



THE REPUBLIC OF UGANDA

MINISTRY OF EDUCATION AND SPORTS

**UGANDA TEACHER AND SCHOOL EFFECTIVENESS PROJECT
THE GLOBAL PARTNERSHIP FOR EDUCATION PROJECT (GPE)**

RESETTLEMENT POLICY FRAMEWORK (RPF)

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ABBREVIATIONS AND ACRONYMS

BoG	Board of Governors
BRMS	Basic Required Minimum Standards
CAO	Chief Administrative Officer
CMU	Construction Management Unit
DEO	District Education Officer/Office
DLB	District Land Board
DLT	District Land Tribunal
DPs	Displaced Persons
ECD	Early Childhood Development
ECE	Early Childhood Education
EMIS	Education Management Information System
ESMF	Environmental and Social Management Framework
GoU	Government of Uganda
GPE	Global Partnership for Education
ILO	International Labour Organization
KCCA	Kampala Capital City Authority
LG	Local Government
LGDP	Local Government Development Program
LRA	Lords Resistance Army
MoES	Ministry of Education and Sports
NECDP	Nutrition and Early Childhood Development Project
OP	Operational Policy of the World Bank
PAPs	Program Affected Persons
PLC	Parish Land Committees
PTCs	Primary Teachers Colleges
RAPs	Resettlement Action Plans
RPF	Resettlement Policy Framework
SMCs	School Management Committees
TC	Town Council
ULC	Uganda Land Commission
UNICEF	United Nations Children's Fund
UPPET	Universal Post-Primary Education and Training

DEFINITIONS

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

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

“Cut-off date” is the date of commencement of the census of PAPs or DPs within the GPE program area boundaries. This is the date on and beyond which any person whose land is occupied for GPE program GPE 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 GPE program, will suffer direct economic and or social adverse impacts, regardless of whether or not the said Displaced Persons are physically relocated. These people may have their: standard of living adversely affected, whether or not the Displaced Person will move to another location ; lose right, title, interest in any houses, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

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

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

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

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

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

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

Republic of Uganda

Comprehensive Plan for the Global Partnership for Education in Uganda

1.0 BACKGROUND

The vital role that education plays in lifting individuals and communities out of poverty as well as enhancing human development cannot be underestimated – education bonds well with tackling other issues such as disease, child mortality, maternal health, gender equality, increased fertility, youth unemployment and hunger. Consequently, the international community committed itself through the Millennium Development Goals (MDGs), to achieving Universal Primary Education (UPE) as one of its major goals (MDG Report 2007). In response, the Government of Uganda (GoU) formulated the necessary policies and introduced UPE in 1997 which provided an opportunity for all school going age children to access primary education, resulting in enormous increases in primary enrolments. Enrolment almost tripled to 8.4 million learners in 2010 from 3 million in 1998 in just over a decade (Annual School Census, 2010). The primary Net Enrolment Ratio (NER) was reported at 83% (UNHS report 2009/2010) with the gender parity gap in enrolment closed at 50:50 (MoES: Uganda Education Statistical Abstract, 2009). The GoU has thus made tremendous progress in expanding access to primary education, particularly for children from poor and vulnerable households.

However, in spite of the successful record in access to education, severe gaps still remain in Uganda's primary education system (the foundation for any education system): primary school retention levels and completion rates which are significantly linked to the quality of education offered are very low. The primary completion rates for Uganda were reported at 55% for 2011, down from 58% in 2008. Moreover, the national measurement for completion - cohort survival to end of primary grade 7 showed a grimmer picture of only 33% completing primary education. In addition, many of those retained in primary education do not achieve the minimum levels of literacy and numeracy as well as acquiring critical life skills. Less than half the Primary Grade 6 learners tested in 2010 by the National Assessment of Progress in Education (NAPE) were proficient in literacy (41%) and numeracy (46%). The above bottlenecks and poor learners' outcomes at primary school level are compounded by a number of factors found at the teacher, school and education system levels. Teachers' competencies are inadequate, motivation levels low, and existence of accountability gaps, all of which affect the time on task. At school level, there is evidence of weak governance and support systems, a dire need of appropriate and adequate teaching and learning materials, a shortfall of classrooms and other related school facilities. A lack of and/or inadequate preparation of children at pre-primary (early childhood education) as well as a reduction in the national budget for education are some of the constraints sited at system level

It is therefore implausible that Uganda will achieve the primary education MDG and Education for All (EFA) goals by 2015 unless interventions are undertaken to address the existing obstacles in a comprehensive manner in order to register better learning outcomes. It is against this background that Uganda has made renewed attention to education and is committed to addressing the existing gaps by undertaking interventions that would support the implementation of basic education to regain the earlier enrolment progress made; improve retention and completion rates; improve education quality and; attract

young children below the primary starting age. It is in this context that the GoU supported by the World Bank is implementing the Global Partnership for Education (GPE) project to address some of the identified shortfalls. The GPE project may involve construction of facilities such as classrooms, teachers' houses, sanitation, water drainage, and solid waste management in the project schools which call for a formulation a Resettlement Policy Framework for the project.

2.0 PROJECT DESCRIPTION

This project is centered on improving education service delivery at the *classroom level* to realize meaningful gains in student achievement in primary grades. It comprises of three components: Component 1 'Effective Teachers', amounting to US\$40 million, which focuses on improving teacher quality and performance, because these are dimensions which are highly predictive of student achievement and where considerable margins for improvement exist; Component 2: 'Effective Schools', amounting to US\$50 million, which seeks to improve the overall school environment – in the form of enhanced school management, accountability, and learning conditions. The complementary focus on schools is aimed at enabling improved teacher competencies to most effectively translate into improved education service delivery; and Component 3: 'Technical Assistance', amounting to US\$10 million, which will finance advisory, technical, and capacity-building support.

Taken as a whole, activities are formulated to yield returns in the short term in terms of perceptible improvements in education service delivery. However, they are also expected to promote well-performing, robust, sustainable institutions and administrative systems that would generate returns over the medium to long term.

Project Components

Component 1: Effective Teachers US\$40.00 million

Under the project, teacher effectiveness is expected to be promoted directly through a coherent and coordinated mix of initiatives related to:

Teacher competency

- (a) Enhancing effectiveness of early grade literacy instruction through provision of training to in-service teachers and ECE instructors. The early grade instruction will support local language instruction in primary grade 1-3. It will be implement in 30 districts selected based upon language readiness for use as media of instruction. The result linked to disbursement is the numbers of teachers trained (DLI 1).

Teacher resources

- (b) Provision of instructional materials, including teacher reference materials, on the new primary curriculum. The result linked to disbursement is the numbers of schools with the standard kit of instructional material (DLI 2).

Teacher motivation and accountability

- (c) Strengthening the design and implementation of an ongoing merit-based promotion scheme for teachers (DLI 3). The result linked to disbursement is number of promotions according to the improved scheme.

- (d) Strengthening the system of teacher and school supervision through scaling up inspections and establishing a system for real-time filling of inspection reports and dissemination to key stakeholders. This will be implemented in the targeted 69 districts where less than half of the students meet the expected learning outcomes. The result linked to disbursement is numbers of schools inspected at least twice during a year filed in the system (DLI 4).

Component 2: Effective Schools US\$50.00 million

The above initiatives are designed to directly improve teacher performance. To provide a supportive enabling environment for these changes to take root, the project will also include a direct focus on school effectiveness by:

- (a) Increasing the capacity of School leadership and accountability to the community. Head-teachers and school management committees (SMCs) will be offered training for enhancing monitoring of teacher and student performance. This will be implemented in the targeted 69 districts where less than half of the students meet the expected learning outcomes. The result linked to disbursement is the number of schools with trained head-teachers and SMCs (year 1) and the numbers of schools where school report cards are made publically available (year 2 and 3) (DLI 5).
- (b) Improve basic school facilities (class-rooms, functioning girls and boys toilets, and access to water) in schools without such facilities. For the school to be selected, the teachers and School Management Committee must meet reasonable minimum standards of teacher presence and SMC meetings. This support is implemented as part of the existing School Facility Grant program, which is a national program. The results linked to disbursements are number of schools where procurement is concluded (year 1), construction is completed (year 2), and finished construction meets pre-defined quality standards (year 3). (DLI 6).

Component 3: Technical Assistance US\$10.00 million

This component will finance advisory, technical, and capacity-building, including:

- (a) Evaluation, review and dissemination of the education sector Early Childhood Development policy and operational standards (including associated capacity building and awareness raising activities).
- (b) Technical assistance and Capacity building, including for project implementation, monitoring and evaluation, communication, and for preparing the ESSP for the next cycle.

From the outlined components above, it is evident that Component 2 triggers Operational Policy 4.12: Involuntary Resettlement, as there are likely to be land requirements for purposes of new classroom buildings and related structures that support school learning. Since the details of the facilities to be built may not be known by Appraisal, and to ensure that these investments are carried out in an environmentally and socially sustainable manner, the Resettlement Policy Framework (RPF) for the GPE has been developed. An Environmental and Social Management Framework (ESMF) for the project has been prepared separately. The objective of this RPF is to provide a legal framework and a screening process for future investment activities in the education sector. As the exact scope of the investments could not be identified prior to appraisal, the Resettlement Policy Framework (RPF) has been prepared as an instrument to be used throughout the implementation of the investments.

4.0 OBJECTIVES AND BASIC TERMS OF PREPARATION OF THE RPF

The framework document is designed to enable MoES, institutions, communities and the World Bank to address the needs of the populations that could be affected by the program by establishing policies, principles, institutional arrangements for management of issues related to acquisition of land and hence displacement of persons and impact on their livelihoods. The legislation on resettlement of the

government of Uganda and the policy of the World Bank as OP 4.12 will be the instruments that will govern any resettlement arising out of the activities of the GPE program. The framework is an adaptation from the RPF for the UPPEP project.

Impact, land acquisition and resettlement

Any resettlement of populations will prompt the following consequences:

- Loss of land;
- Loss of housing or commercial business;
- Loss of Economic resources or employment;
- Marginalisation of the population concerned;
- Loss of access to natural resources;
- Disturbance of way of life of affected population.

Acquisition of land: The GoU vests in the local government authorities as well as local communities are vested with the power to:

- Identify the scope of the program;
- Screen the GPE Program activities as to their potential environmental, social, economic impacts as well as their potential to cause resettlement and it's corollaries,
- Specify the zones of installation or sitting of the GPE Program facilities.

5.0 Socio-Economic Assessment

5.1 People and Population Dynamics in Uganda

An outline of the people of Uganda is provided below.

5.1.1 The People

The Uganda constitution 1995 recognizes 46 tribes (GoU 1995) with varying production and consumption patterns. Modes of production and the rural livelihood coping strategies range from mainly cultivators (e.g. Baganda, Bakiga, Bagisu and Basoga) to pastoralists (e.g. the Karamojong and the Bahima) the rest of the people derive their livelihoods from a mix of livestock keeping and cultivation or agro-pastoralism. In addition, Uganda has been and still is, home to several thousand refugees from neighboring countries. There are also other non-citizens residing in Uganda as a preferred place for home or where they are engaged in various economic activities. This mosaic provides Uganda with a rich cultural base and opportunities for modernization. However, there are also challenges the people of Uganda face, among others are: (i) rapid population growth and the ensuing pressures on the country's natural capital; (ii) inadequate provision of, and demand for, social services and infrastructure; and (iii) poor environmental conditions.

Relation to the project: Either due to their culture, predominant economic activities, or past civil strife, various peoples in Uganda have diverse attitudes about education hence different regions have differing literacy levels. Size of classes in rural primary schools will most often mirror population size and density in those communities. Poverty levels will reflect in the number and quality of primary school teachers available in a given community. Cultures with female genital mutilation will have girl-children missing school for days. Communities which emphasize boy- more than girl-child education would have this imbalance reflecting in number of girls attending school. These disparities manifest for example in northern Uganda which suffered from a 20-year rebel insurgency, Karamoja sub-region which is a culturally nomadic cattle area to central, East and Western Uganda which in general terms have comparatively higher school attendance and literacy levels.

5.1.2 Population Dynamics

In Uganda, the 20th century marked an unprecedented population growth and economic development as well as environmental change. The Census report of 2002 put the country's population at 24.7 million people in 2003. The current growth rate of 3.4% per year is higher than the 2.9% that was envisaged for the period 1991 – 2002. Currently standing at 34 million, population of Uganda is likely to hit 50 million by 2025. Population is a key determinant of economic and social wellbeing and environmental degradation.

Considering the size of Uganda and comparing this with cities such as Mexico and Lagos whose populations are in excess of 20 and 13 million people respectively, it can easily be concluded that Uganda does not have a problem with its population size. While absolute numbers may suggest Uganda is relatively under-populated, the concern is the inability to provide for these relatively few people. In the absence of adequate social services, even a small population becomes a constraint. In addition, a poor

population however small, needs attending to otherwise its people may engage in activities detrimental to the environment especially where alternative livelihood options are limited.

The urban population in Uganda has increased rapidly from less than 0.8 million persons in 1980 to 5.0 million persons in 2012, representing an increase of more than six times. This increase is mainly attributed to the creation of new urban administrative units, natural growth, demographic factors (excess of fertility over mortality) and Rural -Urban Migration (UBOS, 2012). Kampala City has by far the highest population density. The population growth rate of Kampala City is above the national average even though the population growth rate of Central region, in which Kampala City is located, is the lowest among the four regions (North, Eastern, Western and Central) in the country. The lowest population density by region is 65 people per square kilometers for the Northern region.

Table I: Population characteristics of Uganda

Region	1991 population	2002 population	Area (km ²)	Population density (persons/km ²)	Annual average population growth rate (1991-2002) %
Kampala (Central)	774241	1189142	197.0	7258.6	3.7
Central	4843594	6575425	6140.3	175.7	2.6
Eastern	4128469	6204915	39478.8	225.8	3.5
Northern	3151955	5363669	85391.7	64	4.6
Western	4547687	6298075	55276.5	126.9	2.8
Total	16671705	20442084	241550.7	123.9	3.3

Relation to the project: The high rate of population growth may affect Uganda's efforts to achieve and sustain universal primary education. With high fertility continued, the number of primary school pupils will increase from 7.5 million in 2007 to 18.4 million in 2037. With declining fertility, the pupil population would increase gradually to 10.2 million by 2037. The minimal required number of primary school teachers would increase from 152,000 in 2007 to 459,800 in 2037 with high fertility. In contrast 253,900 teachers would be needed in 2037 with declining fertility. In addition to the need to train, recruit, and retain more teachers, Uganda will need more schools, and primary expenditures will be much larger with high fertility continued (Population Secretariat, 2010). Continued high fertility across the country, combined with increased pressures on the land in rural areas, will lead to further urban growth in Uganda. The rapid growth of urban centres will place a greater burden on primary education infrastructure and quality in urban areas.

5.1.3 Terrestrial Resources and relation to the project

a) Land resources

Availability and access to land is increasingly becoming difficult in Uganda, especially for the poor. This is also true for schools which are increasingly finding it difficult to acquire land parcels sufficient for buildings, green spaces and playgrounds for extra-curricular activities. It is increasingly common in towns to find an entire primary school seven grades: P1-P7) with only two classroom blocks on a small land holding without any space for playing activities or physical education (PE). This leads to congestion, low learning comfort, poor indoor health conditions and inadequate sanitation. Conversely, in rural areas where land is available, many schools have no financial resources to construct buildings and pupils study under trees. Herein lies the benefit of classroom blocks proposed in the UGPEP to such schools.

b) Forestry Resources

No forests will be affected by this project and forestry resources are here discussed only for the reason that timber and poles (scaffoldings) would be necessary for construction of school buildings in this project.

