UGANDA ELECTRICITY TRANSMISSION COMPANY LIMITED (UETCL)

RP442

RESETTLEMENT ACTION PLAN (RAP)
FINAL REPORT

FOR THE
PROPOSED MUTUNDWE THERMAL-POWER PLANT

November 2006
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However, while acknowledging the contributions and support received during the course of the study, the Team assumes full responsibility for any omissions and errors contained in this Resettlement Action Plan (RAP) Report for the proposed Mutundwe Thermal Power Plant.
Abbreviations and Acronyms

AIDS Acquired Immune Deficiency Syndrome
CAO Chief Administrative Officer
DEC District Environment Committee
DEO District Environment Officer
EIA Environmental Impact Assessment
EIS Environmental Impact Statement
EMA Environmental Management Associates
GoU Government of Uganda
HIV Human Immuno – Deficiency Virus
IDA The International Development Association
IFC The International Finance Corporation
IPP Independent Power Producer
Km/s Kilometre per second
Km² Square Kilometre
kV Kilovolt
LC Local Council
m² Square meter
m³/s Cubic metres per second
MW Megawatt
NEMA National Environment Management Authority
NGOs Non-Governmental Organisations
RAP Resettlement Action Plan
RDC Resident District Commissioner
TOR Terms of Reference
UEDCL Uganda Electricity Distribution Company Limited
UEGCL Uganda Electricity Generation Company Limited
UETCL Uganda Electricity Transmission Company Limited
USD United States Dollar
USH Uganda Shilling
WB World Bank
Executive Summary

Introduction

UETCL is proposing to construct an emergency power generation facility next to the existing substation at Mutundwe. This helps to minimise the current power shortage in various parts of Kampala City due to inadequate generation volume at the Naluubale power station caused by the fall of water level in Lake Victoria.

This study assessed the extent of people likely to be affected and in need of compensation or resettlement and strongly recommended measures to minimize the various impacts of the development activity. This was done through a field survey of the project site which included a census of the population settled within the zone of 200 meters from the edge of the project site, and the levels of impacts was assessed. A valuation of property was also carried out on the 1 acre piece of land which UETCL intends to purchase from Ms. Namayanja for the purpose of putting up the new power generation facility. UETCL has entered into negotiations with the owner of the land and the owner has expressed willingness to sell the land. Furthermore, the RAP team carried out consultations with various stakeholders particularly lead agencies, local authorities and the communities in the village. Views about land take, access road, dust and noise pollution were sought.

Project site and Potential Resettlement/Compensation

The new plant will be on the existing UETCL plot, while the 1 acre piece of land to be purchased is meant to expand related infrastructure at the substation and the thermal plant. The Mutundwe site is on Plot 563 Kyadondo Road, Block 32, Rubaga Division Kampala District.

According to site assessment, there is no physical displacement of any family or business, the only person who will be significantly affected is the land lady of the 1 acre piece of land, on the southern border of the existing substation. This lady, who is in her late 60s will compensation for her land.

Key Stakeholders

The key stakeholders in the proposed project site include: the Ministry of Water, Lands and Environment (MWLE); the National Environment Management Authority (NEMA); Ministry of Energy and Mineral Development, the Kampala City Council (Rubaga Division) and the local communities in the project area. Civil society
organizations were also talked to especially one CBO dealing with HIV/AIDS awareness programme with offices in the project neighbourhood

Policy, Legal and Institutional Framework

The applicable policies and laws in Uganda regarding Resettlement, Land Acquisition and compensation were reviewed. International safeguard policies were also reviewed particularly World Bank Operational Policies e.g. 4.12 on Involuntary Resettlement.

Broadly, there are at least four main actors directly involved in carrying out resettlement and compensation for those to be affected by the project. These are Ministry Energy and Mineral Development (MEMD), UETCL Ministry of Water Lands and Environment (MWLE) and Kampala City Council. UETCL will undertake compensation, while MWLE will provide supervision through the District Environment Officer, Kampala. The DEO will have to liaise closely with the Local council officials of the village.

Socio-economic Baseline Survey

A census was conducted among 10 households, who have houses within the zone of 100 meters from the existing UETCL boundaries. This population included both those who will be directly and indirectly affected by the project. The results of the census constitute an important basis for community participation in planning of the thermal power project. Their views are presented in chapter four of the report.

Community Participation and Consultation

Comprehensive consultations with various stakeholders were carried out before and during the Resettlement Action Planning (RAP) process. These aimed to involve the stakeholders and seek their views on the various aspects of the thermal-power investment.

Project Impacts

During the RAP process, minor environmental, social impacts of the thermal-power plant facility development were identified. Broadly, there is no adverse impact of the proposed project on the human population. No single person requires resettlement. However, compensation must be made to the land lady for bare land and crops on the land. The study further found out that there is no need for access route construction
since the existing road, which UETCL is using for operating and maintenance of the existing substation is in a good state. Impacts identified on the human environment is minimal and easily mitigable. Additionally, the study has recommended mitigation measures for other impacts resulting from project development, which include among others, HIV/AIDS awareness building, road safety measures and measures to minimize dust pollution.

Compensation and Resettlement

As earlier mentioned, one land owner whose land has been identified as being suitable site for the plant will have to be compensated at prevailing market price. However, there will be no resettlement of people as a result of the power project.

Implementation and monitoring

The study has drawn mitigation measures and has drawn implementation and monitoring plans for the proposed project. The said plans include mobilization of funds and compensation, road safety awareness raising and health awareness particularly regarding HIV/AIDS.

Conclusion

The conclusion therefore, is that the development of the proposed thermal-power plant by UETCL can go ahead and that mitigation measures recommended be implemented according to schedule.
One: Introduction

1.1 Background

UETCL is proposing to construct an emergency power transmission facility at Mutundwe, adjacent to the existing substation. The location of the site is Kitaluurizi zone, Mutundwe parish, Rubaga division. It is 0.2km long Mutundwe road traveling from Nalukolongo. From Mutundwe road there is service lane 0.5km to the project site.

The facility aims to assist in minimising the current shortage in power supply caused by inadequate generation of power from the Nalubaale power station in Jinja.

Uganda is presently, experiencing an increased shortage of power, as a consequence of the low water levels in Lake Victoria. To alleviate the power shortage the UETCL (Uganda Electricity Transmission Company Ltd.) in collaboration with IDA (International Development Association) are planning the construction of a 50 MW thermo-power plants, with Heavy Fuel Oil as fuel, within the premises of the existing substation. Additional land need to be acquired for the construction of the new power plant. There is no need for a transmission line.

However, before the implementation of the thermal-power project, a Resettlement Action Plan had to be conducted so that people likely to be affected by the project could be identified and compensation be made for loss of property. Against this background, UETCL contracted Ema Consult limited to carry out the study. This report is the outcome of this consultancy.

1.2 Goals and Objectives

The aim of the study was to assess the potential environmental social impacts (positive and negative) of the construction of the proposed thermal-power plant in Mutundwe where UETCL is operating a substation. The study consisted of two major parts including an Environmental Assessment (EA – Part I) and Resettlement Action Plan (RAP – Part II). This report constitutes part II of the consultancy. In both cases the consultant applied Ugandan and World Bank safeguard policies.

Resettlement Action Plan (RAP) deals with social issues related to land acquisition, such as loss of economic activities and livelihoods or resettlement due to project implementation.
The central focus of the resettlement action plan revolves around mitigation and participation. Mitigation is required to ensure that relevant issues arising from the project implementation are addressed. While participation is aimed at involving all stakeholders so that they can give their views and suggestions on the likely negative social impacts of the project, including suggestions towards solving the identified impacts amicably prior to the commencement of the works. The specific objectives are:

- to raise awareness of the affected communities in particular and the public in general within the project area regarding the project and its potential consequences;
- to identify people affected both directly and indirectly especially households;
- to estimate the costs for resettlement, compensation and land acquisition;
- to prepare a Resettlement Action Plan (RAP) setting out strategies and schedules to mitigate adverse impacts on the people. The RAP aimed at setting out parameters and establishing entitlements for those directly affected, the institutional framework mechanisms for consultation and grievance resolution, the time schedule and budget, as well as monitoring and evaluation system;
- to ensure that the agreed entitlements package includes both compensation and measures to restore the economic and social base for those likely to be affected;
- to ensure that the requirements of the Government of Uganda and that of the World Bank for land acquisition and resettlement are fulfilled; and
- to develop capacity at the appropriate level to enable participation, resolve conflict, permit service delivery, and carry out mitigation measures as required.

The content of the RAP will be as follows:

I. PROJECT INTRODUCTION. This provides the project description and the overall context and justification for the project. In particular, it will describe each part of the project “footprint”, that is, each separate facility, or construction site, including any access roads, quarries or borrow sites, work camp areas, or any other location needed for the project, whether temporary or permanent.

II. MEASURES TO MINIMIZE LAND ACQUISITION AND LOSSES. This section is the “alternatives analysis” for the resettlement plan. It sets out any alternatives that were considered that would reduce or eliminate social impacts, and show how the
alternatives chosen minimize the acquisition of property and other assets that people will suffer.

III. LEGAL BACKGROUND. In this section, a review of the national policies and legal background to land taking and resettlement, and current practices, including any standard organizational frameworks that are relevant to this sector or project are discussed. It compares laws, entitlements, eligibility and practices of the government with those required under World Bank Operational Policy on Involuntary Resettlement (OP4.12). A review of any gaps perceived between the national policies and those of the World Bank, and shows how both national and World Bank policies are implemented within the project is done. Recommendations for resolution methods for any contradictions that may be seen to be significant have also been presented in this section.

IV. CENSUS AND SOCIO-ECONOMIC SURVEYS. This section provides the results of ethnographic information, enumerations and socio-economic surveys carried out to establish the baseline data against which both impacts and the eventual adequacy of compensation, and recovery of incomes and, living standards, can be measured.

V. PROJECT IMPACTS. This section describes the types of project activities during both construction and operation, and specifies the types and seriousness of impacts on the affected people at each site of project activities.

VI. RESETTLEMENT POLICIES AND ENTITLEMENTS. Here the policies applied on two major issues are set out. A section on eligibility is discussed what types of people are or will not qualify for measures under the project. It discusses the “cut off date” set up, after which new arrivals in the project area will be not to be eligible for project benefits. A section on entitlements describes (possibly different types of) compensation or other compensatory measures. A matrix format, showing people and forms of compensation summarizes the eligibility and types of compensation that are be included in the implementation plan. A section on how inventories of losses are done, and how assets lost were evaluated, is also included in this part of the report.

VII. RESTORATION OF INCOMES AND STANDARDS OF LIVING. This section demonstrates how policies applied, and the settlement and other compensatory measures to be implemented, will meet the objectives of the plan and the policy. Measures for livelihood restoration are described in this section.

VIII. INSTITUTIONAL RESPONSIBILITY. This section includes descriptions of the organizations and interaction by which the resettlement action plan will be carried out. It describes the process
which implementation will take place and shows the institutional responsibility for compensation.

IX. PUBLIC PARTICIPATION. Here the Consultant shows how the affected people have been consulted in the overall process of planning for their displacement, and how they will participate in the future. It describes bodies in which they have participated or will participate. An annex gives the details of consultations held before and during RAP planning, including dates of meetings and attendance at each. It demonstrates that people were fully involved and understood the actions that would be undertaken during implementation.

X. COMPLAINTS AND GRIEVANCES. This part describes mechanisms by which people can register objections to activities undertaken during the planning and implementation of the project, and the mechanisms for redressing grievances. It also shows how these actions will be accessible to ordinary affected people, and will ensure a process that is fair and equitable, with an option for recourse to formal judicial systems if project mechanisms fail.

XI. MONITORING AND EVALUATION. This sets out the plans for monitoring performance of the Resettlement Action Plan and evaluating its effectiveness. Institutions, which will implement this activity, are outlined.

XII. BUDGET. A detailed budget for the implementation of the resettlement activities, with notes on the control and flow of funds is presented in this section of the report. It also identifies the sources of different funds, as the World Bank cannot always pay for land or for cash transfers, including compensation.

XIII. TIMETABLE. Using standard formats, the timetable for resettlement implementation is set out in this section. It further shows how it is integrated into the timetable of physical works, and shows that no one loses assets or is forced to move before he or she has been compensated and, if relevant, is able to move to the permanent new site.

XIV. ANNEXES. There are annexes which include those on: legal review (law by law); detailed description of occupation of land traversed and to be affected; statistics on those affected; inventories of losses; the record of consultation meetings; a list of report and people seen or involved in the preparation of the RAP; and a map of the sites involved and the project area.
1.3 Project Description

The Mutundwe Thermal-Power Project will comprise 50 MW auto Engine-Driven diesel power plant to be constructed at the existing substation location. The proposed sites, which will involve acquiring additional one acre piece of land, are in Rubaga division of Kampala district. The proposed site is classified as industrial area although some settlements and commercial activities exist especially along the road from Kampala – Masaka road to the substation. This road stretches for 1 and half kilometemeter from the Nalukolongo trading centre along the Kampala-Masaka high way. Construction is expected to begin in the middle of 2006.

The Engine driven diesel power plant will be powered with low sulphur auto diesel fuel supplied through pipes from storage tanks that will be constructed on the site.

1.4 THE THERMAL-POWER PLANT

The proposed thermal-power plant will be installed on the compound of the existing substation located in Kiuwuliriza village, in Rubaga Division.

The site will accomodate the thermal power plant and its associated infrastructure that includes fuel storage facilities and an office block.

There are three designs of generators capable of producing power capacity of 50-100 MW. These designs are: the conventional steam producing thermal plant, engine driven power plant and combine cycle power plant. However, given the urgency for power, reliability of fuel supply and other logistics involved, the engine driven plant is being considered as the likely alternative. Details of the plant are described below.

The engine-driven power plant uses fuel such as diesel oil, fuel, gas or emulsion and crude oil. The two types of engines normally used are the medium-speed four-stroke trunk piston engine and the low-speed two-stroke crosshead engine. Both types of engines operate on the air-standard diesel thermodynamics cycle. Air is drawn and forced into cylinder and is compressed by a piston. Fuel is injected into a cylinder and is ignited by heat of the compression of air. The burning mixture of fuel expands, pushing the piston. Finally the products of combustion are removed from the cylinder, completing the cycle. The energy released from combustion of fuel is used to drive an engine, which rotates the shaft of an alternator to generate electricity. Engine-driven plants are usually considered for power generation capacities of up to 150 MW. They have the added advantages of shorter building period, higher overall efficiency (low
fuel consumption per unit of output), optimal matching of different loads demands, and moderate investment costs, compared with conventional thermal power plants.

