



Republic of Uganda

OFFICE OF THE PRIME MINISTER

NORTHERN UGANDA BUSINESS ADVISORY SUPPORT PROJECT



Resettlement Policy Framework (RPF)

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ABBREVIATIONS AND ACRONYMS

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

NPCU	National Project Coordination Unit
NSCS	National Seed Certification Service
NUSAF	Northern Uganda Social Action Fund
NUBSP	Northern Uganda Business Advisory Support Program
PAPs	Project Affected Persons
PDO	Project Development Objective
PEAP	Poverty Eradication Action Plan
PLC	Parish Land Committee
PSC	Project Steering Committee
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RPOs	Rural Producer Organizations
SACCO	Savings & Credit Cooperative Organizations
VPC	Village Peace Committee
WB	World Bank

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 NUBSP project 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 NUBSP 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 NUBSP program activities.

“Cut-off date” is the date of commencement of the census of PAPs or DPs within the NUBSP program area boundaries. This is the date on and beyond which any person whose land is occupied for NUBSP project 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 NUBSP program, will suffer direct economic and or social adverse impacts, regardless of whether or not they 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 NUBSP program against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

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

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

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

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

Resettlement and Compensation Plan”, also known as a **“Resettlement Action Plan (RAP)”** or **“Resettlement Plan”** - is a resettlement instrument (document) to be prepared when program locations are identified. In such cases, land acquisition leads to physical displacement of persons, and/or loss of shelter, and /or loss of livelihoods and/or loss, denial or restriction of access to economic resources. RAPs are prepared by the party impacting on the people and their livelihoods. RAPs contain specific and legal binding requirements to resettle and compensate the affected party before implementation of the NUBSP program activities.

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

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

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

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

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

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

EXECUTIVE SUMMARY

Background

Government of Uganda has implemented successive development projects and programmes in the Northern and North Eastern part of the country over the past two decades to address development gaps created by the effects of civil strife, insurgencies and cattle rustling perpetuated for long in the region. The recent interventions included the first *Northern Uganda Social Action Fund (NUSAF 1)* Project implemented with IDA support from February 5, 2003 to March 31, 2009. The NUSAF 1 was succeeded by the *Second Northern Uganda Social Action Fund (NUSAF 2)* Project that became effective on November 25, 2009 and closed on February 29, 2016. Other key interventions to enhance the livelihood of persons in the Northern and North-Eastern region include Karamoja Livelihood Program (KALIP), Northern Uganda Agricultural Livelihoods Recovery Programme (ALREP) and National Agriculture Advisory Services (NAADS); amongst other undertakings by Government, Agencies, and International NGOs.

NORTHERN UGANDA BUSINESS ADVISORY SUPPORT PROJECT

The Northern Uganda Business Advisory Support Project (NUBSP) is a pilot project to complement the NUSAF 3 Project, which is well aligned with the Bank's Country Assistance Strategy (CAS) and the government's National Development Plan (NDP), and Peace Recovery, and Development Plan (PRDP) in its poverty alleviation and growth efforts. The proposed project will complement the Improved Household Support Program (IHISP) of NUSAF 3 by integrating the provision of business management training and follow-up business advisory services through extension of support to the CIGs and other very poor individuals in the four districts of Kitgum, Gulu, Nebbi, and Soroti, in Northern Uganda to help them increase their income in a sustainable manner. The proposed project would be funded through a US\$ 2.857 million equivalent grant of the Japan Social Development Fund (JSDF) and will operate over a period of Three years.

Project Development Objective

The development objective of this project is to improve and sustain the incomes of poor households belonging to existing and new community interest groups (CIGs) in the four pilot districts (Kitgum, Gulu, Nebbi, and Soroti) in northern Uganda by providing business training, small grants, and follow-up business advisory services to existing and new CIGs.

Project Beneficiaries

The main beneficiaries will be the existing and new CIGs formed by poor and vulnerable households located in Kitgum, Gulu, Nebbi, and Soroti districts. The existing CIGs were formed under the IHISP of the NUSAF 2 Project, and the new CIGs will be formed under NUBSP project. The members of the new CIGs will belong to poor and vulnerable groups such as female-headed households, people with disabilities, and vulnerable youths, among others.

The grant will benefit 120 existing and 240 new CIGs.¹ Each CIG will comprise of 10-15 members. The members of the CIG will complete training in business management and technical skills development and

¹ The average number of members in a CIG is 13, with most CIG having between 10 to 15 members.

will produce business plans. The existing CIGs to benefit from this pilot initiative will be selected from those supported by the NUSAF 2 Project, while the new CIGs will be formed through a participatory process that was previously used by NUSAF 2 in the formation of the existing CIGs. There will be 4,680 direct beneficiaries within the 360 CIGs, and the project will strive to ensure that at least 50 percent of the members of the new CIGs are women (the existing CIGs consist of more than 50 percent women).

Project Components

This project will support the formation of 240 new CIGs and the provision of training, small grants, and business follow-up services to them. It will also provide training and business follow-up services to 120 existing CIGs but will not provide them with small grants because they will have already received similar grants from NUSAF 2 and or 3. The NUSAF3 same as NUSAF2 participatory process will be used to form the new CIGs, which will consist of individuals from poor households (10 to 15 individuals per CIG). The project will be implemented in three years in two project cycles. Each project cycle will be implemented in one and half years, which will include one year of providing follow-up business advisory support services to new and existing CIGs.

“Each CIG will receive small grants not exceeding \$2,000 to start their income-generating activities. These can be any activities that have the potential to yield short-term cash flow, such as the production of groundnut paste or fruit juices, the processing of sesame oil or sun-dried fruit, baking, milk processing, the production of smoked fish, maize flour, or cassava flour, starting a salon, tailoring, dress making, handicrafts, keeping poultry or pigs, or vegetable farming.” If their business is successful for the first six months, the CIG may be able to apply for an additional grant of a maximum of \$2,000 per group on the basis of an updated business plan.

Lessons Learned and Reflected in the Project Design

Lessons from NUSAF 2

A review of RPF for NUSAF2 was undertaken as one of the key tasks in this assignment and the following key good practice and short comings provide good lessons for RPF for NUBSP:

Good Lessons

Land Acquisition:

NUSAF2 safeguards unit developed a uniform voluntary land consent form which community beneficiaries across all its components (House Hold Income Support Projects, Community Infrastructure Rehabilitation and Public Works Projects) implemented have successfully used to consent on all the lands they voluntarily gave to support their projects. This was an access condition before approval of any project for funding, communities had to consent on availability of land. (*Refer to summary of stakeholder consultations*)

Gender:

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

management structures Community Procurement Committee, Social Accountability Committee, Community Project Management Committee and beneficiaries.

Social Inclusion

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

Institutionalisation of gender balance in management structures

NUSAF2 defines the Institutional provision in the composition of CPMCs, CPCs and SACs. The requirement of having at least 30% of women in each of the above committees is being adhered to through both the justification processes. Cumulatively, a total of 149,837 of CPMCs, SAC and CPCs have been trained to date on their roles in regards to subprojects management. Out of that total number, 78,515 (52.4%) comprise of females which is more than the project set target of 30% for women composition.

Equity and equality considerations in sharing the sub project benefits

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

Safeguards Monitoring and Evaluation Systems and frame works:

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

Monitoring, reporting, Certification and Documentation:

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

GAPs IDENTIFIED IN IMPLEMENTATION OF NUSAF 2

- Inadequate specifications of investments in the CIG menu to guide selection of projects in NUSAF2. This was insufficient in NUSAF2 reports yet it is critical in understanding the project scope as well as context of compensation if any arises.
- There was late development of safeguard screening tools such as land consent forms which resulted in communities using different consent forms.
- Sustainability challenges on some HISP investments. This requires proper guiding note to districts on proper selection of HISP and other CIGs projects in the next projects.
- Unclear indicative cost for capacity building and implementation costs for social issues

Purpose and Scope of RPF

The purpose of this Resettlement Policy Framework is to establish the resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various HISP projects to be implemented under the NUBSP. The RPF therefore is prepared to guide and govern NUBSP as subprojects are selected for financing and sets out the elements that will be common to all subprojects that will entail involuntary resettlement, which will not be known by the time of project appraisal.

Methodology for RPF Preparation

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

Legal Framework

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

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

Key Stakeholder Issues Raised in NUSAF2 project to inform NUBSP project

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

ISSUE RAISED	CONSULTANT'S REMARKS/PROPOSED MEASURES
<p>Ms. Ali Munira – Head, Public and International Relations/Principal Relations Officer Inspectorate of Government (IG) Under Transparency Accountability and Anti Corruption, IG has undertaken a number of initiatives to sensitize and empower the communities to report corruption and maladministration tendencies through media channels and seminars;</p> <p>The Inspectorate has instituted avenues such as e-mails, Report to IG using Short Message System (SMS), telephone calls on 0414347387 (hot line) and other general lines, physical reporting to any of the 16 IG Regional Offices spread throughout the country.</p> <p>Report to IG uses a short code 6009. This short code is the number to which all complaints or reports are sent. It is TOLL FREE for all mobile networks.</p> <p>With your mobile phone, simply type the keyword “CORRUPT” and SMS to 6009 and follow the prompts. You will receive a Complaint reference number which will be used to follow-up the complaint.</p> <p>Complaints can also be filed online at http://www.igg.go.ug/complaints/</p>	<p>A systematic way for capturing information and data on appeals and complaints has not been generally operational in NUSAF2. Yet, the latter would be an important mechanism to ascertaining transparency and accountability in terms of whether project beneficiaries who have grievances are able to register them, and if the registered, whether concerned committees and/or authorizes take necessary action and on time. This intervention will foster a sense of responsibility and ownership among the citizenry by introducing a mechanism for the community level committees to become the first level of instance for grievances handling and referral to the IG if no resolutions will have been reached.</p>
<p>Eng. Charles Ngeye – Senior Engineer, Dept. of Construction Standards and Quality Management, MoWT</p> <ul style="list-style-type: none"> • NUBSP needs to integrate cross-cutting issues into the project designs early enough and they should be integrated even in the BoQs for works; • The Environmental Management Specialist to implement NUBSP should be in place right from the beginning of the project not as was the case under NUSAF 2 to assist in NUBSP project safeguards Implementation • NUBSP should not assume the districts will monitor and enforce compliance on 	<ul style="list-style-type: none"> • Cross-cutting issues including environment, gender, HIV/Aids, waste management to be included in the budgets. • NUSAF Secretariat has an Environment and Social Safeguards Specialist to provide guidance on safeguards implementation in NUBSP project • The RPF and ESMF recommend facilitation of DEOs and CDOs to enforce safeguards; this item has been included in the budget for RPF implementation. • The design of the NUBSP projects is in way that

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

<p>safeguards without allocating facilitation. The DEOs have challenges of resources and any additional load should be matched with resources; and</p> <ul style="list-style-type: none"> • If the DEOs are to follow up works, they should be brought on board in the project early enough not much later in the project. 	<p>DEO of piloted districts are involved in subprojects right from screening through monitoring.</p>
<p>Munguleni Alfred, NUSAF Desk Officer, Maracha District</p> <p>Screening is done by the environmental officer for all projects and issues of concern are identified and recommendations suggested before an environmental certificate is issued. This is done for all projects before implementation.</p> <p>The district lacks adequate capacity to provide technical advisory services to the benefiting communities. Line ministries such as MAAIF have not harmonized their activities with NUSAF2. The NUBSP project need to strengthen in this area an ensure there is harmonization of their sub project with MAAIF as most of the activities are agricultural related</p> <p>OPM should involve the office of the RDC and GISO in monitoring of NUBSP projects other than the IG's office which is under staffed and overwhelmed by work, for example West Nile has 3 Officers under IG's department to monitor all government activities in the region.</p>	<p>This is a good practice that has to be strengthened further in NUBSP.</p> <p>OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.</p> <p>OPM will have to work with MAAIF to fill the human resource gaps in these regions by training more Community Animal Health Workers (CAHWs). The above is critical because of the need for training of the beneficiary groups on animal management practices to ensure sustainability. Equipping and strengthening the veterinary extension service system at district and sub county level is critical and should be prioritized.</p>
<p>Atto Francisca, District Environment Officer, Gulu District</p> <p>Most projects were screened especially the road works HISP and CIRs. A budget of UGX 600,000 was set aside, for the environmental issues on each CIR and 300,000 for HISP project. Improve on the budget for environmental related issues in the design of NUBSP and there should be a provision for monitoring under NUBSP</p>	<p>It is important to appreciate that the mitigations required vary from subproject to subproject and therefore the budgets for mitigations should be based on the required mitigations based on the screening results. This needs to be considered under NUBSP. This is catered for in the budget for this RPF. OPM should ensure that monitoring is duly undertaken.</p>
<p>Mr. Ojok Brian, NUSAF Desk Officer, Yumbe District</p> <p>The selection criterion for group members depends on the level of discrepancy of community members. There are communities in Yumbe</p>	<p>There is a need for defining clear criteria in the selection of beneficiaries and but also while allowing flexibility to the community to identify poor in a participatory manner keeping community situation and ground realities in mind. Under NUBSP, at the community-</p>

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<p>where everyone is too vulnerable hence every community member is eligible for selection. But in some instances, verbal and assertive members end up being beneficiaries even when they do not qualify.</p>	<p>level, beneficiaries will be selected for inclusion in the Project through a community-based targeting process that will be facilitated by the CDO and other key actors based on eligibility criteria that are established at the national level.</p> <p>The selection of beneficiaries for Component 1 will be carried out through a two-step process including geographic identification of the poorest districts and community based targeting to reach the poorest and most vulnerable. To facilitate this process, the NUBSP project will focus on few geographic areas with higher level of poverty, exposure to climatic hazards such as drought and flood.</p>
<p>Ms. Teopista, NUSAF Trainer, NUSAF Desk Office, Nebbi District.</p> <p>Training of communities is inadequate and some of them are ill prepared to implement the subprojects. Training is supposed to be continuous but there are no budgetary provisions for this. There should be a component of continuous training but this is not provided for in the budget, therefore this should be considered when designing NUBSP.</p>	<p>During the implementation of NUSAF2, the TST and Districts mainly focused on generation and approval of sub-projects. There wasn't much support for beneficiaries during and post implementation of sub-project. Under NUBSP program, in order to provide implementation support and follow up mentoring to community and beneficiaries, an implementation support team at Sub-County, Parish and Community level will be put in place.</p>
<p>Gadilaya Tree Planting Group, Jupuyik Village, Nebbi</p> <p>Training was inadequate because the trainer only appeared for 3 days. There is need for more training in nursery management and production of quality seedlings. Seedlings are often attacked by pests and diseases which cause great losses to the group. There is also inadequate information about where to obtain quality seeds and other inputs such as pesticides.</p>	<p>This is an indication of lack of adequate extension services to the beneficiaries. OPM will have to closely work with MAAIF to strengthen the Afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.</p>
<p>Amilobo Women Group, Gulu district Subproject: Banana plantation</p> <ul style="list-style-type: none"> • The plants wilt during prolonged dry season • It also becomes hard to maintain the garden during the rainy season due to the vigorous growth of weeds. • The yields from the plantation are very low especially last year no sales were made because wind brought down all 	<p>Such groups require adequate extension services on crop production to minimize losses. This echoes the need for OPM/NUBSP to closely work with MAAIF to strengthen extension services to the beneficiaries.</p>

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

Land Acquisition Mechanisms for NUBSP

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 NUBSP, it is preferable to compensate all land acquisition for program activities. Where involuntary land acquisition is unavoidable then it will be minimized to the greatest extent possible.

Potential Project Impacts and Mitigations

Potential Impacts

No significant displacement of persons is expected except for the acquisition of required land for the expansion of existing business facilities in HISP. The project interventions are meant to strengthen already existing means of livelihood of communities and they are likely to appreciate the services and will likely donate the land required. The subprojects likely temporal effects will result into an interruption in the current use of property or land by the affected person as a result of the sub project activities.

Eligibility for Compensation

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

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

Valuation Methods

Agricultural land

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

Land in urban areas

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

Houses and other structures

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

Loss of Income

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

Project Screening and Preparation

Subprojects Screening

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

Step 2: The Local Governments (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 sitting 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 be drafted by NUSBSP in consultation with other parties responsible for resettlement specifying the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities. The Abbreviated Resettlement Action Plan will be used where less than 200 individuals are displaced or less than 10% of affected land is lost.

