



**RESETTLEMENT PROCESS
FRAMEWORK FOR**

FOR

**UGANDA'S NATIONAL REDD+ STRATEGY
AND ACTION PLAN**

(REDD+ Readiness Support (P124296))

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Acronyms

ABEK	Adult Basic Education for Karamoja
BSA	Benefit Sharing Arrangement
CF	Community Forest
CFM	Collaborative Forest Management
CFRs	Central Forest Reserves
CSO	Civil Society Organization
DLG	District Local Government
DoR	Department of Refugees
DP	Displaced Persons
DRR	Disaster Risk Reduction
DWD	Directorate of Water Development
DWRM	Directorate of Water Resources Management
EES	Energy Efficient Stoves
ENR	Environment and Natural Resources
ERP	Emission Reduction Program
FAL	Functional Adult Literacy
FAO	Food and Agriculture Organization of the United Nations
FCPF	Forest Carbon Partnership Facility
FGRM	Feedback & Grievance Redress Mechanisms
FIP	Forest Investment Programme
FREL/RL	Forest Reference Emissions Levels/ Reference Levels
FSSD	Forestry Sector Support Department
GEF	Global Environment Facility
ICESCR	The International Covenant on Economic, Social and Cultural Rights
ICS	Improved Cooking Stoves
LC	Local Council
LG	Local Government
LGA	Local Government Association
LGDP	Local Government Development Plans
LGI	Local Government Institutions
M&E	Monitoring & Evaluation
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MAC	Marginal Abatement Cost
MDA	Ministry, Department and/or Agency
MEAs	Multilateral Environmental Agreements
MEMD	Ministry of Energy and Mineral Development
MoGLSD	Ministry of Gender, Labour and Social Development
MoLHUD	Ministry of Lands, Housing and Urban Development

MoFPED	Ministry of Finance, Planning and Economic Development
MOLG	Ministry of Local Government
MOU	Memorandum of Understanding
MRV	Measurement, Reporting and Verification
MoTIC	Ministry of Trade, Industry and Cooperatives
MWE	Ministry of Water and Environment
NAADS	National Agricultural Advisory Services
NARO	National Agricultural Research Organisation
NCCAC	National Climate Change Advisory Committee
NEA	National Environmental Act
NEMA	National Environment Management Authority
NFA	National Forest Authority
NFMS	National Forest Monitoring System
NGO	Non-governmental organization
NPV	Net Present Value
OPM	Office of the Prime Minister
PAP	Project Affected Persons
PS	Permanent Secretaries
RAP	Resettlement Action Plan
REDD+	Reducing emissions from deforestation and forest degradation and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks
RPF	Resettlement Policy Framework
SACCO	Savings and Credit Cooperative Organizations
SESA	Strategic Environmental and Social Assessment
SIS	Safeguards Information System
SLM	Sustainable Land Management
UBOS	Uganda Bureau of Statistics
UNFCCC	United Nations Framework Convention on Climate Change
UNCCD	United Nations Convention to Combat Desertification
UWA	Uganda Wildlife Authority
VLC	Voluntary Land Contribution
VLCT	Voluntary Land Contribution Tool (VLCT)
WB	World Bank

Glossary of Terms

Unless the context dictates otherwise, the following terms shall have the following meanings:

Census - a field survey carried out to identify and determine the number of Project Affected Persons (PAP) or Displaced Persons (DPs) as a result of land acquisition and related impacts. The meaning of the word shall also embrace the criteria for eligibility for compensation, resettlement and other measures emanating from consultations with affected communities and the Local Government Institutions (LGIs).

Compensation—Payment in cash or in kind for an asset or a resource that is acquired or affected by a project at the time the asset needs to be replaced.

Cut-Off Date— Is the date of completion of the census and assets inventory of persons affected by the project. Persons occupying the project area after the cut-off date are not eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built structures, crops, fruit trees, and woodlots) established after the date of completion of the assets inventory, or an alternative mutually agreed on date, will not be compensated.

Displaced Persons (including Project Affected Persons – PAPs) - means persons who, for reasons due to involuntary acquisition or voluntary contribution of their land and other assets under the project, are directly affected by a project through the loss of land and the resulting loss of residences, economic loss, other structures, businesses, or other assets, regardless of whether or not the said Displaced Persons are physically relocated. These Project Affected Persons (PAPs) may have their standard of living affected, whether or not the Displaced Person is required to relocate; lose right, title, interest in any house, land (including premises, agricultural and grazing land) or any other fixed or movable assets acquired or possessed, lose access to productive assets or any means of livelihood.

Involuntary Land Acquisition - means the acquiring of land by government or other government agencies or entities under the legally mandated procedures of eminent domain. Land acquisition includes both outright purchases of property (negotiated compensation) and acquisition of access rights, such as easements or rights of way. This includes assets and land that are recognized by law and culturally.

Involuntary Displacement or Resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or other means of livelihood) as a result of

project-related land acquisition (and/or restrictions on land use. It is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in physical or economic displacement. This occurs in cases of (i) lawful expropriation or temporary or permanent restrictions on land use and (ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail. It may include land use loss; relocation or loss of shelter; loss of assets or access to assets; or loss of income sources or means of livelihoods, whether or not the displaced person has moved to another location or not.

Land - refers to agricultural and/or non-agricultural land and any structures thereon whether temporary or permanent and which may be required for the Project.

Land Expropriation – The process whereby a public authority, usually in return for compensation, requires a person, household, or community to relinquish rights to land that it occupies or otherwise uses.

Project Affected Household - All members of a household, whether related or not, operating as a single economic unit, who are affected by the project.

Project Affected Person - Any person, household, firm or private institution who, as a result of the implementation of a project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, educational, or pasture), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in part, permanently or temporarily.

Physical Displacement - Loss of shelter and assets resulting from the acquisition of land associated with a project that requires the affected person(s) to move to another location.

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

Replacement Cost - means replacement of lost assets with an amount sufficient to cover their full replacement cost, that is, the market value (where markets provide reliable information about prices) of the assets plus transaction costs. Replacement cost addresses compensation for tangible assets, primarily land, houses, other structures, trees, crops, access to water, and improvements on the land; and includes all administrative fees as

well as a provision for inflation. Potential project benefits are not counted toward replacement cost.

Resettlement Action Plan (RAP)- Is a document in which the party impacting on the people or any other responsible entity specifies the procedures that it will follow and the actions that it will take, once the project locations are identified, to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by an investment project. Moreover, the RAP is a time-bound action plan with budget setting out resettlement strategy, objectives, entitlements, actions, responsibilities, monitoring and evaluation.

Resettlement Assistance- The support provided to people who are physically and/or economically displaced by a project, as well as vulnerable groups who are affected by the project activities. Assistance may include transportation, food, shelter, and social services that are provided to affected people during their relocation. Assistance may also include cash allowances that compensate affected people for the inconvenience associated with resettlement and defray the expenses of a transition to a new locale, such as moving expenses and lost workdays.

Resettlement Policy Framework - A resettlement policy framework is required for projects with subprojects or multiple components that cannot be identified before project approval. This instrument may also be appropriate where there are valid reasons for delaying the implementation of the resettlement, provided that the implementing party provides an appropriate and concrete commitment for its future implementation. The policy framework should be consistent with the principles and objectives of OP 4.12.

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

1 INTRODUCTION

1.1 Background

Uganda has completed drafting its National REDD+ Strategy and Implementation Plan, Feedback Grievance and Redress Mechanism (FGRM), Benefit Sharing Arrangements (BSA), Strategic Environmental and Social Assessment (SESA), and the Environmental and Social Management Framework (ESMF). The implementation of REDD+ National strategy as a long-term measure for tackling deforestation and forest degradation, while meeting the demands for wood, energy and other forest products may come with displacement of people. Some of the REDD+ options may cause displacements; it is therefore necessary to have a Resettlement Policy Framework (RPF) to provide guidance.

The Strategic Environmental and Social Assessment already prepared, points out how to mitigate or minimize potential environmental and social risks associated with the implementation of the REDD+ strategy. It is important to have safeguards to address the various social and environmental issues including addressing issues of resettlement. While those ensure that REDD+ interventions contribute to sustainable development, the RPF is supposed to help, among other, in addressing/resolving issues of local communities and forest-dependent indigenous people who may be affected and socio-economic activities and livelihood opportunities displaced because of the Emission Reduction Programs (ERP).

The National REDD+ Strategy is a living document and the lessons from the ongoing global, national and sub-national REDD+ processes (including development of the ER Programs) are fed into the REDD+ Strategy and the safeguards instruments. Parties to the United Nations Framework Convention on Climate Change (UNFCCC) agreed at UNFCCC Conference of Parties (COP) in Cancun in December 2010 to promote seven safeguards when undertaking REDD+ activities. Uganda committed to comply with this agreement and develop a Safeguards Information System (SIS) for Uganda REDD+ as an integral component of the REDD+ strategy.

Further, Uganda's approval for the Forest Carbon Partnership Facility (FCPF) to complete Uganda's REDD+ Readiness triggered the following World Bank safeguard policies; i) OP4.01 Environmental Assessment; ii) OP4.36 Forests, (iii) OP 4.04 Natural habitats; (iv) OP4.10 Indigenous Peoples; and (v) OP4.12 Involuntary Resettlement. It is in this regard that Resettlement Policy Framework is formulated.

The RPF serves as the framework within which Resettlement Action Plans (RAP) will be developed. It will, in addition, facilitate the estimation of the magnitude of impact as a result of the proposed ERP land take and the likely financial implications which is vital input into the estimation of the total cost for the ERP.

The RPF will be used as a practical tool to assist REDD+ and ERP implementing agencies in designing and implementing strategies that will assist appropriately in handling any anticipated issues related to involuntary resettlements, and/or acquisition of land and restriction of access (using the Process Framework) to natural assets and resources during the implementation of the proposed ERPs. When specific planning information/feasibility study becomes available and the land areas are identified, RAP will be subsequently prepared consistent with this RPF and will be submitted for approval by the relevant authority before any land acquisition, resettlement, or any other impact on livelihood occurs.

1.2 Situation Analysis on Evictions and Involuntary Resettlement

Before the establishment of the British administration in Uganda, forests were owned and managed communally by local communities. Forest tenure was based on customary rules that included incentives, sanctions and penalties that were enforced by kings, chiefs and clan heads in various regions that constitute present day Uganda.

The arrival of the British colonial administration that was characterized by introduction of statutory laws changed forest tenure system and governance.

The local population was alienated from management of the forests with gazettement (designation) of the forest reserves. Governors and chief conservators had the full authority over forests under the legal dispensation introduced by the colonial administration¹. The most affected communities by gazetting of forests into reserves were the indigenous marginalized groups of Uganda that are forest-dependent².

The Batwa of South-western Uganda is one of the ethnic groups who were affected by creation of Bwindi, Mgahinga and Echuya Forest Reserves by the British Colonial Administration in the 1930s. Gazetting these forests limited access and use of the forest by the Batwa. However, the authorities at the time did not fully enforce forest

¹ Kamugisha, J. R. 1993. Management of Natural Resources in Uganda: Policy and Legislation Landmarks, 1890-1990. SIDA Regional Soil Conservation Unit.Nairobi

² Mukasa, N. (2012). The Batwa Indigenous People in Uganda and their Detachment from Forest Livelihood: Land Eviction and Social Plight. *Yearbook on Humanitarian Action and Human Right*, 71-84.

regulations and the Batwa continued to live in these forest reserves. However, this changed in 1991 when Bwindi and Mgahinga forest reserves were elevated to the status of national parks by a statutory instrument³. The elevation of the forest reserves to a park status affected their forest-based livelihood strategies. They were to leave the forest and restrictions to access to forest resources imposed.

Prior to this elevation, local adjacent communities and the Batwa would readily access forest resources especially fuel wood, herbs, wild animals for meat, fibres and timber. The rationale to elevate these forests reserves to national parks was to provide stricter protection of the ecosystem due to its very high ecological value especially providing habitats for the rare mountain gorilla. The Batwa became worse off because of the government's failure to consult, compensate and involve them as indigenous peoples before expropriation of their land⁴. It is estimated that they lost about 355 square kilometres of forestland and are currently scattered in the districts of Kisoro, Bushenyi, Bundibugyo, Kabale, Kanungu, Mubende, and Rukungiri. They are trying to adapt to agriculture through hiring out their labour, yet it is alien to their lifestyles⁵, because these areas do not have forest ecosystems that can provide suitable conditions in sync with their socio-economic and cultural settings.

A similar expropriation of forestland occurred in Mt. Elgon area in Eastern Uganda during the colonial period. The Bagisu and Sabiny are the two major ethnic groups that live in and around Mt. Elgon and are mainly agriculturalists and some of them are agro-pastoralists. The forested landscape of Mt. Elgon was gazetted in 1936 and the management regime has oscillated between being a forest reserve until it was converted to a national park in 1993⁶. In 1983, the forest department "resettled" some of the communities by de-gazetting parts of the forest reserve approximately 6000 ha. The focus was to provide redress to the Benet who did not have any other livelihood option except the forest reserve land they occupied. The acreage of land allocated per household depended on the household size. The smallest household was allocated with approximately 2 ha while the largest household got 20 ha. The Benet community, which is a sub-group of Sabiny, is an

³ Statutory Instrument Supplement No. 3 of 1992

⁴Zaninka, P. (2001). The Impact of (Forest) Nature Conservation on Indigenous Peoples; the Batwa of South-western Uganda: A Case Study of the Mgahinga and Bwindi Impenetrable Forest Conservation Trust." *Forest Peoples Programme*, 165-194.

⁵ Olanya, D. R. (2013). Indigenous peoples and customary land rights: Public policy discourse of large-scale land acquisitions in East Africa. *US-China L. Rev.*, 10, 620

⁶ Scott, P. (1998) From Conflict to Collaboration: People and Forests at Mount Elgon, Uganda. Gland, Switzerland: The World Conservation Union (IUCN).

indigenous group that has traditionally lived in the high-altitude areas of Mt. Elgon⁷.

Conspicuously, the Benet people were not fully involved in the socio-economic and political activities of the Mt. Elgon landscape, and thus they felt marginalized. The British colonial administrators had left them because at that time they were perceived to be too small in terms of their population to threaten conservation of the Mt. Elgon landscape. The process of distribution and allocation of land for resettlement was not effective in addressing the land issue in this area. Some of the individuals allocated with land, sold it to other ethnic groups that lived in the lower parts of the mountain. This was exacerbated when the forest reserve was elevated to national park in 1993. Some members of the Benet had occupied the parkland that had not been allocated to them. This was partly because when the Forest Department resettled them in 1983, they did not clearly demarcate the boundaries. The national park authorities redrew the boundaries and the Benet lost 1,500 ha from the area they claim they had been resettled in. This issue has not been fully resolved and the contestations between the Uganda Wildlife Authority and the Benet communities on boundaries have not gone away yet which puts their livelihoods at risk.

Forest plantations in Uganda have increased from 34,000 ha in 1990 to about 60,000 ha by 2015, which is a 2.3 % annual increase⁸. This is largely due to the direct incentives from the Government of Uganda including leasing of forest reserves to private companies and individuals⁹. The increase in forest plantations of monocultures has been found to cause loss of customary land rights for indigenous forest dependent communities. For instance, the local communities living adjacent to Bujawe central forest reserve in Hoima district, Western Uganda lost arable land due to divesting this reserve to private planters¹⁰. Similarly, local communities in Bukaleba central forest reserve in Mayuge district, Eastern Uganda and Kacung central forest reserve in Lira district, Northern Uganda, lost their land rights and access to forest resources in these reserves¹¹. Many of these

⁷ Himmelfarb, D. (2006). Moving people, moving boundaries: the socio-economic effects of protectionist conservation, involuntary resettlement and tenure insecurity on the edge of Mt. Elgon National Park, Uganda. *Agroforestry in Landscape Mosaics Working Paper Series*. World Agroforestry Centre, Tropical Resources Institute of Yale University, and The University of Georgia, 7.

⁸ FAO. (2015). Global Forest resources assessment 2015. Main report. Rome, Italy: Food and Agricultural Organisation of the United Nations

⁹ Turyahabwe, N., & Banana, A. Y. (2008). An overview of history and development of forest policy and legislation in Uganda. *International Forestry Review*, 10(4), 641-656.

¹⁰ Byakagaba, P., & Muhirwe, R. (2017). Industrial forest plantations in Uganda: Local adjacent community perspectives. *Journal of Sustainable Forestry*, 36(4), 375-387.

¹¹ Lyons, K., & Westoby, P. (2014). Carbon colonialism and the new land grab: Plantation forestry in Uganda and its livelihood impacts. *Journal of Rural Studies*, 36, 13-21.

communities face the risk of food insecurity due to loss of arable land¹². The most affected social groups are women who in most ethnic groups of Uganda are culturally disadvantaged in terms of land ownership rights, poor people, ethnic minorities and elderly who may not have alternatives sources of livelihood.

It is important to note that these communities did not have formal legal rights or claims to the land, but they derived their livelihoods from the forest reserve land. Therefore, they had de facto usufruct rights since the National Forestry Authority had not effectively evicted them before licensing private companies to establish forest plantations. The Draft National Feedback and Grievance redress mechanism for Uganda's REDD+ Programme report indicates that local community members contend that they are not encroachers on the forest, arguing that before the arrival of the colonialists, they lived harmoniously with the forests and sustainably utilized them, but when the forest reserves were demarcated and gazetted, government authorities allegedly evicted them without any form of compensation, yet they had lost their customary rights on the forest and land¹³.

Considering that the success and legitimacy of REDD+ is significantly influenced by security of land tenure¹⁴ among other factors, it is important to have a resettlement framework that will address involuntary resettlement of the indigenous marginalized people whose land rights may be affected by implementation of the REDD+ strategy. The draft Land Acquisition, Resettlement and Rehabilitation Policy of Uganda¹⁵, which is likely to inform future processes of land acquisition, involuntary resettlement and rehabilitation in Uganda does recognize forestry as one of the sub-sectors where the government may be required to relocate people for the purposes of conservation, preservation and restoration of natural environment. The draft policy requires that every sector with some agency / agencies whose operations require acquisition of land must formulate a Land Acquisition and Resettlement Framework which must comply with the provisions of the policy. Since REDD+ may result into involuntary resettlement of some indigenous marginalized people, a resettlement framework is not necessary only to fulfil the Cancun safeguards but also to be in tandem with Uganda's policy and legal framework. Lack of safeguards of the interventions that can cause involuntary resettlement may lead to impoverishment. This is especially due to loss of income sources and productive assets, loss of employment due to

¹² Lyons, K., Richards, C., & Westoby, P. (2014). The darker side of green: Plantation forestry and carbon violence in Uganda.

¹³ MWE, (2017). Ministry of water and environment. National feedback and grievance redress mechanism for Uganda's redd+ programme. Kampala, Uganda

¹⁴ Corbera, E., Estrada, M., May, P., Navarro, G., & Pacheco, P. (2011). Rights to land, forests and carbon in REDD+: insights from Mexico, Brazil and Costa Rica. *Forests*, 2(1), 301-342.

¹⁵ MLHUD, (2017). Ministry of Lands, Housing and Urban Development. Draft Land Acquisition, Resettlement and Rehabilitation Policy. Kampala, Uganda.

movement into new areas where productive skills may be less applicable and break down of social capital and cultural identity¹⁶.

1.3 Uganda's REDD+ Strategic Options of relevance

The SESA Final Report¹⁷ from the social and environmental strategic assessment of Uganda's Draft Final REDD+ National Strategy states that large-scale commercial timber plantations, sustainable fuel wood and (commercial) charcoal use, and restoration of natural forests in the landscape can lead to fuelling land grabs, competition for land with food production, violence against the less powerful people and to reduce encroachment possibilities of the poor thus causing displacements for certain social categories including the indigenous marginalized people and forest-dependent communities. These options may limit access to land for certain social categories because they will be allocated for REDD+ activities that include tree growing and restoration of natural forests to attain the objectives of the options. However, respective mitigation measures have been provided in each of the options.

The most affected categories may be the landless, indigenous marginalized people, forest-dependent communities, women, low income earners and pastoralists. It is estimated that about 8,000 people were affected by licensing forest reserves to private companies in Eastern (Busoga area) and Northern (Lango area) Uganda by the National Forestry Authority¹⁸. Approximately 6,000 people were evicted when the National Wildlife Authority redrew the boundaries of Mt. Elgon to the "original" area that Benet people were resettled by the Forest Department¹⁹. Elsewhere, no Batwa known to be permanently living in Bwindi and Mgahinga National parks was evicted²⁰ with the change of the forest reserve into a national park. It is estimated that approximately 3,000 to 3,700 Batwa were evicted from Bwindi-Mgahinga landscape when it was converted to a national park²¹

¹⁶ OP 4.12 - Involuntary Resettlement Policy of the World Bank.