The wastes generated are typical of those from combustion processes. The exhaust gases contain particulates (including heavy metals if present in fuel), sulphur and nitrogen oxides, and, in some cases, volatile organic compounds (VOCs). Carbon dioxide (CO$_2$) emissions are approximately 600g/kWh of electricity, and total hydrocarbons (calculated as methane equivalent) are 0.5g/kWh of electricity.

1.5 PROJECT ACTIVITIES

1.5.1 Preconstruction Phase

This will involve land acquisition of which negotiations for the site are being held. The land will be acquired from a private landowner.

1.5.2 Construction Phase

This will begin with civil works. However, it is anticipated that civil works will go concurrently with the mobilisation of materials.

Civil works

These will involve the following activities:
- Site leveling and fencing
- Construction of drainage systems
- Construction of a generator house
- Construction of fuel storage tanks
- Construction of an office block and stores
- Oil collection systems
- Oil pipes from the storage tank to the generators

Mobilisation of materials

Materials for construction will be obtained offsite and these include cement, stone aggregates, sand, steel, etc. Mobilisation will involve transportation and consequently heavy vehicular movement at the site. The generators and associated accessories will be imported into Uganda through the main port of Mombasa in Kenya. The equipment will then have to be transported to the project site via the Tororo-Jinja-Kampala Highway.
1.5.3 Decommissioning

Thermal power plant will have to be decommissioned once the construction of the two hydropower dams at Bujagali and Karuma are completed and commissioned.

**Likely impacts of the thermal power project on the human environment**

The single major impact associated with the project is loss of land by one land lady from whom the developer plans to purchase one acre piece of land.

The project will deny access road which the community has been using as a shortcut to their homes. However, there will be no more land take for a new access road. Alternative access road will be constructed within the additional land the developer plans to acquire.

Other impacts associated with the project are air and dust pollution. However, mitigation of these particular impacts has been handled by the EA.
1.6 Methodology and Approach

To conduct the socio-economic studies and resettlement action plan, methodological triangulation, which is the integration of various methods was, carried out. The main methods used were:

- Documentary review, which involved the identification of the applicable legal and administrative frameworks and policies of the Uganda Government and the World Bank on resettlement and compensation requirements and mechanisms.

  Site assessment, which included stakeholder consultation.

- Before the census, the RAP team conducted site inspection using observation method. This aimed at determining the area coverage based on those likely to be impact by project activities.
- A Baseline survey, which aimed at establishing the socio-economic profile of the communities in the wider project area, was conducted. The baseline involved a complete census of all households within the zone of 100 metres from the boundaries of the UETCL substation plant.
- Community consultation meeting using Focus Group Discussion question guide. The FGD targeted inhabitants within a zone of 100 meters of the primary impact zone.

  Report analysis and preparation

- The census data was analysed, interpreted which lead to the compilation of this report.

1.7 Report outline

The content of the report is as presented to the RAP team by the client and contains the following sections:

Chapter One contains general introduction; Chapter Two is an analysis of the MEASURES TO MINIMIZE LAND ACQUISITION AND LOSSES. Chapter Three is a presentation of analysis of legal issues governing resettlement and compensation. Chapter Four contains the results of the census and socio-economic survey. Chapter Five is an analysis of the environment and social impacts of the project. Chapter Six is a presentation of resettlement/compensation policies and entitlements. Chapter Seven contains issues related to livelihood restoration. Chapter Eight analyses institutional responsibility. Chapter Nine contains views of the public consulted. Chapter Ten is an analysis of complaints and grievances. Chapter Eleven is the Monitoring and evaluation plan for the RAP. Chapter Twelve is a presentation of a compensation and resettlement budget. Chapter Thirteen is the last chapter which gives the time table for implementing the plan. The report has annexes which contain among others list of persons consulted, tools used for data collection and other relevant documents used during the study.
Two: Policy and Legal and Institutional, Framework Background

2.0 Introduction

At the national level the Minister of State for Disaster Preparedness, under the Office of the Prime Minister, is responsible for resettlement of refugees and persons displaced by disasters. The experience of this Ministry in managing re-settlement is important although the circumstances are very difficult. There is no central ministry or department directly responsible for resettlement or compensation as such although it is understood that a national policy on resettlement is yet to be developed.

The Ministry of Agriculture, Animal Husbandry and Fisheries has responsibilities relating to overall rural development. The Ministry of Gender, Labour and Social Development has responsibilities for the social and economic welfare of the population including cultural affairs, youth, labour and disadvantaged groups. The Ministry of Local Government is responsible for local administration, Ministry of Water Lands, and Environment has responsibility for the use of water, administration of land, valuation, physical planning and environmental matters.

The National Environment Management Authority (NEMA) is responsible for environmental affairs and in particular the supervision and review of Environmental Impact Assessments. NEMA is the body that approves EIS and RAP for development projects such as these ones.

The government has since 1995 implemented a policy of decentralization of functions to district level in an effort to stimulate economic and community development, to facilitate higher degree of transparency in government administration and greater accountability in the use of public funds and resources. The country is presently divided into some 60 districts, which are responsible for an increasing range of functions including economic planning, statistics, information gathering, agriculture, health, education and land administration. Each district has a Resident District Commissioner who is appointed by the President as his representative in each district. District Land Boards have also been put in place even in Kampala district.

Within each district there has for some time existed a sophisticated system of local government at four levels.

- LC5 - District level
- LC3 - Sub-country level
- LC2 - Parish level
- LC1 - Village level

However, since 2001, LC 2 has been phased out.

Local councils are responsible for local policy matters, resolving local conflicts and providing orderly leadership and democratic practices at the grass roots level in their level and in their respective areas. The system has facilitated mass
participation in government affairs and awakened the rural population to their rights of citizenship and obligations particularly regarding involvement in development programmes and projects in their areas.

2.1 Policy framework

There are no policy documents of government guidelines for resettlement and compensation in Uganda. NEMA produced guidelines for Environmental Impact Assessment in 1995 and whilst these cover socio-economic issues, there are no guidelines for resettlement or compensation.

Steps towards government policy

A study was undertaken in 1995 by the office of the Prime Minister entitled "Resettlement policy and institutional capacity for resettlement planning in Uganda". This reviewed resettlement experience and activities in the country, institutional capacities and legal framework. It then made recommendations for a national policy, the key elements of which were:

- Avoid and minimise resettlement:
- Resettlement and rehabilitation plans to be conceived and executed as specific development programmes;
- Resettlement and rehabilitation to improve the living standards of people displaced;
- Prompt compensation for losses at replacement cost and allowance for disturbance; cost of rehabilitation to be provided;
- Absence of legal title should not be grounds for denying any group compensation and rehabilitation;
- Resettlement plans to be submitted for independent review for each project with a resettlement component beyond 30 affected households or 30 properties;
- An independent Commissioner of Resettlement Plan Review to ensure resettlement and rehabilitation is well planned and that plans are followed;
- Affected persons to have effective access to grievance procedures;
- Vulnerable groups to be identified and their special circumstances to be taken into account;
- In rural areas replacement land to be the preferred option; in urban areas cash compensation to be an option; and
- In development and conservation projects there should be no forced eviction without alternatives.
In addition guidelines were proposed including:

- Distances between location of origin and destination to be minimized where possible;
- Communities to be relocated as communities;
- Communities to be provided with infrastructure and services;
- Host communities to benefit from the introduction of resettlers;
- Active participation to be arranged for resettlers and host in the planning process;
- All resettlement costs to be identified and included in the project cost;
- All funding sources to be identified;
- Environmental effects of resettlement schemes to be identified;
- All land based resettlement proposals to be examined for feasibility;
- All cash based resettlement proposals to be examined for adequacy;
- Resettlement planning to take within the context of national and district plans and procedures;
- Implementation schedules to be prepared for individual components of resettlement and rehabilitation plan;
- Resettlement plans to include provision for monitoring and evaluation of implementation;
- Existing conditions at place of origin of destination to be fully surveyed and identified, including population census;
- Eligibility criteria to be established for all classes of affected persons;
- Multi-disciplinary approach to be applied to resettlement planning;
- Counselling of the affected population to be commended during the planning phase.

World Bank /IFC Policy

OP 4.12: Involuntary Resettlement was produced in Draft by the World Bank/IFC in January 1998. The main features of this guidance are as follows:
• All viable alternative project designs should be explored to avoid the need for resettlement and when it can be avoided, to minimise the scale and impacts of resettlement;

• Resettlement measures to be conceived and executed as development activities providing sufficient investment resources to give the persons displaced the opportunity to share in project benefits. Assistance should be given to the community in their efforts to improve former production levels, income earning capacity and living standards or at least restore them to the levels they would have without the project;

• Displaced persons should be:
  - Informed about their options and rights;
  - Consulted options;
  - Compensated promptly and effectively at full replacement cost;
  - Given at least equipment to those taken;
  - Assisted with relocation;
  - Given assistance and support during the transition period.

• Particular attention should be paid to vulnerable groups;

• Communities should be given opportunities to participate in planning, implementing and monitoring their resettlement;

• Settlers should be helped with integration into their host community;

• Policies and proposals should be linked to the project implementation schedule;

• There should be adequate monitoring and evaluation;

• The developer should be encouraged to offer replacement land. Cash compensation may be appropriate when residual land holdings are economically viable and where land take is less than 10% of the holding. For households who lose assets / income large enough to make the remainder unviable, compensation should be provided as if entire holdings had been taken;

• For losses that cannot easily be valued or compensated in monetary terms e.g. access to public services, customers or suppliers, or forests, attempts must be made to establish access to equivalent and culturally acceptable resources and earning opportunities.
2.2 Legal Framework

The legislative framework for the resettlement and compensation of affected persons is complex. This is not the first of such project to be implemented under the 1995 Constitution, the new Land Act 1998 and within the liberalized environment of privatisation by government. Aggreko has constructed and is maintaining a similar facility at Lugogo. There is no established practice under these new conditions and the relevant authorities are currently grappling with the correct procedures to be followed. The following sections describe the legal framework within which resettlement and compensation should take place, according to our understanding at this stage.

Land relations have been a critical and sensitive matter in Uganda and key in understanding political as well as economic dynamics of Ugandan society since colonial times. To manage this problem, Uganda has gone through several land reform programmes. However, the important ones are three; the Colonial Land Law, Land Reform Decree No. 3 1975, and the Land Act 1998. The latter (The Land Act 1998) has its birth in both the Colonial Land Law and Land Reform Decree No. 3 1975 thus the two were repealed after the enactment of the Land Act 1998. This report reviewed only the latest land law of the country that is the Land Act 1998. The Land Act 1998 defines the major land tenure systems in Uganda and regulated land ownership, transfers, and acquisitions for private as well as public use. This chapter presents the main land tenure systems in Uganda and describes the way land issues are presently managed in the country.

2.3 Land Tenure

All laws in Uganda provided for four-land tenure regimes including Mailo, freehold, Customary and leasehold land tenure systems. These tenure regimes have been retained in the Land Act 1998. The most prevalent land tenure system in the project area is Mailo Tenure.

2.4 Land Use and Management Institutions

Land Management is defined as the occupancy and use of land taking into consideration the interests of others, the environment and the laws that govern land. Land Management includes the institutions that help in settling land disputes, which arise out of the occupation and utilisation of the land, and the institutions, which help to ascertain rights in the land.

Before the Land Act 1998 came into force, the Local Council Courts and Magistrates’ Courts had powers to preside over land matters. Although the Land Act 1998 established institutions to handle land matters, these institutions have not been operationalised at the district and lower levels and thus, Local Council Courts and Magistrates Courts have continued to preside over land matters.

The Land Act 1998 established an institutional framework for the administration of land in Uganda. This is in accordance with the decentralization policy, which ensures that management and administrative responsibilities should be left to the lowest possible level. In respect to these the Land Act established five institutions and these are:
• The Uganda Land Commission

This is the highest management institution responsible for ensuring that land management and administration adheres to the provisions of the Land Act 1998. The President of Uganda appoints the Land Commission. It also manages natural resources on behalf of the Central Government. In addition, the Commission manages government land abroad. However, this commission has no powers to grant leases except on land owned by it on behalf of the central government. It also does not resolve land disputes between individuals and or the government.

• The District Land Boards

The Land Act, 1998 provides that every district must set up a District Land Board (DLB). The DLB is established by the District Local Council (DLC). Its main responsibility is to manage what used to be called public land. The Board has powers to sell and lease land under its jurisdiction. The Central Government may also entrust the management of some natural resources to the District Land Board.

• The District Land Office

The District Land Office (DLO) supports the District Land Board on technical and management aspects of land relations. The DLO was set by the Land Act 1998 and it is responsible for gathering and disseminating information regarding land ownership and use. It also keeps ownership records, issues certificates of title to land. The DLO also regulates land use, transfer procedures, and may allow or reject such use or transfers.

• Land Committees

This committee was established by the Land Act, 1998. Its operational area is the Parish, Division in a City or gazetted urban area such as Town Councils. The role of the committee is to:

- advise the District Land Board on land matters;
- ascertain and mark boundaries for issuance of certificate of occupancy and of customary ownership; and
- Safeguard the rights of disadvantaged and vulnerable groups such as women, children and persons with disability.

Although Land Committees are not yet fully operational, they have been established in most districts in Uganda including Kampala.

• The Recorder

The duty of the Recorder is to issue certificates of customary ownership and of occupancy, keeping files and records concerning land relations and those with implications to land rights.
• Administration

The Land administration institutions were established by the Land Act, 1998 to deal with land disputes including ownership and user rights. These institutions are the land tribunals. The land tribunals are established at three levels:

- The High Court, which is the highest court that presides over land disputes and it is called the court of appeal. For a land dispute case to appear before this court, it must have been unresolved at all lower tribunals namely the sub-county or division and District Land Tribunals. The Court of Appeal is appointed by the Chief Justice.
- The District Land Tribunal (DLT). This tribunal is appointed by the Chief Justice of Uganda.
- The Sub-County, Urban and Division Land Tribunals. These Tribunals are appointed by the Judicial Service Commission.

The Land Tribunals are mandated to:
- grant, lease, repossess, transfer or help in the acquisition of land by individuals, groups or a public body in accordance with the Land Act, 1998; and
- ensure that where a public body acquires land for public good, a fair compensation is paid as provided by the Land Act, 1998.

The tribunals are supported by mediators and traditional authorities. The latter are very instrumental in the settlement of disputes relating to customary land.

