

ARUA WATER SUPPLY AND SANITATION PROJECT

RESETTLEMENT ACTION PLAN

FINAL REPORT

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ACRONYMS/ABBREVIATIONS

AIDS	acquired immune deficiency syndrome
AMC	Arua Municipality Council
ARI	acute respiratory infections
AWSP	Arua Water Supply and Sanitation Project
CEFORD	Community Empowerment for Rural Development
CGV	Chief Government Valuer
DISO	district internal security officer
DLB	district land board
DLO	district land office
DP	development plan
DVO	district valuation office
EMP	environmental management plan
ESIA	environmental and social impact assessment
GO	Grievance Officer
GoU	Government of Uganda
HMIS	health management information system
km	kilometre
LC	local council
LG	local government
LOU	laws of Uganda
m	metre
M&E	Monitoring and Evaluation
MoWT	Ministry of Works and Transport
NDP	National Development Plan
NGO	non-governmental organisation
NEMA	National Environment Management Authority
NWSC	National Water and Sewerage Corporation
OP	operational policy
O/PSP	open or public stand pipes
OVI	objectively verifiable indicators
PA	project area
PAH	project-affected household
PAI	project-affected institution
PAP	project-affected person
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RIU	RAP Implementation Unit
RDC	Resident District Commissioner

SC	sub-county
TOR	terms of reference
SPSS	Statistics Package for Social Scientists
sq. metre	square metre
ULC	Uganda Land Commission
USh.	Uganda Shilling(s)
UNRA	Uganda National Roads Authority
WB	World Bank
WTW	water treatment works
WSPs	waste stabilisation ponds

GLOSSARY

The following terms as adopted from the Resettlement Policy Framework (RPF) and used in this RAP shall have the following meanings unless stated otherwise. Other important concepts as used have been defined inside the text where they apply.

Census: A field survey carried out to identify and determine the number of project-affected persons (PAP), their assets, and potential impacts; in accordance with the procedures satisfactory to the relevant government authorities, and the World Bank Safeguard Policies.

Compensation: The payment in kind, cash or other assets given in exchange for the taking of land, or loss of other assets, including fixed assets thereon, in part or whole.

Cut-off date: The date at which the property identification and valuation exercise ended and the census of PAPs within the project area boundaries commenced. This is the date on and beyond which any person whose land is planned for and/or occupied for project use will not be eligible for compensation.

Project-affected persons (PAPs): Persons who, for reasons of the involuntary taking or voluntary contribution of their land and other assets under the project, result in direct economic and/or social adverse impacts, regardless of whether or not the PAPs physically relocate. PAPs can be through involuntary displacement and involuntary land acquisition.

Project-affected household (PAH): A household that is affected if one or more of its members is affected by sub-project activities, either by loss of property, land, loss of access, or otherwise affected in any way by the implementation of the project activities.

Project-affected sites: Clearly defined and/or surveyed areas or places earmarked for takeover, permanently or temporarily, for purposes of implementing project sub-component activities.

Involuntary displacement: The involuntary taking of land resulting in direct or indirect economic and social impacts caused by:

- loss of benefits from use of such land;
- relocation or loss of shelter;
- loss of assets or access to assets; or
- loss of income sources or means of livelihood, whether or not the project-affected person has moved to another location.

Involuntary land acquisition: The taking of land by the government or other government agencies for compensation, for the purposes of a public project/interest against the will of the landowner.

Land: Agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the project.

Land acquisition: The taking of or alienation of land, buildings or other assets thereon for purposes of the project activities implementation.

Resettlement Action Plan (RAP): Also known as a Resettlement and Compensation Plan, a resettlement instrument (document) prepared when sub-project locations are identified and involves land acquisition which leads to or involves the 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 project owners (managers or their appointed representative) impacting on the PAPs and their livelihoods and contain specific and legally binding requirements for compensation of the PAPs before the implementation of such project activities.

Replacement cost: The replacement of assets with an amount sufficient to cover full replacement cost of lost assets and related disturbance and transaction costs. In terms of land, this may be categorised as follows:

Replacement cost for agricultural land: The pre-project or pre-displacement, whichever is higher, value of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of:

- preparing the land to levels similar to those of the affected land;
- any registration, transfer taxes and other associated fees.

Replacement cost for houses and other structures: The prevailing cost of replacing affected structures of the quality similar to or better than that of the affected structures in an area. Such costs shall include:

- building materials;
- transporting building materials to the construction site;
- any labour and contractors' fees; and
- any registration costs.

Resettlement assistance: The measures to ensure that project-affected persons who may require to be physically relocated are provided with assistance such as moving allowances, residential housing or rentals, whichever is feasible and as required, for ease of resettlement during relocation.

Disturbance allowance: Part of resettlement and livelihood restoration assistance to PAPs whether they relocate or not. It is provided for under the Uganda government legislation and has been considered under this RAP at 30 per cent.

Vulnerable groups: Socially and economically disadvantaged groups of persons such as widows, the disabled, very old persons or household heads who are likely to be more affected by project implementation or are likely to be generally constrained to access or seek out their entitlements promptly. Vulnerable households by implication also include:

- incapacitated households with no one fit to work owing to advanced/old age-associated incapacities, disabilities etc.; and
- child-headed households and street children.

0.0 EXECUTIVE SUMMARY

0.1 INTRODUCTION

The Arua Water Supply and Sanitation Project (AWSP) objectives are to improve water and sanitation services in Arua municipality (AMC) and surrounding areas. This report outlines a Resettlement Action Plan (RAP) for project-affected persons (PAPs) in the project area (PA). The purpose of the RAP was to identify PAPs and their assets/properties, value them and provide a strategy for resettlement compensation to ensure that the PAPs' livelihoods are restored or improved. The RAP also puts in place appropriate remedial measures, including grievance channels, for the PAPs and other community members. This RAP has been prepared in the light of and is consistent with the policies and processes detailed in the Resettlement Policy Framework (RPF) for the Water Management and Development Project of the Ministry of Water and Environment (MWE) of Uganda. Therefore, the mitigations proposed to address the impacts on people and properties are in line with the laws and legislation in Uganda as well as the World Bank's Policy on Involuntary Resettlement, OP 4.12.

0.2 THE PROJECT-AFFECTED SITES AND POTENTIAL IMPACT

The AWSP PA with respect to this RAP has been taken as AMC and the surrounding seven sub-counties (SCs) of Dadamu, Oluko, Manibe, Katrine, Ajia, Vurra and Pajulu. Most of the project activities (water and sewer lines) will take place within the road reserves of both central government and local government roads. Several informal livelihood activities are found along these road reserves, including kiosks/sheds/stalls housing informal enterprises. Some commercial and residential buildings around AMC are very close or built within road reserve areas and will be partially affected. Land for waste stabilisation ponds (WSPs), lagoons, augmentation boreholes, water reservoirs and some transmission lines have been identified and valued for acquisition. All anticipated land takes will be partial and will not result in physical relocation to new sites.

The AWSP implementation will affect a total of 1,023 properties and activities. Of the project-affected properties, 27.6 per cent are in Arua Hill division, 31.8 per cent in River Oli division, 16.3 per cent in Dadamu SC, 9.5 per cent in Oluko SC, 10.4 per cent in Pajulu SC, 2.6 per cent in Manibe SC and 1.7 per cent in Vurra SC. The AWSP will directly affect 881 households with a total of 7,219 household members. Also, the AWSP activity implementation will directly affect 85 institutions. There are no PAPs or project-affected properties and or activities in Katrine and Ajia SCs. Most of the project-affected households are resident in Arua Hill division (27%) and River Oli division (31.6%) in Arua municipality.

A total of 835 structures will be affected, excluding land and crops. Most of the structures (63.5%) are: temporary-movable kiosks/stalls/sheds (34.8%) and live hedges/fences/barbed wire (28.7%). Few permanent structures/houses (6.8%), verandas/staircases (5.7%), paved yards (6.3%) and brick wall fences (2.7%) will be affected. Fewer temporary houses (4.8%), pit latrines/bath sheds (5.7%), semi-permanent houses (2.3%), graves (0.24%) and other properties (1.7%) will be affected. Most of the affected structures are located in Arua Hill division (33.4%) and River Oli division (36.9%), while fewer affected structures are located in Dadamu SC

(13.1%), Oluko SC (7.2%), Pajulu SC (7.4%), Vurra SC (1.2%) and Manibe SC (0.8%). The affected kiosks/sheds/stalls have in this RAP been considered and earmarked for temporary relocation.

Total land acquisition for this RAP is estimated at 103,260.869 m², equivalent to 25.516 acres, broken down as follows: WSPs/lagoons, 51,204.869 m² (49.6%); water/sewer lines, 36,783 m² (35.6%); augmentation boreholes, 700 m² (0.67%); water reservoirs, 12,500 m² (12.1%); and sewer lifting stations, 2,073 m² (2.0%).¹ Given the areas marked for project activity takeover, most of the respective PAPs (99%) observed that physical relocation was not necessary, while other PAPs were yet to consult other household or family members over the same. With respect to the affected property, 83.5 per cent were owners of affected property, while 10.1 per cent were licensees/renting or squatters on the affected space/property. Economically-displaced people are people whose livelihoods are affected by the proposed project sub-components and associated land takes. This applies to those whose businesses are required to be relocated, and those employed in a business, or those whose livelihood (income or subsistence) depends on the lost crops. Because the impact on structures and land (takes) are partial, no significant economic displacement is envisaged. No institutional displacement is anticipated. Several commercial structures, mainly temporary-movable kiosks/stalls/sheds housing informal income-generating businesses, will be temporarily affected.

0.3 METHODOLOGY AND APPROACH

A consultative-participatory approach was adopted to make clear the project sub-components and implementation activities, and to explain the likely impact and the resettlement measures available to the PAPs. The approach included the following tasks: community mobilisation and sensitisation; PAPs and property identification; property cadastral survey mapping; property assessment and valuation; institutional and individual stakeholder consultation; PAP census; a review of secondary sources and legislations related to the project area profile; data analysis; and report production. The outputs – community consultation minutes/lists, affected property survey data/strip maps, a survey report, property catalogues and a valuation roll, institutional and implementation arrangements, necessary references, annexes and social-economic profiles of PAPs – are all part of this RAP report.

0.4 INSTITUTIONAL AND LEGAL FRAMEWORK

The position of the Government of Uganda in relation to compensation to be paid if land is acquired or damage is caused to land and property or developments on land, is clear under the 1995 Constitution, the Land Act (Cap 227) and other laws of Uganda as well as the World Bank Safeguard Policies on Involuntary Resettlement (see the Resettlement Policy Framework – Ministry of Water and Environment, 2012). In particular, the following Ugandan laws were found to inform and comprise the legal framework for the RAP: the Land Act (1998), the Local Government Act (1997), the Uganda Constitution (1995), the Land Acquisition Act (1965), the Roads Act (1964), the Town and Country Planning Act (1964), the Water Act (1997); this was supplemented by the World Bank Safeguard Policy on Involuntary Resettlement.

Five institutions will be involved in resettlement and/or compensation implementation

¹ Besides this RAP, an additional land take for public sanitation facilities and water stand pipes is estimated at 5,000 m² (1.236 acres). This will be implemented separately during the project construction phase (see sub-section 1.3.8).

related to this project. These are the Ministry of Water and Environment (MWE) represented by the National Water and Sewerage Corporation (NWSC – the lead project developer/agency), the Ministry of Lands, Housing and Urban Development (MLHUD – the lead regulatory agency for resettlement/compensation and land rights registration), and Arua District Local Government, Arua Municipal Council and one civil society organisation (CSO) as advisory support agencies.

0.5 COMMUNITY PARTICIPATION AND CONSULTATION

The Consultant's RAP team undertook community and public consultations to ensure that the AWSP sub-components, the implementation activities and the likely impacts on the local people and their livelihoods were explained and openly discussed. Twenty-one community dialogues were conducted in the project area (see sub-section 1.5.2., Tables 1.1. and 2.1.3 and Chapter 5.0) between December 2011 and February 2012 and later in January and May 2013. Community dialogues covered the following issues: explanations about the project objectives, sub-components and implementation activities; property and livelihood impacts associated with AWSP implementation; the resettlement/compensation alternatives and strategies available for PAPs; the rights of PAPs; RAP preparation; valuation principles and procedures; and the approval process. Community members were mainly concerned about the likely impact of the AWSP activities on their livelihood with respect to land acquisition and damage to the developments/structures, trees and crops on their land and sustenance derived from roadside enterprises such as kiosks/stalls/sheds. The community members and stakeholders consulted voiced the need for prompt and adequate compensation for the PAPs to enable them to re-establish their property and livelihood activities. The views of the community members and other stakeholders consulted were documented and have been integrated into the resettlement measures and strategies outlined in this RAP, in conformity with the RPF.

0.6 COMPENSATION PRINCIPLES AND COMPENSATION STRATEGY

The compensation assessment procedure is in line with the Land Act (Cap 227) which puts into operation the constitutional provisions on land (under sections 43 and 78) (as described in the RPF) and also complies with the provisions of the World Bank Safeguard Policy on Involuntary Resettlement. All the PAPs, irrespective of their legal status, have been identified and are eligible for some form of compensation if they occupied the land, owned property or operated a livelihood activity within areas earmarked for project activity implementation at the 'cut-off date' which has been taken as 30 January 2013. The main RAP resettlement strategy will be adequate and prompt monetary compensation and resettlement assistance, including a disturbance allowance; and specialised assistance to vulnerable groups. The main strategy for resettlement compensation payment is based on the fact that most of the affected properties (63.5%) are small and movable (kiosks/stall/sheds) or peripheral (fences and live hedges). Most of the anticipated land takes are significantly small and are all partial; and, therefore, no physical relocation of PAPs to new sites is anticipated. Also, the livelihoods for most of the PAP households affected by land takes are not land-based, given the predominantly urban nature of most of the PA. Because the impact on structures and land (takes) are partial, no significant economic displacement is envisaged. Several temporary-movable kiosks/stalls/sheds housing informal income-generating businesses will be temporarily affected. Therefore, compensation for temporary loss of livelihood income has been considered as part of the 30 per cent

disturbance allowance, calculated in addition to the cost and/or replacement of the affected property. The respective PAPs expressed the preference to redevelop their residual land parcels and structures. In this regard, PAPs whose structures will be partially affected will be sensitised to the risk involved and the necessary safety precautions to be followed. The payment procedures for compensation have been outlined in the relevant section (6.3.4) and the criteria for land expropriation (6.7).

0.7 IMPLEMENTATION OF THE RAP

The RAP implementation will be undertaken by the developer in collaboration with the Arua District and Arua Municipal Local Government through a RAP Implementation Unit (RIU). The RIU will be staffed with a competent team. The RIU will report to and also benefit from support and policy supervision by senior NWSC management and the local advisory committee. PAPs will be paid their resettlement and compensation entitlements prior to the project works being carried out in the affected project area/sites. A number of complaints and grievances related to the valuation and compensation process may arise. A grievance management system and mechanism have been considered to settle such complaints and grievances promptly and amicably. Monitoring the RAP implementation process (part of the role of the RIU) and external evaluation of outcomes will be necessary in order to ensure the effectiveness and impact of the RAP. The source of funding for the RAP is counterpart funding from the Government of Uganda. The total budget for resettlement compensation is USh. 1,896,697,439 only, including a 30 per cent disturbance allowance. In addition, a 20 per cent administration cost for the RAP implementation, special assistance to vulnerable PAPs households, monitoring and evaluation has been considered. The overall total budget for the RAP resettlement compensation and implementation is USh. 2,276,036,926. A final report and a completion audit have been considered as pertinent elements of the RAP implementation end time.

1.0 INTRODUCTION AND BACKGROUND TO THE PROJECT

1.1 INTRODUCTION

This section describes the background to the project, the scope of the project sub-components, sub-components descriptions in relation to the affected areas, the purpose and objective of the RAP and the methodology adopted during RAP preparation.

The National Water and Sewerage Corporation (NWSC) has secured and allocated funds to be used for the Arua Water Supply and Sanitation Project (AWSP) in Arua. The AWSP objectives are to improve water and sanitation services in Arua town and several of the settlements around the municipality. This is defined as the project area (PA). The main objective of the AWSP is to put in place services that will lead to the achievement of an effective and efficient water supply and sewage system in Arua municipality and surrounding areas. This will ultimately increase the availability of safe water and proper sanitation services in the PA, resulting in improved accessible, reliable and economically sustainable water and sanitation services. The National Development Plan (NDP) identifies safe water facility or infrastructure development as a major focus for national development and achievement of Millennium Development Goals. The local leadership in Arua Municipal Council (AMC) and Arua District Local Government and the respective SCs in the PA are generally enthusiastic and supportive of the project. At the national and regional levels, the project constitutes a significant contribution to realising development interventions promised in the NDP (2010-2015) under the Social Sectors Development Strategy (7.7), and several of the local governments' development plans (DP), such as Arua District Development Plan (DDP 2010-2015) and AMC-DP (2010-2015).

1.2 PROJECT SCOPE DESCRIPTION

The design work for this project focused on infrastructure improvements in AMC and the surrounding seven sub-counties and will include the following sub-components:

- a) Rehabilitation of the water treatment works (WTWs);
- b) Construction of up to seven augmentation boreholes;
- c) Laying of transmission lines from the boreholes (BHs) to storage tanks or waterworks;
- d) Construction of an additional storage tank and enlargement of inlets, outlets and overflow of the existing tank;
- e) Improvements and extensions to the existing water network;
- f) Construction of waste stabilisation ponds (WSPs);
- g) Construction of a sewerage system for central Arua town and transmission to the WSPs;
- h) Provision of water and sanitation facilities in informal settlements.

The project activity works will take place within the confines of AMC and surrounding seven rural sub-counties of Dadamu, Pajulu, Oluko, Vurra, Manibe, Ajia and Katrine. The detailed scope of activities involved in each of the project sub-components and the affected areas are described below:

1.3 PROJECT SUB-COMPONENTS DESCRIPTION AND AFFECTED AREAS

1.3.1 REHABILITATION OF THE WATER IMPOUNDMENT

This work falls under the improvement of the raw water intake and is part of the rehabilitation of the water treatment works (WTWs). The raw water source is the River Enyau and water abstraction is through a concrete intake structure that protrudes approximately 4 m into the watercourse. The inlet structure is a U-channel 8.4 m long, 1.2 m wide and 3.1 m deep. Flow in the river is regulated by a weir, approximately 40 m downstream of the inlet structure. The weir is 16.5 m long, 0.95 m wide and 1.4 m deep. The proposed works at the water abstraction point will include alterations to the existing intake works and the provision of raw water storage. The project area for this project sub-component is located in Arua Hill division, AMC, on land already owned by the NWSC.

1.3.2 REHABILITATION OF THE WATER TREATMENT WORKS

All works for this project component will be undertaken within the confines of the existing WTWs. The works to be done include new aerators, additional sedimentation tanks, the rehabilitation of existing filters and new filters, a new chemical house, changes and improvements to electromechanical equipment, and the building of minor structures for adding equipment to optimise the treatment process. This project sub-component site is also located within Arua Hill division, AMC, on land already owned by the NWSC.

1.3.3 CONSTRUCTION OF UP TO SEVEN BOREHOLES TO AUGMENT THE CURRENT WATER SOURCE

Augmenting Arua's current water source with water from new boreholes has been considered. Up to seven boreholes will be developed for this purpose. Preliminary screening of boreholes in the surroundings of Arua town has been carried out and several boreholes are thought to have a high yield. There will be transmission lines from the boreholes to either the WTWs or a storage tank. The work includes the transmission of water from the proposed boreholes to storage tanks. With the exception of crossings (e.g. rivers and swamps), all pipelines will be buried. The external diameter of the transmission pipes will not be larger than 180 mm. All the land that has been identified for the BH site testing and development does not belong to the NWSC and will have to be acquired. The proposed argumentation borehole sites are located at Ozuvu village and Ambeko village, both in Adalafu parish, Pajulu SC; Jacindo cell, Kenya ward, Oli division; Nyio village, Nyio parish, Oluko SC; Nyai village, Pokea parish, Pajulu SC; Olivu village, Ombaci parish, Manibe SC; and Angufea village, Ariwala parish, Dadamu SC. The required land for the boreholes is privately held under customary tenure. This land will have to be acquired temporarily for testing; and permanently after confirming sufficient yield for development as augmentation sites. The valuation has considered the cost of permanent land acquisition for the

borehole sites since this takes care of a temporary acquisition position. Within this portfolio, the contractor and consultant will negotiate for temporary acquisition of the borehole sites for testing purposes.

1.3.4 CONSTRUCTION OF AN ADDITIONAL STORAGE TANK AND ENLARGEMENT OF INLET, OUTLET AND OVERFLOW OF THE EXISTING TANK

The works will include the construction of an additional storage tank at Giligili in Pajulu SC and the enlargement of inlet, outlet and overflow pipes of the existing tank on Arua town hill located within Arua Hill division, AMC. The volume of the new storage tank is 3,500 m³. The existing tank to be enlarged has a volume of 1,350 m³ and is located in Arua Hill division, on land that is already owned by the NWSC. There is a proposed water storage tank at Nyai/Giligil village, Pokea parish, Pajulu SC on freehold land that belongs to Government Prisons Services, under the Ministry of Internal Affairs. There is another proposed future storage tank at Odianyadri village, Eruba parish, Vurra SC on land that belongs to Arua District Local Government Forestry Services Department but under leasehold to the Uganda Young Women Association, Arua branch for controlled community forestry cropping.

1.3.5 IMPROVEMENTS AND EXTENSIONS TO THE EXISTING WATER NETWORK

This project sub-component activities/work will be undertaken within the confines of AMC and the neighbouring SCs. This will include the replacement of existing asbestos cement (AC) pipes, laying of new pipes in areas that are already served by the water network to improve service provision, and laying of new pipes in areas that are not yet served by the water network. With the exception of crossings (e.g. rivers and swamps), all pipelines will be buried. The external diameter of the largest pipes will not exceed 350 mm and most pipes will have a diameter of less than 250 mm. The project activities will take place mainly along road reserves within AMC and the SCs of the PA. Along the major roads, the laying of new transmission lines will extend from AMC to Ocoko village in Ajia SC along the Arua-Nebbi road; Wandi village in Katrine SC along the Arua-Rhino Camp road; Ayelembe village in Vurra SC along the Odinnyadri-Vurra Customs road; and Oluko village in Oluko SC along the Arua-Oluko road. Other areas/roads which will be affected by the laying of the water transmission and sewerage pipes are reflected in the project activity map and **Appendix E** – the strip maps submitted as a separate volume.

1.3.6 CONSTRUCTION OF WASTE STABILISATION PONDS

The proposed project sub-component works will include the construction of WSPs for the treatment of sewage and will involve land takes. Two sites have been identified for this purpose. One site is located at Prisons cell, Kenya ward, AMC on land under freehold owned by the Government of Uganda Prisons Service. The other site for the proposed WSPs is privately owned land under customary tenure and is located at Onduparaka, Ozuvu village, Adalafu parish, Pajulu SC. The proposed Onduparaka WSP site is situated close to and partly on land owned by the NWSC.