Generally due to tightened controls, loss of forest cover in protected forests has been reducing and total cover is stabilizing. Unfortunately, forests in protected areas make up only 30% of the national forest cover. The remaining 70% are on private and customary land where deforestation rates are high as a result of conversion of forest areas into agricultural and pastoral land. Furthermore, the country's harvestable timber resources are almost exhausted. Hence, to increase forest cover and ensure increased supply of timber, the Sawlog Production Grant Scheme (SPGS) and other licensing measures including charging economic rents for timber were introduced. SPGS funded by European Union supports private sector development of large forest plantations.

c) Rangeland resources and livestock production

Rangelands, mostly found in the 'cattle corridor' occupy 107,000 km² or 44% of the country's land area. In some places, the conditions of the rangelands are deplorably over-grazed or, and through wind and soil erosion, bare. The rangelands are also located in arid and semi-arid areas, themselves fragile ecosystems. In the extreme, pasture and water scarcities are contributing to frequent conflicts between cultivators and pastoralist in the first place, and among pastoralists themselves. The number of cattle, goats and sheep is on the increase and hence there is need to pay attention to the carrying capacity of Uganda's rangelands. It is common in rural areas to encounter cattle grazing on school land, mostly during holidays. This affects school efforts to create green spaces since tree saplings will be damaged by livestock as soon as they are planted or nibbled early in their growth stages.

d) Wildlife resources

No wildlife resources would likely be affected by the project since schools are never built inside conservation areas. However, since wildlife can also occur in un-protected areas, wild animals might stray into schools campuses. Protection of any such stray animals is a duty of Uganda Wildlife Authority (UWA) which should be informed when they are encountered any time during project implementation.

Wildlife constitutes an important resource base for the country as a source of recreation/ tourism revenue, nature studies and scientific research. By 1994, wildlife populations whether inside or outside protected areas represented a small fraction of what they were in the 1960s, with some species such as both the black and the white rhino becoming extinct. By 2004, the populations of wildlife in protected areas had stabilized, and some even increased, although marginally. Outside protected areas, the decline in wildlife population continues as a result of increased hunting, blocking migratory routes and habitat conversions, among others. The Uganda Wildlife Authority is piloting the conservation of wildlife populations outside protected areas through measures such as the operationalization of the different classes of wildlife use right provided for in the Wildlife Act. Also, communities adjacent to wildlife protected areas are being encouraged to appreciate the presence of wildlife through benefits (including revenue) sharing with local communities, which is expected to benefit schools as well.

e) Mineral resources

The only mineral resources to be utilised by the proposed project are cement and aggregate (crushed stone) required for building construction. These materials will be procured from existing sources or suppliers, therefore no single school construction site would require opening a stone quarry.

Many minerals occur in Uganda including gold, tin, gemstones, limestone, clay, salt and stone aggregate. Commonly these are mined at an artisanal and small-scale mining. Artisanal gold mining in Mubende and Bushenyi is widespread and in some cases children are reported to be involved in these activities, hence dropping out or missing school. Figure 6 shows location of mineral deposits in Uganda and if children are involved in their small-scale mining, the risk of missing or dropping out of school due to artisanal mining is spread all over the country.

5.1.4 Aquatic Resources

a) Wetlands

Wetlands cover about 13% of the area of Uganda and provide direct and indirect values. Up to late 1980s, wetlands were generally considered wastelands to be reclaimed for agriculture in rural areas, drained as anti-malaria measures or industrial areas in urban settings. By 1994, the need for conservation was realized and the process of formulating an appropriate policy on wetlands was initiated. By 2001, wetlands came to be regarded as ‘granaries of water’. From being a program in 1994, wetlands had by 2005 obtained an institutional home within government structure. Wetlands are now better known with detailed information up to the district level. The 56 districts then existing by 2004 all had District Wetland Action Plans and some communities in a few districts have gone ahead and prepared Community Wetlands Action Plans. Despite such an impressive achievement, the implementation of the various action plans is constrained by lack of resources. Furthermore, despite a wide array of achievements, wetlands, degradation is still evident- some for basic survival needs of the poor, others as a saving measure where land purchase prices are high, and yet others are the result of ignorance about ownership and legal boundaries of wetlands.

Relation to the project: Primary schools part of whose land is a wetland must develop it in consideration of regulatory requirements for environment and wetland protection.

b) Water

Water is life, and Uganda has significant quantities of the resource. From both hydrological and social water scarcity considerations at the moment, Uganda is not water stressed. However, by 2025, indications are that there will be reason to worry as a result of increasing demands for human, livestock, wildlife, irrigation and industrial water. Uganda is ranked in a group of countries that must plan to secure more than twice the amount of water they used in 1998 in order to meet reasonable future requirements. The quality of the water from available sources is another area of concern principally as a result of pollution – residential, industrial and agricultural land discharges into the open water bodies. To some extent the buffering capacity of wetlands is making a contribution towards reductions in pollution, but this will continue only if the integrity of the wetlands can be sustained.

Relation to the project: Building construction at schools to be assisted by the project is expected to take small quantities of water and for only the duration of construction activities. However, school sanitation especially washing hands at latrines and drinking water for pupils will always require water supply. These coupled with probable increase in pupil enrolment at schools that receive additional classroom blocks call for water harvesting and storage provisions in building design. It is common for school children especially in upper primary classes (e.g. P6-P7) to collect school water and sometimes travel distances may be considerable. Although not a daily undertaking, exertion and exhaustion from this activity may affect concentration and learning in class.

c) Fisheries

The fisheries resource of Uganda has been an important source of high quality solid animal protein. On average Ugandans were consuming about 13 kg/person/year by 1994. As of 2005, this consumption was estimated to have declined to about 13kg/person/year, mainly as a result of increasing scarcity and cost. Exports of fish products are also on the increase. There is evidence of localized over-fishing in certain water bodies. Two lakes (Victoria and Kyoga) and two species (Nile Perch and Tilapia) account for over 80% of annual harvest, implying a high level of selectivity. On the other hand, the Nile Perch, a carnivore, is having a divesting effect of the fish biodiversity of the Victoria and Kyoga.

A few fisheries policies are in place and seek to address, among others, enhanced aquaculture development by adding 100,000 tons per year in the fisheries capture of about 330,000 tonnes so as to raise combined long run sustainable supply to 430,000 tonnes.

Relation to the project: Due to their young age, primary school children are generally not likely to be found actively involved in lake fishing activities. However, this scenario may be different from aquaculture where, just like gardening, family labour is usually utilised.

Plate 3: Many homes in Uganda use family labour in household farming activities

5.1.5 Cross-Sectoral Resources

a) Energy

The dominant source of energy in Uganda is biomass and this is expected to remain so in the foreseeable future in spite of plans to increase hydropower energy production. However, the share of clean energy in total consumption is gradually increasing, in part as a result of programs like the Energy for Rural Transformation. Production of energy is being liberalized, attracting an increasing interest among private investors. The adverse environmental effects of clean production are mitigated through the EIA guidelines

for Uganda 1997 and the EIA guidelines for the Energy Sector. There are some efforts to promote clean energy sources such as solar and biogas. Unfortunately, capital investment required is not yet afforded by the rural poor.

Relation to the project: In rural areas, it is a responsibility of women and children to travel long distances in search for firewood for domestic use. In some cases this may affect their school attendance or punctuality in reaching schools. Some rural schools use children in higher classes (e.g. P6-P7) to search for firewood in bushes, required to prepare meals or porridge. Often this is not a daily undertaking but in light of increasing scarcity, associated travel distances and ensuing exhaustion can affect concentration and learning in class.

b) Biodiversity

Uganda is endowed with a very rich and varied biodiversity due to its biogeographically setting, varied altitudinal range and extensive drainage systems. This biodiversity is a national asset supporting rural livelihoods and contributing to commercial economic activities. The contribution of Uganda's biodiversity resources, organisms or parts there-of, population or other biotic components of ecosystems with actual or potential value for humanity has been estimated at \$1000 million per year, balanced against economic costs of \$ 202 million plus losses to other economic activities of about \$49 million per year. While Uganda continues to lose some of its rich biodiversity, the rate of loss has been reduced somewhat. Reflected in terms of living Uganda's Index, the country out-performs Planet Earth as a whole when Living Planet Index is considered. The loss of biodiversity in protected areas has to a great extent been stopped and the trend reversed between 1990 and 2005. Outside protected areas biodiversity loss was still continuing as of 2005. The loss of biodiversity is largely the result of habitat conversion and introduction of exotic species.

Relation to the project: Biodiversity aspects would apply to the project only in rare situations that schools supported by the project and buildings to be constructed are in ecologically-sensitive areas. P a g e | 25

c) Tourism

According to Uganda Tourism Board (UTB), Uganda's tourism earnings have doubled in the last five years from USD\$440m to \$800 m in 2012. Uganda is now ranked top in tourism industry growth in Africa. According to the 2011 tourism review in Africa, Uganda's tourism sector grew by 25% in 2011 while that of South Africa and Tanzania realized growth of 21% and 13.4% respectively. Uganda's tourism growth is attributed to its top tourist destination hubs like Murchison Falls National Park, Queen Elizabeth national park, Bwindi Impenetrable Forest renowned for its Mountain Gorilla Safari activities.

Relation to the project: It is unlikely that primary school children would be directly involved in tourism activities but where their parents or teachers have associated activities such as production of art and craft, children may be involved in collecting required raw materials (reeds, straw/fibre, feathers, etc). Ideally these would be undertaken outside school time but where children miss school to do this, it is would affect their attendance and performance.

5.2 Socio-Economic and Cultural Environment

5.2.1 Human settlements, housing and urbanization

In general and particularly in rural areas, settlement patterns are wasteful of land and increase the cost of providing services to the areas. The settlements are also largely unplanned; and where plans exist they are often not adhered to. The quality of Ugandans' housing has improved over the years. When compared to the situation in 1991 where over 85% of the households in both urban and rural areas had rammed earthen floors, by 2002 only 29% urban and 77% rural households had them.

Although Uganda is one of the least urbanized countries in the world in absolute terms, the urban population is growing. Beginning from about 635 00 in 1969, the urban population increased to 938 00 in 1980, 1,890,000 in 1991 and 292,200 in 2002. The urban population is also growing faster (3.7%) than the national average (3.4%). The growth in the urban population means that pollution issues such as solid wastes management, and the provision of adequate safe water and acceptable level of sanitation coverage will have to be addressed.

Relation to the project: In urban areas due to land scarcity and low enforcement of land use zoning, it is common to find primary schools in congested residential settlements or trading centres. Where small inadequately fenced primary school campuses are surrounded by highly populated neighborhoods or slums, pupils face social risks such as early witnessing or exposure to incidents of drug abuse, prostitution, use of indecent language and road accidents especially caused by “*boda-boda*” commuter motorcycles.

5.2.2 Safe water and sanitation

Access to safe water and sanitation in both urban and rural areas has increased compared to the situation 10 years ago. For example in 1991, only 11 towns had the services of the National Water and Sewage Cooperation (NWSC) but now the corporation covers 19 towns. By 2004, rural access to safe drinking water had increased to 57% while the urban one was at 67%. If current trends continue, and incremental investment funds are procured, Uganda should meet its Millennium Development Goal on water supply. While safe water access per se has improved, functionality of water points is another key issue. Also, the costs of water in urban areas and the distance travelled to and queuing at water points in rural areas easily undermine accessibility. As far as sanitation is concerned, latrines coverage, the board indicator (as a measure) of environmental health had improved from 41.7% in 1999 to in 2002.

Relation to the project: Availability of adequate water for drinking and sanitation is still a challenge in many primary schools- both in urban and rural areas. This is the reason buildings proposed by the project should have proviso for rainwater harvesting and storage. P a g e | 26

5.2.3 Environmental pollution

As Uganda's urban areas increase in number and the urban population grows, pollution of air, noise and water are emerging as significant issues in environmental management around schools. Standards have been established for noise, air quality and wastewater discharge but enforcement is still low.

Relation to the project: Support to be provided by UGPEP will likely increase pupil enrolment in primary schools and this may outstrip existing sanitation facilities. Provision of classroom buildings should be

matched with commensurate number of latrine/ toilet stances for pupils (girls' separate from boys') and teachers.

5.2.4 Poverty

A May 2013 Poverty Status Report released by Uganda's Ministry of Finance Planning and Economic Development (MFPED) indicates that poverty levels among Ugandans have continued to decline, a trend that gives hope that the country's economy will continue to grow. According to the study report, the country's poverty levels have been on the downward trend since 1992 except in 2002/03 when a survey indicated that poverty levels had gone up. The number of people who are absolutely poor was 9.9 million (56.4%) in 1992/93 and reduced to 7.4 million (33.8%). In 1999/2000, the number however went up slightly to 9.3 million (38.8%) in 2002/03 but it reduced to 8.5 million (31%) in 2005/06 and to 7.5 million (24.5%) in 2009/10. MFPED attributes the reduction in poverty levels to the reduction in the number of households relying mainly on subsistence agriculture.

Relation to the project: Declining poverty levels mean that even more rural parents will afford to take children to primary school. This necessitates increasing infrastructure in schools to avoid likely stress on existing facilities.

5.2.5 Health

Key health statistics in Uganda are outlined below:

9 UBOS 2012, Statistical Abstract

- In 2011, Uganda Government owned the highest percentage (46%) of hospitals in the country followed by private Not-For-Profit entities at 43% while private For-Profit organizations owned 11%.
- In 2011, polio immunization coverage was 95 % among the children below 5 years of age.
- In 2010/11, there were 34.9 million Out Patients Department (OPD) visits as compared to 36.8 million visits in 2009/10 in government and private Not-For-Profit healthcare facilities.
- Latrine coverage at national level has continued to improve for the last five years, standing at 71 % in 2010/11 from 69 percent in 2009/10.
- Malaria remains the highest cause of both morbidity and mortality among the children below 5 years of age. This is the age at the bottom of the primary school-going children and prevalence is higher in rural areas.

Relation to the project: High malaria prevalence among primary school-going children in rural areas without healthcare facilities or where access is difficult may lead to children often missing school. While the project will not provide malaria control treatment or mosquito nets, training given to teachers could include instruction about cost-effective easy to learn malaria control practices that can be taught to primary school children. This instruction could also apply to sanitation-related diseases that can be prevented by simple cleanliness habits such as hand-washing after using latrines or before eating food.

5.2.6 Cultural heritage

Cultural heritage is part of humanity's link with the world and its past, its achievements and discoveries. The National Environmental Act provides for protection of the country's cultural heritage. About 187

cultural, historical and para-archaeological sites have been identified and their specific locations recorded in Uganda.

Relation to the project: This will only be relevant to the proposed in the unlikely event that a campus of a primary school supported by the project has physical cultural resources or when chance finds are encountered during construction works. A protocol to manage chance finds if encountered at any site during project implementation is provided in Annex 5.