Community Sensitizations

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

Stakeholder Consultation and Participation

RPF Implementation and Monitoring

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

Grievance Redress Committee- The Grievance Redress Committee (GRC) 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 in NUBSP program to ensure stated targets are met and project affected persons are duly compensated in line with the RAP requirements. The sequence of implementation activities and responsibilities are summarized in the table below.

Roles and Responsibilities

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

Project Implementation Framework

Institution	Responsibility and Safeguards Capacity for ESMF Implementation
OPM	<p>Responsibility – The institutional arrangement that will be used to implement the NUSAF 3 project will be as well used to implement the NUBSP. The Office of the Prime Minister (OPM) will be the implementing agency of the project and will work with a wide range of institutions at central, district and sub-county levels to deliver the project. The OPM will continue to be supported by a Technical Support Team (TST) headed by a Project Coordinator and staffed by relevant technical experts. The exact composition and number of staff will be reviewed following further elaboration of the design but it is expected that the team will have a cost effective structure and more practical presence. The Permanent Secretary, Office of the Prime Minister will have overall responsibility for the coordination, accounting for the project resources and ensuring successful implementation of the Project.</p> <p>Safeguards Capacity – NUSAF TST has a qualified Environment and Social Specialist who could handle as well the NUBSP safeguards concerns</p>
IG	The Inspectorate of Government (IG) will conduct NUBSP specific IEC, oversight, grievance response and, where necessary, investigations. The IG under the TAAC will undertake grievance handling especially in regard to corruption. The IG will liaise with the PS-OPM, Chief Administrative Officers and Sub-county Chiefs to ensure effective implementation of the TAAC Program at national, district and sub-county levels respectively. Under this arrangement, the IG will submit six-monthly reports to OPM, MFPED, Parliament and the World Bank.
MoGLSD	Responsibility – While the OPM will be responsible for the overall resources management and implementation of the project, the Ministry of Gender, Labor, and Social Development (MGLSD) mandate as the government agency responsible for Social Protection sector policymaking and overall coordination of SP interventions. As a result, the MGLSD is leading the preparation of a national framework for public works, to which this Project will contribute. MGLSD will also lead efforts through the capacity building component of the Project to build the foundation for the direct income support program.
DLG	The following institutions with the District Local Governments (DLG) will be involved in screening and implementation of mitigation measures, monitoring and evaluation of subprojects within the District:

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

	<p>planning, setting standards on irrigation, aquaculture and water for livestock. OPM will have to closely work with MAAIF to strengthen the Afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.</p> <p>Capacity – Some NUSAF regions such as Karamoja region have continuously failed to attract more veterinary professionals and services both at local government level and the private sector. This has greatly affected the delivery of the much needed veterinary services and inputs to the pastoralist communities. OPM will have to work with MAAIF to fill the human resource gaps in these regions by training more Community Animal Health Workers (CAHWs). The above is critical because of the need for training of the beneficiary groups on animal management practices to ensure sustainability. Equipping and strengthening the veterinary extension service system at district and sub county level is critical and should be prioritized.</p>
MoH	<p>Mandate and Responsibility - Health governance in Uganda is spearheaded by the MoH and shared with other ministries, health development partners, district leadership, providers (public and private), and representatives of civil society organizations (CSOs). The MoH is tasked with the role and responsibility of delivering on the health goals and objectives of government.</p> <p>Under decentralization law in Uganda, power, authority and resources are decentralized from the central government directly to the districts. Health services in Uganda are delivered within the framework of decentralization. The local governments are empowered to appoint and deploy public servants, including health workers, within the districts, through the District Service Committees. The local governments also plan for and oversee service delivery within the districts. The MoLG steers the local governments, which govern the District Health Offices. District Health Officers are responsible for performing the policy, planning, and supervision functions required of monitoring health services and products in the districts.</p> <p>Under NUBSP, activities that have the potential to yield not only short-term cash flow, such as the production of groundnut paste or fruit juices, the processing of sesame oil or sun-dried fruit, baking, milk processing, the production of smoked fish, maize flour, or cassava flour, keeping poultry, pigs or vegetable farming etc but also promote nutritional value, quality and as well Hygiene and sanitation and safety measures in place by communities implementing such projects will be monitored by Health Sector.</p>
NEMA	<p>Mandate and Responsibility - NEMA is specifically mandated under the National Environment Act (NEA) Cap. 153 as the principal agency in Uganda charged with the responsibility of coordinating, monitoring, supervising, and regulating all environmental management matters in the country. One of the key institutional mandates of NEMA include among others ensuring the observance of proper safeguards in the planning and execution of all development projects including those already in existence that have or are likely to have significant impact on the environment. The role of NEMA in NUBSP will be to review and approve environmental impact assessments and Project Briefs as well as monitoring project implementation in accordance with the National Environment Act and the respective</p>

	<p>regulations.</p> <p>Safeguards Capacity – NEMA has adequate technical capacity to monitor the NUSAF3 through its Department of Environment Compliance and Monitoring in addition to the District Environment Officers in the respective project areas that will be able to report any cases of noncompliance. NEMA Environmental Inspectors do capture social issues/complaints during their inspections where feasible. However, NEMA is constrained by the small number of staff it has and in most cases does not monitor projects they deem of low-moderate environmental and social impacts. In addition, NEMA is also resource constrained since it does not have enough funds to take care of projects monitoring and compliance follow up. Overall, NEMA captures both environmental and social issues either through the mandatory annual compliance audits or through monitoring reports by the respective District Environment Officers who are xxviazette Environment Inspectors. Therefore, there is need for close coordination between the DEOs and CDOs in order to fully integrate social issues into the monitoring reports prepared by the DEOs.</p>
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Grievance Redress Mechanism (GRM)

The NUBSP sub projects will have social structures Community Monitoring Groups (CMGs) like in NUSAF3 and Community projects beneficiaries will elect their leaders and representatives from community and not from beneficiaries to handle social accountability issues as well land issues. One of the tasks of the above committees amongst others is to, mediate in the conflicts and solve problems within the villages. Any grievances that cannot be resolved at that level are referred to the sub county and thereafter if it fails it is referred to the government courts of law.

The sub-project RAP team will also establish an independent grievance mechanism through Local Authorities 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 shall also be informed about the dispute resolution process, particularly on 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 World Bank’s Grievance Redress Service (GRS) has also been introduced to provide an easy way for project-affected communities and individuals to bring their grievances directly to the attention of Bank Management via email: grievances@worldbank.org; fax: +12026147313 or via mail: The World Bank, Grievance Redress Service, MSN MC 10-1018, 1818 H St NW, Washington, DC 20433, USA and/or via Country Office in Kampala – Rwenzori House. 1 Lumuba Avenue, P.O. Box 4463, Kampala (U); Tel: +256 414 3022 00.

Monitoring

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

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

Budget and Funding

Proposed 3 Year RPF Implementation Budget

Item	,000shs		
	Year 1	Year 2	Year 3
Training of CDOs, DEOs, and NDOs in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	50,000		
Training of sub-county stakeholders in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	50,000		
Capacity building for OPM-NUBSP team on Grievance Redress Mechanism	50,000		
Social Safeguards monitoring and audits		20,000	20,000
Sub-totals	150,000	20,000	20,000
Total Budget Estimate	190,000,000		

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 info shop 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 Info shop for public access.

Recommendations

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

RECOMMENDATIONS

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

INTRODUCTION

BACKGROUND

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

NORTHERN UGANDA BUSINESS ADVISORY SUPPORT PROJECT

The Northern Uganda Business Advisory Support project (NUBSP) is a pilot project to complement the NUSAF 3 Project, which is well aligned with the Bank's Country Assistance Strategy (CAS) and the government's National Development Plan (NDP), and Peace Recovery, and Development Plan (PRDP) in its poverty alleviation and growth efforts. The proposed program will complement the Improved Household Support Program (IHISP) of NUSAF3 by integrating the provision of business management training and follow-up business advisory services through extension of support to the CIGs and other very poor individuals in Northern Uganda to help them increase their income in a sustainable manner. The proposed project will be funded through a US\$ 2.857 million grant of the Japan Social Development Fund (JSDF) and will operate over a period of three years. The programme will be piloted in the four districts of Kitgum, Gulu, Nebbi, and Soroti. The criteria for selection of the pilot districts are based on the poverty map and variety of sub-projects implemented under NUSAF 2 and 3. Besides Karamoja sub-region and some parts of North- Eastern Uganda which have exceptionally high incidence of poverty, with 74 percent of the population living below the national poverty line, the poverty map depicts the second highest concentration of poverty in Kitgum and Gulu districts; while Nebbi and Soroti have a wide variety of sub-projects, including farm and non-farm activities, being implemented by the Community Interest Groups under NUSAF2.

PROJECT DEVELOPMENT OBJECTIVE

The development objective of this project is to improve and sustain the incomes of poor households belonging to existing and new community interest groups (CIGs) in the four pilot districts (Kitgum, Gulu, Nebbi, and Soroti) in northern Uganda. The project development objective will be achieved by providing business skills training, small grants, and follow-up business advisory services to existing and new CIGs.

PROJECT COMPONENTS

**COMPONENT 1: BUSINESS TRAINING, SMALL GRANTS AND FOLLOW-UP
BUSINESS ADVISORY SERVICES TO CIGS COMPONENT**

This component will support the formation of 240 new CIGs and also support the provision of training, small grants, and follow-up business advisory support services to the new CIGs, as well as the provision of business skills training and follow-up business advisory support services to 120 existing NUSAF2/ 3 CIGs in the pilot districts of Gulu, Kitgum, Nebbi, and Soroti.

1. **Component 1** will support five activities: (i) the formation of new CIGs and the identification of possible income-generating activities based on an assessment of the local market; (ii) the provision of business management training both to new and existing CIGs and help with the production of their business plans; (iii) the provision of small grants to new CIGs to enable them to start their income-generating activities; (iv) the establishment of a mentor support system; and (v) the provision of follow up business advisory services. The details of the activities are presented below.

(i) ***Subcomponent 1.1: Identification and Supporting the formation of New CIGs.*** This will involve mobilizing and raising awareness of the new project in the relevant communities. This effort will be coordinated with local community leaders and sub-county technical staff. The poorest households will be chosen using NUSAF2 selection procedures.² The new CIGs will be trained to undertake value-added and/or service-based activities that have been proven to be the most viable in their particular environments. The activities will be chosen based on the interest expressed by the CIGs and on local demand based on a local market assessment.

(ii) ***Subcomponent 1.2: Providing Business Management Training to CIGs.*** Basic leadership and business management training will be provided to 240 new and 120 existing CIGs to enhance their capacity to formulate business plans of their income-generating activities complete with projections of expected revenues and expenses. This training will last for five days and will be provided by consulting firms or NGOs procured locally on a competitive basis. The first three days of the training will be focused on business planning including financial, marketing, and operations planning, while the last two days will be focused on group dynamics (for example, the leadership skills needed to solve group problems) and the formulation of a group business plan (including how to support individual member entrepreneurs with collaborative marketing and economies of scale). There will be two trainers running sessions for the members of two CIGs at the same time. The same trainers will be responsible for providing the follow-up business advisory services to the same CIG members. Each CIG has between 10 and 15 people, each of whom is representing their own household. The five days of training will be spread over a period of time (about two to three weeks) to allow the trainees to reflect on what they are learning and put it into practice, while at the same time allowing them time to continue attending to their businesses. The trainees will also need time during the training period to collect data for their business plans. The implementing partner will use and leverage existing infrastructure in the communities like nearby schools, churches, and community centers for training so that the trainees do not have to travel far from their homes.

² NUSAF 2 selection is based on the knowledge that neighbours have of each other and of who are the poorest households in the community. Self-reported poverty may not be accurate, but the neighbours know who the vulnerable poor are.

(iii) Subcomponent 1.3: Providing Small Grants to the New CIGs. The existing CIGs will not receive any business training or small grants because they have already received similar training and grants under the NUSAF 2 project. However, the project will provide follow-up business advisory services to the existing 120 CIGs. The new CIGs will be formed by individuals from poor households (10 to 15 individuals per CIG) following the NUSAF 2 participatory process. The rationale for the formation of new CIGs stems from the fact that the majority (over 85 percent) of the existing CIGs are focused on traditional income-generating activities, such as cattle and goat rearing, which take a relatively long time to generate income. It is envisaged that the project will guide the new CIGs towards value-added and service-based activities that have the potential to generate higher incomes in a relatively short time. This will also help to widen the choice of income-generating activities for the poor communities.

Upon completing the business training and submitting a business plan, each CIG will receive small grants not exceeding \$2,000 to start their income-generating activities. These can be any activities that have the potential to yield short-term cash flow, such as the production of groundnut paste or fruit juices, the processing of sesame oil or sun-dried fruit, baking, milk processing, the production of smoked fish, maize flour, or cassava flour, starting a salon, tailoring, dress making, handicrafts, keeping poultry or pigs, or vegetable farming. If their business is successful for the first six months,³ the CIG may be able to apply for an additional grant of a maximum of \$2,000 per group on the basis of an updated business plan. The requirement associated with this additional grant will be that the group must use it to establish a revolving fund that will provide members with small loans to expand their businesses as per their revised plan. The revolving fund will be managed by a community council elected by the general assembly of the village. The council will be composed of respected community members who are not members or representatives of the CIG (in other words, any potential beneficiaries of the revolving fund). The community council will make rules and regulations relating to the administration of the revolving fund, including deciding the interest rate to be paid by members, reviewing and approving requests from members, and setting the repayment terms.

To strengthen provision of small grants, following selection criteria and repayment mechanism will be followed to ensure sustainability. Selection criteria - The pilot will be implemented in only a specific number of villages in four pilot districts, and the community mobilization and sensitization will be conducted in only those target villages. Once target villages have been identified, a joint team, comprised of parish chiefs, Local Council 1 members (LC 1) and community facilitators engaged by the service provider will conduct social mobilization in target villages. This team will work under the leadership of the Community Development Officer (CDO). The aim of this social mobilization will be to ensure that all households (including elderly and disabled household members) in target villages are aware of this project, the activities supported, who is eligible and how to access support. Following the mobilization a community targeting exercise will be conducted to identify those households that are eligible for the pilot. The targeting process in target villages will take 6 days, and will comprise of following steps: i) sensitization and awareness; ii) Community profiling; iii)

³ Because six months may be too short a time to gauge performance on the basis of any income or profit generated from the activity, other processes may be used to gauge the performance of a group. These may include the group's record keeping, its sales revenue realized as a percentage of forecasted sales revenue, or the extent to which a group work together as depicted by the number of meetings attended by all members, the number of joint tasks performed, whether a group has a bank account, whether a group has a code or internal rules to govern its members, the existence and organization of minutes of group meetings, and the extent to which the business plan is being implemented. The details will be in the operations manual.

Identification of target beneficiaries; iv) Verification and validation; v) Display the final list of beneficiaries in the village; vi) Approval of the final list by village community. Households eligible for and interested in the IHISP will be able to nominate one representative to be a member of the Community Interest Group. The recommended size of a Community Interest Group is 10-15 members of which at least 50 percent will be women. Repayment mechanism - The revolving fund will be managed by a community council elected by the general assembly of the village. The council will be composed of respected community members who are not members or representatives of the CIG (in other words, any potential beneficiaries of the revolving fund). The community council will make rules and regulations relating to the administration of the revolving fund, including deciding the interest rate to be paid by members, reviewing and approving requests from members, and setting the repayment terms. Overall, the community council will do following to ensure sustainability: review and approve the livelihood business plans and loan request from the groups with the support from the Sub-County/District Technical task team; ii) sign the financing agreement and disburse loans to the groups whose livelihood business plans have been approved; iii) monitor the loans provided to the groups to ensure that they are being used for the desired purpose in accordance with their livelihoods business plans; manage recovery of loans from the groups and payment of agreed interest rates/ service charges; keep records of funds and support CIGs to maintain records; prepare financial and progress reports and share with CDO and NDO and all the groups on a monthly basis; convene quarterly general meetings with CIGs; ensure all the groups are registered at village level; ensure CIGs develop and follow by-laws and are adhering to agreed principles (regular meetings, regular savings, regular repayment, inter loaning, regular repayment); periodically assess and grade CIGs; link and support CIGs in opening their group accounts in banks or any other reliable and properly regulated financial institutions; monitor quality of functioning of CIGs; and provide support for maintenance of accounts and auditing of CIGs.