¹⁷Arbonaut (2017). Strategic Environmental and Social Assessment (SESA). Final Report, 11 July, 2017.

¹⁸ Lyons, K., Richards, C., & Westoby, P. (2014). The darker side of green: Plantation forestry and carbon violence in Uganda.

¹⁹Himmelfarb, D. (2006). Moving people, moving boundaries: the socio-economic effects of protectionist conservation, involuntary resettlement and tenure insecurity on the edge of Mt. Elgon National Park, Uganda. *Agroforestry in Landscape Mosaics Working Paper Series. World Agroforestry Centre, Tropical Resources Institute of Yale University, and The University of Georgia*, 7.

²⁰ Blomley, T. (2003). Natural resource conflict management: the case of Bwindi Impenetrable and Mgahinga Gorilla National Parks, Southwestern Uganda. *CARE International Uganda*, 231-250.

²¹Olanya, D. R. (2013). Indigenous peoples and customary land rights: Public policy discourse of large-scale land acquisitions in East Africa. *US-China L. Rev.*, 10, 620.

1.4 World Bank Safeguard Policy (Op 4.12)

The World Bank Operational Policy on Involuntary Resettlement (OP4.12) was reviewed in detail to understand the project's direct economic and social impacts that may be caused by involuntary taking of land resulting in:

- a. Relocation or loss of shelter;
- b. Loss of assets or access to assets, or
- c. Loss of income sources or means of livelihood, whether or not the affected persons must move to another location.

The objectives of the policy on involuntary resettlement (OP 4.12) are the following; **"To avoid or minimize involuntary resettlement and land acquisition where feasible, exploring all viable alternatives of project location and designs"**.

Where involuntary resettlement and acquisition of land or other assets is unavoidable -

- a. To conceive and execute compensation as sustainable development programs, providing sufficient investment resources to give the persons displaced by the project the opportunity to share project benefits.
- b. To consult with displaced and compensated persons and provide them opportunities to participate in planning and implementing resettlement and compensation programs.
- c. To assist displaced and compensated persons in their efforts to improve their livelihoods and standards of living (income earnings capacity and production levels) or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to the beginning of the project implementation, whichever is higher.

1.5 Preparation of the Resettlement Policy Framework

Uganda's REDD+ Program will be implemented in the whole country as in the four sub-national programs, allowing somewhat different approaches and scales of operations in each program area. Some of the strategies earmarked to be implemented include: Designating areas for natural forest regeneration; Restoration of degraded protected natural forests (i.e. forest reserves etc.) and establishment of drinking water dams and tanks for livestock; Large-scale commercial timber plantations; and Restoration of natural forests in the landscape. As per the REDD+ Strategy, the drinking water dams and tanks are for supporting livestock rearing in the Cattle Corridor. A major problem in the Cattle Corridor is the unavailability of drinking water for the livestock population during the dry

season. The Cattle Corridor is characteristic by high rainfall variability, periodic late onset rains/droughts and reliance on mobile pastoralism. To alleviate the water shortage, therefore, the REDD+ Programme envisages supporting the construction and restoration of 12 drinking water dams and 60 valley tanks to hold a total of 2 million m³ of water. The water dams are to be constructed in locations where there is seasonal water available, and water tanks to be constructed in places without potential for water dams.

These programs are likely to trigger **Operational Policy 4.12: Involuntary Resettlement**, as there are likely to be land requirements for purposes of the above-mentioned strategies. Since the details of where these programs will be implemented is not yet known, and to ensure that these investments are carried out in an environmentally and socially sustainable manner, the Resettlement Policy Framework (RPF) for the REDD+ program has been developed.

The World Bank safeguard policies implored in REDD+ activities are i) OP4.01 Environmental Assessment; ii) OP4.36 Forests, (iii) OP 4.04 Natural habitats; (iv) OP4.10 Indigenous Peoples; and (v) OP4.12 Involuntary Resettlement. This RPF report is prepared in response to OP4.12 Involuntary Resettlement Policy in an effort to guide the Uganda REDD+ Programme during the implementation of its strategies where land acquisition will be required. However, there are exceptions particularly where communities plan for activities, and also where there is voluntary land donation or contribution. For the community based planned activities, land acquisition is not required hence does not require any compensation. It will only require an assessment to certainty its satisfactory to the World Bank requirement that the established community decision-making process was adequate, and that it provides for the identification of appropriate measures to mitigate adverse impacts, if any, on the vulnerable members of the community. While for the voluntary land donation/contribution, it will be guided by the Voluntary Land Contribution Tool (VLCT) provided in Annex 5.

1.5.1 Purpose of the Resettlement Policy Framework

The purpose of this RPF is, therefore, to establish resettlement and compensation principles, organizational arrangements, and design criteria to be applied to meet the needs of the people who may be affected by the various sub-projects to be implemented under the REDD+. The RPF is prepared to guide and govern REDD+ sub projects that will be selected for financing and sets out the elements that will

be common to all subprojects that will entail involuntary resettlement, which are not yet known. In particular, this RPF will be used, among others: -

- a. To avoid, minimize, manage, and/or mitigate potential risks arising out of displacement.
- b. To develop a Resettlement Action Plan (RAP), and propose an implementation framework for the RAP.
- c. To encourage community participation in planning and implementing land acquisition, compensation and/or resettlement, and provision of assistance to affected people regardless of the legality of their land rights or their title to land.

1.5.2 Objectives of the Resettlement Policy Framework

The objective of this RPF is to provide a legal framework and a screening process for future investment activities in the REDD+. The RPF has also been prepared as an instrument to be used as the guiding document for resettlement activities during the implementation of the investments. The RPF, on disclosure and approval, will specify the legal instruments applicable to resettlement, compensation and organizational arrangements required for application of the policy framework.

The main objectives of the RPF are to:

- a. Establish the resettlement and compensation principles and implementation arrangements for REDD+;
- b. Describe the legal and institutional framework underlying Ugandan approaches for resettlement, compensation and rehabilitation;
- c. Define the eligibility criteria for identification of Project Affected Persons (PAPs) and entitlements;
- d. Describe the consultation procedures and participatory approaches involving PAPs and other key stakeholders;
- e. Provision of procedures for filing grievances and resolving disputes; and
- f. Development of an outline for the development of Resettlement Action Plans.

1.6 Methodology

In undertaking the formulation of RPF, the following was done:

- a. Review and make adjustment as required of the draft Resettlement Policy Framework.
- b. Review of relevant legal and policy documents particularly those relevant to land acquisition, compensation and grievance handling procedures, best

- practices from other countries, strategies for compensation and institutional arrangement.
- c. Assessment of its relevance to the updated National REDD+ Strategy.
 - d. Input from the taskforce, consultations/discussions with different stakeholders.
 - e. Feedback from the reviewers including the World Bank safeguards specialists.

2 POTENTIAL RESETTLEMENT IMPACTS AND MITIGATIONS

2.1 Potential Scenarios

Circumstances on the ground regarding land needs and resettlement requirements, three different scenarios may be encountered in the course of implementing the REDD+:

- a. The REDD+ projects may not require any land other than be implemented on the already existing household or government land. With the household land, it should entail activities the household is willing to perform. In such cases, documentation of existing land tenure and evidence that there are no outstanding claims to or disputes over the land including status on informal users, if any, will be required before these are approved.
- b. The project component requires land for restoring degraded forests or for establishing commercial forests that will/may require land acquisition (involuntary land acquisition from individuals with freehold title or customary ownership or from communities). In such cases the project proceeds to the preparation of a RAP and subsequently leading to compensation for the land acquired in accordance with the established principles in the RPF as well as distinguishing community based planned activities that will not require compensation.
- c. The local communities, institutions or individuals may donate the land required. In this case, the project will provide proper tools, documentation and procedures for Voluntary Land Contribution (VLC) with signatures of the parties giving land as well as for the Local Councils (LCs) to witness the contribution. It is suggested that the forms/tools or Memorandum of Understanding (MoUs) between community and individuals who offered land for the REDD+ projects be properly documented guided by VLCT Tool in Annex 5.

In Scenario a) above, the fact that there is no land acquisition involved means that procedures required by the Ugandan law do not need to be triggered. In Scenario b), this will require Ugandan procedures and WB requirements, and in Scenario c) will be guided by Ugandan procedures and VLCT that ensures that WB requirements for community-based planned activities are integrated in the process.

2.2 Nature of Impacts

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

Permanent effects - Permanent effects will result into an infinite loss of use of property, vegetation, or land by the affected person as a result of the subproject activities. Table: 1. below indicates categories of losses. This is likely to occur where land is required for designating areas for natural forest regeneration, restoration of degraded protected natural forests (i.e. forest reserves etc.) and establishment of drinking water dams and tanks, large-scale commercial timber plantations, and restoration of natural forests in the landscape. Such effects are anticipated to affect:

- a) Individuals, communities, or private institutions whose land is found suitable for these interventions and which can translate into either loss of livelihood, land, crops, assets, or all;
- b) Resettlement can also lead to the loss of access to communal resources:
 - ✓ Loss of land for grazing;
 - ✓ Loss of access to domestic and construction water;
 - ✓ Loss of medicinal plants; and
 - ✓ Loss of trees for charcoal production and firewood.
- c) Restrictions on land use and access to natural resources that cause a community or groups within a community to lose access to resource usage where they have traditional or customary tenure, or recognizable usage rights. This may include situations where legally designated protected areas, forests, biodiversity areas or buffer zones are established in connection with the project;
- d) (d) Relocation of people without formal, traditional, or recognizable usage rights, who are occupying or utilizing land prior to a project specific cut-off date;
- e) Old land disputes are unsettled dating back to colonial era;
- f) Political interference in local forest management and forestland tenure making difficult to resettle those who are affected.

The above impacts can result in further indirect impacts, including the marginalization of the population concerned, loss of access to resources for marginalized communities such as pastoralists, disturbance to the way of life of affected population, conflicts with host communities, and potential food shortages.

Temporal effects - Temporal effects will result into an interruption in the current use of property or land by the affected person as a result of the sub project

activities. This is likely to occur during the change of land use from its current state to the desired interventions.

Table Error! No text of specified style in document..1: Categories of Losses and their Impacts on Displaced Persons

Loss Category	Impacts
Relocation	Impoverishment, disturbance of production systems, loss of sources of income, loss or weakening of community systems and social networks, loss of access to social amenities such as hospitals and schools, water; dispersion of kin groups, loss of cultural identity and traditional authority, loss or reduction of potential for mutual help, emotional stress.
Loss of land but no relocation	Impoverishment, loss of sources of income and means of livelihood, loss of productive assets or access to assets, increased time to access resources.
Alienation due to neighbors being relocated	Impoverishment, weakening of community systems and social networks, loss of mutual help and community support, loss of traditional authority, loss of identity and cultural survival, emotional stress.
PAPs and host communities	Impoverishment, loss of sources of income, reduced access to resources such as hospitals and schools, water, increased time to access resources, disruption of social fabric, increased crime, increase in diseases such as HIV/AIDS, clash of cultural norms and religious beliefs.

2.3 Minimization of Physical Displacement

Major challenges associated with rural resettlement include: requirements for restoring income based on land or resources; and the need to avoid compromising the social and cultural continuity of affected communities, including those host communities to which displaced populations may be resettled. Provisions are made under this RPF to minimize all such impacts including those of socio-economic significance and on environmentally sensitive sites. Provisions are also made in this RPF to accommodate all potential situations, including cases that entail actual displacement and livelihood restoration assistance in accordance with the World Bank Policy on Involuntary Resettlement, OP4.12. This RPF, for the REDD+ activities, advocates for all measures to eliminate or minimize the impacts of physical and economic displacement of people. Therefore, when the acquisition of land²² is required, the program will:

²² WB- Land acquisition refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; (b) repossession of public land that is used or occupied by individuals or households; and (c) project impacts that result in land being submerged or otherwise rendered unusable or inaccessible. "Land" includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements, and appurtenant water bodies.

- a. Initially endeavor to utilize available freehold or public land;
- b. Seek for available land within the community which was demarcated during the physical planning of the areas such as Town Councils and Refugee Settlement Camps;
- c. Negotiate acquisition of land suitable for implementation of the REDD+ program activities using agreed compensation plans and only as a last resort; and
- d. To the extent possible acquire land through involuntary means following the provisions outlined in this RPF.

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

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

In addition, a Process Framework has been prepared as a separate document to guide REDD+ Programme while implementing its strategies in instances of restricted access to resources.

2.4 Social Economic Assessment

The purpose of the socio-economic assessment is to provide generic baseline data within the project targeted areas, which will act as a basis for social assessment of

the potential affected populations/communities during detailed RAP study. A social impact analysis in the context of involuntary resettlement encompasses: (i) identification of stakeholders and interests; (ii) baseline demographic data collection including the census of population and properties affected; and (iii) identification of socioeconomic incomes levels and cultural production and distribution systems that generate such incomes for both displaced and host population, which is an important part of understanding impacts of land acquisition. Further, affected people often have complex livelihood strategies that combine farming, gathering, livestock rearing, and occasional off-farm employment.²³ Vulnerable parties especially may depend upon access to common property resources such as firewood, fodder, water and natural resources such as honey to support livelihoods.

²³ Reddy *et al*, 2015 at 222.

3 OVERVIEW OF REDD+ PROJECT AREA

3.1 Introduction

The section provides the general overview of the country because the REDD+ program is targeting the whole country with a more in-depth focus on districts comprising the Albertine Rift, Karamoja Region, Mt Elgon Region, Mid-West and Central regions. The emphasis on these regions, regarded as being environmental and/or social hotspots, was based on a number of factors including coverage of forests, hosting to forest dependent communities, being rich in biodiversity, having high human population, vulnerability to natural events, having dynamic changes in land use and land tenure, and having intense human activities that may cause deforestation and forest degradation. Nonetheless the implementation of most of the identified strategic options such as: Climate Smart Agriculture; Sustainable fuel wood and Commercial Charcoal Production; Large Scale Commercial Timber Plantations; Restoration of Natural Forests; Energy Efficient Cooking Stoves; Integrated Wildfire Management and Livestock Rearing in the Cattle Corridor are interventions best suitable for the whole country.

3.2 Location

Uganda is located in East Africa and lies across the equator, about 800 kilometers inland from the Indian Ocean. It lies between 10 29' South and 40 12' North latitude, 290 34 East and 350 0' East longitude. The country is landlocked, bordered by Kenya in the East; South Sudan in the North; Democratic Republic of Congo in the West; Uganda in the South; and Rwanda in South West. It has a total area of 241,551 square kilometers, of which the land area covers 200,523 square kilometers. About 15.3% of its land area is covered by water. Uganda contains and shares some of the world's most important eco-systems with its neighbors and beyond and notably Lakes Victoria, Albert, Edward, the Nile Basin, its mountain systems such as the Rwenzori, Elgon and Virunga series as well as several parks. It has a crucial role to play in the conservation of biodiversity in the sub-region and the world at large.

3.3 Administration

The country is divided into 127 Districts and one City, Kampala, which is also the country's Capital hosting most of the Government Offices. The number of districts is likely to rise to 133 in the next financial year after the implementation of additional 6 districts already approved by parliament. The districts can loosely be classified into four broad regions (Northern, Central, Eastern and Western). The

Local Government Act provides for the system of local governments. Administratively, Uganda is divided into five levels of Local Governments (see Table 2 below) whereby each level has statutory functions with respect to participatory development planning.

The districts are further subdivided into Counties, which in turn are divided into sub-counties/towns followed by parishes and villages. Currently there are over 30 Municipal Councils/City Division Councils, which are subdivided into Municipal Divisions, followed by parishes and villages. Kampala Capital City Authority (KCCA), formerly Kampala City Council (KCC) is no longer a City Council/district but a Division of the Central Government which is sub-divided into 5 Municipal Divisions.

Table Error! No text of specified style in document.:2: The Five Levels of Local Administrative Units in Uganda

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

The District Councils, Municipal Councils, Sub-county Councils, Municipal Division Councils and Town Councils are the Higher Local Governments. The Parish Councils and Village Councils are administrative units are also known as the Lower Local Governments.

The role of these local governments is to implement and monitor government programmes at the respective levels. Overtime, the administrative units have been sub-divided with the aim of easing administration and improving the delivery of services. Figure: 1 below shows the Districts of Uganda as of 2016 before the addition of 12 new districts.

economic activities. This mosaic provides Uganda with a rich cultural base and opportunities for modernization. However, there are also challenges the people of Uganda face, among others are: (i) rapid population growth and the ensuing pressures on the country’s natural capital; (ii) inadequate provision of, and demand for, social services and infrastructure; (iii) poor environmental conditions and increasing influx of refugees from the neighboring countries.

3.5 Ethnicity of Ugandans

Ugandans are classified by ethnic²⁴ groups as listed in the Constitution of the Republic of Uganda. The Baganda are the majority accounting for close to 17 percent of the population followed by the Banyankole with about 10 percent as shown in Table: 3.

Table Error! No text of specified style in document..3: Percentage Distribution of the Population by Ethnicity, 2014

Ethnic Group	Number (Millions)	Percentage
Baganda	5.56	16.5
Banyakore	3.22	9.6
Basoga	2.96	8.8
Bakiga	2.39	7.1
Iteso	2.36	7.0
Langi	2.13	6.3
Bagisu	1.65	4.9
Acholi	1.47	4.4
Lugbara	1.10	3.3
Other Ethnic Groups	10.80	32.1
Total	33.6	100

Source: Population Census, UBOS 2014

3.6 Culture

Uganda has a diverse culture. It encompasses religion, tribe, traditions and beliefs, value systems and language among others. Uganda’s population is made up of different ethnic groups with unique customs and norms. These play a major role in shaping the behavior and ways of life of the people in the country. Lately, some of the traditional values have changed due to the integration of the people as a result of migration and/or intermarriages. Some cultural groupings are headed by traditional kings or chiefs, and are not politically elected but have an indirect role in community governance and moral build up.

²⁴ Ethnicity is the state of belonging to a social group with common culture, tradition, ancestry, language and history

Language is one of the uniting factors in any society. In Uganda, while English is the official language, there are a number of other languages spoken. However, Swahili is being promoted in the spirit of regional integration within the East African Community (EAC). Uganda's constitution allows freedom of worship. There are various religious groupings in the country.

Cultural Practices-Cultural practices such as land inheritance where people believe that since their ancestors used to own and farm the same land therefore government has no authority to regulate any activity on that land. Continued use of traditional methods and tools of land cultivation maintains people in subsistence way of farming leading to low uptake of new interventions. Some communities have a strong believe that they should be buried among their ancestors making it difficult to resettle them away from the fragile ecosystems.

3.7 Population Dynamics

3.7.1 Population Size

The total population of Uganda was 34.6 million persons in 2014; this represents an increase of 10.4 million persons from the 2002 census. In Uganda, the 20th century marked an unprecedented population growth and economic development as well as environmental change. The Census report of 2002 put the country's population at 24.7 million people in 2003. The current growth rate of 3.4% per year is higher than the 2.9% that was envisaged for the period 1991 – 2002. Currently standing at 34 million, population of Uganda is likely to hit 50 million by 2025. Population is a key determinant of economic and social wellbeing and environmental degradation.

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

3.7.2 Population Pressure

Population pressure due to high fertility levels in rural areas has been exacerbated by high poverty levels has pushed communities living near catchment areas to encroach areas along the available natural resources. This has led to forest degradation, encroachment of protected areas such as game parks and reserves, wetlands and swamps, riverbanks and highlands in search of more land for cultivation. Secondly, communities in search for alternative livelihood sources have invaded natural resources in activities like sand mining along the river banks, indiscriminate tree cutting for brick baking, charcoal and fuel wood. Other activities include operation of washing bays inside and along rivers, direct utilization of rivers for domestic activities like washing, bathing and water for domestic use. However, these activities are far from being regulated or controlled due to weak implementation of laws that has been worsened by political interference.

3.8 Economic Activity

Activity refers to work people do to enhance their quality of life. This involves production of goods and services for sale or own consumption. During the 2014 Census, information was collected on economic activity for persons aged 10 years and above. Information on economic activity was classified into two broad categories, working and non-working population. The population that is not working combines two other categories of activity status (the unemployed and the economically inactive population). The non-working population could not be split into the unemployed and the inactive because a population census is not suitable to provide for the split. Seventy-one percent of the population aged 10 years and above was working in 2014 compared to the corresponding proportion of the official working age population (14-64 years), which was 78 percent. The share of the working population increased up to 59 years and then reduced with increasing age. The proportion of males that were working (74 percent) was higher than females (68 percent).

