



## MINISTRY OF ENERGY AND MINERAL DEVELOPMENT

Appendix 5: Social Risk and Impact Management Framework for the Kalagala and Itanda Special Conservation Area Sustainable Management Plan.



## Document Control

Project Name:	Development of the Social Risks and Impacts Management Framework Kalagala and Itanda Special Conservation Area
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## Preparation, review and authorization

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## ACRONYMS

AIDS	Acquired Immuno-deficiency Syndrome
ART	Anti-Retro Viral Treatment
ASC	Area of Special Conservation
AWE	Air Water Earth (AWE) Limited, (here in the consultant)
CAO	Chief Administrative Officer
CBO	Community Based Organization
CDO	Community Development Officer
CFR	Central Forest Reserve
CGV	Chief Government Valuer
CSO	Civil Society Organization
D - GMC	District Grievance Management Committee
DLB	District Land Board
DLG	District Local Governments
EIA	Environmental Impact Assessment
ESIA	Environmental and Social Impact Assessment
FGD	Focus Group Discussions
GISO	Gombolola Internal Security Officer
GM	Grievance Mechanism
GMC	Grievance Management Committee
GoU	Government of Uganda
HH	Households
HIV	Human Immunodeficiency Virus
IA	Indemnity Agreement
KFS	Kalagala Falls Site
KIOA	Kalagala Itanda Offset Area
KIFSCA	Kalagala and Itanda Falls Special Conservation Area
KIFSCA SMP	Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan
LC	Local Council
LG	Local Government
MAIIF	Ministry of Agriculture, Animal Industry and Fisheries
MEMD	Ministry of Energy & Mineral Development

MoGLSD	Ministry of Gender, Labour and Social Development
MoLG	Ministry of Local Government
MoTWA	Ministry of Tourism, Wildlife and Antiquities
MoWE	Ministry of Water and Environment
M & E	Monitoring and Evaluation
NaFIRRI	National Fisheries Resource Research Institute
NEA	National Environment Act
NFA	National Forestry Authority
NEMA	National Environment Management Authority
NGO	Non-Government Organization
OMV	Open Market Value
PAPs	Project Affected Persons
PAAs	Project Affected Areas
RAP	Resettlement Action Plan
RPF	Resettlement Policy Framework
RoW	Right of Way
SAS	Senior Assistant Secretary
S - GMC	Sub-County Grievance Management Committee
SLF	Sustainable Livelihoods Analysis Framework
SI	Statutory Instrument
SRIMF	Social Risks and Impacts Management Framework
STI	Sexually Transmitted Infection
ToR	Terms of Reference
UAC	Uganda AIDS Commission
UEDCL	Uganda Electricity Distribution Company Limited
UEGCL	Uganda Electricity Generation Company Limited
UETCL	Uganda Electricity Transmission Company Limited
ULC	Uganda Land Commission
Ug.Shs	Uganda Shillings
WB	World Bank

## GLOSSARY OF TERMS

Unless the context dictates otherwise, the following terms will mean the following:

“**Census**” means a field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The census provides the basic information necessary for determining eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the local government institutions (LGIs).

“**Compensation**” means the payment in kind, cash or other assets given in exchange at replacement value for the acquisition of land including fixed assets thereon as well as other impacts resulting from project activities.

“**Customary tenure**” is a system of land tenure regulated by customary rules which are limited in their operation to a particular description or class of persons. Under customary tenure land shall be held in accordance with the customs, traditions and practices of the community concerned.

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

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

**“Freehold tenure”** is the holding of registered land in perpetuity subject to statutory and common law qualifications. A freehold title may be created subject to conditions, restrictions or limitations which may be positive or negative in their application, applicable to any of the incidents of tenure.

**“Grievance Resolution”** is the process established under law, local regulations, or administrative decision to enable property owners and other displaced persons to redress issues related to acquisition, compensation, or other aspects of resettlement.

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

**“Involuntary Land Acquisition”** is the repossession of land by government or other government agencies for compensation, for the purposes of the project against the will of the landowner. The landowner may be left with the right to negotiate the amount of compensation proposed. This includes land or assets for which the owner enjoys uncontested customary rights.

**“Land Acquisition”** is the process of acquiring land under the legally mandated procedures of eminent domain.

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

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

**“Leasehold tenure”** is where land is held for a given period from a specified date of commencement, on such terms and conditions as may be agreed upon by the lessor and the lessee. Leases are created and governed by contract or operation of law and the lessor with due regard for the interests of the other party may confer on him such powers amounting to those conferred under freehold and Mailo tenures. Leasehold is the only tenure system applicable to non-citizens interested in holding land in Uganda.

**“Livelihoods”** are a full range of means that individuals, families and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.

**“Project Affected Area”** is an area subject to a change in use as a result of the declaration of the Kalagala and Itanda Falls Special Conservation Area.

**“Project Affected Person(s) (PAPs)”** are persons affected by loss of land and/or other assets as a result of the KIFSCA. These person(s) are affected because they may lose, be denied, or be restricted access to economic assets; lose shelter, income sources, or means of livelihood. These persons are affected whether or not they will move to another location.

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

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

**“Replacement cost”** means replacement of assets with an amount sufficient to cover full cost of lost assets and related transaction costs. The cost is to be based on market rate (commercial rate) according to Ugandan law for sale of land or property. In terms of land, this may be categorized as follows; (a) “Replacement cost for agricultural land” means the pre-project program or pre-displacement, whichever is higher, market value

of land of equal productive potential or use located in the vicinity of the affected land, plus the costs of: (b) preparing the land to levels similar to those of the affected land; and (c) any registration and transfer taxes;

**“Resettlement and Compensation Plan”**, also known as a “Resettlement Action Plan (RAP)” or “Resettlement Plan” - is a resettlement instrument (document) to be prepared when the impacts causing displacement due to the KIFSCA are identified. In the case of the KIFSCA, the location is known but the exact number of PAPs who would wish to stay to support conservation efforts or leave to pursue other options is unknown. Where land acquisition is unavoidable to establish the KIFSCA or in order to achieve the conservation objectives of the KIFSCA, restrictions of access or use of land within the KIFSCA is required, plans to manage the impacts on affected communities through compensation, livelihood restoration activities or physical relocation would be necessary. 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 would all require the preparation and implementation of appropriate plans to avoid leaving the community worse off. For the sake of this Framework, all such plans will be referred to as RAPs. As needed, RAPs will be prepared by the party impacting on the people and their livelihoods – in this case the Government of Uganda. These RAPs will contain specific and legal binding requirements to resettle, compensate or otherwise mitigate the impacts on the affected party before implementation of the KIFSCA SMP activities can begin. As used in this Framework, the term RAP may apply to plans intended to mitigate all social impacts of establishing and operating the KIFSCA. These impacts may go beyond displacement and resettlement impacts to include other social management plans (such as plans to support the livelihoods of people who remain near the KIFSCA) in an effort to reduce the number of planning instruments necessary.

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

**“Stakeholders”** is a broad term that covers all parties affected by or interested in a project or a specific issue— in other words, all parties who have a stake in the project. Primary stakeholders are those most directly affected—in resettlement situations, the population that loses property or income because of the

establishment of the KIFSCA . Other people who have interest in the project such as the MEMD, beneficiaries of the project (e.g., Eco tourism institutions), etc are termed secondary stakeholders.

“**Tenure Systems**” are methods under which land rights are held. Under the 1995 constitution of Uganda, Article 237, land in Uganda belongs to the people and shall vest in them in accordance with the land tenure systems mentioned in the constitution.

“**The Social Risks and Impacts Management Framework (The Framework)**” has been prepared as an instrument to be used throughout the KIFSCA SMP implementation. The Framework will be disclosed to set out the resettlement and compensation policy, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the declaration of the KIFSCA. The Resettlement Action Plans (“RAPs”) and/or the Livelihoods Restoration Plan (LRP) as appropriate for the KIFSCA will be prepared in conformity with the provisions of this Framework

“**Vulnerable Groups**” are people who may by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status get more adversely affected by resettlement than others; and who may have limited ability to claim or take advantage of resettlement assistance and related development benefits.

## EXECUTIVE SUMMARY

### Introduction

The Government of Uganda (GoU) signed an Indemnity Agreement (IA) with the International Development Association (IDA) of the World Bank (WB) in 2007 to facilitate the construction of 250 MW Bujagali Hydropower Project (BHP). As part of the agreement, the GoU was required to protect the natural habitat, environment and spiritual values of Kalagala Offset Area (KOA) known in the Indemnity Agreement as the Kalagala Falls Site (KFS). The Kalagala Offset Area traverses the Districts of Kayunga, Jinja and Bwile, and is encompassed by 10.7Km of free-flowing Nile River, along with nearby land areas including the entire Kalagala Central Forest Reserve (CFR), Mabira ecosystem CFRs, Namavundu CFR and Nile Bank CFR. The area was selected as a conservation offset, to compensate for the flooding of another free-flowing segment of the Nile by the now operational Bujagali Hydropower Project.

Contrary to the objectives of the exclusive protection under the Bujagali Indemnity Agreement, the GoU decided to develop the Isimba Hydropower Project (IHPP) 12 km downstream of the Kalagala Falls Site ) within the context of 8 percent annual increase in electricity demand and available energy potential of the country. The objective of establishing the IHPP was to meet the National Development Plan goals that were set to be achieved by 2019. Out of the three Upper Reservoir alternatives for the IHPP development, the highest reservoir level alternative (Alternative 1) was selected for development based on the environmental, social and economic analysis, and the Isimba HPP which was commissioned in March 2019.

Environmental, Social Impact Assessment and resettlement planning studies for the IHPP were prepared in compliance with the National Policies, Sectorial and Cross-sectorial National Legislative Frameworks, International Treaties and Conventions including the Best Practice Environmental Policies as required by the National Environment Management Authority (NEMA) of Uganda. NEMA upon review of the IHPP Environmental and Social Impact Assessment (ESIA) report awarded a conditional approval of IHPP development. The conditional approval required an addendum Environmental and Social Impact Assessment study within 5 years focused on environmental, social, cultural and spiritual impacts of the IHPP on the KFS to improve the conservation of KFS. These studies have also since been concluded.

The outcome of the addendum ESIA reveals amongst other things that the KFS creation under Bujagali IA did not acquire land and imposed restriction on the land use within the KFS. As a result, parts of the KFS land area are still traditionally owned by the households living in the close by village settlements. Some of the landowners have even built residential and other structures on the land which was identified for the establishment of the KFS. In addition, the KFS land units have been exploited by the adjoining village communities for agriculture, sand mining, forest products, fishery, and spiritual satisfaction. More recently, with the development of road infrastructure, even surrounding communities are involved in the water-based tourism industry.

Based on the ESIA addendum, a modified & extended Kalagala-Itanda Offset Area (KIOA) was delineated to cover an area of 2,835.5 hectares, an increase from the 1,414 covered by the KFS under the Bujagali IA. In 2019, this area was recognised under the National Environment Act (2019) as the Kalagala and Itanda Falls Special Conservation Area (KIFSCA). The KIFSCA is located in the three Districts of Kayunga, Buikwe and Jinja.

### **Managing the KIFSCA**

As a special conservation area, KIFSCA will be managed to protect and restore the forest ecosystems, preserve eco-tourism and recreation, protect aquatic resources and fisheries, manage fragile ecosystems, preserve cultural and traditional heritage, critically endangered or threatened species, and preserve the livelihoods of the local community. To direct the establishment and operations of the KIFSCA to meet the objectives outlined above, the Government of Uganda has prepared the KIFSCA Sustainable Management Plan (SMP) to which this Framework will apply.

### **Purpose of the Social Risks and Impacts Management Framework (Framework)**

The purpose of this Framework is to clarify the social risk management principles (including resettlement principles), organizational arrangements, and design criteria to be applied to activities required to establish and operate the KIFSCA as outlined in the KIFSCA Sustainable Management Plan .

This Framework will guide the preparation of plans to ensure that the impacts of the KIFSCA are adequately understood by the local community and the managed to be as inclusive as possible and mitigate any harm caused by the KIFSCA conservation related activities or restrictions. Under this Framework, the term “RAP” may apply to plans intended to mitigate all social risks and impacts of establishing and operating the KIFSCA. These impacts may go beyond displacement and resettlement impacts to include other social management

plans (such as plans to support the livelihoods of people who remain near the KIFSCA) in an effort to reduce the number of planning instruments necessary.

Once details about these activities have been agreed with key stakeholders through a process of community engagement, the Framework will be applied to develop specific plans as needed and as proportionate to potential risks and impacts of the activity. Proposed activities that will cause physical and/or economic displacement will not commence until such specific plans have been finalized and implemented as required.

Some restrictions imposed by the KIFSCA SMP may lead to denial of, restriction to or loss of access to economic assets and resources resulting in the need for plans and resources to mitigate the impact of those restrictions on the local community. However, the precise impact of establishing the KIFSCA and the need for compensating affected people are not known at this stage and are likely to evolve over the life of the KIFSCA. The development of the RAPs will be in accordance with international good practice on Involuntary Resettlement which in addition to land acquisition, also considers the social impacts of restrictions on land use.

This Framework seeks to ensure that any possible adverse impacts to people's livelihoods are minimized and addressed through appropriate mitigation measures against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people as much as possible.
- In the event that displacement or restrictions on land use are inevitable, having a well-designed compensation, livelihood restoration and/or relocation process in place;
- Compensating for lost income and livelihoods in a timely manner; and ensuring resettlement assistance addresses the true impact on affected people to restore their livelihoods to life before the KIFSCA was established.

This Framework will be used to screen all activities under the KIFSCA SMP for their potential resettlement and other social risks and impacts and ensure measures to mitigate and minimize negative social impacts are a core part of activity planning.

## **Methodology for the preparation of the SRIMF**

The methodology used in the preparation of this Framework is broadly divided into three parts namely, data collection, data analysis and preparation of the Framework report. Data was collected through primary and secondary sources which included: literature review, site visits and public consultations. Consultations sought to ensure that information pertaining to the KIFSCA was disseminated to all stakeholders. The consultations further provided an opportunity for stakeholders to express their views and opinions on the project, raise issues or concerns related to the project. This Framework may be modified further when consultations on the KIFSCA SMP resume.

## **Legal Framework for resettlement and compensation**

The legal Framework provides for acquisition of land for public purposes for different development projects. At national level, the Constitution of the Republic of Uganda (1995), The National Environment Management Policy (1994), the National Wetlands Policy (1995), the Land Act (1998), the Land Regulations, (2004), The Local Government Act (1992), the Land Acquisition Act (1965), the Uganda National Land Policy (2013), and the National Gender Policy (1997), define the land rights, ownership, procedure for acquisition and transfer of land rights and, procedures for the acquisition of land by the state for public projects.

## **Categories of Project Affected People**

The social risks and impacts associated with implementing the KIFSCA SMP will not fully understood until the SMP is finalised after extensive community consultations. Given all efforts will be made to either avoid adverse impacts or minimise them, it is not possible to be definitive on what impacts are likely. Moreover, given uncertainty about which activities will be prohibited or restricted in the KIFSCA until consultations are completed, the actual number of people that will be affected by establishing the KIFSCA is not known. The categories of affected PAPs will hence be completed once the KIFSCA SMP is finalised.

## **Potential impacts**

Though the exact impacts of establishing and operating the KIFSCA cannot be known until the KIFSCA SMP is finalised, the consultation draft contains a number of potential impacts that are considered here.

a. Land acquisition: The KIFSCA will cover approximately 2,835.5 hectares of land. While the SMP is designed to limit the need to acquire land and to minimise the restrictions on access to land and resultant loss of livelihoods, it is possible that some land acquisition will be required. Moreover, some restrictions on land use in the KIFSCA (to be determined through consultation and in collaboration with the local community) is considered likely and could require compensation or other forms of assistance in accordance with this Framework.

- b. The acquisition or restrictions on accessing land will subsequently affect PAPs' livelihoods since the area to be covered by the KIFSCA is currently being used for commercial and subsistence farming, fishing, sand mining, ecotourism, and other livelihood activities;
- c. Any restriction on access to the river through the KIFSCA may also affect the livelihoods or lifestyles of the local community who are not directly losing land or assets. Access to water for drinking, washing, fishing, sand mining, bathing, water transportation, or other activities could be curtailed;
- d. Activities taking place on the river banks such as charcoal harvesting, grazing livestock, hunting, caretaking, harvesting traditional medicine, spiritual healing, brick making, timber harvesting, water transport and vending; and
- e. The KIFSCA SMP could also lead to loss of property. There are at least three permanent houses located in the project area.

### **Mitigation measures**

This Framework seeks to ensure that any possible adverse impacts of proposed project activities to people's livelihoods are minimized and addressed through appropriate mitigation measures, in particular, against potential impoverishment risks. These risks can be minimized by:

- Avoiding displacement of people as much as possible;
- In the event that displacement is unavoidable, having a well-designed compensation, relocation and/or mitigation plan in place.
- Compensating in a timely manner for losses to be incurred; and ensuring resettlement assistance addresses impacts on PAPs to restore livelihoods.
- Establish social offsets for what the communities will lose because of the project.

### **Eligibility for compensation**

The key issue is how the project affected persons and the impacts upon them will be identified in the project area. The process will be guided by existing laws of Uganda and this Framework aimed at restoring the lives and livelihoods of affected persons. Eligibility will be based on the following;

- a) Persons that have formal legal rights to land, including customary and traditional; and religious rights recognized under the laws of Uganda.
- b) Persons who do not have formal legal rights to land or assets but are deriving a livelihood from the KIFSCA.
- c) Persons who have no recognizable legal right or claim to the land they are occupying, using or getting their livelihood from. These people will include encroachers, illegal occupants or squatters.

d) People living adjacent to the KIFSCA who lose access to livelihoods due to the establishment or operations of the KIFSCA.