(iv) Subcomponent 1.4: Providing Support to mentors and Facilitating Learning Workshops. The mentors will be members of CIGs who have already put their business plan into action and are running profitable and sustainable income-generating activities. These mentors must have demonstrated a sound grasp of business management skills and must be willing to become local business advisors to mentor other CIGs within their locality. A database of all such income-generating CIGs will be prepared in each district. Based on this, the 10 most successful entrepreneurs will be selected using criteria that will be set out in the operations manual. These people will then be chosen to be mentors and business development advisors for other CIGs. They will work under the supervision of the training service providers, sharing their experiences in managing their own businesses and helping the CIG members to address some of their challenges.

In addition to this, the project will organize learning workshops for 10 mentors in each district to share experiences, lessons, challenges, and needs related to providing follow-up business advisory services to CIGs. These workshops will be organized by the training service providers on a regular basis in liaison with the District NUSAF Officer and the Community Development Officer(CDO). Another objective of these learning workshops will be to ensure that the mentors are motivated and are given the help that they need to continue to act as mentors even after the project has ended.

(v) Subcomponent 1.5: Providing Follow-up Business Advisory Services to CIGs. The follow-up business development advisory services will be provided to improve the income-generating activities of new and existing CIGs by increasing their productivity and improving the quality of their products or services and their collaborative marketing efforts. The follow-up business advisory services will be provided to each CIG for a maximum of one year. The proposed services will be provided by the service

provider staff as well as mentors. The service provider will hire their staff locally, and will be trained in business skills and most importantly have years of experience within the environment of small enterprises in the target districts. The service provider will also recruit mentors from the community to provide business advisory support services to the CIGs in the second stage of the project. Since providing follow-up business advisory services is a new and innovative way to support the poor in the northern region, the pilot will test the most effective way to do this. Therefore, these services will be provided to CIGs for different lengths of time up to a maximum of one year to determine how long poor entrepreneurs are likely to need follow-up support after completing business skills training. The Project Operations Manual will specify the details how long follow-up services will be provided to different groups of CIGs. With the baseline and end survey data, it will be possible to estimate the medium-term impact of different combinations and lengths of the business management training and follow-up business advisory services on beneficiaries' income-generating activities. If the project is successful, then it can be integrated into any future programs related to the income-generating activities of the poor.

COMPONENT 2: PROGRAM MANAGEMENT AND ADMINISTRATION, MONITORING AND EVALUATION AND KNOWLEDGE DISSEMINATION COMPONENT

This component will support the operational expenditures related to the management and the monitoring and evaluation of the project. Its support will strengthen the project's planning and coordination of activities, as well as the monitoring of its implementation. The coordination of the project and the accountability for project resources are both the responsibility of the Permanent Secretary in the Office of the Prime Minister with the support of the established NUSAF technical support team (TST) and the project manager. This component will finance three activities: (i) program management and administration; (ii) monitoring and evaluation (M&E); and (iii) knowledge dissemination. In order to ensure good program management, governance, and accountability, including financial management, within the TST, the implementing districts, and associated partners, this component will provide financing for basic grant administration and monitoring and evaluation. Through its knowledge dissemination subcomponent, it will also help to ensure that lessons learned from the project are widely shared.

(i) Subcomponent 2.1: Program Management and Administration. This sub-component will cover the overall program management and administration of the project including: (i) hiring a project manager; (ii) auditing; (iii) carrying out an environmental assessment if any new CIG activities seem likely to have an impact on environment; and (iv) supporting the other operational costs incurred at the national, district, and sub-county level during the administration of the project. This budget will also be used for the planning, implementing, and technical oversight of Component 1.

(ii) Subcomponent 2.2: Monitoring and Evaluation. This subcomponent will cover M&E and all reporting related to the project. This will include regular reports on the program's progress, financial reporting, and the participatory monitoring of outputs and outcomes that will involve the beneficiaries. It will also include the production of impact evaluation and implementation completion reports at the end of the three years of the project. The requirement to produce an impact evaluation is justified by the fact that provision of business management training coupled with business advisory services to poor communities is an innovation in Uganda, and little is known about how it might affect on household income or the growth and sustainability of businesses. Therefore, the impact evaluation will measure: (i) the effect of business management skills training without follow-up business advisory services on the beneficiaries' income generation and the growth and sustainability of their businesses; (ii) the effect of different times

and lengths of follow-up advisory services on the beneficiaries' income generation and on the growth, and sustainability of their businesses; and (iii) the effect of the project on the generation of income by different categories of activities. This will require the establishment of a comparison group in order to have an indication of what would have happened to the project participants if the project did not exist. To provide this information, the project will support the costs involved in carrying out an initial survey to collect baseline data and an end survey to collect impact evaluation data.

In addition, an online management information system (MIS) will be developed to continuously capture routine data on a set of input, process, and output indicators to enable service providers, and district and sub-county officials to track and report on the progress of the program. The details of which input, process, and output indicators will be captured by the MIS will be given in the Project Operations Manual.

(iii) Subcomponent 2.3: Knowledge Dissemination. This sub-component will support efforts that will ensure that lessons learned from the project are fully shared with all stakeholders. Disseminating this knowledge will ensure that the weaknesses and strengths of this pilot project are available to inform the development of similar income-generation projects. Furthermore, lessons learned about any synergies between this project and existing social protection and rural enterprise projects targeted to the poorest of the poor will help the government and its development partners to consolidate good governance practices in the management of their projects. This knowledge dissemination component will support: (i) the development of a documentary promotion video; (ii) workshops at the national level to share the lessons learned from the project with policymakers, development partners, and other relevant stakeholders; and (iii) a series of learning notes to disseminate lessons from the pilot with a wider range of stakeholders.

NORTHERN UGANDA BUSINESS ADVISORY SUPPORT PROJECT AREAS

The program will be implemented in the districts of Kitgum, Gulu, Nebbi and Soroti. The distribution of poverty and vulnerability in the country demonstrates the need for a national program, which is not feasible given the available financing. Therefore, the criteria for selecting the districts to participate in the NUBSP operation was determined by the capacity built in the NUSAF 2 areas.

CORE BENEFICIARIES

The main beneficiaries will be the existing and new CIGs formed by poor and vulnerable households located in Kitgum, Gulu, Nebbi, and Soroti districts. The existing CIGs were formed under the HISP of the NUSAF 2 Project, and the new CIGs will be formed under this proposed project. The members of the new CIGs will belong to poor and vulnerable groups such as female-headed households, people with disabilities, and vulnerable youths, among others.

The grant will benefit 120 existing and 240 new CIGs.⁴ The members of the CIGs will complete training in management and technical skills development and will produce business plans. The existing CIGs to benefit from this pilot initiative will be selected from those supported by the NUSAF 2 Project, while the new CIGs will be formed through a participatory process that was previously used by NUSAF 2 in the formation of the existing CIGs. There will be 4,680 direct beneficiaries within the 360 CIGs, and the project will strive to ensure that at least 50 percent of the members of the new CIGs are women (the existing CIGs consist of more than 50 percent women).

⁴ The average number of members in a CIG is 13, with most CIG having between 10 to 15 members.

WORLD BANK SAFEGUARD POLICY

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

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

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

PREPARATION OF THE RESETTLEMENT POLICY FRAMEWORK-RPF

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

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 NUBSP program.

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

RATIONALE OF THE RPF

There is need for a Resettlement Policy Framework (RPF) since the subprojects to be financed under the NUBSP are not fully determined and as such, the assignment requires that potential resettlement aspects of NUBSP 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 NUBSP program.

OBJECTIVES OF THE RESETTLEMENT POLICY FRAMEWORK

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

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

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

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

RPF METHODOLOGY AND APPROACH

In preparation of the RPF, qualitative methods of data collection were mainly employed to generate the required information. In all the approaches, the methods assessed awareness/knowledge of the land acquisition processes and current land acquisition challenges, institutional capacities to handle 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*.

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 NUBSP. Documents reviewed included:

- The Uganda Constitution
- The Uganda Land Policy, 2013
- Land Use Policy, 2006
- NUSAF2 Operational Manual
- World Bank Safeguards Policy Documents

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

KEY INFORMANT INTERVIEWS

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

OPEN GROUP DISCUSSION

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

STAKEHOLDER	VENUE
Ms. Ali Munira – Head, Public and International Relations/Principal Relations Officer Inspectorate of Government (IG)	Office
Eng. Charles Ngeya – Senior Engineer, Dept. of Construction Standards and Quality Management, MoWT	MoWT offices
Munguleni Alfred, NUSAF Desk Officer, Maracha District	Maracha District offices
Atto Francisca, District Environment Officer, Gulu District	
Dr. Samuel Onyait, District Health Officer, Buliisa District.	Health centre offices
Ojok Brian, NUSAF Desk Officer, Yumbe District	Yumbe District offices
Katushabe Stella, NUSAF Front Desk Officer, Buliisa District	Buliisa District offices
Gadilaya Tree Planting Group, Jupuyik Village, Nebbi	Jupuyik Village
Teopista, NUSAF Trainer, NUSAF Desk Office, Nebbi District	Nebbi District office

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

Kyalisiima Lydia, Treasurer, Buliisa Health Centre IV, NUSAF Group	Health centre offices
Akena Geoffrey, NUSAF Desk Officer, Nwoya District	
Ayesiga Mukama NUSAF Group, Kigwera subcounty Headquarters, Buliisa District	Kigwera sub county Headquarters
Lamoki Village community – Beneficiary of Onyomtil – Adimola 8km Community Access Road	Lamoki village
Workshop for all NUSAF Desk Officers and Subject Matter Specialist 20 th /03/2015	Lira POULINE HOTEL

OBSERVATIONS

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

CAPTURE OF GENDER AND VULNERABILITY ISSUES

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

SAFEGUARD LESSONS ON THE PREVIOUS NUSAF 2 PROJECT

GOOD LESSONS

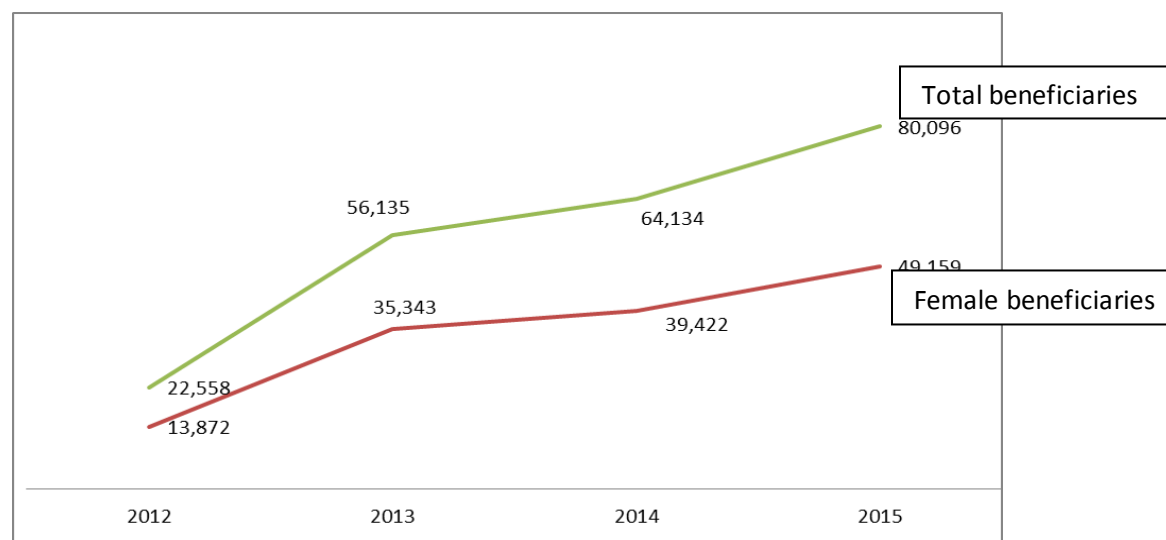
Land Acquisition

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

Gender

Gender mainstreaming is observed across all project components of NUSAF2 projects. This is evident in the management and implementation structures, allocations of the completed HISP projects. Gender is further observed in management structures CPC, SAC, CPMC and beneficiaries. At the time of project closing (Feb 29, 2016), the numbers of beneficiaries have increased to a total of **80,096** direct for HISP Agriculture and Non Agriculture funded from 1st – 8th disbursement cycles. The gender distribution in this case is **Females 49,159(61.4%)** and **Male 30,937(38.6%)**. This clearly indicates that gender equality and women empowerment goal is being realised under NUSAF2 Project implementation. This is further summarized in Figure 1 below.

Figure 1: Trend of number of HISP direct beneficiaries by gender



Source: NUSAF2 M&E Unit data Jan 2015

Source: M&E data Jan 2015

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

Institutionalisation of gender balance in management structures

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

Equity and equality considerations in sharing the sub project benefits

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

Gender sensitive designs considerations

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

Land Management

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

Structures, Capacity and Stakeholders Participation

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

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

Safeguards Monitoring and Evaluation Systems and frame works:

Having a functional safeguards system is very critical for the project. In NUSAF2 safeguards system and M&E frame is in place and mainstreamed in the main M&E project system. This system has enabled safeguards unit to have a focus on what to be done in subprojects to ensure compliance. The framework

has also facilitated the TST and as well districts improve in monitoring, data capture, and reviews as part of tracking performance of projects in regards to safeguards requirement. The successor project should ensure that this system and framework is updated to suit its projects implementation.

Monitoring, reporting, Certification and Documentation:

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

GAPS IN THE RPF NUSAF 2

LIMITED INFORMATION ON LAND ACQUISITION

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

Under NUBSP, the following should be considered:

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

LACK OF ASSESSMENT OF SAFEGUARDS CAPACITY OF INSTITUTIONS

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

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

GENDER MAINSTREAMING

Although Gender was clearly mainstreamed especially in all the NUSAF2 projects (HISP, CIR and PWP), in PWP road projects in certain districts the percentage of women participating in road works is low due to cultural aspects, others have been dictated due to the work load, wage rate, and as well season of work. Women involvement has been observed to be low during farming period. RPF Implementation

LESSONS LEARNT IN THE IMPLEMENTATION OF SAFEGUARDS IN NUSAF2 PROJECT

SUBPROJECT SCREENING AND APPROVAL

According to district cumulative reports, three main critical issues have been identified across HISP projects. I) Waste management issues related to both biodegradable and non biodegradable waste from livestock; ii devegetation due to indiscriminate cutting of trees and overgrazing and as well capacity gap in handling of pesticides and accaricides were critical to be safeguarded in NUSAF 2 projects.

Districts according to their filed subproject documents endeavored to utilize the Environment and Social screening forms, gender Matrix, and as well Environment Checklists that outlined guidance on specific activity and its possible mitigation measures applicable to all identified NUSAF2 Menu for all components (OPM, 2015).

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

INCLUSION OF WOMEN

Gender mainstreaming has been observed across all project components of NUSAF2 (HISP, CIR and PWP). This is evident in the management and implementation structures, allocations of the completed structures on CIR, HISP beneficiaries and as well in the PWP road works.

The sharing of sub project benefits so far delivered is in line with the gender provisions of NUSAF2. The 50/50 sharing of project benefits has so far been observed, with benefits being distributed equally between female and male beneficiaries especially under HISP. IPFs as well are distributed equally according to the number of sub counties in districts and also special considerations given to marginalized regions such as Karamojong to ensure regional existing gaps are addressed (OPM, 2015).

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

SUBPROJECTS AND ACTIVITIES FOR VULNERABLE GROUPS

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

Under NUBSP, the Business Training, Small Grants, and Follow-up Business Advisory Services to CIGs Component will have a participatory and gender sensitive approach that would take into account the special needs of women. Appropriate implementation guidelines and work site arrangements would ensure component activities conducted in close proximity to villages in order to ensure that at least 40 percent of the participants would be women.