1.3.7 CONSTRUCTION OF A SEWERAGE SYSTEM FOR CENTRAL ARUA AND TRANSMISSION TO THE WSP

AMC does not currently have any sewered area. The AWSP is intended to provide, as a minimum, sewerage services to the central district of town. For that, sewer pipes will need to be laid and buried and manholes constructed. With the exception of crossings (e.g. rivers and swamps), all pipelines will be buried. The external diameter of the largest pipes will not exceed 250 mm. Sewer lines will be laid in AMC covering mainly the civic and business centres. Other areas/roads which will be affected by the laying of the sewer lines are reflected in the project activity map and **Appendix E** – the strip maps submitted as a separate volume. Three sites have been identified for the sewage lifting stations: along the Adroa road, Wadriff road and Ujio road, all in River Oli division, Arua municipality. The identified site for the sewage lifting station along the Adroa road is located at Obolokufoko East cell, Tanganyika ward, River Oli division. The identified site for the sewage lifting station along the Wadrif road is located at Oluodri cell, Pangisa ward, River Oli division. The identified site for the sewage lifting station along the Ujio road is located at Prisons cell, Kenya ward, River Oli division.

1.3.8 WATER AND SANITATION FACILITIES IN INFORMAL SETTLEMENTS

The project will provide water and sanitation services in the informal settlements of Arua town. This will include public water extraction points and community latrines. At the time of the RAP preparation the specific sites for public/informal community latrines and public water extraction points had not yet been selected and, therefore, have not been considered as part of this RAP – apart from the projected valuation estimates for the required land, assuming that such land will be free of residence and other livelihood activities/structures (see valuation report, **Appendix D**). The required land take for public sanitation facilities and water stand pipes is equivalent to 5,000 m². During project implementation, another RAP consistent with the RPF will be prepared to address these impacts since specific sites have not yet been identified. Therefore, after the local governments have identified the actual sites for the public water extraction points and latrines the project contractor and supervision consultant will make arrangements for another RAP for the PAPs to be affected under this project sub-component.

1.3.9 CATCHMENT MANAGEMENT AND SOURCE PROTECTION

The project will include interventions supporting the sustainable management of water catchment and the protection of water sources, including the restoration and re-vegetation of river banks, the implementation of riverbank protection regulations, the implementation of wetland regulations etc. Most of these catchment management and water source protection activities will take place in the upstream areas of River Enyau through mainly community engagement and sensitisation for sustainable livelihood practices, the enforcement of wetland regulations and river bank protection guidelines and river bank restoration. At the time of the RAP preparation the specific sites for catchment restoration and water source protection activities in the upstream areas of River Enyau had not yet been identified. It is anticipated that this project sub-component activities will not involve any land takes or physical and socio-economic displacements. However, should this arise, another RAP consistent with the RPF will be prepared to address these impacts. Therefore, the project contractor and

supervision consultant, in collaboration with the local leadership, will make arrangements for another RAP for the PAPs to be affected under this project sub-component.

1.4 OBJECTIVES OF THE RESETTLEMENT ACTION PLAN (RAP)

The purpose of the RAP was to identify PAPs and their properties, value them and provide a strategy for resettlement/compensation to ensure that the PAPs' livelihoods are restored and/or improved. In addition, the RAP preparation was aimed at making stakeholders aware of the project sub-components, implementation activities and the related resettlement measures or the alternatives available for the PAPs. The goal of this RAP is to minimise economic and social impacts that would arise from involuntary resettlement or economic and social displacements associated with project activities implementation. This RAP has allowed for adequate resettlement/compensation for the PAPs and appropriate remedial measures, including grievance mechanisms for PAPs. The main objectives of the RAP are:

- (a) To identify PAPs and their properties and determine the extent of involuntary resettlement/displacements and restricted access impacts associated with the project implementation and put in place measures to minimise and/or mitigate such impacts;
- (b) To value PAPs' property and assets (compensation costs, disturbance allowances and other assistance values) and provide a strategy for the compensation of PAPs;
- (c) To set out strategies for the implementation of the RAP, including the process through which to acquire the necessary land and easements for the implementation of the AWSP project activities; and
- (d) To carry out consultations with community members and other stakeholders, including PAPs, and make them aware of the project sub-components and to obtain their concerns regarding the economic and social impacts of the proposed AWSP and mitigation measures.

In order to achieve the above objectives, the RAP team undertook a highly participatory and consultative approach. This RAP is consistent with the policies and processes detailed in the RPF for Water Management and Development Project of the MWE and have taken into consideration the legal and policy requirements of the Government of Uganda and the World Bank Safeguard Policy on Involuntary Resettlement. Therefore, the mitigations proposed to address the impacts on people and properties are in line with the laws and legislation in Uganda as well as the World Bank's Policy on Involuntary Resettlement, OP 4.12. This RAP defines the procedures and methodology for identifying the PAPs and spells out the compensation entitlements for PAPs, the socio-economic profiles of the PAPs, the legal and institutional framework that impacts on resettlement and compensation, the community consultation strategy and grievance handling mechanisms, the RAP implementation procedures and budget, and the RAP monitoring and evaluation system.

1.5 METHODOLOGY AND APPROACH

The methodology and approach adopted in preparing this RAP is consistent with the laws of Uganda as well as donor safeguard policies. A registered property valuer and cadastral surveyor identified, surveyed and valued the property of the PAPs. A sociologist led the PAP census and community consultations. The following approach was used:

1.5.1 PAP STUDY, DESIGN AND PROCEDURE

The PAP study design employed both qualitative and quantitative methods of data collection and stakeholder consultations. By design all PAPs were enumerated. All key institutional stakeholders were consulted at the district, AMC, SC/division, parish and village/cell levels. With the assistance of the parish chiefs and community development assistants, community consultation dialogues were held at selected parishes and trading centres in the PA. The stakeholders and places of consultation are attached as **Appendix I**. The RAP data collection methods are described in the following sub-sections.

1.5.2 PAP CENSUS DATA COLLECTION AND COMMUNITY CONSULTATION METHODS

The PAP census data was collected through the household interview with all PAPs' households. The household interview solicited quantitative information regarding the PAPs' household demographic structure, employment and labour, property and landholdings, the assets affected, the educational profile, household health wellbeing and welfare, income and expenditure patterns, the anticipated impact of the proposed AWSP implementation activities and the preference for compensation, among other RAP issues. The community and institutional stakeholder consultation methods were: 21 community dialogues at selected parishes and trading centres in the PA, 29 key institutional stakeholder interviews, and reference to secondary data sources. This is reflected in **Table 1-1** below. The lists of key persons and institutions consulted are reflected in **Appendix H**. Community consultations were carried out between December 2011 and February 2012 and later on in January and May 2013. The PAP census was carried out in February 2012 and subsequently updated in January and May 2013. Community consultation dialogues covered the following issues: Introductions to and explanations about the project objectives, sub-components and implementation activities, property and livelihood impacts associated with AWSP implementation including physical, social and economic displacements throughout the project cycle and thereafter, the resettlement/compensation alternatives and strategies available for PAPs, and feedback from the PAPs and other stakeholders concerning alternative resettlement measures and the RAP implementation. The principles regarding the alternative resettlement/compensation measures and strategies available (see section 6.2 and sub-section 6.3.4) and the valuation principles and procedures (see section 6.4 and 6.5) were explained in detail to the PAPs and other stakeholders during and after the community dialogues. The views of the community members and other stakeholders consulted were documented and have been integrated into resettlement measures and strategies outlined in this RAP, in conformity with the RPF (see also sub-section 0.5 and 2.1.3 and Chapter 5.0).

Table 1-1: PAP Census and Community/Stakeholder Consultation Methods/Techniques

Activity	Target group(s)/areas	Methods and techniques
1 PAP census	PAPs	Household interviews
2 Key institutional stakeholder consultations	Key stakeholder consultations held with central government agencies or regional offices in Arua with Resident District Commissioner (RDC), Regional Prisons Commander (RPC), Uganda National Roads Authority (UNRA), Uganda Forestry Authority (UFA) and Arua District Local Government and Arua Municipal Council technical staff and political leaders, selected SC/AMC divisional technical staff and leaders	Key informant interviews
3. Community consultations	Community dialogues held at the following parishes: Awindiri and Mvara in Arua Hill division; Pangisa, Kenya and Tanganyika in River Oli division; Arivu, Ariwala, Oduluba and Tanganyika in Dadamu SC; Adalafu, Ambeku, Komte, Okaliba and Pokea in Pajulu SC; Ocoko parish in Ajia SC; Kuluva, Ayelembe and Eruba in Vurra SC; Ewadri and Ombaci in Manibe SC; and Onzivu parish in Oluko SC.	Community dialogues

1.5.3 PROPERTY OWNERSHIP DATA COLLECTION METHODS

Information on ownership of land and other affected property was collected through the identification and verification of ownership (titles and/or agreements for the land, buildings and other properties), ownership verification from tenants, neighbours and local leaders (LCs). Crops and trees were counted by the property valuers together with the owners or licensees, in the presence of LCI leaders and parish or town agents after ascertaining the extent of the affected land and/or crops/trees. All property information collected was recorded on a 'Compensation Assessment Record Sheet' specifically designed for this purpose and later transferred to a valuation roll submitted as part of a valuation report, **Appendix D**. The property valuation assessment sheet is presented as **Appendix I**.

Ground property data was captured using various survey equipment, including global positioning system (GPS) and electronic equipment for precise measurement. The ground property information captured comprised coordinates of ground property positions. This was the basis for thematic strip maps and cadastral plans. The main software used was the AutoCAD system.

1.5.4 DATA ANALYSIS AND QUALITY CONTROL

Quantitative PAP census data was analysed using the Statistical Package for Social Sciences (SPSS). The quantitative data has been presented in the form of descriptions, frequencies, tables and percentages. Qualitative data from community dialogues and key institutional stakeholders was manually analysed around the major themes/objectives of the RAP.

The Arua district approved compensation rates (2010) have been used to analyse and compute compensation values for crops and temporary structures.² Land and permanent structures have been assessed according to the provisions of the Land Act (1998) as detailed in the Legal and Policy Framework section, 2.0. For property ground data, the analysis was done using the AutoCAD software. Other property data collected was organised into and analysed with Microsoft Excel Worksheets using several variables such as approved compensation rates from DLB/DLO, replacement values, cost of inputs/materials, location of property, size and classification of trees, tenure, size and value of land, among other considerations.

² At the time of RAP implementation, it will be necessary to consider the updated district approved valuation rates for temporary structures and crops/plants to take into consideration price escalations as a result of inflation. This can also be, prospectively, considered when preparing the bidding cost estimates for this project.

2.0 POTENTIAL IMPACTS OF PROJECT SUB-COMPONENTS

This section describes the project sub-components and their potential impacts in terms of property and livelihood activities likely to be affected by the implementation of project activities. This section presents the PAP categories and types of livelihood properties/structures and socio-economic services that are likely to be affected or lost as a result AWSP implementation. The property analysis write-up is based on records accessed from the PAP valuation roll and PAP census. Wherever applicable, the project sub-components implementation activities and the extent of impact have been presented. Alternative measures to minimise resettlement, displacements and restricted access are also discussed. A summary of potential project impacts is presented in **Table 2-1**.

2.1 ZONES OF POTENTIAL IMPACT OF PROJECT SUB-COMPONENTS/ACTIVITIES

The direct project zone of influence has been taken as AMC and the surrounding seven sub-counties where the project sub-components and activities will be implemented leading to PAPs: Oluko SC, Vurra SC, Manibe SC, Pajulu SC, Katrine SC, Ajia SC and Dadamu SC. The project-affected sites in the PA are diverse. The following parishes in the PA will be directly affected by project activity implementation. In Arua Hill division, the affected sites or parishes are Awindiri, Bazar and Mvara. In River Oli division, the affected sites or parishes are Pangisa, Kenya and Tanganyika. In Dadamu SC, the affected parishes are Arivu, Ociba, Ariwala, Oduluba, Tanganyika, Yapi and Zeuva. In Pajulu SC, the affected parishes are Adalafu, Ambeku, Driwala, Komte, Okaliba and Pokea. In Ajia SC the affected parish is Ocoko, while in Vurra SC the affected parishes are Kuluva and Eruba. In Manibe SC, the affected parishes are Ewadri and Ombaci, while in Oluko SC the affected parishes are Nyio, Bunyu and Onzivu parishes.

The impacts will mostly be felt around AMC and built-up areas of Dadamu, Oluko and Pajulu SCs, where more roadside informal enterprises as well as built-up temporary and permanent structures are found. Most of the affected livelihood activities along the designated roads are informal enterprises housed in open sheds, movable metallic and wood kiosks, crops, trees and hedges/fences. Relatively fewer permanent and temporary structures will be affected. There are some institutions, mainly in AMC (schools, commercial enterprises, entertainment centres and health facilities) along some of the roads, where the laying of the water and sewer transmission pipes will take place. It is mainly the fences/hedges and verandas of these institutions that will be affected and will, therefore, not translate into significantly restricted access to services offered by these institutions. The total number of project-affected properties is 1,023. Of the project-affected properties, 27.6 per cent are in Arua Hill division, 31.8 per cent in River Oli division, 16.3 per cent in Dadamu SC, 9.5 per cent in Oluko SC, 10.4 per cent in Pajulu SC, 2.6 per cent in Manibe SC and 1.7 per cent in Vurra SC. The AWSP will directly affect 881 households with a total of 7,219 household members. A summary of project sub-components impacts by zone/area is presented in **Table 2-1**.

Table 2-1: Potential Impacts of Project Sub-Components by Area

Division /Sub-county	No. of PAPs/PAls: Water /Sewer line/ Wayleave	No. of PAPs/PAls: WSPs/ Lagoons	No. of PAPs/PAls: Boreholes sites	No. of PAPs/PAls: Water reservoirs	No. of PAPs/PAls: Sewer lifting stations	Totals
Arua Hill division	282	1	-	1	-	284
River Oli division	321	-	1	-	3	325
Dadamu SC	166	-	1	-	-	167
Oluko SC	96	-	1	-	-	97
Pajulu SC	95	7	4	-	-	106
Manibe SC	26	-	1	-	-	27
Vura SC	15	-	-	2	-	17
Total	1,001	8	8	3	3	1,023

2.1.1 IDENTIFICATION OF THE PROJECT SUB-COMPONENTS AND POTENTIAL IMPACTS

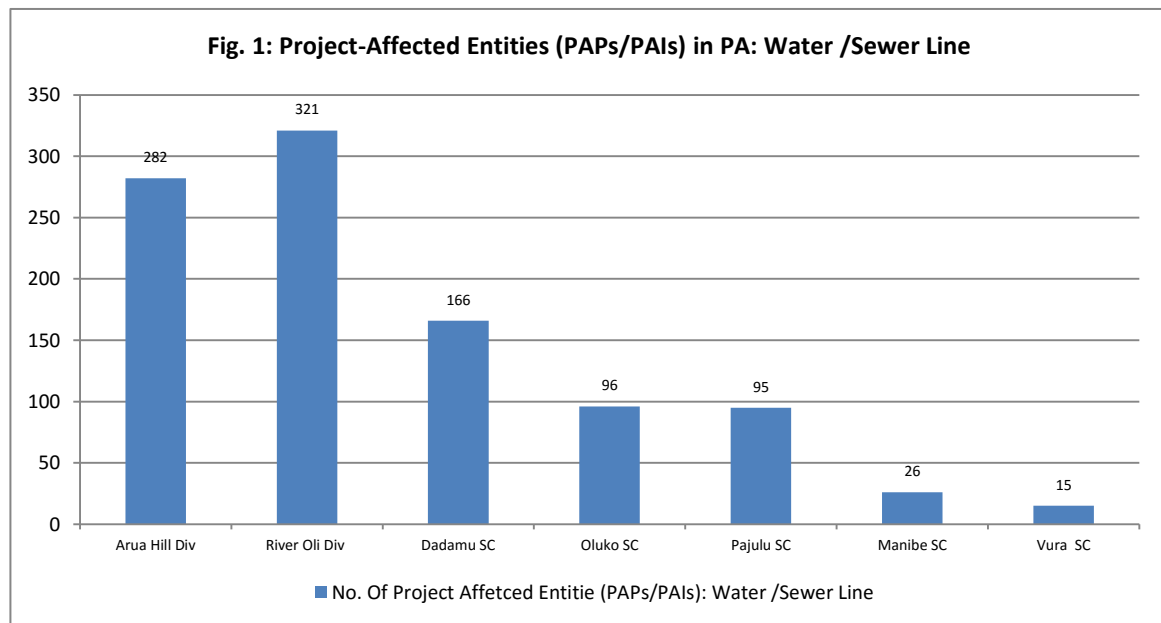
Owing to the nature of project activities, some land acquisition and related livelihoods impact is inevitable. The relative potential impact of the project sub-components is described in the sub-sections that follow.

(a) Impact of improvement and extensions to the existing water network and construction sewer lines

The major project activity will be the laying of water and sewer transmission lines. Most of the project sub-component activities for water and sewer lines will take place along/within road reserves. The extent of project activities along the designated roads in the PA is indicated in the strip maps (submitted as a separate volume – **Appendix E**). Most of the properties affected by water/sewer lines along the road reserves are movable kiosks/sheds/stalls, fences/hedges and a few permanent and temporary buildings. This is because some of the buildings/structures along some of the roads in AMC extend into the road reserve areas/corridor. The water/sewer lines/wayleaves impact on PAPs will be more strongly felt in River Oli division (32.1%), Arua Hill division (28.2%) and Dadamu SC (16.6%) as compared to Oluko SC (9.6%), Pajulu SC (9.5%), Manibe SC (2.6%) and Vurra SC (1.4%). This is reflected in Fig. 1.

There are only a few areas outside the road reserves where the laying of water and sewer lines will involve partial acquisition of wayleaves and partial demolition of some structures. The required land take for the wayleaves for the laying of the water and sewer pipes is generally low at 36,783 m² (9.089 acres). Overall, most of the PAPs

(97.8%) will be affected by the laying of water/sewer lines. Nearly 99 per cent of the total 835 affected structures will be due to the project sub-component involving the laying of water and sewer transmission lines.



The project impact on kiosks/sheds and stalls housing informal economic enterprises along the road reserves will be temporary. All affected kiosks/stall/sheds, therefore, have, in this RAP, been considered for temporary relocation. The impact on crops and trees will be mainly felt outside AMC where crop farming is the main livelihood activity. The extent of impact of water and sewer lines is estimated at US\$. 70,669,200 for crops and trees, and US\$. 776,493,314 for structures and other improvements. The cost of land takes for the wayleaves for this project sub-component is estimated at US\$. 396,936,616. The water and sewer transmission lines will partially affect 57 permanent structures, 19 semi-permanent structures and 40 temporary structures.

(b) Impact of construction of waste stabilisation ponds (WSPs) and lifting stations

Two sites have been identified for the WSPs/lagoons sub-component. One site is located on land at Prisons cell, Awindiri parish, Arua Hill division in AMC on freehold land owned by the Uganda Government Prisons Services, under the Ministry of Internal Affairs. The second WSP/lagoon site is located near Onduparaka trading centre, Ozuvu village, Adalafu parish in Pajulu SC on private and customarily held land close to land held by the NWSC. The land required for the WSPs is free of human residential settlement and is currently being used for scattered crop and tree farming at both sites. The anticipated land takes for the WSPs are partial and low at

51,205 m² (12.653 acres) and will not result in physical relocation for the PAPs. There are seven PAPs and one PAI impacted upon by this project sub-component. Only one temporary structure for one PAI will be affected. The required land takes for WSPs is valued at USh. 111,144,000, while the impact on structures is valued at USh. 1,269,000.³ The extent of impact of WSPs sub-component on crops and trees is estimated at USh. 6,619,000.

Three sites have been identified for the sewerage lifting/pumping stations: along the Adroa road, the Wadrif road and the Ujio road, all in River Oli division. The identified site for the sewerage lifting station along the Adroa road is located at Obolokufoko East cell, Tanganyika ward, River Oli division on privately held leasehold land. The sewerage lifting station site along the Adroa road is currently vacant but fenced off. The identified site for the sewerage lifting station along the Wadrif road is located at Oluodri cell, Pangisa ward, River Oli division on privately held leasehold land. The site along the Wadrif road is free of residential settlement and is currently being used for scattered crop and fruit tree farming. The identified site for the sewerage lifting station along the Ujio road is located at Prisons cell, Kenya ward, River Oli division on privately held leasehold land. The extent of land takes for all the proposed sewerage lifting stations is 2,073 m² (0.512 acres) valued at USh. 37,820,974. The proposed sewerage lifting stations will impact on only three PAPs. The crops and trees impacted upon by this project sub-component have been valued at USh. 737,000, while the impact on structures has been valued at USh. 30,000.

(c) Impact of construction of additional storage tank, boreholes and expansion of existing one

There are two proposed water reservoirs to supplement the existing one at Arua Hill. There is a proposed water storage tank at Nyai/Giligil village, Pokea parish, Pajulu SC on freehold land belonging to the Uganda Government Prisons Services, under the Ministry of Internal Affairs. There is another proposed future storage tank at Odianyadri village, Eruba parish, Vurra SC on land that belongs to the Forestry Services Department, Arua District Local Government, but under leasehold to the Uganda Young Women Association, Arua Branch for controlled community forestry cropping. The extent of land required for the construction of additional storage tanks/reservoirs is 12,500 m² (3.089 acres) and has been valued at USh. 49,421,081.⁴ These two sites are free of residential/official structures and will, therefore, not result in physical resettlement. Only three PAIs are involved with respect to the implementation of the water reservoirs project sub-component. There are crops and

³ The cost of land takes for the WSP at Prisons cell owned by the Uganda Government Prisons Services has been discounted from the total costs of land for this project sub-component. This is because the developer has initiated inter-agency dialogue with the responsible land owners/regulators and there are indications of 'no objection' of offer to the developer at zero cost, apart from the developments/structures on the said land (refer to Appendix M, procedures and outcomes of engagements for the acquisition of public land by the developer).

⁴ The cost of land take for the water reservoir at Nyai/Giligil cell owned by the Uganda Government Prisons Services has been discounted from the total costs of land for this project sub-component. This is because the developer has initiated inter-agency dialogue with the responsible land owners/regulators and there are indications of 'no objection' of offer to the developer at zero cost, apart from the developments/structures on the said land (refer to Appendix M, procedures and outcomes of engagements for the acquisition of public land by the developer).

trees around the identified reservoir sites that are likely to be affected and they have been valued at USh. 3,735,000.

The proposed augmentation borehole sites are located at Ozuvu village and Ambeko village, both in Adalafu parish, Pajulu SC; at Jacindo cell, Kenya ward, Oli division; at Nyio village, Nyio parish, Oluko SC; at Nyai village, Pokea parish, Pajulu SC; at Olivu village, Ombaci parish, Manibe SC; and at Angufea village, Ariwala parish, Dadamu SC. All the land required for the boreholes is privately held under customary tenure. This land will have to be acquired temporarily for testing; and permanently after confirming sufficient yield for development as augmentation sites. The valuation has considered the cost of permanent land acquisition for the borehole sites since this takes care of the temporary acquisition position. Within this portfolio, the contractor and consultant will negotiate for temporary acquisition of the borehole sites for testing purposes.

The required land size for the augmentation boreholes is relatively low at 700 m² (0.173 acres) and has been valued at USh. 3,854,844. Land takes for this project sub-component will be partial and will not translate into physical resettlement. The PAPs will only 'step back' on the same sites at both the testing and, where necessary, the development stages. Only six PAPs and two PAIs are potentially impacted upon with respect to the implementation of this project sub-component. Only a few crops and trees will be impacted upon by this project sub-component implementation valued at USh. 268,000.

(d) Impact of construction of public sanitation facilities and stand pipes

The anticipated land takes for the public toilet facilities and water stand pipes is estimated at 5,000 m² (1.236 acres). The projected cost for land acquisition for this project sub-component is detailed in the valuation report, **Appendix D** – assuming that the anticipated land to be acquired will be free of crops, structures and other developments. The PAPs and properties likely to be affected by this project sub-component are, therefore, not yet determined and are not part of this RAP. This project sub-component will be implemented separately during the project construction phase (see sub-section 1.3.8).