3.9 Occupation of the Working Population

According to the 2014 Census report, occupation refers to the kind of work an individual does irrespective of the qualification or place of work. Information on occupation was collected for the working population. Nearly two thirds (64 percent) of the working population in Uganda is engaged in subsistence agriculture. Professionals accounted for less than one percent while Technicians and associate professional workers were less than 2 percent of the working population. Paid employees as well as other forms of work were mainly in the

subsistence agriculture sector (above 50 percent). However, among the urban working population and employers, the distribution was different. Among the working population aged 14 years, about 14 percent were domestic helpers with a higher percentage for females. Motorcycle taxis (*Boda boda* riders) are a growing occupation in the country accounting for 1.5 percent of the working population.

3.10 Land Tenure Systems

The main land tenure system in the country is customary, where land is owned communally and this land is passed on to the next generation through sub divisions among the sons leading to land fragmentation. This practice is largely responsible for subsistence farming and hence low output resulting into maintaining people in a vicious circle of poverty. This kind of system has kept communities clinging onto land as main source of livelihood. This has led to land degradation, soil erosion, and digging up to riverbanks.

In central Uganda, the most prevalent system of land tenure is *Mailo*. In this system, colonialists gave land to notables and elites in the early 1900s. The individuals receiving this land often lacked the means to till the area so they began settling tenants. In 1928, these tenants received eviction protection so that they could not be forcibly removed from the land with no compensation. Only *Mailo* owners have the opportunity to acquire titles to the land, but the tenants have strong rights to the land as well. Some *Mailo* farmers exist today, but the majority of individuals occupying the land are tenants. Recently, there have been evictions of tenants, which is likely to interfere with individual decisions to invest in tree growing. Related to this is a certain level of discrimination against women in accessing land. For example, traditionally women do not inherit their parents' land.

3.11 Livelihoods

As a result of limited land for cultivation, communities have been forced to look for other means of survival. These include: tree cutting for charcoal burning and fuel wood, brick making along the rivers, sand and stone minding at river bed, establishment of car washing bays in and along the river banks. All these activities are detrimental to catchment conservation.

3.12 Education

Educational attainment is an important indicator of the society's stock of human capital and level of socioeconomic development and refers to the highest level of education that an individual has completed. During the census, household

members were asked to report on their highest level of class/grade completed for those in and out of school.

Fifty-eight percent of the population aged 6 years and above have attained primary education. There is almost balance between girls and boys who have completed primary education indicating that gender parity has been achieved at this level. The share of girls who had completed the Advanced level of education is lower than the share of boys. The proportion of the population with tertiary education increased from three percent in 2002 to 4.3 percent in 2014.

Uganda's education system follows a four – tier system. The first tier comprises of seven (7) years of primary education, followed by four (4) years of Ordinary Level secondary education, two (2) years of Advanced Level secondary education and the final tier is three (3) to five (5) years of Tertiary education. Each level is nationally examined and certificates awarded.

The Government introduced Universal Primary Education (UPE) in 1997 to offer free education at the primary level and later in 2007; Universal Secondary Education (USE) was introduced. Both public and private institutions offer university and Tertiary education. There also exists informal education in Uganda that aims to serve those persons who did not receive or only partially received formal education. Under the informal system, a range of practical/hands-on skills is imparted. The informal system includes Functional Adult Literacy (FAL) programme in Ministry of Gender, Labour and Social Development and Adult Basic Education for Karamoja (ABEK) among others.

3.13 State of the Environment in Uganda

The environmental and natural resources are under threat from both natural and man-made drivers of change including poverty, rapid population growth, unplanned urbanization, and expansion of informal settlements, industrialization, and the impacts of climate change. Fragile ecosystems include among others hilly and mountainous areas and riverbanks, facing encroachment and degradation.

Generally, it is estimated that 4% - 12% of GNP is lost from environmental degradation 85% of this from soil erosion, nutrient loss and changes in crops. The worst affected areas include highland areas in the southwest and some dry land Districts. There has been relatively little national scale analysis of the cost of land degradation to the national economy, but the extent of the problem is

documented in detailed studies of land use change, which show declining fertility, particularly on fields away from the homestead²⁵.

3.13.1 Water Resources

The decline in water resource is affecting the availability of water for production, hydroelectricity power generation and human consumption. The major threats to water for production are (*MoWE, 2014*):

- a. Weak policy, legal and regulatory framework in the use of water resources;
- b. Deterioration in water quality due to increased pollution loading from urban centres, industries and agriculture fields into water catchment areas;
- c. Declining water levels in all water bodies due to increased abstraction and high evaporation rates;
- d. Dried up wells and boreholes;
- e. Wetland degradation resulting in higher cost of production of water for human consumption;
- f. Siltation of lakes and rivers due to soil erosion, landslides and floods;
- g. Alien invasive species like water hyacinth and the congress colonizing water bodies;
- h. Rapidly rising water demand that cannot be easily satisfied by the existing supply infrastructure.

3.13.2 Forests

Uganda's forest coverage has faced a decline at a very fast rate during the last decade. Preliminary results of an analysis using 2010 and 2015 spatial data show that forest cover is at between 10 and 11 percent. This represents a decline of 14% from the previous analysis of forest cover of 24% in 1990. This has been mainly due to deforestation, forest degradation, change of land use to agriculture and settlements due to population and development pressures and increasing demand for forest products. Forest coverage has decreased also due to weak management policies and enforcement of laws, and because over 90 percent of total energy resources used in the country are derived from fuel wood (*NEMA, 2017*).

Lately, the Government has intensified efforts to introduce fuel saving gadgets have been intensified at District and village levels (*NEMA, 2017*). The sector has taken steps to reverse this trend such e.g. FIEFOC-1 where 30,000 ha have been planted and established (*MoWE, 2018*).

²⁵ *Land Degradation in Uganda, its extent and impact, J. Olson, L. Berry, WB, undated*

3.13.3 Wetlands

In Uganda, roughly about 360 km of critical wetlands boundaries have been demarcated. Restoration of degraded sections is on-going with the involvement of communities and Local Governments through community based wetland management plans (*MoWE, 2018*). However, there is still a trend that wetlands are being opened up for settlement and farming specially to increase cultivated land area.

3.13.4 Environmental Challenges / Issues

Several environmental challenges were noted and are generally associated with the steep terrain and poor farming methods in the high and mid altitude zones. The following environmental issues listed below have been discussed further in the Strategic Environmental and Social Assessment Report which is presented as a separate document.

Challenges on private land

- a. *High population density*- is at 801 people per square kilometer is one of the biggest threats to the environment. This population density has accelerated other environmental challenges such as increased pressure on land resulting in high levels of deforestation, soil erosion, floods and landslides among others.
- b. *Landslides* arising from the fragile ecosystems in the mid and upper altitude areas which occur often destroying property including homesteads and lives.
- c. *Deforestation* attributed to over harvesting of poles in the woodlands for charcoal, firewood and general land clearing for agricultural expansion.
- d. *Soil erosion* due to poor farming methods in the mid and high-altitude areas resulting in nutrient depletion and sedimentation of rivers.
- e. *Floods*. Poor farming methods in the upper slopes result in siltation of rivers causing flash floods in upper slopes and floods in the lower plains.

Challenges associated with Mt Elgon National Park

- a. The long outstanding *land conflict* with the surrounding community especially the Benet and other indigenous communities has continued to deteriorate the integrity of the park and threatens its future survival.

- b. *Illegal activities* such as emerging encroachment cases, poaching, tree cutting and grazing continue to threaten the integrity of the park.
- c. *Insecurity* which is purportedly sparked off by communities from the neighbouring Kenya may affect tourism activities and complicate management activities in the Park.

4 LEGAL, POLICY AND INTERNATIONAL FRAMEWORKS

4.1 Uganda's Legal Framework

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

- a. The Constitution of Uganda (1995);
- b. The Land Act (1998);
- c. The Land Acquisition Act (1965);
- d. The Physical Planning Act, 2010; and
- e. The Local Governments Act (1992).

While all matters relating to land acquisition, compensation and resettlement are managed within the provisions of the above legislations, the most decisive document in this regard is the Land Act of 1998, as amended.

4.1.1 *The Uganda Constitution (1995)*

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

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

4.1.2 The Land Act (1998)

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

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

Customary Tenure - Is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies. That is customary tenure is not governed by written law. Landowners do not have deeds recognizing their ownership rights and land is run according to rules and practices generally accepted as legitimate and binding by a particular community. Customary laws vary according to regions but most systems are based on the same general principles. Ownership rights are recognized by the community through inheritance, purchase, or by settling on a plot of land, which was previously, vacant.

Under Ugandan customary legal systems, particularly in northern and eastern Uganda, the clan usually communally owns land but it can also be owned individually. Rights and responsibilities that derive from communal ownership are shared among various members of the clan according to traditional practices. Usually, the head of the clan or family, the "custodian", has the responsibility to look after each member's land rights and to allocate land fairly to all. Under this system, disputes are heard and settled by clan elders. It is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies. It is applicable to any person acquiring land in that area in accordance with those rules; it provides for communal ownership and use of land; and parcels of land may be recognised as subdivisions belonging to a person, a family or a

traditional institution. Most indigenous marginalized people own land under this kind of customary tenure system.

Leasehold Tenure - Is created either by contract or by operation of the law and is a form under which the landlord or lessor grants the tenant or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenant has security of tenure and a proprietary interest in the land. The terms and conditions may be regulated by law to the exclusion of any contractual agreement reached between the parties. The landlord and the tenant may, subject to the terms and conditions of the lease and having due regard for the interests of the other party, exercise such powers of a freehold owner that are appropriate and possible given the specific nature of leasehold tenure.

Freehold Tenure - Derives its legality from the Constitution and its incidents from the written law. Involves the holding of the registered land in perpetuity or a term fixed by a condition and also enables the holder to exercise, subject to the law, full powers of ownership of land, to exercise including but not necessarily limited to:

- a. Using and developing the land for any lawful purpose;
- b. Taking and using any and all production from the land;
- c. Entering into any transaction in connection with the land, including but not limited to selling, leasing, and mortgaging or pledging or subdividing creating rights and interests for other people in the land and creating trusts of the land.
- d. Disposing the land to any person by will.

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

As indicated above, land ownership and use under the Land Act, 1998 are not unlimited. Section 43 of the Land Act, 1998 gives both the Central Government and the Local Governments sufficient powers to compulsorily acquire land (**subject to compensation**) for public purposes.

Section 42 of the Land Act provides that the Government or a local government may acquire land in accordance with articles 26 and 237(2) of the Constitution.

Section 77 provides guidance on the minimum requirements of computation of compensation which include: in the case of a customary owner, the value of land shall be the open market value of the unimproved land; the value of the buildings on the land, which shall be taken at open market value for urban areas and depreciated replacement cost for the rural areas; the value of standing crops on the land, excluding annual crops which could be harvested during the period of notice given to the tenant; in addition to compensation assessed under this section, there shall be paid as a disturbance allowance 15 percent or, if less than a six-month notice to give up vacant possession is given, 30 percent of any sum assessed; the rates set out in the list of rates of compensation determined by district land board shall be used in determining the amount of compensation payable.

4.1.3 Land Acquisition Act (1965)

The Act lays down the provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. Section 2 (1) of the Act provides that the Minister responsible for land is empowered to acquire any land if s/he is satisfied that the land is required for "Public Purpose". The Minister may authorize any person to enter upon the land and survey the land, dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose. The Act also makes provision for payment of compensation by the GoU to any person whose interest in land is extinguished as a result and that any person aggrieved by the Minister's decision or by the compensation paid may appeal to the High Court.

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

4.1.4 The Physical Planning Act (2010)

The Physical Planning Act, 2010 (the "new Act") which commenced in April 2011 revokes the 1964 Town and Country Planning Act (Cap 246) (the "old Act") and brings with it significant changes that are of particular importance to real estate

developers. Under the old Act, the obligation to obtain development permission in order to develop structures for land use was restricted to developments in urban areas. The new Act makes it mandatory for a person carrying out a development within a planning area to obtain development permission from a physical planning committee at the district, urban and local levels. The new Act regulates control of developments, approval of physical development plans and applications for development permission. The physical planning committees established under the "new Act" are tasked with preparing physical development plans, recommending plans for change of land use and approving development applications relating to housing estates, industrial locations, schools, petrol stations, dumping sites and sewerage works.

4.1.4.1 *Obtaining development permission*

Under the new Act, an application for development permission is made to the relevant LG, which forwards the application to the relevant physical planning committee. The new Act sets up planning committees at local levels to consider special development needs in these areas. The physical planning committee is required to notify the applicant of its decision within thirty (30) days and attach this notice to the development permission granted. A physical planning committee may, if it thinks expedient, by notice of deferment served on the applicant, defer consideration of the application for development permission for a given period and for reasons specified in the deferment notice. When considering a development application, the physical planning committee is required to take into consideration the regard for the health, amenities and conveniences of the community generally and the proper planning and density of development and land use in the area.

4.1.4.2 *Ensuring compliance*

In the absence of development permission, the new Act requires demolition of the structure and restoration of the land on which the development is made, as much as possible to its original condition. The new Act also prohibits the registrar of documents from recording a document relating to the development of land under the Registration of Documents Act, unless development permission, in respect of the development, has been granted. The new Act further provides for the establishment of a National Physical Planning Board to advise the government on all matters relating to physical planning.

The functions of the Board include:

- a. Hearing and determining appeals lodged by persons or LGs aggrieved by the decision of any physical planning committee;
- b. Determining and resolving physical planning matters referred to it by physical planning committees;
- c. Advising the government on broad physical planning policies, planning standards and the viability of any proposed subdivision of urban or agricultural land;
- d. Approving regional, urban or district physical development plans, recommending to the minister national plans for approval and monitoring implementation of the plans;
- e. Advising the minister responsible for local government on the declaration of town councils, town boards or upgrading of urban authorities;
- f. Formulating draft planning policies, standards, guidelines and manuals for consideration by the minister;
- g. Exercising general supervisory powers over all lower planning committees such that they can seek guidance, set standards and take control and;
- h. Foster co-ordination of physical planning related to interdisciplinary activities in the country in order to promote orderly and sustainable development of human settlements in rural and urban areas.

4.1.5 The Local Governments Act (1997)

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

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

4.2 Uganda's National Policy Framework

4.2.1 The Uganda National Land Policy, 2013

The Uganda National Land Policy addresses historical and contemporary land governance issues including land conflicts and land evictions. It observes that ethnic minorities have had historical injustices related to land due to failure to acknowledge their rights as the users and custodians of natural habitats by conservation interventions. The Policy in policy statement 57 commits Government to providing redress to historical and existing land rights injustice that ethnic minorities experience. Policy statement 57 (a) *inter alia* states that '*Government shall, in the use and management of natural resources, recognize and protect the rights to ancestral land of ethnic minority groups. (b) Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by any Government action.*' To redress the rights of ethnic minorities in natural habitats, the policy suggests the following strategies:

- a. Recognizing land tenure rights of minorities in ancestral lands;
- b. Documenting and protecting such de facto occupation rights against illegal eviction or displacement;
- c. Considering land swapping or resettlement or compensation in the event of expropriation of ancestral land of minorities for preservation or conservation purposes; and
- d. Setting terms and conditions for displacement of minorities from ancestral lands in the interest of conservation or natural resource extraction.

4.2.2 The Uganda Culture Policy, 2006

The Uganda culture policy prioritizes protection of the cultures of indigenous minorities. The policy acknowledges that they have unique cultures that are threatened with extinction by internal and external influences and therefore deliberate interventions are needed to provide redress. The policy suggests establishing an inventory of indigenous minorities and mechanisms to recognise and support them.

4.2.3 The Uganda Wildlife Policy, 2014

One of the guiding principles of the Uganda wildlife policy is promotion of the interests of local communities around conservation areas. The policy commits the Government in putting in place efforts to ensure peace, stability and harmonious co-existence between wildlife and people including among others, equitable revenue sharing, regulated resource access and involvement in management in line with the Constitution and any relevant laws passed by the Parliament from time to time.

4.2.4 The Uganda Forestry Policy, 2001

The Uganda Forestry Policy recognises developing partnerships or management agreements with local communities that improve forest management and alleviate poverty as one of the key issues. The policy acknowledges that local communities often comprise of poor and marginalised groups, yet they depend on forest resources for their livelihoods. The policy mentions that these groups do not have channels, which they can communicate their plight through so that redress mechanisms are put in place. In order to address this, the Policy suggests ensuring that improvement of livelihoods is the major goal in all strategies and actions for the development of the forest sector in the guiding principles.

4.2.5 The Draft Land Acquisition, Resettlement and Rehabilitation Policy, 2017

The purpose of the Draft Land Acquisition, Resettlement and Rehabilitation Policy (2017) is to ensure that people, who are impacted by any kind of development intervention, conservation, disaster and conflict, are treated in a fair and equitable way, and are not impoverished in the process. The goal of the policy is to ensure that all social, economic, and other impacts that result from land acquisition and resettlement are properly identified and mitigated by balancing the interests of national development and related land needs vis-à-vis the rights of affected people.

The Draft policy provides principles, legal and institutional frameworks that the relevant authorities should adopt in order to govern land acquisition and involuntary resettlement planning and implementation in Uganda. Recognizing informal rights on land, assistance to vulnerable people such as the landless people, those ones living below the poverty line, female and child-headed households, ethnic minorities, indigenous people, aged people, and by ensuring gender equality is provided as specific objectives of the Policy.

4.3 International policy and legal regime governing protection of indigenous marginalized groups

4.3.1 The International Covenant on Economic, Social and Cultural Rights (ICESCR)

The International Covenant on Economic, Social and Cultural Rights is a multi-lateral agreement that entered into force on 3rd January 1976. Parties to this agreement are expected to work towards granting economic, social and cultural rights to their citizens.

Article 11 of the covenant guarantees a person's right to social security, adequate standard of living and family life. Adequate standards of living include adequate food, clothing and housing, and to the continuous improvement of living conditions. The Parties are expected to take appropriate steps to ensure realization of this right. Uganda ratified the covenant on 21st January 1987.

4.3.2 The Universal Declaration of Human Rights

The declaration was adopted by the United Nations General Assembly on 10th December 1948 as a global expression of what human beings are inherently entitled to. Article 1 guarantees that all human beings are born free and equal in dignity and rights.

The declaration in Article 6 and 7 provides for ensuring that everyone has the right to recognition everywhere as a person before the law and equal before the law and are entitled without any discrimination to equal protection of the law. Article 17 further provides for security of property and declares that no one shall be deprived of his/her property. Uganda was not part of the United Nations at the time the Declaration was signed. Considering that the provisions of the Declaration are internationally recognized they have become part of international customary law even for countries that did not sign it.

4.3.3 United Nations Declaration on the Rights of Indigenous Peoples

The United Nations Declaration on the Rights of Indigenous Peoples was signed to prohibit discrimination against indigenous peoples and to promote their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development. Article 8 (2) of the Declaration provides that states shall provide effective

mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration. Uganda signed the Declaration on 13th September 2007.

The Declaration also provides for protection of indigenous people's land. Article 10 states *inter alia* Indigenous peoples shall not be forcibly removed from their lands or territories and No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return. The right to redress when their land rights are violated is provided for in Article 28 (1) of the Declaration. The means of redress can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. The Declaration states that compensation should take the form of lands, territories and resources.

4.3.4 The ILO Convention on Indigenous and Tribal Peoples, 1989 (No.169)

Article 2 of the Convention provides that Governments shall have the responsibility for developing, with the participation of the peoples concerned, co-ordinated and systematic action to protect the rights of indigenous peoples and to guarantee respect for their integrity. The convention suggests the following measure to put Article 2 into action: (a) ensuring that members of these peoples benefit on an equal footing from the rights and opportunities which national laws and regulations, grant to other members of the population; (b) promoting the full realisation of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions; (c) assisting the members of the peoples concerned to eliminate, socio-economic gaps that may exist between indigenous and other members of the national community, in a manner compatible with their aspirations and ways of life.

Article 4 states that special measures shall be adopted as appropriate for safeguarding the persons, institutions, property, labour, cultures and environment of the peoples concerned.

Article 6 of the Convention provides for consultation using appropriate procedures mainly through the representative institutions of indigenous people whenever consideration is being given to legislative or administrative measures which may affect them directly. Governments are also expected to establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them.

Consultations are expected to be taken in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.