GRIEVANCE REDRESS MECHANISMS

The grievance redress mechanism for the NUBSP will build on the experience of NUSAF 2 project. NUBSP will implement social accountability mechanism to enable citizens to participate in monitoring and provide feedback on project activities and the delivery of other services in the project area. Social accountability tools such as community scorecard exercise will be conducted to gather feedback. The findings from this exercise will be used to strengthen the project's ongoing implementation and adjust its design, as may be required.

The grievance mechanism that was introduced under NUSAF2, improved the reporting and registration of grievances but with slow pace in resolving the cases. Under the NUBSP the system will therefore be strengthened to improve both registration and resolving of grievances at all levels.

LAND ACQUISITION ISSUES

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

During the implementation of the NUBSP similar procedures should be applied for land acquisitions.

LACK OF SUPPORT TO BENEFICIARIES

The NUSAF2 Implementation Manual states that, "Communities are expected to implement subprojects that are affordable and within their capacity to manage and maintain." During the implementation of NUSAF2, the TST and Districts mainly focused on generation and approval of sub-projects. There wasn't much support for beneficiaries during and post implementation of sub-project. A number of NUSAF2 Desk Officers raised the issue of inadequate training of beneficiaries to sustainably manage their subprojects and where training has been done, it has been for a very short period and inadequate. During

stakeholder consultations both community and NUSAF Desk Officers recommended that the training be extended from 3 days to 5 days and the training should include the following components:

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

However, it is recommended that: rather than prolonging the days let there be a review in the methodology and approach to the trainings. One of the issues to consider is to assess the possibility of a mixed theory and practice approach or a modular approach so that theory is provided and trainees take home community assignments and return another day for another module, 5 days training is long and costly.

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

CONSULTATION AND INCLUSION OF PWDS

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

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

CAPACITY TO IMPLEMENT SAFEGUARDS

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

In addition, of recent, their capacity has also been built through refresher trainings by OPM TST, Ministries and the World Bank and to date, a total of 275 district persons have been trained on safeguards management and these categories comprised of CDOS, DEOs, Agriculture extension staffs, DVOs and

Forest officers. This capacity enhancement extended to districts has enabled proper institutionalization and management of safeguards up to the Lower Local Government. It has also enabled full participation of all required safeguards management staffs on monitoring and reporting on safeguards performance in all implemented projects and documentation of critical issues (OPM, 2015).

During the Safeguards Implementation, the following are proposed:

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

PUBLIC CONSULTATION DURING MOBILIZATION

In order to ensure increased coverage and participation of community in the mobilization process, the mobilization in NUBSP will involve the following:

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

MONITORING AND REPORTING

Clarity of projects Key Performance Indicators (KPIs) is important as it enables demonstration of results achieved by the project. NUBSP monitoring, evaluation and reporting system should look critically on identifying clear KPIs that can support the project to demonstrate well safeguards results.

In NUBSP, Project monitoring, Supervision and certification should be carried out by sector specialist.

SOCIAL-ECONOMIC ASSESSMENT OF THE NUBSP PROGRAM AREA

NEBBI DISTRICT

LOCATION

Nebbi District is Located in the North Western part of Uganda. It covers an area of 1,757.3 Sq km of which 83.19% is arable land, 2.91% is game reserve, 6.4% swamps and open water and 7.5% forest reserves. It is bordered to the North by Arua District, Nwoya District to the East, Bulisia to the South East, DRC to South West and Zombo to the West.

POPULATION

Nebbi district comprises of two counties of jonam and Padyere, 13 sub counties, two town councils, two town boards, 81 parishes, 889 villages, 76, 161 households . Table below summarizes population figures for the district

Table 1: Population for NUBSP NEBBI District in West Nile Region

DISTRICT	2002 CENSUS			Population projections					
				2012			2014		
	Male	Fem ale	Total	Male	Femal e	Total	Male	Female	Total
NEBBI	126,832	139,480	266,312	164,700	181,500	346,200	184,507	200,713	385,220

(Source: UBOS 2014 Population Projections)

LAND TENURE

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

- i) Customary land tenure a system of land tenure regulated by customary rules which are linked in their operation to a particular description or class of persons. Land acquisition under this system is usually through inheritance.
- ii) Leasehold land tenure where holding of land for a given period from a specified date of commencement, on such terms and conditions as may be agreed upon by the lesser and the lessee. Land can be leased (to a maximum of 500acres) from the state and this currently is done by very few farmers in the district.
- iii) Communal land tenure system; this system is gradually disappearing due to increase in population size. Communal land is used for grazing livestock. It is common in all sub counties.

LIVELIHOODS

Over 85% of the population is engaged in subsistence farming and only 40% of the household Agricultural produce is marketed. The major Crops grown includes: Cassava, Millet, sweet potatoes, Irish Potatoes, maize, sorghum, simsim, cotton in Padyere and Jonam, Coffee in Erussi Sub-county, banana in Padyere and some part of Jonam. Livestock farming is practiced by famers district wide. And the predominant animals kept include: Cattle, Goats, Sheep and pigs. Poultry keeping is mainly practiced in the Semi and Peri-urban centers. Meanwhile fishing is predominant in Jonam on Lake Albert and Albert Nile.

SOROTI DISTRICT

LOCATION

Soroti district is located in Eastern Uganda. Formerly, it was part of the mother Teso district covering Kumi Katakwi, Kaberamaido, Amuria, Bukedea, Ngora, Serere and Soroti and Physically the district lies approximately on latitudes 1° 33' and 2° 23' North of the equator, 30° 01' and 34° 18' degrees East of the Prime Meridian and is over 2500 feet above with dotted Lake Kyoga rocks throughout most of it. Soroti borders Serere, to the South, Ngora to the East, Katakwi to the North East, Amuria to the North, Lake Kyoga and Kaberamaido in the west.

POPULATION

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

Table 2: Table 2: Population for NUBSP Sorotidistrict in Teso Region

DISTRICT	2002 CENSUS			Projections					
	2002 Census			2012			2014		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
SOROTI	94,222	99,088	193,310	159,800	162,200	322,000	144,408	152,746	297,154

(Source: UBOS 2014 Population Projections)

LAND TENURE

The most common mode of land ownership in Soroti district is customary system, which is almost the same as customary law in other parts of northern Uganda. Under customary tenure, the clan elders have the responsibility for administering land, but this includes the right to say who can sell land and to whom. This is because, they have the responsibility to protect the land for all the clan, and to make sure that everyone in the clan is given rights to land. The family head manages the land on behalf of the family as the steward of the land. His rights to manage the land go together with the responsibility to look after the rights of others to use the land, and to make sure that the next generation will also be able to enjoy the

land. Other people in the family also have rights over the land. Security of tenure over land always comes with land allocation, on condition only that a household is able to use the land. The family head is responsible for ensuring security of tenure, with clan authorities as the overall guarantor.

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

LIVELIHOODS

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

GULU DISTRICT

LOCATION

Gulu District is located in Northern Uganda between longitudes 30-32 degrees East and latitudes 02-4 degrees North (Figure 1). It is bordered by Amuru District in the West, Lamwo District in the North East, Pader District in the East, Lira District in the South East, Oyam District in the South and Nwoya District in the South West. The total land area of Gulu District is 3,449.08 sq km (1.44 % of the Uganda land size). 96.9 sq km (0.8%) is open water.

POPULATION

Gulu District is composed of 16 Lower Local Governments (12 Sub-counties and 4 Divisions). Other administrative units include 2 counties and 1 Municipality. There are a total of 70 Parishes (54 parishes in the rural sub-counties and 16 wards/parishes in the divisions) and 294 villages. Population estimates of some of the Districts are summarized in the Table below:

Table 3: UBOS Population Estimate for Gulu District

DISTRICT	2002 CENSUS			Project Populations					
				2012			2014		
	Male	Female	Total	Male	Female	Total	Male	Female	Total

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GULU	146,750	151,777	298,527	196,300	200,200	396,500	233,007	245,742	478,749
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(Source: UBOS 2014 Population Summaries)

LAND TENURE

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

LIVELIHOODS

Majority of the population are agricultural workers (63.4 %), dominated by females (52.4 %) both in rural areas and urban areas. Generally they are very few female managers and professionals in urban areas. Petty trading is also done in general merchandise locally manufactured and in imported goods. The major food crops grown include; SimSim, Upland rice, Green Vegetables, Fruit trees (Citrus/Mangoes) Beans, Groundnuts, Sorghum, Maize, Millet Cassava, Sweet Potatoes, Pigeon Peas and Sunflower. Cotton and Tobacco are the major traditional cash crops. The industrial sector of the district is still in its infancy and it is mainly characterized by agro processing industries mainly for milling of grains (maize, Sorghum, millet, rice) and cassava.

KITGUM DISTRICT

LOCATION

Kitgum district is in the northern part of Uganda. It is located between Longitude 320E, and 340E, Latitude 020N and 040 N. It is bordered by Lamwo District in the North, The Republic of Southern Sudan in the North East, Kotido District in the East, Agago District in South East, Pader District in the South and Gulu District in the Northwest. Kitgum district has a total Land Area of **4,042** square Km and lies at an altitude of 1,100 metres above sea level and is generally flat.

POPULATION

Kitgum district comprises of 3 counties, 9 sub counties, 1 urban council, 2 town boards, 53parishes, 605villages in the sub counties and 7 wards in the urban councils. Table below summarizes population figures for the district

Table 4: Population for NUBSP KITGUM District in Acholi Region

DISTRICT	2002 CENSUS			Project Populations					
				2012			2014		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
KITGUM	139,557	142,818	282,37	223,4	229,937	45358	98,43	105,574	204,012

			5	67		4	8		
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(Source: UBOS 2014 Population Projections)

LAND TENURE

Like in the other Acholi districts, three main types of land ownership dominates Kitgum district. These are; customary ownership which accounts for 57 percent, leasing which account for 26percent and free hold ownership which accounts for 17 percent.

LIVELIHOODS

Like many districts in Uganda, the population in Kitgum district is predominantly engaged in small scale agriculture, animal husbandry and produce buying. Over 90% of the farmers are engaged in crop production as their major activity and a small percentage in livestock rearing, Bee keeping and fishing farming on small family holdings using family labour and rudimentary hand tools such as hoes as common input and output is mostly for home consumption. Petty trading is also done in general merchandise locally manufactured and in imported goods. The major food crops grown include; SimSim, Upland rice, Green Vegetables, Fruit trees (Citrus/Mangoes) Beans, Groundnuts, Sorghum, Maize, Millet Cassava, Sweet Potatoes, Pigeon Peas and Sunflower. . The industrial sector of the district is still in its infancy and it is mainly characterized by agro processing industries mainly for milling of grains (maize, Sorghum, millet, rice) and cassava.

STAKEHOLDER CONSULTATIONS AND ENGAGEMENT ON THE NUBSP PROGRAM

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

GOAL OF CONSULTATIONS

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

OBJECTIVES OF THE STAKEHOLDER CONSULTATIONS

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

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

CONSULTATIONS FROM THE SELECTED SAMPLED DISTRICTS FOR NUBSP PROGRAM

MINISTRIES AND Districts	ISSUES RAISED	CONSULTANT'S REMARKS/ PROPOSED MEASURES
Ms. Ali Munira – Head, Public and International Relations/Principal Relations Officer Inspectorate of Government (IGG)	Under TAAC, Inspectorate of Government has undertaken a number of initiatives to sensitize and empower the communities to report corruption and maladministration tendencies through media channels and seminars;	A systematic way for capturing information and data on appeals and complaints has not been generally operational. Yet, the latter would be an important mechanisms to ascertaining transparency and accountability in terms of whether

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MINISTRIES AND Districts	ISSUES RAISED	CONSULTANT'S REMARKS/ PROPOSED MEASURES
	<p>The Inspectorate has instituted avenues such as e-mails, Report 2 IG using Short Message System (SMS), telephone calls on 0414347387 (hot line) and other general lines, physical reporting to any of the 16 IGG Regional Offices spread throughout the country.</p>	<p>project beneficiaries who have grievances are able to register them, and if the registered, whether concerned committees and/or authorize take necessary action and on time. This intervention will foster a sense of responsibility and ownership among the citizenry by introducing a mechanism for the community level committees to become the first level of instance for grievances handling and referral to the IG if no resolutions will have been reached.</p>
<p>Eng. Charles Ngeya – Senior Engineer</p> <p>Dept. of Construction Standards and Quality Management, MoWT</p>	<p>The Environmental Management Specialist for NUSAF 3 should be in place right from the beginning of the project not as was the case under NUSAF 2 to assist in implementation of NUBSP safeguards issues</p> <p>If the DEOs are to follow up works, they should be brought on board in the project early enough not much later in the project</p> <p>Cross-cutting issues including environment, gender, HI/Aids, waste management to be included in the budgets.</p> <p>NUBSP needs to integrate cross-cutting issues into the project designs early enough and they should be integrated even in the Business Plans;</p> <p>NUBSP under NUSAF3 should not assume the districts will monitor and enforce compliance on safeguards without allocating facilitation. The DEOs have challenges of resources and any additional load should be matched with resources</p>	<p>Cross-cutting issues including environment, gender, HI/Aids, waste management to be included in the budgets.</p> <p>NUSAF Secretariat has an Environment and Social Safeguards Specialist to provide guidance on safeguards implementation in the NUBSP program since it is going to be implemented by OPM</p> <p>The ESMF recommends facilitation of DEOs and CDOs to enforce safeguards; this item has been included in the budget for ESMF implementation.</p> <p>The design of the NUBSP program is in way that DEO are involved in subprojects right from screening through monitoring.</p>
<p>Munguleni Alfred, NUSAF Desk</p>	<p>Screening is done by the environmental officer for all projects and issues of</p>	<p>This is a good practice that has to be strengthened further in NUBSP.</p>

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MINISTRIES AND Districts	ISSUES RAISED	CONSULTANT'S REMARKS/ PROPOSED MEASURES
Officer, Malacha District	<p>concern are identified and recommendations suggested before an environmental certificate is issued. This is done for all projects before implementation.</p> <p>The district lacks adequate capacity to provide technical advisory services to the benefiting communities. Line ministries such as MAAIF have not harmonized their activities with NUBSP program and NUSAF.</p> <p>Recommendation</p> <p>OPM should involve the office of the RDC and GISO in monitoring of NUBSP projects other than the IGG's office which is under staffed and overwhelmed by work, for example West Nile has 3 Officers under IGG's department to monitor all government activities in the region</p>	<p>OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.</p> <p>Some NUBSP districts have gaps in veterinary professionals and services both at local government level and the private sector. This has greatly affected the delivery of the much needed veterinary services and inputs to communities. OPM/NUBSP will have to work with MAAIF to fill the human resource gaps in these regions by training more Community Animal Health Workers (CAHWs). The above is critical because of the need for training of the beneficiary groups on animal management practices to ensure sustainability. Equipping and strengthening the veterinary extension service system at district and sub county level is critical and should be prioritized</p>
Atto Francisca, District Environment Officer, Gulu District	<p>Most projects were screened in HISP PWP and CIRs. A budget of UGX 600,000 was set aside, for the environmental issues on each project for the above and 300,000 across all the HISP projects</p> <p>Recommendation</p> <p>Improve on the budget for environmental related issues in the design of NUBSP and there should be a provision for monitoring under NUBSP</p>	<p>It is important to appreciate that the mitigations required vary from subproject to subproject and therefore the budgets for mitigations should be based on the required mitigations based on the screening results. This needs to be considered under NUBSP.</p> <p>This is catered for in the budget for this ESMF. OPM should ensure that monitoring is duly undertaken.</p>

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

MINISTRIES AND Districts	ISSUES RAISED	CONSULTANT'S REMARKS/ PROPOSED MEASURES
Ojok Brian, NUSAF Desk Officer, Yumbe District	The selection criterion for group members depends on the level of discrepancy of community members. There are communities in Yumbe where everyone is too vulnerable hence every community member is eligible for selection. But in some instances, verbal and assertive members end up being beneficiaries even when they do not qualify	<p>Under NUBSP, at the community-level, beneficiaries will be selected for inclusion in the Project through a community-based targeting process that will be facilitated by the CDO and other key actors based on eligibility criteria that are established at the national level.</p> <p>The selection of beneficiaries for Component 1 will be carried out through a two-step process including geographic identification of the poorest districts and community based targeting to reach the poorest and most vulnerable. To facilitate this process, the NUBSP program will focus on few districts in selected geographic areas with higher level of poverty, exposure to climatic hazards such as drought and flood.</p> <p>There is a need for defining clear criteria in the selection of beneficiaries and but also while allowing flexibility to the community to identify poor in a participatory manner keeping community situation and ground realities in mind</p>
Teopista, NUSAF Trainer, NUSAF Desk Office, Nebbi District.	Training of communities is inadequate and some of them are ill prepared to implement the subprojects. Training is supposed to be continuous but there are no budgetary provisions for this. There should be a component of continuous training but this is not provided for in the budget, therefore this should be considered when designing NUSAF 3.	During the implementation of NUSAF2, the TST and Districts mainly focused on generation and approval of sub-projects. There wasn't much support for beneficiaries during and post implementation of sub-project. Under the new project, in order to provide implementation support and follow up mentoring to community and beneficiaries, an implementation support team at Sub-County, Parish and Community