In conclusion, this chapter has described the land management and administration institutions in Uganda and reviewed their functions for the purpose of assessing their role in presiding over land relations in Uganda. It was observed that these institutions play important roles in land relations in Uganda especially in regulating ownership, use, transfers and acquisition of land by individuals, groups or a public body for whatever purpose. In these respects, the land management and administration institutions will be used to address transfer and acquisition of land in the project area. Their functions will be particularly tapped in compensation and resettlement planning and implementation.

2.5 Legal Framework

2.5.1 Introduction

Legal frameworks are important in addressing redress and compensation modalities in case an individual or a group of individuals are involuntarily displaced by public projects. This chapter therefore presents a review of policies, laws and practices relating to electricity project in Uganda. The chapter also harmonises Uganda Government involuntary resettlement regulations with that of the World Bank as a development partner. However, it has been recognised that when there are discrepancies between the laws of Uganda and the policies of the World Bank, the higher of the two standards will apply. An attempt is also made to review the mechanisms of developing the compensation rates in Kampala district. National,
local and international legal frameworks relating to land and property relations were adequately reviewed as presented below.

2.5.2 Purpose of resettlement / land acquisition

The main objective of land acquisition and resettlement is to ensure that the displaced persons are not left worse off than they were before the project. Involuntary resettlement, therefore, should be an integral part of the electricity project and should be handled at the onset of the project, i.e. at the planning and feasibility stages, and throughout the project cycle.

When communities or individuals are displaced, it is likely that production systems are dismantled, kinship groups may be scattered, jobs may be lost, and social networks may collapse leading to a number of other socio-economic problems. This study made due consideration of resettlement requirements and conditions leading to them. This study, therefore, determined that there will be no resettlement but compensation will be made to one elderly woman for 1 acre piece of land for both the bare land and crops on the land. Compensation will therefore, be made to the land owner for the crops she has cultivated on the land. The relevant legal frameworks required to effect land acquisition in Uganda are discussed below and the OP 4.12 (Involuntary Resettlement) of the World Bank has also been described and harmonization of the different frameworks made.

2.5.3 National local legal framework

There are a number of national and local legal frameworks that regulate the land relations in Uganda. These frameworks define land rights and ownership and procedures and requirements for transfer and acquisition of land between individuals and groups. They also provide procedures for the acquisition of land by the state or a public body for public projects. Among the most important frameworks reviewed were: the Constitution of Uganda 1995, the Land Act 1998, the Local Governments Act 1997, the Land Acquisition Act 1965, the Road Act 1964, the Electricity Act 1995, and district bye-laws on electricity or public utilities, roads constructions and settlement patterns in small towns and trading centres for Kampala district

- The Uganda Constitution (1995)

The 1995 Constitution

The 1995 Constitution restored all private land tenure regimes (which had previously been abolished under the Land Reform Decree 1975), divested the state and the Uganda Land Commission of radical title to all land and vested this directly in the citizens of Uganda, and prescribes more or less in absolute terms, the tenure regimes in accordance with which rights and interests in land may be held. These are listed as customary, freehold, mailo and leasehold. It also creates for the government and local authorities a statutory power of compulsory acquisition in accordance with procedures set out in a law which makes provision, inter alia, for the prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the property. It
imposes upon the government and local authorities a duty of trusteeship in respect of certain categories of natural resources. These include lakes, rivers, wetlands, forests, game reserves, national parks and ecologically sensitive areas.

Parliament has enacted a law to regulate land acquisition. Relevant parts of the clauses are as below:

- Regulating the relationship between the lawful or bonafide occupants of mailo freehold or leasehold land and registered owners of that land;
- Providing for the acquisition of registrable interests in the land by the occupant;
- It is in accordance with this mandate that Parliament enacted the Land Act No. 16 of 1998

**The Electricity Act (1999)**

The Electricity Act (1999) is a principal applicable law in respect to the construction and operation of the power station. Part VIII of the Act provides for acquisition of land and requires the "prompt payment of fair and adequate compensation" to all interested parties on the land. Section 71 of the Electricity Act (1999) deals with compensation for affected people to be determined in accordance with the Land Act (1998) and Land Acquisition Act (1965). The Act gives the Electricity Regulatory Authority powers to handle claims for compensation for land acquired.

**The Land Act 1998**

The Land Act is an act to provide for the tenure, ownership and management of land; to amend and consolidate the law relating to tenure, ownership and management of land; and to provide for other related or incidental matters.

It is thus cast in terms that go much further than the constitutional mandate set out above. Specifically, the act addresses four issues namely, *tenure, control, administration and dispute processing*. As regards tenure, the Act repeats, in section 3, the 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 (much of the affected land in the project area is held under mailo tenure system). It then proceeds to define the incidence of each tenure regime (s.4), provide mechanisms of acquisition of certificates of customary ownership (ss.5-9), or the conversion of customary tenure to freehold (ss.10-15), or collective management of land held under customary law (ss. 16-27), the protection of land rights of women, children and persons with disability (s.28), the conversion of leaseholds into freehold (s.29), the security of occupancy for ‘tenants by occupancy’ (ss.30-39) the prohibition of certain types of dispositions (ss.40-41), and the creation of Land Fund to assist various categories of people wishing to obtain secure rights in land (s.42).

Regarding control of land use, the Act addresses three issues. First it reaffirms without elaboration, the statutory power of compulsory acquisition conferred on the government and local authorities under articles 26 (2) and 237 (2) of the
Constitution (s.43). Since the article does not repeal the Land Acquisition Act No. 14 of 1965, it is assumed that this legislation, with appropriate modification, meets the requirements of article 26 (2) of the Constitution, which requires that a law be in place for the payment of compensation and access to the courts. Second, the Act requires that landowners manage and utilize in accordance with any law relating to land use and land use planning (ss.44 and 46). These include the Forest Act (Cap 246), the Mining Act (Cap 248), the National Environment Act (No.4 of 1995), the Water Act (No. 9 of 1995), and the Uganda Wildlife Act (No. 14 of 1996) and the Town and Country Planning Act (Cap 30). And third, it reaffirms, again without elaboration, the trust obligations of the government and local authorities in respect to certain natural resources under Article 237 (2) (b) of the Constitution (s.45).

The provisions regarding land administration (referred to in the Act as ‘management’) are the most elaborate. The Act is at pains to create a series of land administration institutions consisting of parish land committees, District Land Boards and Uganda Land Commission (ULC). Each of these levels is by and large autonomous of one another and is entrusted with functions that range for the holding of lands not subject to private ownership, the management of land thus held, the processing of applications for various grants and certificates, the registration and transfer of interest in land, and the performance of such other functions as are connected with these specific activities (ss.47-74). The ULC is, in addition, charged with the management and administration of the Land Fund.

An equally decentralized system is created for purposes of processing land disputes in the country (ss. 75-90). The Act requires that Land Tribunals be established at all local government and that all land disputes be first processed through them before any resort can be made to ordinary courts. This arrangement exists in Kampala District. No other organ, except informal traditional authority mediators (s.89) will henceforth have jurisdiction over land disputes (s.98). Thus the Act has opted for a process that is both localized and free from the formalities associated with judicial proceedings.

It is worth noting that, although the Land Act came into effect on July 2nd 1998, presently all infrastructure facilities necessary for its operation are in place. The facilities are of two sets: the first are the actual institutions, land boards, land tribunals, the land fund, land registries and land offices created by the Act together with the personnel needed to run them. Many districts including Kampala have put in place Land Boards. Tribunals are also in existence at various levels.

The second set of facilities required are very basic but essential resources such as rules and regulations, model instruments, application forms, various proforma notices and certificates, and other registry records.

**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 authorise any person to enter upon the land and survey the land dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose.
The Government is supposed to pay compensation (cash) to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred by the Attorney General to court for decision.

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/adequately compensated, then the obligations stop there. The Government through the Ministry of Lands, Water and Environment, will pay the compensation to the affected persons.

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

**World Bank Group Safeguard Policies and Guidelines**

OP 4.12 “Involuntary Resettlement” require that displaced persons should be compensated at full replacement cost, assisted with relocation/resettlement and during transition period. The developer should be encouraged to offer replacement land rather than cash compensation when the residual land holdings are not economically viable. In addition, the WB guidelines stipulate that the resettlers should not be worse off after the move and that there should be measures to restore livelihood to at least the former (preferably a higher) standard of living. This implies that a livelihood restoration program, long-term support and monitoring are essential.

**Difference between Uganda Laws and the World Bank Policy**

There are some differences between the World Bank Policy and the Ugandan Laws on this matter. The apparent difference is on the modality of implementation. While the Ugandan Laws restrict themselves to fair, adequate and prompt compensation (which is interpreted to mean cash for land), the WB policy extends it to providing alternative land and resettling the persons. While, when there are discrepancies between the Bank policy/law and local laws, the Bank policy prevails. However, the Bank respects the decision of the people during consultation process. In the case of the thermal power project in Mutundwe, the land owner consulted has expressed the need for cash for land. As discussed above, when residual land holdings are economically viable and where land take is less than 10% of the holding. For households who lose assets/income large enough to make the remainder unviable, compensation should be provided as if entire holdings had been taken. The developer is advised to adapt the World Bank policy compared to the Ugandan policy on this matter.

In any case it is necessary that the WB and the funding mechanism reach an agreement for the power project and existing Uganda law and procedures to the satisfaction of both parties. Since the Bank will need to approve this report (resettlement and compensation plans) at least for those affected by a loss of more than 20% of property and production), that costs for additional programs aimed at
income restoration and livelihood development and monitoring be covered in developers budgets for the thermal-power project.

Table 2.1 Comparison between Ugandan Law and World Bank Policy on Compensation and Resettlement

<table>
<thead>
<tr>
<th>Uganda Policy</th>
<th>World Bank Policy</th>
<th>Reconciliation</th>
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<tbody>
<tr>
<td>Fair, adequate and prompt compensation (which is interpreted to mean cash for land)</td>
<td>Displaced persons should be compensated at full replacement cost, assisted with relocation / resettlement during transition period.</td>
<td>When there are discrepancies between the Bank and local laws/policies, the Bank policy will prevail.</td>
</tr>
<tr>
<td>The laws stop at compensation. Local laws do not encourage the developer to provide additional incentives such as income restoration once PAPs receive compensation for loss of property</td>
<td>The developer should be encouraged to offer replacement land rather than cash compensation when the residual land holdings are not economically viable.</td>
<td>The developer must conform to World Bank policy and provide &quot;land for land&quot; where this is possible and desired.</td>
</tr>
<tr>
<td>There is no provision for identifying land for the resettlement of affected persons. Affected people receive cash compensation and find their own land for purchase.</td>
<td>Resettled people should not be worse off after the move and measures should be in place to restore livelihoods to at least the former (preferably a higher) standard of living. A livelihood restoration program, long-term support and monitoring are essential.</td>
<td>In addition to compensation, the developer is encouraged to follow the Bank policy of ensuring that the livelihood of the 1 land owner is protected through the provision of development assistance in the form of loans, farm implements, agricultural extension service and other appropriate services.</td>
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Compensation Rates

Land

Land management and control of its transactions are decentralised at District and Parish levels through District Land Boards and Parish Land committees respectively.

Fixing the value for land in Uganda depends on whether it is public (Government owned) or privately owned according to land tenure types indicated in the section of land acquisition. If it is public land, the Chief Government Valuer’s office fixes the rates of compensation. However, if it is owned privately, the developer will negotiate with the owner and agree on the amount to pay for the land to be acquired.
In both instances, the value for land varies from one location to another. For example in Kampala district where the project is being implemented, the rates may not be the same as those in other district. For the purpose of this project the Valuer has used the compensation rates for Kampala District. Compensation rates for all districts in Uganda are updated on yearly basis. This is to ensure that current market price at the time is used for the valuation and compensation for assets affected by development projects such as this one. Therefore, compensation for land and crops due to land acquisition for the thermal power project in Mutundwe, in Kampala district will be made using compensation rate for Kampala district as it exists in 2006. The compensation rates for Kampala district is included in Annex III.

Structure and assets

In Uganda, it is the responsibility of the developer to engage a professional Valuer to carry out an assessment of all structures and assets in the affected area. However, rates for structures/buildings in urban areas are fixed by the Chief Government Valuer’s office.

In Uganda, rates of structures, which are located on land, which has Title Deed, are normally negotiated with the owner of the structure. Rates for structure on land that lack title deeds are fixed by the District Land Board just like crops and trees. However, in WB funded projects, ownership and occupancy are treated equally; therefore in both cases the affected people are entitled to the same compensation and have the same opportunity to negotiate. This will be the procedure adapted for the Mutundwe thermal-power project so that it conformity with WB requirements. Compensation rates fixed by Kampala District Land Board and approved by the Chief Government Valuer will be applied for the compensation of the landowner affected by the project.

The affected people should be provided with full replacement cost for the lost structures so that they are able to build their own houses without difficulties. When valuation of individual structures is completed, detailed compensation rates for different structures will be included in the RAP, which will include income restoration and long-term monitoring of adjustments. Fortunately for this project no physical structures will be affected by the implementation of the project.

Crops and Trees

A number of trees and crops will be destroyed on the 1 acre piece of land. Crops and trees will also be damaged during ground levelling and associated activities. These (young and mature) will be compensated for by the developer (UETCL) using rates for Kampala District for 2006.

Strategies for income restoration

Resettlement plans must target restoration of lost incomes for Energy projects. In densely populated areas, again as it is the case in Mutundwe costs for compensation and resettlement could be substantial because such areas may be densely populated and the people may have limited number of income generating activities. The plan to
restore lost incomes for affected persons must include livelihood restoration. Since the land owner for the 1 acre piece of land depend on the land for income and subsistence, restoration of income will include compensation of land and crops. The land owner should also be given seedlings, fertiliser which she can use for improving yields on the remaining farm land.

Land rights for the Mutundwe thermal-power project

This section considers four issues: what proprietary interests does the developer require, what process should be adopted in acquiring that interest, how are then land rights of affected residents to be determined and how is the issue of compensation to be resolved.

The Developers Land Requirements.

According to site assessment conducted in the third week of January 2006 at Mutundwe, 1 acre piece of land belonging to an elderly widow will be affected. The initial step, which is already in process, is to zone the area needed, for the project. A proposal to that effect has been accepted by the land owner. Typically, the area required for project development will be fenced off once compensation is completed.

For successful and responsible execution of its obligations the developer require such quantity in proprietary rights and interest as would confer full and an encumbered and control over the physical solemn, the geological formations, and such fixtures as may be subsequently affixed to the area covered by the scheme. This means that in addition to the secure tenure, the developer needs such easements and profits as will facilitate to the site, the construction of physical structures on land acquired and the excavation of materials needed for the thermal plant. It is understood that the developer, like any other land user in Uganda, will not, in virtue of whatever proprietary rights it may achieve, be exempted from the exercise of the police power of the state and local authorities under article 245 of the Constitution and section 44 of the Land Act.