### **Project screening and preparation**

Based on the finalised version of the Sustainable Management Plan (based on stakeholder and community engagement), screening will be conducted to determine the social risks and impacts associated with activities planned under the KIFSCA SMP. The process will determine whether involuntary resettlement or loss or restriction of access to land will be caused by implementation of the project. Where necessary, a RAP or livelihood restoration plan will be prepared once it's been determined that the project will require displacement of persons in the KIFSCA.

### **Preparation of RAPs and mitigation Plans**

Preparation of RAPs and other mitigation plan will be conducted in accordance with TORs prepared by the Government of Uganda following this Framework. A consultant will be contracted and, with the support from the MEMD's Social Development Specialist, a RAP or other plan detailing all affected people, property, livelihoods and other impacts of the project activity and how they will be mitigated through compensation or some other appropriate form of mitigation (such as provision of similar land or assets). The preparation of mitigation plans will broadly entail four stages: the social screening stage, Field activities e.g Survey and stakeholder consultations, report preparation, and compensation.

### **Roles and responsibilities**

The overall responsibility for the implementation of activities under this Framework lies with the Ministry of Energy and Mineral Development (MEMD) and Ministry of Water and Environment (MWE). More support will be sought from lead agencies like the office of the Chief Government Valuer which approves the compensation rates, National Forestry Authority (NFA), Ministry of Agriculture, Animal Industry and Fisheries (MAAIF ) and, the District Local Governments (DLGs) where the project will be located. The District Land Boards (DLB) for the respective Districts will provide compensation rates for crops, trees and fruits and participate in the verification of affected assets.

### **Capacity of MEMD to Implement this SRIMF**

The MEMD as in the past implemented various World Bank (and other international donors with similar risk management requirements) financed projects particularly in the Energy Sector that required the preparation and implementation of Social Safeguards Instruments. It has therefore cumulatively over the years acquired institutional capacities to implement this Framework. The Ministry currently has a team of full time Social and

Environmental Specialists who support projects in the management of related social risks and impacts. This and ongoing experience acquired by the team may be augmented by training and/or hands on mentoring should key capacity gaps particularly in the restoration of livelihoods be identified while implementing this Framework as a way of continued efforts to build in-house capacity.

### **Monitoring and Evaluation**

Monitoring and evaluation will form an integral part of project implementation. It will provide the necessary information about the involuntary resettlement and other social impacts caused by establishing and operating the KIFSCA, measure the extent to which the goals of the SRIMF will have been achieved and the effectiveness of mitigation measures. Indicators and targets will be established for the implementation of the KIFSCA SMP consultation with representatives of the affected communities and other key stakeholders. All targets will be implemented in line with this Framework to ensure that the goals and objectives for which this Framework was prepared are achieved.

### **Grievance Redress Mechanism**

As a requirement of this Framework, at the time a RAP or mitigation plan is prepared and approved, and individual plans implemented, PAPs and households will have been informed of the process for expressing dissatisfaction, and to seek redress pertaining to implementation of the project. The grievance redress mechanism will be simple and made accessible to all that may need to register their complaints/grievances. This Framework contains the grievance redress process that will be adopted.

### **Budget and Funding**

Since the actual number of affected persons and assets is yet to be determined, it was not possible to determine the actual budget for preparation and implementation of this Framework. A specific budget will be drawn once specific social assessment studies and census are undertaken and mitigation measures defined in accordance with this Framework.

### **Disclosure of SRIMF**

This Framework will be disclosed in compliance with relevant Ugandan regulations. The documents will be disclosed at District Offices, Sub-County offices and the MEMD website. It will also be available to any interested persons through the media in Uganda.

## 1.0. BACKGROUND TO THE KIFSCA

### 1.1. Introduction

#### **Uganda's Energy Sector Overview**

The energy sector is one of the key sectors in Uganda's economy and the major contributor to treasury resources. Following the liberalization of the power sub-sector, it is not only a vital driver of other sectors of the national economy, but also a large employer for many Ugandans. The Ministry of Energy and Mineral Development (MEMD) is responsible for policy formulation, implementation and monitoring of the energy sector. The Energy Sub-sector's mandate is *"to establish, promote the development, strategically manage and safeguard the rational and sustainable exploitation and utilization of energy and mineral resources for social and economic development"*. The main policy goal in the energy sector which is guided by The Energy Policy of Uganda (2002) is *"to meet the energy needs of the Ugandan population for social and economic development in an environmentally sustainable manner"* and a Renewable Energy Policy (2007) whose overall Policy Goal is *"to increase the use of renewable energy so that its proportion (excluding biomass) represents up to 7.5% of the total energy consumption by the year 2016"*.

Uganda's access to grid electricity is currently low with the majority of the population depending on traditional biomass energy. Over 90% of energy consumption is biomass, mostly wood and charcoal, which is not environmentally sustainable. Uganda's Vision 2035 of "Electricity for All" shows that the country must generate at least 4500 MW of electricity to ensure access by everyone. Uganda's Power Sector Investment Plan looked at investment scenarios required to meet such demand and various energy options available to achieve this vision.

The enactment of the Electricity Act, 1999 paved the way for liberalization of Uganda's energy sector. This facilitated the establishment and operations of independent power producers. In addition, the Act led to the power sector breaking up the then Uganda Electricity Board (UEB) that had the monopoly for power generation, transmission and distribution, into three companies responsible for generation, the Uganda Electricity Generation Company Limited (UEGCL) ; transmission, the Uganda Electricity Transmission Company Limited (UETCL) and; distribution, the Uganda Electricity Distribution Company Limited (UEDCL) of electric power in Uganda. Currently, UETCL has the responsibility of transmission of high voltage power, bulk purchase of power and bulk sale to independent power distributors. UEDCL owns the electricity supply

infrastructure operating at 33 kV and below. Its assets were leased to UMEME in 2005 under a 20-year concession. UETCL owns and operates the grid connected electricity supply infrastructure operating above 33 kV. It is the only company responsible for buying power in bulk from generators and selling it to distribution companies. UEGCL owns the Kiira and Nalubaale hydropower stations. Its generation assets were leased to Eskom Uganda Limited in April 2003 under a concession agreement.

## **National Energy Policy objectives**

### **Overall Objective**

To ensure sustainable development and utilization of energy resources, services and products by all Ugandans towards transformation of the national economy.

### **Specific Objectives**

The specific objectives are to:

- a. Increase access to reliable, affordable and modern energy services;
- b. Manage environmental impacts of energy exploitation and consumption;
- c. Improve the security and reliability of energy supply;
- d. Promote efficiency and conservation in energy supply and utilization;
- e. Improve energy sector governance, capacity building and integrated planning;
- f. Optimize the national energy mix and promote renewable and alternative energy sources and;
- g. Raise public awareness on energy resources, services and programmes.

## **Country Electrification Strategy**

The National Development Plan (NDP) 2015-16-2019-20 notes that limited access and use of energy significantly slows down economic and social transformation. The NDP has set, as one of its priorities, investment in physical infrastructure development mainly in energy, railway, waterways and air transport. Specifically, for the energy sector, the NDP focuses on increasing access and consumption of electricity by investing in least cost power generation, promotion of renewable energy and energy efficiency in addition to the associated transmission and distribution infrastructure.

### **1.2. Justification for the Kalagala and Itanda Falls Special Conservation Area (KIFSCA)**

In 2007 Government of Uganda (GoU) entered into an Indemnity Agreement (IA) with the International Development Association (IDA) of the World Bank to support the construction of the 250 MW Bujagali



Environmental, social and resettlement planning studies for the IHP were developed and completed in compliance with the National Policies, Sectorial and Cross-sectorial National Legislative Frameworks, International Treaties and Conventions including the Best Practice Environmental Policies as required by the National Environment Management Authority (NEMA) of Uganda. The NEMA upon review of the IHP Environmental and Social Study reports awarded conditional approval of IHPP development. The conditional approval required an addendum Environmental and Social Impact Assessment (ESIA) study within 5 years focused on environmental, social, cultural and spiritual impacts of the IHPP on the KFS to improve the conservation of KFS. These studies have also since been concluded.

The outcome of the addendum ESIA reveals amongst other things that the "... KFS creation under Bujagali IA did not acquire land and imposed restriction on the land use within the KFS. As a result, parts of the KFS land area are still traditionally owned by the households living in the village settlements close by. Some of the landowners have even built residential and other structures on these lands. In addition, the KFS land units have been exploited by the adjoining village communities for agriculture, sand mining, forest products, fishery, and spiritual satisfaction. More recently, with the development of road infrastructure, even outsiders are involved in the water-based tourism industry".

Based on the ESIA addendum, a modified & extended Kalagala-Itanda Offset Area (KIOA) was delineated to cover an area of 2,835.5 hectares, an increase from the 1,414 covered by the KFS under the Bujagali IA. In 2019, this area was recognised under the National Environment Act (2019) as the Kalagala and Itanda Falls Special Conservation Area (KIFSCA). This area is found in the three Districts of Kayunga, Buikwe and Jinja and the twenty villages indicated in Table 1-1 below.

**Table 1-1 Districts and villages that host the Kalagala-Itanda Offset Area**

<b>Kayunga District Villages</b>	<b>Buikwe District Villages</b>	<b>Jinja District Villages</b>
Mirembe	Namiyagi	Buyala "C
Namakwanda	Wakikoola "A'	Busowoko B
Kasambya	Kirugu-Wakikola	Bwase
Bukasa	Wakisi market	Bubugo-Bulondo
Kalagala	Wakisi central	Nabukosi Central
Mutukula		Busowoko Bwegamye
Kitambuza		Itanda

		Buwala
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### 1.3. Purpose and Objectives for the establishment of the KIFSCA

The Kalagala and Itanda Falls Special Conservation Area is the area encompassing the stretch of the Nile River approximately 15.5 Kilometres along the Nile beginning upstream at 2.5 Kilometres below the Bujagali Dam Wall and ends downstream at the tail end of Isimba Dam reservoir (Maximum Pool Level of 1,055 meters above sea level), thereby including; the entire Nile River aquatic area within these limits, all river islands within these limits, all land within 100 meters of both the left and right river banks from the annual maximum high-water line and the entire area of Namavundu, Kalagala Falls and Nile Bank CFRs except any portions inundated by the reservoir of the Isimba Dam.

The Statutory Instrument (SI) - The National Environment (Declaration of Kalagala and Itanda Falls Special Conservation Area - KIFSCA) Instrument, 2019 was gazetted into law in furtherance of the Republic of Uganda's obligations under the Indemnity Agreement. In addition, the related Supplemental Letter that was issued in December 2019 declared Kalagala and Itanda Offset Area as KIFSCA .

According to the SI , the KIFSCA is to be managed and conserved for purposes of:

- a. Restoring and protecting the ecological zones along the banks of the river Nile and the associated wetlands and islands within the area specified in the Schedule to this Instrument;
- b. Sustaining the ecological services of the Kalagala and Itanda Falls Special Conservation Area and to protect the associated wetlands and islands and stabilize the banks of the river Nile;
- c. Maintaining the potential for ecotourism and recreation activities within the Kalagala and Itanda Falls Special Conservation Area: including the natural beauty of the waterfalls and rapids;
- d. Protecting and enhancing aquatic biodiversity and natural habitats, including endemic fish species of global and national conservation concern;
- e. Preserving the cultural heritage sites, assets and social economic values within the KIFSCA ;

- f. Upgrading the conservation status of the area specified in the Schedule to the Instrument to enable it to be managed as a Special Conservation Area (SCA) and to prohibit activities; such as infrastructure developments that could adversely affect and alter the ecological functionality, biodiversity and aquatic ecosystem of the river Nile;
- g. Promoting research to enhance ecological functionality and values; and
- h. Enhancing sustainable livelihoods for local communities in accordance with the KIFSCA Sustainable Management Plan (SMP).

### **Objectives for implementing KIFSCA**

The KIFSCA comprises the Water catchment following the hydrology directly feeding into the Nile system within Kalagala and Itanda Falls, and the natural assets and ecosystems whose ecological, social and economic functions impact on the integrity of KIFSCA. In addition, it includes the natural and modified production systems that extend 100m on either side of the Nile and the cultural assets whose values are associated with KIFSCA. Therefore, KIFSCA seeks to preserve and/ or manage the forest ecosystems, eco-tourism and recreation, aquatic resources and fisheries, fragile ecosystems, cultural and traditional heritage, critically endangered or threatened species, and livelihoods of community members.

#### **1.4. Basis for the Development of this SRIMF for the KIFSCA**

An amendment has been made of Section 3.06 of the “Indemnity Agreement”. The amended IA states in part that Uganda shall: -

- a. Set aside the Kalagala Falls site exclusively to protect its natural habitat and environmental and spiritual values in conformity with sound social and environmental standards acceptable to the Association;
- b. Ensure that any tourism development at the Kalagala Falls site will be carried out only in a manner acceptable to the” Association “and in accordance with the aforementioned standards;
- c. Not develop power generation that could adversely affect the above- stated protection of the Kalagala Falls site without the prior agreement of the” Association”; and
- d. Conserve, through:
  - i. Designing a sustainable management program/plan and long- term funding plan mutually agreed by the Government and the Association on the expiration of the prevailing sustainable management program or at such a later date as the Association may agree, the present ecosystem of the Mabira Forest Reserve, as well

as the Kalagala Falls site, including the Kalagala Falls CFR , the Namavundu CFR and the Nile Bank CFR ;

- ii. Adopting the sustainable management plan as part of such management program; and
- iii. Adopt and thereafter maintain a mechanism (satisfactory to the Association) that ensures legally-binding and long-term conservation, protection and management of the Kalagala Falls Site.

Efforts to set a legal basis for conservation of the KFS were initiated and concluded. The National Environment Act 2019 has been enacted to repeal the National Environment Act Cap.153 and replace it with a law that conforms to existing Government policies and other relevant laws. The new Act makes provision for the establishment and management of an SCA. The President of Uganda assented to the National Environment Act 2019 and this piece of legislation was passed by parliament in November 2019.

In conformity with the provisions of the Act, a modified & extended Kalagala-Itanda Offset Area has been established and declared the KIFSCA. On the 19<sup>th</sup> December 2019, parliament passed a Statutory Instrument “The National Environment (Declaration of Kalagala and Itanda Falls Special Conservation Area) Instrument, 2019”. Together with the Act, the Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan (KIFSCA SMP) will supersede the KIOA SMP (2017). The KIFSCA SMP will form the guiding Framework for ensuring that the purpose of the SI (outlined on Page 15) is realized.

### **1.5. Managing the Social Risks and Impacts of the KIFSCA**

The SI outlines activities that will be permissible within the KIFSCA stating that:

- a. The KIFSCA includes Nile bank CFR, Namavundu CFR, Kalagala CFR and the 100-meter river bank from the highest water mark on either side of river Nile, including the islands within River Nile from 2.5 km North of Bujagali dam along 15.7km between Bujagali and Isimba dams to the most Northern part of Nile Bank CFR . The KIFSCA lies on both the Western and Eastern sides of River Nile in the sub-counties of Kangulumira in Kayunga district, Wakisi in Buikwe district and Butagaya and Budondo in Jinja district as shown on the Map.
- b. All the activities in the SCA shall be undertaken in accordance with the KIFSCA-SMP and in accordance with a licence or permit issued under the applicable law regulating the activity.
- c. Construction of new roads, railways, dams or hydroelectric facilities, or other permanent infrastructure is prohibited in the KIFSCA .

d. Existing activities in the SCA , authorized under any applicable law, prior to the issuance of the Instrument, shall continue, subject to the applicable law, the Instrument, the approved KIFSCA-SMP and, as applicable, this Framework

Quite clearly, only such human activities that conform to the dictates of the Statutory Instrument will be permissible within the KIFSCA. All those that do not conform will be prohibited and the stakeholders affected will be given the opportunity to choose either relocate away from the KIFSCA or cease activities which are deemed contrary to the conservation objectives of the KIFSCA or stay and undertake activities that conform with the intent of the KIFSCA-SMP and the Statutory Instrument. However, the exact impact of establishing and operating the KIFSCA cannot be determined can only be determined once the KIFSCA SMP has been finalised after extensive consultations with the community and affected stakeholders. As such, this Framework has been developed to outline how any adverse social impacts will be mitigated during the establishment and operations of the KIFSCA in accordance with the KIFSCA SMP. The intention of the Framework is to ensure that all adverse impacts on the affected community are planned for and mitigated through appropriate planning and deployment of resources.

This Framework has been prepared pursuant to international good practice on managing involuntary resettlement and other social impacts due to the taking or repurposing of land taking of land resulting in:

- a. Loss of assets and/or access to assets, and/or
- b. Loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

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

Therefore, this Framework will be used to streamline all the necessary procedures and principles to follow in mitigating and minimizing potential harm to the affected community associated with the KIFSCA. Before the implementation of the activities of KIFSCA-SMP, it is important that appropriate instruments, that is a Resettlement Action Plan (RAP), a Livelihoods Restoration Plan (LRP) or other plan to manage a social or community impact will be developed to identify specific impacts, outline proposed mitigation measures and determine any compensation which is necessary.

## **1.6. Aims and objectives of the Social Risk and Impacts Management Framework**

The Ministry of Energy and Mineral Development desires that all land and encumbrances on the land (Human Activities) that may not conform to the dictates of the Statutory Instrument establishing the KIFSCA are set free after the project affected persons and communities have been consulted and given the opportunity to choose whether to leave or stay and support with the conservation objectives of the KIFSCA as preparations to implement the KIFSCA SMP are made. This Framework has been prepared to provide a guiding Framework setting out the procedures and principles for mitigating likely social risks that may impact project affected stakeholders within the KIFSCA. The Framework was prepared to fit the provisions of international good practice and applicable GoU provisions used to mitigate the social risks and impacts that are likely to be caused by the declaration of the KIFSCA.