(e) Impact of project sub-components on community infrastructure and social services

A total of 85 PAIs have been identified and will be mainly but partially impacted on by the laying of water and sewerage transmission lines. The PAIs are reflected in **Appendix F**. It is mainly the fences/live hedges, verandas and crops that will be affected since most of these institutions are close to or by the roadsides. Project activities will only translate into limited and temporary restrictions of access to the services offered by these PAIs. Only one community borehole will be affected by water transmission lines in Obolokofoku zone, River Oli division, AMC. This community borehole has been identified and valued, and will be replaced by the developer within the same community. Also, the water transmission lines will affect/displace seven cemented and three earth graves in Arua Muslim cemetery.

These, too, have been valued for compensation. However, it is advised that consideration be given to avoiding displacing these graves during construction.

2.1.2 EXTENT OF PROJECT IMPACT ON PROPERTY AND LIVELIHOODS

The relative impact of the project sub-components on structures or developments excluding crops/trees is described here. A total of 835 structures will be affected, excluding land and crops. Most of the structures to be affected are movable kiosks/stalls/sheds (34.8%) and live hedges/fences/barbed wire (28.7%). Only a few permanent structures/houses (6.8%), verandas/staircases (5.7%), paved yards (6.3%) and brick wall fences (2.7%) will be affected. Fewer temporary houses (4.87%), pit latrines/bath sheds (5.7%), semi-permanent houses (2.3%), graves (0.24%) and other properties (1.7%) will be affected. Most of the affected structures are located in Arua Hill division (33.4%) and River Oli division (36.9%), while fewer affected structures are located in Dadamu SC (13.1%), Oluko SC (7.2%), Pajulu SC (7.4%), Vurra SC (1.2%) and Manibe SC (0.8%). The affected kiosks/sheds/stalls have in this RAP have been earmarked for temporary relocation. The extent of the affected structures by project sub-component activities in PA are presented in **Table 2-3**, while the affected property details and locations are displayed in **Appendix D**, the valuation report/roll, and **Appendix E**, the strip maps (submitted as a separate volume).

Table 2-2: Project Affected Structures by Project Sub-Component and Area

No.	Type of Structure	Sub-county/Division							
		Arua H. Div.	R. Oli Div.	Dadamu	Oluko	Pajulu	Manibe	Vurra	Total
1	Permanent Buildings	11	28	9	7	2	0	-	57
2	Semi-permanent buildings	1	12	2	1	1	2	-	19
3	Temporary structures	15	17	3	3	2	0	-	40
4	Pit latrines/ bathrooms	5	34	6	3	0	0	-	48
5	Metallic kiosks	52	29		0	7	0	-	88
6	Timber kiosks	24	26	4	2	16	2	2	76
7	Block wall/brick wall fence	12	4	5	2	0	0	-	23
8	Live hedge/ barbed wire fence	39	89	59	29	17	3	4	240
9	Verandas/ staircases	27	21	4	1	0	-	-	53
10	Paved/concrete yards/retaining walls	32	8	4	1	2	-	1	48
11	Sheds/stalls	60	31	11	11	12	-	2	127
12	Graves	-	2	-	0	0	-	-	2
13	Others	1	7	2	0	3	-	1	14
	Total	279	308	109	60	62	7	10	835

Because the impact on structures and land (takes) are partial, no significant economic displacement is envisaged.⁵ No institutional displacement is anticipated. Several commercial structures, mainly temporary-movable kiosks/stalls/sheds housing informal income-generating businesses, will be temporarily affected. With respect to livelihood restoration, therefore, compensation for temporary loss of livelihood income has been considered as part of the 30 per cent disturbance allowance, calculated in addition to the cost and/or replacement of the affected property.

Total land acquisition for this RAP is estimated at 103,260.869 m² (25.516 acres), broken down as follows: WSP/lagoons, 51,204.869 m² (49.6%); water/sewer lines, 36,783 m² (35.6%); augmentation boreholes, 700 m² (0.67%); water reservoirs, 12,500 m² (12.1%); and sewer lifting stations, 2,073 m² (2.0%). A detailed breakdown of the land takes for each specific project sub-component activity by project area is provided in the survey report, **Appendix M**, and in the valuation roll (pages 1-43 for water and sewer lines, pages 44-45 for WSPs/lagoons, page 45 for water reservoirs and page 46 for sewer lifting stations) submitted as part of the valuation report, **Appendix D**. The summarised land areas to be acquired by each of the project sub-components are reflected in **Table 2-3** below.

Table 2-3: Land Area to be Acquired by Project Sub-Components

Affected land to be acquired in:	Project sub-components						Totals
	Water & sewer lines	Lagoon sites	Borehole sites	Water reservoir Sites	Sewage lifting stations	Public sanitation facilities and water stand pipes ⁶	
Sq. metres	36,783	51,204.869	700	12,500	2,073	To be acquired separately	103,260.869
Acres	9.089	12.653	0.173	3.089	0.512	To be acquired separately	25.516
Hectares	3.678	5.120	0.07	1.250	0.207	-	10.325

⁵ Economically-displaced people are people whose livelihoods are affected by the proposed project sub-components and associated land takes. This applies to those whose businesses are required to be relocated, and those employed in a business, or those whose livelihood (income or subsistence) depends on the lost crops.

⁶ This project sub-component will be implemented separately during the project construction phase and has not been considered as part of this RAP (see sub-section 1.3.8).

2.1.3 ALTERNATIVES AND MECHANISMS TO MINIMISE RESETTLEMENT/DISPLACEMENT AND RESTRICTED ACCESS

A number of alternatives and mechanisms have been considered to avoid or minimise resettlement/displacement and restricted access to socio-economic services during the design and implementation of project activities. This is also in consideration of the concerns of community members and institutional stakeholders consulted (see also sub-sections 0.5 and 1.5.2 and Chapter 5.0).

- (a) Reduction in the required working space:** In heavily built-up areas around the AMC central business district and in River Oli division attempts have been made to reduce the required working space/corridor for laying of the water and sewer transmission pipes. Some of the buildings very close to or within the road reserve areas have been identified along the Rhino Camp road, Go-Down road, Hospital road and Duka lane which lie within the wayleave. A practical working space of about 2 m from the edge of the road to the buildings has been considered and can be secured, which may enable manual excavation to take place without the need to demolish or extensively damage the structures/buildings. This will reduce the extent of resettlement/displacement and the related compensation costs.
- (b) Reinstatement of partially affected structures:** Similarly, some of the covered verandas and staircases that extend beyond the 2 m of the secured practical working space around the central business area of AMC will be reinstated by the contractor after the water and sewerage transmission pipes have been laid. Partially affected property would be reinstated as soon as possible and during that time normal construction safety procedures would be followed to prevent injuries. These safety procedures would also apply to partially affected properties that the owners desire to reconstruct (see sub-section 2.3.4).
- (c) Use of manual excavation:** The authorised developer and the appointed contractor will as much as possible use manual excavation in heavily built-up areas around the central business district of AMC. This will enable the project to minimise the extent of structural damage associated with machine excavation in such heavily built-up areas. Also, the water transmission lines will affect/displace seven cemented and three earth graves in Arua Muslim cemetery. These, too, have been valued for compensation. However, it is advised that consideration should be given to avoiding displacing these graves during construction. One option to consider is to manually work within the minimum available space along the respective stretch of this road to avoid displacing these graves as the Muslim community members consulted were not comfortable with grave relocation. The second option, under resettlement compensation, is to consider further dialogue with the Muslim community leadership that manages the cemetery and the custodians or trustees of the affected graves to have them relocated within the same cemetery. Specific communication will have to be developed (as part of the communication strategy for the RAP implementation) to engage the Muslim leadership and the custodians or trustees of the affected graves for in-house and open

dialogues with the RAP implementation team to develop consensus over resettlement compensation and grave relocation procedures acceptable to Islam. The costs of grave relocation approved by the local authority district land board and the 30 per cent disturbance allowance thereof are considered sufficient for the second option. However, the costs of the in-house and open dialogues and other procedural matters agreed upon with the Muslim leadership should be considered as part of the RAP implementation and administrative costs (see sub-section 8.5).

- (d) Temporary relocation (step-back):** Most of the activities related to the laying of the water and sewerage transmission lines have, by design, been located along road reserves within a working average space of 4 m from the edge of the road. This has restricted most of the impacts to temporary structures like kiosks/sheds/stalls which have been subject to temporary displacement in this RAP. The affected owners will be able to pull back during construction and return their structures after construction. This is anticipated to last not more than one month for any specific location along the road reserves. This will minimise their effect on livelihoods and access to such informal enterprise services along the PAs. A disturbance allowance has been considered in respect of temporary loss of livelihood income.
- (e) Selection of non-residential sites:** As much as possible, besides engineering design prerequisites, site selection has been guided by the desire to minimise the displacement of human settlements/residences and preference for public and/or private land which is residence-free.
- (f) Social services access points will remain open or alternative entry points will be provided:** Access points for institutions offering social services such as schools and health facilities along the affected road reserves will not be blocked or alternative entry points will be provided by the contractor while on site in such areas. One strategy is to work on the entry points of such service institutions at weekends or during breaks when the access points are not fully engaged.
- (g) Re-design of project sub-components:** Some of the project sub-component activities, such as laying sewer lines along some sections of the Avenue road and heavily built-up areas with constrained road reserves, have been re-routed to other roads without compromising the desired gravitation and accessibility to the central business area. This has minimised the extent of damage to structures along such road reserves.
- (h) Reinstatement of community infrastructure:** Only one community borehole will be affected by laying of the water transmission lines in Obolokofoku zone, River Oli division, AMC. This community borehole has been identified and valued, and will be promptly replaced by the developer or the appointed contractor within the same community.

3.0 SOCIO - ECONOMIC SURVEYS/PROFILE OF PROJECT AREA (PA) AND PROJECT-AFFECTED PERSONS (PAPs)

3.1 SOCIO-ECONOMIC DESCRIPTION OF THE PROJECT AREA

3.1.1 PROJECT AREA (PA) LOCATION AND ETHNICITY

The project area (PA) is well beyond the boundaries of AMC and includes Pajulu SC, Dadamu SC, Oluko SC, Vurra SC, Ajia SC, Katrine SC and Manibe SC. According to the baseline survey for AWSP (2011), the ethnic composition of the PA comprises: Lugbara (74.1%), the largest ethnic group in the district and municipality, followed by Kakwa (8.3%), Madi (4.8%), Alur/Luo (4.3%), non-citizens/refugees (4.3%) and other ethnic groupings (8.1%). This ethnicity trend is similar to that observed in the PAP census.

3.1.2 PROJECT AREA (PA) LAND TENURE/USE, POPULATION AND SETTLEMENT PATTERN

Two predominant land tenure systems found in Uganda occur in the PA: customary and leasehold. Customary land tenure is predominant in rural areas while leasehold is common around AMC and the suburbs. Freehold is less common in the PA. Ownership and right of use of land is acquired largely through inheritance and direct purchase. The latter is more common in AMC. Interviews with the District Land Officer indicated that the registration of land rights was gaining momentum around AMC. Land is mostly owned by men. Women gain access and user rights largely through marriage or by association. No communal land resources use and patterns were identified during community consultations that are likely to be impacted upon by the implementation of project sub-components.

Except for some parts of AMC, land use in other PAs is not planned. The AWSP Baseline Survey, 2010, results indicate that 47.6 per cent of the housing settlements or dwellings /residences in the PA were permanent, 38.8% were semi-permanent or built using brick and mud and 13.4% were temporary or built using mud and wattle and 0.2% were temporarily built using polythene sheeting. In the PA, permanent housing was more common in Arua Hill division (73.6%) as compared to other project areas like River Oli division (48%), Pajulu SC (39.2%), Oluko SC (32.8%), Manibe SC (31.4%) and Dadamu SC (41.8%). Semi-permanent, permanent and temporary dwelling structures were more pronounced in rural areas and AMC suburbs (AMDP, 2010-2015).

Land use around AMC is in the following order: housing, commercial, institutional/social service structures, subsistence farming and industries. Low industrialisation in the PA was hitherto attributed to lack of hydroelectric power in the region. Social and physical infrastructures have failed to match the population growth in AMC. The majority of houses are not planned and rely on pit latrines, and solid waste disposal is poor. Poor drainage has led to a wide sanitation gap, with residential areas being prone to frequent incidents of disease outbreaks, for instance cholera and dysentery (AMDP, 2010-2015).

The core development challenges of Arua municipality include: unplanned physical developments and informal settlements, food insecurity, a high population growth rate

(6%), low household incomes, inadequate access to social services, accelerated environmental degradation, high prevalence of HIV/AIDS, outdated structural plans for physical development and social services delivery infrastructures, such as water mains and roads. The 2012 total projected population in the PA is **387,100** as reflected in the **Table 3-1** below.

Table 3-1: Project Area Population by Division/Sub-County

Area	2010			2011			2012		
	Male	Female	Total	Male	Female	Total	Male	Female	Total
AMC	28,200	29,300	57,500	29,200	30,200	59,400	30,200	31,200	61,400
Arua Hill	9,500	10,100	19,600	9,800	10,400	20,200	10,200	10,700	20,900
R. Oli div.	18,700	19,200	37,900	19,300	19,800	39,100	20,000	20,400	40,400
Dadamu	16,500	18,100	34,600	17,100	18,700	35,800	17,700	19,300	37,000
Manibe	14,300	15,900	30,200	14,800	16,400	31,200	15,300	16,900	32,200
Oluko	17,700	19,300	37,000	18,300	19,900	38,200	18,900	20,600	39,500
Pajulu	21,500	23,900	45,400	22,300	24,700	47,000	23,100	25,500	48,600
Ajia	11,800	12,900	24,700	12,200	13,300	25,500	12,600	13,800	26,400
Vurra	19,500	22,200	41,700	20,200	22,900	43,100	20,900	23,600	44,500
Katrine	16,100	17,900	34,000	16,700	18,400	35,100	17,200	19,000	36,200
Total	173,800	188,800	362,600	179,900	194,700	374,600	186,100	201,000	387,100

(Source: Arua District Planning Unit Population Projections, 2010)

3.1.3 PROJECT AREA (PA) WATER AND SANITATION SERVICES AND INFRASTRUCTURE

The major source of safe water in AMC is the tap water supplied by the NWSC, with coverage of over 70 per cent ⁷during the rainy season but which drops drastically during the dry season (AMC-DP, 2010-2015). Other water sources include seasonal rivers, protected springs (23) and boreholes (58), some of which are contaminated. Toilet coverage in AMC in 2010 was 62.4 per cent, with the least toilet coverage being registered in Gurua cell at 29 per cent and the highest in Mvara S.S. cell at 96 per cent. Hand-washing after using the toilet is very low (20%) (Quarterly Water and Sanitation Monitoring Report – AMC, 2011). Toilet facilities, especially in River Oli division, are temporary structures built using mud, water and straw/grass and cannot be classified as safe (AMC-DP, 2010-2015).

There are 57 open/public stand pipes in AMC – 15 in Arua Hill division and 42 in River Oli division. Of the open stand pipes, 10 (18%) are non-functional owing to disconnections as a result of non-payment. There are 56 boreholes in the municipality, of which 52 (92%) are functional and four (8%) non-functional. There are 13 springs/wells in AMC and most of the springs have defective water delivery pipes and obstructed flow due to human activities (Quarterly Water and Sanitation Monitoring

⁷This needs to be treated with caution because the service coverage includes several areas outside the AMC administrative boundaries.

Report-AMC, 2011). Evidence from the routine water quality monitoring by the Department of Public Health, AMC indicates that most of the non piped water sources in AMC are contaminated with *E-coli* (85%)⁸ and are unfit for human consumption. The health and educational impact of unsafe water and poor sanitation in the PA is extensively documented in the District and Municipal Development Plans for 2010-2015.

The land use, population and settlement pattern and access to social services in PAs outside AMC have been described in **Appendix J**.

3.2 SOCIO-ECONOMIC CENSUS/PROFILE OF THE PROJECT-AFFECTED PERSONS (PAPS)

3.2.1 IDENTIFICATION OF PROJECT-AFFECTED PERSONS (PAPS)

The following procedure and tasks were followed in identifying PAPS:

- (a) The consultants-RAP team undertook intensive community/public mobilisation and consultations at parish and village (LCI) levels. All issues regarding the project sub-components, the implementation activities and the associated potential impacts on livelihood activities were explained to the community members. Alternative resettlement/compensation measures and the strategies available (see section 6.2 and sub-section 6.3.4) and the property identification, valuation principles and procedures (see section 6.4 and 6.5) were also explained to the community members and PAPS.
- (b) The cadastral and valuation survey team identified the properties and livelihood activities likely to be affected and or acquired ('wayleaves') by the project implementation activities, while mindful of alternative measures for minimising resettlement/displacements.
- (c) The affected property owners were identified and verified with the help of local government officers (Community Development Officers, Parish Chiefs and Town Agents), local area leaders and community guides. At all times, the RAP teams explained to the affected property owners the objectives and details of the assessment exercise.
- (d) A profile of the affected property was developed indicating the property affected, the extent of property affected, location, owner and extent of loss or effect, damage and takeover. This is indicated in the PAP summary roll, **Appendix B**.
- (e) Using a profile of the affected property and owners, a census of PAPS was undertaken and the total numbers of PAP households and members were derived from the census data. The profile of project-affected property and owners are attached as **Appendix B**.

⁸This water quality monitoring was undertaken in the first quarter of the 2010/2011 financial year by the Department of Public Health, Arua Municipality.

3.2.2 PROJECT-AFFECTED PERSONS (PAPs) AND INSTITUTIONS (PAIs)

The AWSP implementation will affect a total of 1,023 properties. Of these, 27.6 per cent are in Arua Hill division, 31.8 per cent in River Oli division, 16.3 per cent in Dadamu SC, 9.5 per cent in Oluko SC, 10.4 per cent in Pajulu SC, 2.6 per cent in Manibe SC and 1.7 per cent in Vurra SC. This is reflected in **Table 3-2**. According to the PAP census, the AWSP activity implementation will directly affect 881 households with a total of 7,219 household members or project-affected persons (PAPs). In this report, PAP households have been sometimes referred to as project-affected households (PAHs). It is important to note that some of the PAP households own two or more of the project-affected properties. The AWSP activity implementation will also directly affect 85 institutions. In this report, these are referred to as project-affected institutions (PAIs).

Table 3-2: Number of Project-Affected Properties by Area

Division /Sub-county	Freq.	Per cent
Arua Hill division	283	27.6
R.Oli division	325	31.8
Dadamu SC	167	16.3
Oluko division	97	9.5
Pajulu SC	107	10.4
Manibe SC	27	2.6
Vurra SC	17	1.7
Total	1,023	100.0

3.2.3 PAP RESIDENCE BY SUB-COUNTY/DIVISION

The PAP residence distribution by SC/division indicates that more of the PAPs reside within AMC (58.6%) as compared to the SCs outside the municipality (41.4%). This is because the implementation of several of the project activities will take place within AMC which has high densification. There are no PAPs resident in Katrine and Ajia SC. This is reflected in **Table 3-3** below.

Table 3-3: PAP Residence Distribution by Area

Location Status	PAHs		
	Sub-county	Freq.	Per cent
Arua Municipal Council (urban)	Arua Hill div.	238	27.0
	R.Oli div.	278	31.5
	Sub-total	516	58.6
Arua District Local Government (rural)	Dadamu SC	157	17.8
	Manibe SC	20	2.3
	Oluko SC	69	7.8
	Pajulu SC	107	12.2
	Vurra SC	12	1.3
	Sub-total	365	41.4
Total		881	100.0

3.2.4 PAP HOUSEHOLD LENGTH OF STAY AND PROPERTY OWNERSHIP

Most of the PAPs were either born in or had lived in the PA for more than one year (92.9%), indicating relatively high levels of integration. This is reflected in **Table 3-4**. For those PAPs who migrated to the PA, 63.3 per cent came from within Arua district, 34.3 per cent from outside Arua district but within Uganda, while 2.4 per cent migrated from outside Uganda. The reasons for migration into PA were: mainly economic; near place of work (26%); easy to find employment and better economic opportunities (44.1%); the PA being more secure (20.2%); and other reasons (0.8%).

Table 3-4: Length of Stay in PA by PAPs

Length of stay	Freq.	Per cent
Less than one year	63	7.1
Between 1 and 5 years	185	20.9
6- 15 years	275	31.2
Born here	358	40.7
Total	881	100.0

Most of the PAP household heads were owners of the affected property (83.5%), while the rest were licensees and/or renting/leasing the affected property or space (10.1%) and squatters/ those holding unclear property tenure at the time of the survey (6.4%). This is indicated in **Table 3-5**. Nearly half of the affected properties (47.7%) were acquired through purchase, 43.8 per cent through inheritance, 2.7 per cent through donations and 5.8 per cent through other means.

Table 3-5: Status of Property Ownership and Control by PAPs

Status	Freq.	Per cent
Owner	736	83.5
Licensee/renting	89	10.1
Squatter/unclear tenure	56	6.4
Total	881	100.0

3.2.5 PAP HOUSEHOLD DEMOGRAPHIC AND ORGANISATION CHARACTERISTICS

3.2.5.1 PAP HOUSEHOLD SIZE AND COMPOSITION

The AWSP activity implementation will directly affect 881 households with a total of 7,219 household members. The majority of the PAP households had more than five persons living regularly within the household (69.7%) followed by households with three to five persons (23.8%) and fewer than three members (6.5%). The mean household size among the PAP households is 7.6. Close to 60 per cent of the PAP household composition were biological children. The rest were other relatives and non-biological dependants. Several of the PAP households were extended families. The PAP household size is reflected in **Table 3-6** below.

Table 3-6: PAP Household Size

PAH size categories	Freq.	Per cent
1-3	57	6.5
3-5	210	23.8
More than 5	614	69.7
Total	881	100.0

More than half of the PAP households (66.3%) had children below five years, while 26.2 per cent had persons above 65 years old, indicating high dependence levels. Only 9.6 per cent of the household members were described as economically active. An analysis of the age of PAP household heads indicated that 19.2 per cent were below 30 years, 25.3 per cent were between 30 and 40 years, 25.5 per cent were between 40 and 50 years, while 30 per cent were above 50 years. The average age of a PAP household head and spouse was 44.5 and 35.3 years respectively.

3.2.5.2 GENDER, ETHNICITY AND MARITAL STATUS OF PAPs

Only a few of the PAP household heads were female (15.2%) and the rest were males (84.8%). This is typical of several developing countries and is in consonance with data from the findings of the Uganda National Household Survey, 2009/2010, which indicates that female-headed households are about 20-30 per cent in the country (UBOS, 2010). More of the female-headed PAHs were observed within AMC as compared to the rural areas outside Arua municipality. The sex composition of spouses of PAP household heads indicates that 17.5 per cent were male while 82.5 per cent were female.

Furthermore, 75 per cent of the PAP household heads were married or cohabiting, 12.1 per cent were single and 12.9 per cent were widowed, divorced or separated. Most of the other PAP household members were single. This is reflected in **Table 3-7**. The ethnic composition of the PAPs indicates that most are Lugbara (78%), Madi (5%), Kakwa (8.6%), Alur/Luo (5.2%) and others (2.7%).

Table 3-7: Marital Status of PAP Household Members and Household Heads

PAP household head		Other PAP household members	
Marital status	Per cent	Marital status	Per cent
Married	75.0	Married	32.4
Single	12.1	Single	59.2
Separated/Div	12.9	Separated/Div	8.4
Total	100.0	Total	100.0

3.2.5.3 EDUCATION AND LITERACY LEVELS OF PAPs

Most of the PAP household heads could read and write in any language (82.2%), with little variation across the PA sub-counties and divisions. Only 17.8 per cent of PAP household heads could not read and write in any language. More of the PAP household heads had attained primary (31.4%) and secondary levels of education, i.e. O' level (31.1%). A similar trend was observed among spouses of PAP household heads and other PAP household members. This is reflected in **Table 3-8**.