As the developer is the Government of Uganda, there are no limitations as to the quantity of tenure rights it may receive.

1) The Process of Acquisition

There are three alternative routes for the developer to proceed for abating a leasehold interest free of any encumbrances or limitations of a proprietary nature, together with all necessary rights and interests appurtenant to it. The first is to proceed through private market negotiations, the second through compulsory acquisition, and the third through a hybrid mechanism consisting of the two. For the Mutundwe project, the developer has entered into private market negotiation with the landowner.

Private Market Negotiations

Private Negotiations will involve several categories of people in the project area, it will involve the land owner (the woman who is selling her one acre piece of land) who is occupying the land under customary law, the District Land Board which will
hold but not own the land for as long as the land owner does not take steps to formalize her land rights through either application for certificates of customary ownership (section 5 of the Land Act), or conversion of customary rights to freehold tenure (section 10), the Kampala City Council (KCC) which may have trusteeship obligations in respect of certain natural resources in the area and the government, which may also have similar obligations. now (designated by the Land Act as tenants by occupancy).

Although, from a political viewpoint, private market negotiation is the most acceptable route to follow, it is fraught to uncertainties and legal problems for any developer seeking a secure basis of tenure. In the first instance all a developer is likely to be offered at the end of the exercise is the maximum quantity of interest vested in each party to the negotiation. Consequently, the developer will end up with the mixed bag containing customary, freehold, leasehold secure occupancy customary occupancy and customary ownership interests. Consolidating this into a single category of property rights may well be impossible.

2) Compulsory Acquisition

Eminent domain or compulsory acquisition is of respectable antiquity. It was originally available by reason of the fact that because the State held radical title to all land is the realm, it was entitled, at any time, to resume occupation if public interest or purpose required it. In the case of Uganda, the power of compulsory acquisition is purely statutory, hence does not derive from state ownership of radical title, which has in any event, been abolished. Instead the Constitution and the Land Act give power of compulsory acquisition to the central and local governments. That power may be exercised only in the public interest and as long as:

- The acquisition is necessary for a “public use” or is in the interest of defence, public safety, public order, public morality or public health and;
- There is law in place, which makes provision for “prompt” payment of fair and adequate compensation prior to taking of possession or acquisition (articles 237 read subject to article 26).

That formulation raises to, not necessarily insurmountable, problems. The first concerns the meaning of expressions “public interest” (Article 237) and “public use” (Article 27), and the second, the Constitutional status of the Land Acquisition Act 1965.

As regards the former, it must be stated at the outset that if those two expressions indeed have different legal, connotations, the formulation in Article 26 (“public use”) will over ride that in Article 237 (“public interest”). Indeed it is conceivable that action that is in public interest could fail to satisfy the public use requirement and vice versa. Established jurisprudence in the common wealth suggests, however, that apart from recognized public uses, any action or activity, which is likely to confer benefits to a broad section of the public, would satisfy both expressions. Thermal-power facility is therefore as much as “public use” as it obviously is in the “public interest”.

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The latter issue, namely the Constitutional status of the Land Acquisition Act, is slightly more tricky. The fact that the Land Act does not only appeal it but expressly mentions it means that generally speaking, Parliament considers it good law for purpose of compulsory acquisition. That Act of section 6 is, however, inconsistent with article 26 (2) (b) (i) of the Constitution in that it provides for compensation after acquisition and the taking of possession. That inconsistence nonetheless does not, in our view, make void the entire Statute. For the Constitution it self provide at article 2 (2) that:

“If any other law or any custom is inconsistent with any of the provisions of this Constitution, the constitution shall prevail, and that other law or custom, shall, to the extent of the inconsistence, be void”.

In short, the Land acquisition subject to that qualification remains good law for purposes of article 26 (2) (b) of the Constitution.

That conclusion raises a further question: since the Constitution confers the power of eminent domain in both central and local governments, which of these organs is competent to exercise it in this particular case? The answer to that question lies in whether all constitutional requirements necessary for the exercise of that power are available to either agency. Those requirements are only two, namely that:

- There should be land over which the agency has jurisdiction.

- There should be law made by parliament setting procedures for the exercise of that power by a particular agency.

Until Parliament passes new legislation or amends the Land Acquisition Act, the authority of local government agencies to exercise the power of eminent domain remains in chaos hence not capable of valid exercise.

Indeed all pointers are that local authorities are not competent to exercise that power. For example:

- Under Article 189 and the sixth schedule of the Constitution, and section 31 (1) (b) and the second of the Local Government Act, land matters, unless expressly delegated, are the responsibilities of the central government.

- Land acquisition Act itself confers powers on the Minister.

- The land Act (section 74), the Water Act (section 84) and the Electricity Act (section 10), among others, make reference only to the Minister; and

- The Local Government Act confers no such powers on local authorities.

In effect only the central government can, as the law presently stands, evoke compulsory acquisition powers in respect of any land in Uganda whether owned, held or merely protected by an individual, community or agency.
That being the case, the central government, through the Minister for Water, Lands and Environment, can acquire any amount of land in Kampala district needed by the developer in accordance with procedures set out in the Land Acquisition Act. Those procedures are that:

- A statutory declaration that the land is required for public use must be made in terms of section 2;
- A copy of the declaration should be served on all stakeholders including District Land Boards, Tribunal and Local governments;
- An assessment of the value of the land rights and interest of various categories must be made;
- “Fair and adequate” compensation must be paid in respect of the land to be acquired and assessed, prior to extinguishments of rights therein and finally

Possession can then be taken of the in respect of which compensation has been paid.

The effect of the possession is to divest on existing rights and interests from the present owners and holders, and to vest the same in the Uganda Land Commission. That includes any reversionary right and interest in such land. In other words, the effect of acquisition is to transfer radical title in respect of all land affected to the Uganda Land Commission. The commission can then grant “(any) estate, and create, (any) rights or interest in land management, dispose, of and otherwise deal with the estate or interest in relation to (the) land vested in it” (section 70 of the Land Act). Only the exercise of eminent domain, it should be noted, has that diverstive and versive effect.

3) Private Negotiation and Compulsory Acquisition

Because private negotiations are sought with great difficulties and could be lengthy, and compulsory acquisition procedures may be politically unsavoury; a third route, which combines and draws on the strengths of the two, can be followed. This will involve, inter alia, the mobilization of all stakeholders (including land administration and dispute settlement institutions and traditional authorities) in consensus building in favour of the scheme, informal (i.e. private) adjudication of rights, agreements on what is fair and adequate compensation, and processing of compensation payments and or/settlement, without formal resort to the principles and procedures provided for in any legislation. The Land Acquisition Act will then be applied for the sole purpose of transferring title to the Uganda Land Commission in the manner already outlined.

To reassure district land boards and local government authorities that compulsory acquisition procedure will not be used to expropriate resources to central government agencies, the Uganda Land Commission can enter into separate agreements assigning either the title or the reversion, in common ownership to the two and Land Boards involved. In the one case the Boards can then execute a single lease to the developer, and in other reassert their legal authority over their respective
banks after severance upon the reversion falling due. Either way, the developer will not be affected by or otherwise involved in those conveyance procedures.

**Determination of Land Rights**

An accurate mechanism of determining land rights and interest, and in whom they rest, is fundamental to the enterprise. The first step towards this is to examine land registry records and to interpret this in the light of the constitution and the land act provisions already examined. The next step is to conduct a consensus of all individuals or agencies owning, holding or occupying land in the area, with a view to ascertaining the exact nature and quantum of tenure rights they claim or are entitled to, hence which of these are compenstable. The developer has taken both of these steps:

- The land in the proposed power project is held by an individual land owner.
- Such leaseholds as may have been issued out of whatever was public land before the Land Reform Decree can now be converted into freehold; and
- Occupiers of land without ownership occupy under Ganda Customary tenure and may apply for certificates of customary ownership or convert these to freehold tenure

Data from the baseline survey shows that the majority of the residents in Mutundwe parish hold land on both customary and mailo land tenure system. The valuation exercise classifies, in respect of the land owner, the proximate quantum of customary rights she holds, and in what category of land or fixture.

**The Issue of Compensation**

The primary reason why land rights must be determined is to facilitate prompt, fair and adequate compensation (Article 26 of the Constitution). There are three issues to consider, namely, for what compensation should be made, what principle should govern assessment and who may receive compensation.

1) **Compensation for what?**

Compensation is payable only for what is acquired whether through compensation or by way of compulsory purchase. Under section 26 (2) of the Constitution, any property or interest in or right over property of any description acquired must be compensated. This formulation, which appears in virtually every constitutional provision in Common Wealth Countries in Africa, is generally regarded as encompassing any act, which adversely affects the rights or interests of individuals in, and/or communities to or which otherwise deprives them of the enjoyment of rights or benefits from the land and associated resources. There will be an acquisition even if no corresponding or any quantifiable benefits accrue to any other agency as a result of the interference or extinction of such right or interest. Compensation must also be paid for injury to or loss of rights or interest in incorporeal entitlements such as land based cultural and religious values.
In other words, what may be acquired and is therefore compensable could include any or all of the following:

- Individual or family rights or interests in specific parcels of land and the products of the soil such as crops, trees, fodder, grass and the expectation of extracting similar products for a reasonable period in the future.
- Individual or family rights or interest in building and other structures whether or not used for residential purposes;
- Community interests in such items as graveyards, village grounds, community assemblage points, pathways, schools and other public amenity and ritual or religious structures;
- Rights, interest or benefits in associated natural resources such as access to water, fishing, firewood, recreation, building materials and medicinal plants.

2) **Principles Governing Assessment**

The term compensation may be used to refer to one or other or all of the following actions;

- Cash payment at an agreed or stipulated rate;
- Value-substitution involving benefit attribution in terms not necessarily identical to the nature or magnitude of the injury or loss suffered; and
- Reparations, which imply restoration, to the extent practical, or physical or similar facilities acquired or taken.

All indications are that the law leans heavily towards cash payments as the primary mode of compensation. The Land Act at section 42, 60, 77 and 78 suggest no other mode of compensation. Indeed the whole scheme of the Land Acquisition Act is designed around an assessment and award of compensation involving value-substitution or reparations would have to either derive from agreement, or be of an *ex gratia* nature.

That being the case, it is necessary to consider the principles guiding the assessment of compensation. There are two possibilities here. Where land rights are acquired (initially at any rate) through private market negotiation, one must look to the Land Act as guiding principle. This means the base value of any land to be acquired is its fair market (value) assessed on a willing seller, willing buyer basis. Compensation for crops and buildings of a non-permanent nature is to be determined in accordance with a list of rates of compensation to be compiled and maintained by District Land Boards (section 60) in this case Kampala District Land Board. Using the compensation rates obtained from Rubaga Division Land Office, account is to be taken of the following:

- For standing crops, their open market value excluding annual crops which the owner can harvest (section 78)

In addition, the Act directs that there shall be paid, as a disturbance allowance, 15% or if less than 6 months notice to give up vacant possession is given, 30% of any sum assessed (subsection 2 of section 78). This principle is reproduced by from the Public Lands (compensation for resumption) Act, 1965 (now repealed).
Where land is acquired under the Land Acquisition Act, more or less similar principles will apply. Under the Act, an assessment officer is required to summon all persons having an interest in the land to appear personally or by agent to state:

- The state of their respective interests;
- The particulars of compensation claims being made;
- Objectives, if any, to the plan outlining the area to be acquired

In practice, that process has generally followed the market principle:

3) **Who may receive compensation?**

Once assessed, it is important to determine who is entitled to receiving compensation. The first point to make in this respect is that compensation is payable for the rights or interests in land associated with the acquisition not for numbers of people displaced or affected. Since disturbance payment is a function of land value, the size of the population residing on the land does not matter. Secondly, a distinction must be made between individual, family and community entitlements. Thirdly, it is perfectly possible that certain injuries or losses may not be compensable in terms of money either because they cannot be assessed or because there is no person to receive such compensation. Classification is therefore required indicating who may receive payment in respect of what right or interest in what category of land, structure or associated resource.

Another important issue to consider is the point at which, compensation once assessed, becomes payable. While the constitutional requirement is clear that this must take place before those entitled to receive it are required to vacate the land, there is some confusion in respect of acquisitions under the Land Acquisition Act, as to when vacation takes place. The Constitution talks of prior to the taking or acquisitions of the property (section 26, subsection 2, clause 9.1). On the assumption that the probation was intended to distinguish between the legal procedure involved in acquisition, and the factual reality of taking possession, **it is suggested that all processes under that Act, except the latter, can be put in place without payment of compensation.** Otherwise there would be no legal way in which assessment of value in the light of recalcitrance could be affected. Some consolation for this perspective may be drawn from section 42 (7) of the Land Act which provides, *inter alia* that:

> "Notwithstanding any provisions to the contrary in the Land Acquisition Act-

(b) No person from whom land is to be acquired under this section shall be required to vacate that land until he or she has received compensation awarded to, or agreed to, by them”.

That provision applies to acquisitions for the enfranchisement of tenants by occupancy in any part of Uganda.
Three: Census and Socio-economic Survey

3.1 Introduction

This section analyses the possible social and economic impacts and their mitigation measures that might arise as a result of the construction of the proposed construction of the thermal power plant. A Focus Group Discussion was conducted within the radius of 50 meters from the edge of the land to be owned by UETCL. The reason for zoning this area for the census include determining the present socio-economic conditions of the people settled within project vicinity. This being an industrial area, settlements is sparse and mainly on the upper side of the project site towards the Mutundwe hill. The nearest house is more than 200 meters away belonging to the woman from whom the developer plans to purchase land for the project. Within the 50 metres zone are found some cultivated land but the gardens will not be directly affected by the project.

