlement where woodlots are being established at various locations.
- These woodlots are still intact until future demand but care takers are allowed to harvest branches and use them for fuel wood.



Figure 10: Wood saving stoves being used by some homesteads, Kiryandongo Refugee Settlement



Figure 11: Homestead with a solar panel

3.6.10 LIVELIHOOD

Most of the communities surrounding the refugee settlement are small scale farmers while others especially in Bweyale town engage in different business ventures such as: wholesale and retail shops, hair salons, grain milling, Metal fabrication, public transport, tailoring, restaurants and bars. 90% of the refugees are small scale farmers, others engage in small scale businesses within and outside the settlement in peri-urban centres such as Bweyale, Kiryandongo, Kigumba, Karuma. The limitations to livelihoods cited through consultations include:

- Limited opportunities for refugees
- Language barrier especially in businesses

- The productivity is quite low since 80% of the refugees are women and children
- Infrastructure
- Community access roads in the settlement are available but to the required standards.
- Most of these roads are maintained through community based labour support but the challenge is that refugees are not willing to work so those willing do it at a fee



Figure 12: Women vending charcoal, Kiryandongo refugee Settlement

4.1 THE LEGAL FRAMEWORK

This RPF will apply the laws, legislation, regulations, and local rules governing the use of land and other assets in Uganda. This legal and institutional framework is presented in five sections: (i) Political economy and governance in Uganda; (ii) Property and land rights, as defined by Ugandan law and customary practice; (iii) Acquisition of land and other assets, including regulations over the buying and selling of these assets; (iv) Human rights and compensation, in particular, the accepted norms influencing peoples' basic rights to livelihood and social services; (v) Dispute resolution and grievance mechanisms, specifically the legal and institutional arrangements for filing grievances or complaints and how those grievances are addressed through formal and informal systems of dispute resolution; and (vi) Comparison with World Bank OP4.12, using equivalence and acceptability standards.

4.1.1 OVERVIEW

The political and legal context for the application of Resettlement Policy Frameworks (RPFs) is mainly governed by *The Constitution of Uganda 1995* and *The Land Act of 1998 (as amended in 2004)* and to some extent *The Land Acquisition Act 1965*, *the Roads Act, Cap 358*, *the Electricity Act, Cap 145*, *the Water Act* and *the Uganda Communications Act Cap 106*. *The Water Act covers the water sector; the Electricity Act covers the electricity sector, while the Communications Act covers the telecommunications sector.*

4.1.2 PROPERTY AND LAND RIGHTS IN UGANDA

The Constitution of Uganda, 1995 vests all land directly in the Citizens of Uganda, and states that every person in Uganda has the right to own property. The Constitution also sets the standard for any form of compensation in Uganda and provides for prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the land/property. Ugandan law recognizes four distinct land tenure systems, Customary tenure, Freehold tenure, Leasehold tenure, and Mailo tenure.

- Customary land is owned in perpetuity and is governed by the customary laws by the peoples who have customary tenure. It is governed by rules generally acceptable as binding and authoritative by the class of people to which it applies. These people have proprietary interest in the land and can acquire a certificate of customary ownership or a freehold certificate of title by requesting one through the Parish Land Committee (which will then be granted by the District Land Board). Land is owned in perpetuity under customary tenure.
- Freehold tenure involves the holding of land in perpetuity or of a period less than perpetuity fixed by a condition. It enables the holder to exercise full power of ownership. A freehold title can be subjected to conditions, restrictions or limitations which may be positive or negative in their application.
- Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant. Additionally, it enables the holder to exercise full power of ownership, subject to the customary and statutory rights of those persons lawful or bonafide in occupation of the land at the time that tenure was created and their successors in title.
- Leasehold tenure is created either by contract or by operation of the law. The landlord or lessor grants the tenants or lessee exclusive possession of the land, usually for a period defined and in

return for a rent. The tenant or lessee has security of tenure and a proprietary interest in the land.

Additionally, under common law the statute of a “licensee” or “sharecropper” is also recognized. 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.

4.1.3 ACQUISITION AND VALUATION OF LAND AND OTHER ASSETS

Land Acquisition

Both *The Constitution, 1995* and *The Land Act, Cap 227* gives the government and local governments the 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.”

The Land Acquisition Act, 1965 makes provision for the procedures and method of compulsory acquisition of land for public purposes. The *Land Acquisition Act, 1965* states that the minister responsible for land may authorize any person to enter said land to survey the land, bore the subsoil, or any other examination necessary for determining whether the land is suitable for a public purpose. Additionally, once the assessment officer takes possession, the land immediately becomes vested in the land commission. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision.

Right of Way/Road Reserve

The 1965 *Roads Act* defines the road reserve/”right of way” for a road as the area bounded by imaginary lines and of no more than 50 feet from the center line of the road. This area is declared by statutory instrument as the road reserve. The act also states that no person may build any structure, or plant any tree, plant or crop in the road reserve. The road authorities are allowed to take materials and/or dig within the road reserve for the construction and maintenance of the road.

Wayleaves

Section 67 of the Electricity Act, Cap 145 regulates the creation of what is generally referred to as a ‘wayleave’. Under this section, electricity operator/licencee can only acquire a right of use of the land, with the consent of the land owners.

Valuation

Section 77 of the Land Act gives valuation principles for compensation; i.e. crops are compensated at rates set by the District Land Boards; the basis of compensation for land is open market value. The value of buildings is to be taken at open market value for urban areas and depreciated replacement cost in the rural areas. In addition, a 15% or 30% disturbance allowance must be paid if six months or less notice is given to the owner. The Land Act gives powers to District Land Tribunals to determine any dispute relating to the amount of compensation to be paid for land acquired compulsorily.

4.1.4 COMPENSATION

The *Constitution of Uganda* requires that if a person’s property is compulsorily acquired, that person must receive prompt payment “of fair and adequate compensation prior to taking possession” of the property.

In projects dealing with electricity, the *Electricity Act, Cap 145*, section 71 provides that if a licensee considers that he or she requires the acquisition of land or an interest in land greater than the right of use for the purpose of providing or maintaining electricity supply lines the licensee may, with the approval of

the Electricity Regulatory Authority (ERA) request action by the Minister responsible for lands. Thereafter the procedures for compulsory acquisition have to be followed.

4.1.5 DISPUTE RESOLUTION AND GRIEVANCE MECHANISMS

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

4.2 POLICIES AND GUIDELINES

4.2.1 SETTLEMENT TRANSFORMATION AGENDA

The Government of Uganda has several policies to promote standards of living and livelihood security of refugees. The refugee response is led by the Office of the Prime Minister (OPM) Department of Refugees. The Office of the Prime Minister's Strategy, "Settlement Transformation Agenda", which is framed within the Government's second National Development Plan 2016-2020 (NDP2) aims to achieve self-reliance for refugees and to promote social development in refugee-hosting areas through supporting land management, sustainable livelihoods, governance and rule of law, environmental protection and community infrastructure. Moreover, the Ugandan Government in partnership with the United Nations High Commissioner for Refugees (UNHCR) is in the process of developing a self-reliance strategy "Refugee and Host Population Empowerment" (ReHOPE) programme, which endeavours to enhance the socio-economic integration of refugees in their districts as part of a sustainable solution. Uganda Government practice of allocating land to refugees with the aim of integrating them into local communities and service provision provided by the district government has significant resource implications compared to a policy based on encampment (UNICEF, 2015).

4.2.2 THE SOCIAL DEVELOPMENT SECTOR STRATEGIC INVESTMENT PLAN (SDIP 2) 2011/12 – 2015/16

The Social Development Sector fosters the rights of the vulnerable population, addresses gender inequalities, labour and employment as well as community mobilization and empowerment. The plan recognizes that addressing the rights and needs of the vulnerable and disadvantaged populations such as People with Disabilities (PWDs), older persons, youth, orphans and other vulnerable children and the chronically poor underpins the core concerns of national development. The mission of the SDS is promotion of gender equality, social protection and transformation of communities, while the vision is a better standard of living, equity and social cohesion. The Sector Strategic Objectives include to improve the well-being of vulnerable, marginalized and excluded groups and to address gender inequality in the development process. Expected Outcomes of the plan include gender equality enhanced and vulnerable persons protected from deprivation and livelihood risks among others.

4.2.3 UNHCR POLICY ON ALTERNATIVES TO CAMPS

UNHCR's policy is to pursue alternatives to camps, whenever possible, while ensuring that refugees are protected and assisted effectively and are able to achieve solutions. The Policy on Alternatives to Camps applies in all UNHCR operations for refugees and in all phases of displacement from contingency planning and preparedness to emergency response to stable and protracted refugee situations and the pursuit of durable solutions. Refugees have a distinct legal status and rights under international law which guide UNHCR's response under this policy. UNHCR's policy is to avoid the establishment of refugee camps, wherever possible, while pursuing alternatives to camps that ensure refugees are protected and assisted effectively and enabled to achieve solutions. Although many governments require that refugees reside in camps and, at the onset of an emergency, UNHCR may also find it necessary to set up camps to ensure protection and save lives, camps should be the exception and, to the extent possible, a temporary measure.

4.2.4 THE UGANDA NATIONAL LAND POLICY 2013

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

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

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

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

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

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

- (i) establish regulations by Statutory Instrument to:
 - recognize land tenure rights of minorities in ancestral lands;
 - document and protect such de facto occupation rights against illegal evictions or displacements;
 - consider land swapping or compensation or resettlement in the event of expropriation of ancestral land of minorities for preservation or conservation purposes;
 - detail terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources extraction;
- (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;
- (iii) recognize the vital role of natural resources and habitats in the livelihood of minority groups in the gazettement or degazettement of conservation and protected areas

4.3 THE WORLD BANK POLICIES

The World Bank's safeguard policy on involuntary resettlement, OP 4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. It includes requirements that:

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

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

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

4.4 PROCEDURES FOR RESETTLEMENT ACCORDING TO THE WORLD BANK OP 4.12

The World Bank OP 4.12 applies to all components of the DRDIP and to all economically and or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. OP 4.12 further requires particular attention to be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons. The Policy requires that a RAP shall be prepared and cleared by the World Bank prior to implementing resettlement activities. The World Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

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

Although the Ugandan Constitution requires that prompt, fair and adequate compensation be paid prior to displacement, this is not on par with OP 4.12, as there is no requirement that states that the government should provide alternative land or assist with resettlement. Additionally it is unclear how to interpret "prompt, fair and adequate" compensation. OP 4.12 states that displaced persons should be compensated at full replacement cost. Ugandan law does not make any specific accommodation for squatters or illegal settlers, and reimbursement is based on legal occupancy. There is also no provision in the law that the state should attempt to minimize involuntary resettlement.