### **Objectives of the SRIMF**

The specific objectives of this Framework are to provide guidance to identify and manage situations when the project may lead to: impacts on livelihoods; displace people or their assets; or interfere with the cultural resources of the local community. Any social risk or impact mitigation or compensation measures will be implemented in accordance with this Framework. The Framework will guide when and how the RAPs, LRPs or other mitigation measures will be developed and implemented. The Framework works on the principle that any mitigation measures required, will need to be implemented before the relevant KIFSCA-SMP activity(ies) begin.

Screening of KIFSCA SMP activities will be carried out throughout preparation and implementation, and impacts of any potential resettlement will be included in monitoring and evaluation (M&E). Whenever a plan is required, it will be prepared in accordance with the guidance provided in this Framework, including Detailed Measurement Surveys, a Socio-economic Study and Identification (Census) of PAPs/impacted persons, and Public Consultation and Disclosure.

This Framework seeks to ensure that possible adverse impacts of proposed project activities are addressed through appropriate mitigation measures, in particular, against potential impoverishment risks.

These risks can be minimized by:

- a. Minimizing either impacts on or the number of PAPs or both, to the extent possible;
- b. Preparing a well-designed mitigation or compensation plans and/or relocation plans as necessary;

- c. Compensating in a timely manner (prior to implementation of the relevant activity under the KIFSCA-SMP ) for losses likely to be incurred, displaced incomes and livelihoods; and
- d. Ensuring resettlement and other assistance as needed, is developed, resourced and implemented to address impacts on project affected people's livelihoods and well-being.

### **1.7. Scope of the SRIMF**

a. This Framework covers the following elements, consistent with the relevant Ugandan national laws and international good practice for social risk management. The following activities were undertaken to prepare this Framework: Review the relevant legislation, regulations and local rules governing the use of land and other assets, with specific reference to the following:

- i) Political economy and governance in Uganda;
- ii) Property and land rights as defined by Ugandan law and customary practice;
- iii) Acquisition and valuation of assets including regulations over the buying and selling of these assets; and

iv) Entitlement and compensation in particular the accepted norms influencing peoples' basic rights to livelihood and basic services.

b. Dispute resolution and grievance mechanisms. Specifically, the legal and institutional arrangements for filing grievances are addressed through formal and informal systems of dispute resolution.

c. Comparison with international good practice using equivalence and acceptability standards.

d. Consult with key stakeholders that are engaged in involuntary resettlement and social risk management processes so as to identify current challenges and community vulnerabilities and suggest workable recommendations to be adopted into the project.

e. Assessment of the capacity of the implementing agencies (MEMD, MWE, NFA) and any other stakeholders to implement the Framework as well as the management and implementation of emerging social issues. In addition, identify the capacity strengthening needs for the implementation of the Framework by the project and propose and cost capacity building program including training for key institutions and other stakeholders

f. Review and update Framework management tools, such as screening procedures, checklists, assessment of typical anticipated impacts, draft RAP for typical impact mitigation for inclusion in the Framework in line with the planned KIFSCA SMP activities.

g. Review and update the grievance redress mechanism and RAP guidelines

h. Undertake field visit to consult with the affected persons, establish feasible resettlement alternatives, generate information for evidence-based impacts and recommendations of the project.

### **1.8. Approach and Methodology used in the Development of the Framework**

The study methodology employed a number of methods to generate the required information. The methods were qualitative in nature and have been divided into three parts namely:

- a. Data Collection
- b. Data Analysis and,
- c. Preparation of the Framework report

Data required for the Framework study were collected through primary and secondary sources, which included, literature review, site visits and public consultation.

#### **Literature Review**

Resource data was reviewed from reports on similar projects both within and outside Uganda, social economic status information relevant to the project area, community structure, land use, infrastructure and services profile along the proposed project area; infrastructure, facilities and services to be affected by the project. Particular attention was given to reviewing reports on the MEMD experience on similar assignments -The Addendum ESIA Report for the Isimba HPP, the draft KIFSCA-SMP under preparation the relevant legislative instruments for the Framework, RAP reports for the Isimba HPP, the Karuma HPP and Bujagali HPP together with the Kawanda Interconnection Project. Individual and approved Local Government development plans for all the affected local governments were also reviewed together with relevant documents on involuntary resettlement, legal, institutional and policy guidelines.

#### **Site visits**

A number of visits were undertaken in the different Districts which host the proposed Special Conservation Area. The site visits served as an opportunity for the consultants to familiarize themselves with the SCA and to also brief District technical and political leaders and potential host communities about the KIFSCA and the KIFSCA SMP.

#### **Stakeholder Consultations**

Public consultations were conducted with national stakeholders to establish feasible resettlement alternatives, generate information for evidence-based impacts and provide recommendations. These interviews were conducted with key stakeholders from; MEMD , NFA , NEMA , National Fisheries Resources

Research Institute (NAFFIR I), High and Lower Local Governments of the affected area in Kayunga, Buikwe, Njeru Town Council and Jinja were also conducted. Other consultations were held with residents in the project area along the 100m zone off the highest water mark as well as focus group discussions and scoping sessions conducted with PAPs.

### **1.9. Principles adopted in the Framework Development Process**

In developing this Framework, the following “best practice” principles were adopted in an attempt to address the probable adverse effects of involuntary resettlement:

- a. Involuntary Resettlement will be avoided as much as possible. Where involuntary resettlement is unavoidable, all people affected by it should be compensated fully and fairly for lost assets.
- b. Involuntary resettlement should be conceived as an opportunity for improving the livelihoods of the affected people and undertaken accordingly.
- c. All people affected by the establishment or operation of the KIFSCA will be consulted and involved in planning to ensure that the mitigation of adverse effects as well as the benefits of resettlement are appropriate and sustainable.
- d. Both those who have formal legal rights to land or other affected assets (including customary and traditional rights to the use of land or other assets) and those who do not have formal legal rights to land or other assets at the time of the social risk and impact planning process are considered eligible to benefit from risk management measures and plans (including RAPs). In other words, the absence of a legal title to land or other assets is not, in itself, a bar to compensation for lost assets, other resettlement assistance or other support to manage social risks and impacts.

All compensation, resettlement and livelihood support measures will be developed with the aim of mitigating against potential impoverishment risks.

## **2.0. SOCIO ECONOMIC BASELINE INFORMATION FOR KIFSCA**

### **2.1. Introduction**

This section presents the Socio-economic baseline status of the KIFSCA in relation to its benefits and risks related to the conservation area with particular focus on the potentially affected area and population. The study provides a measure of the existing state of the socio-economic environment against which future changes imposed by KIFSCA activities will be measured and monitored. The information will also facilitate decision making in relation to mitigation of impacts that may arise because of implementation of KIFSCA activities.

### **2.2. Population and Demographic Characteristics**

According to 2019 population estimates, the population of Uganda is around 44.27 million with 84% of the residents living in rural areas. The Housing and Population Census (2014) indicates that the population of

KIFSCA consists of largely peasant farmers. Approximately 501 households<sup>2</sup> (4,000 people) directly interact with the KIFSCA. It is a patrilineal community with the majority of households headed by men. The average household size for the affected Sub-counties and town council ranges from 8 – 11 members with Njeru Municipal Council (Urban) having the highest and Kangulumira Sub-county having the lowest household size. This is higher than the national average of 6 family members implying the existence of large families in the area. Relatedly, the KIFSCA is estimated to have a large proportion of young people (0-18 years) similar to the national situation which creates a high dependency ratio. This implies that any adverse impacts of the KIFSCA on its population may hit them hard if not minimised/mitigated. The population size is a reflection of the number of people that are likely to be impacted by the SCA.

### **2.3. Ethnicity**

Uganda is one of the countries that houses the rich ethnic diversity, which includes most of its population speaking three major language groupings namely, Bantu, Nilotic and central Sudanic. Furthermore, the number of ethnic groups present in Uganda is very large, making it one of the most ethnically diverse countries in the region. The main ethnic group in Uganda is called the Ganda, which makes up 16.9% of the population, followed by the Nkole, Soga and Kiga tribes which make up 9.5% and 6.9% respectively. KIFSCA follows the same rich ethnic diversity. According to the Addendum ESIA – Kalagala Offset Area 2017, the dominant ethnic groups in the KIFSCA are the Basoga and Baganda. Other tribes include the Iteso, Banyole, Japadhola, Basamia, Bagwere, Bagisu, Banyoro, Baruli, Bafumbira, Bakiga, Lugbara, Acholi and foreigners. This pattern portrays the existence of both the customary or traditional inhabitants and immigrants respectively, both within and outside Uganda.

### **2.4. Gender**

According to the 2017 Addendum ESIA for Kalagala Offset Area, the households comprise of 50.9 % males and 49.1 % female while nearly 58.84 percent are youth and children below the age of 18 years. Male to female ratio in the KIFSCA is estimated at around 1:0.96, which is marginally lower than the national average of 1:1.2<sup>3</sup>. The households' heads in the area are male dominated. Female-headed households are rare and are seen only in cases where the husband is deceased (Source: Addendum ESIA – Kalagala Offset Area, 2017).

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## **2.5. Marital Status**

The majority of household heads in KOA are married with most of them in a monogamous relationship. The impact of any form of displacement requiring resettlement will therefore affect households in family relationships with children (Source: RAPid Census Survey – Livelihoods and Social Team, October 2018).

## **2.6. Literacy levels**

Education attainment is averagely low in the KIFSCA. The greater majority of households have either not completed primary school, only completed O' Level or never attended school at all. The numbers that have completed tertiary education are very low; in the majority of cases not exceeding 3.5% in each district (Source: RAPid Census Survey – Livelihoods and Social Team, October 2018)

## **2.7. Housing**

The KIFSCA contains few dwellings with most residential structures located outside the 100m zone from the riverbanks. What is very evident is farming within the KIFSCA, mainly the growing of food and cash crops. Settlements are therefore very sparsely distributed and limited to structures belonging to typically absentee landlords as well as tourism facilities.

## **2.8. Access to water**

Three hundred and sixty-one (361) out of 388 households (93%) interviewed, claim to source water for domestic use from the river directly highlighting the importance of the water resources of the Nile river to the affected communities (Source: Courtesy RAPid Census Survey - Livelihood and Social Team Photos, Oct. 2018). The water is used by both the local community and the ecotourism lodges surrounding the water source. It is mostly used for irrigation, and domestic consumption that includes cooking and bathing. Access to water must be provided to ensure that the surrounding community benefits from its consumption.

## **2.9 KIFSCA Land tenure and Ownership**

Land ownership in Buikwe, Kayunga and Jinja fall under five main categories: public, customary, mailo, lease and freehold.

Titled land occupies a significant proportion of land comprising 16% and 14.69% under freehold and leasehold tenure respectively. Customary land tenure occupies approximately 26% of all the land owned in the KIFSCA area and Mailo land tenure occupies 15.2%. Land currently under the National Forestry Authority and that owned by the Bujagali Power projects together occupy a significant proportion of the KIFSCA estimated at about 24.7 % (Source: Census conducted by Livelihood and Social team, October 2018)

## **2.10 Settlement Patterns and Land Use**

The nature of settlements and land use within the KIFSCA varies according to the different affected Sub-counties / divisions. The Land use in the KIFSCA comprises forestry, agriculture and rural settlement. The key settlement areas near the KIFSCA include villages of Nakakonge, Kirindi, Nsiima, Spotter, Wabirongo, Kitambuza, Kalagala, Mutumu-Nakaato, Buwala B, Lumuli B, and Lumuli D. Urban settlement is growing at Kangulumira Town Council which is 3km away. The area is majorly occupied by forests (47.12%), followed by water bodies that cover 31.26% of the area and grasslands at 12.66%. Wetlands approximately cover 5.23%, woodlands 2.03% and the rest (1.71%) of the land is covered by agriculture as well as rocky grounds. The settlements are mostly rural and sparsely distributed. The Area also boasts a concentration of tourism facilities (lodges, recreational sites and resorts) within a distance of 300m apart.

## **2.11 Livelihoods of the People in KIFSCA**

Land is a key livelihood resource in the KIFSCA affected communities given that most of its population depends on it for subsistence agricultural production and as a major source of income. The high demand for land in support of people's livelihoods coupled with large families or household sizes has led to an ever-increasing need for land in the area. This implies that resettlement planning and/or other social safeguards tools that this report will recommend must take into consideration the impacts that KIFSCA might have on the livelihoods of the communities.

Given that the communities are predominantly agriculturists, ownership, and access to land by household members is hereditary, hence individualized land tenures with distinct characters and resource rights embedded therein for the individuals and households. It should also be noted that most of the land holdings are small and considered to be individual property. Land can be transmitted to kin either by inheritance or Sub-division within families. The landholdings in the KIFSCA range from 0.001 to 26 acres. Apart from subsistence agricultural production, there are other sources of livelihoods including; Fishing, Trading in both agriculture and non-agricultural produce, Construction (engaged in construction industry), Salary earners who are usually salaried workers in the civil/public service and private sector, wage earners who sell their labour and are paid on a casual basis and, other trades such as tailoring, butchering, boda boda riding, mechanics, sand mining and brick making.

## **2.12 Major Sources of Energy**

UBOS 2017 reports that, overall, two thirds of households in Uganda (64%) use firewood for cooking while three in every ten households (30%) use charcoal. Combined, biomass fuels constitute the main fuel for

cooking for 94% of the households. The other sources of energy for cooking (electricity, kerosene, gas) account for only 6%. Similarly, the dominant source of energy used by affected households for cooking within the KIFSCA is firewood/charcoal most of which is obtained from the forests and shrubs found within the 100-meter zone. Other noted energy sources for cooking on a small scale include solar, gas, kerosene and electricity. On the other hand, the dominant energy source used for lighting within the KIFSCA was solar. The other sources of energy used for lighting include electricity, kerosene, and to as small extent firewood.

## 2.13 Access to Social Services

**2.13.1 Road Network and Communication Infrastructure:** The road network around the KIFSCA is not well developed. There are a number of access roads and paths that lead to the ecotourism lodges found within the project area and also lead to the landing sites, sand mining areas and drying areas of silver fish. All these are earth / murrum roads.

**2.13.2 Education, Health, Religious and Market Infrastructure:** There is no presence of educational, health, religious, trading/market stalls and government administrative facilities or infrastructure in the KIFSCA.

## 2.14 Vulnerability status in the KIFSCA

Vulnerability has been assessed in terms of disability, widowhood and the elderly as indicated below.

**Disability Status:** According to the RAP Household Survey Database November 2019, majority of the household heads and their spouses had no disability and therefore were in a good state of physical health. This was evidenced by a no-difficulty in sight, hearing, walking, memory, self-care and communication. A few of the household heads and spouses were found to have some disabilities. The most dominant disabilities found were difficulty in seeing, walking and communication.

**Widowhood Status:** Out of the total population of the household heads interviewed, the widow / widower population accounted for 9.2% in Butagaya, 7% in Kangulumira, 8.2% in Wakisi and 6.2% in Budondo. Although this population is not large, the development of a RAP should provide for measures to mitigate impacts on such people and subsequently be enforced during RAP implementation. Source: RAPHousehold Survey Data base November 2019

### The Elderly

The RAPHousehold Survey Data base November 2019 revealed that, out of the total population of household members, the elderly population (65 years and above) constituted 2.7% of the population in Budondo, 0.9% in Butagaya, 3.1% in Kangulumira and 2.1% in Wakisi. Unlike young people, during resettlement, the elderly population is likely to require more support in identifying and purchasing land as well as negotiating favourable terms for house construction. In addition, they will also need more support to restore livelihoods which can be different from what was being practiced within the KIFSCA.

## **2.15 Religious Affiliations**

The majority of the residents of the KIFSCA are known to subscribe to the Protestant Faith, followed by the Moslems, Catholics, Pentecostal and traditionalists. While this is so, no religious resources such as Churches and Mosques were present in the area. However, several traditional, cultural and spiritual resources/sites were identified in the area which must be taken into consideration during risk management planning. These include Kalagala Cultural site/Agath, Kasambya cultural Centre/ Mulumba, Okimait spiritual site/Tukei Paulo, Munghemba site/Abu Hulaira Higenyi, Busowoko-Kiira/Ailtulosi Namwase, Bwakedde site/Bazaale Ali, Ikoote spiritual site/Taalame Robert and others without specific names but identified only by their leaders names e.g. the 3 sites identified as Kyambadde, Zachariah and Mwajuma. The Sites have significant values to the communities and serve several purposes including worshiping, healing, cleansing and appeasement.

## **3.0. LEGAL, POLICY, AND INSTITUTIONAL FRAMEWORK**

### **3.1. Introduction**

This section sets out the national and international laws, legislative and regulation governing the use of land and other assets in Uganda. These Frameworks define the land rights, ownership, procedures and requirements for transfer and acquisition of land. The legal, policy and institutional Framework is presented below.

### **3.2. Legal Framework**

#### **3.2.1. The constitution of Uganda, 1995**

The Constitution in its National Objectives and Directive Principles of State Policy according to; Article XIII: “the obligation of protecting important natural resources on behalf of the people of Uganda” is vested with the state. Article XXVII stipulates the need for sustainable management of land, air and water resources, Article 237 on Land ownership provides that Land in Uganda belongs to the citizens of Uganda and shall vest in them in accordance with the land tenure systems provided for in the Constitution. Article 242 highlights land use in which the Government may, under laws made by Parliament and policies made from time to time, regulate the use of land while Article 245 among others concerns protection and preservation of the environment from abuse, pollution and degradation as well as managing the environment for sustainable development and promoting environmental awareness. The Constitution also prescribes the tenure regimes in accordance with which rights and interests in which land may be held namely, Customary, Freehold, Mailo and Leasehold. It introduces bonafide occupancy” as a form of tenure that gives the occupant some rights to the land occupied. According to the Constitution, all land belongs to the people of Uganda and is held in trust by the Government. Government is authorized to acquire land for a public purpose and compensate affected persons in accordance with the law. It provides procedures to follow during the acquisition of land for public interest and provides for the “prompt payment of fair and adequate compensation” prior to taking possession of the land.