3.2 Demographic Characteristics of the Household Heads

A total of 16 households within the radius of 50 meters were interviewed in Kitawulizi zone in Mutundwe Parish Rubaga Division. Data in Table 3.1 shows that 75% of the household heads interviewed were male and 25% were females. This is relatively low given that this is a largely matrilineal society. The age of the household heads ranged between 20 years and 70 years. The majority, 88% of the household heads were married while only 13% were widowed.
Table 3.1  Percentage distribution of household respondents by demographic characteristics

<table>
<thead>
<tr>
<th>Sex</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>12</td>
<td>75</td>
</tr>
<tr>
<td>Female</td>
<td>4</td>
<td>25</td>
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<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
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</tbody>
</table>

Age

<table>
<thead>
<tr>
<th>Age</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
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<td>13</td>
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<tr>
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</tr>
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<td>1</td>
<td>6</td>
</tr>
<tr>
<td>29</td>
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<tr>
<td>70</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

Marital Status

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Married</td>
<td>14</td>
<td>87.50</td>
</tr>
<tr>
<td>Widowed</td>
<td>2</td>
<td>12.50</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

3.3  Socio-Economic Characteristics of the Household Heads

This section describes the socio-economic characteristics of the household heads in terms of highest level of education attained, literacy levels and occupation. Data in Table 3.2 shows that 75% of the household heads had attained secondary education while 25% had attained Primary education.
Table 3.2  Percentage distribution of Household’s head by socioeconomic characteristics.

<table>
<thead>
<tr>
<th>Level of Education</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary</td>
<td>4</td>
<td>25</td>
</tr>
<tr>
<td>Secondary</td>
<td>12</td>
<td>75</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

Infertility Levels

<table>
<thead>
<tr>
<th>Level of Education</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Literate</td>
<td>14</td>
<td>87.50</td>
</tr>
<tr>
<td>Illiterate</td>
<td>2</td>
<td>12.50</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

Occupation

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private sector</td>
<td>10</td>
<td>67</td>
</tr>
<tr>
<td>Cultivator</td>
<td>5</td>
<td>33</td>
</tr>
<tr>
<td>Total</td>
<td>16</td>
<td>100</td>
</tr>
</tbody>
</table>

3.4  Main source of livelihood

The communities living around the proposed sub-station derive their livelihood mainly from commercial activities such as trading, money from renting houses and those with bigger plots practice cultivation of crops. Results in the Figure 3.1 indicate that 37% of the households derive their livelihood from cultivation of crops.

The main crops grown include: bananas, sweet potatoes, beans, maize, yams, cassava, vegetables, and fruits. Most of the crops are grown mainly for consumption to supplement the food bought from markets because there is limited land on which to grow crops. Trading or commercial business (22%) is another means of livelihood for the communities living around the proposed Mutundwe sub-station. About 19% of them depend on rent from their houses, rearing of livestock (14%) is practiced on a small scale and the major animals kept include: cows, goats, pigs and poultry while a few (8%) depend on remittances.

"We are in small plots so there is nowhere to dig, those with larger plots try to plant some food such as maize, matooke, yams and sugarcane. Animal rearing is on a small scale due to limited space” (Female participant FGD).

"The way I see, the main work or jobs which most people are depending on is their houses for rent and commercial businesses” (Male participant FGD).
3.5 Land Tenure System

In Uganda there four land tenure systems namely:

- Customary (a system of land tenure regulated by customary rules which are limited in their operation to a particular description or class of persons)
- Mailo (means the holding of registered land in perpetuity and having roots in the allotment of land pursuant to the 1900 Uganda Agreement and subject to statutory qualifications)
- Leasehold (means the holding of land for a given period from a specified date of commencement, on such terms and conditions as may be agreed upon by the lessor and lessee)
- Freehold (a land tenure which means the holding of registered land in perpetuity subject to statutory and common law qualifications)

Participants were asked about the land ownership system practiced around the project area. Data in Figure 3.2 shows that the land ownership system practiced in the area is mainly mailo with 64% and only 36% is on lease tenure. During the focus group discussions, participants mentioned that:

(This land is for Kabaka but I have forgotten the block but next year Mengo (Mengo is the administrative name of the Buganda Kingdom) is going to start charging us Busulu (property tax) and yet we are)
already paying Busulu (property tax) to Kampala City Council (KCC)" male participant FGD).

Asked how the land tenure system has affected the households’ livelihood, the FGD participants mentioned that they do not have a problem with the land tenure system.

“We don’t find any problems what we want is development, just like you see they brought for us power. The only problem is the Busulu (property tax) which is too much KCC takes around 100,000/= while the Kabaka may charge 10,000/=”, (FGD male participant).
Participants were further asked about the ownership of land on which they derive their livelihood from; data on figure three below show that almost all (91%) of them mentioned that the land is privately owned while 9% reported that the land they are using is private borrowed land.

### 3.6 Negative Impacts of proposed power project

There is no evidence of possible loss of services by the community around the project area. This is because there are no major social services located within the 50 meters zone of the proposed project that would need relocation because of the project. However social services utilization may be affected in a few cases mainly through the effect of the project on access roads to homes, water source, markets, main road, schools and health centres.

Data in Figure 3.3 shows that 53% of respondents reported that they would lose access to some services by denial of access roads; this is followed by 33% who said they will lose access routes to schools and 7% said they will lose access to water and health services. Participants in focus group discussion also mentioned that access routes are important to them and if this is lost their services seeking practices will be seriously compromised.

"The main service that may lost is our access road, like when you have patient it will be difficult to carry that patient to the main road for transport to hospital" (Male participant FGD).

Another one said that:
"Access road in case of any accident like fire, domestic accidents, which require evacuation services and fire fighters may be affected" (Male participant FGD).

The access road talked of passes through the substation compound. While the residents have been trespassing on UETCL land because this is a shorter road from their homes to the community resources, the project will have to provide alternative access road. To this end, the developer has agreed to construct an alternative road passing through the one acre land that it plans to acquire. This road will be equally a short cut for the community in the area but would not pass through the compound of the substation and the thermal power plant thus avoiding various impacts associated with the power infrastructure.

![Diagram](image_url)

**Figure 3.3 Services that may be lost due to the Mutundwe thermal power project**

Furthermore, respondents reported that the power project will cause loss of property. Figure 3.4 shows that 48% of the household's heads reported that their property may be lost. Other properties that may be lost include land for cultivation (18%), land for rearing livestock (18%) and trees (18%). Participants during of the FGD mentioned that there are people who have been using this land for cultivation of crops both for consumption at home and for sale. Nevertheless the land for which concerns are being raised will not be taken but only 1 acre belonging to one woman.
Figure 3.4  Property to be lost because of the power project

3.7  Mitigation measures

Household’s heads were asked how they felt the impacts of the projects could be mitigated.

3.7.1  Compensation

Compensation was the most preferred means of mitigating the loss to property like land, homes if any occurs. Other property that may be lost such as cultivable land and trees should be compensated in cash at the prevailing economic rates.

For the services that may be affected due to loss of access roads, residents expect UEDCL to provide alternative access roads.

"The access road should be transferred to under the UETCL power tower or provide alternative access" (Female participant).

Data in Figure 3.5 further shows the choice of compensation of services. The majority, 53% of the respondents prefer services to be relocated to a new settlement while 47% did not know what should be done.
3.7.2 Resettlement

Regarding resettlement, household’s heads suggested that they would like to be relocated in case the need arises. Data in Figure 3.6 shows that 43% of the participants mentioned that they are willing to be relocated to any free land within Kampala, about 26% wish to be resettled within the same area while others wished to be resettled neighboring Mutundwe.

Asked whom they would wish to resettle them, FGD participants reported that they would like self resettlement.

"For me I think everybody should take care of themselves" (Male participant FGD).

"If I am given the value for my property its okay for me to resettle myself" (said another male participant FGD)

However some prefer to be resettled by organizations. A female member of the FGD said:

"For me when I see on another side, its better to be resettled by an organization rather than giving each one cash" (female participant FGD).
3.7.3 Other problems expected from the power project

Other social problem expected include theft, insecurity, increased death due to electrocution, increased diseases especially the spread of HIV/AIDS.

Specifically participants mentioned that some of the negative impacts that may result due to the construction of the sub-station include;

- Poverty because the main source of income (brick laying) will be affected
- Loss of employment after the construction of the sub-station
- Environment will be affected due to cutting down of trees
- Disease such as HIV/AIDS will be on the increase especially from the builders
- Crime in form of theft and those smoking marijuana will be on the increase
- Noise during and after the construction
- The contractors normally come with their own employees hence depriving the community members of employment opportunities

3.8 Economic and social benefits of the project

The construction of Mutundwe sub station power project is expected to come with some economic and social benefits. Participants mentioned that they expect to get
employment, the area to development in terms of industry and market. Business activities will be expected to boom with new hotels, bars, lodges and increase in power supply for domestic use. Other economic benefits mentioned include improved standards of living and provision of markets for their produce.

Specifically positive impacts that may results from the construction of the sub-station to the community include;
- Employment for people with less or no qualification as potters, builder, guards, cleaners and drivers.
- The women around the areas get employed by cooking food for the workers
- Businesses such as restaurants, shops, lodges are expected to boom or improve to cater for the many people who will be involved in the construction.
- The sub-station is expected to attract many investors who will come to construct factories in the area hence creating employment for community members.
- Security is expected to improve with different investors coming in the area.
- Respondents expect the road to be tarmaced because there is too much dust right now
- More investment by the local communities especially with increase in power supply.

3.9 Summary

Residents of the village living within 50 meters from the project site were involved in the survey process. The assessment exercise found that the community in the area is in agreement with Uganda Electricity Transmission Company Limited (UETCL)'s plans to construct and operate a thermal-power plant in the area. The socioeconomic assessment of the impacts of the project indicates that there will not be any serious problems in the development of the power project. Relatively few households expressed concerns regarding displacement and relocation of services. However, a substantial proportion has fears regarding access routes to social services like health, education and water. The developer will construct an alternative road which will pass within the 1 acre piece of land that the developer plans to purchase rather than letting the residence pass through the substation/thermal power facility compound. Although it has been a practice, there are too many risks associated with the continued use of this access road by the community. The new road will follow the boundary of the power plant and will minimize risk associated with the operation of the power facility. Although fears for displacement have been expressed by the FGD participants, apart from the owner of the 1 acre piece of land, no single household will lose any assets. The land owner will receive compensation for the land and crops likely to be lost because of the project.

On the other hand, participants in FGDs and in-depth interviews noted that there are advantages that will accrue to the communities in the area as a result of the project. These include but are not limited to, improved security, employment opportunities and availability of electricity in the area.
Four: Project Impacts

4.1 Introduction

The construction of the thermal-power plant to curb the power shortage experienced in various parts of the country will affect one lady in a negative manner. This will be in form of loss of land and crops. Besides, some people will be affected indirectly due to increased vehicular movements which will lead to traffic accidents. People will also face dust and noise pollution.

However, not all the impacts will be negative. The implementation of the project will also result into some benefits of a considerable value. These will include among others employment opportunities, infrastructure development, increased economic activities thus increased incomes, and a growth of the national economy. Details of the impacts are described below.

4.2 Positive Impacts on the Social Environment

Although the construction of the Mutundwe thermal-power plant will have some negative impacts especially on the socio-cultural environment, a number of positive impacts are likely to result from the electricity project. The following are some of the positive impacts of project implementation:

1. During construction approximately 20 people will be employed to provide labour. The 20 workers will provide market for various needs including essential commodities. In view of this, people within the community, who have some capital, can set up kiosks from which the workers will purchase essential commodities. Food vendors will also find market for their food thus increasing incomes among residents of the village. This will in-turn contribute to the economic growth of the area.

2. Improved electricity supply. The emergency power facility will minimize power cuts presently experienced in most parts of central region. Other places in Kampala experience it every other day, leading to loss of business. Power cuts have led to loss of businesses especially even among service providers. A steady power supply will increase turnover for businesses such as recreational businesses thus increasing earnings among business proprietors.

3. The project will further lead to infrastructure development in the project area.
4.3 Negative impacts on the Social environment

Broadly, the negative impacts of the proposed thermal-power plant will be minimal and with no major adverse impacts. Anticipated impacts include but are not be limited to: traffic accidents due to increased vehicular movements, noise and dust caused by traffic and excavation activities. Health hazards due to population influx and economic boom are also anticipated. Details of these are as below:

- Loss of land. The single major impact of the power project is loss of land and crops. It has been identified that due to the need to construct a thermal power plant to generate 50 MW of electricity, an additional land will have to be acquired to accommodate the proposed facility. To this end, an elderly land who owns land on the southern boarder of the existing substation will loose her land. The 1 acre piece of land is cultivated and contains crops of various types. This being a source of livelihood, the land owner will loose her livelihood because of the project.
- Loss of access road. Residents within the 50 meter zone have land they cultivate in the land in question. Others from other locations also use this road to access community resources such as market, water etc. However, these people have been trespassing on UETCL compound. Due to increased risk factors, the developer plans to close this road due to the many risks associated with the continued use of the road.

Associated social impacts of the power project

The following impacts are also associated with the power project:
- Road safety: The construction of the thermal power project will lead to increased vehicular movements. A number of vehicles will be used to ferry construction materials to the site. Unless otherwise an awareness program is put in place, road safety will be greatly compromised by project implementation.

Such program must target school children, sick people who visit health centres, market attendants. In the case of Mutundwe, a number of kiosks, health facilities (clinics) and some schools are located along the road to the site.

- Noise and Air Pollution: During construction phase, there is likely to be increased noise from construction vehicles. With this will come dust and air pollution. However, this is expected to reduce with the completion of the construction phase. It is therefore, recommended that the road branching off from Natete town to the site be watered regularly during construction in order to minimise dust pollution.

- Health: Spread of infectious diseases is anticipated especially during the construction phase. During project implementation increased HIV/AIDS infections are likely to occur. Those likely to spread STDs, HIV/AIDS will be mainly site labourers, and truck drivers. These people will mix socially and freely with the local residents thus increasing the chances of the spread of infectious diseases unless otherwise preventive measures are put in place.
- Loss of livelihood: The study assessed that there is likely to be loss of income for an elderly lady whose land will be taken for the construction of the plant. The
land in question is cultivated with bananas and other seasonal crops thus will be destroyed. This property owner is a widow in her late 60s unless otherwise adequately and promptly compensated the loss of her land will result into loss of livelihood.

4.4 Effects on Women

As presented in chapter 3 of this report, the number of women is more than that of their male counterparts. Women in the project area, therefore, represent a special interest group. The population of women in the project area will be affected in a significant way by the implementation of the power project. The following are some of the positive impacts of the project on the women:

- Increased incomes through availability of market for goods and services. The project through employment provision to site workers will assist in creating market for the women who will engage in delivery of goods and service. Women will sell their farm products to construction workers. Those who operate in food vending will find customers among construction workers.

- Provision of job opportunities: the project will make the women busy by making them to engage in meaningful economic activities. Women will find employment at the site while others will engage in micro-enterprises such as operation of restaurants and kiosks.

4.5 Proposed Mitigation Measures for the Negative Impacts

Although the negative impacts of the proposed thermal-power project on the human environment is minimal, there is nevertheless need to put in place some measures to mitigate associated impacts. The following are the recommended measures.