Furthermore, the GOU has recently prepared the final National Land Policy (2013) aimed at consolidating a number of scattered policies, which exist on various aspects of the land question, but are diverse,

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

Table 1: Outlines the gaps between Uganda law and World Bank requirements for resettlement and compensation. It is clear in the comparison that the OP 4.12 offers more reasonable and/or fair benefits and recognition to PAPs than Ugandan law; therefore OP 4.12 will apply and in all cases, “the higher of the two standards will be followed in the implementation of RPF; therefore, the World Bank OP4.12 will be followed since it is higher on application of these policies.”

Table 1: Comparisons of Ugandan Laws and the World Bank Policies on Resettlement and Compensation.

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
Land Owners	<p>The Constitution of Uganda, 1995 vests all land directly in the Citizens of Uganda, and states that every person in Uganda has the right to own property. Ugandan law recognizes four distinct land tenure systems, customary tenure, freehold tenure, leasehold tenure, and mailo tenure.</p> <p>Customary land owners are entitled to compensation based on the open market value of the unimproved land</p>	<p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>	<p>The legal right to resettlement is applicable only to those with proprietary interest in the affected land.</p> <p>Customary land holds property and ownership.</p> <p>Entitlement for payment of compensation is essentially based on the right of ownership or legal user/occupancy rights.</p>	<p>Land-for-land. If this is not possible, market value is based on recent transactions and thus if alternative property is purchased within a reasonable period of the payment of compensation, it is likely that market value will reflect replacement value. However, local inflation in price land or construction materials can affect what is determined as replacement cost. If this is not reflected in recent transactions, market value may not reflect replacement value.</p>
Land Tenants/Squatters	<p>Ugandan law does not make any specific accommodation for squatters or illegal settlers, and compensation is based on legal occupancy</p> <p>The Land Act treats lawful occupants and bonafide occupants as statutory tenants of the registered owner. Under Section 29 of the Land Act, “lawful occupant” means a person who entered the land with the consent of the registered 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</p>	<p>The OP 4.12 explicitly states that the affected persons cannot be denied compensation /resettlement assistance based on the lack of legal title. Bank projects, therefore, need to make provisions for helping squatters/ encroachers achieve the objectives of the Bank's resettlement policy.</p> <p>For those without formal legal rights to lands or claims to such land that could be recognized under the laws 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’</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</p>	<ul style="list-style-type: none"> • Design DRDIP to avoid resettlement or minimize displacement of people • Where necessary, dialogue with policy makers will be initiated to provide assistance to illegal tenants to move to a place where they can reside and/or work legally

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	<p>registered owner at the time of acquiring the leasehold certificate of title. "Bona fide occupant" means a person who before the coming into force of the Constitution had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or had been settled on land by the Government or an agent of the Government, which may include a local authority.</p> <p>For the avoidance of doubt, a person on land on the basis of a licence from the registered owner shall not be taken to be a lawful or bona fide occupant under this section. Any person who has purchased or otherwise acquired the interest of the person qualified to be a bona fide occupant under this section shall be taken to be a bona fide occupant for the purposes of this Act.</p>	livelihoods.	or compensated.	
Land Users/Licensees	Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any proprietary right in the land.	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	No equivalence between Bank and Ugandan systems for identifying and addressing impacts resulting from project related activities.	<ul style="list-style-type: none"> • Design of DRDIP to avoid resettlement or minimize displacement of people • The program will have a strategy for enabling the PAPs restore their incomes to at least pre- DRDIP levels

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	The Land Act, section 29(5) clearly states that for the avoidance of doubt, a licensee shall not taken to be a lawful or bonafide occupant	the project.		<ul style="list-style-type: none"> Relocation assistance should be provided.
Owners of non-permanent buildings	Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant. Owners of non-permanent buildings are entitled to compensation based on rates set by District Land Boards.	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.	There appears to be a significant difference between Ugandan laws and Bank policy. Those without formal legal rights or claims to such lands and/or semi-permanent structures are not entitled to resettlement assistance or compensation.	<ul style="list-style-type: none"> Project will provide compensation based on replacement value. This will include the payment of government valuation rates, taking into account market rates for structures and materials, and payment of a disturbance allowance Dialogue with policy makers will be initiated to explore the possibility of including labor and relocation expenses prior to displacement
Owners of permanent buildings	Valuation of buildings is based on open market value for urban areas and depreciated replacement cost in the rural areas.	Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement	Values based on depreciated replacement cost do not reflect full replacement cost/value	Project will provide compensation based on replacement value. This will include the payment of government valuation rates, market rates for structures and materials, and the payment of a disturbance allowance.
Timing of compensation payments	Once the assessment office takes possession, the land immediately becomes vested in the Land Commission, according to the	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of	There is no equivalence on implementing all relevant resettlement plans before project completion or on	Project to pay prompt, adequate and fair as per Ugandan law. Compensation and resettlement, where applicable, must take

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	Land Acquisition Act. However the Land Act Cap 227 (section 42) provides compulsory acquisition must comply with the provisions of the Constitution(article 26)	access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	providing resettlement entitlements before displacement or restriction of access.	place before civil works commence.
Calculation of compensation and valuation	According to the Land Act, Cap 227 (section 77), the value of customary land shall be the open market value of the unimproved land. Value of the buildings shall be at open market value for urban areas and depreciated replacement cost for rural areas. The crops and buildings of a non-permanent nature are compensated at rates set by District Land Boards.	Bank policy requires: (a) prompt compensation at full replacement cost for loss of assets attributable to the project; (b) if there is relocation, assistance during relocation, and residential housing, or housing sites, or agricultural sites of equivalent productive potential, as required; (c) transitional support and development assistance, such as land preparation, credit facilities, training or job opportunities as required, in addition to compensation measures; (d) cash compensation for land when the impact of land acquisition on livelihoods is minor; and (e) provision of civic infrastructure and community services as required.	There are no equivalent provisions on relocation assistance, transitional support, or the provision of civic infrastructure. The basis of compensation assessment is not stated in the Land Acquisition Act (an old law due for review), although the Constitution provides for ‘prompt, fair and adequate’ compensation. (article 26)	Market value is based on recent transactions and thus if alternative property is purchased within a reasonable period of the payment of compensation, it is likely that market value will reflect replacement value. However, local inflation in price land or construction materials can affect what is determined as replacement cost. If this is not reflected in recent transactions, market value may not reflect replacement value.
Relocation and resettlement	Both The Constitution, 1995 and The Land Act, 1998 gives the government and local authorities power to compulsorily acquire land. The Constitution states that “no person shall be compulsorily deprived of property or any interests in or any right over property of any description except” if the taking of the land	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	Project will provide compensation based on replacement value. This will include the payment of government valuation rates, taking into account market values for assets and materials, and payment of a disturbance allowance

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	necessary “for public use or in the interest of defense, public safety, public order, public morality or public health.”			
Completion of resettlement and compensation	Privately owned land’s value is negotiated between the owner and the developer. In rural areas, land is valued at open market value, buildings are valued at replacement cost, and a 15% to 30% disturbance allowance must be paid if six months or less notice is given to the owner.	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence between Ugandan law and World Bank policies on implementing relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	The project will conform to WB and best practices during implementation of the RAP.
Livelihood restoration and assistance	There are no explicit provisions under resettlement or relocation for livelihood assistance.	Livelihoods and living standards are to be restored in real terms to pre-displacement levels or better	Ugandan policy and legislation would need to be aligned with Bank policy to effectively guarantee rights of all affected persons of involuntary resettlement.	The project will provide transition allowance.
Consultation and disclosure	There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries (e.g. roads and energy). The Land Acquisition Act, however makes provision for an enquiry whereby the affected person can make formal written claim and the assessment officer is obliged to conduct a hearing before making his award.	Consult project-affected persons, host communities and local NGOs, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy.	No gap.
Grievance	The Land Act, 1998 states that	Establish appropriate and accessible		Grievance committees to be

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
mechanism and dispute resolution	land tribunals must be established at all districts. The Land Act empowers the Land Tribunals to determine disputes and it provides for appeal to higher ordinary courts. The Land Acquisition Act provides for the aggrieved person to appeal to the High Court.	grievance mechanisms.		instituted within the procedure but will not replace the existing legal process in Uganda; rather it seeks to resolve issues quickly so as to expedite receipt of entitlements and smooth resettlement without resorting to expensive and time-consuming legal action. If the grievance procedure fails to provide a settlement, complainants can still seek legal redress.

5 STAKEHOLDER CONSULTATIONS

Public consultations were conducted to improve decision-making, and build understanding by actively involving key project stakeholders in two-way communication. Through this process, the implementing agencies will better understand the concerns and expectations of stakeholders, and the opportunities to increase project value to the local community, Farmers, Traders, teachers and medical workers at Health Centers of the selected project areas who will benefited from the DRDIP. Interviews were also conducted with Local Government District Officials including Chief Administrative Officers, District Agricultural Officers, Production Department, District Environment Officers, Community Development Officers, District Engineers, Lands Officers and District Physical Planners of Kiryandongo, Arua, Isingiro, Adjumani among others. In addition interviews were also held with officials from; OPM/Refugee Department, MOWT, MWE, MOH, District Refugee Desk Officers, UNHCR officials and The World Bank.

5.1 GOALS OF CONSULTATIONS

The primary goals of the consultation process are to:

- Ensure transparency and involvement of stakeholders and PAPs in assessing and managing the potential environmental and socioeconomic impacts of the Project;
- Help manage risks, concerns and public expectations through ongoing dialogue with stakeholders;
- Improve decision-making, and build understanding by actively involving key project stakeholders and PAPs in two-way communication. Through this process, the implementing agencies will better understand the concerns and expectations of stakeholders and PAPs, and the opportunities to increase project value to the local community.