#### **3.2.2. Land Act, Cap 227**

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

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

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

The Land Act will govern all aspects related to land taken by the project and its compensation either by replacement with physical land parcels or cash payments. The land act is relevant as the principle law to be followed during land acquisition. It ensures that aspects of potential compensation, disturbances among others are taken into consideration while preparing and implementing the project.

### **3.2.3. Land Acquisition Act, 1965**

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

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

### **3.2.4. The Land Regulations, 2004**

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

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

### **3.2.5. Local Government Act, 1997**

Local Government Act 1997 provides for the system of Local Governments, which is based on the District. Under the District there are lower Local Governments and administrative units. This system provides for elected councils that have both legislative and executive powers. Thus, the district councils play an important role in land administration; land surveying, physical planning, and management of municipal resources that are not the responsibility of the central government. This act provides for a district-based system of local governments. They are therefore charged with the crucial role of acquisition of land for development/construction purposes and in the sensitization and mobilization of the local communities. This system also provides for elected Councils whereby chairpersons nominate the executive committee of each council, functions of which include:

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

The Act empowers district administrations to develop and implement district rates upon which compensation for crops and non-permanent structures is based. This together with the fact that local administrations (districts and local councils or LCs) will have an important role during resettlement and verification of affected persons. This Act is relevant to the Project as all District Local Governments covered by the KIFSCA will be beneficiaries and therefore stakeholders with jurisdiction over implementation of the KIFSCA.

### **3.2.6. The Land (Amendment) Act, 2010**

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

### **3.2.7. The Physical Planning Act, 2011**

The 2011 Act replaced the Town and Country Planning Act, Cap 246 which was enacted in 1951 and revised in 1964. The 1951 Act was enacted to regulate and operate in a centralized system of governance where physical planning was carried out at national level through the Town and Country Planning Board. Implementation of the Act was supervised by local governments, especially the urban local governments.

Uganda has since gone through many social, political and economic changes. For example, promulgation of the 1995 Constitution established a decentralized system of governance which devolved powers and functions including physical planning, finance and execution of projects from the central government to local governments. This therefore created a need to enact a physical planning legislation which is consistent with this Constitutional requirement. The Physical Planning Act, 2011 establishes district and urban physical planning committees, provides for making and approval of physical development plans and applications for development.

Section 37 of The Physical Planning Act, 2011 requires an Environmental Impact Assessment (EIA) permit for developments before they are implemented, stating:

“Where a development application related to matters that require an EIA , the approving authority may grant preliminary approval subject to the applicant obtaining an EIA certificate in accordance with the National Environment Act”.

### **3.2.8. The National Environment Act 2019**

This act repeals, replaces and reforms the law relating to environmental management in Uganda (National Environment Act (NEA), Cap 153-1995). It provides for the management of the environment for sustainable development and mandates NEMA as a coordinating, monitoring, regulatory and supervisory body for all activities relating to the environment. The Act provides for various strategies and tools for environment management, which also include EIA for projects likely to have significant impacts on the environment. It also

specifies legislation that deals with Environmental and Social Impact Assessments (ESIA) in Uganda and also requires that an ESIA be prepared in accordance with national EIA Guidelines (1997) and EIA Regulations (1998). The NEA 2019 and supporting regulations are the main mechanism supporting the management of social risks in Uganda. The NEA 2019 provides the ground for establishment of Special Conservation Areas and provides the legal Framework that allows NEMA the authority over ensuring that sustainable management is achieved within the KIFSCA.

### **3.2.8.1. The National Environment (Wetlands, Riverbanks and Lake Shores Management) Regulations, No. 3/2000**

These regulations provide a guiding legal Framework for the conservation and wise use of wetlands, riverbanks and lake shores and their resources in Uganda. According to Section 29 (3) of this statute, no activity shall be permitted within these protected zones without the written authority of the Executive Director, NEMA. The statute vests all the authority to permit use of the wetlands, riverbanks and lake shores in the Executive Director, NEMA. The statute also sets out principles that shall be observed in the management and conservation of riverbanks and shores. One of the main principles is that environmental impact assessment, annual audits and monitoring of such activities as required under the statute is mandatory for all major activities on riverbanks and lake shores. These must be carried out and reports submitted to the Executive Director.

Section 29 of The National Environment (Wetlands, Riverbanks and Lake Shores Management) Regulations, No. 3/2000 identifies the Nile River amongst Uganda's rivers specified in the sixth Schedule of the statute - that must have a protection zone of one hundred meters from the highest watermark of the river. The survey activities initiated by the Ministry of Water and Environment formed the source of coordinates for which this Framework is based deriving its legality from the provisions of The National Environment (Wetlands, Riverbanks and Lake Shores Management) Regulations, No. 3/2000.

The statute places the responsibility and duty to prevent and repair the degraded riverbank on every land owner or user in whose land the river bank is situated through the following (or any other) measures - (a) soil engineering; (b) agro forestry; (c) mulching; (d) bundling; (e) grassing; (f) control of livestock grazing; or (g) terracing. It is therefore anticipated that the cost of doing so is the responsibility of the landowner.

Some people affected by the establishment of the KIFSCA (especially the investor group) have indicated interests in supporting the conservation objective of the KIFSCA as an alternative to being displaced. This

Framework recommends that consideration of the interests of this group be guided amongst others, by the provisions of this statute. Section 29 (3) of this statute notwithstanding, this would provide one means to minimizing the impact of establishing the KIFSCA.

For purposes of this Framework, the statute is particularly important in:

- a. Defining the requirements for a special conservation area;
- b. Providing guidance on application procedures for all stakeholders/person seeking permits to carry out activities within the riverbanks (Section 23);
- c. Guiding tourism developers and those wishing to have access to natural beaches or rivers and lakes on what must be ensured (Section 31) and defining who has the right to access (Section 32) respectively; and
- d. Highlighting other duty bearers and their responsibilities in the management of the wetland, riverbanks and lake shores (Technical Committee on Biodiversity Conservation – Section 6; The districts and environment committees –Section 7 and the Environment Officers)

The provisions cited by The National Environment (Wetlands, Riverbanks and Lake Shores Management) Regulations, No. 3/2000 need to be understood to guide this option to resettlement. NEMA and the respective agencies relevant in the conservation of the KIFSCA will need to provide sufficient sensitization on the requirements that this statute provides in preparing the ground for a partnership arrangement with affected communities/stakeholders in ensuring that the conservation objectives of establishing the KIFSCA are achieved.

#### **3.2.8.2. The National Environment (Declaration of Kalagala and Itanda Falls Special Conservation Area) Instrument, 2019**

The National Environment (Declaration of Kalagala and Itanda Falls Special Conservation Area) Instrument, 2019 sets the basis for enforcement of conservation measures over the KIFSCA. The Statutory Instrument describes the main purpose for which the KIFSCA was established, gazetted and to which all activities therein must conform to. As discussed in the introduction to this report, the instrument provides a legal basis for resettling all stakeholders found within the KIFSCA whose activities will not be undertaken in "...accordance with the Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan and in accordance with a licence or permit issued under the applicable law regulating the activity".

### **3.3. Policy Framework**

#### **3.3.1. The National Environment Management Policy, 1994**

The overall goal of the National Environment Management Policy is the promotion of sustainable economic and social development mindful of the needs of future generations and ESIA is one of the vital tools it considers necessary to ensure environmental quality and resource productivity on a long-term basis. The policy calls for integration of environmental concerns into development policies, plans and activities. Hence, the policy requires all stakeholders whose activities are likely to have significant adverse ecological or social impacts to the river and its banks to undertake an ESIA and RAP (as needed) before their implementation.

#### **3.3.2. National Wetlands Policy, 1995**

This policy aims at promoting conservation of Uganda's wetlands in order to sustain their ecological, social and economic functions for the present and future generations. In addition, it aims at curtailing the rampant loss of wetland resources and ensuring that benefits from wetlands are sustainable and equitably distributed to all people of Uganda. It calls for no drainage of wetlands unless more important environmental management requirements supersede; sustainable use to ensure that benefits of wetlands are maintained for the foreseeable future; environmentally sound management of wetlands to ensure that other aspects of the environment are not adversely affected; equitable distribution of wetland benefits; the application of environmental impact assessment procedures on all activities to be carried out in a wetland to ensure that wetland development is well planned and managed. There are a number of wetlands witnessed along the banks of the Nile River where the KIFSCA is to be established. Close to these wetlands are stakeholder activities that include farmland and eco-tourism facilities. For stakeholders who succumb to development interests for which permission must be obtained, the ESIA's that are conducted must ensure that these wetland resources are recognized during impact assessment and any project-based effects mitigated to allow sustainable use by all stakeholders.

#### **3.3.3. The Uganda National Land Policy 2013**

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

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

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

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

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

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

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

### **3.3.4. The National Gender Policy, 1997**

The aim of this policy is to guide and direct at all levels, the planning, resource allocation and implementation of development programmes with a gender perspective. Its overall goal is to mainstream gender concerns in the national development process in order to improve the social, legal / civic, political, economic and cultural conditions of the people in Uganda in particular, the women. MEMD and MWE are to ensure that the KIFSCA-SMP activities integrate gender into its implementation works and that during the RAP/LRP development and implementation processes, gender dimensions are mainstreamed at all stages in line with this Framework.

### **3.3.5. The National HIV/AIDS Policy, 2004**

The policy provides the principles and a Framework for a multi-sectoral response to HIV/AIDS in Ugandan's world of work. The policy applies to all current and prospective employees and workers, including applicants for work, within the public and private sectors. It also applies to all aspects of work, both formal and informal. MEMD and MWE will ensure that the KIFSCA-SMP activities integrate HIV/AIDS into its implementation.

## **3.4. Institutional Framework**

### **3.4.1. Ministry of Energy and Mineral Development (MEMD)**

The Ministry of Energy and Mineral Development (also the Ministry in charge of oil in Uganda) is responsible for all energy policy and other matters, investments in mining, and the establishment of new power generating infrastructure using hydro power, thermal power, solar power, wind power and nuclear power. The planning process of the KIFSCA has been led by MEMD as the Lead Ministry implementing the Indemnity Agreement. This explains its interest in the logical conclusion of setting the ground for the establishment of the KIFSCA. The MEMD has engaged other sectoral ministries and Lead Agencies in the planning and development of the KIFSCA SMP – the document that is expected to guide the process of establishment and management of the KIFSCA. The MEMD will take responsibility for coordinating the implementation process of this Framework including financing all the individual sub-components.

### **3.4.2. Ministry of Water and Environment (MWE)**

The main responsibility for the management of the KIFSCA and enforcement of the SI establishing the KIFSCA falls directly on the MWE. The mandate of the MWE is derived from the Constitution and the Local Government Act. This includes initiating legislation, policy formulation, setting standards, inspections, monitoring,

coordination and back-up technical support in relation to the water and environment sub-sectors. Amongst the many functions of the MWE, the main roles and functions of the MWE in relation to the KIFSCA include:

- a. Developing legislations, policies and standards for management of the KIFSCA water and environment resources. Already, the ministry has spearheaded the demarcation of the 100m zone and provided coordinates for the delineation of the impact zone. The responsibility for enacting of the SI for establishing the KIFSCA and coordination of the implementation of the KIFSCA SMP is the responsibility of the MWE;
  - b. Promotion of integrated and sustainable water resource management within the KIFSCA;
  - c. Providing sound and sustainable management of the environment within the KIFSCA for optimum and social and economic benefits for the present and future generations; and,
  - d. Promotion of effective management of the CFR found in the KIFSCA to yield increases in economic, social and environmental benefits for the current and future generations, especially the poor and vulnerable.
- The institution that falls within the MWE that will have responsibility in the implementation of conservation partnerships with willing PAPs is NEMA in accordance with the mandate provided by the NEA 2019. The National Environment Act (Cap 153) provides for the establishment of NEMA as the principal agency responsible for coordination, monitoring and supervision of environmental conservation activities. NEMA has a cross-sectoral mandate to oversee the conduct of ESIA through issuance of ESIA guidelines, regulations and registration of practitioners. NEMA will support in the mitigation of negative activities in biodiversity in KIFSCA.

### **3.4.3. Department of Museums and Monuments**

The Department is mandated to protect, promote and present the cultural and natural heritage of Uganda through collection, conservation, study and information dissemination for enjoyment and education.

The Department's mission is to impact knowledge of cultural and natural heritage to the present and future generations for their enjoyment.

The department's key functions are:

- a. Research about natural and cultural heritage.
- b. Conservation and maintenance of important physical cultural resources or heritage collections.
- c. Provision of professional knowledge and information regarding the archaeology and palaeontology of Uganda.
- d. Publication of research findings in appropriate publications.

- e. Exhibition and interpretation of specimens for public study and enjoyment.
- f. Monitoring implementation policies and strategies of historical and cultural heritage conservation and development.
- g. Development of strategies for community participation in cultural heritage.
- h. Promote public awareness about cultural and natural heritage through formal and informal education.
- i. Provide technical guidelines to the private investors.

There are a number of cultural and spiritual sites found within the KIFSCA for which the department will need to take further charge in conserving. These sites were identified in the process of developing the KIFSCA SMP. They are listed and a description of their importance presented in this Framework. According to preliminary recommendations made by the draft KIFSCA -SMP under preparation, apart from graves, the Cultural Spiritual sites may not need to be relocated.

#### **3.4.4. Ministry of Lands, Housing and Urban Development (MoLHUD)**

The Ministry of Lands, Housing & Urban Development is a Government Ministry responsible for all matters concerning lands, housing and urban development. The Ministry is also tasked to put in place policies and initiate laws responsible for sustainable land management aimed at promoting sustainable housing for all and fostering orderly urban development in the country. The Ministry commonly known as the Ministry of Lands has several Directorates which include: Lands; Physical Planning and Urban Development; and, Directorate of Housing. The Ministry has a number of affiliated institutions for support to achieve its mission. The institutions include; Uganda Land Commission (ULC); and, National Housing and Construction Cooperation (NHCC).

The MoLHUD is mandated to:

- a. Formulate national policies, strategies and programmes in the lands, housing and urban development sectors,
- b. Initiate, review and make amendments to existing legislation in lands, housing and urban development sub-sectors,
- c. Set national standards for matters regarding sustainable use and development of land and provision of safe, planned and improved housing / human settlements,
- d. Monitor and coordinate initiatives in the Local Governments as regards the lands, housing and urban development sub-sectors,

- e. Provide support, supervision and technical back-stopping to Local Governments on matters regarding lands, housing and urban development,
- f. Make new maps and update existing ones,
- g. Liaise with relevant stakeholders for the mobilization of resources in support of national lands, housing and urban development initiatives,
- h. Liaise with neighbouring countries for the proper maintenance of territorial boundaries,
- i. Provide guidance and effective management of lands, housing and urbanization; and,
- j. Mobilization of financial and technical assistance for the development of lands, housing and urban development sub-sectors.

The main relevance of the MoLHUD is in the determination and approval of compensation rates and values for PAPs within the KIFSCA some of whom resettlement is inevitable. This function falls directly under the Chief Government Valuer's (CGV) docket.

#### **3.4.5. Ministry of Gender, Labour and Social Development (MoGLSD)**

One of the central concerns of this Framework is managing the interests of disadvantaged, marginalized and vulnerable groups and undertaking gender considerations in its implementation. The responsibility for providing guidance on this, falls within MoGLSD's mandate.

The MoGLSD is a government ministry with a responsibility to empower communities in diverse areas. The ministry promotes cultural growth, skills development and labour productivity while promoting gender equality, labour administration, social protection and transformation of communities. This ministry came into being by a constitutional requirement of the 1995 Constitution, Chapters 4 and 16 which mandate government to: "empower communities to harness their potential through skills development, labour productivity and cultural growth." The constitution advocates for protection and promotion of fundamental rights of the poor and other vulnerable groups as well as institutions of traditional or cultural leaders. One of the mandates given to this ministry is "protect vulnerable persons from deprivation and livelihood risks".

It is proposed that this ministry becomes central in the supervision, monitoring and evaluation of the implementation of this Framework.

#### **3.4.6. Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)**

The majority of PAPs found within the KIFSCA are involved in some form of agriculture (dominantly subsistence farming) and fishing. Initial consultations on livelihood preferences also indicate that even in the event of resettlement, the greater majority of affected people will prefer to continue life within the agriculture sector. The greater bulk of livelihood restoration activities should therefore be designed to fall within this sector.

It is proposed that MAAIF takes up a lead role in guiding the development and implementation of livelihood restoration activities that include agriculture and fisheries during the RAP, LRP or impact mitigation planning process.

The functions of MAAIF are derived from the Constitution of the Republic of Uganda, the Local Governments Act (1997) and the Public Service Reform Programme (PSRP). The role of MAAIF is to create an enabling environment in the agricultural sector. Amongst other functions that MAAIF is mandated to provide, the participation of the MAAIF is expected to be seen in:

- a. Ensuring that the livelihood activities are in accordance with national policies, plans, strategies, regulations and standards and that the appropriate laws, regulations and standards along the value chain of crops, livestock and fisheries are appropriately applied,
- b. Monitoring, inspection evaluation and harmonization of agricultural, livestock and fisheries activities
- c. Coordination of the efforts towards the provision of seed, planting materials and stocking breeds for PAPs eligible for Livelihood Restoration,
- d. Regulating the use of agricultural chemicals, veterinary drugs, biological, planting and stocking materials as well as other inputs especially considering that where these activities will be close to the KIFSCA (hence the need to ensure that they do not pollute the waters of the Nile and cause harmful effects further downstream)

The MAAIF will be very essential in providing technical guidance in the implementation of this Framework and must be part of the review, approval, Monitoring and Evaluation Framework related to the LRP implementation processes as appropriate.