6.0 RESETTLEMENT

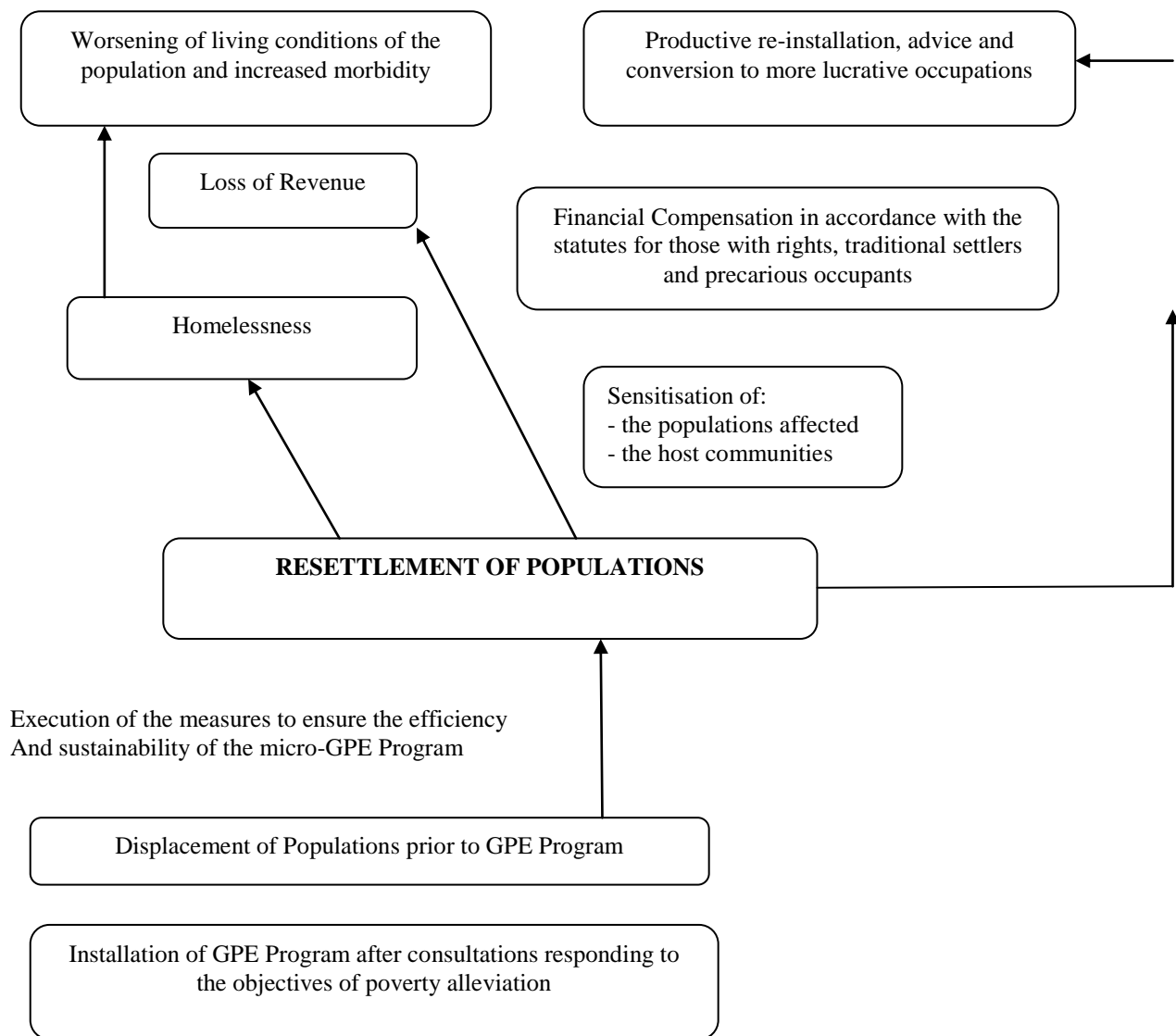
6.1 INVOLUNTARY RESETTLEMENT

Chart No. 1 Resettlement Impacts and Mitigation

Creation of Poverty

Creation of a Productive Momentum

Without Mitigation Measures With Mitigation and Attenuation



Introduction of unmitigated involuntary resettlement arising from implementation of GPE program may lead to economic, social and environmental impacts where:

- production systems are dismantled,
- people face impoverishment if their productive assets or income sources are lost,
- people are relocated to environments where their community institutions and social networks are weakened,
- kin groups are dispersed, and cultural identity, traditional authority and the potential for mutual help are diminished or lost.

Introduction of an environmental and social management framework has been prepared in order to preempt and mitigate adverse environmental and social impacts of the GPE infrastructure and socio-economic investment program.

Consultation between MoES and local government and lands authorities as well as some community leaders, it became evident that, insofar as land acquisition is concerned the prevailing atmosphere has been one of dialogue within and between communities as well as the local government authorities.

The prevailing tendency has been the competition between communities to offer voluntarily land in order to attract implementation of the education programs such as UPPET irrespective of any other considerations. This is especially so in the new locations for constructing of pre-primary centres and primary schools in areas where there are none in existence.

This dialogue and this voluntary acquisition of land is normally carried out firstly at the lower local government level (sub-counties, parishes and villages). Any compensation process is usually undertaken within the community through this dialogue. This was what was applied under UPPET project.

This method of land acquisition will, certainly continue in the future but, as a word of caution, the offsprings of the elders in the communities, in particular the youth elements are beginning to question the rights of their elders to voluntarily give up land in this manner whatever the utility of the land for their communities or the public at large. It is evident therefore, in order to avoid any future litigation and in the case of voluntary land acquisition, the consultation process with the communities takes in as broad a spectrum of the communities (including youths and women with documentation to prove such offers). Consultations should also be accompanied with clear documentation that should be lodged with District Land boards for security and future reference in case of any conflicts.

The Resettlement Policy Framework serves to provide safeguards against severe adverse impacts of proposed program activities and proposes mitigation against potential impoverishment risks by:

- avoiding displacement of people in the first place or,
- minimizing the number of displaced persons or,
- adequately compensating the displaced persons for losses incurred or,
- adequately addressing adverse impacts of the intended interventions.

Table II: Categories of losses and their impacts on displaced persons

Loss Category	Social 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 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 time and 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 and religious beliefs and cultural norms.

6.2 BASIS FOR THE RESETTLEMENT POLICY FRAMEWORK

6.2.2 This Resettlement Policy Framework (RPF), will guide GPE in the screening of program activities following the results of the findings from the above and other field investigations. Interviews with local people and officials from various Departments of State, Local Government Offices, Private Sector; and information from some previous studies, reports and documents have been used in preparing this framework. The framework establishes parameters for conducting land acquisition and compensation including resettlement of displaced persons (DPs), who may be affected during implementation of the GPE investment activities, particularly for infrastructure, socioeconomic activities and conflict-prone activities such as; acquiring land for construction of new buildings,

6.2.3 The screening process developed in this framework is consistent with the World Bank’s safeguard operational policy OP 4.12, for Involuntary Resettlement. This policy requires that all Bank-financed operations are screened for potential impacts, and that the required compensation work is carried out on the basis of the screening results. The framework therefore, while adopting and adapting some of the local experiences and the provisions of local legislation, is based on the World Bank’s Operational Policy (OP 4.12) on involuntary resettlement, which emphasizes 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 affected people regardless of the legality of their land rights or their title to land.

6.3 OBJECTIVES AND JUSTIFICATION OF THE RPF

6.3.1 Objectives of the RPF

Involuntary resettlement arising from the development of GPE project may give rise to severe economic, social and environmental hardships. The hardships stem from the following reasons among others:

- disruption of production systems,
- affected persons skills being rendered inapplicable in new environments,
- increased competition for resources,
- weakening of community and social networks,
- dispersion of kin groups
- loss of cultural identity and traditional authority and
- loss of mutual help

6.3.2 Specific Objectives

In some cases, resettlement of people may pave way for implementation of the GPE program which is done because the GPE program activities demand land acquisition. The people may be affected because of loss of agricultural land, loss of buildings, loss of access or proximity to water, health and social amenities.

The objective of this Resettlement Policy Framework (RPF) is to provide a screening process, for any future GPE program activities, to ensure that where land acquisition for GPE program activities is inevitable, resettlement and compensation processes for lost land and associated assets should be conceived and executed in a sustainable manner. This entails providing sufficient investment resources to meet the needs of the persons affected and/or displaced from their habitat and resources. It also requires adequate collaborative consultation and agreement with the GPE program affected persons to ensure that they maintain or improve their livelihoods and standards of living in the new environment.

The Resettlement Policy Framework provides guidelines for development of appropriate mitigation and compensation measures, for the impacts caused by future GPE program activities whose exact locations are not known prior to GPE program appraisal. The RPF is intended for GPE as a practical tool to guide the preparation of Resettlement Action Plans (RAPs) for sub-GPE program activities during implementation of the comprehensive GPE program.

6.3.3 Justification for the RFP

The Global Partnership for Education (GPE) program's expected investment activities are not likely to result in the relocation of people except perhaps in the highly urbanized or land-stressed areas where loss of land and access to economic resources are distinct possibilities given the prevailing customary land

tenure system and the land speculation activities now prevalent in these urban and peri-urban areas and likely to extend to the oil-rich regions of Uganda.

This framework therefore is necessary to provide guidelines for addressing concerns of affected persons where:

- land is contributed voluntarily for the development of GPE program activities in return for compensation,
- land is contributed voluntarily for development of GPE program activities without seeking compensation, and
- land is acquired involuntarily for the development of GPE program activities.

The guiding principle for land acquisition will be that where land is required for implementation of the investment program of the education sector, appropriate safeguards will be observed to avoid or reduce the negative impacts of land acquisition on the affected community members.

This framework will be applied to all GPE program sites with the in-built mechanisms for resolving any forms of disputes on land acquisition. The RPF is presented in a much more comprehensive manner so as to guide and ensure that all conditions of population dislocation or loss of socio-economic benefits are taken into account during formulation of the Resettlement Action Plans (RAPs).

PAPs will need to be compensated, in accordance with this Resettlement Policy Framework and a subsequent Resettlement and Compensation Plan, before work on GPE Program can begin.

For activities involving land acquisition or loss, denial or restriction to access of resources, it is required that provisions be made, for compensation and for other assistance required for relocation, prior to displacement. The assistance includes provision and preparation of resettlement sites with adequate facilities. In particular, land and related assets may be taken away only after compensation has been paid and resettlement sites and moving allowances have been provided to PAPs. For project activities requiring relocation or resulting in loss of shelter, the resettlement policy further requires that measures to assist the project affected persons are implemented in accordance with the individual RAPs.

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

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

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

6.3.4 RPF Implementation Structure

Table III:

NO	ACTIVITY	RESPONSIBILITY
1	Preparation and Disclosure of RPF	MoES/World Bank
2	Vetting of request for compulsory acquisition of land	MoES/Projects, Planning and Budgeting Unit through Consultants
3	Social Impact studies (conduct social impact assessment and property impact studies)	MoES/Projects, Planning and Budgeting through Consultants
4	Internal Monitoring	MoES
5	Consultations, planning and Preparation of RAP	MoES Projects, Planning and Budgeting through Consultants
6	Disclosure of RAP	MoES/World Bank
7	External Monitoring and Approval	NGO, World Bank
8	<ul style="list-style-type: none"> - Marking of affected properties - Inventory of affected properties - Notifications - Request for proof of eligibility - Consultations 	MoES Through Consultants and Local Government Authority (CAO, DEO, CDO, District Engineer)
9	Valuation of Affected Properties	MoES through Consultants with approval from Chief Government Valuer (CGV)
10	Establishing of Committees <ul style="list-style-type: none"> - Utilities Committee to conduct an inventory of properties with utility services - Grievance Committee establish procedures for dispute resolutions - Payment Committee establish payment modalities 	MoES, Local Government Authority, SMC, BoG MoES, Local Government Authority, SMC, BoG and Allocation Committee MoES, SMC, BoG Through Consultant
11	Disclosure of values. Making of offers Processing for payments	MoES Through Consultants
12	Release of funds for payment	Ministry of Finance, Planning and Economic Development/ MoES
13	Payments	Payment Committee (MoES and Ministry of Finance, Planning and Economic Development)
14	Grievance and dispute resolutions	Grievance Committee (MoES, Local Government Authority/Ministry of Justice/Ministry of Lands)
15	Taking possession of site	MoES
16	Disconnect and reconnection of utilities	MoES
17	Representing government for any law court redress cases	MoES, State Attorney General's Office
18	Preparation of Monitoring and Evaluation Report of RAP and Disclosure	MoES

6.3.5 Review of the UPPET RPF

To guide and supplement on the RPF for the GPE program a review of the RPF for the UPPET Program which been an on-going program similar to the GPE investment was carried out and below are some of the issues that were identified and can be considered in the implementation of the RPF. Table II below is the summary of issues identified and Annex 4: gives findings of the UPPET RPF review.

Key lessons from UPPET RPF Review

Table IV:

Issues	Findings of UPPET RPF	Recommendations For the GPE Program
Implementing Institutions (Units of Responsibility for RPF)	<p>The MoES, has the <i>institutional responsibility</i> is to ensure that the project is implemented through the existing institutional structures that govern early childhood and primary education right from the ministry level to the local (school) level.</p> <ul style="list-style-type: none"> • Early childhood and Primary Section/Department of MoES • Projects, Planning and Budgeting Unit of MoES • Schools (BoG/SMC) • Contractor <p>MoES implemented the UPPET project and handed over to SMC</p>	Same institutional arrangement will be followed for the GPE program but this time with greater involvement of the District given that primary education is decentralized
Available resource persons for Social safeguards	MoES staff 34 Assistant Engineers were used to implement the UPPET Project. District Engineer, DEO, RDC& LCV did the monitoring but never issued any instruction and were not facilitated.	GPE program should involve the District relevant structures such as; DEO, Inspector of Schools, District Engineer with close collaboration with the CDO similar to the SFG approach that involves Districts
Commitment to Social Safeguards	The Schools (SMC/BoG) identified and engaged construction contractors through competitive bidding. The BoG procures the contractors, oversees/supervises much of the project implementation and makes reports for accountability purposes.	MoES with reference to the RPF to ensure that all stakeholders are equipped with skills to implement social safeguards at the beneficiary level.
Capacity of the implementing Agency to adhere to RPF	The SMCs observe and make follow ups on identified issues The MoES' role is ensure that these local level implementers are doing what is required of them. The SMCs have some limitations and thus a need for more <i>sensitisation and follow up</i> by MOES with regard to the RPF issues. The CMU does the monitoring; the consultants for UPPET do the supervision and the contractor implements. On average, the projects take 5 to 6 months to completion but they begin at different times. Therefore sensitisation is done only once at the	<i>Sensitisation, monitoring and follow-up</i> to ensure that the policy is implemented where issues are identified and what is agreed upon.

	beginning of the project.	
Implementation of Safeguard policy within UPPET	<p>The MoES did not implement the RPF/RAPs for UPPET due to lack of capacity in terms of human resources, however triggers of social issues was reported.</p> <p>Consultations with local communities, leaders, and PAPs were not carried out.</p> <p>Each affected school handled issues of involuntary resettlements in their own systematic way, formally and informally, without guidance from MoES based on RPF/UPPET.</p>	<p>Participation of all affected parties and documentation of the entire process from screening to completion of compensation, resettlement and follow-up facilitate a smooth resettlement and minimises vulnerabilities should be followed for GPE Program.</p> <p>Guidelines provided in the RPF for GPE should be followed,</p>
Capacity Gaps/Needs:	<p>The Ministry did not implement the RPF due to capacity needs. The following capacity needs of the implementing agency to implement RPF were identified:</p> <ul style="list-style-type: none"> • the lack of a clear comprehension of the RPF and its implementation calling for training; • the inability of the Ministry to meet compensation requirements; 	<ul style="list-style-type: none"> • sensitisation of the RPF for GPE is required at all levels (ministry, districts and schools); • skills in identifying before hand and management of emerging social issues; • skills in management systems and procedures; • a resource person to handle RPF issues at the various implementation levels is needed. •
Review & update the RPF Management tools for UPPET	<p>The RPF Management tools for UPPET (screening procedures, checklists, assessment of typical anticipated impacts, and draft RAPs for typical impact mitigation) were not used at all because reportedly there were no social issues that emerged and required redress. However, as findings suggest these tools could have been utilised in a case identified at one of the schools. (see summary report annex 4 attached)</p>	<p>Utilize the RPF Management tools for the GPE Program to avert any challenges that may arise out of land acquisition and resettlement issues.</p> <p>Screening template for social issues including land ownership, possible acquisition and land uses be done for every sub-project, as in-built is defined in the selection criteria</p>
Review & update the Grievance redress mechanisms and RAP guidelines	<p>The failure to identify social issues and the subsequent lack of the application of the RPF did not give the Ministry an opportunity to experience using grievance redress mechanisms and RAP guidelines. To this end, the consultant was unable to review and update the grievance redress mechanisms and RAP guidelines drawn from the experience of implementing RPF under UPPET.</p>	<p>Follow the RPF for GPE Program to the latter.</p>
Recommendations:		
<p>It is recommended that at least one relevant personnel at the ministry and district level should be facilitated in terms of skilling and knowledge about the RPF to guide the schools in its implementation. Furthermore, sensitisation, consultations with the communities/beneficiaries and sharing of plans of the project should be</p>		

undertaken early enough and adequately through sharing relevant information in order to deny room for project saboteurs or misinformation as well as enable affected persons prepare for the likely effects and ensure they are mitigated.