Nearly all PAP households had children of school-going age (6-18 years) attending school (86.4%), while 11.3 per cent had some of the children attending school; and 2.3 per cent reported that none of the children of school-going age were currently attending school. Reasons for non-attendance by children of school-going age were: to contribute to family income; lack of school fees/tuition; to contribute to family labour; and children considered too young to attend school.

Table 3-8: The Level of Education Attained by PAP Members

Level attained	PAP household head	Spouses	Other PAP household members
	Percent	Percent	Percent
None	4.2	10.0	6.7
Primary	31.4	44.7	34.0
Ordinary level	31.1	26.1	36.6
Advanced level	10.1	5.6	5.7
Tertiary institutions	13.3	7.0	8.1
University	8.8	3.8	6.4
Adult/ informal	1.1	2.8	2.6
Total	100.0	100.0	100.0

3.2.5.4 VULNERABILITY AMONG PAPs

The level of disability among the PAP households was 13.7 per cent. Physical disability was most common (7.7%), followed by visual impairment (3.0%), hearing impairment (1.8%) and mental disability (1.2%). Other forms of vulnerability observed affected social and distinct groups of people who might suffer disproportionately or face the risk of being marginalised as a result of resettlement and specifically include: (i) female-headed households, (ii) disabled household heads, (iii) households where the head is unemployed and (iv) households headed by elderly persons with no means of support. A total of 26 vulnerable households were identified at the time of the PAP census and are reflected in **Appendix K**.

3.2.6 PAP HOUSEHOLD ACCESS TO SOCIAL SERVICES

3.2.6.1 ACCESS TO EDUCATION AMONG CHILDREN IN PAP HOUSEHOLDS

Over half of the PAP households (58.3%) reported having children attending primary school, while 39.6 per cent reported children attending secondary school. Most of the school-going children walked to school (89%), while others used public service commuters (5%), private vehicles/cycles (3.6%) and commercial bicycles/motorcycles (4.4%). More of the primary school children travelled less than 1 km to school daily (59%), while others moved between 1 and 5 km (33.3%) daily to school and 7.7 per cent moved more than 5 km daily to school. A similar trend was observed among children attending secondary school, where 53.3 per cent and 35.7 per cent moved less than 1 km and 1-5 km daily to school respectively. Only 12.4 per cent of the secondary school children moved more than 5 km daily to school.

3.2.6.2 ACCESS TO HEALTH SERVICES AMONG PAP HOUSEHOLDS

More of the PAP households (50%) were within a distance of less than 1 km from the nearest health facility, while 38.5 per cent were 1–5km from the nearest health facility and 11.8 per cent were over 5 km from the nearest health facility normally used by the respective PAHs. Distance to the nearest health facility was shortest within AMC, Pajulu SC and Dadamu SC because of proximity to several public and private health facilities within the urban influence in these areas.

3.2.6.3 ACCESS TO MARKET FACILITIES AMONG PAP HOUSEHOLDS

Sixty per cent of the PAP households were within a distance of less than 1km to the nearest market facility while 28.1 per cent were within 1-5km to the nearest market facility and 9.0 per cent were within more than 5km to the nearest market facility. More PAHs in AMC, Dadamu SC and Pajulu SC were within 1km walking distance to the nearest market facility.

3.2.6.4 ACCESS TO WATER SOURCES AMONG PAPs HOUSEHOLDS

Distance to the nearest water source fell within nationally recommended boundaries. More than half of the PAP households were within 1 km distance to the nearest water source (53.5%), while 35.1 per cent had the water facility on the premises, 10.7 per cent moved over 1-5 km to the nearest water source and 0.7 per cent moved more than 5 km to the nearest water source. Some of the water sources were not safe for domestic use (see sub-section 3.1.3).

3.2.7 HOUSEHOLD ECONOMIC STRUCTURE: OCCUPATIONAL AND LABOUR PROFILE OF PAPs

3.2.7.1 OCCUPATIONAL STATUS OF PAP HOUSEHOLD HEADS

An analysis of the main economic activities engaged in revealed that nearly half of the PAP household heads (48.6%) worked as own account workers, while 5.8 per cent were subsistence farmers, 18.8 per cent were casual labourers, 10.1 per cent were regular paid public employees, 6.2 per cent were regular paid private employees, 4.5 per cent were engaged in housework, 3.4 per cent were unemployed and the occupations of 1.2 per cent could not be readily ascertained by the respondents. The main occupations of the spouses were doing housework (35.8%) and engaging in own account work (27.5%).

Nearly a third of occupational activities of PAP household heads were within the affected site/homestead (31%), while 31.4 per cent were within less than 1 km from residence and others (37.6%) were beyond 2 km from residence. The means of transport to places of work by PAP household heads included public means (11.7%), bicycle/motorcycle (26.1%), on foot (28.4%), personal vehicle (8.0%) and other means (0.3%). Other PAPs household heads worked at or close to residence.

3.2.7.2 OCCUPATIONAL STATUS OF OTHER PAP HOUSEHOLD MEMBERS

Nearly half of the other PAP household members were students (44.7%), 1.7 per cent were engaged in farming, 7.7 per cent were engaged in housework, 11.3 per cent were casual labourers, 15.3 per cent were own account workers, 2.3 per cent were regular paid public employees and 1.3 per cent were private paid employees. Only 14 per cent of the PAP household members were unemployed. Overall, only 9.6 per cent of the persons in the PAP households were described as economically active.

3.2.8 HOUSEHOLD ECONOMIC STRUCTURE: LIVELIHOOD SOURCES OF INCOME AND EXPENDITURE

3.2.8.1 PAP HOUSEHOLD SOURCES OF INCOME AND FOOD

The main source of income for the PAP households was own account business (69%), located at and/or outside the place of residence. This was followed by household head's salary (13.6%) and farming/agricultural activity (7.0%). Only 1 per cent of the PAH relied on transfer incomes. Other sources of income are illustrated in **Table 3-9**.

Table 3-9: PAP Main Sources of Income

Main source of income	Per cent
Household head/my salary	13.6
Spouse's salary	6.4
Business located here/this land	38.0
Business located elsewhere	30.9
Rent collected from here/this land	2.9
Rent collected from elsewhere	0.3
Agricultural activity on this land	5.1
Agricultural activity on land elsewhere	1.9
Transfer income(pension/handouts/NGOs)	0.9
Total	100.0

The PAP households' main source of food is purchase from the market (83.5%), given the relatively urban nature of the PA, while 5.7 per cent grew food on the affected parcels of land or elsewhere. Only 1 per cent of the PAP households relied on donations/handouts as the main source of food.

3.2.8.2 THE PAP HOUSEHOLD INCOME LEVELS

Few of the PAP households had monthly income levels of less than US\$100,000= per month (6.6%). Two-fifth of the PAP households (42.1%) had monthly income levels of more than US\$ 500,000 per month. Fewer PAP households (10.4%) had monthly incomes of more than US\$ 1,500,000 per month. This is reflected in **Table 3-10** below.

Table 3-10: PAP Household Income Levels

Monthly Income Category USh.	Per cent
Below 100,000	6.6
100,001 - 200,000	11.3
200,001 - 300,000	19.2
300,001 - 400,000	9.4
400,001 - 500,000	10.4
500,001 - 1,000,000	24.3
1,000,001 - 1,500,000	8.4
Over 1,500,000	10.4
Total	100.0

3.2.8.3 CROPS GROWN BY PAP HOUSEHOLDS

The main food crops grown were cassava (40.4%), maize (22.5%), beans (24.1%), potatoes (16.5%), simsim/sesame (1.8%), *matooke*/bananas (9.0%), groundnuts (9.6%) and sorghum (8.3%); and fruits trees: mangoes (33.8%), oranges (28.4%), avocado (29.6%), pineapple (8.2%) and jackfruit (9.8%). Other crops/trees accounted for 20.8 per cent of the crops and trees grown.

3.2.8.4 PAP HOUSEHOLD EXPENDITURE LEVELS

The monthly expenditure levels of a few of the PAP households were less than USh. 100,000 (4.1%). Only 18.8 per cent of the PAP households spent more than USh. 1,000,000 per month. Relatively fewer PAP households (9.3%) had expenditure levels of more than USh. 1,500,000 per month. The PAP household expenditure levels are reflected in **Table 3-11**.

Table 3-11: PAP Household Monthly Expenditure Levels

Total expenditure categories	Per cent
Below 100,000	4.1
100,001 - 200,000	9.8
200,001 - 300,000	20.0
300,001 - 400,000	12.7
400,001 - 500,000	9.5
500,001 - 1,000,000	25.2
1,000,001 - 1,500,000	9.5
Over 1,500,000	9.3
Total	100.0

3.2.9 PAPs HOUSEHOLD WELFARE ANALYSIS

3.2.9.1 HEALTH CONDITIONS AMONG PAP HOUSEHOLDS

Health conditions suffered in the month prior to the assessment were used as an indicator of household wellbeing. Nearly a third of the PAP households (28%) reported someone from the household falling sick in the month prior to the survey. The health condition most frequently suffered was malaria (40%). The health

problems suffered by the PAP households show a pattern similar to that of the overall health conditions in AMC and surrounding areas. The Health Management Information System (HMIS) for AMC and other SCs in the PA also indicates that malaria, acute respiratory infections (ARIs) and diarrhoea are the leading health conditions suffered in the PA, specifically AMC (see AMC DP, 2010-2015). This is reflected in **Table 3-12** below.

Table 3-12: Top Ten Health Conditions Suffered in AMC

Disease condition	Percentage contribution
Malaria	48.2
ARI not pneumonia	17.4
Intestinal worms	6.4
Injuries	5.4
Skin conditions	5.1
Eye conditions	2.4
Gastrointestinal disorders	2.3
Ear, nose, and throat (ENT)	2.0
Sexually transmitted infections (STIs)	1.8
Urinary tract infections (UTIs)	0.9
Total	100.0

3.2.9.2 PAP HOUSEHOLD SOURCES OF WATER

Most of the PAP households were using recommended sources of water for domestic use: open stand pipes (22%), in-house tap connections (28.5%), protected springs (21.4%), boreholes (26.2%), unprotected springs (1.0%) and other sources, such as rivers and streams (1.0%). However, some of the protected springs, boreholes and unprotected springs were contaminated and their water was unfit for human consumption.

3.2.9.3 PAP HOUSEHOLD NATURE AND TYPE OF RESIDENCE

Most of the residence structures of PAP households were made of permanent materials. Most of the PAP residence structures had tin roofs (75%), the wall structures were built with burnt bricks (64.4%), and the floors were made of cement (61.4%). This is reflected in **Table 3-13** below.

Table 3-13: Nature of PAP Residence

Nature of roofing materials		Nature of external walls		Nature of floor	
Roofing materials	Per cent	Wall materials	Per cent	Floor materials	Per cent
Straw/thatch	16.0	Mud/poles/straw	8.3	Earth	20.7
Tin /iron sheets	75.0	Timber	9.5	Earth/cow dung	7.5
Asbestos	0.5	Burnt bricks	64.4	Cement	61.4
Tiles	4.8	Unburnt bricks	8.6	Tiles	2.9
Others	3.8	Others	12.2	Others	7.5
Total	100.0	Total	100.0	Total	100.0

Most of the PAPs were residing in an independent house (74.6%), while others were residing in tenements (7.5%), an independent flat/apartment (3.8%), sharing a house/flat (4.5%), residing in servants' quarters (6.3%) and others (3.2%).

3.2.9.4 PAP HOUSEHOLD PROPERTY OWNERSHIP AND PERCEPTION OF WELLBEING

Most of the PAP households owned at least a radio (84.5%) and a bicycle (59.6%), while 46.5 per cent owned a mobile phone. Fewer PAP households owned a TV (21.6%), a motorcycle (21.4%), a motor vehicle (12.3%), an email address (6.1%), a postal address (4.8%) and a donkey (2.8%). Only 8.2 per cent of the PAP households perceived their wellbeing status as 'good/well-off', while 49.3 per cent described their status as 'average', 36.3 per cent as 'poor/not well-off', and 6.3 per cent as 'very poor'.

3.2.9.5 PAP HOUSEHOLD ENERGY SOURCE

The main PAP household sources of energy for cooking were charcoal (57.3 %) and firewood (39.8%). Other sources of energy for cooking accounted for 2.8 per cent. The main PAP household sources of lighting were paraffin (77.8%) and electricity (17.6%). Fewer households used solar power (4.4%) and other sources (0.2%) for lighting.

3.2.9.6 PAP HOUSEHOLD SANITATION FACILITIES USED

The main toilet facility used by PAP households was the pit latrine in various categories: permanent ground pit latrine with door (20.4%), permanent ground pit latrine without door (14.4%), temporary/makeshift ground pit latrine (26.7%), permanent raised pit latrine with door (11.1%), permanent raised pit latrine without door (2.01%), VIP (10%) and flush toilet (12%). Some 2.1 per cent of the PAP households did not have latrine facilities at their residence.

3.2.10 PAP HOUSEHOLD SOCIAL AND CULTURAL INTEGRATION

3.2.10.1 SOCIAL AND CULTURAL INTEGRATION AMONG PAHS

The level of social integration among PAPs is high. This is reflected in the fact that most of the PAPs were either born in or had lived in the PA for more than one year (92.8%). The levels of intra-district migration are also high among the PAPs,

indicating preference to settle near relatives or locally known persons. Other aspects of social integration indicate that most of the PAPs had relatives living within the parish of residence (90%) and at least a household member also belonged to a community association (76.4%). Persons from whom the PAPs sought advice/help also lived within the same parish (90%). Advice was sought mainly from relatives (49.5%), friends (40.3%), religious leaders (6.4%) and other persons (3.7%).

3.2.10.2 CULTURAL AND RELIGIOUS INTEGRATION AMONG PAPs

The cultural aspects of integration indicate that most of the PAPs belong to the indigenous Lugbara (78%), Madi (5%), Kakwa (8.6%) and Alur/Luo (5.7%) ethnic groups. Some of the cultural practices are similar, while others, such as language, are diverse. The extended family system is still a strong element of community and household social organisation. Polygamy is also practised by several families in the PA. Property inheritance based on patriarchy and male lineage is still a common practice. Culturally, land is still held and inherited through the male lineage. The clan system still forms a critical cultural institution in matters of land regulation and conflict resolution in the PA. Nearly half of the PAPs had inherited the land on which their residence was located and expressed a strong attachment to such property.

The RAP team also established that several households had burial grounds within their compounds, while Muslims had common burial grounds (cemetery) within AMC. Burial grounds are highly revered and respected spiritual and cultural sites. Within this RAP, efforts must be taken to avoid the displacement of burial grounds as much as possible. Nearly a third of the PAP household heads were Catholics (37.6%), while 39.4 per cent were Muslims, 22.2 per cent were Protestants, and 3 per cent belonged to other religious denominations. Community consultation and the AMC Development Plan 2010-2015 also indicate that River Oli division is predominately settled by Muslim households, and religion in this community is also a strong binding factor that has influenced settlement patterns in the area.

Given the high levels of social and cultural integration, efforts must be made within the RAP to try and maintain these social ties as much as possible. This RAP should respect the preference for compensation expressed by the PAPs so that they can re-establish their livelihoods as near as possible to their social and cultural ties.

3.2.11 PROJECT IMPACTS: MAGNITUDE OF EXPECTED LOSS AND PREFERENCES

3.2.11.1 PROJECT IMPACTS AND MAGNITUDE OF EXPECTED LOSS BY PAPs

The associated potential impacts of project sub-components have already been described in section 2.0, including impacts on access to social and economic services. The PAPs whose land and structures will be affected were asked the question: Given the portion of land earmarked for acquisition, would relocation to another site be necessary? Most of the respective PAPs (98.1%) indicated that relocation would not be necessary, while others thought that they would relocate to another site but within the same homestead environs. The PAPs expressed the desire to redevelop their residual parcels of land or rebuild their structures within the same sites.

3.2.11.2 PREFERENCE FOR COMPENSATION AND ATTITUDES TOWARDS RELOCATION

All the PAPs were willing to receive resettlement compensations for their affected property; 98.5 per cent expressed preference for monetary resettlement compensation while the other respondents (6%) were not the final decision-makers/wanted to consult other household/family members; while other PAP household respondents (9%) expressed the desire for property repair/restoration.⁹ The preference for cash compensation is related to the fact that most of the affected properties are movable kiosks/sheds/stalls, crops, trees and hedges/fences. All land takes are also partial and significantly small for most of the affected land parcels. The respective PAPs expressed the desire to redevelop their residual land and/or structures. The levels of social and cultural integration in the PA are also very high, while livelihoods for several of the PAPs whose land is affected are not land-based, given the predominantly urban nature of most of the PA.

3.2.11.3 PREFERENCE FOR COMMUNICATION MEDIUM ON COMPENSATION

The preferred mode of communication to PAHs regarding compensation issues was through mobile telephones (46.3%), radio (18.4%), community leaders (42.4%), personal letters (26%), the Local Government Office (21%), newspapers (3.0%) and the office of the Resident District Commissioner, Arua district (3.2%). Preference of mode of communication about resettlement compensation needs to be taken into account during the RAP implementation. This will enhance information flow and responsiveness on the part of the PAPs and other community members.

⁹ Refer to the following reference numbers in the summary PAP sheets attached as Appendix B: (ARU 912; ARU 172; ARU 190; ARU 223; ARU 269; ARU 518; ARU 442; ARU 529; ARU 366; ARU; 834; ARU 376; ARU 689; and ARU 656.

4.0 LEGAL, POLICY AND INSTITUTIONAL FRAMEWORK

This section describes the national and international legislation and policies that have a bearing on national developments that occasion or are likely to cause displacement of property and livelihood activities. This section describes the existing land and property laws governing tenure, compensation, the valuation of assets and losses related to displacement and resettlement, the laws and regulations governing the agencies responsible for compensation and resettlement implementation, and the gaps between national legislations and the provisions of the World Bank Safeguard Policies on Involuntary Resettlement and Compensation.

The position of the Government of Uganda in relation to compensation to be paid if damage is caused to land or developments on land is clear under the 1995 Constitution, the 1998 Land Act and other laws of Uganda as well as the World Bank Safeguard Policies and Guidelines on development projects financed by the bank and its partners. In the following section, a brief description of the legal framework is given since these legislations are discussed in detail in the RPF already disclosed by the MWE (see Chapter 2.0, pages 10-21 of RPF-WMDP, 2012). In particular, the following laws of Uganda comprise the National Legal Framework.

4.1 NATIONAL RELEVANT LAWS

There are two main legislations directly related to land tenure, resettlement and compensation due to displacement of land, property and other livelihood activities on land. These are the National Constitution (1995) and the Land Act (1998).

4.1.1 THE UGANDA CONSTITUTION (1995)

Article 237(1) of the constitution vests all land of Uganda in the citizens of Uganda. However, the constitution, under Article 237(1)(a), gives the government or local governments powers to acquire land in the public interest. Such acquisition is subject to the provisions of Article 26 of the constitution, which gives every person in Uganda a right to own property. The constitution also prescribes the tenure regimes and the related rights and interests in land. There are four major land tenure systems: customary, leasehold, *mailo* and freehold tenure. The constitution also provides procedures to follow during the acquisition of land for public interest and provides for the 'prompt payment of fair and adequate compensation' prior to taking possession of the land.

4.1.2 THE LAND ACT (1998) (CAP 227)

This Land Act (1998) addresses landholding, management control and dispute resolution. The act is the principal legislation on land tenure in Uganda. The act creates a series of land administration and regulation institutions consisting of the Uganda Land Commission (ULC), district land boards (DLB), land committees and land tribunals. The Land Act, under section 78, details the valuation principles for resettlement compensation.

The Land Act (1998) has implications for the project sub-component activities, especially in areas where land acquisition is inevitable. Section 43 of the Land Act

(1998) gives powers to the government or local governments to acquire land in the public interest. This is in accordance with and subject to the provisions of Article 26 and Clause (2) of Article 237 of the constitution. Land acquisition in the public interest is also subject to section 42, sub-section 7, paragraph (b) of the Land Act (1998), where it is emphasised that ‘no person from whom land is to be acquired shall be required to vacate that land until he or she has received the compensation awarded to, or agreed to, by them’. The existing legislation emphasises adequate, fair and prompt compensation.¹⁰ There appears to be no legal basis for resettlement assistance, although the World Bank advocates it. This RAP recognises the requirements of the World Bank Operational Directive (OP) 4.12. The Land Act (1988) also provides for land disputes resolution mechanisms through section 76(1) on the jurisdictions of land tribunal, among others.

4.2 OTHER RELEVANT NATIONAL LAWS

4.2.1 THE LOCAL GOVERNMENT ACT (1997)

The Local Government Act (1997) provides for the system of local governments, which is based on local councils for the district and sub-counties in rural areas; and municipalities, municipal divisions and town councils for urban areas. This system provides for elected councils at different levels known as local councils (LC). The functions of local governments include:

- (a) Initiating and formulating development policy for the district;
- (b) Monitoring the implementation of the central government and district policies, and developing programmes under which this project and the RAP partly falls; and
- (c) Under the District Land Office (DLO), facilitating land registration, administration and regulation, including the development of valuation rates for crops and temporary structures.

4.2.2 LAND ACQUISITION ACT (1965)

The Land Acquisition Act (1965) makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The minister responsible for land may authorise any person to enter upon the land and survey the land, dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose. The Government of Uganda is supposed to pay compensation to any person who suffers damage/displacement. However, this act only emphasises payment for compensation and does not consider resettlement assistance.

4.2.3 THE LAND REGULATIONS (2004)

The Land Regulations (2004) guide the DLB in the development of property valuation rates and emphasises that compensation should not be considered for illegally grown crops, should allow for the harvest of seasonal crops and that market value should

¹⁰ Paragraph (d) and (e) of the same section and sub-section also emphasise that the Uganda Land Commission (which is supposed to acquire land in the public interest on behalf of the government) shall pay all reasonable costs of disturbance to the person from whom land is to be acquired in addition to compensation for any losses caused by severance.

form the basis for determining compensation for crops and trees, while replacement costs should be considered for temporary structures.

4.2.4 THE WATER ACT (1997) (CAP 152)

The Water Act (1997) seeks to provide for the use, protection and management of water resources and supply. The Water Act also has implications for compensation or minimum damage to avoid loss of livelihood in respect to water resource investigation and survey. This may apply in principle to some calibration BH sites. The act notes that, in exercising the powers under section 14(1), the authorised person shall cooperate as much as possible with the owner and occupier of the land; cause as little harm and inconvenience as possible; and among other provisions in the act, leave the land as nearly as possible in the condition in which it was prior to entry being made.

4.2.5 THE ROADS ACT (1964)

The Roads Act (1964) is a key legislation with respect to the public development along road reserves¹¹ and prohibits putting up private developments in road reserves. The road reserve serves several purposes to the roads authorities. Other public utilities can be located within the road reserve area. Several of the PAPs have property along road reserves and will be considered for compensation in line with the safeguard policy of the World Bank.

4.2.6 TOWN AND COUNTRY PLANNING ACT (1964)

The Town and Country Planning Act (1964) gives broad powers to planning authorities at the national and local levels to take land, against compensation, for public purposes within an approved planning area. Further, such authorities can determine set-back lines 'beyond which no building may project' into a roadway, including the road reserve area. This act is especially relevant in AMC.