### **3.4.7. Ministry of Tourism, Wildlife and Antiquities (MoTWA)**

The Ministry of Tourism, Wildlife and Antiquities is a Government Ministry with a responsibility to sustain tourism, wildlife and cultural heritage. This is aimed at contributing to transforming Uganda into a prosperous country. The MoTWA is mandated to formulate, Implement Policies of Tourism, Wildlife and Cultural heritage, Sustain and manage wildlife and cultural heritage conservation areas, Diversify Tourism Product as well as Promoting and marketing Uganda as a preferred tourism destination. Archaeologists from the department responsible for museums and monuments in this Ministry would be useful in monitoring the activities of KIFSCA.

### **3.4.8. Equal Opportunities Commission (EOC)**

Another Central government institution that will be necessary in ensuring that the implementation of the Framework is fair and does not create imbalances particularly amongst marginalized groups within the KIFSCA is the EOC.

The EOC was established by the Equal Opportunities Act 2007. The Commission is mandated to provide a Framework for redressing imbalances which exist among the marginalized groups while promoting equality and fairness to all. The Commission was established pursuant to article 32 (3 – 4) of the Constitution and is a body corporate with perpetual succession and a common seal and may sue or be sued in its corporate name and, may do, enjoy or suffer anything that bodies corporate lawfully do, enjoy or suffer. The Commission gives effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters. The functions of the Commission are to monitor, evaluate and ensure that policies, laws, plans, programs, activities, practices, traditions, cultures, usages and customs of:

- a. Organs of state at all levels;
- b. Statutory bodies and agencies;
- c. Public bodies and authorities;
- d. Private businesses and enterprises;
- e. Non-governmental organizations; and,

f. Social and cultural communities.

These should be compliant with equal opportunities and affirmative action in favour of groups marginalized on the basis of sex, race, colour, ethnic origin, tribe, creed, religion, social or economic standing, political opinion, disability, gender, age or any other reason created by history, tradition or custom.

Where complaints of marginalization are registered and are not within the Framework mandate to resolve, these must be referred to the EOC. The Commission may rectify, settle or remedy any act, omission, circumstance, practice, tradition, culture, usage or custom that is found to constitute discrimination, marginalization or which otherwise undermines equal opportunities through mediation, conciliation, negotiation, settlement or other dispute resolution mechanism.

#### **3.4.9. Local Government level**

The KIFSCA falls within the areas of jurisdiction of three local governments: Jinja, Buikwe (more specifically in this case -Njeru Municipality) and Kayunga districts. In accordance with the provisions of the Local Government Act, district councils are planning authorities in their own right. The executive committees of district councils are responsible for monitoring the implementation of programmes within their area of jurisdiction and Non-Government Organisations' (NGO) activities. District Councils can initiate, formulate and approve policies as well as monitor and oversee the implementation of policies and programmes.

As an essential component of the development process for this Framework, district councils were consulted and their recommendations must be adopted where they are feasible in the implementation of the Framework. Local government councils have standing committees that must make detailed consideration of all proposals and recommendations for development within their areas of jurisdiction.

Today, districts are the basic unit of local government and are responsible for major functions and services previously carried out by the central government. District councils are responsible for functions and services including but not limited to: primary, secondary, trade, special and technical education; hospitals other than those providing referral and medical training; health centres, dispensaries and aid posts; the construction and maintenance of feeder roads; the provision and maintenance of water supplies; agricultural extension services, land administration and surveying; and, community development. Where the FRAMEWORK

recommends the establishment or provision of such services, therefore, these must be planned with the approval of the district councils.

#### **3.4.11 National Forestry Authority (NFA)**

NFA is mandated to manage central forest reserves in a sustainable manner and to supply high quality forest related products and services to government, communities, and the private sector. NFA will support the implementation of KIFSCA activities to ensure that they are sustainable and benefit all stakeholders.

### **3.5. Management Plans**

#### **The Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan (KIFSCA SMP)**

The KIFSCA SMP is the overall guiding Framework that provides key strategies and actions that need to be implemented in the establishment of the KIFSCA. The MEMD will be the lead implementing agency of the KIFSCA that will also coordinate other MDAs involved in the implementation of the SCA.

## **4.0. INSTITUTIONAL CAPACITY ASSESSMENT FOR IMPLEMENTATION OF THE FRAMEWORK AND RAPS**

The institutional capacity assessment for the implementation of this Framework is indicated below.

### **4.1. The Ministry of Energy and Mineral Development**

The MEMD as the Ministry responsible for the formulation and implementation of Energy related policies and projects, has in the past prepared and implemented various social safeguards instruments for international donor financed projects adhering to international good practice. This responsibility falls under its Health, Safety and Environment Unit (HSEU) which is headed by a Principal Environment Officer who is the sole staff in the Unit. The HSEU is responsible for ensuring the preparation and smooth implementation of safeguards instruments including this Framework and subsequent RAPs, LRPs or other mitigation plans in addition to providing support across the 3 Directorates of the Ministry. Despite this, the Unit is severely under resourced and understaffed, and its staff structure does not have a provision for Sociologists/Social personnel. Moreover, key social aspects such as gender and HIV/AIDS are handled by the Ministry's Human Resource Department as opposed to the HSEU implying that the analysis of these aspects is provided from a human resource perspective.

However, the Ministry has over the years cumulatively acquired relatively adequate institutional capacities to implement this Framework. The Ministry currently has a team consisting of full time Social Development, Environmental, and Gender Specialists who specifically support in the management of social risks and impacts related to World Bank supported projects. It is considered that this is adequate to effectively implement this Framework and subsequent RAPs, LRPs and other mitigation plans despite the earlier noted capacity issues. This team can be strengthened through additional training and/or hands on mentoring should key capacity gaps, particularly in relation to restoration of livelihoods be identified while implementing this Framework as a way of continued efforts to build in-house capacity.

It is also expected that the MEMD will collaborate with the Ministry of Local Government (MoLG) to promote the implementation of KIFSCA activities and ensure effective partnership and ownership of the SCA at local government levels during the implementation of this Framework.

#### **4.2. Ministry of Gender Labour & Social Development**

The mandate of the ministry is to empower citizens to maximize their individual and collective potential by developing skills, increasing labour productivity, and cultural enrichment to achieve sustainable and gender-sensitive development. It is comprised of the following administrative directorates: Labour, Employment and Occupational Safety; Social Protection; and Gender & Community Development which promote issues of social protection, gender equality, equity, human rights, culture, decent work conditions and empowerment for different groups such as women, children, the unemployed youth, internally displaced persons, the older persons and persons with disabilities. In relation to this Framework and the KIFSCA, the MoGLSD will oversee the management of social risks and impacts associated with resettlement such as Violence Against Children (VAC) including child labour; Gender -Based Violence (GBV); Sexual Exploitation and Abuse (SEA); Vulnerabilities; and labor issues, among others.

The Ministry is however expected to partly fulfil its mandate through the effective operation of the respective District Local Governments under their Community-Based Services Department (CBSD) in the management of social risks and impacts related to resettlement including community consultations and community development. However, the District CBSDs are generally under-resourced in terms of human, financial and logistical resources that they might not be entirely relied upon for the effective implementation of this Framework or subsequent RAPs, LRPs or other mitigation plans unless adequate resources are earmarked specifically for the CBSD.

#### **4.3. Ministry of Lands, Housing & Urban Development**

The Chief Government Valuer (CGV) in the Valuation Division of the MoLHUD is responsible for approving the Valuation Roll. This office is mandated to ensure fair and adequate compensation and as such, all areas proposed for acquisition for public purposes are first inspected by the CGV for approval of the valuation report. The CGV's office is also involved in resolving public complaints and appeals that arise from land acquisition valuations and compensation payments. The ministry will be relevant for implementation of KIFSCA the preparation and implementation of a RAP should become necessary.

The Office of the CGV performs its duties with a skeleton staff on the ground and limited funds but has been able to deliver despite these limitations, including timely clearances of RAPs for several World Bank funded projects. It is therefore expected that the capacities of the CGV and some of his team will be adequate to provide timely clearances of eventual RAPs related to the planned activities.

#### **4.4. Wetlands Management Department (WID) in MoWE**

Through its technical arm (Water Resources Management Directorate - WRMD), MoWE has a responsibility to regulate quality and quantity of water resources in the country. The Directorate is responsible for the full range of integrated water resources management (IWRM) activities including monitoring, assessing, planning, allocating and regulating water resources. The Ministry's Wetlands Management Department is responsible for monitoring projects through wetlands of conservation value. It also ensures conservation, wise use and protection of wetlands at National level including reviewing EIA's on wetlands.

The MoWE is one of the Government Ministries that has implemented several World Bank Supported projects in the Country requiring land acquisition. It is also one of the Ministries that has full time Sociologists/Social personnel that support its projects on the management of related social issues. These specialists have undergone various capacity building initiatives in the course of their work and have adequate capacity to implement this Framework.

#### **4.5. Ministry of Local Government (MoLG)**

The Ministry of Local Government is involved in sensitization campaigns at the local level and also advocates for local governments and the rural population to benefit from the project. The ministry will be relevant during the implementation of KIFSCA in the affected Districts of Kayunga, Bwike and Jinja .

The MoLG's role in implementing this Framework is played at the local level through the respective DLGs. However, as indicated earlier in this report, the DLGs are chronically under resourced as the local revenue base for most of them is inadequate to District Development Plans. This has affected particularly the District Community-Based Services Department across the Country, which is incapable of effectively performing its mandate without the support of other Departments. The respective DLGs have the capacity (both in terms of resources, personnel and competencies/skills) to implement this Framework especially if they have never implemented any in the past.

#### **4.6. Ministry of Agriculture, Animal Industries and Fisheries (MAAIF)**

The functions of MAAIF are derived from the Constitution of the Republic of Uganda, the Local Governments Act (1997) and the Public Service Reform Programme (PSRP). The role of MAAIF is to create an enabling environment in the agricultural sector. The majority of PAPs found within the KIFSCA are involved in some form of agriculture (dominantly subsistence farming) and fishing. It is proposed that MAAIF takes up a lead role in guiding the development and implementation of livelihood restoration activities that include agriculture

and fisheries during the LRP process. MAAIF will be very essential in providing technical guidance in the implementation of this Framework and must be part of the review, approval, Monitoring and Evaluation Framework related to the LRP implementation processes as appropriate.

Similarly, MAIF is another Ministry that implements a number of World Bank Supported projects in the Country some of which require land acquisition and hence the need to develop and implement Frameworks. The Ministry also has a few full-time social personnel particularly in the area of gender who support its projects/programs in addressing gender issues. Donor supported projects in the Ministry also have full time social development specialists. These social personnel have also undergone various capacity building initiatives on resettlement in the course of their work. Therefore, MAIF has also cumulatively acquired adequate capacity to implement the relevant components of this Framework effectively.

#### **4.7. Ministry of Tourism, Wildlife and Antiquities**

The Ministry of Tourism, Wildlife and Antiquities is a Government Ministry with a responsibility to sustain tourism, wildlife and cultural heritage. This is aimed at contributing to transforming Uganda into a prosperous country. The MoTWA is mandated to formulate, Implement Policies of Tourism, Wildlife and Cultural heritage, Sustain and manage wildlife and cultural heritage conservation areas, Diversify Tourism Product as well as Promoting and marketing Uganda as a preferred tourism destination. Archaeologists from the department responsible for museums and monuments in this Ministry would be useful in monitoring the activities of KIFSCA.

#### **4.8. National Forestry Authority (NFA) and National Environment Management Authority (NEMA)**

The NFA and NEMA are mandated to sustainably manage Central Forest Reserves; and to coordinate, monitor and supervise environmental conservation activities respectively. The two government Agencies are expected to play an important role in the implementation of the KIFSCA-SMP as well as in the implementation of this Framework particularly if most affected people decide to remain in the KIFSCA and partner with government in its conservation efforts of the SCA. While the NFA is expected to deliver on high quality forest related products from the 4 CFRs in the KIFSCA, the NEMA must deliver on the prompt issuance of ESIA permits to the PAPs as well as monitoring their performance. NFA has adequate capacity to implement this Framework and deliver on its mandate. Similarly NEMA has adequate in-house capacities in Environment but falls short in the social sector which is augmented by the MoGLSD. Additionally, the agencies (NFA and NEMA) work closely with District Forest Officers and Environment Officers respectively who will be useful in the implementation of this Framework.

## 5.0. LAND ASSET CLASSIFICATION, VALUATION AND COMPENSATION

Though the impacts associated with implementing the KIFSCA SMP will only be fully understood once the SMP is finalised through a process of community consultations and engagement, some activities may require the acquisition of land from the local community. As noted previously, most land in the KIFSCA is currently used for subsistence farming, commercial farming and settlement. Therefore crops, trees and structures may be affected during implementation of KIFSCA activities. To ensure that, should land take prove necessary, the community is aware of the resettlement packages that will be used to ensure satisfactory compensation for people or organisation who lose assets and/or livelihoods. These packages will be developed in consultation with the affected community. Moreover, the community will be provided with the opportunity to choose the option that best suits their circumstances.

In-kind and/or in cash resettlement packages will be used as a means of compensation. The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in-kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets. The affected community members will be advised about the benefits of replacement of physical assets and risk inherent in cash payments. For example, unless the affected person chooses cash compensation, land-for-land compensation will be encouraged as it ensures displace or otherwise impacted people immediately have land for settlement or farming and avoids the risk of squandering compensation payments.

A framework for conducting a census of affected assets and people is found at Annex 4 of this Framework.

Regarding compensation for crops and non-permanent structures, valuation and compensation are based on rates set at district level. These rates, which are enacted by DLB , are established and updated at district level but approved by the Chief Government Valuer. Under the 1998 Land Act, the District Land Tribunal shall, in assessing compensation referred to in paragraph (b) of subsection (1) of section 77 take into account the following:

- a. The value of the buildings, which shall be taken at market value in urban areas and at full replacement cost in rural and urban areas; and
- b. The value of standing seasonal crops on the land, excluding annual crops which could be harvested during the period of notice given to the owner, tenant or licensee.

In addition to compensation assessed under this section using existing District rates for crops/trees and full replacement cost for assets, they shall be paid as a Disturbance Allowance of fifteen per cent or if less than six months' notice to give vacant possession is given, and thirty percent of any sum assessed under subsection (1) of this section.

### **5.1. Valuation for State Owned Land**

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

State owned land may be allocated for free or sold on a commercial basis to individuals or communities by the Minister responsible for land administration. For cases where the state-owned land is being used by the public (for instance as settlements, for farming, for grazing or any other productive activity,) the individual or the community would be expected to pay compensation. Privately owned property would have to be compensated for land and other permanent property at the market value. 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.

### **5.2. Compensation for Buildings and Structures**

Compensation for structures and buildings will be based on full replacement value, for any private assets affected during implementation.

### **5.3. Calculation of Compensation at Full Replacement Cost**

#### **5.3.1. Determination of Crop Compensation Rates**

Market prices for cash crops would have to be determined for each type of crop and tree lost. Valuation for crops and trees is guided by the approved annual District Compensation rates. The authenticity of these rates shall be verified by the assessor against the controlled copy in the office of the CGV. In the absence of updated compensation rates, the rates for the immediate neighbouring District shall only be adopted on application for consent from the neighbouring district and on approval of the CGV.

#### **5.3.2. Compensation for Cultural Assets including Graves**

There are some graves that were observed within the KIFSCA. Once it is confirmed that these will be affected, they will be relocated as much as possible or else compensated for, in close consultation with affected communities, and the customary rituals that will be performed beforehand. Related costs will also be included

in the budget of the relevant RAP. The project implementing agencies will use the services of a Cultural Resources Specialist to assist in coming up with appropriate measures and compensation rates for these sites whenever the need arises.

## **6.0. LAND ADMINISTRATION AND CATEGORIES OF AFFECTED PERSONS**

The following will apply in the implementation of this Framework:

### **6.1. Cut-off date**

The cut-off date is considered by the surveying and valuation consultant as the last day of the census of affected people and properties. The cut-off date after which no settlers or developers are eligible for compensation is publicized among potentially affected people. This will be explained during the census and valuation exercise to all stakeholders in the area, including Project-affected people, Parish Land Committees and local council officials where consultations will be undertaken.

### **6.2. Land conflicts**

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

### **6.3. Land Acquisitions, Title, Transfer and Term of Ownership**

Land acquisition in Uganda may be achieved through:

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

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

men and women who are members of the local community may request individual titles after partitioning community land.

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

Among other modes of land transfer, the Land Law permits the transfer of land by inheritance, without distinction by gender. The right of land use/ownership is not subject to any time limit for the following cases:

- a. Where the right was acquired by local communities through occupancy;
- b. Where it is intended for personal residential purposes; and
- c. Where individual nationals intend it for family.

#### **6.4. Affected entities**

These are entities whose assets may be lost, or access to natural and/ or economic resources is restricted because of activities related to the KIFSCA SMP. Affected persons irrespective of their status (whether they have formal title, legal rights, non-legal right) are eligible for assistance if they occupied a given land parcel before the cut-off date. Owners of businesses or persons employed are also eligible for compensation. The likely displaced persons can be categorized into five groups, namely;

##### **6.4.1. Affected Individuals**

An individual who suffers loss of assets or investments, land and property and or access to natural and or economic resources is restricted as a result of the sub-project activities and to whom compensation is due. For example, an affected individual is a person who farms a land, or who has built a structure on land that is now required by a sub project for purposes other than farming or residence by the initial individuals.

##### **6.4.2. Affected Households**

A household 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 other way by project activities. This provides for:

- a. any members in the households, men, women, children, dependent relatives and friends, tenants ;
- b. vulnerable individuals who may be too old or ill to farm along with the others;
- c. relatives who depend on one another for their daily existence ;

- d. relatives who may not eat together but provide housekeeping and other domestic chores; and
- e. other vulnerable people who cannot participate for physical or cultural reasons in production, consumption, or co-residence.