Under sub-project screening on land ownership, project expansion and possible land use displacement prior to implementation of any civil works as in-built the proposed school selection criteria

It is also recommended that the implementation of the RPF should involve all aggrieved parties, be systematically documented and reported involving the few emerging cases or the total lack of. Capacity building to the District Environment Officer, Community Development Officer and SMC/BoG in the implementation and monitoring of social safeguard issues with regard to the RPF is recommended.

Potential triggers of OP 4.12 IRP should be identified and a list be made available by MoES as a check list.

7.0 THE LEGAL AND POLICY FRAMEWORK

7.1 THE LOCAL GOVERNMENT ACT 1997

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

The five levels are as follows:

Table V

	Local Government Unit	Level
1.	District Councils	5
2.	County Councils and Municipal Councils	4
3.	Sub County Councils Town Councils Municipal Divisions City Divisions	3
4.	Parish Councils	2
5.	Village Councils	1

There are about 112 districts, and each district is subdivided into counties, which in turn are divided into sub-counties/towns followed by parishes and villages. There are 27 Municipal Councils/City Division Councils which are subdivided into Municipal Divisions, followed by parishes and villages. Kampala Capital City Authority (KCCA), formerly Kampala City Council (KCC) is no longer a City Council/district but a Division of the Central Government which is sub-divided into 5 Municipal Divisions.

The District Councils, Municipal Councils, Sub-county Councils, Municipal Division Councils and Town Councils are Local Governments. The County Councils, Parish Councils and Village Councils are administrative units.

Pre-Primary Centers and Primary Schools just as is the case of Local Governments are corporate bodies and are charged with the responsibility of providing services, which are stipulated in Part II of the Second Schedule of the Local Governments Act 1997 with the following powers, functions and responsibilities devolved to them:

- The powers to prepare, approve, and implement their own development plans based on locally determined priorities;
- The powers to prepare, approve, and implement their own budgets and;
- The powers to raise and utilize their own resources according to their own priorities after making legally mandated transfers.

The departments with responsibilities identified in this RPF are the Early Childhood and Primary School Education Department, Education Planning Department and the Construction Management Unit (CMU) of the Ministry of Education and Sports. In addition, the District /Municipal Engineer, District Education and Chief Administrative offices will be actively involved in the implementation of the RPF since Early Childhood and Primary Education are a decentralized service.

7.2 LAND TENURE AND OWNERSHIP

Land tenure in Uganda is governed by statute such as the 1995 Constitution, the Uganda National Land Policy 2011 and the Land Acquisition Act 1965.

7.2.1 The Uganda Constitution of 1995

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

- Customary
- Freehold
- Mailo
- Leasehold

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

7.2.2 The Constitution and the Land Tenure Systems

Customary Tenure

Customary land tenure is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies. That is to say that it is not governed by written law. Land is owned in perpetuity. Customary occupants are occupants of former public land and occupy the land by virtue of their customary rights; they have propriety interest in the land and are entitled to certificates of customary ownership. Certificates of customary ownership may be obtained, through application to the Parish Land Committee and eventual issuance by the District Land Board

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Freehold Tenure

The freehold tenure derives its legality from the constitution and its incidents from the written law. It involves the holding of land in perpetuity or a term fixed by a condition. It enables the holder to exercise, subject to the law, full powers of ownership.

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

Enables the holder to exercise, subject to the law, full powers of ownership

Mailo Tenure

This land tenure system has its roots in the allotment of land pursuant to the 1900 Uganda Agreement. It derives its legality from the constitution and its incidents from written law. 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. It 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.

Mailo Tenure

- Has its roots in the allotment of land pursuant to the 1900 Uganda Agreement
- Derives its legality from the constitution and its incidents from 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 powers of ownership, subject to the rights of those persons occupying the land at the time of the creation of the *mailo* title and their successors.

Leasehold Tenure

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

Leasehold Tenure

- Is created either by contract or by operation of the law
- Is a form under which the landlord of lessor grants the tenant or lessee exclusive
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7.2.3 The Land Act 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 will lie from the decision of a DLT to the High Court.

Article 89 of the Land Act 1998 also recognizes the right of traditional authorities to determine disputes over customary tenure or acting as a mediator between persons who are in dispute over any matters arising out of customary tenure.

7.2.4 The Uganda National Land Policy 2011

The Uganda National Land Policy 2011 articulates the role of land in national development, land ownership, distribution, utilization, alienability, management and control and stipulates a Plan of Action including strategies to be taken by the GoU to address these issues.

Land Tenure Regimes: The Policy maintains the multiple tenure systems as enshrined in the Uganda Constitution namely *customary, freehold, mailo* and *leasehold* tenure and; promises to clarify the nature of property rights under the designated tenure regimes to remove uncertainties and allow for evolution. The clarification of tenure regimes will call for the amendment of the Constitution, the Land Act and other relevant laws.

Land Rights Administration Framework: The policy overhauls the existing institutional framework for land administration and management to facilitate the delivery of efficient, cost effective and equitable services. The elaborate Land Tribunals created by the 1998 Land Act that had been suspended will now be reinstated, properly resourced and, facilitated to enable them carry out their constitutional mandate according to Section 4.6 on land disputes and resolution (112 - a) under the land rights administration framework of the National Land Policy. The Policy also creates a special division in the Magistrates' Courts and High Court for handling land disputes for the development of consistent property jurisprudence for Uganda in the same section.

Section 4.6 (113) of the Land Policy also provides for measures that will ensure that the operations of the Land Tribunals are devoid of complex jurisdiction and litigation procedures usually associated with ordinary courts of law; give powers to the Chief Justice or the Judicial Service Commission to supervise the land tribunals in their judicial functions and; that they will be provided with clear choice rules for application of law to permit the simultaneous application of state and customary law depending on the circumstances, facts and characteristics of the dispute in question. Furthermore it also recognizes the right of customary/traditional authorities to determine disputes over customary tenure or acting as a mediator between persons who are in dispute over any matters arising out of customary tenure by according precedence to indigenous principles and practice in dispute management institutions; and that they will keep proper written records of all cases decided under their jurisdiction.

Access to Land for Investment: Section 3.16 of the Policy (88 – b) states that government shall put in place measures to mitigate the negative impacts of investment on land so as to deliver equitable and sustainable development. 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 3.17 (91) of the Policy recognizes the inability of the majority of Ugandan 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.

7.2.5 The 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. The Minister responsible for land may authorize any person to enter upon the land and survey the land to determine its suitability 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 compensation payable is to be referred to the Attorney General or court for decision.

The Land Acquisition Act does not go beyond compensation. It is not required under the Act to provide alternative land for the affected people by the GPE program. Once they are promptly and adequately compensated, then the obligations stop there. The GOU, through the Ministry of Lands, Water and Environment, will pay the compensation to the affected persons.

This act also sets out the legal process for payment of compensation.

There is no requirement or provision in the law that people need to be assisted to move or that alternative land be made available. Each affected person entitled to be compensated; on receipt of his/her compensation is expected to move and has no further claim.

7.2.6 Land Tenure and Property Rights

Mailo land

The *Mailo* land tenure system under the 1900 Uganda Agreement resulted in a total of 9,003 square miles of land in Buganda being shared out among the Protectorate Government, the *Kabaka* (traditional king), chiefs and notables. *Mailo* land title is issued in perpetuity.

Customary land tenure

Customary land tenure is the oldest form of tenure and can supersede all other forms of land tenure, depending on the particular situation and above all, the length of residency of the occupant.

Freehold Land Tenure

Freehold land tenure is limited to a number of churches and schools, which had established a presence by 1900. Under freehold tenure, the title runs in perpetuity. Normally, no conditions are attached to how much land can be granted to such institutions.

Leasehold land tenure

Public land in Kampala is allocated to the City by the Uganda Land Commission (ULC). The Kampala Capital City Authority (KCCA) is in turn responsible for leasing land to suitable applicants for development on a leasehold basis. Formal land transfers are regulated and governed by the Urban Authorities Act (1965) and Land Reform Decree (1975). *Mailo* land owners may also grant leases to various types of developers. Public and private leases typically run for either 49 or 99 years.

Property rights and the land tenure systems provide equal incentives to all Ugandan groups for improved land management. The Land Acquisition Act (1965) and the Land Act of 1998 which to some extent take care of land tenure and property rights has a cautious land acquisition plan. The Resettlement Policy

Framework draws its strength from local legal instruments that exist in Uganda. Specifically, the Land Acquisition and Compensation Policies recognise, among others:

- the acquisition of the right of land and benefit by customary occupancy in good faith,
- the acquisition of the right of land and benefit through the official channels,
- the rules governing protected zones,
- the relationship between the public and the land authorities, and
- the rights and obligations of title holders.

7.3 WORLD BANK POLICIES

The World Bank's Safeguard Policy OP 4.12 for Involuntary Resettlement states that all Bank-financed operations are screened for potential impacts, and that the required compensation work is carried out on the basis of the screening results. Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

(a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.

(b) 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 the persons 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.

(c) 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

(a) 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.

Some of the above impacts will be triggered especially in components 2 sub-section b of the GPE program which is going to involve improvement of school facilities like building of class-room blocks, functioning girls and boys toilets and access to water. These activities are likely to displace people economically and /or physically, GPE program-displaced persons, regardless of the number of people affected; the severity of impacts and the legality of land holding should be compensated. Particular attention should 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 Bank's Policy requires that the provision of compensation and other assistance to GPE program Affected Persons is carried out prior to the displacement of people. In particular, repossession of land for

GPE program activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances will be provided to the affected persons in accordance with the provisions of the Bank's policies and incorporated into all Resettlement Action Plans (RAPs).

The policy encourages participation of the affected persons in the planning and preparation of Resettlement Action Plans. It also offers the impacted persons an opportunity to improve their living standards.

7.3.1 Comparison between Land Law in Uganda and Bank OP 4.12

Whereas the law relating to land administration in Uganda is wide and varied, entitlements for payment of compensation are essentially based on the right of ownership. The World Bank OP 4.12 is fundamentally different from this, and states that affected persons are entitled to some form of compensation whether or not they have legal title, if they occupy the land by a specified cut-off date. The higher of the two standards will be followed in this policy framework, since that procedure also satisfies the requirements of the lesser standard. Therefore, The World Bank OP 4.12 will be followed since it is higher.

Ugandan law does not make any specific accommodation for squatters or illegal settlers, and reimbursement is based on legal occupancy.

Finally, there is also no provision in the law that the state should attempt to minimize involuntary resettlement.

Comparison of Ugandan Law and the World Bank's OP 4.12 Regarding Compensation

Table VI: Comparison of Ugandan and World Bank Policies on Resettlement and Compensation ¹				
Types of Affected Persons/ Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measures
Land Owners	<p>The <i>Constitution of Uganda</i>, 1995 vests all land directly in the Citizens of Uganda, and states that every person in Uganda has the right to own property. Ugandan law recognizes four distinct land tenure systems, customary tenure, freehold tenure, leasehold tenure, and mailo tenure.</p> <p>Customary land is owned in perpetuity and is governed by the customary laws by the peoples who have customary tenure. These people have propriety interest in the land in perpetuity and can acquire a certificate of customary ownership or a freehold certificate of title by requesting one through the Parish Land Committee (which will then be granted by the District Land Board).</p> <p>Customary land owners are entitled to compensation based on the open market</p>	<p>Through census and socio-economic surveys of the affected population, identify, assess, and address the potential economic and social impacts of the project that are caused by involuntary taking of land (e.g., relocation or loss of shelter, loss of assets or access to assets, loss of income sources or means of livelihood, whether or not the affected person must move to another location) or involuntary restriction of access to legally designated parks and protected areas</p> <p>Land-for-land exchange is the preferred option; compensation is to be based on replacement cost.</p>	<p>The legal right to resettlement is applicable only to those with proprietary interest in the affected land</p> <p>Customary land holds property and ownership.</p> <p>Entitlement for payment of compensation is essentially based on the right of ownership or legal user/occupancy rights</p>	<p><i>The World Bank OP4.12 takes precedence over the Ugandan law</i></p>

¹Source: *Safeguards Diagnostic Review for Piloting the Use of Ugandan Systems to Address Environmental Safeguard Issues in the Proposed World Bank-Assisted Uganda Energy Development and Access Project (GEDAP)*, December 2006

Table VI: Comparison of Ugandan and World Bank Policies on Resettlement and Compensation				
Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measures
	value of the unimproved land			
Land Tenants/Squatters	<p>Ugandan law does not make any specific accommodation for squatters or illegal settlers, and compensation is based on legal occupancy. (lawful or bonafide occupancy)</p> <p>Leasehold tenure is created either by contract or by operation of the law. The landlord grants the tenants or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenants or lessee has security of tenure and a proprietary interest in the land.</p> <p>The Land Act treats lawful occupants and bonafide occupants as statutory tenants of the registered owner</p>	For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, the government should provide resettlement assistance in lieu of compensation for land, to help improve or at least restore those affected persons' livelihoods	<p>There is no distinction or discrimination made on the basis of gender, age, or ethnic origin between Ugandan law and Bank policy. However, there is no explicit equivalence on the specific requirements for enforcing non-discrimination, including the requirement that particular attention be paid to the needs of vulnerable groups among the displaced.</p> <p>Those without formal legal rights or claims to such lands are not entitled to be resettled or compensated.</p>	<p><i>Design GPE Program to avoid resettlement or minimize displacement of people e.g sitting and routing of Program activities will try to avoid land held by illegal tenants.</i></p> <p><i>Where involuntary resettlement is necessary, the World Bank OP4.12 takes precedence over the Ugandan law</i></p>
Land Users/Licensees	<p>Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land.</p> <p>The Land Act, section 29(5) clearly states that for the avoidance of doubt, a licensee shall not be taken to be a lawful or 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.	<i>Design GPE Program to avoid resettlement or minimize displacement of people e.g. sitting and routing of civil works for those schools to receive buildings will include selection that assesses and confirms land ownership and use prior to approval of start of activities</i>

Table VI: Comparison of Ugandan and World Bank Policies on Resettlement and Compensation				
Types of Affected Persons/ Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measures
				<p><i>which will guide implementation</i></p> <p><i>The program will have a strategy for enabling the PAPs restore their incomes to at least pre-GPE program levels, where affected.</i></p> <p><i>Where involuntary resettlement is necessary, the World Bank OP4.12 takes precedence over the Ugandan law</i></p>
Owners of non-permanent buildings	<p>Mailo tenure involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant.</p> <p>Owners of non-permanent buildings are entitled to compensation based on rates set by District Land Boards.</p>	<p>For those without formal legal rights to lands or claims to such land or assets that could be recognized under the laws of the country, Bank policy provides for resettlement assistance in lieu of compensation for land, to help improve or at least restore their livelihoods.</p>	<p>There appears to be a significant difference between Ugandan laws and Bank policy. Those without formal legal rights or claims to such lands and/or semi-permanent structures are not entitled to resettlement assistance or compensation.</p>	<p><i>The World Bank OP4.12 takes precedence over the Ugandan law</i></p>
Owners of permanent buildings	<p>Valuation of buildings is based on open market value for urban areas and depreciated replacement cost in the rural areas.</p>	<p>Entitled to in-kind compensation or cash compensation at full replacement cost including labor and relocation expenses, prior to displacement</p>	<p>Values based on depreciated replacement cost do not reflect full replacement cost/value</p>	<p><i>The World Bank OP4.12 takes precedence over the Ugandan law</i></p>