Article 12 provides for safeguarding against the abuse of the rights of indigenous people and gives them authority to take legal proceedings, either individually or through their representative bodies, for the effective protection of these rights. Article 14 provides for the recognition of the rights of ownership and possession of the peoples concerned over the lands, which they traditionally occupy. The rights of the peoples concerned to the natural resources pertaining to their lands are safeguarded in Article 15. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

Article 16 states that where the relocation of indigenous peoples is considered necessary as an exceptional measure, such relocation shall take place only with their free and informed consent. Where their consent cannot be obtained, such relocation shall take place only following appropriate procedures established by national laws and regulations, including public inquiries where appropriate, which provide the opportunity for effective representation of the peoples concerned.

It further states that whenever possible, these peoples shall have the right to return to their traditional lands, as soon as the grounds for relocation cease to exist. In the event that such return is not possible, as determined by agreement or, in the absence of such agreement, through appropriate procedures, these peoples shall be provided in all possible cases with lands of quality and legal status at least equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development.

Where the peoples concerned express a preference for compensation in money or in kind, they shall be so compensated under appropriate guarantees. The persons thus relocated shall be fully compensated for any resulting loss or injury. Uganda has not ratified this convention yet.

4.3.5 The World Bank's Indigenous Peoples Policy

The revised World Bank indigenous people's policy²⁶ recognises that indigenous peoples are linked to the lands they live and natural resources on which they depend. They are closely tied to land, forests, water, wildlife, and other natural resources, and therefore special considerations apply if the interventions affect such ties.

The policy observes that they are frequently among the most marginalized and vulnerable segments of the population because their identities are often distinct from dominant groups in their national societies. The World Bank requires borrowers for all interventions that may affect indigenous peoples to engage in a process of free, prior, and informed consultation. Intervention financing by the WB is only where free, prior, and informed consultation results in broad community support to the intervention by the affected indigenous peoples.

The WB requires carrying out of social assessment by qualified people in situations where the intervention may affect indigenous peoples. The borrower is expected to prepare an Indigenous Peoples Plan which sets out the measures through which the borrower will ensure that (a) Indigenous Peoples affected by the intervention receive culturally appropriate social and economic benefits; and (b) when potential adverse effects on Indigenous Peoples are identified, those adverse effects are avoided, minimized, mitigated, or compensated for. The Indigenous Peoples Plan should be prepared in a flexible and pragmatic approach.

The Borrower is required to make the Social Assessment Report available to affected Indigenous Peoples in in an appropriate form, manner, and language. The borrower is expected when carrying out Social Assessment to pay particular attention to the following issues: (a) the customary rights of the indigenous peoples, both individual and collective, pertaining to lands or territories that they traditionally owned, or customarily used or occupied, and where access to natural resources is vital to the sustainability of their cultures and livelihoods; (b) the need to protect such lands and resources against illegal intrusion or encroachment; (c) the cultural and spiritual values that the indigenous peoples attribute to such lands and resources; and (d) indigenous peoples' natural resources management practices and the long-term sustainability of such practices.

²⁶World Bank's Indigenous Peoples Policy (OP) 4.10

4.3.6. The World Bank's Process Framework

According to OP 4.12, 'A process framework is prepared when Bank-supported projects may cause restrictions in access to natural resources in legally designated parks and protected areas. The purpose of the process framework is to establish a process by which members of potentially affected communities participate in design of project components, determination of measures necessary to achieve resettlement policy objectives, and implementation and monitoring of relevant project activities (see 'OP 4.12, paras. 7 and 31).''

4.4 International Best Practices On Resettlement

4.4.1 The World Bank Resettlement Policy

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

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

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

- a. relocation or loss of shelter;
- b. loss of assets or access to assets; or
- c. loss of income sources or means of livelihood, whether or not the affected persons must move to another location

4.4.2 Procedures for Resettlement According to World Bank's OP 4.12

Operational Policy 4.12 of the World Bank applies all economically and /or physically affected persons, regardless of the number of people affected, the severity of impact and the legality of land holding. The policy further requires particular attention to be given to the needs of vulnerable groups especially the landless, the elderly, women and children, people with disabilities, indigenous groups, ethnic minorities and other disadvantaged persons in the project areas.

The Policy requires that a RAP shall be prepared and cleared by the World Bank prior to implementing resettlement activities. The World Bank also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. Specifically, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP to be prepared.

The World Bank resettlement policy promotes the following principles on involuntary resettlement:

- a. Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative intervention designs;
- b. Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the intervention to share in intervention benefits;
- c. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs;
- d. Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms,

- to pre-displacement levels or to levels prevailing prior to the beginning of intervention implementation, whichever is higher;
- e. Resettlement strategies of indigenous peoples with traditional land-based modes of production should be land-based and compatible with their cultural preferences and should be prepared in consultation with them.

4.4.3 The African Development Bank Involuntary Resettlement Policy, 2003

The primary goal of the African Development Bank Involuntary Resettlement Policy is to ensure that when people must be displaced, they are treated equitably and have share in the benefits of the intervention that involves their resettlement.

The policy objectives include:

- a. Ensuring that disruption of the livelihood of people in the intervention's area is minimized;
- b. Ensuring that the displaced persons receive resettlement assistance to improve their living standards;
- c. Setting up a mechanism for monitoring the performance of the resettlement programs.

Principles in the African Development Bank Involuntary Resettlement Policy are as following:

- a. Compensation at the full replacement cost for loss of lands and other assets should be paid prior to interventions implementation with the view to improve the former living standards, income earning capacity and production levels of the affected population. The needs of disadvantaged groups such as landless, female headed households, children, elderly, minority ethnic, religious and linguistic groups should be prioritized;
- b. The full costs of resettlement activities necessary to achieve the objectives of the intervention should be included in the total costs of the intervention;
- c. Economic and social considerations should be taken into account in determining the requirements for compensation;
- d. Displaced persons who have no recognizable legal right or claim to the land they are occupying in the intervention area will be entitled to resettlement assistance in lieu of compensation for land;
- e. At the bare minimum land, housing and infrastructure should be provided to the adversely affected population which may include indigenous groups,

ethnic, religious and linguistic minorities, and pastoralists who may have usufruct rights to the land or other resources taken for the intervention

4.4.3 Comparison of Uganda Laws and World Bank OP 4.12 Regarding Resettlement

Whereas the law relating to land administration in Uganda is wide and varied, entitlements for payment of compensation are essentially based on the right of ownership. The World Bank Policy on resettlement recognizes the need to mitigate the effects of involuntary resettlement based on an appreciation of the detrimental effects of involuntary resettlement. In comparison to Ugandan law that defines rights to land ownership and ownership of property *per se*, the policy goes further to highlight the important relationship between property rights, human settlement and the need to maintain people's source of livelihood. It compliments existing law in Uganda related to property rights and land ownership by recognizing the socio-economic value this presents to persons affected. Detailed comparison in Table: 4 below.

By requiring that compensation and resettlement be planned through a participatory process that is geared towards satisfying PAPs, the policy adds more value to the National aspirations enshrined in the Constitution in attempting to achieve the realization of the rights and dignity of citizens. The principles of supporting affected persons achieve a livelihood that is either equal to or better than that before resettlement provides a development perspective to land and property rights. The higher of the two standards will be followed in this policy framework, since that procedure also satisfies the requirements of the lesser standard.

It is important to note that the current National Land Policy is an attempt to consolidate a number of scattered policies, which addressed various aspects of the land question, but were diverse, sectoral and inconclusive in many respects. Uganda has never had a clearly defined and/or consolidated policy on land since the advent of colonialism. Post-independence and recent attempts to settle the land question by the Land Reform Decree 1975, the 1995 Constitution, and the Land Act, 1998 failed to deal with the fundamental issues in land tenure due to an absence of clear policy principles to inform the enactment of legislation that offers politically and socially acceptable and technically feasible solutions. The key policy issues touch on (1) historical injustices and colonial legacies, (2) contemporary issues, mainly arising from such legacies and; (3) land use and management issues. This has assisted the initiation of a process to formulate a national land acquisition and resettlement policy.

Table Error! No text of specified style in document..4: Comparison between Uganda Laws and World Bank OP 4.12 on Resettlement and Compensation and Proposed Mitigation Measures

Category of PAPs and Type of Lost Assets	Ugandan Laws	World Bank OP4.12	Mitigation measures
Land Owners	Cash compensation based upon market value under the statute. Land for Land	Recommends land-for-land compensation. Other compensation is at replacement cost	N/A preference for land for land compensation and replacement cost when not feasible.
Land Tenants/Squatters	Entitled to compensation based on the amount of rights they hold upon land under relevant laws. Illegal tenants are not entitled to compensation	PAPS are entitled to some form of compensation whatever the legal/illegal recognition of their occupancy.	<ul style="list-style-type: none"> Design REDD+ to avoid resettlement or minimize displacement of people e.g. siting and routing of Project activities will try to avoid land held by illegal tenants. Dialogue with policy makers will be initiated to explore the possibility of giving compensation to illegal tenants, since it's not a legality in the constitution of Uganda negotiations with the affected parties would be an appropriate position.
Land Users/Licensees	In some cases, land users have some form of secured tenure extended to them under new laws. In other cases, land users are not entitled to compensation for land. Entitled to compensation for crops and any other economic assets. Land for Land	Entitled to compensation for crops, may be entitled to replacement land and income will be restored to at least pre-REDD+-Project levels	<ul style="list-style-type: none"> Design REDD+ to avoid resettlement or minimize displacement of people e.g. siting and routing of Program activities will try to avoid land held by illegal tenants. The program will have a strategy for enabling the PAPs restore their incomes to at least pre-REDD+ levels Dialogue with policy makers will be initiated to explore the possibility of giving compensation to all illegal tenants, since it's not a legality in the constitution of Uganda negotiations with the affected parties would be an appropriate position.
Owners of Temporary Buildings	Cash compensation based on market value or entitled to new housing on authorized land under government (state or local) housing programs	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	<ul style="list-style-type: none"> Dialogue with policy makers will be initiated to explore the possibility of including labor and relocation expenses prior to displacement, since it's not a legality in the constitution of Uganda negotiations with the affected parties would be an appropriate position.
Owners of Permanent buildings	Cash Compensation is based on market value.	Entitled to in-kind compensation or cash compensation at full replacement cost including labour and relocation expenses, prior to displacement.	<ul style="list-style-type: none"> Dialogue with policy makers will be initiated to explore the possibility of including labor and relocation expenses prior to displacement , since it's not a legality in the constitution of Uganda negotiations with the affected parties would be an appropriate position.
Perennial Crops	Cash compensation based upon rates calculated as an average net agricultural income.	As per specifications of this RPF, once approved by the Bank and disclosed at the Bank info shop	N/A

Category of PAPs and Type of Lost Assets	Ugandan Laws	World Bank OP4.12	Mitigation measures
Timing of Compensation Payments	<p>The land immediately becomes vested in the Land Commission once the assessment office takes possession (Land Acquisition Act)</p> <p>Compulsory acquisition must comply with the provisions of the Uganda Constitution (Land Act)</p>	<p>Recommends resettlement of all entitlements before displacement or restriction of access and the implementation of all RAPs as appropriate before project completion. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of action (RAP).</p>	<p>The REDD+ - Project will pay the PAPs promptly, adequately and fairly as per the Ugandan law.</p>
Calculation of Compensation and Valuation	<p>The value of customary land shall be the open market value of the unimproved land. And the Value of the buildings shall be at open market value for urban areas and depreciated replacement cost for rural areas. The crops and buildings of a temporary nature are compensated at rates set by District Land Boards (Land Act).</p>	<p>Prompt compensation at full replacement cost for loss of assets</p> <p>Provide assistance during relocation as appropriate</p> <p>Transitional support and development to be provided as appropriate</p> <p>Cash compensation for land preferred if impacts of land uptake on livelihoods are relatively minor.</p> <p>Provision of civic infrastructure and community services as required</p>	<ul style="list-style-type: none"> Market value is based on recent transactions and thus if alternative property is purchased within a reasonable period of the payment of compensation, it is likely that market value will reflect replacement value. However, local inflation in the price of land or construction materials can affect what is determined as replacement cost. If this is not reflected in recent transactions, market value may not reflect replacement value.
Relocation and Resettlement	<p>Central and Local government authorities have the power to compulsorily acquire land. "No person shall be compulsorily deprived of property or any interests in or any right over property of any description except" if the taking of the land is necessary "for public use or in the interest of defense, public safety, public order, public morality or public health." (1995 Uganda Constitution and the 1998 Land Act)</p>	<p>Avoid or minimize involuntary resettlement and, where this is not feasible, assist displaced persons in improving or at least restoring their livelihoods and standards of living in real terms relative to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher</p>	<ul style="list-style-type: none"> The Project will provide compensation based on replacement value. This will include the payment of government valuation rates and payment of a disturbance allowance
Completion of Resettlement and Compensation	<p>Private land's value is negotiated between the owner and the developer. In rural areas, land is valued at open market value, buildings are valued at replacement cost, and a 15% to 30% disturbance allowance must be paid if six months or less notice is given to the owner.</p>	<p>Recommends resettlement of all entitlements before displacement or restriction of access and the implementation of all RAPs as appropriate before project completion. For projects involving restrictions of access, impose the restrictions in accordance with the timetable in the plan of action (RAP).</p>	<ul style="list-style-type: none"> The project will conform to WB OP 4.12 and best practices during the implementation of the RAP for REDD+.
Livelihood Restoration and Assistance	<p>There are no explicit provisions under resettlement or relocation for livelihood assistance.</p>	<p>Livelihoods and living standards of PAPs are to be restored in real terms to pre-displacement levels or better</p>	<ul style="list-style-type: none"> The project will provide transition allowance as appropriate.
Consultation and Disclosure	<p>There are no explicit provisions for consultations and disclosure but there are guidelines issued by separate ministries (e.g. roads and energy).</p>	<p>Consult PAPs, host communities and local NGOs, as appropriate. Provide them with opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in</p>	<ul style="list-style-type: none"> The World Bank OP4.12 will take precedence over the guidelines provided by MWE if any

Category of PAPs and Type of Lost Assets	Ugandan Laws	World Bank OP4.12	Mitigation measures
	<p>The Land Acquisition Act however makes provision for an inquiry whereby the affected person can make formal written claim and the assessment officer is obliged to conduct a hearing before making his award.</p>	<p>the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan), and for establishing appropriate and accessible grievance mechanisms.</p>	
<p>Grievance Redress Mechanism</p>	<p>All districts must establish Land tribunals; these are empowered to determine disputes and provide for appeals to higher ordinary courts (1998 Land Act). An aggrieved person (PAP) shall appeal to the High Court. (Land Acquisition Act)</p>	<p>Establish appropriate and accessible grievance mechanisms.</p>	<ul style="list-style-type: none"> Grievance committees shall be instituted and the procedure will not replace the existing legal process in Uganda. Rather it seeks to resolve issues quickly so as to expedite receipt of entitlements and smooth resettlement without resorting to expensive and time-consuming legal action. If the grievance procedure fails to provide a settlement, complainants can still seek legal redress.

5 INSTITUTIONAL FRAMEWORK

The institutional framework shows a broad spectrum of institutions involved in the implementation of REDD+ Program. However, for each strategic option, Table 5 below gives a summary of responsible agencies and their different roles.

The Ministry of Water and Environment (MWE) -is the lead institution for the over-all implementation and coordination of REDD+ National Strategy. MWE will function through the Forestry Sector Support Department (FSSD), the National Forest Authority (NFA), the Directorate of Water Development (DWD) and the Directorate of Water Resources Management (DWRM). FSSD will provide technical and coordination responsibility on behalf of the MWE. MWE will collaborate with the Uganda Wildlife Authority (UWA; forests in wildlife conservation areas, wildfires),

Ministry of Agriculture, Animal Industry and Fisheries (MAAIF)- responsible for CSA and livestock rearing.

Ministry of Energy and Mineral Development (MEMD) - responsible for sustainable fuel wood utilization, Energy Efficiency technologies), Districts (Local Forest Reserves, forest outside protected areas, CSA, sustainable fuel wood and (commercial) charcoal use, energy efficient cooking stoves, integrated wildfire management).

Ministry of Gender Labour and Social Development (MoGLSD)- will supervise actions that support ethnic minority and marginalized people.

The Ministry guides all actors in the social development sector and creates an enabling environment for social transformation, leading to improved standards of living for all, increased equality and social cohesion. These roles make MGLSD a key secondary stakeholder in proposed REDD+ with roles of empowering project communities to harness their potential through cultural growth, skills development and labour productivity for sustainable and gender responsive development. MGLSD has a department of occupational health and safety, which is mandated to inspect workplace to ensure safety and gender equity. The Ministry has the following projects, which should tie into, and compliment objectives of proposed REDD+ project.

- a. Community Rehabilitation Programme for the Disabled (CBR);
- b. Functional Adult Literacy Programme (FAL);

- c. Support to AIDS Orphans and Other Vulnerable Children (PCY);
- d. Elimination of Child Labour.

Relation to the project: Above programmes are relevant in so far as some PAPs may be disabled (hence require CBR programmes) or need FAL and PCY. In addition, MGLSD will ensure that no Child Labour is involved in any resettlement activities.

Ministry of Gender, Labour and Social Development (MGLSD), working through Community Development Officers (CDOs) at district and sub-county level will be responsible for spearheading and coordinating gender responsive and community development, in particular, sensitizing community members to embrace the REDD+ project.

Ministry of Local Government (MOLG) - the funding provision for the Local Governance is provided both for strengthening of Ministry of Local Government (MOLG) and its departments' own structures and staffing, but also for this ministry's service provision for communities. MOLG and its departments have an important role to fill as extension providers to rural communities and in contracting external service providers such as civil society organizations, private entities, industrial companies to support rural communities and individual households and businessmen with extension and other services needed.

The Office of the Prime Minister (OPM) -through department responsible for Disaster Preparedness will supervise the involvement of refugees.

The Ugandan Office of the Prime Minister (OPM) will be key in the implementation of REDD+ interventions in refugee hosting areas. The OPM is a national and government entity with the mandate to respond to the refugee situations in the country. The mandate includes settling refugees, registration, and initiating projects for refugees. Within OPM, the Department of Refugees (DoR) is mandated to take charge of all administrative matters concerning refugees including the coordination and implementation of refugee programmes in Uganda. Therefore, REDD+ interventions in refugee hosting communities will require closer collaboration with OPM and its established frameworks such as its DoR and the Commandants of the Refugee Settlements.

OPM will supervise the involvement of refugees at the national level, while the actual work will be conducted in the districts with most of the budget allocations directed via MOLG's Community Development Office with some technical support from various UN organizations and CSOs active with refugees. MoGLSD will supervise the involvement of gender issues, ethnic minority and marginalized

group involvement in all strategic option activities at national level, while the actual work with most of the budget resources will be conducted in the districts under MOLG's Community Development Office. Thereby, the aim is to ensure the possibilities for the refugees, ethnic minorities and marginalized households to be fully involved in the REDD+ activities. It is paramount to have these separate budget allocations to secure the environmental and social safeguards and ESMF framework.

Ministry of Lands, Housing and Urban Development (MLHUD)- plays a direct role in approving the compensation rates through the office of the Chief Government Valuer and processing of the land title transfers into name of proposed project.

Responsibility in Resettlement activities- During the time of RAP implementation, the Chief Government Valuer (CGV) in the Valuation Division in the Ministry of Lands, Housing and Urban Development (MLHUD) will be responsible for approving the property valuation report developed as part of RAP. Additionally, property or cadastral survey reports will be submitted to the Commissioner for Surveys and Mapping in MLHUD for review and approval.

The application of the valuation exercise on ground will be done in the presence of local council leaders with the participation of the affected persons/community members. Values assigned to assets will be based on the market rates approved by the district. The affected properties will then be picked and valued and the valuation report taken to office of CGV for approval.

The capacity of the office of CGV to handle RAPs is adequate and it is believed that the valuation report will be verified and approved in the required time lines.

Uganda Land Commission -The Uganda Land Commission, which is a department in MLHUD, holds and manages land in Uganda vested in or acquired by Government of Uganda and would be involved where such land is affected by the proposed REDD+ project.

Relation to the project: Uganda Land Commission will manage the land that will be legally acquired by REDD+ infrastructure on behalf of the Government of Uganda. It will keep the land title on behalf of the people of Uganda and ensure that the land is not encroached on.

Local Governments in Which the Projects will be Situated- As provided for by the Local Governments Act, local governments are mandated to set compensation rates for crops and non-permanent structures through their District

Land Boards. Local governments will also be important in managing and monitoring social impact through site visits or resolving complaints from affected communities. Hence they have a central responsibility in this project in regard to monitoring resettlement impacts and ensuring social benefits of the project are equitably accessible to every community. Local officers will also ensure that proper resettlement, compensation and grievance management are undertaken. The lower administrative structures (Local councils LC1 to LC5) are important in community mobilization and ensuring law and order in villages through local defense units, which should be useful for ensuring security during project implementation, including compensation.