### **6.4.3. Community**

A community is affected if project activities affect their socio-economic and/ or social-cultural relationships or cohesion. There are PAPs whose farmlands and structures from which they are deriving livelihoods will be affected by the implementation of KIFSCA activities.

### **6.4.4. Vulnerable Households**

Vulnerable people are those people who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage, or social status, may be more adversely affected by the KIFSCA than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. For the KIFSCA SMP, this category will include widows, orphans, the infirm or ill, children, elderly people, women and people with disabilities.

### **6.4.5. Institutions**

This category comprises businesses, schools, health centers and community resource centres. Compensation in this case is given to the institution as a single entity rather than individuals. However, preliminary engagements indicate that there are no institutions that will be affected in the KIFSCA.

## **7.0. SCREENING ACTIVITIES UNDER THE KIFSCA SMP**

### **7.1. Activity Screening**

Good practice in social risk management requires that all activities under the KIFSCA SMP are screened for potential impacts, and that the required risk mitigation plans are developed and implemented based on the screening results before implementation begins. Potential socio-economic impacts that will require mitigation measures, including possibly resettlement and compensation will have to be identified during the screening of activities under the KIFSCA SMP. Screening of activities under the KIFSCA SMP will seek to answer the critical questions below:

- a) Will involuntary resettlement, land acquisition, or loss, denial or restriction of access to land and other economic resources be caused by implementation of this activity under the KIFSCA SMP?

- b) Will the activity result in the permanent or temporary loss of crops, trees, fruits and household or business infrastructures such as houses, granaries, outside toilets, kitchens, market booths, and other structures?
- c) Will the activity result in loss of community structures (such as churches, wells, schools, sacred sites)?
- d) Did the screening process (including consultations) identify any non-land-based social impacts that need to be managed during the implementation process? (local conflict, support for vulnerable people, etc)

Though this Framework applies to the screening and management of all social risks identified during the screening process and consultations, as the activities required under the KIFSCA SMP are not yet known it is not possible to predict all social risks or determine the necessary mitigation measures. The KIFSCA SMP does however outline possible repurposing of land to meet its conservation objectives. Should this prove necessary, then it is likely the KIFSCA management team will need to develop a RAP to mitigate the risks of land acquisition or restrictions on land use to the community. As such the remainder of section 7 plus section 8 and 9 below focus on processes for preparing and implementing a RAP. This focus is in no way intended to diminish the importance of other risk mitigation plans which may be needed to successfully implement the KIFSCA SMP without inadvertently harming the local community.

## **7.2. Preparation of Resettlement Action Plans**

The screening process is a very important component of several activities that contribute to the preparation of Resettlement Action Plans if they are necessary. The RAP will have to specify the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities. It will have to identify the full range of people affected by the project and justify their displacement after consideration of alternatives that would minimize or avoid displacement. Preparation and submission of the Resettlement Action Plan to the relevant local government authorities and NEMA comprises the following steps:

**Step 1:** The program investment activities to be undertaken and the locations of the investments will undergo preliminary evaluation by MEMD.

**Step 2:** The compensation monitoring committee (MEMD) plus the consultant will approach the communities impacted through the local government authorities to appreciate the KIFSCA area.

**Step 3:** The Local Communities authorities (village councils, parish/sub-county, county and district development committees) and KIFSCA will undertake their inter-communal consultations in order to review and understand KIFSCA.

**Step 4:** The environmental and social screening process which will be initiated/managed by the compensation monitoring committee in conformity with the provisions of the ESMF and the Framework screening process. The process will determine:

- a. Whether any resettlement will be required;
- b. Whether any loss of land, assets or access to economic resources will occur;
- c. Whether the planned activity will result in any other impact on the local community; and
- d. Whether a RAP/ARAP or other mitigation plan needs to be prepared.

**Step 5:** Where loss of assets cannot be avoided, the compensation committee will determine and decide that the provisions of this Framework will be applied and a RAP/ARAP prepared.

#### **7.2.1. Resettlement Action Plan**

Resettlement Plans may be required in instances where activities under the KIFSCA SMP will negatively impact the local community. In such cases, a number of actions will be required and undertaken in preparing a RAP as discussed below.

The indicative contents of a RAP are found in Annex 1 of this Framework.

#### **7.2.2. Consultation and participatory approaches**

Preliminary evaluation shall be carried out based on the objectives of the activity through a participatory approach. The consultations shall commence during the planning stages when the technical designs are being developed, and at the land selection/screening stage. The process therefore seeks the involvement of the community throughout the census for identifying affected people and organisations and throughout the RAP preparation process.

The content of a RAP consultation report is found at Annex 3 of this Framework.

#### **7.2.3. Census of affected entities**

Every owner of an asset to be affected by the project will be enumerated, property assessed and their socio-economic condition documented.

#### **7.2.4. Disclosure and notification**

The impacted communities will be approached through their respective local governments. All eligible community members will be informed about the RAP process. A cut-off date will be established as part of determining eligibility. This cut-off date will be the date the census is completed. It should be the date of notification to owners/occupiers as provided under the Lands (land act) Act, 1995. This date will be widely disseminated among all stakeholders. In special cases where there are no clearly identifiable owners or users of the land or asset, the RAP team will notify the respective local authorities and leaders.

#### **7.2.5. Documentation and verification of land and other assets**

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

#### **7.2.6. Individual Compensation and valuation**

All types of compensation or other mitigations will be clearly explained to the individuals, households or organisations involved. These refer especially to the basis for valuing the land and other assets. Once such valuation is established, MEMD will produce a Contract or Agreement that lists all property and assets being acquired by the KIFSCA and the types of compensation selected. These options include in-kind (e.g. replacement housing) and cash compensation enumerated through an agreed compensation matrix. All compensation should occur in the presence of the affected persons and the community local leaders. Compensation agreement forms must be signed by the affected persons, MEMD and an appointed community local leader.

#### **7.2.7. Grievance mechanism**

The KIFSCA management team will establish an independent grievance mechanism. This may be set up through Local Authorities, including a Resettlement or Land Committee and through community leaders. All affected people and organisations will be informed about how to register grievances or complaints, including specific concerns about compensation and relocation. Affected people will be informed about the dispute resolution process, specifically about how the disputes will be resolved in an impartial and timely manner. The KIFSCA management team will produce a Report containing a summary of all grievances. The dispute resolution process should always include Ugandan Courts of Law as a last resort for those who might need them, but traditional institutions and other existing dispute resolution mechanisms should be effective first steps in both receiving and resolving grievances.

#### **7.2.8. Defining Entitlements and Preparing an Entitlement Matrix**

The basis of what is to be paid as compensation will be determined by identifying the most appropriate entitlement for each loss. Based on the entitlements, options for resettlement would be selected in accordance with international good practice.

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

The RAP will sufficiently justify resettlement and other impacts as unavoidable, be based on the baseline study reports and inventory of assets (census and socio-economic studies), uphold the principle of full replacement cost for lost assets, as well as improvement of livelihoods in compensating and assisting affected persons and, contain deliberate activities and mechanisms to enhance capacity to efficiently manage the resettlement process. This must include strengthening the existing capacity of all the KIFSCA-SMP implementing institutions.

### **7.3. Physical Cultural Resources Management Plan**

International good practice on the management of impacts on physical cultural resources assessment will also apply to the KIFSCA. It is important to note that the RAP should also identify the process for addressing impacts on cultural property e.g sacred sites and burial grounds. The Department of Monuments and Museums in the Ministry of Tourism, Wildlife and Antiquities acknowledges that physical cultural heritage in Uganda has not been surveyed adequately and that potential monuments

and other cultural resources may exist which are not known to it, implying that this is an area requiring further consideration in the project screening process to assist in recognizing potential resources.

## **8.0. STAKEHOLDER CONSULTATION AND DISCLOSURE PLAN**

Public consultation and participation are essential because they provide an opportunity for informing the stakeholders about the proposed project. Public consultation and participation create a sense of ownership for the project, providing an opportunity for people to present their views and values and allowing consideration and discussion of sensitive social mitigation measures and trade-offs.

Public consultation and participation will afford the community an opportunity to contribute to both the design and implementation of activities under the KIFSCA SMP. In so doing, the likelihood for conflicts between and among the affected community and with the KIFSCA management team will be reduced.

In recognition of this, particular attention shall be paid to public consultation with affected people, households and homesteads (including host communities) when resettlement and compensation concerns are involved.

Public consultations in relation to the RAP occur at all stages, starting with inception and planning when the potential land and alternative sites are being considered. A participatory approach will be adopted as an on-going strategy throughout the implementation of the KIFSCA SMP.

Public participation and consultations related to KIFSCA will take place via stakeholder engagement workshops and one on one engagements in project communities. Affected people and organisations will be consulted in the survey process; public notices where explanations of the KIFSCA SMP activities are made; RAP implementation activities; and during the monitoring and evaluation process. Selection of ways to consult, and expand participation by the community and other stakeholders, will take into consideration literacy levels prevalent in affected communities; ethnicity and cultural aspects; and practical conditions (like distance). The consultation process will ensure that women's perspectives and those of other vulnerable and marginalised groups are obtained, and their interests factored into all aspects of resettlement planning and implementation. The role of traditional, political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team will ensure that these leaders and local representatives of the affected community are fully involved in designing the public consultation procedures.

## **8.1. Consultation phases**

### **8.1.1. Data collection phase**

Implementation of the KIFSCA SMP may require RAPs, LRPs and other mitigation documents, the for preparing these documents will start with acquisition of socio- economic data from affected entities. This information will be used to derive equitable compensation, resettlement or other measures as needed. Consultations during activity preparation are significant for stakeholders buy -in and ownership of the same. These need to include all stakeholders as well as the vulnerable groups and women.

### **8.1.2. Implementation phase**

During implementation, the affected community will be informed about their rights and available options. The grievance mechanism will continue to operate, and all grievances will be recorded and affected people involved in the whole Grievance Redress Mechanism. The participation of local leaders and the community in disseminating information and resolving disputes will be important once RAP implementation starts. A dynamic participatory approach involving the affected community in decision making about livelihood and community development programs will be promoted.

### **8.1.3. Monitoring and evaluation phase**

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

### **Disclosure Arrangements for Frameworks and subsequent RAPs, LRPs and other mitigation plans;**

a) In country disclosure; MEMD shall disclose this Framework on its website as part of the disclosure of the KIFSCA SMP, print media, public libraries and all districts where the KIFSCA-SMP activities will be implemented. Associated RAPa, LRPs and other mitigation documents prepared as guided by this Framework will similarly be disclosed.

b) In addition, this Framework will be discussed, refined and finalised as part of consultations to complete and finalise the KIFSCA SMP with the affected community and other stakeholders.

#### **8.1.4. Notification Procedure**

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

#### **8.1.5. Documentation**

The names and addresses of affected persons will be compiled and kept in a database including records of claims and assets. The records are important especially for future monitoring activities.

#### **8.1.6. Contract Agreement**

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

### **9.0 ELIGIBILITY CRITERIA FOR COMPENSATION AND THE CUT-OFF DATE**

#### **9.1 Criteria for determining eligibility**

International good practice on resettlement holds that affected persons may be classified as persons:

- a. Who have formal legal rights to land or assets;
- b. Who do not have formal legal rights to land or assets but have a claim to the land or assets that is recognized or recognizable under the national law; and
- c. Who have no recognizable legal right or claim to the land or assets they occupy or use.

Those covered under a) and b) above are to be provided compensation for land they lose, and other assistance in accordance with the policy. Persons covered under c) above are to be provided with resettlement assistance in lieu of compensation for the land they occupy or use, and other assistance, as necessary. To achieve the

objectives set out in this policy if they occupy or use the project area prior to a cut-off date. Persons who encroach on project land after the cut-off date are not entitled to compensation or any other form of resettlement assistance.

Therefore, it should be clear that all affected persons irrespective of their status or whether they have formal titles, legal rights or not, are eligible for assistance if they occupied the land before the entitlement cut-off date. The entitlement cut-off date refers to the time when the census of persons and their property in the area is carried out, i.e. the time when the project area has been identified and when the socio-economic study is taking place. Thereafter, no new cases of affected people will be considered after the cut-off date. Persons who encroach the area after the socio-economic study (census and valuation) are not eligible for compensation or any form of resettlement assistance.

### **9.2. Method to Determine Cut-off date**

The cut-off date is considered by the surveying and valuation consultant as the last day of the census of affected people and properties. The cut-off date after which no settlers or developers are eligible for compensation is publicized among potentially affected people. This is explained during the census and valuation exercise to all stakeholders in the area, including: the affected community, affected people, Parish Land Committee (LC2 level) and LC1 officials in which consultations are undertaken.

The importance of the cut-off date necessitates clear communication on compensation eligibility to affected people, organisations and communities and this should be enshrined in the communication plan of the RAP, LRP or other mitigation during preparation and implementation. Failure of setting and clearly communicating this date often leads to speculative development along the project route in effort to target compensation. This affects implementation schedule and unduly increases costs. Continued information on the cut-off-date should be communicated as part of the community engagement on the eligibility to avoid speculative encroachment on project areas.

### **9.3. Basis for valuation**

Project Affected Persons when displaced by the KIFSCA will be provided full replacement cost of lost structures to enable the affected persons to rebuild or replace their structures without difficulties. The valuation assessment will estimate building/structure compensation rates based on full replacement cost without depreciation. Buildings and structures will be valued based on the full Replacement Cost Method to arrive at the market value. International good practice on resettlement stipulates that depreciation of an asset and value

derived from salvaging materials from razed structures should not be discounted when deriving replacement cost. Additionally, the policy requires replacement value to include cost of materials, transport to site, labor costs and any transfer fees or taxes involved in replacing an asset.

In addition, persons who lose their crops and trees due to sub-project activities will be compensated based on the District rates provided by the DLBs of the respective districts, which should take into account the replacement cost. In this respect it is the duty and responsibility of DLBs to compile or review District Compensation rates for their respective Districts.

Relevant data to be captured during valuation will include:

- a) Location details of the land, boundaries of the area/section of the land to be affected;
- b) Affected immovable properties, detailed measurement of buildings, shops and structures;
- c) Property details including noting accommodation, constructional details of affected property external works (fence walls, gates, pavements) affected details etc where relevant ;
- d) Categorizing temporary structures based on constructional details (wall materials, affixed to concrete not), size of structure and use of structure (business/residential); and
- e) Data on households affected (tenants, owners, relatives apprentices/trainees and livelihood

#### **9.4. Compensation Payments and Related considerations**

Two main resettlement packages will be used to ensure satisfactory compensation for affected people and organisations who lose assets or livelihoods when the KIFSCA activities are implemented. These packages will be developed in consultation with affected people and the community. Each affected person, household and/or institutions will have the opportunity to choose the option that best suits their circumstance. In-kind and/or in cash resettlement packages will be used as a means of compensation. The type of compensation will be an individual choice although every effort will be made to instil the importance and preference of accepting in-kind compensation if the loss amounts to more than 20% of the total loss of subsistence assets.

The community will be advised about benefits of replacement of physical assets and risk inherent in cash payments. For example, unless the affected person chooses cash compensation land-for-land compensation will be encouraged as it ensures affected people immediately have land for settlement or farming and avoids risk of squandering compensation payments.

### 9.4.1. Forms of compensation

Cash Payments	Compensation will be calculated and paid in local currency. Rates will be adjusted for inflation.
In – Kind Compensation	Compensation may include items such as land, houses, other buildings, building materials, seedlings, agricultural inputs and financial credits for equipment.
Assistance	Assistance may include moving allowance, transportation and labor, title fees, or other related costs or support.

Making compensation payments raises some issues regarding inflation, security, and timing. One purpose of providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur; thus market prices shall be monitored within the time period that compensation is being made to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payment, will be addressed by MEMD. The time and place for in-kind compensation payments shall be decided upon by each recipient in consultation with the district officials. Monetary payments should be paid at a time in relation to the seasonal calendar.

### 9.4.2. Compensation for loss of land

Compensation for the loss of land will be based on prevailing market value and include 15% disturbance allowance if more than six month’s notice to vacate is provided, or 30% if less than six months.

### 9.4.3. Determination of crop compensation rate

Cash compensation will be provided for loss of perennial crops, calculated using the approved district rates (considered adequate for replacement value). In addition, a transitional allowance will be provided to cover loss of livelihood during the period between loss of these crops and the time owners would start earning income from the new crops.

### 9.4.4. Compensation for Buildings and Structures

The project will compensate, at replacement value, for any private assets affected during implementation.

### 9.4.5. Entitlement Matrix

A summary of all the assets that the affected entity is entitled to shall be prepared for easy reference. The Table below also provides a sample of entitlements that are eligible for compensation. These options include in-kind (e.g. land replacement) and cash compensation. All compensation should occur in the presence of the affected persons including their spouses where relevant to serve as witnesses, the community local leaders and in a confidential manner to protect recipients from robbery and theft risks.

Type of loss	Entitled person	Entitlement
Land	Landowners	Cash compensation – at full replacement cost for land affected or land for land replacement. In addition, either 15% or 30% disturbance allowance on each entitlement as appropriate depending on whether 6- or 3 months’ notice to leave affected property
	Licensees	Cash compensation (at replacement cost) for the harvest or product from the affected land or asset, equivalent to average market value of the last 3 years, or market value of the crop for the remaining period of tenancy/ lease agreement, whichever is greater. In addition, either 15% or 30% disturbance allowance on each entitlement as appropriate depending on whether a 6 or 3 months’ notice to leave affected property respectively.
Permanent and temporary structures affected	Landlords & Structure owners	Cash compensation for affected building and other fixed assets at full replacement cost  Right to salvage material without deduction from compensation, plus disturbance allowance
	Rental/Lease holder and Squatters/informal dwellers	Cash compensation at full replacement cost for affected assets (verifiable improvements to the land or leased property by the PAP -e.g. fence, buildings)  Right to salvage materials without deduction from compensation, plus disturbance allowance
Crops affected	Owners (whether owner, tenant, or squatter)	Cash compensation at replacement cost equivalent to the average of the last 3 years’ market value for the mature and harvested crop. In addition, either 15% or 30% disturbance allowance on each entitlement as appropriate depending on whether a 6- or 3-months’ notice to leave affected property is issued , respectively.