Table VI: Comparison of Ugandan and World Bank Policies on Resettlement and Compensation				
Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measures
Timing of compensation payments	Once the assessment office takes possession, the land immediately becomes vested in the Land Commission, according to the Land Acquisition Act. However the Land Act Cap 227 (section 42) provides compulsory acquisition must comply with the provisions of the Constitution(article 26)	Implement all relevant resettlement plans before project completion and provide resettlement entitlements before displacement or restriction of access. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of actions.	There is no equivalence on implementing all relevant resettlement plans before project completion or on providing resettlement entitlements before displacement or restriction of access.	<i>The World Bank OP4.12 takes precedence over the Ugandan law</i> <i>Each sub-project will be assessed and will take relevant steps will be taken appropriately guided by the RPF</i>
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)	<i>The World Bank OP4.12 takes precedence over the Ugandan law</i>
Relocation and	Both <i>The Constitution, 1995</i> and <i>The Land Act, 1998</i> gives the government	To avoid or minimize involuntary resettlement and, where this is not	Ugandan laws do not appear to make provisions for avoidance or minimizing of	<i>The World Bank OP4.12 takes precedence over the Ugandan</i>

Table VI: Comparison of Ugandan and World Bank Policies on Resettlement and Compensation				
Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measures
resettlement	and local authorities power to compulsorily acquire land. The <i>Constitution</i> states that “no person shall be compulsorily deprived of property or any interests in or any right over property of any description except” if the taking of the land necessary “for public use or in the interest of defence, public safety, public order, public morality or public health.”	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	involuntary resettlement	<i>law</i>
Completion of resettlement and compensation i.	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.	<i>The World Bank OP4.12 takes precedence over the Ugandan law</i>
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.	<i>The World Bank OP4.12 takes precedence over the Ugandan law</i>
Consultation and disclosure	There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries (e.g. roads and energy). The Land Acquisition Act, however makes provision for an enquiry whereby the affected person can make formal written claim and the assessment officer is obliged to conduct	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.	<i>The World Bank OP4.12 takes precedence over the Ugandan law</i>

Table VI: Comparison of Ugandan and World Bank Policies on Resettlement and Compensation				
Types of Affected Persons/ Lost Assets	Ugandan Law	World Bank OP4.12	Comparison/Gaps	Mitigation Measures
	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 <i>Land Act, 1998</i> 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	Ugandan law is consistent with the requirements of World Bank OP 4.12.	The RPF has defined a GMR to be followed in preparing the RAPs as may be found appropriate

8.0 LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS

8.1 JURISDICTION OF THE FRAMEWORK

The following will apply in the implementation of this framework:

- all land acquisition, including voluntary land contribution will be compensated,
- compensation will be limited to valuations made after the cut-off date
- compensation for existing infrastructure will be limited to new land acquired for extensions and rehabilitation of these infrastructures and related services,
- 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

8.2 GENERAL 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;
- authorisation on the basis of an application submitted by an individual or corporate person in the manner established by the Land Law.

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

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

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

8.3 LIKELY NUMBER AND CATEGORIES OF AFFECTED PERSONS

The likely numbers of persons who may be affected and displaced during implementation of the GPE Comprehensive program activities cannot be accurately estimated, though every efforts will be made to minimize land acquisition leading to involuntary resettlement and/or restrictions of access to resources or livelihoods. However, the GPE program Affected Persons (PAP's) or the persons likely to be displaced economically or physically can generally be categorised into the following main groups.

a) Affected Households

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

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

In general, the local families live in farm families that co-reside sharing production, consumption and domestic farming services on a regular and continuous basis. However, compensation should not be limited to people living together to the exclusion of those who may not be in residence with the rest of the family, for reasons such as polygamy.

The affected households -a household is affected if one or more of its members is affected by sub-GPE program activities, either by loss of property, land, loss of access, or otherwise affected in any way by GPE program activities. This provides for:

- any members in the households, men, women, children, dependent relatives and friends, tenants, vulnerable individuals who may be too old or ill to farm along with the others;
- opposite sex-relatives who cannot reside together because of cultural rules, but who depend on one another for their daily existence;
- opposite-sex relatives who may not eat together but provide housekeeping, or reproductive services critical to the family's maintenance and;
- other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

In the local cultures, members of production, consumption, and co-resident groups form overlapping, often incongruent sets of people who may exchange domestic or farming services on a regular basis even though living separately.

Compensation will not be limited to people who live together in a co-resident group, since this might leave out people whose labor contributions are critical to the functioning of the “household”. For example, among polygamous groups, each wife has her own home.

b) 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. Additionally because of the sporadic activities of the rebel group (LRA) in the past, there may be still some internally displaced people, from northern Uganda. Therefore, particular attention will be paid to impacts on vulnerable members of these communities such as women, children and Internally Displaced Persons (IDPs).

c) Internally Displaced Persons

These are people who had to flee their homes as a result of rebel atrocities committed against their communities and are now virtually refugees in their own country and have not returned. They may be dependent on the NGO community and others for support. Particular efforts are to be made not to negatively impact these people where possible, but when unavoidable, efforts will be concentrated on post-compensatory measures such as opportunities to participate in GPE program activities.

d) Internally Displaced Orphaned Children

Despite the Laws of Uganda and those of the International Labor Organization (ILO) and other organizations, children, especially orphaned children or children separated from their parents, remain particularly vulnerable to forced employment and associated health and safety hazards. They participate in income generating activities such as fetching of water, artisanal mining, etc. If they are impacted by the GPE program in a way that means they have to be physically relocated, their compensation cannot be in cash. Instead, efforts will be geared towards enrolling them in a UNICEF-funded program or registration with other children's charities that are operating in Uganda today, for rehabilitation. Their compensation could take the form of paying for their rehabilitation and training to acquire useful vocational skills.

e) Women

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

The needs and problems of the women are likely to be different both in character and magnitude than those of men, particularly in terms of social support, services, employment and means of survival. One of the roles of women in Uganda is to provide food and other services like water and firewood. They are the major tillers of land and many especially the urban dwellers earn their living from selling of produce and other food stuffs in markets. Hence the women will face more difficulties than the relocated men in finding and opening up land for cultivation as well as in re-establishing markets and other trade. Women in subsistence communities often depend on forest resources for basic needs such as food, fuel and animal forage. These would need replacement. Female heads of households are eligible for the same benefits as their male counterparts but they would need special attention if they lack resources, educational qualifications, skills, or work experience compared to men.

f) Elderly

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

g) Indigenous Peoples

The Ik (in Karamoja) and Batwa (in southwestern Uganda) have been identified as groups that may be in the project area and/or are affected by the project. A separate Social Assessment and Indigenous Peoples Planning Framework has been prepared which explains their cultural and socio-economic vulnerability. Both documents include measures for consultation, participation in, and benefit-sharing in the project. The project is not expected to have adverse impacts on these groups.

h) Voluntary Land Contributors

Under UPPET there were instances when individual members gave land voluntarily and compensation was not documented. Particular attention should be paid to ascertain that these contributions were indeed voluntary and free from all pressures from society and free from fear of prosecution, marginalization or stigmatization. All persons or groups affected by this will be documented and monitored even where contributions are voluntary to ascertain whether they have not been or likely to be affected such that they are left poorer or livelihoods affected without course for compensation. Sometimes land is given “voluntarily” because people do not want to be seen as or accused of, holding back community development.

Note: All voluntary land contribution should be accompanied a negotiated compensation. Voluntary Land Contribution without Compensation is not recommended, because experience has shown that opening up this venue either leads (i) to elitism or to (ii) forced contribution from the most vulnerable groups or persons. To avoid this elitism, abuses of vulnerable groups, and delays in GPE Program, it is preferable to compensate all land acquisition for program activities. Refer to 9.3 (page 53).

These household types are not mutually exclusive, therefore, the elderly may be internally displaced persons, and women could be affected individuals.

8.4 CUSTOMARY LAND USERS WITHOUT A FORMAL TITLE

These are the local or/and indigenous groups and are usually peasant farmers or pastoralists who may have customary rights to the land and other resources taken from the GPE program. These people usually have ancestral customary rights to regulate collective common property and have open access to common grazing land, fishing areas, forest and grassland resources for subsistence and cash incomes. The World Bank Policy (OP 4.10) has been triggered for GPE- Teacher effective project because it will cover areas inhabited by legally recognized indigenous peoples’ communities of Ik in Karamoja and Batwa in South Western region of Uganda. The MoES/LGs will take into consideration the affected people in this category and work out a compensation and resettlement package for them if the program affects them with respect to physical and economical land dislocations or/ and involuntary abstraction to a legally designated parks and protected areas

The Land Owner (s)

These will lose agriculture land, living quarters plot, structures, valuable crops and income generating activities.

The Affected with Business Enterprises

Another category of people is that of owners of commercial plots, structures used in commercial and industrial activity. It also includes business persons and artisans occupying or renting commercial premises.

Squatters and Encroachers

There may be some cases of squatters (on unused urban or rural land) and encroachers on forest and farmland. The program will allocate some resources to rehabilitate the squatters and the encroachers.

The Very Poor

The poorest people in a community e.g. those with very small land holdings may lose their viability after land acquisition and require full income restoration. The challenge for the very poor may be to identify sustainable living and income-generating options that are acceptable and workable for them. A social preparation phase can help to build the capacity of the very poor over a period of time to help them to identify problems, constraints and possible solutions.

The Host Population

There could be adverse impact on the host population due to development of resettlement sites

Individuals

These fall under the above mentioned categories but affected individually. Others are the tenants who will lose contract on farming or leasing and share of crops. There will also be those who will lose homes occupied with the permission of the owner or those who are illegal.

The categories given above may not cover all types of affected persons. In addition, the categories are not mutually exclusive. It is important therefore that the GPE program activities should have well prepared and comprehensive resettlement action plans that would be specific and comprehensive enough to benefit all the categories of affected persons, through the following and other actions as may be appropriate:

- quick decisions and rapid action on the RAPs to assist the affected persons in a timely manner;
- individual and collective consultations will be expedited at the conception of the program sites;
- the affected persons will be given the opportunity to participate or to work in the GPE program activities;
- alternative subsistence farming plots will be identified, surveyed and developed and made available to those losing land;
- compensation for loss of crops and trees will be determined prior to re-location or construction and paid accordingly;
- rehabilitation support, where appropriate, will be given to those moved from their land during relocation and re-establishment;
- resettlement will be aimed at improving their livelihoods;
- monitoring of the RAPs to ensure that resettlement and compensation has improved the quality of life of all the affected persons , in comparison with their pre-resettlement conditions and;
- technical and financial assistance will be made available to them.

9.0 STEPS TO BE FOLLOWED IN LAND ACQUISITION AND RESETTLEMENT FOR THE GPE- TEACHER EFFECTIVENESS PROJECT INVESTMENT ACTIVITIES

Implementation of investment activities for the GPE Program, particularly the infrastructure and related services may include construction of new classrooms, water and sanitation facilities, and the expansion/protection /rehabilitation of existing structures. These activities may require land acquisition, leading to people's denial or restriction of access to land resources, services and social amenities. In this case, resettlement action plans, consistent with OP 4.12 and the resettlement policy framework, will be prepared.

9.1 THE SCREENING PROCESS

Once the list of GPE Program activities is known, the process for land acquisition and resettlement will start with the screening process (identification and analysis) of possible and alternative sites for GPE program activities implementation.

During screening and indeed during all the other planning and preparatory activities, there will be adequate consultation and involvement of the local communities and the affected persons. Specifically, the affected persons will be informed about the intentions to use the earmarked sites for the GPE Program. The affected persons will be made aware of:

- a. Their options and rights pertaining to resettlement.
- b. Specific technically and economically feasible options and alternatives for resettlement sites.
- c. Proposed dates for displacement or land repossession.
- d. Effective compensation rates at full replacement costs for loss of assets and services
- e. Proposed measures and costs to maintain or improve their living standards.
- f. Grievance procedure

9.2 STEPS LEADING TO PREPARATION OF THE RESETTLEMENT ACTION PLAN

The screening process is a very important component of several activities that contribute to the preparation of the Resettlement Action Plans (RAPs). Preparation and submission of the Resettlement Action Plan to the relevant local government authorities and World Bank comprises the following steps:

RAP Preparation. As soon as the list (sub-projects) is approved by the responsible agency implementing the *GPE Program*, a consultative and participatory process for preparing a RAP will be started, as follows:

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

Annex 2 describes the requirements for the RAP in detail. In general, the RAP contains the following information:

- (i) Baseline Census;
- (ii) Socio-Economic Survey;
- (iii) Specific Compensation Rates and Standards;
- (iv) Entitlements related to any additional impacts;
- (v) Site Description;
- (vi) Programs to Improve or Restore Livelihoods and Standards of Living;
- (vii) Detailed cost estimates and Implementation Schedule.

The RAP will be prepared by the MoES through a Consultant.

The following guidelines are used when a RAP is developed.

Step 1: Consultation and participatory approaches. The program investment activities to be undertaken and the locations of the investments will undergo preliminary evaluation on the basis of the objectives of the program. A participatory approach is adopted to initiate the compensation process. The consultations must start during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of PAPs throughout the census for identifying eligible PAPs and throughout the RAP preparation process.

Step 2: Disclosure and notification. The MoES will approach the communities impacted through the local government authorities with the view to arriving at a consensus on possible sites for the type of facility to be adopted. All eligible PAPs are informed about the GPE Program and the RAP process. A cut-off date is established as part of determining PAPs eligibility. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team must notify the respective local authorities and leaders. A “triangulation” of information – affected persons; community leaders and representatives; and an independent agent (e.g. local organization or NGO; other government agency; land valuer) – may help to identify eligible PAPs. The RAP must notify PAPs about the established cut-off date and its significance. PAPs must be notified both in writing and by verbal notification delivered in the presence of all the relevant stakeholders.

Step 3: Documentation and verification of land and other assets. The government authorities at both national and local levels (village councils, parish/sub-county and district development committees); community elders and leaders; representatives from the MoES will arrange meetings with PAPs to discuss the compensation and valuation process. For each individual or household affected by the sub-project, the RAP preparation team will complete a Compensation Report containing necessary personal information on the PAPs and their household members; their total land holdings; inventory of assets affected; and demographic and socio-economic information for monitoring of impacts. This information will be documented in a Report, and ideally should be “witnessed” by an independent or locally acceptable body (e.g. Resettlement Committee). The Reports will be regularly updated and monitored.

Step 4: Compensation and valuation. All types of compensation will be clearly explained to the individual and households involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, the MoES will produce a Contract or Agreement that lists all property and assets being acquired by the sub-project and the types of compensation selected. Table II below provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. replacement housing) and cash compensation. All compensation should occur in the presence of the affected persons and the community local leaders.

Step 5: Community payments. Although most sub-projects do not normally take land and other assets belonging to a community, such as a community centre, school, or sacred site, if this occurs in a sub-

project, the community (as a whole) will be compensated. This compensation will be in the form of reconstruction of the facility (in case of damages) or replacement at least the same standard or equivalent or better standard required by local planning regulation. Examples of community compensation expansion of grazing grounds; rehabilitation of school buildings, public toilets, health facilities; installation of wells or pumps; creation of market places; and reconstruction of community roads.

Step 6: Grievance mechanism. The sub-project RAP team will establish an independent grievance mechanism. This may be set up through Local Authorities, including a Resettlement or Land Committee and through community leaders. All PAPs will be informed about how to register grievances or complaints, including specific concerns about compensation and relocation. The PAPs should also be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The RAP Team will produce a Report containing a summary of all grievances. If needed, the dispute resolution process should include Ugandan Courts of Law, but traditional institutions can be an effective first step in both receiving and resolving grievances.

Step 7: Defining Entitlements and Preparing an Entitlement Matrix

The basis of what is to be paid as compensation will be determined by identifying the most appropriate entitlement for each loss. Based on the entitlements, options for resettlement would be selected in accordance with Bank Policy OP 4.12 (6a (ii)) and the merits of the option.