- Compensation. To minimise or eliminate loss of livelihood due to loss of land, the developer will compensate the land owner for land and for the crops that will be destroyed in the garden.
- Alternative access road: To minimise community inconveniences due to closure of the traditional road, the developer will construct a new road which will be equally shorter compared to other options which are longer in distance. There will be no need to acquire additional land for the new road since it will be constructed along the boundary of UETCL’s plot.

Other measures to minimise socio-economic impacts of the power project.

- Road Safety: A significant amount of traffic will result both during and after construction. To minimise traffic accidents, especially among children, it is recommended that speed limits are imposed on construction truck drivers. The study recommends the construction of humps along the 0.2km Natete- Mutundwe road. For further risk management, road safety awareness program is also recommended. This can be done through the electronic and print media.. The Community Development Office in Rubaga should be asked to conduct the awareness in collaboration with the Uganda Road Safety Council for inputs.
- **Noise and dust Pollution:** In minimizing noise and dust pollution, especially during the construction phase, the contractor should water the road from the Natete-Masaka Highway to the Mutundwe site where a number of kiosks, health facilities and schools exist. The Contractor should also construct speed humps to slow down speeding construction trucks.

- **Health:** To minimise the spread of infectious diseases particularly, HIV/AIDS, the study proposes a comprehensive plan for health awareness campaign for the residents of the village and construction workers. Other measures against health problems include the provision of a first – aid kit. Welfare and safety standards should be provided and observed for construction workers, using laid down guidelines by Ministry of Health (MoH) for industrial sites.

- **General STDs and HIV/AIDS alleviation measures.** As an environmental management and monitoring strategy, the developer should put in place HIV/AIDS awareness mechanism especially among construction workers. The Developer, in collaboration with UETCL will have to provide information, education, condoms and counselling services regarding HIV/AIDS as well as other STIs.

To effectively implement this strategy, the Developer / Contractor shall ensure that the following specific activities are undertaken:

- Shall make available enough condoms to the extent that each project staff possesses at least 20-50 of them per each project month.

- Shall ensure that for effectiveness and sustainability, STI and AIDS awareness campaigns are conducted in collaboration with the District Director of Health Services and local NGOs.
### Table 4.1  Project impacts and project components

<table>
<thead>
<tr>
<th></th>
<th>Thermal plant site</th>
<th>Allong the Natete-Mutundwe road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residences</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Business shops/Kiosks</td>
<td>0</td>
<td>Approximately 20</td>
</tr>
<tr>
<td>Market place</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Agricultural field (crops)</td>
<td>1 acres</td>
<td>0</td>
</tr>
<tr>
<td>Trees</td>
<td>3 species</td>
<td></td>
</tr>
<tr>
<td>Schools due to traffic accidents</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>Workers' accidents</td>
<td>20</td>
<td>0</td>
</tr>
<tr>
<td>Spread of HIV/AIDS</td>
<td>Unknown at this point</td>
<td>Unknown</td>
</tr>
<tr>
<td>Others (Dust and noise pollution)</td>
<td>Number unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>Vandalism and theft</td>
<td>Of plant installations</td>
<td>0</td>
</tr>
</tbody>
</table>
Five: Compensation Policies and Entitlements

5.0 Introduction

This section of the RAP considers the proposals for resettlement and compensation. It considers firstly issues related to land and crops and any resource loss due to the project. It then discusses the disturbance allowance, and proposals for other measures such as community development service for livelihood restoration such as employment opportunities offered by the project to (Project Affected Persons) PAPs.

5.1 Compensation

The main options for land compensation are either to provide alternative land or to pay cash for land taken. Current thinking amongst academics, specialists and funding agencies has now shifted from cash-for-land basis to a land for land basis, particularly for people who largely depend on the land for their livelihood. This approach is the most acceptable in the case of the Mutundwe thermal-power project largely due to the particular circumstances pertaining. The developer will assist the woman to identify land, purchase and handover to her. In addition to this, the developer should provide the woman with farm implements such as seeds, fertiliser in order to bring the newly purchased land to same cultivation level.

5.2 Compensation for crops

The land owner, who happens to be a widow, cultivated her land mainly with banana and therefore, will have to be compensated for loss of the banana plants and other crops on the areas of land to be acquired for project. Compensation will be in accordance with the Land Act 1998 which states that compensation is payable for “standing crops at their open market value excluding annual crops which the owner can harvest”. The Act however, does not make provision for any other form of compensation such as seedlings, fertilisers, equipment etc.

The calculations of crops lost and payments due under current regulations and established practice in Uganda have been undertaken by a professional valuer. These calculations have taken into account loss of income from farming until such time as new crops are established on replacement land.

In accordance with the Land Act 1998 and current practice, compensation is payable on a replacement cost basis. Compensation will be payable for dwellings, latrines, food stores and any other valuable belongings. However, for the thermal power project no structure or any kind of building will be destroyed thus no compensation regarding this aspect.

5.3 Disturbance allowance

The land Act 1998 directs that there shall be paid as a disturbance allowance, 15% or if less than 6 months notice is given 30% of any sum assessed. This is to cater for the disturbance caused to the land owner for loss of land that she had cultivated and has been earning a living from. It caters for the time taken to find new land and regain her livelihood.
The actual programme for implementation of this plan is going to be immediate. The developer has already given notice to the landowner and therefore, by law she would be entitled to receive disturbance allowance of 15%. Nevertheless, owing to the emergency nature of the project, a disturbance allowance of 30% will be paid. This is considered more than adequate.

5.4 Other compensations

Employment

It is proposed that priority is given wherever possible to the employment of people from the immediate area affected by the project that is residents of Kyadondo zone, particularly during the construction phase where there are likely to be considerable opportunities for the recruitment of unskilled and semi-skilled labourers. The contractor will specify proposals for both the recruitment and training of local staff.
Six: Public Participation

6.1 Introduction

Community perceptions over the thermal-power project are important in an effort to get their views about the project. Cultural and communal property, cultural and social cohesion, community mobilisation for the project, community participation in identification of resettlement alternatives and identification and protection of the interests of vulnerable groups are particularly issues of social concern of any development project such as this one. During such meetings issues discussed included minimisation strategies and compensation modalities. Typically, community perspectives are important for project planning and implementation. Knowledge of what the community perceives will go a long way to helping compensation and resettlement planning. The community perspectives study was done using Focus Group Discussions (FGDs) which brought together men, women, the elderly, youth, orphans and the disabled persons of the residents in Kitaluuzi LC 1 zone.

The analysis of the community interviews are presented in the following sections of this chapter. A full list of people consulted is presented as Appendix 3.

6.2 Areas addressed by the community participation

The issues captured during community participation that are relevant to the thermal-power project are discussed below:

6.2.1 Cultural and communal property

During community FGDs and in-depth interviews, no cultural or community property of importance was found that may be affected by project development. However, a burial site is located in the vicinity of the proposed site. Nevertheless, UETCL has given as a condition to purchase land that the land in question must have no burial tomb.

6.2.2 Cultural and Social cohesion

This being a peri-urban area, the baseline identified that the settlement pattern in this area is in clusters. The settlement pattern brings together people of different
lineages. However, clan linages also exist whereby, some communities in the project area live together within the same kinship systems. In the case of the Mutundwe site majority of the people in this area are Baganda.

When communities were asked how they would wish to be relocated if it became necessary, they preferred to be relocated as individual families rather than as a community. However, those of one lineage wish to be resettled together if the need arises. The justification is that they have always lived as a community and shared the same cultural and social values and therefore, could not be separated by the project if relocation becomes the only option. They are therefore, willing to be relocated, but as a community not as individuals.

6.2.3 Community participation in the project

The study found out that communities in the affected areas were well informed about the project. District and community leaders consulted before the household survey mobilised the affected households for the census. As a result, people living within the radius of 100 m from the boundaries of the UETCL plot showed maximum cooperation during the household survey. The communities also proposed that if the project starts, they should be given the first opportunity and priority to work as casual labourers. The issue of employment of local people to participate in project implementation was over emphasised. Local Council (LC) officials in the project area have requested that the construction company for the thermal plant should be asked to recruit all unskilled labour from the communities in the project area only.

6.2.3.1 Community mobilization and participation strategy

As a requirement for this kind of project, and as a matter of strategy, public consultation and involvement in the project is on-going and will take place throughout the entire project cycle. Consultation with various stakeholders began from the time of signing of contract by the consultant and will continue until the project is implemented by UETCL. Various stakeholders including MEMD, Local Governments and LCs in the project area have been consulted.

Meetings. During the RAP process, consultative meetings with key stakeholders were held in Kitaluuzi zone (LC 1). In each case the meetings were attended by local authorities, elders, local councillors, and residents of the area including special interest groups such as women and youth.
No NGO was identified in the project area perhaps because NGOs prefer to set up offices in Kampala City. Therefore, no single NGO/CBO was identified in the Mutundwe Parish.

6.2.4 Resettlement Alternatives

The World Bank Operational Policy 4.12 requires that any person affected by a development project like the one in question should be at replacement costs and of equal or better standards. It is also a requirement of the Bank that should resettlement be an option, resettled people should not be left worse off after the move. It further, requires that measures are put in place to restore livelihoods to at least the former (preferably a higher) standard of living. A livelihood restoration program, long-term support and monitoring must characterise redress for project impacts.

This policy differs considerably with the Ugandan laws which provides only for compensation while resettlement arrangements are left to the individual to decide. Apparently, communities talked to, prefer the provision in the Ugandan law regarding resettlement rather than that of the World Bank. It became clear during community meetings that after compensation, individuals affected by the project prefer to find alternative places for resettlement. But since there will be no displacements of households, there will be no resettlement of people because of the thermal power project.

A table showing the differences in the World Bank and Ugandan laws is presented in section two of this plan.

6.2.5 Vulnerable groups

Vulnerable groups such as widows, single mothers, disabled persons, orphans, and landless persons were identified across the project area. However, most of these will not be affected in a direct manner, instead they will be affected in a positive manner through conduct of micro –businesses at the site. Most women are expected to engage in food vending to construction workers.

6.3 Impacts assessment

This section presents qualitative assessment of the potential impacts as identified during the household survey and community perspective study carried out in Kitaluuzi zone.
Discussions with the community and key stakeholders revealed that the magnitude and scale of impacts is likely to be minimal. Broadly, no resettlement will be required for any one in the affected village. However, due to land take for the construction of the thermal-power plant, there is need to compensate for the losses. Compensation will have to be made for the bare land and crops that will be destroyed due to project development.

6.3.1 Compensation Committee’s Roles

Since compensation is required, there is need to set up a compensation committee. The committee will comprise of the land owner, Local Council officials of Kitaluuzi village and elders in the area.

6.4 Stakeholders in compensation and resettlement planning and implementation

A number of key stakeholders were involved in the community perception component of the baseline including the residents of Kitaluuzi zone.

6.4.1 Local Government

Under the present arrangement of decentralised system of governance, power belongs to the people and therefore, the role of the local communities in decision-making is critical. Most importantly, land issues are best handled by the District Land Board. Through the LC system it has been easy identifying genuine owners of property likely to be affected. In this regard, those involved in impact identification included LC1 officials in Kitaluuzi zone, community elders, KCC officials particularly the land officer, officials of Rubaga Division and various stakeholders. This procedure was effectively followed by the RAP team.

6.5 Conclusion

The community discussions and stakeholder interviews showed that the residents of Kitaluuzi zone are anxious about the project. They, therefore, welcome the development project. To this end, the community and the key stakeholders have expressed support for the electricity project since they see it as a way of employment creation for themselves or their children. This is notwithstanding the negative social and economic impacts it may have on individuals, households and communities especially in the areas of health and traffic accidents.
However, some positive impacts that will accrue to residents and the larger general population in Mutundwe Parish have also been identified. There will be positive economic and social multiplier effects on the people in this area. Rubaga Division will experience increased taxes as a result of the project. For example due to reliable power in the area, micro-businesses especially restaurants and pubs will generate increased revenue. This will in turn result into increased tax collected.
Seven: Livelihood Restoration and Standards

7.1 Inventory of affected individual and community properties

The socio-economic survey indicated that an estimated 200 people would be impacted by the project but in an indirect manner. Most of these people are within the zone of 100 m radius from the existing Mutundwe substation. Survey findings indicated that 1 acre of private land (mailo land) belonging to one lady will be affected. Also affected are crops that have been cultivated by the land owner on the land.

However, the survey showed that no single homestead will be displaced by the power supply project. It was further established that no crops or structures, along the 0.2km stretch from Nalukolongo community road will be affected by the implementation of the project. This road is in good state and is wide enough to allow trucks ferrying equipments to traverse the area without destroying any private and public property. No new access road is required since the existing access road UETCL has been using for operation and maintenance of the substation is adequate for conducting construction activities.

7.2 Income Restoration Strategy

Although near Kampala City, the project site has neighborhood of village type of life. Within this kind of setting, the incomes of most of the affected persons will hardly be impacted. The only income restoration strategy is compensation for land and crops which the developer will make to the land owner of the 1 acre piece of land it plans to purchase. Further to this farm inputs will be given to the woman for improving the newly acquired land so that cultivation levels are brought to the same level as that for the land the project will take.

7.3 Training Programme and Labour Opportunities

Employment opportunities appear limited in this city neighborhood. This considerable pool of unemployed people presents a ready labour force for certain types of jobs. The construction of the thermal-power facility will provide work opportunities for communities where labour intensive work is required. First, it is recommended that both men and women should be considered when the employment opportunities become available. Secondly, the Contractor should not import casual labourers from outside the project area. Thirdly, considering the high proportion of
youth in the population of the project area, special attention should be paid to employing idle youth as casual labourers.
Eight: Institutional Responsibility

8.0 Introduction

The baseline socio-economic survey has been carried out during which potential impacts of the thermal-power project were identified and mitigation measures have been recommended by the consultant. This aims to minimise and/or eliminate negative project impacts especially to the residents in the project neighbourhood. The following are the components of the resettlement / compensation plan.

8.1 Infrastructure Works and Social Improvement

During the study, it was established that no social infrastructures would be affected by the implementation of the thermal-power project. No schools or health units will be significantly affected apart from the dangers posed by vehicular movement's kiosks and schools located along the road.

8.2 Payment Procedures

Both local and international social safeguard policies require that a development project of this magnitude should not leave the people worse off than before the project. Therefore compensation of the people whose land will be taken for the development of the power facility be implemented in a transparent, adequate and timely manner. However, the following payment procedures must be applied by UETCL in effecting compensation to the affected residents.