Relation to the project: During compensation, LC1s and LC3s in project-affected areas will be helpful for identification or verification of rightful property owners.

Other District Departments- A number of line district technical departments such as; District Environment Officers/Municipal Environment Officers, District Planners, District Engineers, Community Development Officers and District Labour Officers, and alongside political arm will have a role in the implementation of the project in keeping with their decentralized roles as enshrined in the Local Government and other applicable legal and policy instruments. However, it is reported that, based on the experience under the on-going UTSEP/GPE-other than stakeholders directly under the supervision of the Environment and Social Safeguards Specialist (ESSS), district reporting on safeguards is still not adequate.

There are furthermore allocations to some external service providers for provision of services for REDD+ operations in the field. In cases of the police and fire department, UBOS and county tree nurseries these allocations can be provided

Project Based: *For MWE/FSSD, MWE/NFA, MAAIF, MEMD, UWA, Districts and NAADS, there should be a separate internal short project document to show how these institutions intend to use their respective funding support in the REDD+ operations. For each of them a minimum of one million US dollars has been allocated for the Costed Action Plan implementation for which they need to have a concrete plan for technical activities and financial matters in implementing the respective sector support projects*

against a plan for implementation and as funding is available within the budget line for each Strategic Option. The support to service providers could be against application or even tendering if there is competition for the service provision.

Grievance Resolution Committees District -At district level, a District Grievances Resolution Committee (DGRC) shall be responsible for the follow up activities on grievance mechanisms are as follows:

- a. Receive referrals from lower committees;
- b. Convening meetings for hearing of disputes from parties referred from lower committees;
- c. Mediating between and assist parties to arrive at a mutually acceptable settlement of the disputes on any matter concerning land within its area of jurisdiction (Act as a mediator between project and PAPs);
- d. Monitoring of land acquisition, compensation and resettlement activities;
- e. Sensitization of projected affected persons with grievances;
- f. Proactively disclose information about the RAP process, as well as success in grievance resolution;
- g. Ensure constant consultation with project affected persons on ways to improve on the mechanisms and processes therein

Non-Governmental Organizations- Districts have several National and International NGOs operating in several areas and during the implementation of RAPs, a local NGO or CBO is usually co-opted as a neutral observer to the RAP implementation process with the purpose of ensuring that PAPs are treated fairly. The NGOs/CBOs are used as mobilization agents and help in mediation of grievances that may arise during project implementation. They usually act as the eyes on the ground for the funding agencies and are engaged as implementing partners for social risk mitigation especially in the areas of child protection, grievance redress mechanisms and gender based violence.

World Bank-The World Bank independently reviews the safeguards documents on REDD+ Project, and monitors the project's environmental and social performance in relation to the respective safeguards during its implementation process. Once the World Bank clears the RPF, it will then be officially disclosed on their website. World Bank may also provide technical guidance to MWE including its implementing partners as needed.

Strengthening safeguard Capacity- In addition, all the new staff plus all the current project Engineers and some contractor staff be sensitized and taken through the Management of Land Acquisition Resettlement & Rehabilitation (MLARR) training initiated by World Bank. Specific tailored course should be arranged for the Safeguard teams at the MWE.

Table Error! No text of specified style in document..5: Responsibilities for Strategic Option

Option	Activity	Lead institutions	Collaborating institutions
SO 1. Climate smart agriculture	SLM and agroforestry practices	MAAIF, Districts. NARO, NAFFORI	CSO/NGO
	Rainwater harvesting with collection tank and drip irrigation	MAAIF Districts	DWD CSO/NGO
	Greenhouse cultivation of vegetables	MAAIF Districts, NARO	CSO/NGO
SO 2. Sustainable fuel wood and (commercial) charcoal production	Commercial small-holder and community bioenergy woodlots	MEMD, Districts Private Land Owners	CSO/NGO
	Commercial small-holder and community pole and timber plantations	Districts Private Land Owners	CSO/NGO
	Improved charcoal kilns linked to bioenergy woodlots	MEMD, Districts Private Sector	CSO/NGO
SO 3. Large-scale commercial timber plantations	Commercial transmission pole and timber plantation	Districts Private Land Owners	
	Commercial pole and saw log plantation	NFA Private Land Owners Districts	
	Improved charcoal kilns linked to plantation sites	Private Sector	
SO 4. Restoration of natural forests in the landscape:	Designated areas for natural forest regeneration	NFA, UWA, Districts	CSO/NGO
	Protected natural forest management (i.e. national parks and forest reserves)	NFA, UWA, Districts	CSO/NGO
	Devolution of forest management through Participatory Forest Management and similar set-ups	NFA, UWA, Districts	CSO/NGO
	Traditional/customary forest management practices	District Cultural Institutions, Community	CSO/NGO
SO 5. Energy efficient cooking stoves	For fuel wood	MEMD, FSSD, Districts	CSO/NGO
	For charcoal	MEMD, FSSD, Districts	CSO/NGO
SO 6. Integrated	In timber plantations and woodlots	Private Land owner/Plantation Owners, NFA	

wildfire management	On woodlands, bush lands and grasslands	Districts, UWA, NFA	
SO 7. Livestock rearing in Cattle Corridor	Breeding programme	DAR, NGBC, districts	CSO/NGO
	Establishment of fodder agroforestry plantations	Districts, NFA, Uganda Seeds Ltd.	CSO/NGO
	Establishment of water dams	DWD	CWUAs

6 ELIGIBILITY AND ENTITLEMENT

6.1 Introduction

This chapter provides the main principles and concepts governing resettlement/compensation in terms of description of eligibility for compensation and entitlements under the relevant laws and WB policy principles for valuation and compensation.

6.2 Guiding principles of Resettlement of PAPs

The RPF follows the guiding principles for any activity that causes negative impact on affected persons in relation to land acquisition decisions with regards to the priority PAPs and communities in which MWE will implement resettlement. These principles should be taken into account whenever communities living in the areas to be acquired for the REDD+ interventions are to be impacted by implementing agencies' initiated activities, whether a permanent or temporary impact.

Displacement of people, property and livelihoods is to be minimized as much as possible, by employing alternative technologies of project infrastructure in such a manner so as to minimize the need to acquire land and property, and to cause as little disturbance and disruption as possible.

- a. All possible means will be used to ensure that no people are harmed in any way by construction activities and project outcomes.
- b. Resettlement/relocation and compensation planning and implementation activities, and the compensation of PAPs and other relevant stakeholders, will be undertaken with continuous consultation throughout the process.
- c. PAPs will be informed about their rights and options pertaining to displacement, compensation and resettlement/relocation, and about grievance mechanisms available to them.
- d. PAPs who meet agreed eligibility criteria will be entitled to compensation and relocation measures. Lack of legal rights to land and assets occupied or used will not preclude a PAP from entitlement to resettlement/relocation and compensation measures.
- e. Compensation, resettlement/relocation and rehabilitation measures will be as fair to all parties concerned.
- f. Compensation, resettlement/relocation and rehabilitation entitlements will be provided in accordance with Ugandan law and procedures as a minimum, but will include additional measures to meet World Bank requirements where appropriate.

- g. Where compensation in cash is provided for loss of assets (including housing and other structures), for loss of access to assets, or for damage caused to assets, it will be provided on the basis of market value or replacement cost (whichever is the highest) and will include necessary additional costs incurred to achieve full restoration no deduction for deprivation will be included.
- h. Specific and additional assistance will be provided for particularly vulnerable people, namely women-headed households, widows, orphans, the elderly and handicapped people.
- i. Pre-construction and construction work on each particular affected site will not commence until PAPs have been satisfactorily compensated and/or relocated.

6.3 Project Affected People

Project affected people or household (PAPs), refers to people directly affected, socially and/or economically, temporarily or permanently by a project, as a result of:

- a. the appropriation of land and other assets causing (relocation or loss of shelter);
- b. loss of assets or access to assets; and
- c. loss of income sources or means of livelihood, whether or not of the affected person; and persons must move to another location).

The exact nature and locations of projects are unknown; the following categories of PAPs will be used in identifying groups of PAPs for the purpose of determining impacts.

- a. project affected persons (PAPs) are individuals whose assets may be lost, including land,
- b. Property, other assets, and/or access to natural and/or economic resources as a result of activities related to project(s). The individual PAP could be:
 - i. **Affected Property Owners-** these are owners of land or owners of structures for business, residential or other purpose.
 - ii. **Affected Tenants-** these are people who do not own property but rent house, premises or land for the respective purposes; This category of PAPs is classified in different sub-categories including residential tenants, business tenants, or farm tenants
 - iii. **Affected Encroachers and other opportunistic land occupiers** – are persons who do not own land that they occupy or use and non-

bone fide occupants and intruders of lands reserved for public or other uses. Encroachers in urban area may occupy land for residential /commercial purposes.

- iv. ***Affected Squatters*** - include persons or groups who have settled in place with and without official title to their land.
- c. Project affected households are groups of PAPs in one household and where one or more of its members are directly affected by the REDD+ activities. These include members like the head of household, male, and female members, dependent relatives, tenants, etc.
- d. Vulnerable groups of people. such as those who are too old or too ill; children; those stricken with HIV/AIDS; women-headed households; unemployed women living alone; unemployed youth; etc. Households headed by women that depend on sons, brothers, and others for supports are especially vulnerable. Similarly, households with elderly or terminally ill persons are eligible for additional support.

6.4 Types of losses due to land acquisition

Likely categories of impacts/loss that may occur include:

Loss of Assets or Access to Assets

Loss of land and/or property if any activity will acquire land as the land in question will be under use of some sort, communally, or individually. This may cause loss of rights to pieces of land, and/or un-exhausted improvements on the land i.e. built structures and crops.

Loss of land: mainly residential land or commercial land. Because urban agriculture and livestock keeping are widely practiced, affected land could also be agricultural land or grazing ground. Land could belong to private individuals, local institutions, or community/ public land. The land could either be grown with crops, or built with structures or open land used for recreation or not developed/used. Ownership could mainly be under either statutory rights of occupancy or customary rights of occupancy and the affected people will lose these land rights (owner; lease holder; informal user of the land).

Loss of house structures: the built structures could be residential houses /dwelling, residential and commercial houses, house annexed structures (e.g. kitchens, boundary wall / live fences, pit latrines, house foundations, stores, cottage industries, livestock pens/sheds etc.) or commercial structures (shop, stall); or house supply structures: water source/supply (well, pump, water line), electricity supply (underground, overhead etc.). Loss of buildings and structures

will affect (owner; tenant; informal user of the structure) individual, institution or community.

Loss of Structures only (not land): encroachers and squatters may suffer loss of fixed structures but not land on which they are built.

Relocation of movable assets and property: these include privately own machinery, mobile structures, and graves

Loss of agricultural assets: farm properties mainly constitute standing crops permanent crops, trees, seasonal crops and vegetable gardens.

Loss of income sources or means of livelihood of persons using the land or assets

The person affected could be title holder/owner; tenant/lease holder; squatter/informal dweller.

Loss of income sources: through loss of business premise or cash crops

Loss of means of livelihood: through loss of farming, grazing area

Loss of rental accommodation or loss of business premises: residential or business tenants will incur loss of rental accommodation or loss of business premises as in many places people rent premises for business or residential purposes

Natural assets: these are unused farmland and natural vegetated / forested areas - these sections are usually not inhabited, however, the benefits accrued will be lost to the communities that use them.

Involuntary restrictions of access to resources, property or asset: In other areas, restrictions that prevent / limit access to resources, property or asset will also result in adverse impacts on livelihoods and wellbeing of affected persons.

Type of losses anticipated in Uganda's REDD+ strategic options

The anticipated losses in the Draft Final REDD+ National Strategy²⁷ (October, 2017) are found in the strategic options 3, 4 and 6. The Strategic Option 3 (large-scale timber plantations) can lead to loss of opportunity for grazing and other livelihood activities. It may also lead to eviction and dispossession of land of the local and indigenous people²⁸. The Strategic Option 4 (Rehabilitation of natural forests in the landscape) may lead to reduced grazing opportunities and displacement of indigenous people. The Strategic Option 6 (Integrated wildfire management) in the

²⁷ Revised June 2020. No changes in valuse and scope of the anticipated losses

²⁸ Due to land tenure system in Uganda, acquisition of land for such investment protects interests of ownerships of such land. The forest dependent indigenous people recognized under the REDD+ Strategy are associated with forest and wildlife protected areas which are not candidate locations for commercial forestry plantation development.

Draft National REDD+ strategy indicates that this option may lead to reduced access to pasture resources, increased vulnerability of indigenous communities and other traditional-living rural populations due to prohibition of traditional uses of fire.

Principles for valuing affected land and assets

The underlying principles in valuation of lost land and assets should be equivalence and equity. The status of those affected should be either the same or improved by the type of compensation offered. The following principles are critical in the quest for equity and equivalence when valuing land and other assets lost^{29, 30}:

- a. The intervention implementers should be fair and transparent when engaging with affected persons. They should avail the affected persons with all the information that they need to be able to negotiate their compensation. This will require laws that provide an opportunity to appeal in case the affected persons are not comfortable with the compensation;
- b. The laws, regulations and policies governing compensation should be adaptive to suit the uniqueness of sites and communities being compensated;
- c. In situations where affected persons do not have legally recognized rights or claims on land, they should be entitled to resettlement assistance or compensation for their assets other than land;
- d. Land and other assets lost should be valued based on the market rate and paid promptly;
- e. The compensation ought to include personal distress that the persons affected experience due to loss of their land or assets;
- f. Compensation should also include the reduction in value of any land retained as a result of the acquisition.

6.5 Eligibility

Identification of those meeting the eligibility criteria is to be confirmed, through relevant socioeconomic surveys and asset and legal verification surveys. Information on special groups, such as those that are vulnerable, will also be identified through the surveys, and confirmed through the consultation process.

²⁹MEMD, 2012. Ministry of Energy and Mineral Development. Resettlement Action Plan for the proposed acquisition of land for oil refinery in Kabaale parish, Buseruka sub-county, Hoima district. Kampala, Uganda.

³⁰FAO, 2008. Food and Agricultural Organisation of the United Nations. Compulsory acquisition of land and compensation.

6.5.1 Eligibility Criteria for Compensation

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

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

The Table 6 below presents the eligibility criteria indicating the categories of PAPs and the type of compensation that is to be provided.

Table Error! No text of specified style in document..6: Eligibility Criteria

Category of affected persons	Assets	Type of compensation
Persons with registered legal rights to land including customary leaders who hold land in trust for community members.	Physical and non-physical assets such as residential structures, productive lands, economic trees, farm lands, cultural sites commercial/business properties, tenancy, income earning opportunities, and social and cultural networks and activities	To be provided compensation for land lost and other assistance. Compensation to be granted to communities.
Persons with customary claims of ownership or use of property recognized by community leaders (including the landless and migrants)		To be provided compensation for land lost and other assistance. Users to be provided with alternative lands to use. Where applicable, such categories land ownership would be assisted to obtain "registered" interest on the land in accordance with Land Laws
Persons with no recognizable legal right or claim to land they are occupying, e.g. squatters		To be provided resettlement assistance in lieu of compensation for land occupied.
Persons encroaching on land after the notification		Not eligible for compensation or any form of resettlement assistance

6.5.2 Eligibility criteria for involuntary resettlement, already evicted forest-dependent people

There are potentially three categories of people who may be affected by REDD+ interventions resulting into resettlement and these include the following:

- a. Individuals with formal legal rights to land and/or physical structures lost entirely or in part. Formal legal rights imply that the person has legal evidence that he/she owns the land based on any of the four recognized land tenure systems;
- b. Individuals who have no formal legal rights to land and/or physical structures lost wholly or in part but who have claims to such lands that are recognized or recognizable under the national law. This includes people who have usufruct right to land that is being acquired for REDD+ interventions but these rights are not stated anywhere in the national legislation governing land but are customarily respected by the local population.
- c. Individuals who lost the land they occupy in entirety or in part who have neither formal legal rights nor recognized or recognizable claims to such land. This may include squatters and tenants on other people's land, public land and protected areas.

6.5.3 Unit of entitlement

The potential entitlement may affect a range of households, business operators, institutions and individual community members. The impacts, manifest at individual and group level requiring a definition of a unit of entitlement. The unit of entitlement is thus varied depending on the category of the affected. Examples of units of entitlement include:

- a. for compensation against the loss of land – the unit of entitlement is the landholder;
- b. for privately held assets and resources – the unit of entitlement is the owner/household head. Safeguards have been put in place to ensure equitable distribution of compensation among household members;
- c. for the loss of contract of rent – the unit of entitlement is the individual who rented farm land
- d. for loss of employment – the unit of entitlement is the individual directly affected; and
- e. for rehabilitation assistance – the unit of entitlement is the household. Where

household subsistence and survival strategies may be disrupted through the loss of land or the relocation of business enterprises, rehabilitation measures may be extended to an adult household member or members other than the household head to support the restoration and diversification of household livelihoods.

The resettlements require a process of public consultation and disclosure. The WB OP 4.12 emphasizes that displaced people must be informed of their rights and consulted on options. It specifically states to "Consult project-affected persons, host communities and local nongovernmental organizations, as appropriate. Provide them opportunities to participate in the planning, implementation, and monitoring of the resettlement program, especially in the process of developing and implementing the procedures for determining eligibility for compensation benefits and development assistance (as documented in a resettlement plan).

Table 7 below presents the entitlement matrix showing the types and number of affected people, the types and quantity of losses, and the forms and amounts of compensatory actions that will be taken for each type.

Table Error! No text of specified style in document..7: Entitlement and Compensation Matrix

Asset Acquired	Type of Impact	Entitled Person	Compensation Entitlement
Agricultural land	No displacement: -Part of the land is affected but the rest of the land remains economically viable	Farmer/Title holder	Cash compensation for affected land equivalent at market value
		Tenant//Lease holder	Cash compensation for the harvest of affected land equivalent to the average market value over three years or the compensation rates as established by the DLBs in collaboration with the Chief Government Valuer whichever is the higher.
		Squatter	Cash compensation for the harvest of affected land equivalent to the average market value over three years or the compensation rates as established by the DLBs in collaboration with the Chief Government Valuer whichever is higher.
	Displacement: - If more than 50% of the land holding is lost or less than 50% of the land lost but remaining land not economically viable.	Farmer /Title holder	Land-for-land replacement where feasible or compensation in cash for the entire land holding according to the PAPs choice. Land-for-land replacement will be in terms of a new parcel of land of equivalent size and productivity with a secure tenure status without encumbrances at an available location which is acceptable by the PAP. In addition relocation assistance to be paid ((costs of shifting + assistance in re-establishing perennial crops including economic trees up to a maximum of 12 months while short term crops mature)
	Tenant /Leaseholder	Cash compensation equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the DLBs in collaboration with the Chief Government Valuer whichever is higher, Or market value for the remaining period of the tenancy /lease agreement.	