The RAP planner will prepare an entitlement matrix with respect to both temporary and permanent displacement. This matrix will set the measure for the payment for all losses or impacts. It will also list the type of loss, criteria for eligibility and define entitlements as presented in Table V.

Table VII: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
Agricultural land	Less than 20% of land holding affected Cash compensation for affected land equivalent to market value	Farmer/ title holder	Cash compensation for affected land equivalent to replacement market value
	Land remains economically viable.	Tenant/ lease holder	Cash compensation for the harvest or product from the affected land or asset, equivalent to average market value of last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater.
	Greater than 20% of land holding lost Land does not become economically viable.	Farmer/ Title holder	Land for land replacement where feasible, or compensation in cash at market value 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 PAPs. Transfer of the land to PAPs shall be free of taxes, registration, and other costs. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature)
		Tenant/Lease holder	Cash compensation equivalent to average of last 3 years' market value for the mature and harvested crop, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. Relocation assistance (costs of shifting + assistance in re-establishing economic trees + allowance up to a maximum of 12 months while short- term crops mature
Commercial Land	Land used for business partially affected Limited loss	Title holder/ business owner	Cash compensation for affected land Opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist).
		Business owner is	Opportunity cost compensation equivalent to

Table VII: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	<p>Assets used for business severely affected</p> <p>If partially affected, the remaining assets become insufficient for business purposes</p>	<p>lease holder</p> <p>Title holder/business owner</p>	<p>10% of net annual income based on tax records for previous year (or tax records from comparable business, or estimates where such records do not exist)</p> <p>Land for land replacement or compensation in cash according to PAP's choice. Land for land replacement will be provided in terms of a new parcel of land of equivalent size and market potential with a secured tenure status at an available location which is acceptable to the PAP.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates)</p>
		<p>Business person is lease holder</p>	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance in rental/ lease of alternative land/ property (for a maximum of 6 months) to re-establish the business.</p>
<p>Residential Land</p>	<p>Land used for residence partially affected, limited loss</p> <p>Remaining land viable for present use.</p>	<p>Title holder</p> <p>Rental/lease holder</p> <p>Title holder</p>	<p>Cash compensation, taking into account market values, for affected land</p> <p>Cash compensation equivalent to 10% of lease/ rental fee for the remaining period of rental/ lease agreement (written or verbal)</p> <p>Land for land replacement or compensation in cash, taking into account market values,</p>

Table VII: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
			<p>according to PAP’s choice.</p> <p>Land for land replacement shall be of minimum plot of acceptable size under the zoning law/ s or a plot of equivalent size, whichever is larger, in either the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as secured tenure status.</p> <p>When the affected holding is larger than the relocation plot, cash compensation to cover the difference in value.</p> <p>Transfer of the land to the PAP shall be free of taxes, registration, and other costs.</p> <p>Relocation assistance (costs of shifting + allowance)</p>
	<p>Land and assets used for residence severely affected</p> <p>Remaining area insufficient for continued use or becomes smaller than minimally accepted under zoning laws</p>	Rental/lease holder	<p>Refund of any lease/ rental fees paid for time/ use after date of removal</p> <p>Cash compensation equivalent to 3 months of lease/ rental fee</p> <p>Assistance in rental/ lease of alternative land/ property</p> <p>Relocation assistance (costs of shifting + allowance)</p>
Buildings and structures	<p>Structures are partially affected</p> <p>Remaining structures viable for continued use</p>	Owner	<p>Cash compensation for affected building and other fixed assets. Compensation should take account of replacement costs for materials and supplies.</p> <p>Cash assistance to cover costs of restoration of the remaining structure</p>
		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant). Compensation should take account of replacement costs for materials and supplies.</p> <p>Disturbance compensation equivalent to two months rental costs</p>
	Entire structures are affected or partially affected	Owner	Cash compensation for entire structure and other fixed assets without depreciation, or alternative structure of equal or better size and quality in an

Table VII: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
	Remaining structures not suitable for continued use		<p>available location which is acceptable to the PAP. Compensation should take account of replacement costs for materials and supplies.</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + allowance)</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Rental/lease holder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant). Compensation should take account of replacement costs for materials and supplies.</p> <p>Relocation assistance (costs of shifting + allowance equivalent to four months rental costs)</p> <p>Assistance to help find alternative rental arrangements</p> <p>Rehabilitation assistance if required (assistance with job placement, skills training)</p>
		Squatter/informal dweller	<p>Cash compensation for affected structure without depreciation. Compensation should take account of replacement costs for materials and supplies.</p> <p>Right to salvage materials without deduction from compensation</p> <p>Relocation assistance (costs of shifting + assistance to find alternative secure accommodation preferably in the community of residence through involvement of the project)</p> <p>Alternatively, assistance to find accommodation in rental housing or in a squatter settlement scheme, if available</p> <p>Rehabilitation assistance if required assistance with job placement, skills training</p>

Table VII: Entitlement Matrix

Land and Assets	Types of Impact	Person(s) Affected	Compensation/Entitlement/Benefits
		Street vendor (informal without title or lease to the stall or shop)	<p>Opportunity cost compensation equivalent to 2 months net income based on tax records for previous year (or tax records from comparable business, or estimates), or the relocation allowance, whichever is higher.</p> <p>Relocation assistance (costs of shifting)</p> <p>Assistance to obtain alternative site to re-establish the business.</p>
Standing crops	Crops affected by land acquisition or temporary acquisition or easement	PAP (whether owner, tenant, or squatter)	Cash compensation equivalent to average of last 3 years market value for the mature and harvested crop.
Trees	Trees lost	Title holder	Cash compensation based on type, age and productive value of affected trees plus 10% premium
Temporary Acquisition	Temporary acquisition	PAP (whether owner, tenant, or squatter)	Cash compensation for any assets affected (e. g. boundary wall demolished, trees removed)

9.3 PUBLIC CONSULTATION AND PARTICIPATION

GPE Program involving the community owes its success to community participation and involvement from the planning phase through implementation to utilization. Hence public consultations through Participatory Rural Appraisal (PRA) will be mandatory for all GPE program activities requiring land acquisition; compensation and resettlement for the UPPET program Investment activities. The aim of public consultations at this stage would be to:

- disseminate concepts for proposed GPE program with a view to implement GPE program interest amongst communities and;
- determine communities' willingness to contribute in kind towards the implementation of the GPE program.

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.

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. PAPA 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 PAPA and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance).

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

Data collecting phase: Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for successful data collection. The levels of consultation will vary from households to community groups, based on the particular context of the 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, fishing boats, etc., as well as primary and/or secondary schools, health centres, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

Implementation phase: During implementation, PAPA 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 PAPA in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involves PAPA in decision making about livelihood and community development programs.

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.

10.0 GUIDING PRINCIPLES FOR THE VARIOUS TYPES OF LAND ACQUISITION MECHANISMS

10.1 PREVIOUS AND CURRENT LAND ACQUISITION PRACTICE

While the land acquisition practice may have had its merits, some landowners were disadvantaged and made poorer. Also, the vulnerable people were disadvantaged because they did not have a say in the land acquisition process. The situation was aggravated by lack of capacity on the part of landowner(s) or vulnerable groups to forward their grievances to those responsible, including the courts of law to address their grievances.

Currently in Uganda, there is a growing awareness of the obligations on the part of GPE program funding agencies, GPE program implementers as well as the public and the government, particularly on the need for fair practices in land acquisition, payment of compensation and resettlement.

10.2 PROPOSED LAND ACQUISITION MECHANISM

This Resettlement Policy Framework, for the GPE program 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 utilise available freehold or public land;
- seek voluntarily donated land, sufficient for the purposes of the GPE program;
- negotiate acquisition of land suitable for implementation of the GPE 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.

The Ministry of Education and Sports, Local Government Authorities and the communities concerned as well as the PAPs will be consulted, clearly explaining the purpose of the acquisition, the area of land required and the owner's right to resettlement and compensation without any economic or moral prejudice.

In the case of customary land, apart from implicating the MoES, Local Government Authorities, the community leaders such as chiefs and a broad spectrum of the community, including youths and women should be party to any consensus to the acquisition of land and the modalities envisaged.

Whatever the consensus arrived at, the provisions of this RPF and the World Bank operational policy OP 4.12 will be applied.

The institutional framework for application of this consensus or any litigation thereof is discussed further in this document.

In this regard, the institution charged with piloting the land acquisition will consign in a record:

- the land to be acquired;
- names of the owners and occupiers of that land as far as they can be ascertained; or in the case of customary land the name of the land owner who is the holder of the right over the land as ascertained by the community;

- identify local community leaders/representatives to assist in the process of land acquisition;
- assess magnitude of impacts relative to the need for resettlement and/or compensation and valuation of assets to be compensated for;
- establish financial records showing the costs of relocation and compensation, the beneficiaries and indicating how these costs were arrived at;
- information on households or individuals eligible for relocation to their socioeconomic standing (incomes, production material assets, debts etc);
- details of the relocation site(s) in response to the exigencies contained;
- details of resettlement after-care and assistance, where appropriate and;
- available employment opportunities for the PAPs in the GPE program activities.

These records will be retained in the RAPs with copies detained by the MoES and local government authorities.

10.3 VOLUNTARY LAND CONTRIBUTIONS WITH COMPENSATION

Voluntary Land Contribution with Compensation refers to cases where individuals or community land owners agree to provide land for GPE program-related activities, in return for negotiated compensation.

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

10.4 INVOLUNTARY ACQUISITION OF LAND

Involuntary acquisition of land and assets including resettlement of people, unless absolutely necessary should be avoided. In particular, acquisition of sites of spiritual or cultural/historical significance should not be tolerated. 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.

The Lands Law Legislation sets out in detail, the procedures for the acquisition of customary land and freehold land by Government.

11.0 ELIGIBILITY CRITERIA AND CONDITIONS FOR DISPLACEMENT OF GPE PROGRAM AFFECTED PERSONS

11.1 WORLD BANK CRITERIA FOR DETERMINING ELIGIBILITY FOR COMPENSATION

According to OP 4.12 of the World Bank, the criteria for determining eligibility for compensation, resettlement and rehabilitation assistance measures for persons to be displaced, will be 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.

Affected persons classified under paragraph (a) and (b) will be provided compensation, resettlement and rehabilitation assistance for the land, building or fixed assets on the land and buildings taken by the GPE program. The compensation will be in accordance with the provisions of this framework and if affected persons occupied the GPE program area prior to the cut-off date (date of commencement of the Census).

Persons covered under sub-section (c) above are to be provided with resettlement assistance in lieu of compensation. In addition, they have to be given the necessary relocation assistance in conformity with the provisions of this policy framework provided the land was occupied prior to the established cut-off date.

All persons in the three sub-sections above are to be provided with compensation for loss of assets other than land. Consequently, this policy advocates for some kind of assistance to all affected persons, including illegal occupants/squatters and encroachers, that is, irrespective of whether they have formal titles, legal rights or not.

Communities including districts, counties, sub-counties, parishes, towns, wards and villages permanently losing land, resources and/or access to assets will be eligible for compensation. Compensation to communities will include, but not limited to, that for public toilets, market places, car parks and health posts. Compensation measures will ensure that pre-resettlement socio-economic status of the communities are restored and maintained.

11.2 PROCEDURES FOR PAYMENT OF COMPENSATION

Compensation payment will be made in the following ways:

- (a) By agreement between the MoES and the PAPs or entities (individuals /households /communities:
 - The MoES will offer such sums deemed adequate as compensation to the entity who may accept that amount as compensation payable to him or her and;
 - Such sums will be disbursed directly to the beneficiary entity with the relevant records of payments including the information stipulated in chapter 5 (land acquisition mechanism) consigned to the RAPs and the records of the appropriate local government authority (district land board).
- (b) By court order on the amount of compensation where this has been the subject of litigation between the MoES and the Affected Entity.

11.3 UGANDAN LEGISLATION ON COMPENSATION

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

Shortfalls in the Legislation on resettlement and compensation in several countries throughout the world have been the reason for internationally funded GPE Program to prefer such universally acceptable policies as those of the World Bank.

11.4 CONDITIONS TO BE FOLLOWED IN DISPLACEMENT OF PEOPLE

Where displacement of people is unavoidable, the following conditions will be followed:

- (a) The entitlement cut-off date will be determined and agreed upon in consultation with the MoES and all the stakeholders particularly the affected persons.
- (b) An assessment of the time likely to be needed to restore their living standards, income earning capacity and production levels will be made.
- (c) The assessment will ensure that the condition of the displaced persons will be improved or maintained at least to the levels prior to GPE program implementation.

12.0 NOTIFICATION, VALUATION PROCEDURES AND ENTITLEMENTS

12.1 NOTIFICATION PROCEDURE

The MoES will, by public notices in the daily newspapers and radio and television services, notify the public of its intention to acquire land earmarked for GPE Program activities. A copy of such notice will 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 will be readily ascertainable. The notice will state: (i) The proposal to acquire the land; (ii) The public purpose for which the land is wanted; (iii) That the proposal or plan may be inspected by relevant Ministry of Education officials or the appropriate LG Administrative Offices; (iv) 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.

12.2 VALUATION FOR STATE OWNED LAND

The land asset types identified under Ugandan Law are twofold:

- State Lands and;
- Lands under traditional or customary rights.

State owned land may be allocated 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.

12.3 VALUATION FOR CUSTOMARY LAND

The GPE program activities will often require the land under customary tenure for its activities. In this case, valuation methods for the affected land and assets should conform to customary laws and land assets would be valued and compensated for according to the following guidelines:

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

12.4 CALCULATIONS FOR COMPENSATION PAYMENTS AND RELATED CONSIDERATIONS

12.4.1 General Considerations

12.4.1.1 Computation of Compensation

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

- for 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 will 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 will 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 GPE program 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.

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. Such compensation should take account of market values for materials and supplies. 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 GPE program 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 program will thereafter have to be compensated at the purchase prices of these items on the market.

Compensation for Horticultural, Floricultural and Fruit trees

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

12.5 ENTITLEMENTS FOR COMPENSATION

Entitlements for compensation will 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 will be given to land based resettlement strategies for GPE program 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-employment should be provided in addition to cash compensation for land and other assets lost. However this lack of land will 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, vulnerable groups, etc) as identified by the census will be provided with appropriate assistance by government. Assistance may be in form of food, temporary accommodation, medical subsidy, employment referrals or priority employment in program activities. The assistance is meant to help them cope with the displacement caused by the program.

13.0 PROCEDURE FOR DELIVERY OF COMPENSATION

Compensation and resettlement activities will be funded like any other program activity eligible under the Universal Secondary Education. Funding would be processed and effected by the MoES preferably directly to beneficiaries in conformity with the RAPs.

13.1 CONSULTATION AND PUBLIC PARTICIPATION

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

13.2 NOTIFICATION OF LAND RESOURCE HOLDERS

Those who hold title to the land resources would be informed through the process in 7.1above. Where there are clearly no identified owners or users, MoES, the respective local government administrations, lands offices and traditional leaders will be solicited to help identify owners or users and sensitise them on the program and its implications. It is hoped, however that the media publications would be sufficient to avoid such eventuality.

13.3 DOCUMENTATION OF HOLDINGS AND ASSETS

The local government structures, namely the LGs and the lower councils will be charged with all documentation of data and information related to the acquisition of land, the compensation and payment processes up to the level of the accounting officer MoES. That is, the Community workers of the Sub-counties/Town Councils in collaboration with the Executive Committee of the village councils, the Parish Development Committees and the School Board of Governors (BoG) will compile and record data/information in village data books. The Community Worker in collaboration with the parish chief and the Executive of the Parish Council will compile parish data and submit to the Sub-county Chief/Town Clerk for on ward submission to the District Chief Administrative Officer/Municipal Town Clerk (CAO/TC). Likewise, the CAO/TC/DEO will compile data/information and submit to the Permanent Secretaries of the Ministry of Local Government and Ministry of Education and Sports. These will serve as data for resettlement monitoring and evaluation.