Trees affected	Title holder	Cash compensation at replacement cost based on type, age and productive value of affected trees plus 10% premium. In addition, either 15% or 30% disturbance allowance on each entitlement as appropriate depending on whether a 6- or 3-months' notice to leave affected property is issued , respectively.
Loss of Business	Business men/women	Compensate income lost (one year's total income) on production of evidence of business performance over the last one year. For temporary displacement, provision for temporary relocation.
Utilities (e.g Water connection)	All PAPs to be relocated	Construction of new utility infrastructure (e.g. water supply system and provision of free connections to relocated PAPs)
Cultural Spiritual Sites	Cultural Spiritual leaders	No relocation required. Develop and implement plan for preservation of the Cultural/Spiritual site in a manner that enhances the cultural spiritual practice for which it exists to its clients
Grave areas	Affected Households	Cost of relocation and cultural rites will be met

## 10.0. PROCEDURE FOR THE DELIVERY OF COMPENSATION

### 10.1. Consultation and Public Participation

Consultation and public participation with the community will be needed as part of the preparation of the RAPs, LRPs and other mitigation plans and throughout implementation of the KIFSCA SMP. This consultation and public participation will be an on-going process that will be expected to continue in all stages. This will ensure that all affected individuals and households are well informed and adequately involved in the entire compensation and resettlement process.

## **10.2. Notification of Land Resource Holders**

All affected entities identified in the census will be informed through the consultation process above. Consultation and information should not be limited to clearly identified owners or users of land to be impacted. MEMD and the respective local government administrations through the lands officers and the local council leaders of the respective communities where the land is located will be solicited to help identify owners or users in order to sensitize them on the project and its implications as well as seek to understand any community concerns and factor them into the process for establishing and operating the KIFSCA.

## **10.3. Documentation of Holdings and Assets**

MEMD through a consulting firm will undertake a detailed socio economic survey and a census of all losses that will result for each household, enterprise, or community affected by KIFSCA (regardless of their legal status). The survey will have to account for loss of physical assets as well as loss of income, temporary or permanent resulting from economic displacement of household members from employment or income-generating resources. Assets held collectively, such as water sources, livestock grazing areas, irrigation systems, cultural resources, sacred sites and community structures will be recorded separately. The local government structures i.e. the LGs and the lower councils (LCs 1-3) will assist the RAP implementation team with all verification of data and information related to the affected entities during the compensation payment processes.

## **10.4. Procedures for Payment of Compensation**

Compensation agreements will be signed between the affected entity and MEMD indicating the property affected and this will be compensated either in cash or in-kind complying with the entitlement matrix at full replacement cost. Compensation will be provided directly to the beneficiaries with relevant payment records signed. In addition, compensation to women landholders shall be paid to them directly and where male head of household is paid cash compensation, women of the family shall be enabled to witness.

## **10.5. Role of Office of Chief Government Valuer**

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

## **11.0. MANAGEMENT AND MONITORING OF FRAMEWORK IMPLEMENTATION**

### **11.1. Capacity of MEMD and MWE**

MEMD and MWE will constitute a RAP Monitoring Team (RMT) whose functions will be to oversee the implementation of the compensation payments and resettlement process and, to review any other activities associated with the process. The Team will also review any situation requiring restoration of livelihoods and affected community to return to normal life including any education and awareness raising. The RMT will have the capacity to provide leadership and coordinate all stakeholders involved in the implementation of this Framework. The RMT team will make regular visits to the KIFSCA during the preparation and implementation of the RAPs, LRPs and other mitigation plans at least quarterly and will monitor the entire resettlement process.

### **11.2. Grievance Redress Committees (GRC)**

The Grievance Redress Committees will be responsible for receiving and logging complaints and resolving disputes. The GRC will work with the MEMD to resolve each grievance or dispute to ensure that redress actions are implemented. If affected persons are not satisfied with the grievance redress structures, they will be entitled to seek redress through the District Land Tribunals or Ugandan Courts of

Law. It is important that the GRC be set up as soon as social risk and impact management planning preparation starts. Disputes can arise from census operations, and it is therefore important that the mediation mechanisms be available to cater for claim, disputes and grievances at the early stage.

### **11.3. Monitoring and Evaluation Team**

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

### **11.4. Implementation of the RAPs, LRPs and other mitigation plans**

The implementation activities of the RAP, LRP or other mitigation plan on the ground will be under the overall guidance of the MEMD. In addition, the DLGs will be heavily involved in all resettlement, relocation, compensation, livelihood restoration or other risk mitigation efforts for KIFSCA where resettlement is indicated. Each district in Uganda has a five-tier Local Government structure which operates from the lowest level known as the Local Council I through to the Local Council V at the District Headquarters. This structure is a political set up whose office bearers are elected into their positions. There is a parallel administrative structure at each Local Government level composed of technical public officers whose appointments are based on the required qualifications and experience for the respective technical offices. These are headed by the Chief Administrative Officer (CAO) who is also the Accounting Officer of the district. All projects which require resettlement have to closely liaise with the Local Government Administration to ensure equity, acceptability and compliance.

## 12.0. GRIEVANCE REDRESS MECHANISM

### 12.1. Introduction

Experience in implementing RAPs, LRPs and other risk mitigation plans indicates that impacts vary greatly and be difficult to predict. Moreover, the implementation process of activities and the way in which restrictions on access are imposed (as distinct from the restrictions themselves) can lead to dissatisfaction among the community in ways that were not anticipated and planned for. Out of this can arise complaints and community dissatisfaction which for the KIFSCA SMP which depends on community support to achieve its objectives, could lead to failure of the whole enterprise.

Complaints can emerge due to physical or environmental impacts which are not addressed, situational grievances - such as a lack of- or loss of employment due to the KIFSCA, and / or social issues which arise due to the destabilising impacts of the KIFSCA and the planned activities under the KIFSCA SMP. Social issues leading to complaints can be due to KIFSCA induced conflict and impoverishment to sexual exploitation and abuse occurring in the SCA. They could also emerge particularly regarding disagreement on the compensation values during the valuation for assets, and property ownership, for example . Some grievances may arise even earlier before activity preparation commences while others may come up during project implementation. To minimize this, a procedure and mechanism for addressing complaints and problems will be put in place.

Grievances are best addressed through project management, local civil administration, or other channels of mediation acceptable to all parties. Such channels of mediation may involve customary and traditional institutions of dispute resolution. Experience shows that it is better to invest effort to resolve grievances at the community level and avoid as much as possible recourse to the legal system as these are often very lengthy, arduous and cause inconveniences and fatigue in the community and could lead to lasting hostility towards the KIFSCA, jeopardising the viability of long term conservation efforts in the SCA.

This section of the report describes the objectives of establishing a Grievance Management Mechanism as should be adopted for use in the implementation of the KIFSCA SMP risk mitigation plans (Such as RAPs, LRPs and other mitigation plans), levels at which the grievance management committees will be formed, their roles and responsibilities together with guidance on their formation and operation. Most of the procedures are adopted from the experience of road projects which have a linear impact similar to the acquisition of the 100m protection zone that the establishment of the KIFSCA requires.

## **12.2. Purpose of Formation of the Grievance Management Committees**

The formation of Grievance Management Committees (GMCs) is intended to ensure that, not only should the affected people be able to raise their grievances to a committee accessible to them and be given an adequate hearing, but also satisfactory solutions should be found that mutually benefit both affected people and the community and the KIFSCA management team. It is equally important that affected people and communities have access to legitimate, reliable, transparent, and efficient project level mechanisms for managing /or solving their grievances.

## **12.3. Grievance Management Structure and Responsibilities**

Grievances will continue coming way beyond the period of implementation of KIFSCA SMP and into the operations of the KIFSCA. The issues will not only be arising from any displacement and resettlement which may be required, but also touch on other concerns caused by the establishment of the KIFSCA. In order to benefit from exposure and ensure sustainability, the formation and facilitation of Grievance Management structures must be the responsibility of MWE.

The MWE will set up a KIFSCA unit and team that will amongst other functions ensure the formation, management and effective monitoring and evaluation of the activities of the Grievance Management structures. The MWE responsibilities for the management of grievances at the project level will include:

- a. Establish a contact / customer care centre. The MWE contact centres will be located at a convenient place within the KIFSCA. The location will be determined by the population. Each contact centre will have at least two full time client care officers (in-charge of centre and community liaison respectively). The centre will receive community members with concerns or questions related to the implementation of the KIFSCA SMP and associated risk mitigation plans (including land grievances and any other information from the community).
- b. Notifying and collaborating with Sub-County and District authorities to establish GMCs at the Village, Sub-county and district levels during the land acquisition process.
- c. Reviewing and monitoring the status of grievances throughout the KIFSCA, as presented in monthly reports of the district GMC.
- d. Consulting immediately with relevant institutions such as police or other authorities as required by individual cases to ensure that the actions meted out comply with the law.
- e. Helping sub-county and district GMCs as needed to facilitate resolution of grievances.
- f. Providing qualified staff to serve as ex-officio members or observers of GMCs where appropriate or where requested.

g. The MWE shall also have its own institutionalized Grievances Management (GM) structure. The MWE GM structure shall be clearly defined to enable coding and classification of all types of grievances (Land related, Environment, Social, Occupational Health & Safety, requests and others). It will also have clear grievances resolution timelines and mechanism of channelling the various grievance sub-categories to relevant internal departments for resolution to every one's satisfaction. The MWE must ensure that this internal mechanism is fast enough to enable fast decision making and formulation.

### **12.3.1 Community Grievance Management committees**

This committee will comprise of the LC1, 2 community representatives (Female and Male) directly affected by the KIFSCA, a community member (this can be a religious leader), a secretary, mobilizer and client care officer. This will form the first tier of Grievance Resolution Mechanism (GRM) and will be made accessible to the community and all affected people that may need to register a complaint. This committee will record grievances, sort and coordinate all project-related grievances, investigate the issue, facilitate and mediate resolution of grievances, document the status of the complaints and their resolutions. If the complaint cannot be resolved, the grievance will be referred to the Sub-county level including appropriate documentation and justification why it was not resolved at the community level and provide feedback to the complainant.

### **12.3.2 Sub-county Grievance Management Committee (S-GMC)**

The S-GMC members will include: representative of the LC-III Chairperson, Community Development Officer (CDO), client care officer and Local Area C-GMC Chairperson (for a grievance pertaining to a given community / LC). The LC-1 Chairperson, Sub-county Chief, Chairperson Area Land Committee, D-GMC member and GISO may attend the S-GMC by invitation. The S-GMC will meet regularly, at least monthly to consider grievances and the CDO will be the Secretary of the S-GMC. Complaints that will not be resolved at the Subcounty level will be referred to the District.

### **12.3.3 District Grievance Management Committee (D-GMC)**

Membership of the District GMC should include, a representative of the Chairman Local Council Five (LCV), Resident District Commissioner, Chief Administration Officer, Chairperson DLB / Surveyor, Production officer, Land Officer, District Community Development Officer, Environment Officer. Ex-officio members could include the District Internal Security Officer, Sociologist and/or Environmentalist from the MWE. The main role of this committee will be to analyse the grievances, investigate the complaints and facilitate mediation in order to resolve grievances. If the complaints cannot be resolved by the D-GMC, they will be referred to

MWE GM structure with appropriate documentation and justification why it was not resolved at the sub-county level.

#### **12.3.4 MWE Grievance Management Committee**

This will constitute the last tier of the grievance redress mechanism and will seek to resolve all grievances that will not have been resolved at the District level. Once the aggrieved person is not satisfied with the resolution at this level, provisions will allow him to seek redress from the courts of law.

#### **12.4. Orientation training for the Grievance Management Committees**

For GMCs to be effective, focused and results oriented, sufficient time must be invested in training them. Orientation training must be provided for the Grievance Management Committees to disseminate the laid out procedures and the responsibilities of members. This must include information on how and who will receive and file complaints and frequency of meetings for handling appeals. Emphasis must be placed to inculcate expediency as a central value in communication and management of appeals as well as the need for transparency and objectivity in handling appeals.

In addition, sensitization must be provided to all affected people at individual village level based on an information dissemination and publicity system acceptable within the locality. This sensitization must involve LCs in the mobilization process. Media adverts must be run and talk shows held to attract affected community members into these meetings. All community members must be informed about how to register grievances or complaints. Grievances will not be limited to compensation and relocation alone but may also include specific concerns about the implementation of the KIFSCA-SMP .

#### **12.5 The Grievance Management Procedure**

During receipt and handling of grievances:

- a. Grievances will be filed by the person affected by the project with the Secretary of the GMC formally routed through local and sub-county leaders. The person with a grievance must fill out a Grievance Resolution form (see sample attached in Appendix 1) and submit it to the MWE's client care officer found at the customer care office. The client care officer must record grievances received and forward them to the GMC secretary. On receipt of the complaint, the Secretary will bring this complaint to the attention of the Grievance Management committee which will act within 14 days on receipt thereof (except for complaints and grievances that specifically pertain to the valuation / survey of affected assets, since such will require conducting an investigation or confirmatory measurements and assessment).

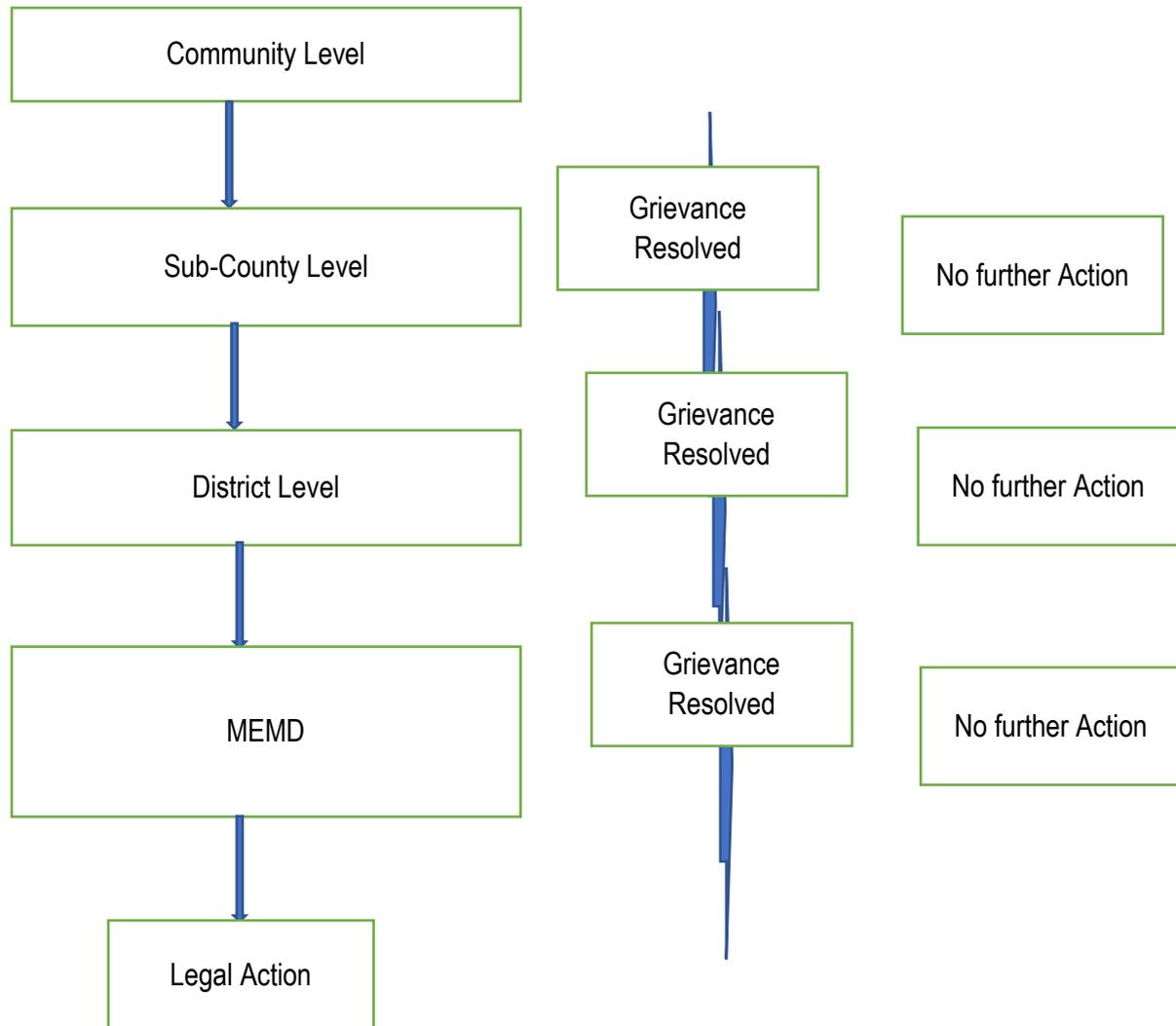
- b. All incoming grievances shall be acknowledged as soon as possible, properly filed and a formal confirmation with a complaint number, or other identifier, and a timeline for response provided.
- c. The Grievance Management Committee on receipt of the grievance shall within 14 days investigate the grievance. Depending on the circumstances of the complaint, various units or departments may need to be consulted, including the respective district and local authorities through/within the section where the appeal file is found - if their direction and decision is required by the established procedures and division of responsibilities. To begin this process, the team shall establish the nature of the grievance to determine the measures needed for review and investigation. A judgment will be taken and an appropriate response will be made and addressed to the complainant in writing indicating the course of further action.
- d. The Grievance management Committee will notify relevant authorities in writing on the action needed to be taken based on its assessment of the case to ensure that the complainant's issues are addressed.
- e. If the affected person is not satisfied with the decision, he/she, as a last resort, will be advised to submit the complaint to a court of law.
- f. The MWE must closely track grievances and ensure that aggrieved parties understand the decisions made or abide by the action and decision made. The team will produce a report containing a summary of all grievances.
- g. Government authorities such as Uganda Police, Probation and Welfare Office with the guidance of the area Local Council who will be members of the GMC.