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

MINISTRIES AND Districts	ISSUES RAISED	CONSULTANT'S REMARKS/ PROPOSED MEASURES
		level will be put in place.
Gadilaya Tree Planting Group, Jupuyik Village, Nebbi	<p>Training was inadequate because the trainer only appeared for 3 days. There is need for more training in nursery management and production of quality seedlings. Seedlings are often attacked by pests and diseases which cause great losses to the group. There is also inadequate information about where to obtain quality seeds and other inputs such as pesticides.</p> <p>Recommendation</p> <p>Adequate training and information is recommended to understand and own the project for the effective implementation.</p>	<p>This is an indication of lack of adequate extension services to the beneficiaries. OPM will have to closely work with MAAIF to strengthen the afforestation, crop production and veterinary extension services systems to address the beneficiaries' demands of extension services.</p>
Katushabe Stella, NUSAF Front Desk Officer, Buliisa District	<p>Some target communities are too poor and illiterate yet they have been given too much authority over money e.g. in some groups you find that all group members are not able to write and read yet they have to fill forms, register their groups and open up bank accounts. This increases the work load of the NUSAF technical person. And at times, this leads to mismanagement of funds, and the NUSAF Focal person carries the blame for not guiding the group well.</p>	<p>Considering the high poverty levels and vulnerability of the beneficiary individuals and the fact that it was the first time for some households to own cows and goats they need adequate extension services which have been limited and that could be the reason for death of the animals.</p> <p>The animals especially cattle take longer to yield returns and so beneficiaries can also easily sell of the animals to make quick money and claim that the animals died. OPM needs to find out the truth.</p> <p>Despite that, it is important for OPM to strengthen extension services at District and Sub-county if communities are going to genuinely benefit from the livelihood improvement projects.</p>
Kyalisiima Lydia, Treasurer, Buliisa Health Centre IV, NUSAF Group	<p>For medical waste, there is an incinerator which is partially functional and another alternative is a shallow pit where waste is dumped openly.</p>	<p>Provision of additional infrastructure to health centers should be accompanied with provision of more waste management facilities. It is</p>

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

MINISTRIES AND Districts	ISSUES RAISED	CONSULTANT'S REMARKS/ PROPOSED MEASURES
		recommended that a specific budget for environmental mitigations is put in place to cater for waste management issues.
Akena Geoffrey, NUSAF Desk Officer, Nwoya District	Much as there are no IDP camps, there are individuals still in transit i.e., communities that have not yet reached their original villages where they came from during the LRA war.	These are some of the vulnerable people that the project should select as beneficiaries so that they can be empowered to improve their livelihoods.
Ayesiga Mukama NUSAF Group, Kigwera sub county Headquarters, Buliisa District	<p>One of the components of NUSAF 3 is Transparency, Accountability and Anti-Corruption Programme (TAAC) which NUBSP can benefit from. The TAAC program is intended to promote good governance at all levels of Project implementation. The program is implemented independently by the Office of the IGG.</p> <p>As part of the TAAC program, the Inspectorate of Government will continue to use both enforcement and preventive/proactive measures. Enforcement measures will include investigation of complaints against corruption, as well as enforcement of the Leadership Code. The IG will be one of the first ports of call for the social accountability committees (SACs) in the communities.</p>	<p>The TAAC program is intended to promote good governance at all levels of Project implementation. The program is implemented independently by the Office of the IGG.</p> <p>As part of the TAAC program, the Inspectorate of Government will continue to use both enforcement and preventive/proactive measures. Enforcement measures will include investigation of complaints against corruption, as well as enforcement of the Leadership Code. The IG will be one of the first ports of call for the social accountability committees (SACs) in the communities.</p>
Lamoki Village community – Beneficiary of Onyomtil – Adimola 8km Community Access Road	Every able bodied member of the community was given a chance to participate in road construction. The women contributed the large number since they dominate the community in terms of population	Gender mainstreaming has been observed across all project components of NUSAF2 and the practice should continue to ensure that women continue to benefit from the project NUBSP Program as well.

POTENTIAL RESETTLEMENT IMPACTS AND MITIGATIONS

PROJECT ACTIVITIES

The project will support interventions designed to improve livelihoods in selected districts. The salient physical characteristics relevant to safeguard analysis relate to project Component 1: Business Investment Support.

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

The implementation of the project component 1(e.g. markets, Value addition and processing etc.) that will/may require land acquisition (involuntary land acquisition from individuals with freehold title and involuntary land acquisition from communities).

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

NATURE OF IMPACTS

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

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

- a) Farmers 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.

CATEGORIES OF LOSSES AND THEIR IMPACTS ON DISPLACED PERSONS

Table5: 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.

Overall, no significant displacement of persons is expected except for the acquisition of required land for the Value addition facilities, food processing facilities, etc. under the business support component. The project interventions are meant to strengthen already existing means of livelihood by the CIGs and the communities are likely to appreciate the services and will likely donate the land required. Where land is donated this must be in accordance with the laws of Uganda to ensure that the donation is truly voluntary and free of coercion. The requirements of this RPF will, however, still apply, as this does not depend on the scale or complexity of the resettlement required.

MINIMIZATION OF PHYSICAL DISPLACEMENT

Major challenges associated with rural resettlement include: requirements for restoring income based on land or resources; and the need to avoid compromising the social and cultural continuity of affected communities, including those host communities to which displaced populations may be resettled. Provisions are made under this RFP to minimize all such impacts including those of socio- economic significance and on environmentally sensitive sites. Provisions are also made in this RFP to accommodate all potential situations, including cases that entail actual displacement and livelihood restoration assistance in accordance with the World Bank Policy on Involuntary Resettlement, OP4.12. This Resettlement Policy Framework, for the NUBSP 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 NUBSP program;
- Negotiate acquisition of land suitable for implementation of the NUBSP program activities using agreed compensation plans and only as a last resort;
- Acquire land through involuntary means following the provisions outlined in this RPF.

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

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

INSTITUTIONAL CAPACITY ASSESSMENT FOR IMPLEMENTATION OF THE PREPARED NUBSP PROGRAM RPF AND RAPS

ROLES AND RESPONSIBILITIES OF KEY PLAYERS

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

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

CAPACITY NEEDS ASSESSMENT FOR IMPLEMENTATION OF THE PREPARED NUBSP PROGRAM RPFS AND RAPS

INSTITUTIONAL IMPLEMENTATION

OFFICE OF THE PRIME MINISTER/NUBSP

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

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

- Ensuring that communities and local government departments have up-to-date information on project activities.
- Facilitating environmental and social impact assessments including developing relevant TOR for consultants etc.

- Coordinating environmental and social commitments and initiatives with relevant government agencies.
- Supervising and monitoring RPF implementation and producing periodic reports.
- Training local governments, contractors, and communities on environmental and social safeguards issues and implementation of RPF.
- Facilitating land acquisition and resettlement processes as required.
- Coordinating with, and receiving feedback from, the Independent Third Party Monitoring Agencies.

INSPECTORATE OF GOVERNMENT

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

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

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

MINISTRY OF GENDER, LABOR, AND SOCIAL DEVELOPMENT

Responsibility – While the OPM will be responsible for the overall resources management and implementation of the project, the Ministry of Gender, Labor, and Social Development (MGLSD) mandate as the government agency responsible for Social Protection sector policymaking and overall coordination of SP interventions. As a result, the MGLSD is leading the preparation of a national Policy and framework that includes Income generating related opportunities for Households to which this Program will contribute to build the foundation for the direct income support program.

MINISTRY OF HEALTH

Mandate and Responsibility - Health governance in Uganda is spearheaded by the MoH and shared with other ministries, health development partners, district leadership, providers (public and private), and representatives of civil society organizations (CSOs). The MoH is tasked with the role and responsibility of delivering on the health goals and objectives of government.

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

govern the District Health Offices. District Health Officers are responsible for performing the policy, planning, and supervision functions required of monitoring health and safety services and products in the districts.

MINISTRY OF AGRICULTURE, ANIMAL INDUSTRY AND FISHERIES

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

MINISTRY OF WORKS AND TRANSPORT

Mandate and responsibility – The mandate of this Ministry is to promote an adequate, safe and well-maintained transport infrastructure, an efficient and effective communications system, safe housing and buildings, and to contribute to the socio-economic development of the country. With regards to NUBSP, the respective District Engineers will work closely with OPM to implement any infrastructure related issues in case there happens to be any social infrastructure using the business grant.

MINISTRY OF EDUCATION AND SPORTS

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

MINISTRY OF WATER AND ENVIRONMENT

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

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

LOCAL GOVERNMENT ADMINISTRATION STRUCTURES

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

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

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

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.

WORLD BANK

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

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

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

The Project will involve funding of subprojects which will have various levels of impacts on the social and general environment set up. This implies that in order to effectively operationalize the RPF, the line

agencies need to have basic skills and understanding of general environmental and social dimensions and with specific reference to the NUBSP aspects. The overall objective will be to build and strengthen the institutional capacity of the implementing agencies to better support the development and integration of social and environmental measures into the project. The institutional capacity building strategy will seek to:

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

Strategy

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

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

The NUSAF/NUBSP 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 NUBSP activities. Training will also seek to build the skills of local people to participate actively in identifying appropriate mitigation measures to avoid or reduce potential negative impacts of project activities.

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

- a. World Bank Safeguards
- b. Understanding of the preparation of Social Impact Assessments and Resettlement Action Plans requirements in Uganda,
- c. Supervision of works

- d. How to monitor mitigation measures and reporting
- e. Livelihood restoration plans

LEGAL, POLICY AND INSTITUTION FRAMEWORK

UGANDAN LAWS

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

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

THE UGANDA CONSTITUTION (1995)

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

The Constitution also prescribes the tenure regimes in accordance with which rights and interests in which land may be held namely; Customary, Freehold, Mailo and Leasehold. It introduces ‘bonafide occupancy’ as a form of tenure that gives the occupant some rights to the land occupied. According to the Constitution, all land belongs to the people of Uganda and is held in trust by the Government. Government is authorized to acquire land for a public purpose and compensate affected persons in accordance with the law. It provides procedures to follow during the acquisition of land for public interest and provides for the “*prompt payment of fair and adequate compensation*” prior to taking possession of the land. The Constitution however, does not make resettlement a right.

THE LAND ACT, CAP 227 (1998)

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

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

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

Leasehold Tenure - Is created either by contract or by operation of the law and is a form under which the landlord of lesser grants the tenant or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land.

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

Mailo Tenure - Has roots in the allotment of land pursuant to the 1900 Uganda Agreement and derives its legality from the constitution and its incidents from written law. It involves the holding of land in perpetuity and permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant. The system enables the holder to exercise all powers of ownership, subject to the rights of those persons occupying the land at the time of the creation of the mailo title and their successors.

LAND ACQUISITION ACT (1965)

This Act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister responsible for land may authorize any person to enter upon the land and survey the land, dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose. The Government of Uganda is supposed to

pay compensation to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision.

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

THE LAND ACT 1998

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

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

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

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

- a) Sell, exchange, transfer, pledge, mortgage or lease any land; or enter into any contract for the sale, exchange, transfer, pledge, mortgage or lease of any land;
- b) Give away any land *inter vivos*, or enter into any transaction in respect of land:
 - In the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;
 - In the case of land on which the person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent children of majority age;
 - In the case of land on which the person ordinarily resides with his or her dependent children below the majority age, except with the prior written consent of the Committee⁵;

- In the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the Committee.

THE LAND REGULATIONS, 2004

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

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

THE LAND (AMENDMENT) ACT 2010

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

LAND ACQUISITION ACT (1965)

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

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

THE LOCAL GOVERNMENT ACT (1997)

The Local Government Act (LGA) was enacted to give effect to the policy of decentralisation and devolution of functions, powers and services; and to provide for decentralisation at all levels of local government to ensure good governance and democratic participation in, and control of decision making by the people. The Local Government Act provides for the system of Local Governments, which is based on the district. Under the district there are lower Local Governments and administrative units. This system provides for

elected Councils. The chairman nominates the executive committee of each council. The functions of this committee include:

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

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

THE NATIONAL ENVIRONMENT ACT

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

THE TOWN AND COUNTRY PLANNING ACT (1964)

The Town and Country Planning Act of 1964 gives broad powers to planning authorities at the national and local level to take land, against compensation, for public purposes within an approved planning area. Further, such authorities can determine set back lines “beyond which no building may project” into a roadway including the road reserve area.

THE JUDICATURE ACT

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

THE EQUAL OPPORTUNITIES COMMISSION ACT, 2007

The Act makes provision in relation to the Equal Opportunities Commission pursuant to articles 32 (3) and 32 (4) and other relevant provisions of the Constitution; to provide for the composition and functions of the Commission; to give effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, color, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or

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

POLICY FRAMEWORK

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

THE UGANDA NATIONAL LAND POLICY 2013

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

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

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

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

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

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

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

THE NATIONAL GENDER POLICY, 1997

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

THE NATIONAL HIV/AIDS POLICY, 2004

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

THE NATIONAL POLICY FOR OLDER PERSONS 2009

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

THE NATIONAL TRADE POLICY 2008

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

THE NATIONAL WATER POLICY, 1999

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

INSTITUTIONAL FRAMEWORKS

UGANDA'S VISION 2040

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

PEACE, RECOVERY, AND DEVELOPMENT PLAN (PRDP2)

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

THE DRAFT UGANDA RANGELAND AND PASTORALISM POLICY 2012

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

livestock productivity and protect the ecosystem. It further provides for infrastructure development and research, training and advisory service delivery programmes that enhance efficiency and profitability in priority areas. It also covers areas of wildlife and tourism development, mitigation of conflicts and development of a code to govern pastoral activities in Uganda.

THE WORLD BANK POLICIES

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

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

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

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

PROCEDURES FOR RESETTLEMENT ACCORDING TO THE WORLD BANK OP 4.12

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

The Policy requires that a RAP shall be prepared and cleared by the World Bank prior to implementing resettlement activities. The World Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may

take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

COMPARISON BETWEEN LAND LAW IN UGANDA AND WORLD BANK OP 4.12

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

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

Furthermore, the GOU has recently prepared the final National Land Policy (2013) aimed at consolidating a number of scattered policies, which exist on various aspects of the land question, but are diverse, sectoral and inconclusive in many respects. Uganda has never had a clearly defined and / or consolidated National Land Policy since the advent of colonialism in the nineteenth century. Post-independence and recent attempts to settle the land question by the Land Reform Decree 1975, the 1995 Constitution of Uganda, and the Land Act 1998 failed to deal with the fundamental issues in land tenure due to absence of clear policy principles to inform the enactment of legislation that offers politically and socially acceptable and technically feasible solutions. The key policy issues touch on (1) historical injustices and colonial legacies, (2) contemporary issues, mainly arising from such legacies; and (3) land use and land management issues.

Table 5: Outlines the gaps between Uganda law and World Bank requirements for resettlement and compensation. It is clear in the comparison that the OP 4.12 offers more reasonable and/or fair benefits and recognition to PAPs than Ugandan law; therefore OP 4.12 will apply and in all cases, **“the higher of the two standards will be followed in the implementation of RPF; therefore, the World Bank OP4.12 will be followed since it is higher on application of these policies.”**

Table 6: Comparisons of Ugandan Laws and the World Bank Policies on Resettlement and Compensation.