5.2 OBJECTIVES OF STAKEHOLDER AND COMMUNITY CONSULTATIONS

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

- i. To provide information about the project and to tap stakeholder information on key environmental and social baseline information in the project area;
- ii. To provide opportunities to stakeholders and PAPs to discuss their opinions and concerns respectively;
- iii. To solicit the stakeholders' views on the project and discuss their involvement in the various project activities;
- iv. To discern the attitudes of the community and their leaders towards the project so that their views and proposals are taken into consideration in the formulation of mitigation and benefit enhancement measures;
- v. To identify specific interests of and to enhance the participation of the poor and vulnerable groups; and
- vi. To inform the process of developing appropriate management measures as well as institutional arrangements for effective implementation of the Project.

5.3 SUMMARY OF KEY ISSUES

Name and Position of person consulted	Organization/Agency	Issues raised during the consultations	Remarks
<ul style="list-style-type: none"> Mr. Eswilu Donath-CAO Muganira Edward-DCDO 	Isingiro District Local Government	Kyaka II settlement is located on Government land. However, <u>there are a number of nationals who live on it and many use it for grazing.</u> The government needs to intervene and resolve any land grievances in the settlement. Important to note is that there are many refugees living outside the gazetted settlement area.	The government needs to formalize and own the settlement land. This will resolve all land issues and provide a good environment for development of the disputed part of the settlement.
Mr. Tasebule Kiiya Amos-Settlement Commandant Magezi Dismas-Registration Officer	Oruchinga Refugee Settlement Camp	The Oruchinga RSC started way back in 1959, the Land is government owned and with a land title. However, there are encroachers (there are 4 “dangerous encroachers”), not residing on the land but do cultivate and graze on it.	OPM should work towards boundary opening as well as strengthening grievance redress mechanisms to address land issues.
Armitage Basikoma, Settlement Commandant,	Rhino Camp	The land was donated by the community to the district for refugee settlement purposes. <u>Written local agreements allowing the land to be used for refugee settlement do exist.</u> There are future arrangements for local government to take over the land and even compensate the land owners.	Government of Uganda should work towards securing the land to ensure security of project investments.
<ul style="list-style-type: none"> Ssentamu John Bosco- Settlement Commandant Joseph Agotre-Assistant settlement Camp Nkwasiwe Francis-Registration Officer Assiimwe Bruno 	Nakivale Refugee Settlement Camp	There are conflicts among the refugees. Issues are usually handled by the Settlement Management and none of the conflicts ever reach the district. However, there are <u>conflicts over resources, especially grazing land,</u> firewood, water and natural resources in general. There is a big number of people living and/or using the settlement land. Government needs to own back the settlement and iron out land conflicts.	OPM should strengthen grievance redress mechanisms to address conflicts
<ul style="list-style-type: none"> Mr. Edema Richard – Assistant CAO Mr. Giyaya Charles – Natural Resources Officer & 	Adjumani District Local Government	<u>Some of the lands where refugee settlements have been established were offered by the communities freely without any MoUs with the landowners.</u> There are issues of wetland degradation near refugee settlements as they try to increase land acreages for crop farming; Some incidences of conflicts over resource use and access have also been recorded especially over water points and grazing land.	This RPF provides detailed guidance on land acquisition as well as grievance redress mechanisms to address land conflicts between refugees and host communities.
Charlie Yaxley, Associate External	UNHCR	Land access and use issues are main sources of challenge in camps and are manifested in terms of encroachment and	Issues of land are to be sorted by OPM and they need to be formalized to reduce conflict;

Name and Position of person consulted	Organization/Agency	Issues raised during the consultations	Remarks
Relations Officer		<p>direct conflict.</p> <p>One of the feasible livelihood avenues is for refugees to cultivate their own food but land availability is a challenge.</p>	<p>The Agency has dedicated programmes to address environment and a host of other cross-cutting issues.</p>
Kristin R. Halvorsen- Protection Officer Erasto Kivumi- Program Associate.	UNHCR- Mbarara Districts	<p>Land access and use issues are main sources of challenge in camps and are manifested in terms of encroachment and direct conflict.</p>	<p>OPM should work towards boundary opening as well as strengthening grievance redress mechanisms to address land issues.</p>
Mwodi Martin Kegere, Range Manager	National Forest Authority (NFA)	<p>During emergency resettlement of refugees, some settlements are sometimes established within Central Forest Reserves (CFRs) though they are eventually relocated outside the CFRs.</p> <p>Host communities sometimes hire out parts of the CFRs land to refugees for cultivation and this brings tension between Government (NFA), refugees and the host communities.</p>	<p>OPM together with organizations resettling refugees should consult NFA or agencies responsible for protected areas to ensure refugees camps are not setup inside CFRs;</p> <p>Once resettled, refugees and host communities be sensitized on laws governing access to forests</p>
Armitage Basikoma, Lema Pious	<ul style="list-style-type: none"> • Settlement Commandant, Rhino Camp • Chairperson, L.C III Rigbo Sub-county 	<p>The land was donated by the community to the district for refugee settlement purposes.</p> <p>Local agreements allowing refugees to occupy community land do exist in the camps.</p>	<p>Though there are local agreements for refugees to stay in some of the camps, government should formally acquire such lands as it guarantees lives of refugees.</p> <p>There should be deliberate plans geared to empower host communities to become self-reliant by putting in place, measures for their livelihoods.</p>

6 POTENTIAL RESETTLEMENT IMPACTS, RISKS AND MITIGATIONS

6.1 PROJECT ACTIVITIES

The project will support interventions designed to improve livelihoods and access to basic socio-economic services in selected districts. The salient physical characteristics relevant to safeguard analysis relate to project Component 1: Social and Economic Investments which entail civil works and/or construction/expansion of schools, health centers, water supply, and all weather roads. Component 2: Sustainable Environmental Management activities which will be identified based on: (i) analysis/mapping/typifying and prioritizing of environmental degradation, (ii) developing options for remediation/restoration approaches and methodologies, including cost intensity; (iii) selection of intervention areas, considering demand/priority, and available techniques/ budget. For example, some remediation would consist of constructing or rehabilitating physical structures for water catchment management such as check-dams, and water harvesting structures; and biological measures like afforestation. In addition alternate energy sources will be explored. Component 3: Livelihoods Program will support the development and expansion of traditional and non-traditional livelihoods of the poor and vulnerable households to build productive assets and incomes. A thorough mapping of existing productive livelihoods including agricultural, agro-pastoral and pastoral, will be undertaken based on consultations with target households accompanied by a technical and market analyses to understand the potential for each of the major livelihoods, the opportunities along the value chain and required inputs in terms of the information, finance, technology, tools, and technical assistance.

6.2 POTENTIAL PROJECT IMPACTS

The community sub-projects may involve limited land acquisition and displacement of land-uses and/or livelihoods. The potential environmental and social impacts can be adequately managed by integrating environmental and social due diligence into the sub-project cycle. Because of the overall limited likely environmental and social impacts, the project is rated as EA category B. The sub projects are likely to have two categories of effects:

Permanent effects – The proposed project will not undertake any activities that will displace people. However, it would support small-scale infrastructure that might affect land holdings of individual farmers. While these interventions are yet to be identified, as a precautionary measure, this Resettlement Policy Framework (RPF) will address any issues which might arise from economic displacement and/or restriction of access to communal natural resources. This RPF will be consulted upon, finalized and disclosed prior to appraisal. Permanent effects will result into an infinite loss of use of property, vegetation, or land by the affected person as a result of the subproject activities. This is likely to occur where permanent installations such as markets, Health centers and school facilities are established. Such effects are anticipated to affect:

- a) Farmers and pastoralists whose land is found suitable for these installations and this can translate into either loss of land or crop cover or both;
- b) Resettlement can also lead to the loss of access to communal resources:
 - ✓ Loss of land for grazing;
 - ✓ Loss of access to water;
 - ✓ Loss of medicinal plants; and
 - ✓ Loss of trees for charcoal production and firewood.

- c) Increase of infectious diseases like HIV/AIDS due to new interactions of communities that utilize the new facilities

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

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

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

The mitigation measures to the above temporary impacts is for OPM to implement the project in phases i.e. one set of water points and pasturelands is rehabilitated while the others are in use to avoid the need for the communities to search for alternative water points and pasturelands. After the first set is fully rehabilitated and functional, then the second set will then be rehabilitated.

6.3 CATEGORIES OF LOSSES AND THEIR IMPACTS ON DISPLACED PERSONS

Table 2: Summary of loss categories and impacts

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

6.4 MINIMIZATION OF PHYSICAL DISPLACEMENT

Major challenges associated with rural resettlement include: requirements for restoring income based on land or resources; and the need to avoid compromising the social and cultural continuity of affected communities, including those host communities to which displaced populations may be resettled. Provisions are made under this RFP to minimize all such impacts including those of socio- economic significance and on environmentally sensitive sites. Provisions are also made in this RFP to accommodate all potential situations, including cases that entail actual displacement and livelihood restoration assistance in accordance with the World Bank Policy on Involuntary Resettlement, OP 4.12. This Resettlement Policy Framework, for the DRDIP activities advocates all measures to eliminate or minimize the impacts of physical and economic displacement of people. Therefore when the acquisition of land is required, the program will:

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

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

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

6.5 RISKS

Key social challenges that the participating communities might face include: (i) gender disparities in access to livelihood and educational opportunities; (ii) limited access to social services, especially education, health services due to the remote nature of its target communities, and (iii) recurring conflicts over natural resources, particularly related to water management and land tenure arrangements. The “service delivery” model of the project is CDD approach which will focus on local development to be promoted through empowering communities to solve their problems by facilitating the process of identifying, prioritizing, implementing and monitoring subproject investments by the communities to ensure inclusiveness. Social due diligence lessons aimed at building sustainable community assets, citizen participation/engagement and gender mainstreaming are part of the livelihoods component.

7.1 PROJECT SCREENING

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

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

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

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

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

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

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

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

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

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

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

7.2 PREPARATION OF RESETTLEMENT ACTION PLANS-RAPS

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

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

The RAP shall, among others:

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

As a general guide the RAP must

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

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

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

7.3 APPROVAL OF THE RESETTLEMENT ACTION PLAN

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

Table 3: Example of a Resettlement Budget

Asset acquisition	Amount number	or	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				

8 LAND ASSET CLASSIFICATION, VALUATION AND COMPENSATION

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

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

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

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

8.1 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.