4.3 WORLD BANK SAFEGUARD POLICY ON RESETTLEMENT

The World Bank Operational Policy 4.12, Framework of November 2002, is a common standard of approved principles and guidelines for compensation/resettlement for this type of project. World Bank principles should, however, be harmonised with the national laws of the subject country where the project is to be funded.

World Bank's Safeguard Operational Policy O.P. 4.12 on 'Involuntary Resettlement' requires that displaced persons should be compensated at full replacement cost, assisted with relocation/resettlement and during the transition period. The developer is encouraged to offer replacement land rather than cash compensation when the residual landholdings are not economically viable. For the AWSP this is unlikely to arise as most of the properties, such as kiosks/sheds/stalls, are temporarily affected and land and holdings are partially affected.

The World Bank Group O.P. 4.12 on Involuntary Resettlement is, therefore, applicable to the AWSP project. The main features of this directive are as follows:

- (a) All viable alternative project designs should be explored to avoid or minimise the

¹¹ A road reserve is defined as that area bounded by imaginary lines parallel to and not more than 50 feet distant from the centre line of any road, and declared to be a road reserve. The act also states that no person shall erect any building or plant, trees or permanent crops within a road reserve.

need for resettlement and when it cannot be avoided, to minimise the scale and impacts of resettlement. This has been complied with, especially in the heavily built-up areas in the central business district of AMC¹² and some of the community resource facilities, such as borehole replacements in River Oli division. Some of the project sub-component activities have been re-routed from high densification areas, while for some of the project implementation activities, manual rather than machine excavation has been recommended to minimise impact.

- (b) Resettlement measures are to be conceived and executed as development activities. Assistance should be given to the community in their efforts to improve former production levels, income-earning capacity and living standards, or at least restore them to the levels at which they would have been without the project. This has been complied with regarding the affected community water sources. One borehole is likely to be affected in River Oli division. This will have to be replaced by the developer.
- (c) Displaced persons should be:
 - compensated at full replacement cost prior to the actual move;
 - assisted with relocation; and
 - assisted and supported during the transition period.Physical relocation to new sites is not anticipated. However, all PAPs have been considered for resettlement compensation at current market and replacement rates for the respective affected properties. A 30 per cent disturbance allowance to assist the PAPs during the re-establishment transition period, including temporary loss of income, has been considered.
- (d) Particular attention should be given to socially disadvantaged and vulnerable groups such as the very poor, the disabled, minorities, refugees, orphans and child-headed families, squatters and others without clear legal rights to land, those incapacitated by advanced age, among others. This has been complied with. Vulnerable groups have been identified and earmarked for special assistance (see sub-sections 6.3.3 and 6.3.4d).¹³
- (e) Communities should be given opportunities to participate in planning, implementing and monitoring their resettlement/compensation. This has been complied with; and extensive community and stakeholder consultations were undertaken. Also, the views of the community members and other stakeholders have been considered and integrated into the RAP (see sub-sections 0.5, 1.5.2 and 2.1.3).
- (f) Re-settlers should be helped with integration into their host community.

For this project, however, there is no physical relocation envisaged. A number of people, especially within the built-up business district of AMC, are likely to be affected

¹² There are some of the properties that are marginally affected by the proposed sewer and water lines and the contractor can work towards avoiding them at the implementation stage, so as to minimise the impacts. A practical working space of about 2 m from the edge of the road to the buildings may be secured which may enable manual excavation to take place without necessarily demolishing the affected buildings.

¹³ There appears to be no legal basis for special resettlement compensation assistance within, although the World Bank and RPF, 2012 advocates it. This has been considered

more substantially if the original working space of 4 m within the road reserves is maintained. In response to the WB OP 4.12, this has been complied with, given the readjustments of the required working width of 4 m within the road reserves of, especially, built-up areas. Also several vulnerable groups, especially those without legal status on certain pieces of land such as road reserves around AMC, for example the kiosk/stalls/shed owners, have been considered for resettlement compensation. Other vulnerable groups, owing to advanced age incapacitation, widowed female household headship and unemployment, have been identified as requiring special assistance during the compensation process. The vulnerable social groups identified are illustrated in **Appendix K**. Meanwhile, community resources that will be displaced by the project activities will be promptly replaced.

4.4 DIFFERENCES BETWEEN UGANDAN LAWS AND THE WORLD BANK POLICY

There are some differences between the World Bank policy and the laws of Uganda on resettlement and compensation. For instance, Ugandan laws restrict themselves to fair, adequate and prompt compensation (cash), while the World Bank policy extends it to providing alternative land and resettling the PAPs to levels or standards of livelihood similar to or better than before compensation. Other differences between national legislation and the World Bank Safeguard Policy are elaborated in the MWE-RPF, 2012: 17-21 already disclosed. In consideration of the differences between national legislation and the World Bank Safeguard Policy on Involuntary Resettlement, the higher of the two standards will be followed, where it best applies, in this RAP, since this approach also satisfies the requirements of the lesser standard. This is in line with the RPF already disclosed by the MWE for the Water Management and Development Project, 2012 (refer to section 2.6, page 15 and **Table 2.2**, page 17 for details).

4.5 LAND TENURE AND RIGHTS IN UGANDA

4.5.1 LAND TENURE REGIMES AND ADMINISTRATION

Land tenure in the country is clearly laid out in the Land Act (Cap 227). The Land Act repeats, in sections 3 and 4, provisions of Article 237 of the constitution which vests land ownership in the citizens of Uganda, to be held under customary, freehold, *mailo* or leasehold tenure systems. These are described below as adapted from the RPF (see page 12 of the RPF, 2012):

Table 4-1: Land Tenure Regimes in Uganda

Type of land tenure system	Description
Customary	Customary tenure is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies and 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; hence, they have propriety interest in the land and are entitled to certificates of customary ownership. Certificates of customary ownership may be obtained through application from the Parish Land Committee with an eventual issuance from the district land board. Communal landholding is also recognised under customary tenure
Freehold	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 and enables the holder to exercise, subject to the law, full powers of ownership.
<i>Mailo</i>	<i>Mailo</i> tenure has 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 and involves the holding of land in perpetuity. The system permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona fide occupant. Moreover, this system enables the holder to exercise all powers of ownership, subject to the rights of those persons occupying the land at the time of the creation of the <i>mailo</i> title and their successors.
Leasehold	This system is created either by contract or by operation of the law and is a form under which the landlord or lessor grants the tenant or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land.
Source: RPF-MWE Water Management and Development Project, 2012	

Although the Land Act mentions four major tenure systems in the country, it by implication also recognises the legal status of *licensees*, sometimes also called *sharecroppers*. These concepts are already defined in the glossary section of this

report. This kind of tenure is purely contractual and limited in time and types of crops allowed and other considerations depending on location, tradition and relationship with the landlord.

Land administration in Uganda is a function of the central government (through its lead agency, MLHUD) and local governments through statutory bodies set out in the National Constitution (1995) and the Land Act (Cap 227). The Land Act (Cap 227) specifically provides for setting up the Uganda Land Commission (ULC), the land tribunals, DLB/DLO and area land committees at community level.

4.5.2 LAND RIGHTS

The National Constitution (1995) and the Land Act (Cap 227) give landowners and users several rights, including the right to fair and prompt compensation for the landowners for lost land and other affected developments on land (section 42, sub-section 7, paragraph (b)). The Land Act also recognises the rights of the spouse and children of the owner of the affected or acquired land. Section 40 of the Land Act 1998 states that:

no person shall sell, exchange, transfer, pledge, mortgage or lease any land; or enter into any contract for the sale, exchange, transfer, pledge, mortgage or lease of any land; give away any land, or enter into any transaction in respect of land:

- (a) on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;
- (b) on which the person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent children of majority age;
- (c) on which the person ordinarily resides with his or her dependent children below the majority age, except with the prior written consent of the local committee;
- (d) on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the local committee.

Some of the project sub-components will require land acquisition and, where it applies, provisions for this law on spousal, children's and orphans' consent will be invoked in processing the resettlement compensation (see sub-sections 6.3.3 and 8.1h).

4.6 LAND AND OTHER PROPERTY CLASSIFICATION, VALUATION AND COMPENSATION

The rates of compensation are determined under section 60 (sub-section 1, paragraph f) of the Land Act (1998). The rates of compensation for crops and non-permanent buildings are determined by respective DLB on an annual basis. For properties that are not covered by the DLB property valuation rates, section 78 of the Land Act (1998) allows the property valuer, using skills and methods available to him/her as a professional in the field, to determine the market value or replacement cost value (as the case may be) of such properties. This RAP has applied the 2010 Arua District Local Government updated valuation/compensation rates deemed reflective of the market rates.

(a) Permanent Buildings and Other Improvements

Values of improvements of a permanent nature such as buildings and structural works, fences (including chain link fences), block walls, gates etc. are assessed on the basis of current 'replacement costs'¹⁴ of similar or comparable structures. The replacement cost values of permanent buildings and structures are derived from the project area in accordance with prevailing construction costs as governed by the following factors: location in relation to urban centres; type and quality of materials used; workmanship and design of buildings; location of building in relation to sources of materials and labour; terrain of the building site and the possible amount of levelling involved; and age of structure and condition of buildings.

(b) Semi-Permanent Buildings and Other Temporary Improvements

Buildings and other improvements (of a non-permanent nature) are assessed in accordance with the relevant figures provided in the 2010 updated compensation rates for Arua District Local Government as determined by the DLB.

(c) Crops and Trees

Crops and trees are assessed using district compensation rates provided in the 2010 compensation rates for Arua District Local Government. The value of standing crops on the land excludes annual crops, which would be harvested during the period of notice given to the affected owner. For this project, the vacation notice to be given to the PAPs will be less than six months. Therefore a 30 per cent disturbance allowance has been considered as part of the compensation payments.

(d) Private Land

Permanent structures and land are valued based on current market value. The 1998 Land Act, in paragraph (b), sub-section (1), section 77 states that the district land tribunal shall, in assessing compensation, take into account the following:

- (i) in the case of a customary owner, the value of land shall be the open market value of the unimproved land;
- (ii) the value of the buildings, which shall be taken at open market value for urban areas and depreciated replacement cost for the rural areas;

(e) Public Land

Public land is held by the government on behalf of the people of Uganda. State-owned land may be allocated for free or sold on a commercial basis to individuals or communities by the minister responsible for land administration. The general guiding principle is that whoever was using the land to be acquired would be provided with alternative land of equal size and quality (see MWE-RPF, 2012). Part of the land to be acquired for WSPs and the additional water reservoir is located at the Government of Uganda Prisons Services land at Giligil and Ediofe. This land has been valued. The

¹⁴Replacement cost is defined as the present-day cost of acquiring a substantially similar present-day asset that could provide a similar level of service to the asset in question. Replacement cost is based on current market values and technology of the day.

NWSC will enter into dialogue with a responsible government agency over the acquisition of the required land. The procedure and period framework for the NWSC to engage the responsible government agency over land acquisition is detailed in **Appendix L**.

(f) Disturbance Allowances

In addition to the compensation values, a statutory disturbance allowance, under section 77 (2) of the Land Act (1998), is payable on the amount for compensation as follows: If notice given to vacate is less than six months, a 30 per cent disturbance allowance is given; while if the vacation notice given is more than six months, a 15 per cent disturbance allowance is given. For this RAP, a disturbance allowance of 30 per cent has been considered because of the urgency of the project. It is also considered that this disturbance allowance includes the provisions for missed income while in 'transition time' to the resettlement of livelihood property and activities.

(g) Considerations for Calculation of Compensation

The consideration for calculations as derived from national legislation and the World Bank Safeguard Policies are clear in the RPF and have been considered in this RAP. Therefore, compensation will only be payable in addition to the value of any improvement or works constructed on such lands for loss of usufructuary rights over such lands in the case of land under customary tenure and the market value of such lands in the case of freehold land.

In estimating the compensation to be given for any land or any developments thereon, the following has also been 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 only part 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 WMDP;
- c) The value of the lands acquired for public purposes but also 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;
- d) 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;
- e) Community infrastructure must be replaced/ relocated, and improved, in situations where it is deficient; and
- f) For cash payments, compensation will be calculated in Ugandan currency adjusted for inflation. For compensation in kind, items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment may be included. Assistance may include moving allowance, transportation and labour.

4.7 POLICY GUIDELINES

It is Ugandan government policy that all persons affected by development projects in general be adequately compensated for their structures, crops and loss of livelihood. Compensation is aimed at minimising social disruption and assisting those who have lost livelihood assets as a result of project activity implementation in regaining or maintaining their livelihoods. This responsibility lies with several agencies in the country, as described in the sections that follow.

4.8 INSTITUTIONAL RESPONSIBILITIES

There are four main parties involved in carrying out resettlement and/or compensation for this project. These are the Ministry of Water and Environment represented by the NWSC (the lead project developer and agency) and the Ministry of Lands, Housing and Urban Development (the regulatory lead agency for property valuation, compensation and land rights registration and transfer). In addition, Arua District Local Government and Arua Municipal Council (AMC) and other institutions, such as the District Lands Office and the District Valuation Office, will participate in the RAP implementation as cross-cutting units between the key institutions. Other institutions, such as like the Office of the Chief Government Valuer (CGV), are located within the MLHUD, while the DLB and DLO are part of the Arua District Local Government. Several of these institutional responsibilities are implied in the related laws already discussed above.

The institutional involvement and roles are highlighted in **Table 4-2 below**.

Table 4-2: Institutional Involvement and Roles in Resettlement Compensation

Institution	Roles expected
Ministry of Water and Environment/NWSC	Overall RAP implementation, sourcing for counterpart funds for the RAP implementation, monitoring of compensation/resettlement, evaluation of the RAP implementation, coordinating between different stakeholders, and supervision of the RAP implementing team and the overall RAP implementation administration
Ministry of Lands, Housing and Urban Development Uganda Land Commission	Approving payment/compensation to the PAP, applying to the district land board for land to be acquired, acquiring the land on behalf of the central government/developer, ascertaining the value of the land to be acquired (in conjunction with the government valuer) and ensuring prompt, fair and adequate compensation.
Chief Government Valuer	Approving the valuation estimates, ascertaining the compensation rates and values of property and structures, and providing regulatory oversight and advisory support supervision to the RAP implementation team and resolving public complaints that arise from land acquisition valuations and compensation

DLB and DLO	Approving valuation rates for crops and temporary structures, facilitating the registration and transfer of acquired land, ascertaining ownership of land titles before compensation and transfer of ownership
Land committees	Ascertaining ownership and boundaries of affected lands, facilitating the registration of acquired land and community mobilisation
Local Councils I, II, and III	Ascertaining ownership, community mobilisation and sensitisation and providing guidance for the compensation process to PAPs
Developers' contractor/consulting firm	Compensation for temporary acquisition (sand and quarry sites and contractors' camps), restoration of injured property not catered for under this RAP
District and municipal local governments	Community mobilisation/guidance, RAP information dissemination, monitoring the compensation process, receiving complaints /grievances, contributing members to compensation grievance handling committee
The private sector, including not-for-profit sector (civil society)	Can be hired to provide services, including supply of special assistance materials or services to vulnerable groups, sub-contracted to provide external evaluation services etc.

This RAP will be implemented by the NWSC in conjunction with respective district and municipal local governments.

The central government institutions cited above are considered to have sufficient capacity and skills to undertake their institutional responsibilities for the RAP implementation, which are within their mandate. District and municipal local government councils and community leaders will need orientation to the RAP in order to enhance their active participation in the RAP implementation.

One of the possible partners to be considered for the implementation of pre-project activities, such as community and PAP mobilisation and sensitisation, is the organisation Community Empowerment for Rural Development (CEFORD). CEFORD was found to have the capacity to offer community development services and institutional development training for vulnerable groups, local leaders and members of DLB and local government councils at the district, municipal and divisional/sub-county levels. This is because CEFORD has undertaken several community, organisational/institutional development and functional adult literacy training programmes.

5.0 COMMUNITY AND STAKEHOLDER CONSULTATIONS

Extensive community and stakeholder consultations were held within the PA. Public community consultations were useful in creating awareness of the project sub-components and the related implementation activities and the potential impacts of project sub-components implementation activities on community. The community members, including PAPs, were also informed of the property identification and valuation principles to be followed during assessment, as well as the resettlement compensation options available to them. The views of the community and PAPs were documented and have been integrated into the resettlement measures and strategies outlined in this RAP. The aims of community and stakeholder consultations were to:

- (a) introduce project sub-components, implementation activities and potential impacts to the community members;
- (b) identify the communal property and public infrastructure and facilities likely to be affected;
- (c) identify the vulnerable social groups that may require special support;
- (d) identify various socially and culturally acceptable resettlement and other mitigation alternatives;
- (e) identify the community expectations and fears related to the resettlement compensations;
- (f) explain to the community members the meaning of key concepts used under the RAP such as resettlement¹⁵, displacement, relocation and compensation, among others;
- (g) explain to the community members the procedure for property identification and assessment for the PAPs.

5.1 COMMUNITY MEMBERS AND STAKEHOLDER CONSULTED

The consultants-RAP team undertook intensive public consultations at parish and village (LCI) levels to ensure that all concerns regarding the project implementation activities and the associated impacts on the local people and their livelihood activities were raised and openly discussed. A total of 21 community dialogues were conducted (see sub-section 1.5.2 and Table 1.1). The list of stakeholders consulted is attached as **Appendix H**. The stakeholders consulted included representatives from the following institutions and areas:

- (a) Arua District Local Government (including the SC local governments of Dadamu, Pajulu, Katrine, Manibe, Vurra, Oluko and Ajia);
- (b) Ministry of Water, Lands and Environment/NWSC-Arua (lead project agency);
- (c) District Internal Security Office (DISO);
- (d) Ministry of Works, Housing and Communications/UNRA regional office;
- (e) Ministry of Water and Environment/National Forestry Authority regional office;

¹⁵ The concept of resettlement was explained to the community members as NOT only meaning physical displacement and relocation but also the loss of physical and economic assets and livelihood amenities and the necessary compensation measures to assist PAPs in restoring their livelihoods.

- (f) Arua Municipal Council – Town Clerk’s office;
- (g) Arua Municipal Council – Mayor’s office;
- (h) Arua Municipal Council –Health Department office;
- (i) Arua Municipal Council – Public Works and Roads office;
- (j) Arua Municipal Council – R.Oli division Town Clerk’s office;
- (k) Arua Municipal Council – Arua Hill division Town Clerk’s office;
- (l) Arua Municipal Council –R.Oli division LC III chairperson’s office;
- (m) Arua Municipal Council – Arua Hill division LC III chairperson office;
- (n) Arua Regional Referral Hospital
- (o) National Forestry Authority –Kampala (headquarters) and Arua regional offices;
- (p) Resident District Commissioner (RDC) – Arua;
- (q) Regional Prisons Commander (RPC) – West Nile;
- (r) Department of Water – Arua district;
- (s) Department of Community Development–Arua district;
- (t) Department of Lands and Survey –Arua district;
- (u) Department of Forestry Services – Arua district;
- (v) Department of Works and Roads –Arua district;
- (w) Department of Environment and Natural Resources –Arua district;
- (x) Community members and leaders at village and parish levels in the PA; and
- (y) Selected civil society organisations (CSOs) such as *boda-boda* associations and car washing associations.

5.2 COMMUNITY CONSULTATION AND PARTICIPATION STRATEGY

Institutional level stakeholders were consulted at respective levels and the units were worked as illustrated in section 5.1 above. The following strategy was employed for community and stakeholder consultations:

- (a) The RAP team obtained introductory letters from the district and municipal authorities to respective community leaders at the sub-county and village levels.
- (b) Community dialogues/meetings were arranged (dates, venues etc.) at the respective parish and village levels for all community members.
- (c) Community leaders, parish chiefs and Community Development Assistants were facilitated to undertake community mobilisation and arrange for community dialogues.

- (d) Necessary consultation tools and aids, such as area maps indicating the locations of project sub-components, were displayed during community consultations.
- (e) Most times, community dialogues were conducted in local languages such as Swahili and Lugbara. Institutional stakeholders' consultations were conducted in English.
- (f) Community members' and stakeholders' attendance, views and concerns were recorded.

5.3 COMMUNITY AND STAKEHOLDERS CONCERNS/VIEWS

The summary views of the community members and institutional stakeholders consulted are presented below.

Table 5-1: Community and Stakeholders' Concerns

Stakeholder	Key Issues/Concerns	Suggestions and recommendations
TECHNICAL STAFF OF AMC AND ARUA DISTRICT LOCAL GOVERNMENT	Project impacts along road reserves will be high in heavily build-up areas such as the central business area and some parts of River Oli division	Adjustments (reduction) of the required working space corridor of 4 m from the edge of the roads since several commercial and residential buildings have been constructed within that corridor. Need to use manual labour in such areas to minimise damage to property
CENTRAL GOVERNMENT AGENCIES (PRISONS, FORESTRY, RDC, UNRA)	Public land acquisition and negotiation powers with Prisons land lie with authorities in Kampala	Advised the RAP team to advise the developer/client to enter into negotiations with Prisons and Forestry authorities headquarters in Kampala over the anticipated land acquisition for the reservoir and WSPs/lagoons
	Some of the UNRA agency roads were undergoing expansion and rehabilitation and some compensation was likely to take place along some of the road reserves where AWSP activities will take place	UNRA observed the need for inter-sectoral collaboration, especially along its agency roads currently undergoing rehabilitations and expansion in the PA

Stakeholder	Key Issues/Concerns	Suggestions and recommendations
GENERAL COMMUNITY	Likely impact of the project activities on their livelihood with respect to food crops, commercial trees and fruit trees, land takes, property destruction and displacements such as those who derived sustenance from roadside enterprises, for example kiosks and makeshift restaurants	Need for prompt and adequate compensation for the PAPs Some PAPs should be educated and assisted during the compensation process like opening up bank accounts and filling in claim forms.
	Proposed lagoons on Prisons land at Ediofe would eventually affect the income of sand miners Some PAPs were operating along road reserves without permission	Consultations further downstream indicate that other nearby areas can be considered for sand mining without affecting the livelihoods of people engaged in sand mining. All PAPs, irrespective of legal status, will be considered for compensation
	Community members expressed fear about increased pollution of R. Enyau after establishment of lagoons	Long-term community sensitisation about lagoons before and after project implementation to allay community fears
	Some community members were not aware of road reserves limits	Community sensitisation about the concept of 'road reserves'
LOCAL GOV. COUNCIL LEADERS/EXECUTIVES AND OTHER COMMUNITY LOCAL LEADERS	Municipality plans and facilities for social services along road reserves need to be respected and considered	Working with the district and municipal Engineering Department and Town Planner about established and planned roads, and other facilities that need to be considered in the design to minimise resettlement Affected community social services facilities must be replaced and improved All PAPs must be compensated before project activity implementation and involve local leaders in the compensation process
	Community members and PAPs may not have adequate information about the project and compensation process	Regularly disseminating project-related information through local radio programmes in the local languages Adequate notice needs to be provided to PAPs who have seasonal crops so that they can harvest them in time

5.4 COMMUNITY MEMBERS' ALTERNATIVE RESETTLEMENT MEASURES

The community members consulted were informed about the alternative resettlement measure available to them, including in-kind compensation. Details of the nature and location of the project activities were also explained to the community members. The views of the community and PAPs were documented and have been integrated into the resettlement measures and strategies outlined in this RAP. Community members' major fears related to loss of land, income and property wherever it applied. Community members agreed on compensation for land to be acquired and property to be lost and/or destroyed. Community members also voiced the need for the owners of kiosks/stalls/sheds along road reserves to be allowed to bring back their work facilities after laying of the water and sewer lines. This RAP has considered such livelihood economic enterprises operating in kiosks/stalls/sheds for temporary relocation assistance in line with suggestions of the community members consulted and in conformity with the WB provisions for livelihoods restoration as outlined in the RPF. Other preferences, such as mode of compensation and preferred medium of communication about the RAP and compensation issues, among others, have already been highlighted in section 3.0 (3.2.10) of this report.