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

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	<p>owner, and includes a purchaser; or a person who had occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring the leasehold certificate of title. "Bona fide occupant" means a person who before the coming into force of the Constitution had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or had been settled on land by the Government or an agent of the Government, which may include a local authority.</p> <p>For the avoidance of doubt, a person on land on the basis of a licence from the registered owner shall not be taken to be a lawful or bona fide occupant under this section. Any person who has purchased or otherwise acquired the interest of the person qualified to be a bona fide occupant under this section shall</p>	<p>of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihoods.</p>	<p>Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.</p>	

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	be taken to be a bona fide occupant for the purposes of this Act.			
Land Users/Licensees	<p>Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land.</p> <p>The Land Act, section 29(5) clearly states that for the avoidance of doubt, a licensee shall not taken to be a lawful or bonafide occupant</p>	Identify and address impacts also if they result from other activities that are: (a) directly and significantly related to the proposed project, (b) necessary to achieve its objectives, and (c) carried out or planned to be carried out contemporaneously with the project.	No equivalence between Bank and Ugandan systems for identifying and addressing impacts resulting from project related activities.	<ul style="list-style-type: none"> • Design of NUBSP program 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-NUBSP Program levels • Relocation assistance should be provided.
Owners of non-permanent buildings	<p>Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant.</p> <p>Owners of non-permanent buildings are entitled to compensation based on rates set by District Land Boards.</p>	For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.	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

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

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

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

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

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

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	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	While the consultation requirement is inherent in the EIA, it contains a number of differences with the requirements of Bank policy.	No gap.

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measure
	is obliged to conduct a hearing before making his award.	development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.		
Grievance mechanism and dispute resolution	The Land Act, 1998 states that land tribunals must be established at all districts. The Land Act empowers the Land Tribunals to determine disputes and it provides for appeal to higher ordinary courts. The Land Acquisition Act provides for the aggrieved person to appeal to the High Court.	Establish appropriate and accessible grievance mechanisms.		Grievance committees to be instituted within the procedure but will not replace the existing legal process in Uganda; rather it seeks to resolve issues quickly so as to expedite receipt of entitlements and smooth resettlement without resorting to expensive and time-consuming legal action. If the grievance procedure fails to provide a settlement, complainants can still seek legal redress.

LAND ASSET CLASSIFICATION, VALUATION AND COMPENSATION

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

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

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

This may not be applicable to NUBSP projects.

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 be used,
- Calculations for compensation would not be made after the cut-off date, in compliance with this policy,
- For community land held under customary law, the permanent loss of any such land will be covered by compensation in kind to the community.

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

VALUATION FOR CUSTOMARY LAND

In estimating the compensation to be given for any land, the following will be taken into account:

- The value of such lands, estates or interests or profits at the time of the emission of the notice to acquire, and will not take into account any improvements or works made or constructed thereafter on the lands,
- That part only of the lands belonging to any entity /person acquired under this Act without consideration for the enhancement of the value of the residue of the lands by reason of the proximity of any improvements or works to be made or constructed by the NUSAF 3;
- The value of the lands acquired for public purposes but also to the damage, if any, to be sustained by the owner by reason of the injurious effects of severance of such lands from other lands belonging to such owner or occupier.
- For cash payments, compensation at replacement cost/market rates will be calculated in Ugandan currency adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. In addition, where assistance may be required, it will include moving allowance, transportation and labor.

COMPENSATION FOR LAND

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

DETERMINATION OF CROP COMPENSATION RATES

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

VALUATION OF BUSINESSES, STRUCTURES AND LAND

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

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

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

DISPUTE RESOLUTION AND GRIEVANCE MECHANISM

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

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

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

LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS

JURISDICTION OF THE FRAMEWORK

The following will apply in the implementation of this framework:

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

LAND ACQUISITIONS, TITLE, TRANSFER AND TERM OF OWNERSHIP

Land acquisition in Uganda may be achieved through:

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

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

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

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

LAND ACQUISITION MECHANISM FOR NUBSP PROGRAM

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

- initially endeavor to utilize available freehold or public land;

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

VOLUNTARY LAND CONTRIBUTION WITH COMPENSATION

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

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

INVOLUNTARY ACQUISITION OF LAND

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

CATEGORIES OF PROJECT AFFECTED PEOPLE (PAPS)

The likely numbers of persons who may be affected and displaced during implementation of the NUBSP program activities cannot be accurately estimated since the specific project sites which may require land are not yet defined. However, the NUBSP program Affected Persons (PAPs) or the persons likely to be displaced economically or physically are mainly:

VULNERABLE HOUSEHOLDS

One of the objectives in the decentralization policy of Uganda targets empowering women by removing restrictive practices on women's participation in decision-making processes that affect them. Particular attention will be paid to impacts on vulnerable members of these communities such as women, children, the disabled, female and child headed households, Elderly, and internally displaced people. .

ENTITLEMENTS AND VALUATION METHODS

EXTENT OF COMPENSATION BY LAW

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

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

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

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

SPECIFIC COMPENSATION COMPONENTS

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

Compensation for Land

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

Determination of Crop Compensation Rates

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

Compensation Rates for Labour

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

Compensation for Buildings and Structures

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

Compensation for Vegetable Gardens

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

Compensation for Sacred Sites

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

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

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

Compensation for Horticultural, Floricultural and Fruit trees

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

KEY VALUATION METHODS

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

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

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

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

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

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

Loss of Income

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

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

Generally, loss of income will be minimal. The farmers will be incorporated into the activities of the project. 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/NUBSP. 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.

ELIGIBILITY CRITERIA AND DISPLACEMENT PROCEDURES

WORLD BANK CRITERIA FOR DETERMINING ELIGIBILITY FOR COMPENSATION

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

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

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

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

CONSIDERATION UNDER THE PROJECT

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

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

In addition to these entitlements, households who are found in difficult situations and are at greater risk of impoverishment (i.e. widowed household heads, households without employment, single parent

households etc.) as identified by the census will be provided with appropriate assistance by the project. Assistance may be in form of food, temporary accommodation, medical subsidy, employment referrals or priority employment in project activities. The assistance is meant to help them cope with the displacement caused by the project. It is not possible to provide an exhaustive list of such persons at this project preparatory stage. However, based on an understanding of the social structure of the rural community and the nature of the projects, it is possible to suggest that the most likely affected persons will comprise both individuals and communities as a whole including women, vulnerable groups.

CUT-OFF DATE

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

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

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

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

ELIGIBILITY CRITERIA FOR COMPENSATION

Although NUBSP project acquisition is expected to be purely voluntary, the project cannot rule out involuntary acquisition cases that may come up and shall require compensation. In that context, for any acquisition that may attract 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.

Table 7: 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 8: 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.

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM2016

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
			In addition relocation assistance to be paid (costs of shifting + assistance in re-establishing perennial crops including economic trees up to a maximum of 12 months while short term crops mature)
		Tenant /Leaseholder	Cash compensation at Replacement Cost equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement.. In addition relocation assistance to be paid (costs of shifting + Allowance)
		Squatter	Cash compensation at Replacement Cost equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the District Land Boards in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement.
		Agricultural worker	Cash compensation at Replacement Cost equivalent to the local average of 6 months' salary + relocation assistance to be paid (costs of shifting + Allowance) +Assistance in getting alternative employment
Commercial Land	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	Opportunity cost compensation at Replacement Cost equivalent to two months net income based on tax records

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
		Holder	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 PAP's 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 (none) permanent to be treated equally both in rural and urban areas.)	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 tenant -e.g. fence) Disturbance compensation to the tenant equivalent to two month's rental costs
	Displacement: - Entire structure affected or partially affected but remaining structure not suitable for continued use	Owner	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

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM2016

Asset acquired	Type of Impact	Entitled Person	Compensation Entitlement
			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.

PROCEDURE FOR DELIVERY OF COMPENSATION

CONSULTATION AND PUBLIC PARTICIPATION

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

NOTIFICATION OF LAND RESOURCE HOLDERS

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

DOCUMENTATION OF HOLDINGS AND ASSETS

OPM/NUBSP 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 NUBSP program. The survey will have to account for land acquisition and loss of physical assets as well as loss of income temporary or permanent resulting from displacement of household members from employment or income-generating resources.

The local government structures 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/NUBSP.

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/NUBSP. These will serve as data for resettlement monitoring and evaluation.

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

PROCEDURES FOR PAYMENT OF COMPENSATION

Compensation payment will be made in the following ways:

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

- The OPM/NUBSP 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/NUBSP
 - (c) And the Affected Entity.

ROLE OF OFFICE OF CHIEF GOVERNMENT VALUER

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

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

During project screening, a lot of considerations are necessary to ensure the projects are pro poor considering the differentials in access to and control of productive resources. Issues of resettlement need 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 sitting of the facility.

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

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

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

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

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

PREPARATION OF RESETTLEMENT ACTION PLANS

NUBSP 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 MAAIF in the presence of the PAP(s) in question and a witness, and local officials. OPM/NUBSP will be responsible for implementing the resettlement process, carrying out a census of PAPs and the affected properties, RAP preparation and compensation. The District Local Governments will monitor this process and give advisory services as required.

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

APPROVAL OF THE RESETTLEMENT ACTION PLAN

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

Table 9: Example of a Resettlement Budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Compensation for Household Structures			
Compensation for Crops			
Compensation for Trees, Less than 4.5 m Tall			
Compensation for Trees, More than 4.5 m			

RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

Tall			
Compensation for Community Assets			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			

STAKEHOLDER CONSULTATION AND DISCLOSURE PLAN

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

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

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

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

KEY ISSUES

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

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

CONSULTATION PHASES

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.

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.

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

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.

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/NUBSP 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.

DOCUMENTATION

The names and addresses of affected persons will be compiled and kept in a database including claims and assets. OPM/NUBSP 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).

MANAGEMENT AND MONITORING OF RPF IMPLEMENTATION

SETUP OF RESETTLEMENT MANAGEMENT TEAMS

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

The RAP implementing entity – The entity (NGO/Consultant) hired by OPM/NUBSP will be responsible for the RAP implementation on behalf of OPM/NUBSP. 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/NUBSP. 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/NUBSP 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 program to ensure that stated targets are met and project affected persons are duly compensated in line with the RAP requirements. The sequence of implementation activities and responsibilities are summarized in the table below.

IMPLEMENTATION OF THE RAP, ROLES AND RESPONSIBILITIES

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

Table 10: Roles and Responsibilities of Different Institutions

No.	Institution	Responsibility
1.0	Office of The Prime Minister and NUBSP	<ul style="list-style-type: none"> • Overall supervision of the RPF and Resettlement/Compensation Plan. • To provide funds for compensation payment. • Trigger the process through inventory of affected persons and assets and implement planning close consultation with Consultant. • Mainstream gender and conflicts assessment in the NUBSP implementation in close collaboration with Ministry of Gender, Labour and Social Development
2.0	Ministry of Lands Housing and Urban Development	<ul style="list-style-type: none"> • To carryout to support district annual property assessment; the valuation and compensation payment process (through Chief Government Valuer); and reporting for the affected persons
3.0	Ministry of Gender, Labour and Social Development	<ul style="list-style-type: none"> • To oversee gender related issues to ensure that vulnerable women, former IDPs, the poor and elderly are compensated equally.
4.0	Project Coordination Unit	<ul style="list-style-type: none"> • To liaise with OPM/NUBSP, Districts and Grievance handling teams in ensuring peaceful implementation of the process including handling any grievances.
5.0	Chief Government Valuer	<ul style="list-style-type: none"> • Support annual property rates reviews by District Land Boards • Review and approve the RAPs especially the valuations.
6.0	Regional/District Land Valuation Officers/Land Office	<ul style="list-style-type: none"> • Review and approve the RAPs especially the valuations.
7.0	District Land Board, Sub county area Land Committees and Traditional authorities.	<ul style="list-style-type: none"> • To assist the community and support in the inventory of affected persons.

GRIEVANCE MECHANISM

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

COMMUNITY EXPECTATIONS WHEN GRIEVANCES ARISE

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

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

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

PROCEDURES AND TIME FRAMES

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

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

GRIEVANCE PREVENTION

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

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

ANTICIPATED GRIEVANCES IN NUBSP PROJECT

The project activities will include mainly livelihood activities related to value addition, farming and capacity building to enhance business skills for the CIGs. Other sub-projects in the targeted districts will be identified during implementation. These activities are anticipated to likely cause some grievances related; a) Issues related to land, b) Location of storage facilities. The site specific land study and social assessment will provide for recommendations for the establishment of the grievance redress mechanisms that will be integrated into the relevant RAPs if any has to be done.

MECHANISM UNDER NUBSP PROJECT

COMMUNITY LEVEL GRM

The NUBSP sub projects will have social structures Community Monitoring Groups (CMGs) like in NUSAF3 and Community projects beneficiaries will elect their leaders and representatives from community and not from beneficiaries to handle social accountability issues as well land issues. One of the tasks of the above committees amongst others is to, mediate in the conflicts and solve problems

within the villages and as well land issues. Any grievances that cannot be resolved at that level are referred to the sub county area land committee and thereafter if it fails it is referred to the governments courts of law.

The sub-project RAP team will also establish an independent grievance mechanism through Local Authorities, 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 shall also be informed about the dispute resolution process, particularly on 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.

REFERRAL OF SEVERE OR UNRESOLVED GRIEVANCES

The World Bank’s Grievance Redress Service (GRS) has also been introduced to provide an easy way for project-affected communities and individuals to bring their grievances directly to the attention of Bank Management via email: grievances@worldbank.org ; fax: +12026147313 or via mail: The World Bank, Grievance Redress Service, MSN MC 10-1018, 1818 H St NW, Washington, DC 20433, USA and/or via Country Office in Kampala – Rwenzori House. 1 Lumumba Avenue, P.O. Box 4463, Kampala (U); Tel: +256 414 3022 00.

MONITORING AND REPORTING OF GRIEVANCES

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

THE WORLD BANK’S GRIEVANCE REDRESS SERVICE (GRS)

GRS DEFINITION AND PURPOSE

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

Thus, grievances that are brought directly to the project team or to the country office should be addressed at the project level, unless the complainants specifically refer to the GRS in their complaint, or Task Team or Bank Management considers that referring the case to the GRS adds value. Complaints

that are being addressed at the project-level can always be referred to the GRS at a later stage, especially if successful resolution (perceived or actual) was not possible (escalation).

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

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

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.

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

Freedom from Retaliation

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

GRS Review Process

Registration of Complaints

After receipt of a complaint, the GRS immediately *logs* the complaint and a notification of receipt will be sent to the complainant. Within *10 business days*: The GRS *reviews and evaluates* the complaint, determines the eligibility and type of complaint according to the categories in the table below, registers it

and forwards it to the appropriate Task Team/Managers, which is noted in the online system. GRS will notify the complainant of the eligibility determination of the complaint:

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

Review of issues raised and Formulation of Proposal

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

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

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

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

Implementation of Proposal

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

OVERALL MECHANISM

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

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

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

Annual evaluations will be made in order to determine whether there were any PAPs affected by the sub projects and have been paid in full and before implementation of the individual sub project activities; and whether the PAPs enjoy the same or higher standards of living than before. A number of objectively verifiable indicators shall be used to monitor the impacts of with and without the compensation 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 well-being. Therefore, monitoring indicators to be used for different RAPs or NUBSP will have to be developed to respond to specific site conditions.

REQUIRED INFORMATION

As matter of principle, all land acquired under NUBSP projects will be by voluntary acquisition. During sub project generation, all projects that will require compensation will not be approved and communities will have to look for alternative sites to avoid issues of compensation. Voluntary consent forms will be signed by community beneficiary groups in community meetings and dialogue on the land for their project and data on that will be captured. However in case any land acquisition will necessitate RAP preparation, OPM/NUBSP together with the Local governments will provide guidance on RAP preparation and e quantitative data capture for RAPs to 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 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. OPM Safeguards unit, Districts and Sub County will maintain basic information on any physical or economic displacement arising from the project which will include the following:

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

INTERNAL MONITORING AND EVALUATION

The objectives of internal monitoring and supervision will be:

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

The main internal indicators that will be monitored regularly include:

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

EXTERNAL MONITORING AND EVALUATION

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

MONITORING AND EVALUATION INDICATORS

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

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

INDICATORS

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

Table 11: Types of Indicators

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Communities unable to set village-level compensation after two years.	Outstanding village compensation contracts.
Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
The existence (or not) of people/entities not considered	Inclusion of all affected parties in the

Monitoring	Evaluation
for compensation	compensation process
Pre-project production and income (year before land used) versus present production and income of resettlers, off-farm-income trainees, and users of improved mining or agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.