- Compensation rates would be at a replacement costs, these costs are guided by the CUT-OFF Date,
- The market prices for cash crops and perennial crops are already determined by the Districts and will used,
- Calculations for compensation would not be made after the cut-off date, in compliance with this policy,
- For community land held under customary law, the permanent loss of any such land will be covered by compensation in kind to the community.

In general, cash compensations are paid based upon market/replacement value of the crops, land and structures. Where there is physical relocation of the affected persons to new land including provision of housing and social services, in some cases, the affected persons are entitled to new housing on authorized land under government housing programs. Under the customary law, land is given in compensation for land. For institutional land take and compensation, it must be done in kind replace to avoid public loss.

8.2 VALUATION FOR CUSTOMARY LAND

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

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

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

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

8.2.1 COMPENSATION FOR LAND

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

8.2.2 DETERMINATION OF CROP COMPENSATION RATES

Prevailing prices for cash crops would have to be determined. Each type of crop will be compensated for using the same rate. This rate should incorporate the value for the crop and the value for the labor to be invested in preparing new land. Perennial crops are compensated using the District Rates that are established by the districts and approved by the Chief Government Valuer.

8.2.3 VALUATION OF BUSINESSES, STRUCTURES AND LAND

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

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

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

8.3 DISPUTE RESOLUTION AND GRIEVANCE MECHANISM

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

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

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

9 LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS

9.1 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,
- All land conflicts will be resolved in a transparent manner and in a manner that is not coercive. Attempts will be made to resolve conflicts at the village, traditional authority or district level. Where this is not possible, recourse can be heard at State legal institutions on land ownership in Uganda

9.2 LAND ACQUISITIONS, TITLE, TRANSFER AND TERM OF OWNERSHIP

Land acquisition in Uganda may be achieved through:

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

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

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

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

9.3 LAND ACQUISITION MECHANISM FOR DRDIP

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

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

9.4 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 DRDIP-related activities, in return for negotiated compensation. Where this approach is taken, the entire process should be fully documented and consent agreements banked by the District Land Board as well as the lower level local governments.

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

9.5 INVOLUNTARY ACQUISITION OF LAND

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

9.6 CATEGORIES OF PROJECT AFFECTED PEOPLE (PAPS)

The DRDIP Affected Persons (PAPs) or the persons likely to be displaced economically or physically can generally be categorized into the following main groups.

9.6.1 AFFECTED HOUSEHOLDS

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

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

9.6.2 ELDERLY

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

9.6.3 VOLUNTARY LAND CONTRIBUTORS

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

9.6.4 WOMEN

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

9.6.5 CHILDREN AND CHILD-HEADED HOUSEHOLDS

Children and adolescents (especially girls) are important elements in vulnerability. Intergenerational ties link experiences between one generation and the next to the extent that fateful intergenerational experiences get transferred from one generation to the next. This means experiences related with social, symbolic and economic capital (especially high birth and illiteracy rates, and rigid social norms) make children and young girls more vulnerable than others. In many households, due to drop in income and living standards, children may never return to school, instead getting drafted into the labor market or into prostitution. The situation even gets worse when children suddenly find themselves in situations where they are the sole bread earners for their younger siblings. This is even truer now in the HIV/AIDS pandemic where many families have had older (parents) bread winners wiped out. To cope with the sudden social change, older siblings become ‘foster’ parents to their young siblings without any experience family making. Among the affected households, the child headed households are clearly the most vulnerable and consequently they will need special attention in terms of rehabilitation and livelihood support.

9.6.6 CUSTOMARY LAND USERS WITHOUT A FORMAL TITLE

These are the local or/and indigenous groups and are usually peasant farmers or pastoralists who may have customary rights to the land and other resources (crops and trees) taken away due to the DRDIP. These people usually have ancestral customary rights to regulate collective common property and have open access to common grazing land, fishing areas, forest and grassland resources for subsistence and cash incomes. The World Bank Policy (OP 4.10) has not been triggered for DRDIP because it will not cover areas inhabited by legally recognized these peoples.’ OPM/Refugees Department does focus on other vulnerable groups, however, and will have to consider extra needs of these groups as the project works out a compensation and resettlement package, if there is physical and economic land dislocations or/ and restricts of access to legally designated parks and protected areas.

10 ENTITLEMENTS AND VALUATION METHODS

10.1 EXTENT OF COMPENSATION BY LAW

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

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

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

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

10.2 SPECIFIC COMPENSATION COMPONENTS

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

Compensation for Land

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

Determination of Crop Compensation Rates

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

Compensation Rates for Labour

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

Compensation for Buildings and Structures

Compensation for buildings and other structures will be paid by replacement costs for labor and construction materials of these structures including fences, water and sanitation facilities, etc., will be used to calculate the values. Where part of the compensation is to be paid in cash the applicable replacement costs for construction

materials will be used to calculate the values. Alternatively, compensation will be paid in-kind for the replacement cost without depreciation of the structure. The project will survey and update construction material prices on an on-going basis.

Compensation for Vegetable Gardens

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

Compensation for Sacred Sites

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

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

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

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.

10.3 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 Replacement Cost may be adopted where it provides a more appealing and adoptable position for handling compensation.

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

Land in rural areas - Land for land replacement where feasible, or compensation in cash for the entire landholding according to PAP's choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status at an available location which is acceptable to the PAP. Transfer of the land to the PAP shall be free of taxes, registration & other costs.

Land in urban areas - it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. This is to ensure that the values obtained are adequate to secure in-kind alternative land or cash compensation at market value for the affected owners.

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

Loss of Income

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

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

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

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

10.4 ROLE OF OFFICE OF CHIEF GOVERNMENT VALUER-CGV

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

11 ELIGIBILITY CRITERIA AND DISPLACEMENT PROCEDURES

11.1 WORLD BANK CRITERIA FOR DETERMINING ELIGIBILITY FOR COMPENSATION

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

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

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

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

11.2 CONSIDERATION UNDER THE PROJECT

Entitlements for compensation shall be based on the eligibility criteria and the various categories of losses identified in the desk studies and field consultations. Unless otherwise indicated, payment of compensation and other entitlements and the extension of assistance will be made to PAP households and individuals as the case may be. In dealing with compensation, preference shall be given to land based resettlement strategies for Project Affected Persons whose livelihoods are land-based. Where sufficient land is not available at a reasonable price, non-land based options centered on opportunities for employment or self-re-employment should be provided in addition to cash compensation for land and other assets lost. However this lack of land shall be documented and justified.

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

11.3 CUT-OFF DATE

In accordance with OP 4.12 and for each sub-project activities under the DRDIP, a cut-off date will be determined, taking into account the likely implementation schedule of the activities. To ensure consistency between Ugandan legal requirements and WB policies, this **cut-off date** should be the date of notification to owners/occupiers as provided under the Lands (land act) Act, 1995, where acquisition of land is involved. Once the relevant local authority has approved the sub-project, the Project Implementation Team and Compensation Committee will meet to discuss and agree on a program of implementation. They will also choose tentative **cut-off dates**. The dates would then be communicated to the community through their respective representative in the District and Municipal Compensation Committees.

The entitlement **cut-off date** refers to the time when the assessment of persons and their property in the sub-project area is carried out, i.e. the time when the sub-project area has been identified and when the site-specific socio-economic study is taking place. Thereafter, no new cases of affected people will be considered. The establishment of a **cut-off date** is required to prevent opportunistic invasions/rush migration into the chosen land areas thereby posing a major risk to the sub-project. Where there are clearly no identified owners or users of land or assets, the respective Regional Lands Board and Land Use Administration will notify the community leaders and representatives to help to identify and locate the land users. These leaders and representatives will also be charged with the responsibility to notify their members about the established cut-off date and its significance. The user(s) will be informed through both formal notification in writing and by verbal notification delivered in the presence of the community leaders or their representatives.

11.4 ELIGIBILITY CRITERIA FOR COMPENSATION

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

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

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

Table 4: Eligibility Criteria

Category of affected persons	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	Land-for-land compensation. If this is not possible, then compensation for land lost taking into account market values and other assistance. Compensation to be granted to communities as well.
Persons with customary claims of ownership or use of property recognized by community leaders (including the landless and migrants)		Land-for-land compensation. If this is not possible, then compensation for land lost taking into account market values and other assistance. Users to be provided with alternative lands to use.

Persons with no recognizable legal right or claim to land they are occupying, e.g. squatters	To be provided resettlement assistance in lieu of compensation for land occupied. (See below)
Persons encroaching on land after the notification	Not eligible for compensation or any form of resettlement assistance

Table 5: Entitlement and Compensation Matrix

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
Agricultural land	No Displacement: - Cash compensation for affected land equivalent to current market value. The remaining land remains economically viable	Farmer /Title holder	Cash Compensation at Replacement Cost for affected land equivalent to market value which should be current and able to replace the property.
		Tenant /Leaseholder	Cash compensation at Replacement Cost for the harvest of affected land equivalent to the average current market value over three years or the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher.
		Squatter	Cash compensation at Replacement Cost for the harvest of affected land equivalent to the average market value over three years or the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher.
	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, taking into account market values for the land, according to PAPs choice. Land for land replacement will be in terms a new parcel of land of equivalent size and productivity with a secure tenure status, without encumbrances, and at an available location which is acceptable by the PAP. In addition relocation assistance to be paid (costs of shifting + assistance in re-establishing perennial crops including economic trees up to a maximum of 12 months while short term crops mature)
		Tenant /Leaseholder	Cash compensation at Replacement Cost equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement.. In addition relocation assistance to be paid (costs of shifting + Allowance)
		Squatter	Cash compensation at Replacement Cost equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement.
		Agricultural worker	Cash compensation at Replacement Cost equivalent to the local average of 6 months' salary + relocation assistance to be paid (costs of shifting + Allowance) +Assistance in getting alternative employment