			In addition relocation assistance to be paid ((costs of shifting + Allowance)
		Squatter	Cash compensation equivalent to the average market value over three years for the mature and harvested crops at the compensation rates as established by the DLBs in collaboration with the Chief Government Valuer whichever is the higher, Or market value for the remaining period of the tenancy /lease agreement.
		Agricultural worker	Cash compensation equivalent to the local average of 6 months' salary + relocation assistance to be paid (costs of shifting + Allowance) +Assistance in getting alternative employment
Commercial Land	No Displacement: - Land used for business partially affected	Title holder/ Business owner	Cash compensation for affected land, and opportunity cost compensation equivalent to 5% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
		Business owner is Lease holder	Opportunity cost compensation equivalent to 10% of net annual income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
	Displacement: - Premise used for business severely affected remaining area not sufficient for continued use	Title holder/ Business owner	Land for land replacement where feasible or compensation in cash for the entire land holding according to the PAPs' choice. Land for land replacement will be in terms of a new parcel of land of equivalent size and market potential with a secure tenure status without encumbrances at an available location which is acceptable to the PAP. In addition relocation assistance to be paid ((costs of shifting + Allowance) Opportunity cost compensation equivalent to two months net income based on tax records for previous year or equivalent business or suitable estimates in absence of records.
		Business owner is lease Holder	Opportunity cost compensation equivalent to two months' net income

			<p>based on tax records for previous year or equivalent business or suitable estimates in absence of records. Relocation assistance in rental/lease alternative land, property for a maximum of six months to re-establish business</p>
		Employees of Business owner/lease holder	<p>Opportunity for compensation by the employer in accordance with terms and conditions of employment and Labour laws.</p>
Residential land	<p>No Displacement: - Land used for residence partially affected, limited loss and remaining land remains viable for present use</p>	Title holder	<p>Cash Compensation for affected land, taking into account market values</p>
		Rental/Lease holder	<p>Cash compensation equivalent to 10% of lease / rental fee for the remaining period of rental lease agreement</p>
	<p>Displacement: - Premise used for residence severely affected remaining area not sufficient for continued use or becomes smaller than minimally acceptable under the Town and country planning Act</p>	Title holder	<p>Land-for-land replacement where feasible or compensation in cash for the entire land holding according to the PAPs' choice. Land-for-land replacement will be of minimum plot of acceptable size under the Town and Country Planning Act whichever is larger in the community or a nearby resettlement area with adequate physical and social infrastructure systems as well as a secure tenure status without encumbrances at an available location which is acceptable to the PAP.</p> <p>In addition relocation assistance to be paid (costs of shifting + allowance)</p>
Building and Structures	<p>No Displacement: -Structure partially affected, but remaining structure remains viable for continued use</p>	Owner	<p>Cash compensation for affected building and other fixed assets, taking into account market rates for structures and materials</p> <p>Cash assistance to cover costs of restoration of remaining structure</p>
		Rental/Leaseholder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant -e.g. fence),</p>

			<p>taking into account market rates for materials</p> <p>Disturbance compensation to the tenant equivalent to two month's rental costs</p>
	<p>Displacement:</p> <p>- Entire structure affected or partially affected but remaining structure not suitable for continued use</p>	Owner	<p>Cash compensation for entire structure and other fixed assets without depreciation or alternative structure of equal or better size and quality in an available location which is acceptable to the PAP. Compensation should take into account market rates for structures and materials. Right to salvage materials without deduction from compensation.</p> <p>In addition relocation assistance to be paid (costs of shifting + allowance) + rehabilitation assistance if required</p>
		Rental /Leaseholder	<p>Cash compensation for affected assets (verifiable improvements to the property by the tenant -e.g. fence), taking into account market rates for materials.</p> <p>In addition relocation assistance to be paid (costs of shifting + allowance equivalent to four months rental costs) + assistance to help find alternative rental arrangements + rehabilitation assistance if required</p>
		Squatter/Informal dwellers	<p>Cash compensation for affected structure without depreciation + Right to salvage materials without deduction from compensation.</p> <p>In addition, relocation assistance to be paid (costs of shifting + allowance) + rehabilitation assistance if required. Alternatively, the PAP is assisted to find accommodation in rental housing or in a squatter settlement scheme if available.</p> <p>Assistance with job placement/skills training</p>
Standing Crops	Crops affected by land acquisition or temporary	PAP (whether owner, tenant or squatter)	Cash compensation equivalent to the average of at least three years' market value for the mature and harvested crops.

	acquisition or easement		
Trees	Trees lost	Title holder	Cash compensation based on the type, age and productive value of affected trees + 10% premium
Temporary Acquisition	Property temporarily acquired	PAP (whether owner, tenant or squatter)	Cash Compensation for any assets affected e.g. boundary wall demolished, trees removed – taking into account market rates for materials.

6.5.6 Cut-off date

There is no clear guidance on the cut-off date in the national legislation, normally they consider the cut-off date as the date that valuation has been conducted and the PAP is given a pink form. However, OP 4.12 on Involuntary Resettlement requires that in the absence of host government procedures on cut-off dates, the borrower or client establishes a cut-off date for eligibility that is acceptable to the Bank. Therefore, the cut-off date will be the first date of the census.

PAPs shall be provided resettlement assistance in lieu of compensation for the land they occupy, and other assistance, as necessary if they occupied the project area prior to a cut-off date established and if they do not have title or registered interest in the land. Persons who encroach on the area after the cut-off date will not be entitled to compensation or any other form of resettlement assistance.

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

6.6 Type of Compensation

Individual and household compensation will be made in cash, in kind, and/or through assistance as per the entitlement matrix provided in Table 6 . The type of compensation will be an individual choice of the PAP. If the total loss of land that was used for subsistence farming is more than 20% of the holding, land for land replacement must be offered, and is preferable to in-kind compensation (but

ultimately PAPs choice).

- a. *Cash payments:* Compensation will be calculated in Uganda shillings. Rates will be adjusted for inflation. Compensation may include items such as land, houses, among others;
- b. *In-kind:* Compensation can include buildings, building materials, seedlings, agricultural inputs, and financial credits for equipment; and
- c. *Assistance:* Assistance may include disturbance allowance, moving allowance, transportation, and/or labour.

Compensation payments raise issues regarding inflation, security, and timing that must be considered. One reason for providing in-kind compensation is to reduce inflationary pressures on the costs of goods and services. Local inflation may still occur; thus market prices will be monitored during the compensation period to allow for adjustments in compensation values. The question of security, especially for people who will be receiving cash compensation payments, needs to be addressed by the local administration. Local banks and microfinance institutions should work closely with the local administration at this level to encourage the use of their facilities, which will positively affect the growth of the local economies. Each recipient in consultation with the Developer (MWE) and the district, local, and traditional administrations, will decide upon the time and place for in-kind compensation payments.

6.6.1 Replacement Cost

The rate of compensation for lost assets must be calculated at full replacement cost, that is, the market value of the assets plus transaction costs. With regard to land, structures, and businesses, the replacement costs are:

- a. *Agricultural land:* The market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land, plus the cost of any registration and transfer taxes.
- b. *Land in urban areas:* The market value of land of equal size and use, with similar or improved public infrastructure facilities and services preferably located near the affected land, plus the cost of any registration and transfer taxes.
- c. *Household and public structures:* The cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour and contractors' fees and any registration and transfer taxes. In determining the replacement cost, depreciation of the asset and the value

of salvage materials are not taken into account, nor is the value of benefits to be derived from the project deducted from the valuation of an affected asset.

6.6.2 Displacement of People

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

- a. The entitlement cut-off date shall be determined and agreed upon in consultation with the lower and higher local governments and all the stakeholders particularly the affected persons;
- b. An assessment of the time likely to be needed to restore their living standards, income earning capacity and production levels shall be made;
- c. The assessment shall ensure that the condition of the displaced persons shall be improved or at least maintained at least the levels prior to project implementation;
- d. The displaced persons shall be provided with development assistance, in addition to compensation measures described above. These shall include assistance for land preparation, credit facilities, training for job opportunities, residential housing, or as required, agricultural sites for which a combination of productive potential, location advantages and other factors shall be at least equivalent to those of the old site.

6.7 Indigenous Peoples, Women, and other Vulnerable Groups

An IPPF under this project has been prepared and will be implemented alongside this RPF when dealing with Indigenous Forest Dependent Peoples. Indigenous and vulnerable groups will be at risk of becoming more vulnerable due to displacement, compensation, and resettlement process. Vulnerable groups include households headed by women, households victimized by HIV/AIDS that are headed by children, households made up of the aged or handicapped, households whose members are impoverished, or households whose members are socially stigmatized (as a result of traditional or cultural bias) and economically marginalized. Strategic Environmental and Social Assessment of REDD+ options (<https://www.mwe.go.ug/sites/default/files/library>) identified 4 forest dependent minority groups, that is, the *Batwa* in the Albertine region (around Echuya CFR, Mgahinga, Bwindi and Semliki National parks) and the *Ik* in Kaabong District, Tepeth in Moroto in Karamoja region and the Benet in Kween District considered as a whole to comprise forest dependent minority groups. Assistance to these minority groups of people may include:

- a. Assistance in financial literacy training especially for women and assistance in compensation payment procedures (e.g., going to the bank with the person to cash the compensation cheque);
- b. Assistance in the post payment period to secure the compensation money and reduce risks of misuse/robbery;
- c. Assistance in moving: providing vehicle, driver and assistance at the moving stage;
- d. Assistance in the locating and growing of fodder banks for the Pastoralists for cattle grazing;
- e. Ensuring migrant and settler farmers are included in the consultations regarding the RPF/RAP and compensation and have their share of the compensation and assist in finding alternative sites for farming and also be incorporated into the out-grower and small holder schemes of the project;
- f. Assistance in building i.e. providing materials, workforce, or building houses; and
- g. Health care if required at critical periods i.e. moving and transition period.

Women comprise a disproportionately large number of the poor in Uganda due to gender discrimination, which limits women's access to resources and opportunities necessary to improve the standard of living for themselves and their families. As a result, women are often the first to suffer when resettlement is planned or executed badly. Women with children also have less physical mobility to travel to find ways of earning a livelihood. One of the immediate and practical initiatives to be considered by REDD+ Secretariat is ensuring that land titles and compensation entitlements for a particular household are issued in the name of both spouses. The Indigenous Peoples Planning Framework (IPPF) has been prepared as a separate document to guide in the social screening of the project areas/sites will identify and or establish the presence of these groups of persons.

7 METHODS OF VALUING AFFECTED ASSETS AND COMPENSATION PAYMENTS

7.1 Extent of Compensation by Law

The 1998 Land Act provides for the extent of compensation as quoted here forth: *"Where any land has been acquired under this Act, compensation shall only be payable in addition to the value of any improvement or works constructed on such lands: - for the loss of usufructuary rights over such lands in the case of land under customary tenure, and - for the market value of such lands in the case of freehold land."*

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

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

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

7.2 Specific Compensation Components

7.2.1 Compensation for Land

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

7.2.2 Determination of Crop Compensation Rates

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

7.2.3 Compensation Rates for Labour

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

7.2.4 Compensation for Buildings and Structures

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

7.2.5 Compensation for Vegetable Gardens

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

7.2.6 Compensation for Horticultural, Floricultural and Fruit trees

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

7.3 Key Valuation Methods

In Uganda, values for compensation of assets are determined by the Government Valuer. The process, however, normally takes consideration of depreciation. The

World Bank policy of compensation at Replacement Cost may be adopted where it provides a more appealing and adoptable position for handling compensation. It should however be consistent with the established policies, regulations and laws of Uganda.

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

Land in urban areas - it is the pre-displacement market value of land of equal size and use, with similar or improved public infrastructure facilities and services and located in the vicinity of the affected land, plus the cost of any registration and transfer taxes. This is to ensure that the values obtained are adequate to secure in-kind alternative land or cash compensation for the affected owners.

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

7.4 Businesses or Employment

During the actual relocation process there could be a small amount of disruption to businesses required to relocate over very short distances. Such disruption can be minimized or eliminated if the businesses are allowed to build the replacement structure before abandoning the old structures. In case of businesses and commercial structures that may suffer temporary loss of income in the relocation process, they will be compensated through payment of disturbance allowance for the period required for re-establishing their businesses. In highly unlikely cases where, PAPs suffer permanent loss of income they become eligible for cash compensation equal to 36 months of average affected income from the establishment and skill enhancement and income restoration program.

As a part of their local government responsibility, the District Community Development department, whose current administrative role in assisting

communities in their jurisdiction, will be asked to support the PAPs who will be affected by the project. With assistance from the Resettlement field staff, they will take a responsibility of supporting affected people in developing their skills in entrepreneurship and managing compensation money. Compensation for businesses (such as flourmills, kiosks, coffee shop and local eating and drinking places) will be estimated based on the daily or monthly income of the affected parties if any.

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

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

Generally, the loss of income could be minimized if the affected persons are incorporated into the activities of the project. The Enumeration Approach will be adopted for the crops affected by the project. The Enumeration Approach involves taking census of the affected crops and applying a flat realistic rate approved by the Land Valuation Division.

7.5 Damage Caused during Construction Work

Reconstruction activities may also cause temporary or permanent damage to land and assets that cannot be identified or quantified during RAP preparation. An example might be construction workers trampling crops or vegetables while accessing particular construction sites. Thus, wherever possible, the construction team/contractor will repair the damage to the satisfaction of the affected person. Affected persons with a claim should be required to complete a compensation claim form and submit it to the construction team/contractor. The construction team/contractor will then negotiate the required compensation measures, which may include repairing the damage or payment of compensation in cash or kind. Payment of compensation should be effected within one month of submission of the claim form. It will be the responsibility of the implementing agency to see to it that contractor cater for any damage and have necessary policies to demonstrate this. The cost of damage caused by the contractor will be borne by the contractor not the implementing agency.

7.6 Community Facilities

Community facilities such as churches, wells, mosques, dispensaries, and water pump and sanitary facilities may need to be relocated to allow an intervention to be effectively implemented. The implementing agency will ensure that the local community derives maximum value from the subsequent re-construction works, preference ought to be given to local labour in order to help PAPs and other local people the opportunity to benefit from wages for their labour. Precaution has to be taken during the agreement and payments to minimize conflict among the beneficiaries. As PAPs will be relocated at short distances from the project sites, they may continue to have access to social and public services and facilities that they currently use, which exist in the project area. This applies to water supplies, schools, health services, shops, transport services and other community services, such as religious groups. PAPs should continue to use the available social services in the project area, the implementing agency will ensure comparable community facilities will be available.

7.7 Vulnerable Groups

Affected households that are particularly vulnerable to Project implementation will be identified through socio-economic surveys of the affected population, and in consultation with the implementing agency. Specific vulnerable groups such as Female headed households; Refugees; Children headed households; HIV/AIDS infected People/ Disabled; Elderly; Youth and orphans will require assistance based on need and level of vulnerability. However, in addition to other compensation and rehabilitation measures, these households will be supported through the following measures:

- a. In addition to their compensation package, vulnerable households will receive an additional allowance equivalent to the cost of three months' rent. This does not affect their accommodation allowance or any other allowances
- b. priority registration for employment on the Project's works;
- c. advice regarding Project impacts, compensation alternatives and risks, and resettlement options, including advice on alternative subsistence and livelihood strategies as offered by the Project;
- d. skills/training enhancement;
- e. The village government as part of its administrative duties may organize self-help group/NGO to assist vulnerable persons in ensuring their replacement houses are constructed
- f. land preparation where possible; and
- g. credit facilities where possible.

The project will provide customized support [to vulnerable PAPs] based on the nature of their vulnerability and the impact of the project.

Where domestic law does not meet the standard of compensation at full replacement cost, compensation under domestic law is supplemented by additional measures so as to meet the replacement cost standard. Such additional assistance is distinct from resettlement measures to be provided under other clauses in OP 4.12, paragraph. 6. The valuation of the assets will be done with the engagement and participation of the PAPs. The PAPs have the opportunity to do their own valuation if they have doubts or misgivings through the facilitation of the project for further negotiations between them (PAPs) and the PCU of REDD+. All negotiations will be done in collaboration and in the presence of grievance redress committee to ensure that the PAPs who do not have good negotiating skills are not left behind, and that they also get benefits commensurate with their losses in most cases.

7.8 Procedure for Delivery of Compensation

7.8.1 Consultation and Public Participation

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

7.8.2 Notification of Land Resource Holders

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

7.8.3 Documentation of Holdings and Assets

The MWE either through the PCU or through a consulting firm will undertake a detailed survey of all losses that will be incurred by each household, enterprise, or community affected by the REDD+ interventions. The survey will have to account

for land acquisition and loss of physical assets as well as loss of income temporary or permanent resulting from displacement of household members from employment or income-generating resources.

The local government structures, that is, the LGs and the lower councils (LCs 1-3) will be charged with all documentation and verification of data and information related to the acquisition of land, compensation and payment process up to the level of the accounting officer of the PCU.

Therefore, the community development officers of the districts, particularly those at sub-counties, in collaboration with the LC Is will compile and record data/information. The community workers in collaboration with the parish chief and the executive of the parish council will compile parish data and submit to the sub-county chief/town clerk for submission to the district's Chief Administrative Office (CAO)/Municipal town clerk. Likewise, the CAO together with the town clerk will compile data/information and submit to the PCU in the MWE. These will serve as data for resettlement monitoring and evaluation.

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

7.9 Procedures for Payment of Compensation

Compensation payment will be made in the following ways:

- (a) By agreement between the MWE and the PAPs or entities (individuals /households /communities):
 - a. The MWE will offer such sums deemed adequate as compensation to the entity who may accept that amount as compensation payable to him or her and;
 - b. Such sums will be disbursed directly to the beneficiary entity with the relevant records of payments consigned to the RAPs and the records of the appropriate local government authority (District Land Boards).
 - c. By court order on the amount of compensation where this has been the subject of litigation between the MWE and the Affected Entity.

7.10 Role of Office of Chief Government Valuer

The application of the valuation exercise on ground will be done in the presence of at least two local council leaders with the participation of the affected persons. Values assigned to assets must be based on the local market/property rates

determined by the respective districts. Where this is not possible, a Government Valuer will be engaged to do this. In the event that a Government Valuer handles this process, the depreciation cost will not be imputed and the consent of the affected person on the outcome of the process must be sought in order to arrive at agreements on the total profile of losses and compensation.

It will be important that REDD+ interventions adhere to the principles in the Draft Land Acquisition, Resettlement and Rehabilitation Policy (2017) and other international standards and best practices of involuntary resettlement of indigenous marginalized people and forest-dependent communities. The following principles will be essential in the resettlement packages resulting from displacement associated with the REDD+ strategic options:

- a) REDD+ interventions should adhere to applicable national legislation and policies, including international treaties governing involuntary resettlement;
- b) Resettlement should be avoided and/or reduced as much as possible by exploring alternative REDD+ intervention designs, phasing, and ensuring all stakeholders are involved in designing interventions to avoid or minimize harm;
- c) Resettlement should be undertaken through early and informed stakeholder participation and timely disclosure of information. Intervention implementers should conduct meaningful engagement with those that will be affected;
- d) A grievance mechanism that is accessible, responsive, efficient and not costly between responsible agencies and persons affected by REDD+ interventions should be established to address conflicts that may emanate in the implementation of resettlement;
- e) Resettlement planning and implementation should be undertaken in a socio- culturally acceptable manner for the different indigenous marginalized people and local communities;
- f) A comprehensive baseline and database of the people who may be affected by the intervention is necessary to minimize grievances;
- g) People affected by REDD+ interventions should be compensated with a full replacement value and paid fully and promptly. It may be necessary to consider providing additional benefits through sharing the REDD+ benefits with the affected persons. Resettlement entitlements should be paid before physical or economic displacement;
- h) REDD+ interventions should include the full costs of resettlement in the intervention's costs and benefits;

- i) Minimizing or avoiding disruption of social networks in the resettlement packages that are provided under REDD+ interventions;
- j) Recognizing informal and secondary land rights in REDD+ intervention areas;
- k) Ensuring that gender equality and equity are fully integrated in the resettlement packages;
- l) Ensuring that the affected persons are resettled in areas where they can still utilize their skills and be able to derive their livelihoods;
- m) Ensuring transparency, consistency and equity in the procedures applied in compensating or resettling people affected by REDD+ interventions;
- n) Recognizing the historical and contemporary injustices on land rights of indigenous marginalized people and other vulnerable social categories in areas where REDD+ is to be implemented;
- o) It will be important that the indicators applied in monitoring are developed with the participation of the affected persons;
- p) Establishment of clear communication and feedback mechanisms between intervention implementers and persons affected.

7.11 Compensation and Rehabilitation Measures

- a. Compensation and rehabilitation should be guided by a Resettlement Action Plan that is developed through participatory processes and based on a social economic survey of the site that has persons that will be affected by REDD+ interventions. The Plan should be made available to all stakeholders including civil society organisations and associations of indigenous marginalized people and forest-dependent people who may be affected by REDD+ interventions. The format and language should be understandable to the persons who will be affected;
- b. Building capacity of the persons affected by REDD+ interventions should be integrated in the resettlement action plan. Capacity-building should be focused on ensuring that affected persons are capable to carry on with their livelihood activities in areas where they are resettled or the option of compensation;
- c. The resettlement action plan should be elaborated on the schedule, budgets and implementation plan, monitoring and evaluation procedures that will be followed. This information should be readily available to the persons affected by REDD+ interventions in the format and language that they comprehend;

- d. Intervention implementers should be well conversant with the Resettlement Action Plan;
- e. Effective communication channels such as village / community meetings and workshops involving persons affected and the intervention implementers are necessary to share the content of the resettlement action plan and agree on the benchmarks and indicators that will be applied in monitoring the implementation of the plan.

7.12 Relocation and Income Restoration Strategy

A displacement of people can result into relocation. It is important that the potential relocates participate in selection of the most optimal alternatives for relocation. There should be arrangements to provide for self-relocation, i.e. allowing affected persons taking individual or group initiatives to relocate to a place of their own choice and not resettlement sites. This will enable them to maintain their social networks or livelihood strategies and also minimise tensions and stress that is characteristic of relocating to distant sites or to sites with different environmental, social, cultural, and economic characteristics. In the event that the potential relocates request the intervention proponents to resettle them, it will necessary to select sites that match closely the previous site in terms of environmental, social, cultural, and economic characteristics to minimize shocks³¹.