6.0 COMPENSATION AND RESETTLEMENT STRATEGY

6.1 COMPENSATION FRAMEWORK

The constitution allows for the government and local government to acquire land in the public interest. Articles 26 and 237(2) of the Land Act (1998) deal with the implementation of the constitutional provisions on land and, under sections 43 and 78, spell out how compensation valuation should be assessed. The assessment for compensation under this RAP is, therefore, statutory and all steps have been taken to comply with the statutory provisions. This is also in relation to the World Bank OP 4.12 procedures that spell out who is entitled to resettlement compensation as a result of involuntary displacement due to development projects. This is also in line with the RPF already disclosed by the MWE for the Water Management and Development Project (WMD), 2012.

According to the World Bank OP 4.12 procedures, the following PAPs will be eligible for compensation:

- (a) Those who have formal rights to land (including customary and statutory rights of occupancy recognised under Ugandan law);
- (b) Those who do not have formal legal rights to land at the time of PAP census but have a claim to such land or assets provided that such claims are recognised under Ugandan laws, or become recognised through a process identified in the resettlement and compensation plan; and
- (c) Those who have no claim to land they are occupying or using.

Although there appears to be no legal basis for resettlement compensation for PAPs such as kiosk/stall/shed owners operating illegally along road reserves, the World Bank and RPF, 2012 advocate considering payment of resettlement compensation for such PAPs. This has been taken into account and complied with.

6.2 COMPENSATION PRINCIPLES

The compensation principles to be followed are derived from the national legislation and the World Bank OP 4.12 procedures on involuntary resettlement. These principles, including the valuation procedures, were all explained to the PAPs and other community members during the community dialogues and stakeholder consultations (see sub-section 1.5.2 and section 5.0).

- (a) Resettlement and compensation of PAPs will be carried out in compliance with relevant Ugandan laws and WB standards.
- (b) All PAPs physically or economically displaced shall be adequately, promptly and equitably compensated before the commencement of works at the project-affected sites. All efforts will be taken to provide necessary assistance for PAPs to restore their livelihoods.
- (c) Special consideration will be given to especially disadvantaged and/or vulnerable

people such as women, children, the very old and the unemployed (see 6.3.3a and b). Provision will be made to enhance their rights to resettlement and compensation payments. For example, the consent of spouses and children where it applies shall be a sought prerequisite for compensation payment, as provided by section 40 of the Land Act (1998).

- (d) The project should promote and provide in-kind compensation as an option for especially vulnerable groups and project affected community resources and facilities.
- (e) Resettlement compensation shall aim to ensure that people are not worse off after resettlement and that their livelihoods have been improved or at least restored to pre-implementation levels.
- (f) The project will consider a 30 per cent disturbance allowance in addition to the assessed compensation values for affected property.
- (g) In consideration of the differences between national legislation and the World Bank Safeguard Policy on Involuntary Resettlement, the higher of the two standards will be followed, where it best applies in this RAP, since this approach also satisfies the requirements of the lesser standard. This is in line with the RPF already disclosed by the MWE for the Water Management and Development Project, 2012.

6.3 ELIGIBILITY FOR COMPENSATION

The concept of eligibility is used with respect to the definition of PAPs and the criteria for determining their qualification for compensation and other resettlement assistance.

6.3.1 ELIGIBILITY FOR COMPENSATION AND 'CUT-OFF' DATE

The affected persons, irrespective of their status, are eligible for some form of assistance if they occupied the land or engaged in any livelihood income-generating activity at the affected sites before the entitlement 'cut-off date' which has been taken as 30 January 2013. The entitlement 'cut-off' date refers to the time when the census and assessment of PAPs and their property in the project area were carried out and ended. This was explained to the community members and PAPs during community dialogues and the PAP census. Thereafter, no new cases will be entertained for compensation.

The following categories are eligible for compensation:

- (a) Persons who will be displaced by the project implementation activities;
- (b) People whose houses/structures will be affected by land acquisition or the physical project activity implementation;
- (c) People who rent land for operating kiosks, and whose kiosks are to be temporarily removed or relocated;
- (d) People who rent land for cultivation and their crops or trees are to be removed or damaged owing to land acquisition activities (sharecroppers);

- (e) Any other group of persons that has not been mentioned above but is entitled to compensation according to the laws of Uganda and/or World Bank policy such as *boda-boda* associations or informal roadside enterprise vendors, along road reserves that are going to be affected by the project activity implementation.

The list of the identified properties and owners (PAPs) is attached as **Appendix B**. During the community and public consultations, compensation alternatives were explained to the PAPs and other stakeholders. The strategy for income restoration and awards are discussed below.

6.3.2 DISTURBANCE ALLOWANCE

A statutory disturbance allowance (under S77 (2) of the Land Act) is payable on the amount for compensation. For this RAP, not more than six months' notice will be given to vacate or remove property, hence a 30 per cent disturbance allowance has been included as part of the resettlement compensation.¹⁶

6.3.3 ASSOCIATED OBLIGATIONS, SPECIAL CONSIDERATIONS AND ENTITLEMENTS

- (a) Women and children

The entitlements for PAPs as derived from national legislation and World Bank OP 4.12 procedures are quite clear and straightforward. However, these entitlements should be seen from the wider legal perspective that associates certain obligations and responsibilities for the PAPs, especially the parents/guardians who are decision-makers in such households. Therefore, due consideration for such obligations should be recognised and upheld where they apply. This is in respect of the rights of other persons within the PAP households.

One important consideration to be upheld will be the rights of women and children in respect of the land where they stay and/or from which they derive sustenance. The Land Act (Cap 227) is very clear on this and makes it compulsory to seek the consent of spouses before resettlement compensation payments are made. The RAP implementation team will at all times remind PAPs about their obligations relating to other persons and how they should be respected, including during resettlement compensation payments. This will ensure that other persons' rights within the PAP households are upheld and the process does not lead to further vulnerabilities associated with gender and childhood. This has been emphasised as one of the roles of the RAP implementation team (8.2.3) and one of the requirements to fulfil (where it applies) during the second notification for compensation payment (8.3.2).

¹⁶ The disturbance allowance has been considered to include all the necessary 'compound transition and rehabilitation facilitation for foregone livelihood inflows/earnings' or interrupted capacity for earnings, besides the property replacement and temporary relocation entitlements, during the period of re-establishing property and livelihood activities. Given the diversity and seasonality of livelihood activities and incomes among the PAPs, a more standard approach was to adopt a fixed percentage threshold, provided for in the law, against the property and temporary relocation (for kiosks/stalls/sheds) compensation values.

(b) Vulnerable groups

The RAP recognises that there are vulnerable groups among the PAPs. These are social and distinct groups of people who might suffer disproportionately or face the risk of being marginalised as a result of resettlement compensation and specifically include: (i) female- and child-headed households, (ii) disabled household heads, (iii) households where the head is unemployed and (iv) households headed by elderly persons with no means of support. These have been identified and presented in **Appendix K**. The RAP also recognises that vulnerability is a socio-economic dynamic situation and people can stream into a situation of vulnerability as well as stream out. The RAP implementation team will, therefore, need to screen, review and update the vulnerable PAP households; identify and update special assistance packages for such vulnerable PAPs; and develop strategies to deliver such assistance. This responsibility has been re-emphasised in the role of the RAP implementation team (8.2.3). The RAP implementation team will ensure that vulnerable PAP households understand the RAP implementation process and that their specific needs and concerns at that time are taken into consideration, through targeted consultations with them.

The following strategic intervention areas have been considered as possible areas of in-kind resettlement assistance to vulnerable PAP households during the RAP implementation:

- (a) Targeted and localised house-to-house or group sensitisation for the vulnerable PAP households during pre-payment consultations.
- (b) Priority consideration in processing resettlement compensation payments and specialised assistance in explaining and filling out compensation payment forms.
- (c) Livelihoods capacity development for selected members of vulnerable PAP households, in line with local livelihood opportunities and economy.
- (d) Counselling and guidance for members of vulnerable PAP households.
- (e) Consideration for employment in project activities for some of the members of the vulnerable PAP households.
- (f) Designing RIU offices and services in such a way as to enable PAPs who are disabled to access and utilise such facilities and services.

6.3.4 STRATEGY FOR PROPERTY AND LIVELIHOODS INCOME RESTORATION

The resettlement measures or strategies have been developed in close consultation with community members, the PAPs, institutional stakeholders and in reference to the national legal regimes, the World Bank involuntary resettlement policy and the MWE-RPF, 2012. Two main strategies have been identified and are discussed below. All PAPs are aware of these options, including those who requested further consultations with other household and family members.

(a) Strategic option one: Cash compensation

This is the main strategy for property and income restoration. This strategy will be through adequate and prompt monetary compensation and will apply to the majority of the PAPs. This strategy will include cash compensation for property, land and other resettlement assistance to enable PAPs to restore their livelihoods. This strategy was arrived at after consideration of the following factors:

Most PAPs expressed the preference for cash compensation as opposed to in-kind compensation. This was in relation to the fact that several of the PAPs' property, such as kiosks/stalls/sheds was movable and the displacement temporary. Also, the impact on structures and land (takes) are partial. Therefore, no significant economic displacement is envisaged; and no institutional displacement is anticipated. Several commercial structures are mainly temporary-movable kiosks/stalls/sheds housing informal income-generating businesses and will be temporarily affected. Therefore, compensation for temporary loss of livelihood income has been considered as part of the 30 per cent disturbance allowance, calculated in addition to the cost and/or replacement of the affected property (see sub-section 6.3.4c below).

Other land takes are partial and generally small; and several of the affected PAP households' economy is not land-based (see sub-section 3.2.11.2). Such PAPs expressed the desire to 'step-back' and redevelop their residual land and/or property.¹⁷ When this preference is related to other social and cultural considerations like kinship and social ties, it is worth respecting.

(b) Strategic option two: In-kind compensation and resettlement measures

This is a secondary option and has been considered to apply to community and public resources that will be affected owing to project implementation. Some few PAPs expressed the desire for property restoration. These could be considered under this option. One community borehole in River Oli division will be affected and will have to be replaced within the neighbourhoods. Part of the land to be acquired for the WSP and additional water reservoir belongs to the Uganda Government Prisons Service and will have to be acquired and compensated as the government would decide after inter-agency negotiations with the developer (see **Appendix L**).

Other resettlement measures that apply to the PAPs are described below:

(c) Disturbance allowance

Property and livelihood income restoration will also include a disturbance allowance that will be paid to the PAPs at the rate of 30 per cent of the value of compensation since less than six months' notice is to be given. This has been fully incorporated in the RAP (see section 6.3.2) and complies with both the national legislation for resettlement compensation and the World Bank requirements for PAP assistance for income and livelihoods restoration.

¹⁷ The PAPs whose structures will be partially affected will be notified of the risk involved in the reconstruction of such structures. The RAP implementation in conjunction with the contractor will develop safety measures for such affected properties that will be made known to the PAPs as well. These safety measures will have to be displayed and observed all the time while such structures are being reconstructed (see 2.1.3b).

After compensation, it is anticipated that communities will re-establish themselves in the economic activities they were performing before the project. Accordingly, compensation must be paid upfront before project activities begin at the respective project-affected sites/areas, as provided for in the Land Act (1998), to allow PAPs to plan for the restoration of their livelihood enterprises and other necessary adjustments.

(d) Vulnerable groups assistance

The RAP recognises that there are vulnerable groups among the PAPs. These have been identified and presented in **Appendix K** and will need to be screened and updated during the RAP implementation. The RAP implementation team will, therefore, update, design and cost special assistance packages to vulnerable PAPs; and also cost strategies to deliver such assistance (see 6.3.3b).

A summary of the entitlements is presented in the entitlement matrix, in **Table 6-1**.

Table 6-1: Entitlement Matrix

Impact	Description of affected property	Entitled person	Compensation measure	Unit
Specific Entitlements				
Loss of land	<ul style="list-style-type: none"> No permanent structure on the land Permanent structure will not be demolished Remaining land still viable for current use 	Lease Freehold Customary	<ul style="list-style-type: none"> Cash compensation, taking into account market values of the land (1) Disturbance allowance 	USh.
	<ul style="list-style-type: none"> No permanent structure on the land or permanent structure will not be demolished Land used or owned by vulnerable households 	Lease Freehold Customary	<ul style="list-style-type: none"> Cash compensation, taking into account market values of the land (1) Disturbance allowance 	USh.
	<ul style="list-style-type: none"> Land on which permanent structure to be demolished is located Land used or owned by vulnerable households 	Lease Freehold Customary	<ul style="list-style-type: none"> Cash compensation, taking into account market values of the land (1) Disturbance allowance 	USh.
Loss of structure	<ul style="list-style-type: none"> Permanent dwelling 	Owner	<ul style="list-style-type: none"> Cash compensation, taking into account market values for structures and assets Disturbance allowance 	USh.
	<ul style="list-style-type: none"> Permanent dwelling 	Tenant	<ul style="list-style-type: none"> Disturbance allowance 	USh.
	<ul style="list-style-type: none"> Permanent business structure 	Owner, non-vulnerable	<ul style="list-style-type: none"> Cash compensation, taking into account market values for structures and assets Disturbance allowance 	USh.
	<ul style="list-style-type: none"> Permanent business structure 	Owner, vulnerable	<ul style="list-style-type: none"> Cash compensation, taking into account market values for structures and assets Disturbance allowance Specialised assistance 	USh.
	<ul style="list-style-type: none"> Permanent business structure 	Tenant	<ul style="list-style-type: none"> Disturbance allowance 	USh.

	<ul style="list-style-type: none"> Permanent structure used for both dwelling and business 	Owner, non-vulnerable	<ul style="list-style-type: none"> Cash compensation, taking into account market values for structures and assets Disturbance allowance 	USh.
	<ul style="list-style-type: none"> Permanent structure used for both dwelling and business 	Owner, vulnerable	<ul style="list-style-type: none"> Cash compensation, taking into account market values for structures and assets Specialised assistance 	USh.
	<ul style="list-style-type: none"> Permanent structure used for both Dwelling and business 	Tenant	<ul style="list-style-type: none"> Disturbance allowance 	USh.
	<ul style="list-style-type: none"> Temporary structure (e.g. pit latrine, fence etc.) 	Owner	<ul style="list-style-type: none"> Cash compensation Disturbance allowance 	
	<ul style="list-style-type: none"> Temporary structure used for business e.g. kiosk/shed/stall 	Owner/tenant/squatter	<ul style="list-style-type: none"> Cash compensation for temporary relocation 	USh.
Loss of perennial crops	<ul style="list-style-type: none"> Crops with growth period of more than a year 	Crop owner	<ul style="list-style-type: none"> Cash compensation Disturbance allowance Payment for damage to crops (if any) 	As set out in the valuation rates approved by DLB and dependant on crop/plant
Loss of annual crops	<ul style="list-style-type: none"> Less than 6 months' notice provided prior to use of the land by the project 	Crop owner	<ul style="list-style-type: none"> Disturbance allowance 	USh.
Loss of business	<ul style="list-style-type: none"> Businesses that move to new settlement or to non-adjacent land 	Owners	<ul style="list-style-type: none"> Transport assistance to move business goods 	USh./trip
	<ul style="list-style-type: none"> Businesses that move to adjacent land 	Owners /tenants	<ul style="list-style-type: none"> Disturbance allowance 	USh.
Loss of employment (this is likely to be temporary)	<ul style="list-style-type: none"> Employees in business where structure is to be demolished owing to project activities 	Employees	<ul style="list-style-type: none"> Disturbance allowance 	USh.
Squatters	<ul style="list-style-type: none"> People living or working on land to which they have no formal or customary title 	Owners or tenants of structures	<ul style="list-style-type: none"> Assistance in moving to a place where they can live or work legally 	USh.



			<ul style="list-style-type: none">• Right to salvage assets and materials• Disturbance allowance	
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6.3.5 PUBLIC DISCLOSURE

PAPs will be given an opportunity to review the property survey and valuation results as well as the compensation policies through a binding disclosure prior to actual compensation. PAPs and community members have been consulted in the preparation of this RAP.

6.4 AFFECTED PROPERTY IDENTIFICATION APPROACH AND VALUATION PRINCIPLES

Several of the project activities (water and sewerage transmission mains) will take place within the road reserves of both central government and local government roads. For this assessment, the MOWT road reserve classification principles have been followed, i.e. a total road reserve width of 30 m (15 m on either side of the centre line) along several of the UNRA-managed roads. For district roads, a road reserve width of 15 m from the centre line was followed, while for community roads, a 7.5 m road reserve width from the centre line was followed. An anticipated working space of 4 m from the edge of the road guided the affected property identification (see survey report, **Appendix M**). There are some cases of re-adjustment or reductions in the required working space of 4 m along the road reserves in heavily built-up areas and the central business area of AMC to minimise potential impact.

The width of the wayleave is decided in accordance with standing NWSC technical guidelines for water and sewer line construction. For purposes of land acquisition for this project, the water and sewer line reserve width was taken as 4 m wide from the road edges. In cases where the proposed sewer line traverses private land/ plots belonging to individuals, a width of 4 m on either side of the proposed water and sewer centre line was considered (see survey report, **Appendix M**). No buildings are allowed in the acquired wayleaves, and agricultural activities are restricted due to the need for subsequent maintenance of the water and sewer lines. Therefore, developments in the wayleave areas and the land have to be compensated.

Where land beyond the acquired land is subsequently used by the contractor and probably property also destroyed, compensation should be effected under 'injurious affection'. This shall be on a case-by-case basis during the construction phase by the contractor (see valuation report, **Appendix D**). The detailed compensation and valuation principles followed in identifying, assessing and valuing the affected property and livelihoods are presented in sections 6.3, 6.5 in this report and in section 4 on the compensation and valuation approach in the valuation report, **Appendix D**.

6.5 PROPERTY VALUATION PRINCIPLES

6.5.1 LAND

The purpose of the land acquisition component of the project is to provide the appropriate framework in which people and communities affected by the activities of the proposed AWSP works shall get sufficient compensation for the loss of property in the form of crops, structures and land. Where the land is to be acquired and property affected, in addition to compensation assessed under the Land Section (S 78), a disturbance allowance has been considered, calculated at a sum of 30 per cent of the sum awarded in respect to this project, since less than six months' notice to vacate will be given (see sub-section 6.3.2).

6.5.2 PERMANENT STRUCTURES AND OTHER IMPROVEMENTS ASSETS

The values of improvements of a permanent nature, such as buildings and structural works, fences including chain link fences, block walls, gates etc. are assessed on the basis of current 'replacement costs' of similar or comparable structures.

6.5.3 CROPS AND TREES

The details of crops have been assessed using the Arua district valuation/compensation rates as derived from and determined by the DLB/DLO (see **Appendix G**).

6.5.4 SEMI-PERMANENT BUILDINGS AND OTHER IMPROVEMENTS

Buildings and other improvements (of a non-permanent nature) have been assessed using the Arua district valuation/compensation rates as derived from and determined by the DLB/DLO (see **Appendix G**).

6.6 INVENTORY OF IMPACTS ON INDIVIDUALS AND COMMUNAL PROPERTIES

An inventory of the properties to be affected has been prepared following the methodology and approach as described in sub-section 1.5. This is discussed below:

6.6.1 STRIP/THEMATIC MAPS

Thematic maps have been prepared that show the extent of project activities within the PAs where people and property are affected. The strip maps are presented in **Appendix E** submitted as a separate volume. In addition, an overlay map indicating the location of the project sub-components is also attached as **Appendix N**. All land areas to be acquired for project activities have been obtained through measurements and computations carried out by the cadastral surveyor. These strip maps also serve as a baseline to protect the project from claims made by people moving into the affected area after the cut-off date. These thematic maps have been reconciled with the valuation data and are pending approval by the CGV.

6.6.2 CENSUS OF PAPs

A census of the PAPs was undertaken. The PAP household socio-economic baseline information has been collected and presented in detail in section 3.0.

6.6.3 PROJECT-AFFECTED INSTITUTIONS (PAIs)

There are 85 PAIs in the PA. Most of these PAIs are private commercial institutions, civil society organisations, private social services providers and public social services providers. None of the PAIs will necessitate translocation as a result of the project activity implementation and access to social services will not be significantly affected, as illustrated (section 2.1.4). The list of PAIs is attached as **Appendix F**.

6.6.4 AFFECTED PROPERTY AND ASSETS

A total of 835 structures will be affected, excluding land and crops. Most of the structures are movable kiosks/stalls/sheds (34.8%) and live hedges/fences/barbed

wire (28.7%). This is described and illustrated in Chapter 2.0 (section 2.1.3). Property reference checks have been carried out to supplement the land, structures and assets data collected. Costs of the crops, trees and other plants have been made and are presented as part of the valuation report, **Appendix D**.

6.7 CRITERIA AND STRATEGY FOR LAND EXPROPRIATION

This will be part of the RAP implementation activities. Where land will be acquired, the respective PAPs will receive full compensation and, consequently, give up their interests in the affected land through the surrender of land titles (if any) and will sign mutation forms upon completion of payment.

- (a) The NWSC or the RIU will forward the mutation forms and title for lodging with the district land office and secure titles where the mutation of land has occurred. The NWSC will retain the certificate of title for the expropriated land.
- (b) Complaints and grievances will be handled as suggested in Chapter 7.0.
- (c) Some of the land to be acquired is too small, especially in respect of wayleaves. With respect to such wayleaves, an encumbrance on such land is advised: It is anticipated that the wayleaves would be recorded on the owner's title as an encumbrance when compensation payments have been made.

7.0 GRIEVANCES MANAGEMENT SYSTEM AND PROCEDURE

7.1 GRIEVANCE PROCEDURE AND RATIONALE

This section describes the procedure and mechanism through which community members and PAPs will be able to report, make, place/lodge or express a grievance against the project and its staff or contractors as part of the RAP implementation. It also describes the roles and responsibilities of different structures in resolving grievances. A grievance is any dissatisfaction or sense of injustice or unfairness felt by a person – in this respect a PAP or his/her representative in connection with his/her compensation entitlements, the RAP implementation process, the project developer, the contractor and other scenarios related to project implementation. The grievance is usually brought to the attention of the person(s) in charge, referred to in this RAP as the Grievance Officer (GO). This grievance procedure is intended to put in place and facilitate accessible, prompt and cost-effective handling of grievances at the nearest points of service to community members and the PAPs.

The aim and purpose of this system are to make the grievance handling procedures accessible, prompt and affordable to the PAPs given the generally low values of some of the properties to be affected, and also provide an alternative to the costly and time-consuming formal court procedures for handling grievances and disputes. The objective of the grievance handling systems and procedure is to establish for the PAPs mechanisms for raising complaints related to compensation for loss of land and other livelihood properties and assets and having such complaints resolved as amicably as possible through acceptable and binding corrective actions. This grievance management system will be in place for 12 months, including the exit period.

7.2 GRIEVANCE MECHANISM

The grievance mechanism is adopted from the MWE-RPF, 2012 already disclosed. The grievance mechanism operating at each location will receive inputs from four main sources:

- (a) Directly from the PAPs or other members of the affected community.
- (b) From the RAP implementation team.
- (c) From the Monitoring and Evaluation Officer who will forward the issues/concerns identified in the field.
- (d) From the local government offices at the sub-county/divisional level since these are as close to the community as possible.

Steps of the grievance process are described below.