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
Commercial Land	No Displacement: - Land used for business partially affected	Title Holder / Business owner	Cash compensation at Replacement Cost for affected land, and opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
		Business owner is lease Holder	Opportunity cost compensation at Replacement Cost equivalent to 10% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
	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 PAPs choice. Land for land replacement will be in terms a new parcel of land of equivalent size and market potential with a secure tenure status without encumbrances at an available location which is acceptable by 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 at Replacement Cost equivalent to two months net income based on tax records for previous year or equivalent business or suitable estimates in absence of records. 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 at Replacement Cost for affected land, taking into account market values for land.
		Rental / Lease holder	Cash compensation at Replacement Cost equivalent to 10% of lease / rental fee for the remaining period of rental lease agreement
	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 at Replacement Cost for the entire land holding according to PAPs choice, and taking into account market values for the land. Land for land replacement will be of minimum plot of acceptable size under the Town And Country Planning Act, whichever is larger in the community, or a nearby resettlement area with adequate physical and social infrastructure systems as well as a secure tenure status, without encumbrances, and at an available location which is acceptable by the PAP. In addition relocation assistance to be paid (costs of shifting + allowance)
Building and Structures (All structures permanent to)	No Displacement: - Structure partially affected, but remaining structure remains viable for continued use	Owner	Cash compensation at Replacement Cost for affected building and other fixed assets, taking into account market values for materials Cash assistance to cover costs of restoration of remaining structure
		Rental / Lease Holder	Cash compensation at Replacement Cost for affected assets (verifiable improvements to the property by the

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

11.5 WOMEN, CHILDREN AND OTHER VULNERABLE GROUPS

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

- Assistance in financial literacy training especially for women and assistance in compensation payment procedures (e.g., going to the bank with then person to cash the compensation cheque);

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

11.6 DISPLACEMENT OF PEOPLE

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

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

12 PROCEDURE FOR DELIVERY OF COMPENSATION

12.1 CONSULTATION AND NOTIFICATION

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

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

12.2 DOCUMENTATION OF HOLDINGS AND ASSETS

OPM/department either through an internal team or through a consulting firm will undertake a detailed survey of all losses that will result for each household, enterprise, or community affected by the DRDIP. The survey will have to account for land acquisition and loss of physical assets as well as loss of income temporary or permanent resulting from displacement of household members from employment or income-generating resources. Assets held collectively, such as water sources, livestock grazing areas, irrigation systems, and community structures will be recorded separately. The local government structures i.e. the LGs and the lower councils (LCs 1-3) will be charged with all documentation and verification of data and information related to the acquisition of land, the compensation and payment processes up to the level of the Accounting Officer of the OPM/Refugees department.

Therefore, the Community workers of the Districts and Town Council in collaboration with the village councils, the District Steering Committee will compile and record data/information. The Community Worker in collaboration with the parish chief and the Executive of the Parish Council will compile parish data and submit to the Sub-county Chief/Town Clerk for onward submission to the District Chief Administrative Officer/Municipal Town Clerk. Likewise, the CAO together with the Town Clerk will compile data/information and submit to OPM/Refugees Department. 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.

12.3 PROCEDURES FOR PAYMENT OF COMPENSATION

Compensation payment will be made in the following ways:

- (a) By agreement between the OPM/Refugees Department and the PAPs or entities (individuals /households /communities):
 - The OPM/Refugees Department will offer such sums deemed adequate as compensation as assessed/agreed to the entity who may accept that amount as compensation payable to him or her and;
 - Such sums will be disbursed directly to the beneficiary entity with the relevant records of payments consigned to the RAPs and the records of the appropriate local government authority (District Land Boards).
- (b) By court order on the amount of compensation where this has been the subject of litigation between the OPM/Refugee department and the Affected Entity.

13 STAKEHOLDER AND COMMUNITY CONSULTATION AND DISCLOSURE PLAN

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential lands and alternative sites are being considered. A participatory approach is adopted as an on-going strategy throughout the entire project cycle starting with the RAP preparation.

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

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. Two steps of information and consultation are proposed to be implemented in the course of the preparation of RAPs and ARAPs:

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

13.1 KEY ISSUES

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

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

13.2 CONSULTATION PHASES

13.2.1 DATA COLLECTING PHASE

Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the sub-project(s). The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness

through feedback. Focus group meetings with women, farmers' associations, individuals who own farms, etc., as well as primary and/or secondary schools, health centers, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

13.2.2 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 important once RAP implementation starts. A dynamic participatory approach involves PAPs in decision making about livelihood and community development programs.

13.2.3 COMMUNITY INVOLVEMENT AND SENSITIZATION

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

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

13.2.4 MONITORING AND EVALUATION PHASE

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

13.2.5 NOTIFICATION PROCEDURE

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

- The Project's proposal to acquire the land;
- The public purpose for which the land is wanted;
- That the proposal or plan may be inspected at OPM or the CAO's office

- That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the entities cited above within a period to be specified at the time of publication of the Notice;
- List the cutoff date detailing that in-migration after this date will not receive compensation.

13.2.6 DOCUMENTATION

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

13.2.7 CONTRACT AGREEMENT

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

13.2.8 LINKING RESETTLEMENT IMPLEMENTATION TO CIVIL WORKS

PAPs will need to be compensated, in accordance with this Resettlement Policy Framework and subsequent Resettlement and Compensation Plan, before work on that road segment can begin. For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made, for compensation and for other assistance required for relocation, prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities.

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

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

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

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

14 GRIEVANCE REDRESS MECHANISM

14.1 IMPORTANCE

The Grievance Redress Mechanism (GRM) will provide a way to provide an effective avenue for expressing concerns and achieving remedies for communities, promote a mutually constructive relationship and enhance the achievement of project development objectives. It has been learned from many years of experience that open dialogue and collaborative grievance resolution simply represent good business practice both in managing for social and environmental risk and in furthering project and community development objectives. In voicing their concerns, they also expect to be heard and taken seriously. Therefore, OPM has to assure people that they can voice grievances and the project will work to resolve them without bias. The project GRM will be augmented by the World Bank's Grievance Redress Service, which provides an easy way for project-affected communities and individuals to bring their grievances directly to the attention of Bank Management. The GRS will ensure that complaints are directed promptly to relevant Bank Task Teams and/or Managers for review and action, as appropriate. The goal is to enhance the Bank's involvement, responsiveness and accountability. The GRS is described below.

14.2 PROJECT GRIEVANCE REDRESS MECHANISM

The refugee communities have social structures like any other society and elect their leaders and representatives, which also applies to the community of nationals outside the camps. The camps and settlements are divided into smaller units for ease of administration. Each unit has its own administration office so that its inhabitants have easier access to administration services. The constituent units in refugees' camp are headed by village chairpersons referred to as Refugee Welfare Committees (RWCs).

One of the tasks of the RWC I is amongst others, mediate in the conflicts and solve problems within the villages in his/her constituency. However, in case of grievances and cases that the RWC I cannot resolve, such issues are referred to the RWC II. However, if RWC II fails to resolve a conflict that has been referred to its attention, they refer such conflict to the RWC III and if the problem fails to be solved at this level, the matter will be referred to the Camp Commandant who will also try to resolve it and in case he/she fails to resolve it, the matter is then referred to the government's courts of law.

The sub-project RAP team will establish an independent grievance mechanism through Local Authorities and Refugee Welfare Committees, including a Resettlement or Land Committee and through community leaders. The Land Act creates Land Tribunals, which are intended to help resolve land related disputes at local government levels. The Land Boards at the District level are not involved in resolving disputes but they do assist in registering land and can be called upon to give evidence on matters of land in courts of law. Issues of land conflicts do go through the Local Council system (i.e. LC I-III) in the locality and if not resolved, they are referred by LCIII to the courts of law whose decisions will be final. All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation and relocation. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances.

The grievance handling system will, depending on the severity and potential criminal liability of transgressions, invoke referrals as follows:

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

- The World Bank’s Grievance Redress Service (GRS) via email: grievances@worldbank.org.

14.3 THE WORLD BANK’S GRIEVANCE REDRESS SERVICE (GRS)

14.3.1 GRS DEFINITION AND PURPOSE

The GRS is the World Bank’s easy way to provide PAPs and communities an avenue to bring their complaints directly to the attention of Bank Management. The project-level GRM will remain the primary tool to raise and address grievances in Bank-supported operations except issues that cannot be resolved at the project level. The GRS facilitates corporate review and resolution of grievances by screening and registering complaints and refereeing them to the responsible Task Teams/Managers. The GRS undertakes the follow functions within defined time frame:

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

14.3.2 SUBMITTING A COMPLAINT TO GRS

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

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

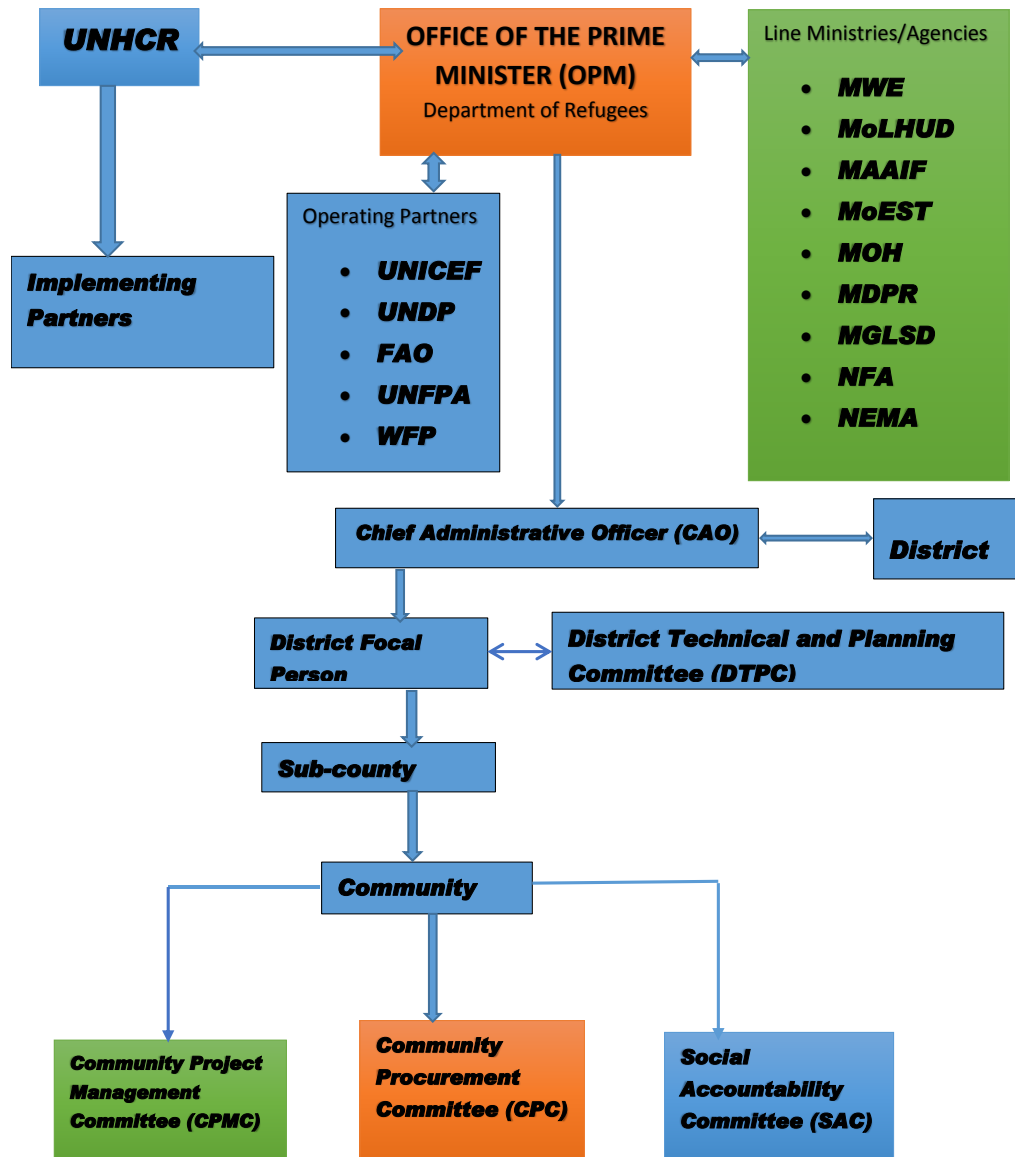
- By email: grievances@worldbank.org;
- By fax: +12026147313
- By mail: The World Bank, Grievance Redress Service, MSN MC 10-1018, 1818 H St NW, Washington, DC 20433, USA and/or
- Through the World Bank Uganda Country Office in Kampala – Rwenzori House, 1 Lumumba Avenue, P.O. Box 4463, Kampala (U); Tel: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