The resettlement plan should consider addressing the socio-economic and cultural changes that the host community may experience due to resettling displaced persons. The hosts can participate with relocates in programs for economic development and social integration. They should have access to training, employment, and other benefits generated by the intervention.

Displacements often affect people's livelihood strategies and can cause loss of income sources such as productive assets, businesses and jobs. In order to restore income, land-based resettlement packages ought to be prioritized because land is a productive asset in agrarian economics. Non-land-based resettlement strategies such as occupational training, employment, directed credit, small business and enterprise development for job creation can also be good alternatives to restore incomes of displaced people. The resettlement program may include elements of both land-based and non-land based resettlement strategies to increase the chances of income restoration of the displaced people.

³¹ ADB, 1998. Asian Development Bank. A Handbook on resettlement. A guide to good practice.

8 IMPLEMENTATION INSTITUTIONAL ARRANGEMENTS

8.1 Organization Setup

There will be different institutions that will be involved in the compensation and resettlement of displaced persons due to REDD+ interventions. These include the intervention proponent; district local governments; Ministry of Lands, Housing and Urban Development; village resettlement action plan committees; civil society organisations; representatives of indigenous marginalized people; and the Forest Sector Support Department.

The intervention proponent will be responsible for payments of compensation packages. The Ministry of Lands, Housing and Urban Development will determine the value of land, while local governments determine compensation rates of crops and other assets such as buildings on land. Civil society organisation and representatives of the indigenous marginalized people will ensure that the packages offered to displaced people are fair, adequate and prompt. The Forest Sector Support Department in the Ministry of Water and Environment through the proposed Feedback and Grievance Redress Mechanism office³² will oversee the activities of the committee set up to address grievances involving compensation as proposed.

8.2 Implementation Strategies

There are two common practices in Uganda for implementing resettlement action plans and these include contracting out the implementation to an external agency or company and intervention developer implementing the plan.

To minimize transactional costs and delays associated with dealing with different agencies, it is recommended that REDD+ intervention developers, both state and non-state, implement the resettlement action plans for any intervention that may result into displacement of marginalized indigenous people and forest-dependent communities and illegal occupants on public land and protected areas with de facto land rights.

This should be done in consultation with intervention-affected persons and or cultural institutions of indigenous marginalized people, civil society organizations

³² MWE, 2017. Ministry of Water and Environment. National feedback and grievance redress mechanism for uganda's REDD+ programme. Kampala, Uganda

and local governments. It will be important to set up village Resettlement Action Plan committees to support the process of implementation. It will be important to put the following aspects into consideration:

- a. A Resettlement Action Plan should be formulated and made available to all stakeholders including civil society organisations and associations of the indigenous marginalized people and forest-dependent people who may be affected by REDD+ interventions. The format and language should be understandable to the persons who will be affected;
- b. Capacity building of the persons affected by REDD+ interventions should be integrated in the Resettlement Action Plan. Capacity building should be focused on ability to carry on their livelihood activities in the areas where they are resettled or the option of compensation;
- c. The Resettlement Action Plan should be elaborated on the schedule, budgets and implementation plan, monitoring and evaluation procedures that will be followed. This information should be readily available to the persons affected by REDD+ interventions in a format and language that they comprehend
- d. Effective communication channels such as village and community meetings and workshops involving persons affected and the intervention implementers are necessary to share the content of the Resettlement Action Plan and agree on the benchmarks and indicators that will be applied in monitoring the implementation of the plan.

8.3 Monitoring and Evaluation

Monitoring and evaluation allows intervention proponents to ensure smooth progress of implementation of Resettlement Action Plans by providing for a review of information on the progress of implementation of resettlement plan activities. It also helps to establish the degree to which the resettlement activities are achieving or have achieved the desired purpose and outcomes. A detailed M&E is elaborated in the ESMF. Both internal and external monitoring will need to be applied in REDD+ interventions that have caused involuntary resettlement. External monitoring and evaluations will provide an independent avenue to verify intended results.

It should be noted that both external and internal monitoring and evaluations will be elaborated. Internal monitoring and evaluations will help ensure that resettlement institutions are well functioning during the course of REDD+ strategy

implementation, and that resettlement activities are undertaken in accordance with the implementation schedule described in the Resettlement Action Plan.

Internal monitoring of the implementation should consider co-opting representatives of government agencies and civil society organisations. The team that conducted the baseline study (establishing the status) should not do external monitoring. Monitoring should be done both during the implementation and after.

The following indicators are suggested to supplement on those that will be developed in individual resettlement actions plans for REDD+ interventions that may displace indigenous marginalized people and local communities:

- a. Adequacy and suitability of land and other natural resources in terms of socio-economic and livelihood requirements of indigenous marginalized people and local communities displaced by REDD+;
- b. Household assets of the displaced persons;
- c. Authenticity of the claimants;
- d. Access to public infrastructure and community services;
- e. Access to social networks and relations of the affected persons;
- f. Livelihood and quality of life of the displaced persons;
- g. Adequacy, promptness and acceptability of compensation of displaced persons;
- h. Communication between intervention implementers and affected persons;
- i. Level and effectiveness of consultations with the indigenous marginalized people and local communities affected;
- j. Effectiveness of the grievance redress mechanisms.

The indicators used for both internal M&E and external M&E should be based on the overall purpose for each M&E respectively.

8.4 Implementation Responsibilities

8.4.1 Implementation of the RAP

The implementation activities will be under the overall guidance of the MWE (PCU). In addition, the District Local Governments will be heavily involved in all resettlement, relocation and compensation efforts for subprojects where resettlement is indicated. Each district in Uganda has a five tier Local Government structure which operates from the lowest level known as the Local Council I through to the Local Council V at the District Headquarters. This structure is a political set up whose office bearers are elected into their positions. There is a

parallel administrative structure at each Local Government level composed of technical public officers whose appointments are based on the required qualifications and experience for the respective technical offices. These are headed by the CAO who is also the accounting Officer of the district. All projects, which require resettlement, have to closely liaise with the Local Government Administration to ensure equity, acceptability and compliance. On the ground however, the beneficiaries will undertake the actual implementation of RAPs in close collaboration with the committees for compensation, grievance redress, the M&E team as well as the LC I of the area. The project will have to closely liaise with the respective LG administrations to ensure equity, acceptability and compliance. In addition, the LC I is expected to collaboratively work closely with the LG administrations at the local level. The main institutions to be involved in the implementation of resettlement activities and their respective roles and responsibilities are summarized in the Table 8 below:

Table Error! No text of specified style in document.:8: Institutional Framework for Resettlement Implementation

No.	Institution	Responsibility
1.0	Ministry of Water and Environment (MWE)	<ul style="list-style-type: none"> • Coordinate the implementation of REDD+ resettlement activities in the selected institutions • Conduct initial site assessments and environmental and social screening process • Conduct initial site assessments and environmental and social screening process • Guide the institutions on enforcing the mandated regulatory safeguard policies such as carrying out the ESIA of the developments by REDD+ by procuring the consultants • Monitor and supervise the implementation of this RPF/RAP during the implementation of the REDD+ • Liaise with the district and MoLHUD when need arises in ensuring the peaceful implementation of the process including handling of any grievances.
2.0	Ministry of Lands, Housing and Urban Development	<ul style="list-style-type: none"> • Assist in the supervision of the RPF and Resettlement/Compensation Plan. • Liaise with MWE to provide funds for compensation payment. • Trigger the process through inventory of affected persons and assets and implement planning in close consultation with the district CDO. • Carryout the valuation and compensation payment process (through the Chief Government Valuer) and reporting for the affected persons
3.0	Chief Government Valuer	<ul style="list-style-type: none"> • Review and approve the RAPs especially the valuations.

4.0	The District Local Governments	<ul style="list-style-type: none"> Assist the community and support in the inventory of affected persons with the help of district steering committees and Community Development Office
5.0	The Participating Communities/NGOs	<ul style="list-style-type: none"> Execute the RPF and Resettlement/Compensation Plan on the ground Handle grievances in liaison with the GRC Manage the compensation process (payments)
6.0	Local Council I	<ul style="list-style-type: none"> Assist in the mobilization of PAPs Participate in resettlement and compensation

8.4.2 Setting up of Resettlement Management Teams

It was not possible to determine the number of likely persons to be affected by REDD+ including related losses and impacts at the preparation of this RPF. It is however, recommended that resettlement management teams commensurate with the magnitude of the impact should be setup to implement the prepared RAPs and should consist of three smaller teams namely:

Compensation Committee – The committee will comprise of representatives of the affected persons (2), Land Valuation Board, LCI, two representatives of the School and a representative from the MWE. The representative of MWE will chair the committee. The compensation committee will be responsible for organizing and ensuring that compensations payable to PAPs are made in line with the provisions and procedures of this RPF.

Grievance Redress Committee - The GRC will be responsible for receiving and logging complaints and resolving disputes. This committee will work with the MWE (PCU) to resolve each grievance or dispute to ensure that redress actions are implemented. If affected persons are not satisfied with the grievance redress structures, they will be entitled to seek redress through the DLT or Ugandan courts of law. It is important that the GRC be set up as soon as the compensation report or resettlement plan preparations start. Disputes can arise from census operations and it is therefore, essential that the mediation mechanisms be available to cater for claim, disputes and grievances at an early stage.

Monitoring and Evaluation Team - The M&E team will be responsible for the monitoring of the RAP implementation program to ensure that stated targets are met and the PAPs are duly compensated in line with the RAP requirements. This is an integral part of the monitoring process of the project.

8.5 Sub-Project Screening and Preparation of Resettlement Action Plans

8.5.1 Project Screening

The RPF requires that all REDD+ and World Bank-financed operations are screened for potential impacts and that the required compensation work be carried out on the basis of the screening results before implementation of the intervention of programs begin. Interventions or sub-projects might also have a social impact on the community. Potential socio-economic impacts that will require mitigation measures, resettlement and compensation will have to be identified. The interventions or sub-projects will be screened to answer the following critical questions:

- a. Will involuntary resettlement, land acquisition, or loss, denial or restriction of access to land and other economic resources be caused by the implementation of the intervention or sub-projects?
- b. Will the intervention or sub-projects result in the permanent or temporary loss of crops, fruits and household infrastructures such as granaries, outside toilets, kitchens, and other structures?

As soon as the list of interventions (sub-projects) is approved by the responsible agency implementing (MWE) the REDD+ program, a consultative and participatory process for preparing a RAP will be started.

8.5.2 Preparation of RAPs

The screening process is an important component of several activities that contribute to the preparation of RAPs. The RAPs, which will be drafted for the REDD+ interventions, will specify the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities. The RAP will have to identify the full range of people affected by the project and justify their displacement after consideration of alternatives that would minimize or avoid displacement. The preparation and submission of the RAP to the relevant local government authorities, MWE and World Bank comprises the following steps:

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

Step 2: The developer, GoU, and implementing institution (MWE) will approach the communities impacted through local government authorities with the intention of arriving at a consensus on possible sites for the type of facility to be adopted.

Step 3: The local communities' authorities (village councils, parish/sub-county, county and district development committees) will undertake their inter-communal consultations in order to review the location of the facility.

Step 4: The environmental and social screening process will be undertaken in conformity with the provisions of the ESMF and the RPF screening process. The process will, amongst other, determine:

- a. whether any resettlement will be required at the chosen site and if so;
- b. whether alternative sites are available;
- c. whether any loss of land, assets or access to economic resources will occur or;
- d. whether any of the World Bank operational policies will be triggered.

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

Step 6: Where resettlement or loss of assets cannot be avoided, the provisions of the World Bank's OP 4.12 will be applied and a RAP prepared for each intervention or sub-project.

In the event that resettlement will be triggered, a comprehensive RAP will be prepared for the respective intervention or sub-project. The RAP through a Social-Economic Survey shall;

- a. Provide the description of different categories of impacted people determined by the degree of impact and assets lost.
- b. Establish the method for determining a cut-off date for compensation.
- c. Define the criteria to be used in identifying who is eligible for compensation for each category of the population impacted. These criteria may include, for example, whether losses are partial or total, whether people have their own land or also rent land, and what happens when buildings are occupied by more than one business tenant or household.
- d. Elaborate on the amount of losses, ownership status, tenancy status, and any other relevant information.
- e. Identify who and how affected persons will be impacted, who will determine eligibility, and how the process will work.

- f. Set out the different categories of people that may be affected by the sub-project, and show the types of losses such people may suffer, whether to land, income, rights of access, housing, water sources, proximity to work, and others, and including combinations (house and land, for example).
- g. Make the eligibility criteria user-friendly, so that those applying the principles to the sub-projects "on the ground" will be able to quickly identify whether people affected are eligible for compensation or not, and how.
- h. Describe who will judge eligibility in difficult cases, for example by the use of neighborhood or village committees, or outside experts, and how such processes will work.
- i. Define categories of people eligible under the national law, and separately, any others who must be compensated because of the requirements of World Bank policy.
- j. Define the unit of compensation – individuals, families, collectives (or all three, because some losses may be sustained by individuals, others by the community as a whole or by associations within it such as religious or farmers' groups).

8.5.3 RAP Guidelines

As a general guide the RAP must:

- a. Sufficiently justify resettlement as unavoidable.
- b. Be based on baseline study reports and inventory of assets.
- c. Uphold the principle of fairness in compensating affected persons.
- d. Contain deliberate activities and mechanisms to enhance capacity to efficiently manage the resettlement process. This must include strengthening existing capacities of relevant institutions and local governments to handle the process where necessary.

The process of preparing RAPs in line with the above requirements will involve the following:

- a. A census shall be carried out to identify the PAPs;
- b. The census will generate information about the displaced persons, their entitlements regarding compensation, resettlement and rehabilitation assistance as required;
- c. Disturbances, especially those affecting income-generating activities and impact on assets should be properly recorded with the view to compensation or replacement in case of resettlement and;
- d. Based on the census and inventory of losses, and in consultation with the displaced persons, a time-phased action plan with a budget for provision of

compensation, resettlement, and other assistance as required, shall be prepared.

The executing agency (MWE) will be responsible for recruiting consultants to prepare the RAPs as required. To ensure transparency of procedures, PAPs shall be informed of the method of valuation employed to assess their loss. All payments of compensation, resettlement and rehabilitation assistance, as the case may be, shall be made by MWE in close collaboration with the Local Governments and the PAP(s) in question, a witness, and local officials. And when necessary a grievance redress mechanism will be established within the district including a representation of the PAPs. The MWE and MoLHUD will monitor this process and give advisory services as required.

9 GRIEVANCE REDRESS MANAGEMENT

9.1 Introduction

It is vital to have the grievance redress mechanisms developed in the REDD+ process to allow affected people to express their concerns about the resettlement and compensation process. This is to avoid escalation of issues to levels that may be detrimental to both the affected persons and REDD+ interventions. The proposed feedback and grievance redress mechanism (FGRM) for REDD+ in Uganda³³ will be applied in providing redress to the grievances that may emanate related to compensation in REDD+ interventions. It suggests use of both the informal and formal mechanisms. The formal mechanisms include the court system while the informal ones include grievance redress mechanisms used by religious and cultural or traditional institutions. The proposed FGRM involves religious leaders, cultural leaders, elders, civil society organisations, political leaders and government agencies. At the lower levels, the proposed FGRM should comprise Collaborative Forest Management arrangements as well as Local Councils (LCs) and local governments from the village level to the district levels. It will be a multi-stakeholder entity with defined procedures and powers and it is expected to apply facts when making conclusions as a basis of action. It will be inclusive and participatory in nature with an aim of facilitating communication between conflicting parties, promoting dialogue, and facilitating reasonable agreement between the parties to a conflict. In case the FGRM fails, the parties to a conflict may resort to the formal courts at any stage of the conflict resolution process.

Project Affected People may resent or misunderstand the process of valuation and compensation for their losses and raise grievances at any point in time during the implementation of sub-component 1.1 of REDD+ (which entails civil works and building construction). Any such grievance (however small it may be considered) that may arise from PAPs should be well addressed through a systematic grievance redress mechanism. The mechanism should provide avenues for affected persons to lodge complaints against the project or contractors. It should also describe procedures, roles and responsibilities for managing grievances and resolving disputes. And the community/PAPs should be informed about the mechanism so that it can be utilized when necessary. Every aggrieved person shall be able to trigger this mechanism to quickly resolve his or her complaints. The entire process

³³MWE, 2017. Ministry of water and environment. National feedback and grievance redress mechanism for Uganda's redd+ programme. Kampala, Uganda.

should be well documented. The mechanisms for grievance redress shall be simple but effective.

9.2 Objectives

The objectives of the grievance redress process are to:

- a. Provide affected people with avenues for making a complaint or resolving any dispute that may arise during project implementation and determination of entitlements of compensation and implementation of the project;
- b. Ensure that appropriate and mutually acceptable redress (corrective) actions are identified and implemented to address complaints to the satisfaction of the aggrieved;
- c. Verify that complainants are satisfied with outcomes of corrective actions and;
- d. Avoid the need to resort to judicial (legal court) proceedings.

9.3 Grievance Redress Mechanisms

The implementation of sub-component 1.1 of the REDD+ will therefore require establishing a simple Grievance Redress Committee (GRC) for the project. It is suggested that a GRC be established at 2 levels namely: district and LCI levels to enable handling of grievances unsettled at the lower level. The GRC at LC I level shall comprise: LC I chairperson, an elected PAP representative, a trusted village elder, a religious representative and a representative of the implementing agency (MWE/PCU). On the other hand, the GRC at the district will at a minimum comprise the LC III representative, District Land Officer/Surveyor, District Community Development Officer (DCDO)/ District Environment Officer and a Grievance officer from the PCU representing the implementing agency.

At the district level, the FGRM Office will not have separate and full time staff and operations. However, its activities will be coordinated by, and implemented under the leadership of the Chief Administrative Officers (CAOs). Given their overall mandate for providing coordination, monitoring and oversight for all government activities in the district, the CAOs and the relevant technical Officers at the district level (DFOs, DNROs, DEOs and DCDOs) will from time to time be asked and facilitated to enable both the technical officers, the Forestry Multi-stakeholder Task Force, CSOs, Honorary Forest Officers, religious and cultural leaders visit and interact with various stakeholders in forest community as part of their overall responsibility to engage them with a view to detect, prevent and resolve conflicts.

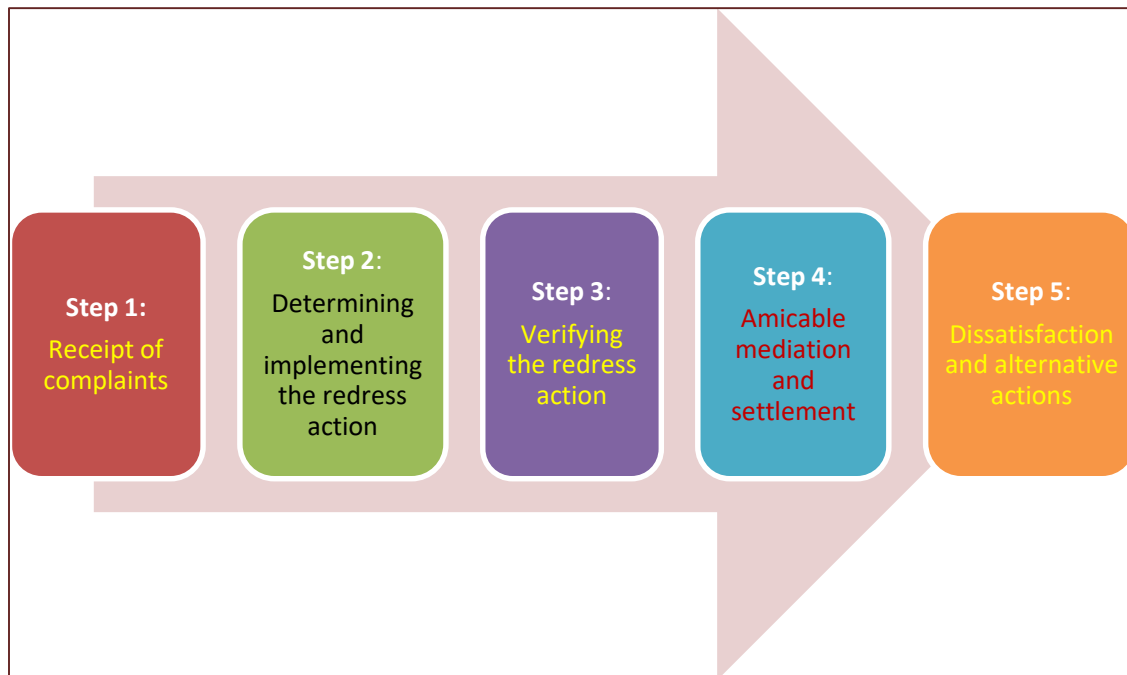
In facilitating the operations of the FGRM, the CAOs will work with, and receive technical support from the District Forest Officers (DFOs), the District Environmental Officers (DEOs), the District Natural Resources Officers (DNROs), the District Community Development Officers (DCDOs) and other relevant officers. Under the leadership of the CAOs, the technical Officers in the natural resources sector will work closely with the relevant CFM arrangements as well as the LC structure, CSOs, religious leaders, cultural leaders and honorary forest Officers to ensure effective implementation of the FGRM.