7.2.1 STEP 1: RECEIPT OF COMPLAINT/GRIEVANCE

A verbal or written complaint from a PAP or community member will be received by the GO (refer to **Table 7-1** for the roles of the GO) or an assigned contact officer in a given administrative jurisdiction/authority near to community level and recorded in a grievance log which will be held in the offices of each sub-county/division. The contact officer at the sub-county will be the sub-county chief/Assistant Town Clerk in charge of the division in AMC.

Table 7-1: Role of a Grievance Officer

A Grievance Officer (GO), who will be a member of the Project Implementation Team, will lead the grievance mechanism. Principal responsibilities of the GO will include:

- (A) Recording the grievances, both written and oral, of the affected people, categorising and prioritising them and providing solutions within a specified time period.
- (B) Discussing grievances on a regular basis with the Working Group and coming up with decisions/actions regarding issues that can be resolved at that level.
- (C) Informing the Steering Committee of serious cases within an appropriate time frame.
- (D) Reporting to the aggrieved parties about developments regarding their grievances and the decisions of the Steering Committee.
- (E) Providing inputs into the monitoring and evaluation process.

Source: MWE-RPF, 2012

The grievance team will hold meetings at sub-county headquarters where grievances are received by a contact person who would then hand over the received complaints to the GO, for entering into the grievance log using the grievance form.

The grievance log will indicate grievances, date opened/lodged, actions taken to address or reasons why the grievance was not acted upon (e.g. the grievance was not related to the resettlement process), information provided to complainant and date on which the grievance was closed.

Grievances can be lodged at any time, either directly to the GO or the sub-county/divisional office. The process of lodging a complaint is outlined below:

- a) The GO will receive a complaint from the complainant or from the appointed contact person at the sub-county/divisional offices.
- b) The GO will ask the claimant questions in their local language, write the answers in English and enter them in English onto the grievance form (refer to grievance registration sample form in **Appendix C**).
- c) A representative of an independent local civil society organisation witnesses the translation of the grievance into English.
- d) The GO reads the complaint in English and translates it into the complainant's local language on the grievance form.
- e) The local leader (representative of an independent local civil society organisation) and the complainant both sign the grievance form after they have both confirmed the accuracy of the grievance.
- f) The GO lodges the complaint in the grievance log.

7.2.2 STEP 2: DETERMINATION OF CORRECTIVE ACTION

If in their judgement, the grievance can be solved at this stage and the GO and a representative of a local independent civil society organisation will determine a corrective action in consultation with the aggrieved person. A description of the action, the time frame within which the action is to take place, and the party charged with implementing the action will be recorded in the grievance database.

Grievances will be resolved and the status reported back to complainants within 30 days. If more time is required, this will be clearly communicated and in advance to the aggrieved person. In cases that are not resolved within the stipulated time, detailed investigations will be undertaken and results discussed in the monthly meetings with the affected persons. In some instances, it may be appropriate to appoint independent third parties to undertake the investigations.

7.2.3 STEP 3: MEETING WITH THE COMPLAINANT

The proposed corrective action and the time frame in which it is to be implemented will be discussed with the complainant within 30 days of receipt of the grievance. Written agreement to proceed with the corrective action will be sought from the complainant (e.g. by use of an appropriate consent form). If no agreement is reached, Step 2 will be revisited.

7.2.4 STEP 4: IMPLEMENTATION OF CORRECTIVE ACTION

Agreed corrective actions will be undertaken by the project developer or its contractors within the agreed time frame. The date of the completed action will be recorded in the grievance database.

7.2.5 STEP 5: VERIFICATION OF CORRECTIVE ACTION

To verify satisfaction, the aggrieved person will be approached by the GO to verify that the corrective action has been implemented. A signature of the complainant will be obtained and recorded in the log and/or on the consent form (see Step 3). If the complainant is not satisfied with the outcome of the corrective action, additional steps may be undertaken to reach agreement between the parties. If additional corrective action is not possible alternative avenues may be pursued.

7.2.6 STEP 6: ACTION BY LOCAL LEADERS AND PROJECT CONTRACTORS

If the GO and the independent observer cannot solve the grievance, it will be referred to relevant parties, such as local leaders, district officers, the construction contractor, valuer and the MWE, for consultation and relevant feedback provided.

7.2.7 STEP 7: ACTION BY GRIEVANCE COMMITTEE

If the complainant remains dissatisfied and a satisfactory resolution cannot be reached, the complaint will be handled by the Grievance Committee. A dedicated Grievance Committee will be established to assess grievances that arise from disputes. This will include the following members:

- a) District Land Office surveyor;
- b) Representative of the valuer;
- c) Grievance Officer; and
- d) SC/divisional LC III Council representative where it applies.

This committee must have a quorum of at least three persons. Decisions will be reached by simple majority. The Grievance Committee should be constituted for as long as grievances are being lodged.

Once the Grievance Committee has determined its approach to the lodged grievance, this will be communicated to the GO, who will communicate this to the complainant. If satisfied, the complainant signs to acknowledge that the issue has been resolved satisfactorily. If the complainant is not satisfied, however, the complainant notes the outstanding issues, which may be re-lodged with the Grievance Committee or the complainant may proceed with judicial proceedings.

7.2.8 STEP 8: ACTION BY DEVELOPER (NWSC)

If no satisfactory solution is reached by the Grievance Committee, the complainant can be advised to lodge the complaint with the management of the developer (NWSC) at their regional offices to make the process easily accessible to the complainants. If no satisfactory solution is reached by the NWSC management, the complainant has the option to seek redress via judicial processes.

7.2.9 STEP 9: ALTERNATIVE ACTION BY CHIEF GOVERNMENT VALUER (CGV)

Some grievances may be beyond the capacity of the GO or the Grievance Committee to handle expeditiously without the technical support of other professionals, such as the CVG. Some of the grievances may be specifically related to the valuation process, valuation rates and awards. Therefore, the GO will determine whether a complaint can be resolved by the Grievance Committee or, if not, whether it should be referred to the CGV for technical and administrative advice.

The CGV will make the necessary consultations with offices he/she deems fit to consult in his/her capacity as CGV. If a satisfactory solution is not achieved or provided by the CGV, the aggrieved person can resort to the judicial process.

7.3 CAPACITY-BUILDING FOR THE GRIEVANCE OFFICER AND GRIEVANCE COMMITTEE

It will be important for the GO to be appointed based on his/her experience and training in conflict resolution through mediation and reconciliation. It will also be important for the GO to have sufficient skills in data management, including data entry, data analysis and storage. This notwithstanding, it will be important that steps are taken to orient and build the capacity of the GO as part of the project implementation team in conflict resolution procedures, such as mediation and reconciliation, and other management areas such as record-keeping, report-writing and ICT equipment management.

The Grievance Committee members will also need to be oriented to the grievance management system suggested in the RAP as adopted from the RPF. The capacities of the Grievance Committee members will also need to be built around issues of conflict identification, conflict information analysis and conflict resolution as provided for in the land legislation.

7.4 OTHER ALTERNATIVES

The other alternative recourse suggested as a last resort is for the complainant to seek redress in formal courts of law. The Land Act (Cap 227) establishes land tribunals at regional/district level. It empowers the land tribunals to determine disputes relating to the amount of compensation to be paid for land acquired compulsorily in the public interest. The affected person may appeal to a higher ordinary court. The Land Acquisition Act allows for any person to appeal to the High Court within 60 days of the award being made. The Land Act (Cap 227) also states that traditional authority mediators can play a role in settling land disputes.

8.0 IMPLEMENTATION OF THE RAP

8.1 RAP IMPLEMENTATION PRINCIPLES

The main objective of resettlement and compensation are to ensure that the PAPs get fair and prompt compensation. In this way it is expected that their income, production capacity and standard of living will be improved, or at least restored to their former levels. The guiding principles for the implementation of the RAP will be as follows:

- (a) Resettlement or relocation has been minimised by taking into consideration all possible alternative measures;
- (b) Compensation will be paid before project works start in a specific project area and in a manner that does not curtail the livelihoods of the PAPs in terms of access and utilisation of such compensation;
- (c) The compensation values awarded will be fair enough to restore the livelihoods of PAPs;
- (d) The compensation awards will be paid out according to the preference of the PAPs;
- (e) A statutory disturbance allowance of 30 per cent of the compensation value will also be included;
- (f) All other activities related to the RAP will be communicated in advance to the PAPs using the preferred channels of communication;
- (g) Where grievances arise, the respective PAPs will be given an opportunity to be heard, fairly and promptly;
- (h) Measures will be taken to ensure that vulnerable groups get special assistance and support; and where spousal and children consent is needed, the provision will be enforced.

8.2 RAP IMPLEMENTATION ARRANGEMENTS

8.2.1 RAP IMPLEMENTATION UNIT

All PAPs will be compensated before their land is taken or their structures demolished, implying that compensation will be paid before project works start at a specific site/in a specific area as per the contractor's work schedule. The RPF recognises the value of the RAP implementation through existing local structures (see MWE-RPF, 2012 page 39).

The developer (NWSC) will be the lead agency in the RAP implementation and will work together with the MWE and local governments at the district and municipal levels in the PA to set up a RAP Implementation Unit (RIU). The RIU will be headed by one of the NWSC appointed managers, to implement this RAP. The unit will be responsible for ensuring that PAPs promptly access their compensation entitlements and that their livelihoods are restored after resettlement. The RAP implementation team will be responsible for:

- (i) delivery of the RAP compensation and rehabilitation measures;
- (ii) appropriate coordination between the agencies and jurisdictions involved in the RAP implementation; and
- (iii) the measures (including technical assistance) needed to strengthen the implementing agencies' capacities for managing the facilities and services provided under the project.

The institutions that will be involved in the implementation of the RAP include the following:

- (a) The NWSC (project lead agency and developer);
- (b) The valuer;
- (c) A representative from an independent local civil society organisation; and
- (d) Arua District and Arua Municipal Local Government administrations¹⁸ with regular consultations and briefings with political and technical offices, as follows:
 - i. A political representative of the LC5 office (District Council representative);
 - ii. A political representative of the Mayor's office (AMC representative);
 - iii. A technical representative (in charge of resettlement or community development) of the local administration (District Council);
 - iv. A technical representative (in charge of resettlement or community development) of the local administration (AMC);
 - v. A representative of Local Council III leaders (sub-county council);
 - vi. A representative of Local Council leaders of the affected villages; and
 - vii. Two PAP representatives, one of whom must be a woman.

8.2.2 RAP IMPLEMENTATION ADVISORS

The RAP implementation team will have and benefit from advisors from the local administration, preferably public administrators in the PA. It is recommended that an advisory committee to the RIU be established and be composed of the following:

- (a) The CAO, Arua District Local Government (1);
- (b) The Town Clerk, Arua municipality (1);
- (c) The Deputy Town Clerks (2) from Arua Hill division and River Oli division, Arua municipality; and
- (d) The sub-county chiefs (5) from PAP-affected sub-counties.

In addition, the senior NWSC management will retain an oversight and support supervisory role for the RIU to ensure that the RAP implementation is planned and executed efficiently and effectively through a consensus-building, consultative and participatory process.

¹⁸A technical representative, preferably from the District Land Office or Community Development Office, will be assigned to the RAP Implementation Unit and will be more useful in providing on-the-spot technical support to PAPs, at various levels, including at the payment desk.

8.2.3 RAP IMPLEMENTATION UNIT STRUCTURE

The RIU will comprise a core unit responsible for day-to-day operations and technical support staff (working part-time and as when required from the district and civil society). The composition of the core unit will be as follows:

- a) An implementation team that will have the following members of staff:
 - (i) Implementation Manager (1);
 - (ii) Implementation Officer (1);
 - (iii) Monitoring Officer (1); and
 - (iv) Administrators (3); one of the administrators can be the designate GO.
- b) Valuer (1);
- c) Independent civil society organisation/ NGO representative (1); and
- d) Technical officer recommended by the district, preferably the District Land Officer or Community Development Officer.

The composition of the advisory committee is already described above (8.2.2). The core team will report to the senior management of the developer (NWSC); and through consultative regular meetings to the local government-based advisory committee described in 8.2.2 above.

The day-to-day role of the RAP implementation team will be to:

- (i) plan and coordinate prompt compensation payments;
- (ii) plan and coordinate non-cash compensation such as special assistance to vulnerable groups;
- (iii) ensure that the compensation process and entitlements adhere to legal provisions such as spousal and children's consent where it applies, working through the office of the Administrator General in case of the death of a PAP;
- (iv) report to the senior management team of the developer and district-based advisors and stakeholders;
- (v) ensure that the information needs of the PAPs are disseminated promptly and effectively;
- (vi) establish, manage and update the RAP implementation database;
- (vii) contribute to the regular monitoring and evaluation of the RAP implementation; and
- (viii) consult and sensitise the community and PAPs with regard to the RAP implementation progress.

8.3 PAYMENT PROCEDURES

8.3.1 RAP PAYMENT TASKS AND THRESHOLD

The payment procedure will be divided into five tasks/aspects.

A threshold of USh. 100,000 will be considered for cash payments. Beyond this threshold, all compensation payments will be made through designated bank accounts

of PAPs. PAPs without bank accounts will be assisted and encouraged to open up bank accounts. The compensation payment procedure will involve the following tasks:

- Task 1:** Sensitisation of the PAPs (beneficiaries).
- Task 2:** Reviewing and updating the valuation report.
- Task 3:** Verification and identification of beneficiaries.
- Task 4:** Payment of compensation.
- Task 5:** Recording and tracking grievances and appeals.
- Task 6:** Land expropriation and titling.
- Task 7:** Report-writing and accountability.

8.3.2 COMPENSATION PAYMENT

Payment of compensation will involve a series of notifications to the PAPs after a review and update of the valuation entitlements, location and verification of the PAPs.

(a) First notification

The first written payment notification to the PAPs will indicate all the entitlements for and prerequisites that the PAP must fulfil before payment is made. The notification will specify:

- (i) the amount of compensation approved by the CGV;
- (ii) the methods of valuation used;
- (iii) other resettlement measures to be paid to the PAP;
- (iv) total payments available to the PAP;
- (v) payment prerequisites or requirements that the PAP must fulfil before payment is effected; and
- (vi) provision for acceptance (through signing on the first notification) or rejection and redress options available to the PAP.

(b) Second notification

The second written notification about compensation payment to the PAP will specify the payment logistical arrangements, such as:

- (i) payment days for the PAP;
- (ii) payment locations for the PAPs and other alternatives;
- (iii) the requirements to present during the actual payments, for instance identification documents;
- (iv) the requirements to fulfil upon payments, e.g. signing acknowledgements for receipt and mutation forms; and
- (v) encouragement or advice to bring evidence of spousal and/or children's consent for payment or to obtain written consent from spouse or children where it applies.

(c) Notification in exceptional situations

This is an additional notification to the PAPs that will specify the prerequisites for payments under exceptional circumstances, such as:

- (i) **death of a PAP:** The notification will make clear what documentation is required about the deceased PAP's estate and the current administrator(s) of the said estate from the office of the Administrator General or his/her representative(s);
- (ii) **joint ownership:** In the case of such property the consent of all parties will be required physically or through writing;
- (iii) **disputed property:** Proof of dispute resolution or judgement from a competent court of law will be required.

8.3.3 SCHEDULE OF IMPLEMENTATION

The schedule for the implementation of activities will be developed by the RAP implementation team and agreed upon between the RAP implementation team, the district and municipal authorities and PAPs. The implementation schedule will include:

- target dates for the start and completion of compensation payments;
- timetables for and the place of compensation payments;
- target dates for fulfilling the prerequisites for compensation payments and other legal requirements by PAPs;
- the timetable for special assistance to vulnerable groups;
- dates for vacant possession of the acquired land from the PAPs (this date must be after the payment of all compensation); and
- the link between the RAP activities to the implementation of the overall sub-project components.

It is proposed that the RAP be implemented over 12 months, including three months for exit. Other activities, such as project monitoring and grievance management, will run throughout the RAP implementation cycle (this is colour-coded yellow in the graphic presentation below). The proposed schedule is subject to change depending on when RAP approval is obtained, finances secured and relevant implementation structures established. The implementation schedule is reflected in **Table 8-1** below.

Table 8-1: Implementation Schedule for the RAP

Project activities	Months																					
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
RAP approval																						
RAP disclosure																						
Three months' notice to PAPs																						
Grievance management																						
Compensation payment																						
RAP monitoring																						
RAP completion and audit																						

8.4 ENVIRONMENTAL MANAGEMENT DURING RAP IMPLEMENTATION

With respect to this RAP, there is no anticipated physical relocation or displacement of PAPs to new sites; hence no environmental stress on account of physical resettlement is anticipated. It is not deemed necessary to carry out an ESIA on this RAP.

8.5 RAP BUDGET

An adequate budget is necessary in order for the RAP to be fully implemented. The proposed budget presented in **Table 8-2** covers the estimated costs for land acquisition, structures, crops and disturbance allowance of the RAP implementation as well as the 20 per cent implementation overhead.

Table 8-2: RAP Implementation Budget

Nature of work assessed	Total value for land / wayleave	Total value for structures and other improvements	Total value for crops / trees	Disturbance allowance @30%	Totals (project-sub-components)
Water /sewer line	396,936,616	718,637,670	70,669,200	355,873,046	1,542,116,531
Lagoon sites	111,144,000	1,269,000	6,619,000	35,709,600	154,741,600
Borehole sites	3,854,844	0	268,000	1,236,853	5,359,698
Water reservoir site	49,421,081	0	3,735,000	15,946,824	69,102,906
Sewer lifting stations	37,820,974	30,000	737,000	11,576,392	50,164,366
(A) Sub-totals	599,177,515	719,936,670	82,028,200	420,342,715	1,821,485,100
(B) Sub-total implementation costs (20% of A)					364,297,020
(C) GRAND TOTAL					2,185,782,120

The source of funding for the RAP is counterpart funding from the Government of Uganda. The total budget for resettlement compensation is US\$ 1,821,485,100, including a 30 per cent disturbance allowance. In addition, a 20 per cent administration cost for the RAP implementation, monitoring and evaluation has been considered. The overall total budget for the RAP resettlement compensation and implementation is US\$ 2,185,782,120.

The costs for the RAP implementation have taken into consideration the following pertinent task activities:

- Personnel administrative costs, assuming a 10-person workforce for 12 months with total monthly wages/salaries estimated at US\$ 10,000,000 per month.
- Administrative logistical costs (stationary, fuel/transport for fieldwork/monitoring activities, public notices/announcements, start-up equipment and furniture, maintenance and service costs, hygiene sundries, refreshments for staff and visitors, including legal fees and unforeseen litigation), estimated at a total monthly cost of US\$ 10,000,000.
- Administrative physical space costs (rent) estimated at a monthly cost of US\$ 2,000,000.
- Special assistance packages for vulnerable PAPs estimated at US\$ 50,000,000.

- e) Mid-term/end-term evaluation and completion report assignments estimated at USh. 60,000,000.
- f) Other incidentals estimated at USh. 5,000,000.

9.0 MONITORING, EVALUATION SYSTEM AND COMPLETION AUDIT

The purpose of monitoring and evaluation is to report on the effectiveness of the implementation of the RAP, and the outcomes and impact of compensation on the PAPs in relation to the purpose and goals of the RAP. This section describes the Monitoring and Evaluation (M&E) system for the RAP and also describes the parameters and associated indicators to be monitored, and the monitoring milestones and resources, including the persons or institutions responsible for carrying out the monitoring activities. It is already indicated that a Monitoring Officer will be part of the RAP implementation team.

9.1. GENERAL OBJECTIVES OF M&E

The general objective of the M&E system is to provide a basis for assessing the overall success and effectiveness of the implementation of the resettlement and compensation processes and measures. A number of objectively verifiable indicators (OVIs) will be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. The following parameters will be used to guide the measurement of the RAP performance:

- (a) Each PAP household will have a digitised compensation file/record indicating his/her background situation before RAP, the compensation agreed upon and received, the physical relocation/resettlement, the impacts on land and property, the use of assets/improvements after RAP etc. This data will be entered into a database for comparative analysis at all levels;
- (b) The mode of compensation preferred by PAPs and used by the RIU;
- (c) The use of compensation payments and other resettlement assistance by PAPs;
- (d) The grievance handling outputs and outcomes for respective PAPs;
- (e) The number of grievances and the time and quality of resolution;
- (f) PAPs' ability to re-establish their livelihood activities and property, including alternative incomes; and
- (g) New livelihood activities established and the productivity of such livelihoods at household and community levels;

The M&E will be undertaken at two levels:

- (i) *Internal monitoring*: This will be undertaken regularly by the RIU/Monitoring Officer; and,
- (ii) *External evaluations* (or end-time of RAP implementation): Evaluations will be undertaken by either development partner(s) and/or national-level stakeholders (represented by MWE). Evaluation will be necessary in order to ascertain whether the livelihood and income restoration goals and objectives have been realised.

9.2. MONITORING THE COMPENSATION PROCESS

(a) Internal Monitoring Issues

The effectiveness of the RAP implementation process and activities will be monitored through internal monitoring. This will be undertaken by the RIU/Monitoring Officer and will involve monitoring of the compensation process and activities to ensure that effectiveness is achieved throughout the RAP implementation process.

Internal monitoring will be thematically carried out at two process levels; during the resettlement compensation payment period and after that period (post-compensation payment period). Each process/thematic period will have different monitoring issues which the M&E officer should pay attention to, as summarised in **Table 9-1** below.

Table 9-1: Monitoring Thematic Issues during and after Compensation Payments

Thematic periods	
Resettlement compensation payment period	Post-resettlement compensation payment period
<ol style="list-style-type: none"> 1. Number of PAPs compensated 2. Number of PAPs who have acquired legal papers to new property 3. Number of PAPs who have restored their livelihood enterprises 4. Number of PAPs who have registered grievances with GO 5. Number of PAPs whose grievances have been resolved 6. Number of vulnerable PAPs or groups identified and assisted during compensation payments 	<ol style="list-style-type: none"> 1. Number of PAPs with successfully restored livelihoods and assets, 2. Number of PAPs who have maintained social and cultural ties, 3. No of PAPs whose grievances have been resolved or otherwise, 4. Number of vulnerable groups assisted and restored livelihood enterprise and assets.

(b) Roles and Responsibilities

The roles and responsibilities of the Monitoring Officer must be seen to directly contribute to the objectives of the internal monitoring process. The roles and responsibilities will involve:

- (i) setting up a system to collect on a monthly basis basic demographic and livelihood data about PAPs and having this data entered into a database for M&E;
- (ii) the identification and improvement of indicators to measure the RAP performance;
- (iii) the measurement of indicators at appropriate intervals;

- (iv) collecting and analysing M&E data against pre-compensation baseline¹⁹ information to be able to track and isolate changes in the livelihoods of the PAPs;
- (v) setting up a system to enable the RIU to use M&E findings to improve or modify existing implementation measures or processes;
- (vi) maintaining in good order and regularly updating the M&E database;
- (vii) receiving information from other officers in the RIU, from the general community, from technical and political officers from the district, municipality and sub-counties;
- (viii) giving feedback to other officers in the RIU, district and municipality stakeholders and representatives through monthly reports and disseminations;
- (ix) training and supervising locally recruited enumerators to collect data from the PAPs²⁰; and
- (x) undertaking specialised assessments for vulnerable PAPs and suggesting necessary interventions for such groups.

(c) Monitoring Indicators

The relevant monitoring indicators against which to measure the RAP implementation effectiveness are presented in **Table 9-2** below. A monitoring form will be used for this purpose. An illustration of a monitoring form is provided as **Appendix O**.