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

15 PROJECT IMPLEMENTATION AND CAPACITY ASSESSMENT

15.1 OVERVIEW

The implementation of the project will be mainstreamed into existing government structures at national and local government levels. Accordingly, all levels of governments will have roles in providing oversight and implementation supports. Local authorities will be responsible for oversight and coordination of the project implementation at district, sub county and community levels. The community will have a leading role in the identification, prioritization and implementation of their prioritized project activities.



15.2 ROLES AND RESPONSIBILITIES OF KEY PLAYERS

15.2.1 OFFICE OF THE PRIME MINISTER

The Office of the Prime Minister (OPM) will have overall responsibility for implementing and accounting for project funds and coordinating activities under all project components. The OPM Permanent Secretary will be assisted by a Project Implementation Support Team (PIST) that will be established under the Refugee Department within the OPM. The PIST will be led by the Project Coordinator and will include Infrastructure specialist,

Livelihoods specialist, Monitoring and Evaluation (M&E) specialist, and Safeguards specialist. This team will provide key technical support during implementation, monitoring and evaluation.

The implementation of the project will be mainstreamed into existing government structures at national and local government levels. Accordingly, all levels of governments will have roles in providing oversight and implementation supports. Local authorities will be responsible for oversight and coordination of the project implementation at district, sub county and community levels. The community will have a leading role in the identification, prioritization and implementation of their prioritized project activities.

The PIM will set forth the roles and responsibilities of all stakeholders of the project. In addition, the PIM will also include details of all operational and procedural steps regarding reviews and approvals of specific activities, flow of information, detailed description of project management and implementing bodies, procurement and financial management arrangements, reporting requirements, and manual amendment procedures.

National level

Oversight: A Steering Committee (SC), which would meet twice a year, would have overall responsibility for providing of oversight of the project implementation. This committee is envisaged to be chaired by Permanent Secretary, Office of the Prime Minister, with members and the terms of reference of the committee to be identified and detailed in the PIM.

Backstopping: The SC will be supported by a Technical Working Committee (TWC) chaired by the Commissioner of Refugees and with members drawn from representatives of the key Sector Ministries (including Ministry of Local Government) participating in the implementation of the project and UNHCR which is a lead UN agency regarding refugee matters. The TWC will provide operational and technical oversight and will report to the OPM Permanent Secretary

Implementation support: The OPM will have overall responsibility for the oversight, accounting for the project resources and ensuring successful implementation of the Project. The OPM and Ministry of Finance, Planning and Economic Development (MoFPED) will be responsible for ensuring that project resources are budgeted for and disbursed within the national medium-term expenditure framework, and the project accounts are audited. The OPM will also closely coordinate with Ministry of Local Government to ensure smooth implementation of the project at the district and sub-county levels

A Project Implementation Support Team (PIST) will be formed under the, Directorate of Refugees, to support the OPM Permanent Secretary and her technical team in day to day running of the operation, governed by the provisions of PIM and other appropriate legal instruments agreed to between the GoU and the funding agency. The PIST is headed by a Project Coordinator, assisted by a number of relevant technical experts. The PIST will provide technical support to OPM staff in performing the functions. The PIST will perform, including but not limited to, the following functions:

- a. Provision of technical support to local government implementers in all areas of project implementation and capacity building of stakeholders involved in the implementation of project activities at district and sub-county level;
- b. Ensuring safeguards compliance of all project activities;
- c. Management of IDA funds on behalf of GoU by ensuring that the Special Account is replenished regularly, regular financial reports are submitted regularly and timely;
- d. Monitoring overall project performance and submitting project progress report regularly and timely;
- e. Procurement of goods and services that involve bulk purchases; and
- f. Documentation of lessons for mainstreaming in local authority systems.

Safeguards Capacity – OPM’s institutional capacity for social safeguards is weak and will need to be improved to manage the potential social impacts of the project. To address this gap, PCU’s in all three participating project will have a dedicated social development officer to be responsible for the overall social safeguards aspects of the project at the national level, as well as counterpart safeguards officers in the subnational units. The social

development officers will be responsible for implementing the social safeguards instruments and logging, tracking and resolving grievances in timely manner.

15.2.2 LOCAL GOVERNMENT

Oversight: At district, sub-county and parish level the project will be fully mainstreamed into existing structures. The relationship between the Local Government and Central Government under this project will be governed by a Memorandum of Understanding outlining the responsibilities of the respective parties. The MoU will be reviewed at mid-term to take into consideration emerging lessons from project implementation. The following are the main oversight mechanisms at local level

District Executive Committee (DEC) – The DEC is responsible for policy formulation, overseeing the implementation and monitoring of council programs, co-coordinating the work of NGOs, addressing problems forwarded by lower councils (e.g. Local Council 3), and annually evaluating the performance of the council against the approved work plans and programs;

District Council – District council members will be involved in the incorporation of approved community subprojects into the sector plans and budgets and subsequently in the development plans and overall budgets. Since Development Response to Displacement Impacts Project (DRDIP) proposals are multi-sectoral, there will be a need for various standing committees to actively participate in the integration of DRDI activities into the district plan, especially at the appraisal stages. The DEC will notify the council on approved subprojects for funding.

The **Chief Administrative Officer** is the Accounting Officer and overall coordinator of the Project at District Level. The CAO, supported by the district staff member appointed as a focal person (the DRDIP District Officer) will be responsible for the proper execution of the project's activities in the district in line with the requirements stated in the PIM.

Backstopping: Technical backstopping will be provided by the District Technical Planning Committee (DTPC), Community Development Officers a Sub-County Implementation Support Team, UNHCR and other agencies which are implementing humanitarian and development activities in the refugee settlements and host communities. While the DPTCP and the CDO are already existing government structures, Sub-county Implementation Support Team will be established for the purpose of this project

- g. **District level:** District Technical Planning Committee (DTPC) will be responsible for appraisals and technical support during implementation and monitoring of subprojects from the district level. The DTPC members will be composed of representatives from district technical departments, UNHCR, CSOs/NGOs/inter-faith groups and the private sector during its meetings to deliberate on DRDIP matters. The DTPC will be chaired by the District Chief Planner and the DRIP District Officer will serve as the secretary;
- h. **Sub-county Level:** The **Community Development Officer** (CDO) and Assistance Community Development Officer (ACDO) are responsible for coordinating project activities at sub-county and community level. They will participate in mobilization of the communities, work with sector specialists to provide technical support to the communities, and support the preparation and submission of community subprojects and Annual LIPW plans. They will be supported in their work through a **Sub-County Implementation Support Team** comprised of parish chiefs, representatives from Parish Development Committees and LC1s, Sub-county extension staff, UNHCR and other agencies operating in the area and any contracted community facilitators

Implementation Support: The District Administration will support project implementation using the existing Local Government Structures. A MoU outlining the responsibilities of the respective parties will govern the relationship between the central and local government levels under DRIP. The MoU will be reviewed at the mid-term to take into consideration emerging lessons from project implementation. Local authorities will be responsible for overall project implementation at District, Sub-County and community levels. The specific functions at the local government level shall include:

- a. Coordination of the implementation of project activities at the District, Sub-county and community level;
- b. Receive project proposals and co-ordinate appraisal of sub-project proposals by the sector specialist under the auspices of DTPC;
- c. Forward to OPM a list of approved proposals, duly signed by the CAO, for funding;
- d. Make arrangements for implementation, support supervision, monitoring, evaluation and hand over of sub-projects to the beneficiaries;
- e. Facilitate the disbursement of funds to sub-project accounts by ensuring that the justification for expenditures are prepared and submitted with complete documentation in time;
- f. undertake accounting duties within prescribed GoU laws, policies and procedures and DRIP PIM ;
- g. Prepare quarterly and annual physical implementation and financial performance reports ;and
- h. Incorporate community activities into the district plans and budgetary framework

Safeguards Capacity – Every district has a Community Development Officer who is responsible for mobilizing communities to participate in projects as well as coordinating and reporting on the impact of projects (positive and negative) on the communities. District Land Tribunals are also in place for some of the project districts to handle land related issues of the Project. However, the CDOs will require facilitation to monitor project implementation as provided for in the ESMF budget.