13.4 COMPLAINTS AND GRIEVANCES MECHANISMS

Objections

Prior to approval of any resettlement plans for the different investment GPE program, individuals and households already associated with the conception, design and location of the program activities would have been in a position to express their dissatisfactions or grievances to the appropriate LG structures and attempt to resolve these in an amicable manner using traditional and customary avenues of conflict resolution. In pursuit of this same approach grievances could be addressed through the various tiers of local government authority, and District Education Officers.

At the time that the individual resettlement and compensation plans are approved and individual compensation contracts are signed, affected individuals would have been informed of the process for expressing dissatisfaction and to seek redress.

The grievance procedure will be simple, administered as far as possible at the local level to facilitate access, flexible and open to various proofs taking into cognizance of the fact that most people are illiterate and poor requiring a speedy, just and fair resolution of their grievances. Therefore, taking these concerns into account, all grievances concerning non-fulfillment of contracts, levels of compensation, or seizure of assets without compensation will be addressed to the existing local courts system of administration of justice in the Districts and this will be addressed to MoES headquarters.

All attempts would be made to settle grievances. Those seeking redress and wishing to state grievances would do so by notifying their village chief and the District Education Officer (DEO) and BoG. The DEO will consult with the MoES, CAO, parish and village chiefs and BoG and other records to determine claims validity. If valid, the village chief and School Board Committee will notify the complainant and s/he will be settled.

If the complainants claim is rejected, then the matter will be brought before the District Land Tribunals and/or the local courts for settlement. If the matter cannot be settled by the local courts and/or the District Land Tribunals, the matter will go the High Court for resolution. The High Court of Uganda will be the highest appellate “judge” in this system. The decision of the High Court would be final and all such decisions will be reached within a full growing season after the complaint is lodged.

If a complaint pattern emerges, the BOGs, the local governments, MoES, parish and village leaders will discuss possible remediation. The local leaders will be required to give advice concerning the need for revisions to procedures. Once the MoES, local governments, parish and village leaders agree on necessary and appropriate changes, then a written description of the changed process will be made. The MOES, local governments, parish and village leaders will be responsible for communicating any changes to the population.

In the local cultures it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

Where all these avenues for redress of grievances have been exhausted without arriving at an amicable solution or consensual decision, recourse can be had with the judicial institutions in place, namely the law courts. In this regard, the Program is obliged to provide, in particular to vulnerable and disadvantaged groups the requisite assistance enabling them to present their case to such decision-making organs of government.

14.0 RESETTLEMENT FUNDING

Dispositions or Funding

Funds for implementing inventory assessments as well as land acquisition and resettlement action plans will be provided by the government of Uganda. In general, the cost burden of compensation will be borne by the executing agencies i.e. Ministry of Education and Sports based on a comprehensive Government Valuer's report.

The estimate of the overall cost of resettlement and compensation would be determined. Disbursements based on budgetary requirements, established by the RAPs in consultation with PAPs/DPs and local chiefs, will be made.

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

An indicative RAP budget outline can be found in Table VI below.

Table VIII: Indicative Outline of a RAP Budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			
Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			

Economic Rehabilitation			
Training			
Capital Investments			
Technical Assistance			
Monitoring			
Contingency			
#	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Ugandan average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labour invested and average of highest price of staple food crops and Ugandan market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labour invested and average of highest price of trees (and tree products) and Ugandan market prices
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP/capita in Uganda

9	Cost of Restoration of Household Income		These costs reflect the livelihood restoration program of the RAP
10	Cost of Training Farmers, pastoralists and other PAPs		This is a mitigation measure involving capacity building and involves PAPs and affected communities

Estimated costs

At this stage, it is not possible to estimate the likely number of people who may be affected. This is because the GPE Program is being implemented in the existing structures and where new schools have been constructed and the district local government have been identifying and recommending sites for the program. However, on assumption that local government fail to identify free land for GPE program, the cost may not exceed 10% of the total construction costs of all new facilities under the program.

Details on technical designs have not yet been developed and the land needs have not yet been identified. When this information is available and after the conclusion of the site specific socio-economic study, information on specific impacts, individual and household incomes and numbers of affected people and other demographic data would be available. Such information will facilitate the preparation of a detailed and accurate budget for resettlement and compensation. In case need arises, Ministry of Education and Sports will prepare the resettlement budget that shall not exceed USD.10, 000,000 million i.e. about 10% of the total construction cost of the new GPE facilities (estimated at USD 100 Million). This budget shall be financed through existing administrative and financial management rules and procedures as the Government of Uganda. The budget will be revised annually to meet the identified resettlement requirements.

There shall be capacity building for MoES, local governments and BOGs involved in implementing resettlement issues even before they arise. The estimated cost shall not exceed USD 1,000,000 (about 10%) of the resettlement cost for the entire period.

15.0 IMPLEMENTATION AND MONITORING PLANS

15.1 RESETTLEMENT ACTION PLANS

MoES will make sure that, a comprehensive Resettlement Action Plan is prepared for each GPE activity that triggers resettlement. In this undertaking, MoES may, if need be contract the services of a valuation expert to carry out the evaluations of the assets. In case of involuntary resettlement, approval of the new land areas designated to be used for resettlement will be sought from the Government in consultation with local communities.

The process of preparing the resettlement action plans, in line with the requirements of Section 5 above, will involve the following:

- a census will be carried out to identify PAPs 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 and impact on assets should be properly recorded with the view to 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 and;
- arrangements for monitoring and implementation

To ensure transparency of procedures, Displaced Persons will 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, will be made in the presence of the MoES representative and a witness, by District Education Officer(DEO) and the local dignitaries.

15.2 MONITORING ARRANGEMENTS

In order to assess whether the goals of the resettlement and compensation plan are met, a monitoring plan will be required. This monitoring plan will include indicators to be monitored, guidelines, responsible persons or institutions, necessary 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 program of the entire GPE program which would fall under the overall responsibility of the Accounting Officer of MoES. \The Lead Officer will Director of Early Childhood and Primary Education in the MoES. Other key players include: Primary Education Department, Construction Management Unit, and Education Planning Department and Local Governments and these shall institute an administrative reporting system that shall:

- a) alert MoES authorities on the necessity for land acquisition in the GPE program activities design and technical specifications;

- b) provides timely information about the assets valuation and negotiation process;
- c) provide reports on any grievances that require resolution;
- d) provide documents on timely completion of GPE program resettlement obligations and;
- e) any updates on the database with respect to changes that may occur on the ground as resettlement and compensations activities are being implemented.

Annual evaluations shall be made in order to determine whether the PAPs have been paid in full and before implementation of the individual UPPET activities; and whether the PAPs shall be enjoying the same or higher standards of living than before.

A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators shall be targeted at quantitatively measuring the physical and socio-economic status of the PAPs and DPs, to determine and guide improvement in their social well-being. Therefore, monitoring indicators to be used for different RAPs or ARAPs will have to be developed to respond to specific site conditions. Monitoring indicators may include:

- No. of activities that have triggered Involuntary Resettlement (land acquisition) in the program
- Number of RAPs done
- Number of people affected (if any)
- Amount of compensation made
- Number of complaints from affected communities/households (how many resolved, how many outstanding, etc)

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

The MoES will establish a reporting system for the sub-project RAP that will:

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

The independent impact evaluation will determine:

- (i) If compensation payments have been completed in a satisfactory manner; and
- (ii) If there are improvements in livelihoods and well-being of PAPs.

Several indicators are used to measure these impacts. These include, among others, a comparison of income levels before-and-after; access to livelihoods and employment; changes in standards of housing and living conditions; and improvements in level of participation in sub-project activities. There are measures to verify these basic indicators, such as number of children in-school (compared to pre-RAP levels); changes in health standards; and changes in access to markets or roads – all of which may reflect overall improvements in standards of living.

The following methods will be used for measuring impacts:

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

The RAP team will maintain, together with local officials, basic information on all physical or economic displacement arising from the sub-project. This includes an update, for example on a quarterly basis, of the following:

- (i) Number of sub-projects requiring preparation of a RAP;
- (ii) Number of households and individuals physically or economically displaced by each sub-project;
- (iii) Length of time from sub-project identification to payment of compensation to PAPs;
- (iv) Timing of compensation in relation to commencement of physical works;
- (v) Amount of compensation paid to each PAP household (if in cash), or the nature of compensation (if in kind);
- (vi) Number of people raising grievances in relation to each sub-project;
- (vii) Number of unresolved grievances.

The MoES will review these statistics to determine whether the RAP implementation arrangements, as defined in this RPF, are effective in addressing RAP related issues. Financial records will be maintained by the sub-projects and the MoES, to determine the final cost of RAP implementation. The following indicators (in Table IV) can be used to monitor implementation of the RAP.

Table IX: Indicators of RAP Impacts

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

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

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

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

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

List of Annexes

Annex 1	World Bank Resettlement Policy Framework (Excerpt from World Bank Operational Policy 4.12, Involuntary Resettlement)
Annex 2	Annotated Outline for Preparing a Resettlement Action Plan (RAP)
Annex 3	Sample Grievance and Resolution Form
Annex 4	Sample Table of Contents for Consultation Reports
Annex 5	Summary of UPPET RPF Review
Annex 6	List of People contacted

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 . 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 . In addition, the framework includes an assessment of the institutional capacity and procedures of each of the FIs that will be responsible for subproject financing. When, in the assessment of the Bank, no resettlement is envisaged in the subprojects to be financed by the FI, a resettlement policy framework is not required. Instead, the legal agreements specify the obligation of the FIs to obtain from the potential sub-borrowers a resettlement plan consistent with this policy if a subproject gives rise to resettlement. For all subprojects involving resettlement, the resettlement plan is provided to the Bank for approval before the subproject is accepted for Bank financing.

For other Bank-assisted project with multiple subprojects 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 . For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

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

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

ANNEX 2: Annotated Outline for Preparing a Resettlement Action Plan (RAP)

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

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

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

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

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

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

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

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

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

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

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

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

The institutional framework governing RAP implementation generally covers:

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

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

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

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

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

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

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

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

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

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

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

- (i) Consultations with host communities and local governments;
- (ii) Arrangements for prompt tendering of any payment due the hosts for land or other assets provided to PAPs;
- (iii) Conflict resolution involving PAPs and host communities; and

- (iv) Additional services (e.g. education, water, health, and production services) in host communities to make them at least comparable to services available to PAPs.

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

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

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

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

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

ANNEX 3: Sample Grievance and Resolution Form

Name (Filer of Complaint): _____
ID Number: _____ (PAPs ID number)
Contact Information : _____ (Village ; mobile phone)
Nature of Grievance or Complaint: _____

<u>Date</u>	<u>Individuals Contacted</u>	<u>Summary of Discussion</u>
_____	_____	_____

Signature _____ Date: _____

Signed (Filer of Complaint): _____
Name of Person Filing Complaint : _____ (if different from Filer)
Position or Relationship to Filer: _____

Review/Resolution

Date of Conciliation Session: _____
Was Filer Present? : Yes No
Was field verification of complaint conducted? Yes No
Findings of field investigation: _____

Summary of Conciliation Session Discussion:

Issues _____

Was agreement reached on the issues? Yes No
If agreement was reached, detail the agreement below:
If agreement was not reached, specify the points of disagreement below:

Signed (Conciliator): _____ Signed (Filer): _____

Signed: _____
Independent Observer

Date: _____

ANNEX 4: 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 SEA Terms of Reference and Draft PCDP

3.3.3 Phase 3 – Release of SEA Consultation Summary Report

4.0 Summary of Key Issues

5.0 Future Consultation Events

5.1 Phase 4 – Release of the SEA Report and Action Plans

5.2 Phase 5 – RCDAP Planning Consultation

5.3 Phase 6 -Ongoing Project Communication

6.0 Disclosure Plan

Tables

Table 2.1: Consultation Activity Summary

Table 3.1: Initial Government Agency Consultations

Table 3.2: Summary of NGO Meetings

Table 3.3: Sub-County Committee Composition

Table 3.4: Summary of Community Discussions

Table 3.5: Local Community Comments

Table 4.1: Summary of Key Issues and Responses

Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

TEMPLATE Table on Consultation Activity Summary

Location and Communities Represented	Meeting Dates	Attendees	Discussion Summary
Example:			

THE UGANDA GLOBAL PARTNERSHIP FOR EDUCATION (GPE) PROJECT
REVIEW AND UPDATE OF THE RESETTLEMENT POLICY FRAMEWORK (RPF) OF
UNIVERSAL POST-PRIMARY EDUCATION AND TRAINING PROGRAMME TO THE
GLOBAL PARTNERSHIP FOR EDUCATION PROJECT

DRAFT SUMMARY REPORT

June 4, 2013

The GoU through the MoES is in the process of realising Grants from the WB for the project entitled the “Global Partnership for Education (GPE)”. The project will focus on Early Childhood (EC) and Primary Education in Uganda. To support the implementation of the project, the MoES undertook to review and update the Resettlement Policy Framework (RPF) for the Universal Post-Primary Education and Training (UPPET) programme and align it to the anticipated GPE project. This report is therefore a brief presentation of the process undertaken in reviewing the RPF for UPPET and the ensuing findings which facilitated its adaptation to the GPE project (Refer to the “new” RPF for GPE, the key output of this exercise).

As a first step, a review of the following documentation was undertaken: the GPE and UPPET concept papers, UPPET and GPE PADs, The Uganda Land Policy, and the RPF for UPPET. Following the desk review, an introductory and planning meeting with Ministry and World Bank officials was held at the MoES headquarters to initiate primary data collection for the exercise. It is important to note that the following documents could not be accessed either because they were not available or could not be provided in time: UPPET supervision reports, the Implementation Status Reports (ISR) of UPPET, developed/implemented RAPs, Integrated Safeguards Data Sheets (ISDS), and MoES UPPET progress reports. These could have provided documented experiences on the implementation of the social safeguards (involuntary resettlement policy), and used to inform primary data collection on the subject matter.

Key informant interviews with relevant MoES officials were carried out following the introductory and planning meeting at the Ministry’s headquarters. Subsequently, interviews with head teachers of selected UPPET and GPE beneficiary schools in Kampala Division and Wakiso district were undertaken. The purpose of key informant interviews with head teachers of UPPET schools were to solicit first hand experiences from people who were/are engaged in implementing the RPF for UPPET and draw lessons that could be used to adapt it to the new project. On the other hand interviews with head teachers of primary schools expected to benefit from the GPE project provided information on the likelihood of displacements and resettlements as well as the social impacts resulting from the implementation of the GPE project

The table below provides a summary of preliminary findings of the exercise.