Table 9-2: Proposed Monitoring Indicators

Activity/Parameters	Indicators
Compensation payments to PAPs	Number of PAPs promptly paid Number of PAPs not paid promptly and reasons Amounts of money paid to PAPs
Restoration of livelihoods and assets	Number of PAPs with restored assets Number of PAPS with restored livelihood enterprises Number of community facilities restored Number of vulnerable PAPs assisted Type of assistance provided to vulnerable PAPs Number of vulnerable groups resettled Number of PAPs without restored assets Number of PAPS without restored livelihood enterprises Number of community facilities not restored and reasons Number of vulnerable PAPs not assisted and reasons

¹⁹If baseline data is not available then census data can also be used.

²⁰Given the large number of PAPs in the PA, it will be practically impossible for the M&E Officer to collect all this data on a monthly basis. There will be need for enumerators to be recruited as and when required on a contractual basis to assist with data collection from the PAPs. This has been factored into the costs for the RAP implementation (see 8.5).

Community participation and public engagement	Number of local consultative meetings held Number of district and municipal leaders engaged/briefed about the RAP Number of Civil Society representatives engaged/briefed about the RAP Number of PAP consultative meetings held
Grievance management	Number of grievances received Number of grievances resolved promptly (in allowed time) Number of grievances not resolved in time but completed Number of outstanding grievances not resolved Number of grievances referred Nature of outcomes from referred grievances
Mutation and registration of land rights	Number of mutation forms signed by PAPs Number of land titles received Number of land titles processed and returned to owners Number of land titles not processed and why Number or percentage of encumbrances entered on PAPs' titles

9.3. EXTERNAL EVALUATION

The process of external evaluation will be initiated by the developer in collaboration with other national stakeholders represented by the MWE and the development partner (s) represented by the World Bank. To avoid conflict of interest, the external evaluation will be undertaken by an external evaluation agency. The external evaluation will also be thematically undertaken at two levels and will examine the RAP implementation effectiveness and outcomes as outlined in **Table 9-3**.

Table 9-3: External Evaluation Thematic Issues

Thematic Issues	
Process indicators that measure the effectiveness of the RAP implementation process	Outcome indicators (the main design of outcome evaluation will be a pre- and post-compensation comparative analysis)
<ol style="list-style-type: none"> 1. Adequacy (of staff numbers/skills/knowledge levels; equipment and facilities) at RIU 2. Legislative compliance with national and World Bank standards 3. Outputs of the M&E, compensation payments, community engagement, reporting, grievance processes as indicators of effectiveness and adequacy 4. Collaboration and coordination adequacy of the RIU 	Livelihood changes among PAP households, including production systems and the standard of living and welfare

9.4. RAP COMPLETION REPORT

At the end of the RAP implementation, a final report will be submitted by the developer to the World Bank and the MWE. The final report will indicate the effectiveness of the RAP implementation process, including: the organisation and delivery of compensation payments and other resettlement measures; the grievance handling system; the M&E system; the community and public engagements, including vulnerable groups; and the socio-economic impacts of the resettlement measures. The final report will give an overall assessment of the RAP outputs against inputs indicating the planned activities completed and not completed as well as the lessons learnt during the RAP implementation.

9.5. COMPLETION AUDIT

The completion audit is intended to verify the results of the RAP implementation indicators, and to assess whether the RAP implementation achieved the resettlement objectives. A specific question for the final audit is whether livelihood and living standards have been restored or enhanced. If the answer is positive, then the RAP implementation will be considered to be completed. The RPF notes that the audit will also assess the efficiency, effectiveness, impact and sustainability of the RAP sub-project activities and document the lessons learnt for application to future sub-projects or other projects in the sector and in the country. Finally, the completion audit will ascertain whether the resettlement entitlements were appropriate, as defined in the RPF guidelines. The NWSC will submit the completion audit report to the MWE and the World Bank for review and appropriate action. The developer will be responsible for sourcing of and assigning to competent firm(s) the undertaking of the completion audit.

APPENDICES

APPENDIX A

TO RS FOR THE RESETTLEMENT ACTION PLAN

TERMS OF REFERENCE FOR CONSULTANCY SERVICES FOR A RESETTLEMENT ACTION

1.0 INTRODUCTION AND BACKGROUND

This section should state the purpose of the TOR, identify the development project the RAP will apply to, and explain the executing arrangements for preparing the RAP. The TOR should also provide pertinent background for preparing the RAP, and also include a brief history of the Project, including alternatives considered to minimize or entirely eliminate involuntary resettlement.

2.0 OBJECTIVE OF THE ASSIGNMENT

The objectives of the assignment are:

- To carry out a detailed Resettlement Action Plan (RAP) to determine the extent of resettlement impacts associated with the project (name project activities that will result into acquisition of land, e.g. a water reservoir)

3.0 RESETTLEMENT ACTION PLAN (RAP)

- The purpose of RAP is to establish the social impacts associated with the project activities...
- The Objectives of the RAP are:
 1. To determine the extent of involuntary resettlement impacts associated with (relevant project activities) and put in place measures to mitigate those impacts. The impacts are mainly to do with interruption of livelihoods of people affected by the project due to the land acquisition, taking or changing the use of the affected land related to the proposed distribution line.
 2. To carry out consultations with relevant stakeholders, including potentially affected persons, to obtain their views and suggestions regarding the social impacts of the proposed project and agree on the measures to cover the losses. The outcome of the consultations will be reflected in the RAP report and incorporated into the project design as appropriate. The results of the consultations will be made available to all relevant stakeholders, including the potentially project affected persons.

The RAP should set the parameters and establish entitlements for project affected people (PAP), the institutional framework, mechanisms for consultation and grievance resolution, the time schedule and the budget, and propose a monitoring and evaluation system.

The agreed entitlements package in an entitlements matrix should include both compensation and other measures to restore the economic and social base for those affected. It will address the requirements of the Government of Uganda and the World Bank Policy on Involuntary Resettlement based on the magnitude of project impacts. Therefore the RAP shall follow the World Bank policy on Involuntary Resettlement (OP 4.12) which requires that people who are adversely affected by project activities receive compensation to the extent that their livelihoods and standard of living is restored to at least a pre-project level. Similarly, the resettlement should be carried out in line with requirements of the legal, policy and regulatory framework of Uganda. However where there are gaps the World Bank policy overrides in order to ensure that the losses of the Project Affected Persons (PAPs) are well addressed.

In this regard, The RAP should capture the following key aspects:

- The extent of the (project activities) ;
- The definitions for the right of way;
- Social economic baseline information and project impacts detailing the project affected people by household and their losses;
- Documentation of views and concerns raised by stakeholders and potentially affected persons regarding the development and implementation of the RAP and action points for concerns raised;
- The proposed compensation measures with options identified and discussed with the affected people;
- The agreements reached and the way forward;
- A review of existing grievance measures, gaps and recommendations for project grievance mechanism;
- RAP implementation arrangements, citing agencies and their responsibilities and detailed roles and responsibilities while making recommendations where some agencies have lean staff;
- Monitoring and Reporting arrangements both during the project and post project implementation in order to assess the efficiency and effectiveness of the RAP process;
- Implementation Schedule in relation to overall project implementation;
- Costs and Budget including costs compensation, livelihood restoration activities, community development plan, monitoring activities.

3.1 Socio-Economic Studies and Project Impacts

The socio-economic studies should be conducted with the involvement of potentially affected people, including:

(a) The results of a census survey and socio-economic studies should include:

- (i) Both the current occupants and the inventory of the assets they are likely to lose or that are affected by the project to establish a basis for the design of the resettlement program;
- (ii) The Consultant shall identify the PAPs by categories and indicate the inventory of their losses in terms of the physical assets lost such as farms,

grazing land, forest/woodlots and so on using the number (no.) of PAPs negatively affected i.e.:

- a. nos. who will lose residential or commercial land with structures;
- b. nos. who will lose residential or commercial land only;
- c. nos. who will partially lose part of their structure;
- d. nos. who are tenants in the affected structure;
- e. nos. who have leases on certain buildings/structures from the owners;
- f. nos. who will lose of standing crops and trees;
- g. nos. of inhabitants in townships who will lose structures (permanent and temporary)
- h. nos. of industries, e.g. milk cooling plants, cotton/coffee stores, ginneries, mines affected
- i. loss of public infrastructure and other community or shared assets;
- j. nos. of PAPs with permanent land use rights, marginally and severely affected; and
- k. others, e.g the vulnerable, etc

Tables may be used to highlight presentation of the above data, the Consultant shall also identify the project component or activities that will give rise to resettlement; sections of the road where resettlement shall be practiced; the alternatives and the mechanisms considered to avoid or minimize resettlement prior to project implementation.

- (iii) The socio-economic studies shall be confined to the (project activities) with the aim of recommending appropriate livelihood restoration strategies and community development action plans for the PAPs along the line. The Consultant can use earlier collected data if available (although district profiles are more generic) and collect data on social-economic characteristics of the project affected people together with the census and inventory of assets. In order to provide for the socio-economic environment of the area and its environs, secondary data may also be included.
- (iv) The Consultant shall present the findings of the social economic studies that have been conducted earlier or together with the census of the PAPs and:
- (v) In more detail, socio-economic studies should document standard characteristics of households to be affected, including a description of production systems, labour, 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 population to be affected by the project activities; the magnitude of the expected loss - total or partial - of assets, and the extent of the effect, physical or economic while bearing in mind the different income streams
- (vi) detailed information on vulnerable groups or persons, for whom special provisions may have to be made; especially in the event that relocation is required; the consultant should outline criteria used to identify vulnerable persons and

- (vii) Provisions to update information on the affected people's livelihoods and standards of living at regular intervals.
- (b) Other Studies describing the following:
 - (i) land tenure 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 grazing ,use of forest and swamp areas,) governed by local recognized land allocation mechanisms, and any issues raised by different tenure systems in the project area;
 - (ii) the patterns of social interaction in the affected communities, including social networks and social support systems, and how they will be affected by the project for example are there any specific community groups like SACCOS or farmer groups that could be disrupted as a result of project implementation?;
 - (iii) public infrastructure and social services that will be affected based on the findings of the socio-economic survey the consultant should conclude whether the project will have a significant impact on access to social services like water sources and health centers; and
 - (iv) Social and cultural characteristics of communities to be affected, including a description of formal and informal institutions (e.g., community organizations, ritual groups, nongovernmental organizations (NGOs)) that may be relevant to the consultation strategy and to designing and opportunity for synergies in implementing the resettlement activities especially livelihood restoration activities based on existing activities implemented by Districts and other development partners.

3.2 Policy and Legal Framework

The Consultant shall document the findings of an analysis of the legal framework, covering:

- a. the scope of the power of eminent domain and the nature of compensation associated with it, in terms of both the valuation methodology and the timing of payment;
- b. applicable legal and administrative procedures , including a description of the remedies available to displaced persons in the judicial process and the normal time frame for such procedures and any available alternative dispute resolution mechanism that may be relevant to resettlement under the project;
- c. relevant law (including customary and traditional law) governing land tenure, valuation of assets and losses, compensation and natural resource usage rights, customary personal law related to displacement and environmental laws and social welfare legislation;
- d. laws and regulations relating to the agencies responsible for implementing resettlement activities;

- e. gaps, if any between local laws covering eminent domain and resettlement and the Bank's resettlement policy and the mechanisms to bridge such gaps and
- f. any legal steps necessary to ensure the effective implementation of resettlement activities under the project, including as appropriate a process for recognizing claims to legal rights to land – including claims that derive from customary law and traditional usage.

3.3 Eligibility

The consultant should define persons to be affected based on specified criteria for determining their eligibility for compensation and other assistance, including relevant cut-off dates. These should be guided by the policy and legal frameworks previously discussed.

3.4 Scope of Land/Property Survey and Valuation

The methodology to be used in valuing losses to determine their replacement cost; and a description of the proposed types and levels of compensation under local law taking into accounts the requirements of OP 4.12 and such supplementary measures as are necessary to achieve replacement cost for lost assets.

3.4.1 Property Survey

Accordingly the Consultant shall:

- Establish the names and particulars of the affected persons, size of land and other properties such as house to assist the valuers compute the values of such property
- Obtain cadastral and other relevant information necessary to identify property owners and other persons that are likely to be affected by the project.
- Document the damaged crops during survey and prepare a photo documentation of affected PAP's .

3.4.2 Valuation

In accordance with the scope and in line with agreed guiding principles with communities and PAPs, the Consultant shall:

- identify the project affected persons using procedures approved by the Chief Government Valuer and in line with the World Bank OP4.12 to ; carry out detailed valuation of all affected land, properties and livelihoods affected by the project, which will provide the basis for compensation/resettlement;
- compile land acquisition and resettlement costs for areas that PAPs are to be resettled if any;
- Ensure the data collection during valuation is done on forms acceptable to the CGV and the process is properly witnessed by the client

- Ensure that all property such as houses and PAPs are photo documented, for easy identification during disclosure and payments
- Witnessing the valuation Exercise: (project implementing agency) staff or an appointed agent shall **sign** on behalf of the client during the valuation exercise. Other signatories will be the Consultant and local council.
- The valuation data base is to be duplicated one copy to the Client and the other to the consultant during the valuation process

3.5 Resettlement Measures

A description of the packages of compensation and other resettlement measures tailored to each category of eligible affected persons while ensuring that resources are allocated efficiently and effectively.. In addition to being technically and economically feasible, the resettlement packages should be compatible with the cultural preferences of the affected persons, and prepared in consultation with them.

3.6 Site Selection, Site Preparation, and Relocation

Depending on the project impacts, provide alternative relocation sites considered and an explanation for the site selection criteria, covering:

- (a) Institutional and technical arrangements for identifying and preparing relocation sites, whether rural or urban. The combination of productive potential, location specific advantages, and other factors shall at least be comparable to the advantages of the old sites, with an estimate of the time needed to acquire and transfer land and ancillary resources;
- (b) any measures necessary for example adequate sensitization and information dissemination to prevent land speculation or influx of ineligible persons at the selected sites;
- (c) procedures for physical relocation under the project, including timetables for site preparation and transfer; and
- (d) Legal arrangements for regularizing tenure and transferring titles to resettlers.

3.7 Community Participation

In order to ensure that RAP is efficient and effective, consultations with stakeholders and project affected persons is key. Therefore, the involvement of affected and host communities should include:

- (a) a description of the strategy for consultation with and participation of resettlers and hosts in the design and implementation of the resettlement activities in order to develop a stakeholder engagement plan;
- (b) a summary of the views expressed and how these views were taken into account in preparing and implementing the resettlement action plan;

- (c) a review of the resettlement alternatives presented and the choices made by affected persons 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 centres, cemeteries); and
- (d) institutionalised arrangements by which affected people can communicate their concerns to project authorities throughout planning and implementation, and measures to ensure that such vulnerable groups such as indigenous people, ethnic minorities, the landless, and women are adequately represented.

3.8 Integration with host Populations

Depending on the project impacts, if there are persons to be relocated, the consultant should recommend measures to mitigate the impact of resettlement on any host communities, including:

- (a) Undertake consultations with host communities and local governments to capture any concerns and fears in the relocation process;
- (b) arrangements for promptly tendering any payment due to the hosts for land or other assets provided to resettlers;
- (c) arrangements for addressing any conflict that may arise between resettlers and host communities; and
- (d) any measures necessary to augment services (e.g., education, water, health, and production services) in host communities to make them at least comparable to services available to resettlers.

3.9 Grievance Procedures

Affordable and accessible procedures for third-party settlement of disputes arising from resettlement; such grievance mechanisms should take into account the availability of judicial recourse and community and traditional dispute settlement mechanisms.

3.10 Organizational Responsibilities

The organizational framework for implementing resettlement, including identification of agencies responsible for delivery of resettlement measures and provision of services; arrangements to ensure appropriate coordination between agencies and jurisdictions involved in implementation; and any measures (including technical assistance) needed to strengthen the implementing agencies' capacity to design and carry out resettlement activities; provisions for the transfer to local authorities or resettlers themselves of responsibility for managing facilities and services provided under the project and for transferring other such responsibilities from the resettlement implementing agencies, when appropriate.

3.11 Implementation Schedule

An implementation schedule covering all resettlement activities, from preparation through implementation, including target dates for the achievement of expected benefits to the displaced / resettlers and hosts. The schedule should indicate how the resettlement activities are linked to the implementation of the overall project.

3.12 Costs and Budget

Tables showing itemized cost estimates for all resettlement activities, including allowances for inflation, population growth, implementation and monitoring of the RAP and other contingencies; timetables for expenditures; sources of funds; and arrangements for timely flow of funds, and funding for resettlement, if any, in areas outside the jurisdiction of the implementing agencies.

3.13 Monitoring and Evaluation

The purpose of monitoring and evaluation is to report on the effectiveness of the implementation of the RAP, covering physical resettlement, disbursement of compensation and effectiveness of public consultation, amongst others. Monitoring and purposeful evaluation will be key factors for the successful resettlement activities.

Arrangements for monitoring of resettlement activities by the implementing agency, supplemented by independent monitors as considered appropriate by the Funding Agency, to ensure complete and objective information; performance monitoring indicators to measure inputs, outputs, and outcomes for resettlement activities; involvement of the affected persons in the monitoring process; evaluation of the impact of resettlement for a reasonable period after all resettlement and related development activities have been completed; using the results of resettlement monitoring to guide subsequent implementation.

Therefore the Consultant shall prepare a proposed Monitoring and Evaluation Framework for RAP implementation, including a plan for monitoring and evaluation of the compensation package with indicators for measuring implementation performance, impacts and outcomes. The plan shall provide for reviews by stake holders (national level including the World Bank and at local levels) of the regular progress reports to (implementing agency).

The Framework will include a review of the Baseline survey results, the compensation complaints / grievance redress committee, identification of alternative land for resettlement and farming, adherence to compensation payment schedule, movement and support of the PAPs (including the vulnerable people) and in particular the situation of small and marginal landholders, unskilled laborers, mobile vendors, migrant populations, ethnic minorities, women, children, and the elderly and disabled persons.

Monitoring and Evaluation Indicators

The Consultant will use Baseline survey data (**examples** set out below) to provide benchmarks (preferably in tabular form) for measuring and evaluating the success of the RAP, i.e.:

- a. nos. of affected households and those consulted;

- b. nos. of persons paid compensation or resettled citing various categories;
- c. nos. of possibly affected households pending reviews (injurious affection);
- d. nos. of complaints received at all levels, handled and their categories;
- e. nos. of complaints reported to other government oversight bodies (e.g. The Inspectorate of Government) and the outcomes, including the party that initiated the process;
- f. nos. compensation grievances referred to the sub-counties;
- g. nos. of cases to the Uganda courts of law (High Court or Magistrate's Court) instituted and the outcomes;
- h. Performance indicators that show achievement versus planned action may also be added especially for compensation, demolitions, relocations, etc. this compares the planned activities and what is actually implemented, e.g. number planned to be compensated by time of reporting and number actually compensated.
- i. frequency and quality of public meetings including the issues discussed; and
- j. the number of vulnerable or disadvantaged individuals or groups assisted
- k. Suitability of relocation sites, number of new houses, etc where applicable

The Consultant shall also study the PAP livelihoods, e.g. household improvements after compensation (new buildings, GCI roofing, new commercial activities, bicycles, etc.); food sufficiency /security among the impacted communities (food security); school attendance rate; income generation (**or household expenditure patterns**); increase in demand and supply of good services during the resettlement activities; improvements of social amenities along the project roads in the project- impacted corridor (e.g. availability of power, water, health and sanitation, telephone and educational facilities); and HIV/AIDS coverage.

The Consultant shall also consider the following monitoring and evaluation indicators for measuring and evaluating the success of the RAP:

- a. social Services in the Impacted areas: Improvement of the social amenities in the road corridor if any; status of the new availed / replaced social services; Availability of power, water, educational facilities;
- b. means of Livelihood: Restore means of livelihood of the affected population; PAPs employed on project sites, their categories and estimated earnings;
- c. income Generation Activities: Increase in income generation; demand and supply of goods and services during project implementation by the affected people;
- d. Community Participation in the RAP: PAPs participation; participation of local leaders; understanding of the compensation / resettlement complaints/ grievance procedures; effectiveness of community meetings; roles of local communities in PAPS verification; social organization of the affected community after project.

3.14 RAP Implementation

The Client will implement the RAP as a separate assignment once the scope has been defined in the RAP.

3.15 Personnel for RAP

Consultant shall provide all personnel necessary for the completion of the Study. The following key personnel shall be included as a minimum requirement for the consultant's personnel:

Position	Description
RAP Specialist	A Bachelor's Degree in survey/ land economics or sociology with 5 years of relevant experience in RAP preparation for power projects, and shall have significant experience with World Bank's on RAP (safeguard policies) as will be evidenced from similar works carried out and financed by the World Bank.
Sociologist	Sociologist Degree with 5 years experience in resettlement/mitigation or social impact assessment issues related to development schemes on power projects.
Valuer	A University Degree in Land Economics or its equivalent with 5 years experience in property valuation and must be registered by the Surveyors Registration Board (SRB) with a valid practicing certificate .
Surveyor	A University Degree in Survey with 5 years experience in survey of distribution lines and road networks must be registered by the Surveyors Registration Board (SRB) with a valid practicing certificate .

The Consultant shall designate a suitable Team Leader among the team.

3.16 Expected Outputs for RAP

The Consultant shall prepare and submit a **RAP report** to the Client (Implementing agency) which shall include the following:

- Valuation Report;
- Survey Report; (strip maps))
- Site plan(s) for the proposed resettlement sites, if any

The Consultant shall report toThe Client shall review and comment on the submitted reports.

After the incorporation of the Client's comments, the Financier shall review the Draft RAP to issue a '*no objection*' before the Consultant submits Final reports.

The RAP (entitlements) will be approved by the Chief Government Valuer and the RAP without the entire list of entitlements will be disclosed both in-country and at the World Bank's Infoshop prior to appraisal of the main project.

3.17 The Timing and Duration of the RAP Assignment

The assignment shall be completed within thirty six (36) weeks.

The Client shall review and comment on the submitted reports within 4 weeks from the date of report receipt and thereafter the Consultant shall prepare the final draft report within 6 weeks.

The RAP approved by the Chief Government Valuer is expected from the Consultant within the 36th week.

All reports shall be submitted as three (3) hardcopies and a softcopy.

Item	Activity	Timing (from the date of contract effectiveness) in weeks	Mile stones/outputs
1.	Inception	4	Inception report
2.	RAP studies	16	Draft RAP report
3.	Review by client	20	Comments
4.	Consultant incorporates clients comments	26	Final Draft Report
4.	Review and Approval of RAP report by CGV	36	Final Report

4.0 ANY FACILITIES, SERVICES OR RESOURCES TO BE PROVIDED BY the Implementing agency

The Employer will provide the project site maps and/or survey drawings of the area and any relevant studies prior to contract effectiveness.

5.0 REPORTING REQUIREMENTS

The consultant shall report to the Team Leader/project Manager.

APPENDIX A

Terms of References

APPENDIX B

Schedule of Project Affected Persons

APPENDIX C

Grievance Registration Form

APPENDIX D

Valuation Report

The Valuation Report is bound in a separate volume (Volume 2)

APPENDIX E

Strip Maps

The Strip Maps are bound as a separate volume (Volume 3) in A3 sheet size.

APPENDIX F

List of Project Affected Institutions (PAIs)

APPENDIX G

Arua District Valuation Rates

APPENDIX H

List of Stakeholders Consulted

APPENDIX I

Valuation Assessment Sheet

APPENDIX J

Social Economic Description of PA Outside AMC

APPENDIX K

List of Vulnerable Persons/Households

APPENDIX L

NWSC Procedure and Outcome for Engagement and Acquisition of Public Land

APPENDIX M

Survey Report

The Survey Report is bound with Appendix E in Volume 3

APPENDIX N

Maps showing Project Sub-Components and Locations

APPENDIX O

RAP Implementation Monitoring Form