The following are the specific recommendations regarding the compensation process:

- UETCL will make payments of compensation according to the current market price for land and crops.
- The developer shall make payments to the land owner. Since the mode of compensation will be land for land, the developer will assist the lady in identifying and purchase of alternative land.

Although the mode of compensation will be land for land, nevertheless money will have to be paid by cheque that can be deposited in the account of the landowner. This is the money that will be used for purchasing the new land.

Payment Documents and Forms:

- The developer shall print the following documents to be used for compensation payment.
Form (A): Verification Identity Document

- For those persons who do not have reliable identification documents, the beneficiary shall fill Form (A) at the LC 1 village sitting where the person resides.

The Verification Identity Document, in book form, should have three carbon copies as follows:

- Original (white): to be issued by UETCL, duly signed, to the youth identified by this study and at LC 1 level
- Copy (pink): to be retained by the LC I office, Kitaluuzi zone; and
- Copy (blue): to be retained by the developer’s cashier for accountability to Uganda Government and any relevant donor organisations

Form (B): Payment Voucher

The book of the Payment Vouchers should have three carbon copies for distribution as follows:

- Original (white): to be taken by Payee;
- Copy (pink): to be kept by the District Environment Officer Kampala for the KCC; and
- Copy (blue): to be retained by the developer’s cashier for accountability.

Finally, the developer shall submit to the Government of Uganda a report on Compensation payments.

- At the conclusion of the compensation payments exercise, UETCL shall submit a compilation report of all filled forms and vouchers used, – copies of which will be included and any documents of accountability to support genuine payments made.

**8.3 Compensation Agreement**

To ensure smooth compensation process, which is transparent, a compensation agreement between the affected landowner (the lady) and UETCL will be made. The woman will sign on the verification form and witnessed by the LC1 Chairperson of the respective village. A certificate of completion shall be counter signed by the LC1 Chairperson.
84 System for Complaints and Grievances

Although no complaints and grievances are not envisaged, it is important for the sake of the plan to provide for systems for them should they arise as a result of land acquisition for the Mutundwe project. A system will be put in place to settle these issues amicably through recognised institutions and to the satisfaction of parties involved.

Affected persons/person that is the land owner will have access to the survey results and compensation policies. During implementation some complaints may arise from the landowner. If a person is not satisfied with the compensation or rehabilitation measure provided, he/she will have the opportunity to raise the issue through an established Grievance Committee. The committee will be formed at the village level and may include Local Council members, representatives of the landowner and a representative from the developer. Issues concerning the manner in which compensation/benefits are handled with PAP can also be brought to the committee.

If the complainant does not agree with the committee’s decision, he/she has recourse by appealing to the District Probation Officer. If he/she does not still agree to the decision, he/she could go to the court as a last option.

As well, a Land Tribunal can address grievances. Its’ jurisdiction, based on article 243 of the constitution includes:

- The determination of disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the Uganda Land Commission or other authority with responsibility relating to land;
- The determination of any disputes relating to the amount of compensation to be paid for land acquired.

8.5 Entitlement Cut-off

This census marks the end of the entitlement period. No new cases of compensation shall be entertained after this census. Communities in the affected areas have been already informed accordingly and the Developer (in this case UETCL) will re-enforce this measure together with the local authorities. Anyone encroaching on the UETCL titled land (census and valuation) will not be eligible to compensation or any form of resettlement assistance.

8.6 Vulnerable Groups

During the household survey, it was found out that there were only three female-headed households. Some of these women are widows while the rest simply prefer not to get married. There was no one identified as having physical incapability in any way. These constitute vulnerable groups in the area of the study. The survey also
found out that there are many orphans but most of them live with their relatives. However, no direct impacts are likely to occur among vulnerable groups as a result of the implementation of the power project.
Nine: Monitoring and Evaluation

9.1 Introduction

Monitoring is an important management tool and if conducted effectively and if its recommendations are followed, it can provide a strong input to effective project management.

A monitoring program for the RAP is required to ensure that the plan is implemented in an effective and efficient manner. In order for monitoring results to be effective regular monitoring results will be reported to UETCL management and acted upon where such action is required to ensure RAP implementation. The basic purpose of the monitoring program is to ensure that project affected peoples receive their due compensation in a proper and timely fashion and that any grievances are addressed effectively.

A structured monitoring programme will be established and will be conducted over a one year period beginning from the time compensation (cash or land for land) is provided and the vacating of land occurs. A program and methodology for monitoring is outlined below and will be detailed and finalized by the steering committee.

9.2 Monitoring Program and Methodology

The monitoring program will be based on the current baseline data that was collected and analyzed during the preparation of the RAP, as well as on additional baseline data that will be required for monitoring indicator purposes. Monitoring will be conducted every three months for a period of one year and will be conducted through site inspections either by a trained monitor from the developer’s staff, or preferably, by an external consultant with appropriate training and who can provide a non-partisan analysis of findings. The monitor will examine indicators and provide objective measurements or, in many cases, use professional judgment to measure the parameter against baseline information. Monitoring reports will be submitted to the developer (if an external consultant is used) and to Ministry of Energy and Mineral Development (MEMD). The Ministry will respond to any recommendations provided by the monitor.

The initial task of the monitor will be to finalize the list of parameters for which monitoring will be required. He/she will do this with input from the RAP steering committee. The monitor will then finalize a set of practical monitoring indicators and test these on site. Once the indicators have been finalized the monitor can proceed with actual monitoring. It will not be practical nor will it be necessary for the monitor to interview each project affected person but rather a sample of the population will be used. Through meetings with the RAP steering committee members and others within the community the monitor will be made aware of any RAP implementation problems that may not present themselves through an analysis of a sample of the population affected. Where possible the monitor will determine why certain aspects of the RAP are not being implemented as per schedule or in an effective manner and these determinations will form part of the monitor’s report along with his/her recommendations to put the RAP implementation back on track. Since the site is not
extensive, and since the indicators being used are practical and easy to measure, the monitor should be able to complete a monitoring visit within a six days.

The monitor will prepare a monitoring report following each visit. Each report will also include an assessment of implementation of the recommendations provided in previous reports and will analyze the level of progress being made towards the full implementation of the RAP and the overall effectiveness of the resettlement program.

If the RAP is implemented as planned, a number of the parameters that will be monitored, particularly those dealing with payments and resettlement, will only require monitoring during the first visit since these parameters relate to activities for which completion is required in the early stages of project implementation. Subsequent monitoring will not require any attention to this parameter unless, of course, the activities to which they belong have not been implemented. Subsequent monitoring visits are likely to focus on parameters such as household well-being, disadvantaged groups, crop production and some of the required infrastructure (access road and farm produce).

9.3 Preliminary List of Parameters to be monitored

The RAP contains a number of requirements to be met by the developer to ensure that full and effective resettlement is implemented. The following is a preliminary list of parameters that should be considered for monitoring. This list will require discussion with the RAP steering committee and further input from the monitor.

Parameters to be monitored include:

- Payment of disturbance allowance to the land lady;
- Full and timely payment provided to the affected person for land take;
- Full and timely payment provided to the affected person for crop losses;
- Income restoration activities initiated and developed including income created from such activities;
- Job creation through the project for local people;
- Establishment of bank accounts for compensation payment (for purchase of alternative land) PAP and retention of same;
- Use of compensation funds to provide family support and the equitable distribution of benefits within the family to ensure similar goods and services (food, education, health) to all members of her family;
- Household well-being of affected people;
- Acceptance in community of new land holders where land is given for land taken;
- Production levels of new land vs old land;
- Provision of alternative access road;
- Grievances presented and success and timeliness of handling grievances;
- Provision of farm inputs to the land owner to improve farming on her new land.

9.4 Monitoring Indicators

The basis for good monitoring will be the establishment of verifiable indicators. An example of such is provided in Table 7.2 but these must be given further thought and
must be tested. Indicators must be easy to measure and in some, if not many, they will be measured subjectively. The basis upon which the indicators will be measured will be existing baseline data or additional data that will be required for this purpose. It is important that all data required for monitoring is provided prior to project implementation, particularly prior to compensation payment and land take, before changes occur.

Table 9.2: An Example of Monitoring Indicators for Each Parameter to be monitored

<table>
<thead>
<tr>
<th>Parameter to be measured</th>
<th>Indicator</th>
<th>Procedure and Measurement</th>
<th>Baseline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disturbance allowance payment</td>
<td>Signed voucher</td>
<td>View signed voucher</td>
<td>List of PAPs</td>
</tr>
<tr>
<td>Land take payment</td>
<td>Signed voucher</td>
<td>View signed voucher</td>
<td>List of PAPs and compensation amount</td>
</tr>
<tr>
<td>Land for land</td>
<td>Signed voucher</td>
<td>View signed voucher</td>
<td>List of PAPs and land area owned</td>
</tr>
<tr>
<td>Crop loss payment</td>
<td>Signed voucher</td>
<td>View signed voucher</td>
<td>List of PAPs and land area owned</td>
</tr>
<tr>
<td>Farm input payments</td>
<td>Signed voucher</td>
<td>View signed voucher</td>
<td>List of PAPs</td>
</tr>
<tr>
<td>Job creation</td>
<td>Payroll record</td>
<td>View payroll</td>
<td>List of PAPs</td>
</tr>
<tr>
<td>Estbl. of bank accounts</td>
<td>Bank record</td>
<td>Interview with bank staff/see personal bank account statement</td>
<td>None exist now</td>
</tr>
<tr>
<td>Household well-being**</td>
<td>Possessions and services used</td>
<td>Observation of new possessions and retention of old possessions and services</td>
<td>Inventory of basic belongings and services used (e.g. schools)</td>
</tr>
<tr>
<td>Distr. of benefits within the affected household**</td>
<td>Interview with hh members</td>
<td>Question children if their well being has changed</td>
<td>Current benefits (schooling, shopping money)</td>
</tr>
<tr>
<td>Well-being of disadvantaged**</td>
<td>Interview and evidence of income</td>
<td>Question disadvantaged re: what they have now as compared to before</td>
<td>Current level of well-being</td>
</tr>
<tr>
<td>Production levels</td>
<td>Farmer's estimate and physical evidence</td>
<td>Visit the new plot</td>
<td>Visit plot and estimate production or farmer provide estimate</td>
</tr>
<tr>
<td>Construction of new access road</td>
<td>Physical evidence</td>
<td>Visit road and assess changes; talk to people about the road, observation of developer working on the road</td>
<td>Visit road and assess visually its condition, the distance compared to the existing one</td>
</tr>
<tr>
<td>Grievances handled</td>
<td>Steering committee records</td>
<td>View record of grievances</td>
<td>None present</td>
</tr>
</tbody>
</table>
** Denotes parameters that are most difficult to monitor and monitor and others will be required to consider further development of effective indicators

9.5 Monitoring Schedule

Monitoring will be conducted over a one year period with three monthly visits by the monitor.

9.6 Monitoring Costs

Monitoring costs will include the use of a social science specialist who has experience in resettlement plans and the monitoring of these plans. The job could be performed by an individual who visit the site as afroementioned over a one year period. Total time required would be in the order of 24 days over the one year period of monitoring and the consultant should budget some US $ 7,200 (14,000,000 U shillings) annually for this exercise. This assumes that the developer would contract a consultant at US $ 300 per day to carry out the work. Although it has been suggested that monitoring could be conducted by a team comprised of representatives of the different concerned ministries, it is highly unlikely that such a team will have the skills to conduct effective monitoring. However, these ministries at the District level possess the knowledge of local conditions and activities and would be used as valuable resource people as input to the monitoring program.

Monitoring reports will be provided twice a year and will be submitted by the developer to the Ministry of Energy and Mineral Development (MEMD) and the relevant government bodies at the district level.

9.7 Monitoring Results and Application

The purpose of monitoring for the developer and Ministry is to inform each of the progress being made on the implementation of the RAP and to indicate problem areas that need to be addressed. For monitoring to be useful the results must be acted. Schedules, responsibilities and budgets may have to be adjusted in order for the implementation of RAP to be put back on to its implementation track. If monitoring reports are given the respect and attention that they deserve, each succeeding report should be able to report back on progress, reflecting on monitoring report recommendations, made since the previous report.
Ten: Compensation Budget

10.1 Costs

The study therefore, determined that no resettlement would be required before the implementation of the thermal power plant at Mutundwe. What is critical to this study is that adequate and timely compensation will have to be made to the old woman whose land UETCL intends to purchase for the project.

Table 10.1 Summary of the total cost estimates for compensation

<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>AMOUNT (USHS)</th>
<th>REMARKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Compensation for a 1 acre piece of land</td>
<td>100,000,000=</td>
<td></td>
</tr>
<tr>
<td>Compensation for crops on the 1 acre land</td>
<td>916,700=</td>
<td></td>
</tr>
<tr>
<td>Disturbance allowance 30%</td>
<td>30,000,000=</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td>130,916,700=</td>
<td>Costs are in Uganda Shillings</td>
</tr>
</tbody>
</table>

10.2 Process of Payment

UETCL must pay the affected persons fairly and in a timely manner.

10.3 Financial Responsibility

The responsibility of paying the affected persons rest on the developer that is UETCL. The payments will be witnessed by the Local council 1 of Kitaluurizi zone in Rubaga Division.

10.4 Identification of Beneficiaries

There is only one land owner who happens to be a lady whose land has been identified as suitable for the thermal power plant construction. During the valuation of the property by the Valuer, the same land owner is found to be the same person who owning the crops that have been cultivated on the land.
Eleven: Compensation Timetable

A compensation implementation and monitoring programme for the thermal-power project at Mutundwe is shown in figure 11.1 below:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Time frame in months</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Compensation payment to the land owner for both bare land and crops</td>
<td>1 2 3 4 5 6 7 8 9 10 11 12</td>
<td>UETCL/Contractor</td>
</tr>
<tr>
<td>Construction of alternative access road</td>
<td></td>
<td>UETCL/Contractor</td>
</tr>
<tr>
<td>Construction of road humps</td>
<td></td>
<td>UETCL/Contractor</td>
</tr>
<tr>
<td>Safety gear for workers</td>
<td></td>
<td>UETCL/Contractor</td>
</tr>
<tr>
<td>Audio messages (Road safety)</td>
<td></td>
<td>UETCL/Contractor</td>
</tr>
<tr>
<td>Watering of access road</td>
<td></td>
<td>UETCL/Contractor</td>
</tr>
<tr>
<td>HIV/AIDS sensitisation for workers and community</td>
<td></td>
<td>UETCL / DDHS / NGOs / CDO</td>
</tr>
<tr>
<td>Monitoring</td>
<td></td>
<td>DEO (Kampala)</td>
</tr>
<tr>
<td>Evaluation</td>
<td></td>
<td>Consultant</td>
</tr>
</tbody>
</table>
REFERENCES CITED

2. Wildlife Policy, 1995
5. Laws of Uganda 2000 Cap 153
8. The Uganda Forestry Policy, 2001
9. The National Water Policy, 1999
10. The National Environment Act
11. Legal and Regulatory Framework
13. The Land Act
15. The environmental Impact Assessment Guidelines for Uganda, 1997
17. The National Environment Regulations, 1999
19. The Sewerage Regulations, 1999
20. The Uganda Wildlife Act
21. The Water Act
22. The Town and Country Planning Act
APPENDICES
APPENDIX 1: TERMS OF REFERENCE


Terms of Reference

1. Uganda experiences an increased shortage of power, as a consequence of low water levels in Lake Victoria. To alleviate the power shortage the UETCL (Uganda Electricity Transmission Company Ltd.) in collaboration with IDA (International Development Association) are planning the construction of a 50 MW thermo-power plants, with Heavy Fuel Oil as fuel, on the premises of the Namanve and Mutundwe substations. Additional land might need to be acquired. Part of this land is the property of UETCL, but is presently used for brick making and annual crops by nearby residents respectively. There is no need for a transmission line.