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

INDICATORS TO DETERMINE STATUS OF AFFECTED PEOPLE

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

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

MONITORING TOOLS

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

RAP PERFORMANCE AUDIT

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

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

REPORTING

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

ANNUAL REVIEWS

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

DISCLOSURE

This RPF will be disclosed in compliance with relevant Ugandan regulations and The World Bank Operational Policy 4.12. After The World Bank's review and approval of the RPF as part of the overall proposed project for funding, the implementing agencies coordinated by OPM/NUBSP 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 Info shop. 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 Info-shop.

RPF BUDGET AND FUNDING

BUDGET TO IMPLEMENT RPF

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

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

ESTIMATES AND FUNDING SOURCES

Proposed 3 Year RPF Implementation Budget

Item	,000shs		
	Year 1	Year 2	Year 3
Training of CDOs, DEOs, and NDOs in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	50,000		
Training of sub-county stakeholders in safeguards management (environment, social, vulnerability issues, GRM issues, monitoring and reporting etc.)	50,000		
Capacity Building for OPM-NUBSP team grievance Redress Management	50,000		
Social Safeguards monitoring and audits		20,000	20,000
Sub-totals	150,000	20,000	20,000
Total Budget Estimate	190,000,000		

RECOMMENDATIONS, SUMMARY AND CONCLUSION

Summary and Conclusion

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

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

Recommendations

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

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

5. During the implementation of NUSAF2, the TST and Districts mainly focused on generation and approval of sub-projects. There wasn't much support for beneficiaries during and post implementation of sub-project. Under the NUBSP project, in order to provide implementation support and follow up mentoring to community and beneficiaries, an implementation support team at Sub-County, Parish and Community level will be put in place.
6. OPM should involve the office of the RDC and GISO in monitoring of NUBSP projects other than the IG's office which is under staffed and overwhelmed by work, for example West Nile has 3 Officers under IGG's department to monitor all government activities in the region.
7. **Content of Operations Manual:** It was noted that most NUSAF Desk Officers didn't have a copy of the NUSAF Environment and Social Handbook and rely entirely on the Operations Manual. It may be more useful if the NUBSP Operations Manual would contain more guidance on management of environmental and social issues.

REFERENCES

1. Draft NUSAF 1 & 2 Project Document.
2. Draft Uganda Organic Agriculture Policy, 2000.
3. Economic Policy Research Centre/EPRC 2010 Public Expenditure Tracking on Road Infrastructure in Uganda.
4. Economic Policy Research Centre/EPRC 2012, Institutional Issues in Agriculture in Uganda, MUK.
5. ILO 2007, Rural Road Maintenance: Sustaining the Benefits of Improved Access, Geneva.
6. ISDS ACDP Agricultural Sector Development Strategy and Investment Plan 2010/11-2014/15.
7. The Constitution of the Republic of Uganda 1995, Ministry of Justice and Constitutional Affairs.
8. The National Development Plan 2010/11– 2014/15.
9. UBOS 2010, Uganda Census of Agriculture 2008/2009.
10. Uganda Bureau of Statistics Statistical Abstract 2011.

LIST OF ANNEXES

ANNEX 1: WORLD BANK RESETTLEMENT POLICY FRAMEWORK (RPF)

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

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

Resettlement Policy Framework

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

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

For other Bank-assisted project with multiple 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 the OP 4.12: Annex A.

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

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

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

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

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

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

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

to measure impacts (or changes) in their livelihood and living conditions.

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

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

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

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

The institutional framework governing RAP implementation generally covers:

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

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

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

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

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

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

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

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

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

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

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

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

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

RAP implementation responsibilities: The RAP should be clear about the implementation responsibilities of various agencies, offices, and local representatives. These responsibilities should cover (i) delivery of RAP compensation and rehabilitation measures and provision of services; (ii) appropriate coordination between agencies and jurisdictions involved in RAP implementation; and (iii) measures (including technical assistance) needed to strengthen the implementing agencies' capacities of responsibility for managing facilities and services provided under the NUBSP 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

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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)
			<ul style="list-style-type: none"> 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		
<p>This part will be filled in and signed by the complainant when he/she receives the compensation or the file is closed out.</p> <p>Notes:</p> <p>Date: >.....</p> <p>Complainant Representative of Responsible Party</p> <p>Name and Signature and Signature</p> <p>>.....</p> <p>>.....</p>		

ANNEX 5: SAMPLE TABLE OF CONTENTS FOR CONSULTATION REPORTS

1.0 Introduction

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

2.0 Stakeholder Analysis

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

3.0 Stakeholder Engagement

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

4.0 Summary of Key Issues

5.0 Future Consultation Events

- 5.1 Phase 4 – Release of the SESA Report and Action Plans
- 5.2 Phase 5 – PCDP Planning Consultation
- 5.3 Phase 6 - Ongoing Project Communication

6.0 Disclosure Plan

Tables

Table 6.1: Consultation Activity Summary

Table 6.2: Initial Government Agency Consultations

Table 6.3: Summary of NGO Meetings

Table 6.4: Sub-County Committee Composition

Table 6.5: Summary of Community Discussions

Table 6.6: Local Community Comments

Table 6.7: Summary of Key Issues and Responses

Table 6.8: Summary of Future Consultation Activities per Stakeholder Group

Template on Consultation Activity Summary

Location and Communities Represented	Meeting Dates	Attendees	Discussion Summary
Example:			

ANNEX 6: RELEVANT LOCAL LEGISLATION AND GUIDELINES

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

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<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 proprietary 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)

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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

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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 NUSAF project. The template will be provided by IDA on selection of consultant;
- Consult with relevant Local Government and other key stakeholders such as key government parastatals 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.

NUBSP

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>):	<div style="display: flex; justify-content: space-around; align-items: flex-start;"> Leasehold land Public Customary Freehold Mailo </div>	
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-County.....in</p>	

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	<hr/>	
	-	
	Name of Land Owner	Signature
	<hr/>	
	-	
	Name of Land Owner	Signature

ANNEX 8: DETAILS OF THE DISCUSSIONS AND KEY ISSUES RAISED DURING STAKEHOLDER CONSULTATIONS

Government Officials

Particulars	Issues raised
<p>9th March, 2015</p> <p>Dr. Limlim, Director</p> <p>Mr. Alfred Odera, Programme Officer</p> <p>Ms. Caroline Lorika, Environmental Specialist</p> <p>Mr. Sam Musana, Procurement Officer</p> <p>NUSAF2 Secretariat OPM</p>	<ul style="list-style-type: none"> • There is need to present the draft ESMF and RPF to the wider stakeholders to receive their inputs which will further enrich the quality of the documents; • There is need to consult key stakeholders in this project to gain an insight to possible synergies to enhance delivery of the project. This applies within OPM, sector agencies, development partners and NGOs; • The Safeguards documents should reflect on the on-going National Development Plan 2016-2021 aspirations; • The ESMF and RPF should clearly outline institutional framework for the implementation of NUBSP and NUSAF3.
<p>10th March, 2015</p> <p>Mr. Ambrose Lotyang, Senior Economist Ministry of Karamoja Affairs, Office of the Prime Minister</p>	<ul style="list-style-type: none"> • OPM has a number of inter-related but independent programmes largely geared towards uplifting livelihoods of the Northern Uganda. All the programmes under Northern Uganda, have in them mainstreamed environment and cross-cutting issues as is a requirement from donors and Gou; • The implementation of NUBSP through NUSAF3 should be based on existing institutional government framework so that it builds sustainability at the end of the interventions.
<p>10th March, 2015</p> <p>Dr. Emmanuel Iyamulemye Niyibigira National Programme Coordinator</p> <p>Northern Uganda Agriculture Livelihoods Recovery Programme and Karamoja Livelihoods Programme</p>	<ul style="list-style-type: none"> • These are inter-related programmes geared to improved households incomes through deliberate areas of results; • The Programme had well mainstreamed environmental and health and safety considerations addressing agro-chemicals handling, application, storage and disposal and was possible because of training and sensitization.
<p>10th March 2015</p>	<ul style="list-style-type: none"> • NUSAF 2 is under the overall umbrella project of PRDP and its implementing pillars 2 and 3 of PRDP;

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<p>Mr. Mayanja Gonzaga Assistant Commissioner/Northern Uganda Office of the Prime Minister</p>	<ul style="list-style-type: none"> Environmental and social mitigations should be inbuilt into the NUBSP project and resources provided as part of the project overall budget.
<p>10th March, 2015</p> <p>Eng. Charles Ngeya Senior Engineer</p> <p>Dept. of Construction Standards and Quality Management, MoWT</p>	<ul style="list-style-type: none"> NUBSP needs to integrate cross-cutting issues into the project designs early enough and they should be integrated even in the Business Plans; The Environmental Management Specialist for NUSAF 3 should be in place right from the beginning of the project not as was the case under NUSAF 2 in order to coordinate well Safeguards issues in NUBSP; NUBSP should not assume the districts will monitor and enforce compliance on safeguards without allocating facilitation. The DEOs have challenges of resources and any additional load should be matched with resources; and If the DEOs are to follow up works, they should be brought on board in the project early enough not much later in the project.
<p>11th March, 2015</p> <p>Mr. Arnold Waisswa Director, Environmental Monitoring and Compliance NEMA</p>	<ul style="list-style-type: none"> NUBSP will need to have in place, proper screening processes to enable keying out of pertinent environmental and social issues in the project to enable appropriate follow up assessments be done; At implementation, there will likely be need for independent project based ESIAs need for the various infrastructures and facilities; and Some of the infrastructures that cross ecologically sensitive areas (wetlands, forests and hills) will require environmental assessments commensurate with works anticipated which can be by use of Project Briefs, ESMPs or wider ESIAs; Environmental Mitigation measures need to be integrated into the BoQs and Business plans for CIGs; There should be clear reporting on environmental and social performance of the project compliance and performance as part of the overall project contractual reporting schedules; and Mechanisms for acquisition of land for the project ought to be transparent and participatory but not coercive. Where land is contributed by the community for a community infrastructure, the modalities for such processes ought to be transparent and participatory and has to be endorsed by the various stakeholders; Provide for tree planting in institutions and there should be mechanisms in the contract and the project to ensure survival of the trees planted. Most important, the institutions must own up the trees and protect them.

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<p>11th March, 2015</p> <p>Ms. Ali Munira</p> <p>Head, Public and International Relations/Principal Relations Officer Inspectorate of Government (IGG)</p>	<ul style="list-style-type: none"> • The Inspectorate of Government is involved in Transparency, Accountability and Anti-Corruption (TAAC) Component and coordinating CMGs activities that oversee all government projects and programs • TAAC promotes accountability and transparency at community levels through provision of mechanisms for timely reporting of grievances on a number of aspects in the community amongst others; • Under TAAC, Inspectorate of Government has undertaken a number of initiatives to sensitize and empower the communities to report corruption and maladministration tendencies through media channels and seminars; • The Inspectorate has instituted avenues such as e-mails, Report 2 IG using Short Message System (SMS), telephone calls on 0414347387 (hot line) and other general lines, physical reporting to any of the 16 IGG Regional Offices spread throughout the country; and • The powers of IGG as enshrined in the Constitution and IG Act which all includes to investigate or cause investigation, arrest or cause arrest, prosecute or make and give directions during investigations.
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Consultations in Nebbi District

<p>Name: Teopista</p> <p>Designation: NUSAF Trainer</p> <p>Date: 3rd /03/2015</p> <p>Venue: NUSAF Desk Office, Nebbi District</p>	<p>Question: What is the current coverage of NUSAF 2 in Nebbi District?</p> <p>Response: NUSAF2 is being implemented in all of the 13 sub-counties and 2 town councils i.e., Nebbi Town Council and Pakwach T/C.</p> <p>Question: How do you select the NUSAF benefiting communities?</p> <p>Response: The District informs the sub-counties of upcoming NUSAF projects; then village meetings are convened in the respective sub-counties targeting mostly vulnerable groups like the very poor community members, widows, and orphans among others. Interested members of the community then fill out forms which are then forwarded to the sub-county for assessment.</p> <p>Question: how do you choose the subprojects to be implemented?</p> <p>Response: There are technical people at sub-county level who guide the community members upon which projects to choose without necessarily selecting for them.</p> <p>Question: How and who appraises community subprojects?</p> <p>Response: The sub-county technical committees review community proposals and then forward them to sub-county executive</p>
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	<p>committee. The executive committee of the sub county then reviews these proposals and forwards them to the District Technical committee.</p> <p>The District Technical Committee reviews these proposals and makes recommendations which are forwarded to District Executive Committee.</p> <p>The District Executive Committee then forwards the proposals to the Office of the Prime Minister for approval and funding.</p> <p>Question: How is capacity of benefiting groups enhanced?</p> <p>Response: The district has technical people who offer initial training before projects are undertaken.</p> <p>Question: In your own view, do you think the training offered is sufficient for sustainability of the project?</p> <p>Response: <u>No because benefiting communities are ill prepared. Training is supposed to be continuous but there are no budgetary provisions for this.</u></p> <p>Question: How was land for the construction of community access road acquired?</p> <p>Response: The Community had a need for the road, so they freely provided the land where the road passed. But before construction an MoU was signed between community and Nebbi Town council.</p> <p>Question: Are there incidences when a proposed community subproject is rejected?</p> <p>Response: Yes, some proposed projects are rejected on basis of lack of sustainability but reason for rejection is always explained to the affected group.</p> <p>Question: Do you think the communities have benefited from NUSAF2 projects?</p> <p>Response: Yes, there is improvement in accommodation of health workers and teachers under the CIR subprojects. Household income subprojects have directly improved on the livelihood of participating households.</p> <p>Question: What major challenges have you noted as a NUSAF technical person?</p> <p>Response: When meetings are convened, some community members do not show up because there are no sitting allowances and lunch. They miss out on information and later complain that they were excluded from NUSAF projects.</p> <p>Question: Do you think NUSAF has in place structures to offer adequate and continuous capacity building to benefiting communities?</p> <p>Response: No, because communities often complain that they were not sufficiently trained in respective enterprises. Some groups seek</p>
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	<p>advice from sub counties which they do not receive because they are always asked to pay for the service. There should be a component of continuous training but this is not provided for in the budget, therefore this should be considered when designing NUSAF 3.</p> <p>Question: How are structures maintained after completion and handing over to project beneficiaries?</p> <p>Response: For every project especially under CIR and PWP, there is a committee for operation and maintenance. The committee members set guidelines which have to be followed cautiously by facility users. In case of any defects 6 months or less, the contractor meets the maintenance costs and this is clearly stated in the contract.</p>
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Consultations in Maracha District