### **12.6 Duration of GMC service**

For the purpose of the KIFSCA, GMCs are expected to serve for as long as the time it will take to implement the KIFSCA SMP and associated risk management plans. The MWE contact/customer care centres will be located at a convenient place within the KIFSCA. The location will be determined by the affected communities. Each contact center will have at least two full time client care officers (in-charge of the center and community liaison respectively) The offices will receive community members with concerns or questions related to the implementation of the KIFSCA SMP (including land grievances and any other information from the community). MWE shall also have its own institutionalized GM structure. MWE GM structure shall be clearly defined to enable coding and classification of all types of grievances (Land related, Environment, Social, Occupational Health & Safety, sexual abuse and others). It will also have clear grievances resolution timelines and mechanism of channeling the various grievance sub-categories to relevant internal departments for resolution to every one's satisfaction. The MWE must ensure that this internal mechanism is fast enough to enable fast decision making and formulation.

A draft grievance redress form is found at Annex 5 of this Framework.

**Figure 1: Grievance Resolution Pathway**



### **13.0. MONITORING AND EVALUATION OF THE FRAMEWORK**

Implementing the KIFSCA SMP will cause some disruption of the socio-cultural and economic lives of the affected people. The nature of mitigation plans required to successfully manage the risks to peoples from this disruption may vary significantly, and hence an appropriate to monitoring and evaluation the required plans are difficult to predetermine. All risk and impact mitigation plans will need to include objectively verifiable monitoring and evaluation frameworks in order to ensure they have achieved their objectives.

The aims of the Framework Supervision, Monitoring and Evaluation program is to ensure that:

- a. Affected members of the community are assisted in improving their social and economic status in various ways;
- b. Affected members of the community re-establish the pre-project socio-economic situation or even get better in the process;
- c. Effective preparation and implementation of RAPs, LRPs and other risk mitigation plans needed to implement the KIFSCA SMP add sufficient value to the conservation objectives of the KIFSCA by winning the support of the community.

Some of the affected people have very poor socio-economic status and some are vulnerable. If implemented in an appropriate way, the supportive measures provided under this Framework will contribute to improve the social, economic and health status of the vulnerable members of the community.

Regular supervision and monitoring is intended to ensure that all structures established to ensure the community benefits from the KIFSCA SMP are functional and effective. Regular monitoring will be a tool for identifying any problems in socio-cultural or livelihoods development and accordingly for adjusting the implementation plans of different KIFSCA SMP activities.

The remainder of this section focuses disproportionately on RAPs rather than other risk mitigation plans. This is because the nature and impacts of displacement is relatively well understood and hence appropriate monitoring and evaluation strategies can be outlined. This emphasis on RAPs however, is not intended to predetermine that RAPs will be needed to implement the KIFSCA SMP. Nor is it intended to place RAPs above other mitigation plans in their importance or likely impact on the affected community.

### **13.1. General Objectives of the Monitoring and Evaluation Program**

The overall objective of the Monitoring and Evaluation plan is to ensure that community members impacted by KIFSCA SMP activities have successfully restored their livelihoods at least to pre-project level and that the

poorest and vulnerable households have been assisted to improve their social and economic status. The most vulnerable members of the affected community must be assisted not only to restore their socio-cultural and economic life but also where feasible, supported in various ways to improve their current living and production conditions even where relocation has not taken place.

The planning and implementation of RAPs, LRPs and other mitigation plans will be based on the principle of full involvement of affected communities in all planning and implementation activities in cooperation with the KIFSCA SMP implementing agencies. In principle, this participation must be gender sensitive, ensuring equal involvement of men and women, and paying special attention to the poorest and most vulnerable households. Given that the majority of the community are low-income earners, all the KIFSCA-SMP activities will be implemented in a poverty sensitive way, aimed at poverty reduction. The continuous internal and external monitoring of the implementation of the KIFSCA SMP and associated risk mitigation plans must ensure that these principles are realized throughout the implementation of the KIFSCA SMP.

### **13.2. Monitoring indicators**

Objectively verifiable indicators shall be used to monitor the impacts of efforts to mitigate the social risks and impacts of the KIFSCA SMP including (prospectively) RAPs, LRPs and other mitigation plans. These indicators will be measuring the physical and socio-economic status of the impacted community, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for these plans will have to be developed to respond to the KIFSCA conditions. The nature of mitigation plans required to successfully implement the KIFSCA SMP may vary significantly, and hence appropriate indicators are difficult to predetermine.

However, as noted in the KIFSCA SMP, it is possible that establishing the KIFSCA will result in changing existing land uses either through land acquisition or enforcing restrictions on land uses. Physical relocation or restrictions on land use are known to cause significant and long-lasting hardship for communities unless carefully planned for and executed. As such, this section focuses on the indicators used for RAPs, however, RAPs are by no means the only mitigation plans likely and all mitigation plans will need monitoring indicators to be developed that are fit for purpose.

Where the KIFSCA management team is changing land use through either land acquisition enforcing restrictions on land use, they may need to produce a RAP. The following indicators can be utilized during monitoring RAPs needed for activities under the KIFSCA SMP.

- a) Number and place of public consultation meetings held with Project Affected People (PAPs) and local authorities in preparation of, or during RAP implementation
- b) Number of PAPs effectively compensated and aggregated amount disbursed for compensation (actual versus planned)
- c) Number of people resettled or provided with new business premises (whatever is applicable)  
Number of individuals and families to re-establish their pre-resettlement activities, in terms of other alternative income
- d) Completion of demolition of structures (if any) or crops/trees in the project area within 3 months after the notice to demolish/ vacate
- e) Number of complaints and their resolution status
- f) Income levels before-and-after the RAP implementation
- g) Access to livelihoods and employment
- h) Number of individuals or households of VMGs supported

#### **13.2.1. Performance/ evaluation indicators**

Suggested performance/evaluation indicators to be used for RAPs, LRPs and other mitigation plans include:

- a) Total nature and level of all complaints received and resolved
- b) Completion of required activities within, or after 2 months of estimated completion date indicated in the implementation plan
- c) Submission of monitoring reports at the frequency indicated in the M/E of the plans implementation report or quarterly.

#### **13.2.2. Indicators to Measure RAP Performance**

The following indicators could be used to understand the success of the measures identified and the working of the relevant parties in implementation of the RAP:

- a) Percentage of individuals selecting cash or a combination of cash and in-kind Compensation
- b) The number of contentious cases as a percentage of the total cases
- c) The number of grievances and time and quality of resolution
- d) The ability of individuals and families to re-establish their pre-displacement activities
- e) General relations between the project and the local communities.

Measurement against these indicators will be achieved through the following activities:

- a) Questionnaire data will be entered into a database for comparative analysis
- b) Individual PAPs will have a compensation dossier recording his or her initial situation, all subsequent project use of assets/improvements, and compensation agreed upon and received
- c) MWE/MEMD will maintain a complete database on every individual impacted by the KIFSCA
- d) Relocation/resettlement and compensation, land impacts or damages; and MWE/MEMD will prepare Resettlement Completion Reports for each RAP, in addition to other regular monitoring reports.

### **13.2.3. Indicators to monitor and evaluate implementation of the RAP**

Financial records will be maintained by the respective LGs and the executing agencies to permit calculation of the final cost of resettlement and compensation per individual or household. Each individual receiving compensation will have a record containing:

- a. Individual bio-data information,
- b. Number of people s/he claims as household dependents
- c. Amount of land available to the individual or household when the dossier is opened.

Additional information will be acquired for individuals eligible for resettlement/compensation:

- a. Level of income and of production
- b. Inventory of material assets and improvements in land, and
- c. Debts.

### **13.3. RAP Implementation Evaluation and Audit**

Once the implementation of each RAP is complete, a completion audit will verify results of monitoring of RAP implementation indicators and assess whether the project achieved the resettlement objectives. A specific measure of whether livelihood and living standards have been restored or enhanced will be completed. The audit will also assess the efficiency, effectiveness, impact, and sustainability of RAP activities. The aim is to learn lessons for application to future projects. Finally, the audit will ascertain whether the resettlement entitlements were appropriate, as defined in the Framework guidelines. This evaluation will take place at the end of the RAP implementation and the implementing agencies are responsible for undertaking this evaluation and a budget to this effect should be availed. The evaluation report will include a summary of RAP performance, a compliance review of RAP implementation process and a progress report on the quality of RAP implementation in terms of application of guidelines provided in this Framework

### **13.4. Reporting**

The monitoring unit will submit periodic (preferably bimonthly) reports to MWE and MEMD. The report will at least cover the status of compensation disbursement, nature of complaints, redress actions and follow-ups. The implementation of the Framework and subsequently the risk mitigation plans will form part of bi-annual reports on implementation of the KIFSCA SMP.

### **13.5. Annual Reviews**

The annual audit/evaluation of Framework implementation, and as applicable the implementation of risk mitigation plans to support the KIFSCA SMP includes: (i) a summary of performance in implementing all risk mitigation plans; (ii) a compliance review of the implementation process; and (iii) a progress report on the quality of implementation in terms of the application of guidelines provided in this Framework.

### **13.6. Disclosure**

This Framework will be disclosed in compliance with relevant Ugandan regulations. Following the approval of the Framework as part of the overall KIFSCA SMP, the implementing agencies coordinated by MEMD shall share the final Framework with all other relevant Ministries, Local Governments and Institutions. The Framework will also be disclosed in the known public media like newspapers and relevant ministry websites for all interested persons to read and know the details therein. Subsequently, any risk mitigations developed in reference to this Framework will also be disclosed by MEMD, MWE, in the KIFSCA and at district offices.

## **14.0 BUDGET AND DISCLOSURE**

### **14.1 Budget for Framework Implementation**

It is the responsibility of the Government of Uganda to identify resources and meet land acquisition, compensation and other social risk mitigation requirements related to the KIFSCA SMP before its implementation and the impact of an activity is felt by the community. As the KIFSCA SMP was still being finalised through a process of consultation at the time of writing, its impacts and hence the required mitigation measures are not confirmed. As such, at the time of preparing this Framework it is not possible to estimate its budget. Instead a detailed budget will be developed for each risk mitigation plan at the time of preparation. For RAPs, the budget will cover all relevant activities including resettlement activities, compensation costs for affected assets and livelihoods restoration as well as all administrative costs, GRMs, consultations, Monitoring and evaluation, and other implementation support costs.

The cost will be derived from expenditures relating to:

- (1) The preparation of the resettlement/compensation action plan;
- (2) Income and means of livelihood restoration plan and;
- (3) Administrative costs

Funds for implementing risk mitigation plans will be provided by the GoU through the MoFPED. The MEMD will prepare the required budgets which will be managed through the existing administrative and financial management rules and manuals.

A template for preparing a RAP budget is found at Annex 2 of this framework.

**Table of Annexes:**

Annex 1	Main Contents of a Resettlement Action Plan
Annex 2	Budget Template for Preparing and Implementing RAPs
Annex 3	Content of a RAP Consultation Report
Annex 4	Framework for Conducting a Census of Affected Assets and Affected People
Annex 5	Draft Grievance Resolution Form

## Annex 1

### Main Contents of a Resettlement Action Plan (RAP)

- Description of the project
- Potential impacts
- Objectives
- Socio-economic studies
- Legal Framework
- Institutional Framework
- Eligibility
- Valuation and compensation for losses
- Resettlement measures
- Site selection, site preparation and relocation
- Housing infrastructure and social services
- Environmental protection and management
- Community participation
- Integration with host population
- Grievance procedures
- Organizational responsibilities
- Implementation schedule
- Cost and budget
- Monitoring and evaluation

## Annex 2

### Budget Template for Preparing and Implementing RAPs

No.	Item	USD
1.0	PREPARATORY PHASE COST	
1.1	Inventory of affected persons, assets and livelihoods	
1.2	Valuation fees	
1.3	Preparation of resettlement plans or compensation reports	
	Subtotal 1	
2.0	COMPENSATION COST	
2.1	Compensation for permanent acquisition of land	
2.2	Compensation for temporary occupation of land	
2.3	Compensation for destruction of standing crops	
2.4	Compensation for destruction of permanent immovable structures	
2.5	Compensation for temporary displacement of moveable structures	
	Subtotal 2	
3.0	LIVELIHOOD RESTORATION /MITIGATION MEASURES COST	
3.1	Compensation for Persons' loss of income	
3.2	Compensation for business persons ' loss of income	
3.3	Cost of special assistance to vulnerable persons	
	Subtotal 3	
4.0	CAPACITY BUILDING & IMPLEMENTATION COST	
4.1	Capacity building for key stakeholders –local consultant	
4.2	Overhead cost for compensation disbursement/grievance redress/monitoring & evaluation	
4.3	Legal fees (in case of court dispute)	
4.4	Development of RAP/ARP	
	Subtotal 4	
5.0	TOTAL COST (addition of all subtotals)	
6.0	CONTINGENCY (5%-10% OF TOTAL COST)	
7.0	GRAND TOTAL COST (Total Cost + Contingency)	

## Annex 3

### Content of a RAP Consultation Report

- 1.0 Introduction.
- 1.1 Project Description
- 1.2 Applicable Laws, Regulations, and Policies to Public Engagement
- 1.3 Project Lenders
- 2.0 Stakeholder Analysis
  - 2.1 Areas of Influence/Stakeholders
  - 2.2 Description of Stakeholders
- 3.0 Stakeholder Engagement
  - 3.1 Previous Consultation Activities
  - 3.2 Implemented Community Engagement Activities
  - 3.3 Project Sponsor's Community Engagement Plan
    - 3.3.1 Phase 1 – Initial Stakeholder Consultation
    - 3.3.2 Phase 2 – Release of the RAP Terms of Reference and Draft RAP
    - 3.3.3 Phase 3 – Release of RAP Consultation Summary Report
- 4.0 Summary of Key Issues
- 5.0 Future Consultation Events
  - 5.1 Phase 4 – Release of the RAP Report and Action Plans
  - 5.2 Phase 5 – Planning of more Consultations
  - 5.3 Phase 6 - Ongoing Project Communication
- 6.0 Disclosure Plan

#### Tables

- Table 1: Consultation Activity Summary
- Table 2: Initial Government Agency Consultations
- Table 3: Summary of NGO Meetings
- Table 4: Summary of Local Government Discussions
- Table 5: Summary of Community Discussions
- Table 6: Local Community Comments
- Table 7: Summary of Key Issues and Responses
- Table 8: Summary of Future Consultation Activities per Stakeholder Group

Annex 4

Framework for Conducting a Census of Affected Assets and Affected People

A) AFFECTED PLOT OR LAND SHEET

Reference:.....

Location: Region: District: Village:.....

GPS Coordinates:.....

Surface:.....

Description of soil.....

Crops

Perennial Crops:	1	Owner
	2	Owner
Annual Crops:	1	Owner
	2	Owner
Trees:	1	Owner
	2	Owner

Structures: Channels: Owner:

Anti-erosive structures: Owner:

Buildings: Owner:

Users:

User 1: Surface used: Regime of tenure:

User 2: Surface used: Regime of tenure:

User 3: Surface used: Regime of tenure:

User 4: Surface used: Regime of tenure:

Valuation proposal (details of calculation on attached sheet):

Crops:

Structures:

Proposed distribution of compensation:

User 1:

User 2:

User 3:

User 4:

Date: ..... Prepared By: .....

## B) AFFECTED BUILDING SHEET

Reference: .....

Location: Region: District: Village: .....

GPS Coordinates: PhotogRAPH number: .....

Owner: Address: .....

Description: .....

Permanent Non permanent .....

Surface: Number of rooms: .....

Walls: Material Condition .....

Roof: Material Condition .....

Floor: Material Condition .....

Annexes outside: Latrine: Bathroom: Kitchen: Others: .....

Additional features: .....

Permanently Inhabited: By: Regime of occupation: .....

Periodically Inhabited: By: Regime of occupation: .....

Valuation proposal (details of calculation on attached sheet): .....

Proposed distribution of compensation: .....

User 1:

User 2:

User 3:

User 4:

Date: ..... Prepared By: .....

### C) AFFECTED HOUSEHOLD SHEET

Household Reference: .....

Location: Region: District: Village: .....

Reference of Affected Asset: .....

Type: Structure Plot Crop .....

Reference of Affected Asset Sheet: .....

Location: Zone: Region:.....

Household Information: .....

Head of Household: Name: Age: Sex: .....

Identity Document: Type: Number: .....

Composition of Household: .....

Socio-Economic Information: .....

Occupations: .....

Head of Household: .....

Other members of Household: .....

Number: Occupation: .....

Number: Occupation: .....

Total Estimated Household Cash Income: .....

Education level of Household Members:.....

Number	Name	Relationship with Household Head	Sex	Age

Project Impact:

Assessment of the Impact of the Loss of the Affected Asset on Household's Livelihood:

Proposed Compensation or Resettlement Package

Household's Wishes.....

Proposed Package .....

Proposed Livelihood Restoration Package:

Household's Wishes .....

Proposed Package.....

Number	Level;
Number	Level;

Date:..... Prepared By:.....





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Issue \_\_\_\_\_

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:

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If agreement was reached, was it formally communicated to the complainant Yes No

(If "Yes" attach copy to this report & file with acknowledgement from complainant)

If agreement was not reached, specify the points of disagreement and recommendation for further action below:

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Signed (Conciliator): \_\_\_\_\_ Signed (Filer): \_\_\_\_\_

Signed: \_\_\_\_\_

Independent Observer

Date: \_\_\_\_\_