At district level, staff to handle land acquisitions include; the Physical Planning Department, the Lands Officers, Agricultural Officer, Commercial Officer, District Valuer, Entomologist, Production Officer, Community Based Services and the District Surveyor. These staff lack transport facilitation to perform their duties. These staff should also be informed of their proposed participation as staff resources. Most times many projects do not inform these staff but will expect them to participate. Particular attention should be given to:

- Training in Management of Land Acquisition Resettlement and Rehabilitation
- Conflict resolution management
- Training in Monitoring and Evaluation of the DRDIP.
- Training in Refugee laws and Regulations for instance child protection,

15.2.3 PROJECT BENEFICIARIES

Oversight: The project will follow a Community Driven Development (CDD) approach whereby communities will play a key role in identifying, prioritizing and implementing the project activities of their choice. The Community Monitoring Group (CMG) will be elected by the beneficiary community and will be responsible for overseeing the overall implementation of the project at community level. The CMG will be the first recipients of any complaints and appeals about the project and will help to resolve at community levels.

Backstopping: While the CDO is responsible for coordinating project activities at sub-county and community level, much of the facilitation work will be conducted by Parish Chiefs. Where needed, they will be supported by contracted community facilitators.

Implementation Support: At community level all interventions will be initiated and prioritized by members of the community, traditional leaders, parish chairpersons, and NGO/CBOs active in the area. A number of project related institutions will support implementation of the project at community level. These include: (i) the Community Project management Committee (CPMC), made up of community representatives, and are responsible for mobilization and facilitation of the involvement of community members and other stakeholders

starting from identification through implementation and M&E of the project; and (ii) the Community Procurement Committee who will undertake all procurement on behalf of the community.

15.2.4 IMPLEMENTING PARTNERS

There are a number of Implementing Partners (IPs) that work with refugees and host communities. The UN agencies include: UNHCR, UNICEF, FAO, WFP and UNFPA. The UN agencies do not directly implement projects within the settlement but partner with other NGOs that carry out the implementation. The Implementing Partners include: Real Medicine Foundation (RMF) dealing in health services, Transcultural Psychosocial Organization (TPO) – education, Action Against Hunger – food distribution, African Development Corps (ADC), Danish Refugee Council (DRC), International Rescue Committee (IRC) – reproductive health, War Child Canada – Peace building, Samaritan Paths – food distribution, Concern Worldwide, Save the Children, Windle Trust, War child- peace building, and Action Against Hunger. These will be critical in project implementation.

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

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

15.2.5 THE ROLE OF THE CONTRACTORS

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

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

15.2.6 ROLE OF OFFICE OF CHIEF GOVERNMENT VALUER

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

15.2.7 THE WORLD BANK

The Bank’s safeguard team will consist of social and environmental specialists who will guide the project team in applying the agreed safeguard instruments as well as reviewing compliance during implementation support

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

The DRDIP Environmental and Social Specialist will work through the CDOs and DEOs and other relevant forums to organize practical training to build the knowledge and awareness of local government officials and local communities, on social and environmental issues related to proposed DRDIP activities. The key areas of capacity building Project to include:

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

15.3 RESETTLEMENT MANAGEMENT TEAMS

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

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

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

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

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

16 MONITORING, EVALUATION AND REPORTING ON RPF IMPLEMENTATION

16.1 MONITORING AND EVALUATION

16.1.1 PURPOSE

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

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

16.1.2 OBJECTIVES AND SCOPE

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

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

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

- (i) Provide timely information to the project about all resettlement and compensation issues arising as a result of resettlement related activities;
- (ii) Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at the higher levels;
- (iii) Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses; and
- (iv) Evaluate whether all PAPs have been compensated in accordance with the requirements of this RAP and that PAPs have better living conditions and livelihoods.

16.1.3 MONITORING OF THE RAP

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

16.1.4 REQUIRED INFORMATION

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

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

16.1.5 INTERNAL MONITORING AND EVALUATION

The objectives of internal monitoring and supervision will be:

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

The main internal indicators that will be monitored regularly include:

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

16.1.6 EXTERNAL MONITORING AND EVALUATION

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

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

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

16.1.7 SUPERVISION BY THE WORLD BANK

The Implementation Support missions will specifically focus on reviewing the quality of ESMF and RPF implementation, finding solutions to implementation problems, assessing the likelihood of achieving the PDO, review with the PCUs the action plan and disbursement programs for the next six months; verify compliance of project activities with the Bank's environmental and social safeguard policies; and review the results against the Results Framework.

16.1.8 MONITORING AND EVALUATION INDICATORS

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

- a) income levels before-and-after the RAP;
- b) access to livelihoods and employment;
- c) changes in standards of housing and living conditions;
- d) number of grievances and their status, time and quality of resolution;
- e) Management of (post-)conflict related issues
- f) number of individuals and families to re-establish their pre-resettlement activities, in terms of other alternative incomes;

- g) number of demolitions after giving notice, and
- h) Number of PAPs paid in a given period in comparison with what was planned.

16.1.9 INDICATORS

A number of Objectively Verifiable Indicators (OVIs) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, Table 9: provides a set of indicators that can be used.

Types of Indicators

Monitoring (of Issues)	Evaluation (of Impacts)
Number of compensation (and valuation) not completed	Changes (+/-) in PAPs conditions during transition process
Number of sub-projects unable to settle compensation after two years	Changes (+/-) in PAPs income and livelihood conditions
Number of grievances filed	Quality of grievances or disputes resolved (qualitative)
Number of livelihood restoration programs completed	Changes (+/-) in affected households income levels
Pre project production versus present production levels (crops for crops, land for land)	Equal or improved production per affected household/homestead

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

16.1.10 INDICATORS TO DETERMINE STATUS OF AFFECTED PEOPLE

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

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

16.1.11 MONITORING TOOLS

The following methods will be used for measuring impacts:

- (i) Questionnaires with data stored in a database for comparative analysis (before-after and with-without);
- (ii) Documentation and recording of PAPs situation, including subsequent uses of assets/improvements;
- (iii) Relocation/resettlement and Compensation Reports, including status of land impacts; percentage of individuals selecting cash or a combination of cash and in-kind compensation; proposed use of payments;
- (iv) Number of grievances and time and quality of resolution; and
- (v) Ability of individuals and families to re-establish their pre-resettlement activities, in terms of improvements in land and crop production, and/or presence of other alternative incomes.

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

16.1.12 RAP PERFORMANCE AUDIT

The audit will verify results of monitoring of RAP implementation indicators, and assess whether the project achieved the resettlement objectives. It also includes both financial and compliance at the end of RAP

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

- i) a summary of RAP performance of each subproject;
- 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.

16.2 REPORTING

The monitoring unit will submit periodic (preferably bimonthly) reports to the OPM/Refugee Department. The report will at least cover status of compensation disbursement, nature of complaints, redress actions and follow-ups. RAP implementation report will also form the bi-annual supervision reports, and any other projects reports. The PCU will establish a reporting system for the sub-project RAP that will:

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

16.3 ANNUAL REVIEWS

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

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

17 RPF DISCLOSURE AND BUDGET

17.1 BUDGET TO IMPLEMENT RPF

Since the specific sites and sub-projects are not yet determined, this RPF refers only to an estimated number of PAPs. Because costs of resettlement and compensation are based on technical designs and results of scoping, it is not possible to produce a detailed budget for RAP implementation. Once a budget is finalized, it will be subject to approval by the World Bank. An indicative RAP budget outline can be found in the Table below.

Table 6: Proposed 5 Year RPF Implementation Budget

Item	Cost in USD				
	Year 1	Year 2	Year 3	Year 4	Year 5
Training of CDOs, DEOs, RWCs and IPs in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	200,000				
Facilitation of CDOs and IPs to screen and monitor implementation of sub-projects (RAP studies and RAP implementation.)	100,000	100,000	100,000	100,000	100,000
Facilitation for CDOs and IPs to undertake consultation and mobilization of communities including IEC materials	200,000	200,000			
Social Safeguards monitoring and audits	50,000	50,000	40,000	40,000	30,000
Sub-totals	550,000	350,000	140,000	140,000	130,000
Total Budget Estimate	1,310,000				

17.2 DISCLOSURE

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

18 CONCLUSIONS AND RECOMMENDATIONS

18.1 SUMMARY AND CONCLUSION

Uganda is situated in the center of a region that has seen many civil wars and a vast extent of destruction and human suffering over the last half century. As a result of ongoing conflicts and instability in the Democratic Republic of Congo (DRC), Somalia and South Sudan, Uganda was hosting over 477,187 refugees and 35,779 asylum-seekers by December 2015. Congolese refugees mainly hosted in South-West and Mid-West Uganda (Nakivale, Kyaka II, Rwamwanja and Oruchinga), and South Sudanese mainly hosted in Adjumani, Arua and Kiryandongo Districts.

In response to the impacts of forced displacement on refugee hosting countries and communities in HOA, the proposed operation is a multi-country development response by the respective Governments of Djibouti, Ethiopia and Uganda. The proposed regional operation addresses the unmet social, economic and environmental needs of the local communities both host and displaced (refugees and returnees) in targeted areas of the three proposed project countries.

The project will support interventions designed to improve livelihoods and access to basic socio-economic services in selected districts. The salient physical characteristics relevant to safeguard analysis relate to project Component 1: Social and Economic Investments which entail civil works and/or construction/expansion of schools, health centers, water supply, and all weather roads. The community sub-projects may involve limited land acquisition and displacement of land-uses and/or livelihoods. The potential environmental and social impacts can be adequately managed by integrating environmental and social due diligence into the sub-project cycle. Because of the overall limited likely environmental and social impacts, the project is rated as EA category B.

The potential land acquisition and social impacts can be adequately managed by integrating social due diligence into the subproject cycle using this RPF for guidance. This Resettlement Policy Framework establishes the resettlement and compensation principles and implementation arrangements for the DRDIP. It describes the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation; defines the eligibility criteria for identification of project affected persons (PAPs) and entitlements; describes the consultation procedures and participatory approaches involving PAPs and other key stakeholders; and provides procedures for filing grievances and resolving disputes.

18.2 RECOMMENDATIONS

1. **Land Conflicts:** Based on the analysis of the complex refugee-host community relationships in Uganda as well as the impact of refugees on host communities, addressing land tenure issues, and strengthening conflict resolution and peace building systems is critical. Boundary opening is an urgent issue in addition to settling claims and disputes over land ownership between refugees and host communities in the respective settlements. In addition, there is need to streamline land ownership and use rights issues in Adjumani where no MoUs exist between refugees and host communities.
2. **Training of beneficiaries:** There is need for an adequate budget for training of communities on implementation of subprojects to ensure that land acquisition issues are well managed and to also ensure project sustainability.