<p>Name: Munguleni Alfred</p> <p>Designation: NUSAF Desk Officer, Maracha</p> <p>Date of meeting: 04/03/015</p> <p>Venue: Malacha District Headquarters</p>	<p>Question: What projects are being implemented by NUSAF2 in Malacha District?</p> <p>Response: The community subprojects being implemented under NUSAF2 in Maracha District include;</p> <ul style="list-style-type: none"> • 2 public works- community access roads, 1 completed and another still at implementation stage • 31 community infrastructure rehabilitation projects(CIRs) • 104 Household Income Support Projects(HISPs) <p>HISPs are divided into agricultural and Non-agricultural income support projects.</p> <p>Under agricultural, there are;</p> <ul style="list-style-type: none"> ➤ 4 Apiary subprojects (supporting 43 households, and mostly these are people with HIV/AIDS) ➤ 1 Crop subproject (supporting 14 HHs) ➤ 28 Piggery subprojects (supporting 179 HHs) ➤ 6 Cattle rearing subprojects (supporting 51 HHs) ➤ 12 Goat rearing subproject (supporting 168 HHs) ➤ 31 sheep rearing (supporting 448 HHs) <p>Under non- agricultural, there are;</p>
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	<ul style="list-style-type: none"> ➤ 1 Carpentry and joinery supporting 14 HHs ➤ 2 Grinding mills supporting 30 HHs ➤ 4 Saloon and Hairdressing -59 HHs ➤ 1 Rice Huller supporting 15 HHs ➤ 2 Tailoring and Garments supporting 26 HHs <p>Under Community Infrastructure Rehabilitation subprojects there are 03 teachers' staff quarters, 13 Health workers units and 09 Boreholes.</p> <p>Question: What was the criterion for choosing these subprojects?</p> <p>Response: 60 interest forms were distributed to each sub-county, and these were then sent to communities. Meetings were held with community members for 7 days in which potential enterprises for funding were identified. Filled forms from the community are then sent to the sub-county technical committee (STC). A day is then set for field appraisal to make sure the right beneficiaries have been chosen.</p> <p>At the district, forms are appraised by respective expertise such as the DVO for animal rearing, District Engineer for public works and community infrastructure rehabilitation, DAO for crop husbandry.</p> <p>Question: What is the capacity of Expanded participatory Rural appraisal trainers?</p> <p>Response: These EPRs were trained by Office of the Prime Minister and there is one for each sub county</p> <p>Question: How are vulnerable groups integrated into NUSAF Projects?</p> <p>Response: In Marachar, Vulnerable groups that are benefiting from NUSAF2 projects include;</p> <ul style="list-style-type: none"> ➤ 498 Unskilled youth ➤ 88 People living with HIV/AIDS ➤ 89 People with disabilities ➤ 106 Windows
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	<p>➤ 02 Orphans</p> <p>➤ 24 Female Headed households</p> <p>Question: What are some of the land acquisition challenges during implementation of NUSAF 2 projects?</p> <p>Response: So far, there are no land acquisition challenges in this district since the community willingly donated land for the NUSAF subprojects and voluntary land contribution forms were filled by community members donating land.</p> <p>Question: Have there been any grievances registered during implementation of NUSAF subprojects in this district?</p> <p>Response: No, because the community identifies the project and those whose land is affected are given priority to work especially with public works projects (PWP).</p> <p>Question: What is the mechanism of addressing land conflicts/disputes in this district?</p> <p>Response: Most land conflicts are solved by the land board committees at the sub county and district levels.</p> <p>Question: Is NUSAF2 structured in a way that it ensures maintenance of infrastructure established?</p> <p>Response: The operation and maintenance of subprojects is left to lower level leadership, for example boreholes have water user committees and PTA takes care of teachers' quarters. If the damage is beyond the available resources, it is forwarded to the sub-county and when the sub-county cannot afford the costs, it's then sent to the district.</p> <p>Question: Was there screening for environmental issues during project design, especially public works?</p> <p>Response: Yes, screening is done by the environmental officer for all projects and issues of concern are identified and recommendations suggested before an environmental certificate is issued. This is done for all projects before implementation.</p> <p>Question: In your own observation, what are some of the positive impacts attributed to NUSAF2 projects in this district?</p> <p>Response:</p> <ul style="list-style-type: none"> • NUSAF2 has increased community access to clean water due a large number of boreholes drilled in the district • Teachers' standards of living have been improved as a result of improved accommodation facilities constructed. • There is improved service delivery in the health sector due to the fact that health workers no longer live far away from their work places.
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	<ul style="list-style-type: none"> • CIRs such as new classroom blocks have led to an increase in the number of school going children since they no longer have to attend lessons under trees or sit on the floor. • HISPs have enabled benefiting communities to send their children to school, buy scholastic materials. • NUSAF 2 has led to gender mainstreaming since women form part of each group formed. <p>Question: What are some of the challenges you have experienced during implementation of NUSAF2 in this district?</p> <p>Response:</p> <ul style="list-style-type: none"> • Some inputs for certain subprojects are not locally available in the district for example, poultry feeds • The district lacks adequate capacity to provide technical advisory services to the benefiting communities. • There is a lot of delay in disbursement of NUSAF funds which directly affects deadlines for implementation of projects. • Line ministries have not harmonized their activities with NUSAF2, for example MAAIF. • No operational funds are provided under NUSAF yet activities are continuous. <p>Question: what are some of the issues you would recommend to be included in NUSAF3 and NUBSP that were lacking in NUSAF2?</p> <p>Response:</p> <ul style="list-style-type: none"> • The OPM should involve the office of the RDC and GISO in monitoring of NUSAF projects other than the IGG's office which is under staffed and overwhelmed by work, for example West Nile has 3 Officers under IGG's department to monitor all government activities in the region. • The MoU signed between the beneficiaries and government is weak and often abused by beneficiaries. This has to change if government is to realize its intended target of poverty eradication. • The OPM should work with line ministries such as Agriculture so that capacity needs are improved in project implementation. • The district technical committee should be involved in field appraisal to eliminate tendencies of corruption during selection of group members.
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RESETTLEMENT POLICY FRAMEWORK FOR NUBSP PROGRAM 2016

- They should be budgetary provisions for continuous training of beneficiaries in NUBSP

Consultations in Yumbe

<p>Name: Ojok Brian</p> <p>Designation: NUSAF Desk Officer, Yumbe</p> <p>Date: 05/03/2015</p> <p>Venue: NUSAF Office, Yumbe</p>	<p>Question: Which projects are under NUSAF2 in your district?</p> <p>Response: All NUSAF subprojects such as HISPs, CIRs and PWPs are all operational in Yumbe district. But the dominant one is household income support especially animal rearing.</p> <p>Question: What is the selection criterion for group members?</p> <p>Response: This depends on the level of discrepancy of community members. There are communities in Yumbe where everyone is too vulnerable hence every community member is eligible for selection. But in some instances, verbal and assertive members end up being beneficiaries even when they do not qualify.</p> <p>Question: How are enterprises for funding selected /chosen?</p> <p>Response: Meetings are convened and community members are guided by technocrats to identify viable enterprises for funding.</p> <p>Question: What steps are there to ensure that the capacity of benefiting groups is enhanced for project sustainability?</p> <p>Response: There is a 3 day training for each enterprise selected, for example DVO trains groups on good animal husbandry practices by skilling them with the basics. All animals are screened by district veterinary officer before procurement. They are always screened for weight, color, and diseases. Each beneficiary fills a form that captures the tag number of the animal before it's handed over.</p> <p>Question: Is there screening for environmental issues before projects are implemented?</p> <p>Response: All environmental issues have been decentralized to the district environment office and the DEO is responsible for screening all projects. For each approved project, UGX 300,000 is dedicated to the above cause, and in some cases subprojects were abandoned because groups failed to comply with environmental requirements.</p> <p>Question: How was land for CIRs and PWPs acquired?</p> <p>Response: Normally schools and health centers have land where such structures are constructed but there was an incident where the available land for the health centre was not enough.</p> <p>Here an agreement was signed between management of the health centre and the land owner.</p>
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	<p>Question: What measures are in place to ensure maintenance of the established infrastructure during the operation phase?</p> <p>Response: For Boreholes, the water user committees are in place and are responsible for maintenance of boreholes. For staff quarters, respective schools and health centers are responsible for maintenance.</p> <p>Question: What benefits have been realized from NUSAF2 funded subprojects?</p> <p>Response:</p> <ul style="list-style-type: none"> • Complete transformation of some communities • Increase in safe water coverage in the district which has reduced on water borne diseases like Cholera. • School enrollment has improved especially in primary • Improved living standards for health workers and teachers • Improved health care service delivery • Improved transport <p>Challenges faced by NUSAF2 in Yumbe district</p> <ul style="list-style-type: none"> ✓ Operational fees are uniform for all districts yet conditions are not similar ✓ The IGG has been given too much authority to investigate cases and no timeline has been set to deliver reports of investigations. This hinders implementation of some projects under investigation. ✓ 65% of operational funds are supposed to be given to sub counties yet there is no technical expertise to implement subprojects. ✓ Insufficient technical capacity at the district, for example there is only one veterinary doctor and one animal husbandry specialist in the whole district. ✓ Some Contractors have capacity problems and this delays completion of works. ✓ Some line officers are uncooperative ✓ The proposed mainstreaming of NUSAF and NAADS has no budgetary provisions yet it is expected to be operational.
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	<p>Recommendations</p> <ul style="list-style-type: none"> ➤ Put in place pilot projects to identify gaps before full implantation of the whole project is done ➤ NUSAF3 and NUBSP should provide a budget for continuous training for beneficiaries to ensure sustainability ➤ The MoU signed between government and beneficiaries should have a clause for penalty for example if a person sells off the animal received within a very short period. ➤ Beneficiaries should be trained in basic entrepreneurship skills so that they view projects as businesses. ➤ There should be a provision for the IGG to prosecute community members who misuse funds other than civil servants only. ➤ Sector specialist such as the Veterinary officer, district Engineer, Agricultural officer should be involved in enterprise selection.
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Consultations in Nwoya

<p>Name: Akena Geoffrey</p> <p>Designation: NUSAF Desk Officer</p> <p>Date: 6/03/2015</p> <p>Venue: Nwoya District Headquarters</p>	<p>Question: What projects are under NUSAF2 in Nwoya district?</p> <p>Response: All the three components under NUSAF2 , i.e. HISP,CIR and PWP are being implemented in Nwoya district</p> <p>Question: Was screening for environmental issues done for NUSAF2 subprojects?</p> <p>Response: Yes, environmental issues were considered and a budget of UGX 600,000 was availed for each project.</p> <p>However the timing was sometimes not appropriate because in some cases trees were planted at some construction sites but did not survive because the climatic conditions were so harsh.</p>
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	<p>Question: How was land for infrastructural development projects under NUSAF2 acquired?</p> <p>Response: Respective institutional land was used for the construction of community infrastructure rehabilitation projects. As for community roads the beneficiary communities provided the land and agreements of consent were signed. But there were isolated cases where some community members demanded for compensation but these were handled amicably by the respective community leadership.</p> <p>Question: How has the project impacted on beneficiary communities?</p> <p>Response: The CIRs especially schools has improved on school enrollment for example, Gok Primary School had 336 pupils in 2012, but this number has increased to 647 after NUSAF2 constructed 4 classrooms at the school.</p> <p>Question: How does NUSAF ensure that the infrastructure put up is maintained during the operation phase?</p> <p>Response: Several agreements are signed with infrastructure users to ensure good maintenance. For example between teachers occupying a staff quarter and the head teacher, the sub county and a school, the district school and sub-county.</p> <p>Question: How are land issues resolved in the communities of Nwoya district?</p> <p>Response: Land in Nwoya is a personal property and there is a fully fledged district land board that handles all land issues.</p> <p>Question: Are there any displaced people's camps in Nwoya district?</p> <p>Response: No, but there are individuals still in transit i.e., communities that have not yet reached their original villages where they came from during the war.</p> <p>Question: How were such communities catered for under NUSAF2?</p> <p>Response: These were considered together with the native communities. Community members gave them some land to use for a specified period based on mutual understanding.</p> <p>Challenges</p> <ul style="list-style-type: none"> • Training of beneficiaries is not continuous • Some community members demanding for compensation yet it is not catered for by NUSAF2 • Delay in the release of funds
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	<p>Recommendations</p> <ul style="list-style-type: none"> ○ Redefine communities so that it goes beyond geographical area i.e. different interest groups such as the displaced are catered for ○ Include a component of continuous training for the beneficiaries in NUBSP
<p>Lamoki Village</p> <p>Onyomtil – Adimola 8km</p> <p>Community Access Road</p> <p>Date: 6/03/2015</p>	<p>Question: Why did the community select a road among the many subprojects that were available?</p> <p>Response: The community considered all the subprojects presented to them and finally decided to have a road since the benefits would accrue to most members as compared to projects like goat rearing that only benefited individual homesteads.</p> <p>Question: What were the criteria of obtaining land for the construction of the community access road?</p> <p>Response: The community member freely consented to give up land for construction of the road without compensation.</p> <p>Question: Was there an agreement of consent signed between land owners and the community regarding giving up their land for road construction?</p> <p>Response: Yes, an agreement was signed between affected land owners and the community.</p> <p>Question: How are land wrangles resolved among community members in this area?</p> <p>Response: All land disputes are reported to the village chief who is the responsible authority.</p> <p>Question: What were the criteria for selecting community members who participated in construction of the road?</p> <p>Response: Every able bodied member of the community was given a chance to participate in road construction. The women contributed the large number since they dominate the community in terms of population. Also the distribution of work depended on the seriousness of the person; those that put in more effort received more money.</p> <p>Question: Who was responsible for procurement of equipment and materials used during construction of the access road?</p> <p>Response: The community elected a procurement committee among themselves and this was tasked to carry out all procurement activities. They would withdraw money from the bank and purchase the equipment like wheelbarrows, hoes, and spades from Gulu Town.</p> <p>Question: Who is responsible for maintenance of the road after construction?</p>

	<p>Response: The road is voluntarily maintained by the community and every community member freely participates.</p> <p>Benefits of the road to the community</p> <ul style="list-style-type: none"> ➤ Easy accessibility to market for agricultural produce ➤ Easy access to health facilities ➤ Income to community members who participated in road construction <p>Challenges faced during road construction</p> <ul style="list-style-type: none"> ➤ Funds were not released in time while community members expected to be paid when they finished their work, this somehow brought misunderstandings ➤ Community members had complaints about the money paid for the work, for example UGX 30,000 was paid for every 20 meters of road constructed. Some community members were not happy with this amount.
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Consultations in Gulu District

<p>Name: Amilobo Women Group, Gulu district</p> <p>subproject: Banana plantation</p> <p>Date: 6/03/015</p> <p>Venue:</p>	<p>Question: Why did your group choose this enterprise?</p> <p>Response: The group decided to select the project after considering associated benefits.</p> <p>Question: How did the group acquire land for the banana plantation?</p> <p>Response: One of the group members offered land to the group for some time until the group can acquire its own but there was no written document signed and also no specified time stated for use of the land.</p> <p>Question: How has your group benefited from this project?</p> <p>Response: The group has formed a SACCO from the proceeds of the plantation lending out money to group members at minimal interest.</p> <p>Question: What are some of the challenges facing the group regarding this project?</p> <ul style="list-style-type: none"> • The plants wilt during prolonged dry season
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	<ul style="list-style-type: none"> • It also becomes had to maintain the garden during the rainy season due to the vigorous growth of weeds . • The yields from the plantation are very low especially last year no sales were made because wind brought down all plants that had fruited • The initial training was not adequate as the group was trained for two days only. <p>Question: If your group is given another opportunity by NUSAF and or NUBSP, would you still choose banana growing?</p> <p>Response: No, the group would select another enterprise as the current one is a bit challenging to the members.</p>
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<p>Name: Atto Francisca K</p> <p>Designation: DEO, Gulu</p> <p>Date: 6/03/2015</p> <p>Venue: DEO's Office</p>	<p>Question: Was screening for environmental issues done for NUSAF2 projects especially PWP's and HISP?</p> <p>Response: Most projects were screened especially the road works and CIRs. A budget of UGX 600,000 was set aside, for the environmental issues on each project and 300,000 for HISP project</p> <p>Question: What particular interventions were put in place?</p> <p>Response: Tree planting was the most common intervention for restoration of sites. In some areas there was back filling where marrum was extracted. Also project specific environmental committees were formed to handle environment issues at community level. There were gender considerations, for example how many women were employed and how they were being treated. Also issues to do personal protective equipment (PPE) were emphasized at construction sites.</p> <p>Question: How would you rate the performance of NUSAF2 in Gulu district?</p> <p>Response: NUSAF2 has performed better than NUSAF1 due to its design. It has improved lives of teachers and health workers in terms of accommodation. There is also improved school enrollment although this is yet to translate into better academic performance.</p> <p>Challenges</p> <ul style="list-style-type: none"> • In some areas, communities have stolen the tree seedlings planted to restore the environment after construction activities • Some trees have dried due to prolonged drought and inadequate care given to them by communities where they are planted • Also wild fires destroy the planted trees • Communities lack a feeling of ownership of the project, claiming the planted trees are for NUSAF • In some cases, community members have claimed for compensation yet there no budgetary provisions for this under NUSAF2 <p>Recommendations</p> <ul style="list-style-type: none"> • Build capacity for environmental management under NUBSP • Need for detailed sensitization before projects are implemented • Improve on the budget for environmental related issues in the design of NUBSP • There should be a provision for monitoring under NUBSP
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| | <ul style="list-style-type: none">• Special consideration should be given to former IDP land owners because they offered their land which has reduced in productivity. |
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