2. On the premises of the Lugogo substation Agrekko has constructed an emergency 50 MW thermo-power plant under a three year contract. The World Bank will likely finance the capacity payments. For this reason the Agrekko plant needs an Environmental Audit. The TOR for this audit is included in the present ToR.

3. After the contract with Agrekko is finished the UETCL plans the construction of a cheaper thermo-power plant on the premises of the Lugogo substation site. The ToR for the Environmental Assessment for this new thermo-power plant is included in this ToR.

Objectives of the ToR

4. Consultants will be commissioned to prepare the Environmental Assessments (EA) for the new thermo-power plants to be located on the Namanve, Mutundwe and Lugogo substation premises and to carry out an Environmental Audit for the existing Agrekko thermo-power plant located on the premises of the Lugogo substation. The three EAs and the Environmental Audit can be published in one report called EAA. The consultants also need to prepare an abbreviated Resettlement Action Plan (RAP) for the potentially affected
people at the impacts of the project on aspects of the environment (social e.g. human health, human quality of life, biological and physical), and if needed to consider alternative sites for facilities or design mitigation methods for achieving the results expected from the project and propose and fully justify optimal choices that would minimize or avoid potential impacts, and to design an environmental and social management plan (ESMP) to address and mitigate impacts that cannot be avoided. The EAA will also identify measures for environmental enhancement and sustainability that may be desirable to put into place. The ESMP will describe in detail the, mitigation measures to be carried out; the costing, scheduling and organizational capacity required to implement such measures; detailed monitoring process and schedule; and any social and environmental management capacity building and institutional strengthening support that may be required for the responsible institutions involved in the project. A Resettlement Action Plan (RAP) will be prepared, based on the identification of any need for land acquisition, displacement of families or businesses (including squatters), compensation for crops or other income-generating assets and loss of access to income-producing resources. The EAA and RAP will be prepared in accordance with and be fully responsive to IDA’s “safeguard” operational policies, notably OP 4.01 (Environmental Assessment) and OP 4.12 (Involuntary Resettlement). Upon acceptance by the client, the documentation will be submitted to IDA in support of the proposed project. The documentation will need to be disclosed in Uganda and in the Infoshop in Washington DC prior to appraisal of the project by the World Bank.

5. The consultant will prepare an EAA, including three Environmental Assessments and one Environmental Audit and a Resettlement Action plan to World Bank safeguard policy standards and environmental and safety guidelines. The current versions of the relevant policies are found at the World Bank website, www.worldbank.org and a full set of Environmental and Safety Guidelines can be found at www.ifc.com. Among the key tasks to be carried out are those, which follow, but the full array of information and analysis that the policies require should be included in the work carried out.

1. Environmental Assessments and Audit

Objectives of the environmental Assessments and Audit

6. The objective of the environmental assessments (EAs) is to determine the environmental impacts on people, on the environment of new thermo-power
plant and how to manage these impacts in compliance with World Bank Safeguard Policies. The consultants should also assess the green house gas emissions of the new power plants.

7. The objective of the environmental audit is to identify present pollution, especially pollution and noise pollution and its potential costs to improve the situation, inadequate environmental management, and occupational health and safety issues in the facilities to be financed and to determine the need for remedial actions necessary to bring these facilities into compliance with World Bank Safeguard Policies and to recommend actions to improve and strengthen environmental, health and safety management at the plant.

Scope of Work

8. The consultant will for the Environmental Assessments carry out following at the Namanve, Mutundwe and Lugogo substations sites:

- Establish an appropriate baseline for environmental, social, health and safety issues. The consultants should establish among others a baseline for air and noise quality in the project area and assess impacts of air pollution and noise in the project area and develop a simple air quality monitoring program;
- Preparation of an oil spill emergency plan;
- Establish an inventory of greenhouse gas emissions and abatement plan;
- Identify environmental, health (e.g. HIV/AIDS) and safety impacts of the new investments during construction and operation;
- Prepare analysis of alternatives, e.g. various sites for new thermo-power plant, including the no object alternative. The selected site should take economic, technical, social and environmental parameters into consideration;
- Identify hazardous chemicals used during construction and operation;
- Develop draft environmental regulations for the electricity sector (if not existing), including inter alia, the monitoring and mitigation of emissions (e.g. air), noise as well as soil and ground water hydrocarbon contamination. The new facilities need to comply with existing Ugandan legislation and with World Bank Safeguard Policies and Guidelines (Environmental and Safety Guidelines);
- Provide an institutional strengthening plan, prepare an Environmental and Social Management Plan (ESMP), identify responsibilities and costs for its implementation;
- Carry out a public consultation on the draft Environmental Assessment and Audit Reports with affected people, interested people and local NGOs.
public consultation should be a separate chapter in the EA report, while minutes of the public consultation meetings need to be presented in an annex (when were meetings held, who attended, major concerns, how addressed in documentation, etc.).

9. The Environmental Assessments and Audit will be carried out in two phases:

**Phase I: Meetings and Review**

10. There will be initial briefing meetings between the consultant and UETCL’s management and relevant staff, as well as relevant government representatives. With UETCL’s assistance, the consultant will (a) gather and review all existing relevant in-house documentation, including compliance records; (b) study available historical information; and (c) perform visual inspections of the sites to be financed. The consultant will review Uganda’s relevant existing and pending environmental legislation, standards, and permits, as well as the country’s occupational health and safety legislation. In conjunction with this national legislation, the consultant will also review the relevant policies of the World Bank and its environmental, health and occupational health and safety guidelines, including the Pollution Prevention and Abatement Handbook.

**Phase II: Setting Priorities**

The consultant will for the Environmental Audit carry out the following at the Lugogo site:

- Identify all environmental (e.g. air and water emissions, hazardous wastes, etc.) and occupational health and safety concerns related to both, past and ongoing activities in the facilities to be financed;
- Visit areas where practices of waste management, storage and the use of dangerous substances may have caused contamination (e.g. hydrocarbons pollution);
- Assess hazards or risks of local communities and the adequacy of procedures for warning and emergency responses; consult with community leaders, if appropriate;
- Prepare a prioritized list of concerns (i.e. high, medium, low) related to ongoing activities in the facilities to be financed;
- For both, past and ongoing environmental and health and safety concerns in the facilities to be financed, provide recommendations and cost estimates as to what rehabilitation and clean-up measures are required;
- Review the capacity of Government of Uganda to monitor the execution of the remediation;
- Make recommendations and cost estimates for the implementation of the remediation action plan in the sector should be presented separately for the past and ongoing activities, and in relation to both, Uganda and World Bank policies and standards. (World Bank Safeguard Policies and Guidelines, such pollution prevention and abatement Handbook can be found on [www.worldbank.org](http://www.worldbank.org)/ development topics / environment and the [www.ifc.org](http://www.ifc.org)). The consultant should develop a Draft Environmental and social Management plan to be discussed with UETCL. Recommendation should also include an indication and cost estimate of training needs in the sector to ensure efficient implementation of the Environment and Social Management Plan;

- Verify which other World Bank Safeguard Policies may apply. The consultants should especially check if the World Bank Involuntary Resettlement Policy is triggered by land acquisition and/ or resettlement (see other part of this ToR).

II. Resettlement Action Plan (RAP)

The RAP should be prepared by an experienced resettlement specialist consultant. The resettlement action plan is the instrument by which people, who lose land, physical assets, or rights of access to resources necessary for their income, whether temporarily or permanently, are compensated for their losses and afforded realistic opportunities to increase or at least to restore their incomes and standards of living. It includes both the background information and the analyses necessary for designing an action plan to achieve goals and the action plan it. It will include the following sections:

PROJECT INTRODUCTION. This will provide the project description and the overall context and justification for the project. In particular, it will describe each part of the project “footprint”, that is, each separate facility, or construction site, including any access roads, quarries or borrow sites, work camp areas, or any other location needed for the project, whether temporary or permanent.

MEASURES TO MINIMIZE LAND ACQUISITION AND LOSSES. This section is the “alternatives analysis” for the resettlement plan. It will set out any alternatives that were considered that would reduce or eliminate social impacts, and show how the alternatives chosen minimize the acquisition of property and other assets that people will suffer.
LEGAL BACKGROUND. This section will review the national and legal background to land taking and resettlement, and current practices, including any standard organizational frameworks that are relevant to this sector or project. It will compare laws, entitlements, eligibility and practices of the government with those required under World Bank Operational Policy on Involuntary Resettlement (OP4.12). It will review any gaps perceived between the national policies and those of the World Bank, and it show how both national and World Bank policies can be implemented within the project. It will recommend resolution methods for any contradictions that may be seen to be significant.

CENSUS AND SOCIO-ECONOMIC SURVEYS. This section will provide the results of ethnographic information, enumerations and socio-economic surveys carried out to establish the baseline data against which both impacts and the eventual adequacy of compensation, and recovery of incomes and, living standards, can be measured.

PROJECT IMPACTS. This section will describe the types of project activities during both construction and operation, and will specify the types and seriousness of impacts on the affected people at each site of project activities.

RESETTLEMENT POLICIES AND ENTITLEMENTS. Here the policies to be applied on two major issues will be set out. A section on eligibility will discuss what types of people will or will not qualify for measures under the project. It will discuss the “cut off date” set up, after which new arrivals in the project area will be not to be eligible for project benefits. A section on entitlements will describe (possibly different types of) compensation or other compensatory measures. A matrix format, showing people and forms of compensation will summarize the eligibility and types of compensation that will be included in the implementation plan. A section on how inventories of losses will be done, and how assets lost will be evaluated, will also be included.

RESTORATION OF INCOMES AND STANDARDS OF LIVING. This section will demonstrate how policies to be applied, and the settlement and other compensatory measures to be implemented, will meet the objectives of the plan and the policy. If such measures include any plans to provide training, investment resources, outreach programs, or other special activities as means toward restoring incomes and standards of living, they will be described in this section. The plans to provide alternatives sites and/or house construction will also be in this position.
INSTITUTIONAL ARRANGEMENTS. This section will include descriptions of the organizations and interaction by which the resettlement action plan will be carried out. It will fully describe the process which implementation will take place.

PUBLIC PARTICIPATION. This section will show how the affected people have been consulted in the overall process of planning for their displacement, and how they will participate in the future. It will describe any committees or other bodies in which they have participated or will participate. An annex will give the details of consultations held before and during RAP planning, including dates of meetings and attendance at each. It will demonstrate that people were fully involved and understood the actions that would be undertaken during implementation.

COMPLAINTS AND GRIEVANCES. This part will describe mechanisms by which people can register objections to activities undertaken during the planning and implementation of the project, and the mechanisms for redressing grievances. It will show how these actions will be accessible to ordinary affected people, and will ensure a process that is fair and equitable, with an option for recourse to formal judicial systems if project mechanisms fail.

MONITORING AND EVALUATION. Set out the plans for monitoring performance of the Resettlement Action Plan and evaluating its effectiveness. Name the institutions, which will be involved in this process.

BUDGET. Give a detailed budget for the implementation of the resettlement activities, with notes on the control and flow of funds. Identify the sources of different of funds, as the World Bank cannot always pay for land or for cash transfers, including compensation.

TIMETABLE. Using standard formats, set out the timetable for resettlement implementation. Show how it is integrated into the timetable of physical works, show that no one loses assets or is forced to move before he or she has been compensated and, if relevant, is able to move to the permanent new site.

ANNEXES. Possible annexes may include those on: legal review (law by law); detailed description of occupation of land traversed and to be affected; statistics on those affected; inventories of losses, or templates for inventories to be carried out later; statistics on temporary land occupation; statistics on
permanent land acquisition; affected structures; the record of consultation meetings; a list of report and people seen or involved in the preparation of the RAP; and a map of the sites involved and the project area.

**Reporting Requirements**

The consultant will prepare three draft environmental assessments and audit report (could be one volume) after 5 weeks. Comments by the Government and the World Bank should be sought. Comments by the Ugandan Government and the World Bank should be integrated to produce the final report, which should be finished after the contract period of 6 weeks in total. The report should be written in English, and should include and Executive Summary in English. The reports should contain relevant maps and photographs. The draft report will be finalized only after approval by the Government of Uganda and the World Bank.

The report should, if necessary, develop a prioritized remediation plan and an Environmental and Social Management Plan and its costs, define the institutional responsibilities for the implementation of these plans and a time frame for its execution; define the roles and responsibilities of the agencies in the monitoring and evaluation of clean-up and for regular follow-up, such as monitoring of air, noise, water emissions and production and management of hazardous waste products.

**Environmental Assessment and Audit and Resettlement Team Skills**

An international environmental assessment and/or audit specialist, and one or two local consultants should have at least 10 years of relevant international competence in preparing environmental impact assessments and in preparing environmental auditing. The international specialist should have experience in air quality measurements and monitoring. The environmental team should possess the necessary auditing/assessment skills as well as in depth knowledge of the environmental aspects of the electricity and water sectors. The team should also include one social scientist with at least 10 years of experience in the preparation of resettlement action plans. The team should be fluent in English, and work experience in Africa would be desirable.

**Budget and Timetable**

This assignment should require a total of 4.5 man months, and should be accomplished within 6 weeks after mobilization of the consultants.
APPENDIX 2: LIST PEOPLE CONSULTED
APPENDIX 3: CROP SCHEDULE FOR THE MUTUNDWE SITE