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ANNEX 1: WORLD BANK RESETTLEMENT POLICY FRAMEWORK (RPF)

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

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

Resettlement Policy Framework

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

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

For other Bank-assisted project with multiple subprojects²⁶ that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal (see Annex A, paragraphs 23- 25). For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

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

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

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website [INSERT LINK].

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

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

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

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

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

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

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

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

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

cultural, social or ritual groups; and non-governmental organizations (NGOs) that may be relevant to the consultation strategy and to designing and implementing the resettlement activities.

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

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

The institutional framework governing RAP implementation generally covers:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Monitoring and evaluation: Arrangements for monitoring of RAP activities by the implementing agency, and the independent monitoring of these activities, should be included in the RAP section on monitoring and evaluation.

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

ANNEX 3: SAMPLE GRIEVANCE AND RESOLUTION FORM

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

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

ANNEX 4: GRIEVANCE CLOSE OUT FORM

GRIEVANCE CLOSE OUT FORM		
Grievance closeout number		
Define long term action required (if necessary)		
Compensation required: Y N		
Verification of Corrective Action and Sign off		
	Corrective Action Steps:	Due date:
1		
2		
3		
4		
5		
Responsible Party		
COMPENSATION ACTION AND SIGN OFF		
This part will be filled in and signed by the complainant when he/she receives the compensation or the file is closed out.		
Notes:		
Date: >.....		
Complainant		
Representative of Responsible Party		
Name and Signature and Signature		Name
>.....		
>.....		

ANNEX 5: SAMPLE TABLE OF CONTENTS FOR CONSULTATION REPORTS

1.0 Introduction

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

2.0 Stakeholder Analysis

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

3.0 Stakeholder Engagement

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

4.0 Summary of Key Issues

5.0 Future Consultation Events

- 5.1 Phase 4 – Release of the SESA Report and Action Plans
- 5.2 Phase 5 – PCDP Planning Consultation

Property and Land Rights	Law / Regulation
There are four land tenure systems in Uganda, as recognized by Ugandan law. Mailo, Freehold, Customary, and Leasehold.	Land Act 1998

5.3 Phase 6 - Ongoing Project Communication

6.0 Disclosure Plan

Tables

Table 2.1: Consultation Activity Summary

Table 3.1: Initial Government Agency Consultations

Table 3.2: Summary of NGO Meetings

Table 3.3: Sub-County Committee Composition

Table 3.4: Summary of Community Discussions

Table 3.5: Local Community Comments

Table 4.1: Summary of Key Issues and Responses

Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

TEMPLATE Table on Consultation Activity Summary

Location and Communities Represented	Meeting Dates	Attendees	Discussion Summary
Example:			

ANNEX 6: RELEVANT LOCAL LEGISLATION AND GUIDELINES

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

<p>Leasehold tenure:</p> <ul style="list-style-type: none"> • Is created either by contract or by operation of the law • Is a form under which the landlord or lessor grants the tenant or leasee exclusive possession of the land, usually for a period defined and in return for a rent. • The tenant has security of tenure and a proprietary interest in the land 	Land Act 1998
<p>“Licence” or “Share Cropper”</p> <ul style="list-style-type: none"> • Although only these later forms of tenure are legally defined under the Land Act, the context of common law also recognizes the statute of “licensee” or “sharecroppers”, these terms having similar meanings in practice. Licensees are persons granted authority to use land within for agricultural production. Traditionally, such production would be limited to annual crops. Licensees have no legal security of tenure of any propriety right in the land. Their tenure is purely contractual. 	Land Act 1998
Every person in Uganda has the right to own property.	Constitution (1995) Article 26
Land Acquisition	Law / Regulation
The government and local authorities have statutory power to compulsorily acquire land.	Constitution: Article 26(2) and Article 237(2) Land Act (1998)
The minister responsible for land may authorize any person to enter upon land and survey the land dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose.	Land Acquisition Act (1965)
Fixing the value for land in Uganda depends on whether it is public (Government owned) or privately owned according to land tenure types indicated in the section of land acquisition. If it is public land, the Chief Government Valuer’s office fixes the rates of compensation. However, if it is owned privately, the developer will negotiate with the owner and agree on the amount to pay for the land to be acquired.	Land Act of 1998 as amended in 2004
Value for customary land is open market value, buildings on land is taken to be on replacement costs in rural areas, 15% and 30% (of total sum assessed) disturbance allowance is to be paid if less than six months or six months notice respectively is given up to vacant possession.	Land Act of 1998 as amended in 2004

It is the responsibility of the developer to engage a professional Valuer to carry out an assessment of all structures and assets in the affected area. However, rates for structures/buildings in urban areas are fixed by the Chief Government Valuer's Office	None cited
It defines a road reserve as that area bounded by imaginary lines parallel to and not more than fifty feet distant from the centerline of any road, and declared to be a road reserve.	Roads Act (1964)
No person shall erect any building or plant, trees or permanent crops within a road reserve.	Roads Act (1964)
The road authorities are permitted to dig and take materials from the road reserve for the construction and maintenance of roads.	Roads Act (1964)
The Town and Country Planning Act of 1964 gives broad powers to planning authorities at the national and local level to take land, against compensation, for public purposes within an approved planning area.	Town and Country Planning Act 1964
Each District Land Board adopts its own compensation rates. As a result, variation exists among the different districts. The rates are reviewed each year.	None cited
Article 26(2) of the Constitution provides that: "No person shall be compulsorily deprived of property or any interests in or any right over property of any description except where the following conditions are satisfied. <ul style="list-style-type: none"> • The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health and • The compulsory taking of possession or acquisition of property is made under a law which makes provision for: <ul style="list-style-type: none"> ○ Prompt payment of fair and adequate compensation, prior to the taking or acquisition of the property, and ○ A right of access to a court of law by any person who has an interest or right over the property. 	Constitution (1995), Article 26(2)
"Where the assessment officer takes possession of land, the land shall immediately by the operation of this act be vested in the land commission free from all encumbrances"	Land Acquisition Act 7(2)

“the <i>Uganda Land Commission shall hold and manage any land in Uganda which is vested in or acquired by the government in accordance with the constitution and perform such other functions as may be prescribed by or under this Act or any other enactment.</i> ”	Land Act (2004) Section 49 as amended specifically under subsections (a) and (d)
The Government or Local Government may acquire land in public interest.	Article 237(1)
Compensation	Law / Regulation
Prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the property.	Constitution 1995
Prompt payment of fair and adequate compensation to all interested parties on the land.	Electricity Act (1999), Part VIII
Compensation for affected people should be determined according to the Land Act (1998) and the Land Acquisition Act (1965).	Electricity Act 71
Electricity Regulatory Authority has the power to handle claims for compensation for land acquired.	Electricity Act (1999)
The Government is supposed to pay compensation (cash) to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred by the Attorney General to court for decision.	Land Acquisition Act (1965)
The basis for compensation is depreciated replacement costs for rural properties and market values for urban properties.	Land Act (1998) Section 78
Each District Land Board adopts its own compensation rates. As a result, variation exists among the different districts. The rates are reviewed each year.	None cited
Dispute Resolution and Grievance Mechanisms	Law / Regulation
Land Tribunals must be established at all local governments and all land disputes must first be processed through them before any resort can be made to ordinary courts.	Land Act (1998), Article 75
Traditional authority mediators retain their jurisdiction over land disputes.	Land Act (1998), Article 89

ANNEX 7: SCOPE OF THE RESETTLEMENT POLICY FRAMEWORK

- Review the relevant legislation, regulations and local rules governing the use of land and other assets, with specific reference to the following:
 - i. Political economy and governance in Uganda
 - ii. Property and land rights as defined by Ugandan law and customary practice
 - iii. Acquisition and valuation of land and other assets including regulations over the buying and selling of these assets.
 - iv. Entitlement and compensation in particular the accepted norms influencing people's basic rights to livelihood and basic services.
 - v. Dispute resolution and grievance mechanisms. Specifically the legal and institutional arrangements for filing grievances are addressed through formal and informal systems of dispute resolution.
 - vi. Comparison with The World Bank OP 4.12 using equivalence and acceptability standards.
- Review relevant Ugandan laws and procedures regarding land taking and compensation;
- Study the RPF Template for Uganda and use it for the preparation of the required RPF specifically relating it to the rationale of DRDIP Project. The template will be provided by IDA on selection of consultant;
- Consult with relevant Local Government and other key stakeholders such as key government parastals that are engaged in land acquisition processes so as to identify current land acquisition challenges and community vulnerabilities and suggest workable recommendation to be adopted in to the current project;
- Undertake field visit to generate information on the institutional capacities in selected Districts that would inform the current Resettlement Policy Framework implementation. The RPF should be an operational document providing detailed background information. Reference to OP 4.12 Involuntary Resettlement was used in the preparation of this document.

ANNEX 8: Consent Form Voluntary Land Contribution (Generic)

Name(s) of Land Owner(s)	1.	2.
Village:		
Sub-County:		
District:		
Location of Land:		
Village:		
Sub-County:		
District:		
Land Tenure System (<i>Please tick</i>):	Leasehold land	Public Customary Freehold Mailo
Land Holding Size (ha):		
Confirmation of Land Ownership	<p>I certify that this land legally or traditionally belongs to the following:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>of Village, Parish.....Sub-</p>	

	County.....inDistrict LCI Signature Sub-county LC III Signature
Contribution Type <i>(Please tick):</i>	Voluntary without compensation Voluntary with compensation Amount of compensation: Ug. Shs.
Period of Use:	Indefinite Number of Years
Declaration of Landowner(s)	I/We declare that this land belongs to me/us and I/we hereby contribute it voluntarily for a community project Name(s) of Landowner(s) Signature

Name and Type of Development Project:	Name: Type:
Affidavit of Declaration of Offer by Land Owner(s)	I/We declare and transfer Land User/Land Ownership rights to my/our land to the Community Based Organization or Group without any conditions for the development and implementation of the community development project described above: <hr/> - Name of Land Owner Signature <hr/> - Name of Land Owner Signature