	Tasks	Findings
1	<p>Review & update information on implementing institutions for RPF/UPPET with regard to the following aspects</p> <ul style="list-style-type: none"> • Units of responsibility for GPE • Available resource persons for social safeguards • Commitment to social safeguards • Capacity of the implementing agency & other SH 	<p>-Like UPJET, the GPE is a GoU project implemented by the MoES, whose <i>institutional responsibility</i> is to ensure that the project is implemented through the existing institutional structures that govern early childhood and primary education right from the ministry level to the local (school) level.</p> <p>-Therefore the early <i>childhood and primary education section/department</i> of MoES will be the relevant division for the GPE.</p> <p>-The <i>projects, planning and budgeting unit</i> in MoES remains crucial for the GPE project.</p> <p>-Schools (<i>BoG/SMC</i>) and the <i>contractors</i> will be the key implementers of the GPE project at local level.</p> <p>-Although the <i>district LG</i> did not play a role except district engineers who undertook supplementary supervision as their general responsibility demands them to do so for all government projects in their areas of jurisdiction, they will play an important role in the GPE project. Findings revealed that the MoES implemented the UPJET project and handed over to the school management. The Ministry also has its staff of assistant engineers based at the district (34 Assistant Engineers in total). One assistant engineer could control about 4 districts.</p> <p>The district engineers were not facilitated but the assistant engineers were. The DEO, RDC, LCV undertook monitoring to check physical progress for UPJET but never issued any instructions. Although they sometimes can stop work if they see shoddy work being done, this has to be backed by some technical support in order to stop work. It is therefore expected that the GPE will take the same course but with greater involvement of the district this time round given that primary education is decentralised and also using the SFG approach that involves Districts.</p> <p>-Therefore at district level, the <i>District Education Office (DEO) - Inspector of schools section and the District Engineer's Office with close collaboration of the CDO</i> are expected to play a greater role in the implementation of the RPF.</p> <p>-The schools (SMC/BoG) with the help of MoES identified and engaged construction contractors through competitive bidding, and therefore should be equipped with the skills to implement land acquisition/resettlement at the beneficiary's level. The BoG procures the contractors, oversees/supervises much of the project implementation and makes reports for accountability purposes.</p> <p>The key players in implementation of the UPJET at local level are the SMC and the contractors. The SMCs observe and make follow ups on the identified issues. The MoES' role is to make follow ups and ensure that these local level implementers are doing what is required of them. There are weaknesses with the SMCs and thus a need for more <i>sensitisation and follow up</i> by MOES with regard to the RPF issues. The CMC does the monitoring; the consultants for UPJET to supervise and the contractor implements. Overall, there is a need to make follow ups on all agreed positions with regard to RPF. On average, the projects take 5 to 6 months to completion but they begin at different times. Therefore sensitisation is done only once at the beginning of the project. Recommendation: What needs to be emphasised is <i>sensitisation, monitoring, follow-up</i> and reporting to ensure that the policy is implemented where issues are identified and what is agreed upon.</p>

Tasks	Findings
	<p>According to the MoES, there have not been major cases (except a few isolated cases) that have called for the implementation of the RPF for UPPET to warrant a specific resource person responsible for implementing land acquisition/resettlement. It is expected to be the same for GPE project because the project will be implemented within existing schools where displacements and resettlements are not anticipated, thus limited social issues. The Ministry indicated that there were <i>no issues of compensation or resettlement</i>; hence the <i>RPF for UPPET was never implemented</i>. However, on the ground cases that called for compensation were revealed and they were addressed with difficulty and limitation, there was no action plan.</p> <p>Interviews with head teachers: However, the interviews with head teachers of selected UPPET beneficiary schools revealed the contrary even when the project was implemented within existing school premises. In one of the schools, the teachers were displaced because they were using the land on which the construction took place for <i>growing crops to reduce on the costs of meeting some of their household food needs</i>. At the time of the project, there were potatoes and maize planted on the land. Therefore the head teacher had to negotiate with only those teachers whose potatoes were about to mature on a personal and friendly level for some acceptable compensation by estimation.</p> <p>Process: <i>The head teacher sat down with the affected teachers, counselled them and asked them what they estimated was the value (in monetary terms) for the crops which were being destroyed by the project. Each of them agreed to take the amount that the school administration was able to offer at the level of negotiation – and they were paid. Understanding how important the project was to the school and knowing that they too would benefit from the project minimised the stress this would have caused the school administration. This did not stop them from feeling bad though, especially those who were not compensated at all, only that they had nothing to do. This process was done informally and was never documented. While ‘compensation’ was made for the crops on the land at the time, the impact of taking away the only piece of land on which teachers grew crops cannot be underestimated, and was not compensated at all. It was also observed that the land was being used by teachers for grazing their livestock (cattle and goats). As a result, the teachers were adversely affected and at the moment have nowhere to grow their crops. Besides, the piece of land on which the UPPET project is was earmarked for teachers’ staff quarters hence no more land for that purpose in case resources are found.</i></p> <p>In another school case, the UPPET project was going to have severe consequences had it not been handled swiftly and professionally. In this case it was a Church of Uganda (CoU) community/land which had a primary and secondary school both with clear demarcations but with a shared football field. The football pitch also served the surrounding community for various activities. Trouble arose when the land on which construction would take place was not enough.</p> <p>The contractor then advised the school management to add <i>a small strip of land (about 4 metres) from the football pitch to allow for a proper foundation for the building and some space for operation</i>. When the community learned about it in addition to some miscommunication running through that the school management had sold the football pitch to investors, they took up arms to attack the school and police was brought in to protect the school and students. Process: <i>The school</i></p>

Tasks	Findings
	<p><i>management, church leaders from Namirembe diocese and the LC leaders met to sort out the issue. Minutes of the BoG meetings were availed to community leaders to allay fears that the land had been sold to an investor but instead was a UPPET project which would benefit them all. Eventually it was agreed that only a strip of about 4 metres be given to the project and the project proceeded as planned. The process was documented but did not involve compensation as the football pitch is still 'intact' serving its purpose. Some of the community members who were against the project are reportedly becoming embarrassed on realising and appreciating the importance of the project as they watch work progressing.</i></p> <p>In the same school, the project temporarily <i>displaced the ground for school assemblies</i> which are now being held in the football field but will move to the middle area once the project is completed and the middle block is broken down. The project also <i>displaced 3 offices and 3 classrooms</i> to create space for its implementation in addition to reducing the operation area for the school. One classroom, the deputy head teachers office, the deputy-academics' office, and the staff room were brought down in the process. Two classrooms had to be turned into the deputy head teacher's office and another into a staff room. This meant that the school had to reduce the number of streams for some classes implying oversized classes and a reduction in the school's total enrolment². Consequently, parents of students who could not be enrolled are failing to cope with the high school fees in the private schools around, this being the only USE around here. To date, some parents and students (some with good grades 12, 13) still come to 'beg' if they can be squeezed in but have been told until next year. This issue has not been documented nor compensation* procedures undertaken. Another incidence in the same school involved a neighbour of the school who was concerned about his privacy due to the construction of a storied building next to his residence³. A letter was written to the school administration to this effect, which was forwarded to the school's BoG, who in turn referred the matter to the MoES. There is no official communication from the Ministry over the matter yet but gave a signal to the school management to proceed with the project.</p> <p>While it was difficult to determine the level of commitment by the MoES to address social safeguard issues in relation to involuntary resettlement policy because the UPPET project did not experience any issues – commitment in their plans and budgets as well as their guidance given to affected schools on how to handle the issues in spite of their lack of, should give some indication on the matter.</p> <p>Lessons Learned: The MoES did not implement the RPF/RAPs for UPPET for some reasons but not the lack of occurrence of displacements and resettlements or social issues as reported. There are significant displacements and resettlements in the</p>

² For example O' level had 5 streams per class before the project and on starting the project, S.4 was reduced to 4 streams, S.3 also to 4 streams, S.2 remained with 5 streams and S.1 reduced to 3 streams for only this year in order to cope with the limited space. The school had to reduce the enrolment for S.1 from the usual 450 to 280 this year. The total current school enrolment is 1664 from 1750 last year

³ The concerned resident happens to be a Minister in the Government of Uganda. And the school is hoping that perhaps high windows should be put on the side of the Minister's residence to minimise on his privacy concerns.

	Tasks	Findings
		<p>schools, some not visible in the ‘normal’ sense of displacement and others almost impossible to identify until the project starts. It also comes out that during sensitisations done before the projects started; issues on the RPF for UPPET were not handled. Consultations with local communities, leaders, and PAPs are not carried out. Each affected school handled issues of involuntary resettlements in their own systematic way, formally and informally, without guidance from MoES based on RPF/UPPET which should not be the case with GPE once the gaps are addressed. Participation of all affected parties and documentation of the entire process from screening to completion of compensation, resettlement and follow-up facilitate a smooth resettlement and minimises vulnerabilities. Compensation was not done fully where it occurred which left the victims in a worse state than before the project. If the guidelines provided in the RPF for UPPET had been followed, the worst case scenario that was about to happen in one of the schools would not have occurred.</p> <p>Capacity Gaps/Needs: The Ministry did not implement the RPF not because there are no social issues but due to other factors which may be related to capacity needs. The following capacity needs of the implementing agency and other SH to implement RPF were identified: the lack of a clear comprehension of the RPF and its implementation calling for training; the inability for the Ministry to meet compensation requirements; sensitisation of the RPF for UPPET/GPE is required at all levels (ministry, districts and schools); skills in identifying beforehand and management of emerging social issues; skills in management systems and procedures; a resource person to handle RPF issues at the various implementation levels is needed.</p> <p>Recommendations: It is recommended that at least one relevant personnel at the ministry and district level should be facilitated in terms of skilling and knowledge about the RPF to guide the schools in its implementation. Furthermore, sensitisation, consultations with the communities/beneficiaries and sharing of plans of the project should be undertaken early enough and adequately through sharing relevant information in order to deny room for project saboteurs or misinformation as well as enable affected persons prepare for the likely effects and ensure they are mitigated. It is also recommended that the implementation of the RPF should involve all aggrieved parties, be systematically documented and reported involving the few emerging cases or the total lack of. Capacity building in the implementation and monitoring of social safeguard issues with regard to the RPF is recommended. Potential triggers of OP 4.12 IRP should be identified and a list be made available by MoES as a check list.</p>
2.	Review and Recommend what could potentially trigger OP 4.12 Involuntary Resettlement Policy	<p>Potential triggers: According to MoES, there were or are no social issues likely to trigger OP 4.12 IRP from the UPPET experience. However, findings at school level revealed that activities such as: teachers utilising school land for farming and livestock rearing, destruction of old buildings/Ecosan toilets to pave way for the project, displacement of temporary structures (e.g. teachers’ houses) serving different purposes for the school, extension of the project into recreation areas, individual land donations without documentation and with unclear demarcations which remain ‘idle’ and the community continues utilising it, and the lack of school site plans which could lead to replacing green areas with buildings (not only destroying the environment but also denying students/pupils areas for relaxation reading or revising, are likely to cause involuntary resettlement and trigger OP 4.12.</p>

	Tasks	Findings
3.	<p>Review the Agencies’ experience in implementing social safeguards (RPF under UPPET)</p>	<p>As indicated earlier, the Ministry reported that <u>compensation and resettlement issues</u> have not occurred in the UPPET experience because the schools are already existing and almost 99% of them are religious body founded – that is to say the land for the schools was donated by religious foundation bodies (CoU, Catholic Church, Muslim Supreme Council) therefore no displacements of people or gardens/community activities took place. The only issue that arose was to do with the unclear demarcations of school land - some of the schools do not have land titles – for instance they will report that the land is 6 acres but where the six acres start and end is not clear. Consequently, whenever there was a need for expansion by constructing a new structure as is the case with UPPET, demarcation issues arose.</p> <p>It was also reported that there were <u>no individual land donations encountered</u> with the UPPET project. However, it was noted that during the assessment for the GPE project, there were a few cases where individuals donated land for development but there is no documentation or land title. In this case, an individual out of good will gives the school land and allows it to operate the school on it. In addition, there is no documentation or agreement to this effect but acceptance is given only by word of mouth. The problem with this is that when the individual who gave the land dies, as was the case in some district, the sons come out to reclaim the land and ask the school to pay for it. In the end, either the school buys the land or leaves its premises on failure to pay for it. In this case the Ministry <u>told the head teacher of the concerned school to find a way of agreeing with the aggrieved parties and get written documentation</u> – whether they are going to buy it or agree on some lease and provide documentation before government commits itself to construct on the land, as government was not willing to invest on land without proper ownership.</p> <p>Against this background, the implementing agency (MoES) has not had any experience in implementing social safeguards (RPF under UPPET) as the few cases identified were left to the school management to handle. By and large, the findings point to issues related to ownership of the UPPET project which may apply to the GPE project as well. The project is viewed as one for the WB as reference was made to “in our own programmes”. What is referred to as their own projects involves, for instance, presidential pledges that go direct to the districts through the CAO and Ministry only monitors. There are also Ministry’s ‘own’ projects that are handled centrally like those for emergency. Mention was made that the modalities for GPE are still being debated; that WB wants to send it to the district like the School Facilitation Grant (SFG). And therefore GPE is likely to be district based. UPPET was school based where the district had no role at all. It was the SMCs and the MoES supervising. In one Ministry officer’s opinion, a mix of the two (district and MoES) would be appropriate and gave an example of what is being implemented in Northern Uganda supported by the Royal Netherlands Government. The district identifies contractors and sends to the MoES for approval – a kind of sandwich arrangement. With UPPET project, at some point the Ministry’s Assistant Engineers were kicked out because there are World Bank consultants doing the work. The problem with UPPET is that it is between the school, contractors and consulting firms (e.g. Aspro, KK consultants etc.) engaged by WB who control say 4 districts in the region. The consultants (who have different professionals on their teams) do it on behalf of the MoES so that the Ministry only does monitoring. The district and assistant engineers are not involved in</p>

	Tasks	Findings
		<p>screening or implementing the RPF.</p> <p>Lessons Learned: It is important for the Ministry to encourage all schools to document all land acquisitions/donations to minimise grievances and in cases where the lack of documentation causes social issues, the ministry should not leave it up to the schools but should guide them in line with the RPF for UPPET/GPE to ensure an “informed, fair and transparent” documented process. Furthermore the process should not be seen as a liability to development but as a prerequisite to ensure that worsening vulnerabilities is avoided while being mindful of the fact that some situations may be abused by some community members. The designing of UPPET project where the work is between the schools, contractors and WB Consultants (e.g. Aspro, KK Consultants) is a problem in itself because at one point in time the Ministry’s Assistant Engineers were sidelined – the lesson here is that since these are agencies involved with implementing the Project, they should be the ones to implement the RPF as well where applicable. Another lesson regards ownership issues of the project as constant reference is made to “WB project” and “our projects” – it is not clear what should be done but something has to be done to ensure that the government/ministry takes ownership of the project and this could be about the way the World Bank relates with government/ministry regarding the project.</p>
4.	Review & update the RPF Management tools for UPPET	The RPF Management tools for UPPET (screening procedures, checklists, assessment of typical anticipated impacts, and draft RAPs for typical impact mitigation) were not used at all because reportedly there were no social issues that emerged and required redress. However, as findings suggest these tools could have been utilised in a case identified at one of the schools. It was therefore not possible to identify any challenges or limitations with the management tools that would help to improve the RPF in relation to GPE activities
5.	Review & update the Grievance redress mechanisms and RAP guidelines	As in number 4 above, the failure to identify social issues and the subsequent lack of the application of the RPF did not give the Ministry an opportunity to experience using grievance redress mechanisms and RAP guidelines. To this end, the consultant was unable to review and update the grievance redress mechanisms and RAP guidelines drawn from the experience of implementing RPF under UPPET.

List of People met During the UPPET RPF Review

Name	Institution/Designation	Contact	Date
1. Ms. Innocent Mulindwa	Senior Education Specialist, World Bank	0414 230094 imulindwa@worldbank.org	24/05/2013
2. Ms. Constance NekessaOuma	Social Development Specialist, World Bank	0414 230094 cnekessaouma@worldbank.org	27/05/2013
3. Ms. Doreen Matovu - Lwanga	Assistant Commissioner, CMU, MoES	0711 390 139 drnmatove@yahoo.com	27/05/2013
4. Eng. Lugolobi Thaddeus	Civil Engineer, CMU, MoES	414 341285/0712 957782 lugolobithaddeus@yahoo.com	27/05/2013 and 28/05/2013
5. Mr. Martin Muyingo	Head Teacher, WampewoNtakke Senior Secondary School	0718 979 280/0700 670544 Muyingom2000@yahoo.co.uk	30/05/2013
6. Ms. Olive Kyohere	Head teacher, Luzira Senior Secondary School	C/o Luzira SS	30/05/2013
7. Mr. Charles Omingo	Deputy Head teacher, Luzira Senior Secondary School	C/o Luzira SS	30/05/2013
8. Mr. Erejo Arkanjelo	Deputy Head teacher St. James Primary School, Biina	C/o St. James PS Biina	30/05/2013
9. Mr. ...	Deputy Head teacher St. James Primary School, Biina	C/o St. James PS Biina	30/05/2013