The general steps of a grievance redress process are as follows:

- a. Receipt of complaints - Is the first step when a verbal or written complaint from a complainant is made, received and recorded in a complaints log by the GRC. The method of receipt of complaints will be mainly directly by the complainant or his representative verbally or in a written form.
- b. Determining and implementing the redress action - If in his/her view, a grievance can be solved at this stage, the GRC will determine a corrective action in consultation with the aggrieved person. Grievances will be resolved and the status reported back to complainants within 5 working days. If more time is required, this will be communicated clearly and in advance to the aggrieved person.
- c. Verifying the redress action - The proposed corrective action and timeframe in which it is to be implemented will be discussed with the complainant within 5 days of receipt of the grievance. Consent to proceed with corrective action will be sought from the complainant and witnessed by the area's local council one chairperson (LC I Chairman).
- d. Amicable mediation and settlement - Agreed corrective action will be undertaken by the project or its contractor within the agreed timeframe. The date of the completed action will be recorded in the grievance log.
- e. Dissatisfaction and alternative actions - To verify satisfaction, the aggrieved person will be asked to return and resume the grievance process, if not satisfied with the corrective action.

The above general steps are summarized in the Figure 2 below:

Figure 2: General Steps of the Grievance Process



In the event that there is no resolution to the grievance at the lowest level, then:

- a. The GRC at the LC I and the aggrieved PAP(s) shall refer the matter to the GRC at the district, which will be given a 10-day notice to hold a meeting. After two days of the meeting, the GRC will call the PAP and the GRC at LC I level for discussions and resolution. The resolution will be presented to the PAP in writing within the same day of the meeting;
- b. If there is no resolution to the grievance, the GRC at the district and the PAP shall then refer the matter to the District Land Tribunal (DLT);
- c. An Appeal to Court - Ugandan laws allow any aggrieved person the right to access to Courts of law. If the complainant still remains dissatisfied with the DLT, the complainant has the option to pursue appropriate recourse via a judicial process in Uganda. Courts of law will be a “last resort” option, in view of the above mechanism.

9.4 Anticipated grievances

Some of the anticipated grievances likely to arise during REDD+ implementation will, to a large extent, take the shape of the existing circumstances in the project areas. For instance, while implementing the project in refugee hosting areas, the grievances could have a different dimension from those in non-refugee hosting areas.

In all, some of the anticipated grievances under REDD+ will include:

- a. Land uptake issues where there could be issues of encroachment on neighboring lands;
- b. Access to water for construction works;
- c. Access and payments for project construction materials;
- d. Grazing of livestock;
- e. Employment opportunities offered by the projects with reference to availing jobs to refugees as well;

10 CONSULTATION AND PARTICIPATION

10.1 Consultations

10.1.1 General Consultations

It is a generally accepted principle in the international law that indigenous peoples should be consulted as to any decision affecting them³⁴. It is important that all actors involved in resettlement prioritize meaningful, effective and informed consultations with the affected persons. Consultations should go beyond informing and include getting feedback from parties involved i.e. it should rely on two-way communication where there is mutual respect. Consultations must be in good faith, through culturally appropriate procedures, and with the objective of reaching an agreement with the affected persons. This will require that affected persons have adequate information on the proposed measures to meaningfully engage with the intervention proponents. A committee that represents the interests of the communities should be set up to engage with the intervention developers. Intervention implementers should empower affected persons to meaningfully engage in planning and implementing resettlement programs.

10.1.2 RAP Consultation

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

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

The role of traditional political and cultural leaders, including the community elders, in the participation strategy will be important. The RAP team should ensure

³⁴Anaya, J. (2005). Indigenous peoples' participatory rights in relation to decisions about natural resource extraction: the more fundamental issue of what rights indigenous peoples have in lands and resources. *Ariz. J. Int'l & Comp. L.*, 22, 7.

that these leaders and local representatives of PAPs are fully involved in designing the public consultation procedures. Two steps of information and consultations are proposed to be implemented in the course of the preparation of RAPs:

- a. Initial information:
 - i. This step should coincide with the cut-off date (information should not be delivered in advance of the cut-off date to avoid encroachment by new arrivals).
 - ii. Basic information will be provided to potentially affected people on the project, and resettlement and compensation principles as outlined in this RPF.
 - iii. The engagement of the PAPs will take the form of public meetings in the project areas.
- b. Consultation on the draft RAP:
 - i. Once the draft RAP is completed, it should be discussed with the affected communities, whose comments will be incorporated into the final document.

10.2 Key Issues in Consultations

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

- a. alternative project design;
- b. assessment of project impacts;
- c. resettlement strategy;
- d. compensation rates and eligibility for entitlements;
- e. choice of resettlement site and timing of relocation;
- f. development opportunities and initiatives;
- g. development of procedures for redressing grievances and resolving disputes and;
- h. mechanisms for monitoring and evaluation including for implementing corrective actions.

10.3 Consultation Phases

10.3.1 Data collecting phase

Consultations during preparation, in particular, the collection of background information, and the social survey or social assessment, are critical for the successful data collection process. The levels of consultation will vary from households to community groups, based on a given context of the sub-project(s). The RAP team will design the questionnaires but it will be the households, organizations, and institutions that will validate their effectiveness through feedback. Focus group meetings with women, farmers' associations, individuals who own farms, etc., as well as secondary schools, health centres, and agricultural cooperative unions are usually good sources for establishing the community baseline situation.

10.3.2 Implementation phase

During implementation, PAPs will be informed about their rights and options. The grievance mechanism will continue to operate and all grievances will be recorded. The participation of local leaders and PAPs in disseminating information and resolving disputes will be critical once the implementation of the RAP starts. A dynamic participatory approach involves PAPs in decision making about livelihoods and community development programs.

10.3.3 Monitoring and evaluation phase

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

10.4 Community Involvement and Sensitization

The affected persons should be engaged in meaningful consultations at the beginning of the project and they should have access to the RAP and be encouraged to provide input. Consultations should be done in the local language(s) where possible; and women should be consulted separately if that is

more appropriate. The consultation process should ensure a sizeable participation of women, youth, indigenous peoples and groups at risk of exclusion, and also ensure prior distribution of project information in a form that is understandable and accessible to community members. Communities within the project areas will be sensitized on the project and likely project impacts and the extent of their involvement to ensure project success. Measures instituted to address negative project impacts will be effectively communicated to the community. The Ugandan law requirements on consultation and information, as well as those related with grievance management fall short of meeting World Bank requirements. The application of these will require:

- a. Meaningful information sharing and consultation to take place before the process leading to displacement is launched in each of the project areas of the REDD+ and;
- b. A specific grievance registration and processing mechanism to be put in place.

10.5 Notification Procedures

Affected persons will be notified through both formal (in writing) and informal (verbal) manner, for example, at community meetings called by the LC I in consultation with the schools. Public notices in the daily newspapers, or radio services will be conducted to notify the public of the intention to utilize land earmarked for the sub-project. A copy of such notice shall be served to each owner, occupier and person or agent having an interest in the land thereof. The names and addresses of the owners, occupiers and agents shall be readily ascertainable. The notice shall state:

- a. The project's proposal to utilize the land;
- b. The public purpose for which the land is wanted;
- c. That the proposal or plan may be inspected at the PCU or the CAO's office;
- d. That any person affected may, by written notice, object to the transaction giving reasons for doing so, to the entities cited above within a period to be specified at the time of publication of the notice and;
- e. List the cut-off date detailing that in-migration after this date will not receive compensation.

10.6 Documentation

The names, photographs, telephone numbers and addresses of affected persons will be compiled and kept in a database including claims and assets. The PCU will maintain records of these persons as well as the CAO's office. The records are also important especially for future monitoring activities. Documentation will include documents relevant to land transactions (voluntary and involuntary).

10.7 Contract Agreement

A contract listing all property and land/farms being surrendered and the types of compensation (both cash and in-kind) will be prepared. The contracts will be presented at community meetings prior to signing. The handing over of property and compensation payments will be made in the presence of the affected persons and the compensation committee, and in public.

See template for table of contents for a RAP Consultation Report attached as appendix 4.

11 COSTS AND BUDGETS

One of the responsibilities of government in the implementation of REDD+ will be to identify and meet related land acquisition and compensation requirements before civil works start. It was not possible at the time of preparing this RPF to give a definite number of people likely to be affected by the REDD+ because the existing projects/interventions to benefit, and specific site locations have not been identified. A detailed RAP budget will be developed during RAP(s) preparation. The budget will cover resettlement activities including compensation cost for affected assets if any. The cost will be derived from expenditures relating to:

- a. The preparation of the resettlement/compensation action plan;
- b. Relocation and transfer;
- c. Income and means of livelihood restoration plan and;
- d. Administrative costs.

After sub-projects have been identified by MWE, REDD+ sub-projects specific site locations identified, technical designs and land needs, site specific socio-economic studies will be undertaken to determine if full RAPs will be done. These will provide information on specific impacts, individual and household incomes, numbers of affected persons and other demographic data. The information will facilitate the preparation of a detailed and accurate budget for resettlement and compensation.

Funds for implementing inventory assessments and RAPs will be provided by the GoU through the MoFPED. The MWE will prepare the resettlement budget and this budget will be managed through the administrative and financial management rules and manuals of the PIM. A sample of a resettlement budget is provided in Table 11 below.

Table11: Proposed RAP Budget

Asset acquisition	Amount or number	Total estimated cost	Agency responsible
Land			
Structure			
Crops and economic tress			
Community infrastructure			
Land Acquisition and Preparation			
Land			
Structures			

Crops areas and others			
Community infrastructure			
Relocations			
Transfer of possessions			
Installation costs			
Economic Rehabilitation			
Training of PAPs			
Capital Investments			
Technical Assistance			
Monitoring and Evaluation			
Grievance Redress Mechanism			
Resettlement Activities’ Monitoring/Regular Field Visits.			
Capacity Building for safeguards Staff.			
Independent Consultant to carry out RAP Completion Audit			
Contingency 20% of the total amount			
#	Item	Costs	Assumptions
1	Compensation for loss of Land	/hectare	For land acquisition purposes, based on Uganda’s average market cost, or from similar projects
2	Compensation for loss of Crops	/hectare of farm lost	Includes costs of labour invested and average of highest price of staple food crops and Ugandan market prices
3	Compensation for loss of access to pastoralists	If applicable	Those affected would be provided with shared access, or alternate routes (decision agreed through consultation and participation of all)
4	Compensation for loss of access to fishing resources.	If applicable	Data provided from the revised socio-economic study will determine market values of catch, fish products etc.
5	Compensation for Buildings and Structures	If applicable	This compensation may be in-kind or cash. Costs for basic housing needs should include ventilated pit latrines, outside kitchen, and storage.
6	Compensation for Trees	/year/tree	Includes costs of labour invested and average of highest price of trees (and tree products) and Ugandan market prices
7	Cost of Relocation Assistance/Expenses	/household	This cost reflects the moving and transportation allowance
8	Cost of Restoration of Individual Income		Assumed to be higher than the GDP/capita in Ugandan

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

12 MONITORING AND EVALUATION

12.1 Introduction

Monitoring and Evaluation is a key component of the RPF and feeds the management system of the RPF with the required information whenever needed. The M&E team will be responsible for monitoring the implementation of this RPF.

12.2 Purpose of Monitoring

Monitoring and evaluation will be the main mechanism through which REDD+ will be alerted of any delays and problems. The monitoring activities will help the implementers to measure the extent to which the main objectives of the RPF have been achieved. Monitoring will enable timely correction of any mistakes made in implementation methods, while evaluation will aim at checking whether policies have been complied with and providing lessons learnt for amending strategies and implementation in a longer term perspective. It is expected that internal monitoring will be adequate for REDD+. The purpose of internal monitoring and evaluation will be to verify that:

- a. All affected persons are involved in all the preparatory processes of the RAP as required and that all affected properties and assets are captured in the Entitlement matrix and inventories are given appropriate budgets;
- b. Compensation is done on schedule and in accordance with this RPF;
- c. All funds are spent on the line items for which they are budgeted and affected persons are satisfied with the resettlement process and;
- d. All grievances and complaints are channeled correctly and appropriately attended to.

12.3 Objectives and Scope of Monitoring

The monitoring plan will indicate parameters to be monitored, institute monitoring guidelines and provide resources including responsible persons or institutions, necessary to carry out the monitoring activities. Objectives include:

- a. Monitoring of specific situations or difficulties arising from the implementation and of the compliance of the implementation with objectives and methods as set out in this Resettlement Policy Framework and;
- b. Evaluation of the mid- and long-term impacts of the resettlement and relocation action plan on affected households' livelihood, environment, local capacities, on economic development and settlement.

Through the monitoring and evaluation, REDD+ will establish a reporting system for the project RAP that will:

- a. Provide timely information to the project about all resettlement and compensation issues arising as a result of resettlement related activities;
- b. Identify any grievances, especially those that have not yet been resolved at the local level and which may require resolution at higher levels;
- c. Document completion of project resettlement and compensation that are still pending, including for all permanent and temporary losses and;
- d. Evaluate whether all PAPs have been compensated in accordance with the requirements of the RAP and that PAPs have better living conditions and livelihoods.

12.4 Overall Monitoring Mechanism

To ensure that the implementation of resettlement is executed in line with this RPF, the activities will be monitored and evaluated internally by an M&E team of the PCU in the MWE at national level and on the ground at the district level. The PCU will undertake routine internal monitoring and evaluation of the implementation of resettlement issues so as to ensure that all the responsible units follow the schedule and comply with the principles of the resettlement plan. An evaluation program will be implemented periodically to check on compliance with the action plan and provide lessons to amend strategies, especially in the longer term. Progress will be reported against a schedule of required remedial actions. The arrangements for monitoring resettlement and compensation activities will also fall under the overall responsibility of the LGs. The schools/LGs will institute an administrative reporting system that:

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

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

A number of Objectively Verifiable Indicators (OVIs) shall be used to monitor the impacts of the compensation and resettlement activities. These indicators shall be targeted at quantitatively measuring the physical and socio-economic status of the PAPs and DPs, to determine and guide improvement in their social well-being. Therefore, monitoring indicators to be used for different RAPs will have to be developed to respond to specific site conditions. The monitoring should assess the extent to which: use of resources are determined in a participatory and inclusive manner and; payments are used for community purposes.

12.5 Types of Information Required

The census carried out during the RAP preparation will provide MWE with the required quantitative data that will enable the PCU to track the delivery of resources and services to the affected population, and to correct mistakes in the delivery of resources and services throughout the implementation of the RAP. In addition, information gathered during the census will yield important baseline data at the household and community levels, which will be used to identify indicators not only for resettlement implementation, but also for monitoring and evaluating income restoration and sustainable development initiatives associated with the RAP. The Resettlement team will maintain basic information on all physical or economic displacement arising from the project which will include the following:

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

12.6 Internal Monitoring and Evaluation

The objectives of internal monitoring and supervision to be undertaken by the PCU will be:

- a. to verify that the valuation of assets lost or damaged, and the provision of compensation, resettlement and other rehabilitation entitlements, has been carried out in accordance with the resettlement policies and guidelines provided by the World Bank;
- b. to oversee that the RAPs are implemented as designed;
- c. to verify that funds for implementation of the RAP are provided for by MWE or GoU in a timely manner and in amounts sufficient for their purposes, and that such funds are utilized in accordance with the provisions of the RAP.

The main internal indicators that will be monitored regularly include:

- a. That entitlements are in accordance with this RPF and that the assessment of compensation is carried out in accordance with agreed procedures;
- b. Payment of compensation to the PAPs under the various categories is made in accordance with the level of compensation described in the RPF and RAPs;
- c. Public information and consultation and grievance procedures are followed as described in the RPF and RAPs;
- d. Relocation and payment of subsistence and shifting allowances are made in a timely manner and;
- e. Restoration of affected public facilities and infrastructure are completed prior to construction;
- f. The number complaints solved by the Grievance Redress Committees;
- g. Minutes and attendance sheets of stakeholder meetings held.

12.7 Monitoring and Evaluation Indicators

Evaluation of the RPF will be based on current World Bank procedures and also national provisions on resettlement/compensation. The main evaluation indicators will include:

- a. Income levels before-and-after the RAP implementation;
- b. Access to livelihoods and employment;
- c. Changes in the standards of housing and living conditions;
- d. Number of grievances and their status, time and quality of resolution;
- e. Number of individuals and families to re-establish their pre-resettlement activities, in terms of other alternative incomes;
- f. Number of demolitions after giving notice and;
- g. Number of PAPs paid in a given period in comparison with what was planned.

Monitoring indicators: A number of objectively verifiable indicators shall be used to monitor the impacts of the compensation and resettlement activities. These indicators will be targeted at quantitatively measuring the physical and socio-economic status of the PAPs, to determine and guide improvement in their social wellbeing. Therefore, monitoring indicators to be used for the RAP will have to be developed to respond to specific site conditions. As a general guide, Table 10 below provides a set of monitoring indicators that can be used.

Table Error! No text of specified style in document.: Types of Verifiable Indicators

Monitoring	Evaluation
Outstanding compensation or resettlement contracts not completed before next agricultural season.	Outstanding individual compensation or resettlement contracts.
Communities unable to set village-level compensation after two years.	Outstanding village compensation contracts.
Grievances recognized as legitimate out of all complaints lodged.	All legitimate grievances rectified
The existence (or not) of people/entities not considered for compensation	Inclusion of all affected parties in the compensation process
Pre-project production and income (year before land used) versus present production and income of re-settlers, off-farm-income trainees, and users of improved mining or agricultural techniques.	Affected individuals and/or households compensated or resettled in first year who have maintained their previous standard of living at final evaluation.
Pre- project production versus present production (crop for crop, land for land).	Equal or improved production per household.

12.8 Indicators to determine status of affected people

A number of indicators would be used to determine the status of affected people: for example, land being used compared to before, standard of house compared to before if applicable, level of participation in project activities compared to before, number of kids in school compared to before, and health standards. Therefore, RAPs will set two major socio-economic goals by which to evaluate its success:

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

12.9 Monitoring tools

- a. Questionnaires with data stored in a database for comparative analysis (before and after and, with or without);
- b. Documentation and recording of PAPs situation, including subsequent uses of assets/improvements (A template to record and document);
- c. Relocation/resettlement and compensation reports, including status of land impacts; percentage of individuals selecting cash or a combination of cash and in-kind compensation if applicable; proposed use of payments.

12.10 Audit

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

- a. A summary of RAP performance of the sub-project;
- b. A compliance review of RAP implementation process and;
- c. A progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF.

12.11 Reporting

The monitoring unit will submit periodic (preferably bimonthly) reports to the PCU and copied to the MWE directorate of Secondary Education. The report will at least cover the status of compensation disbursement, nature of complaints, redress actions and follow-ups.

12.12 Annual Reviews

The annual reviews of the RPF implementation, and where applicable of RAP implementation in the sub-project, includes: (i) a summary of RAP performance of each sub-project; (ii) a compliance review of RAP implementation process and; (iii) a progress report on the quality of RAP implementation in terms of application of guidelines provided in this RPF similar to the process outlined in the ESMF.

12.13 Disclosure Arrangements

The final report of this RPF will be submitted by the MWE to the World Bank for review and clearance. Once cleared, it will be disclosed in-country, in the appropriate form, manner and official language (English) in the daily newspapers. Later on, the information from the documents specified above will be made available to affected persons summarized in form of brochure or leaflets translated in the appropriate language. After submitting the RPF to the Bank for review and clearance, MWE shall post the above document on its website <https://www.MWE.go.ug/> and on the **Bank's Infoshop**. During implementation, MWE will prepare social monitoring reports including safeguard issues, make them available to affected persons, post them on its website, and submit to the Bank for review.

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ANNEXES

ANNEX 1: World Bank Resettlement Policy Framework (RPF)

[Ref: [www. Worldbank.org/en/projects-operations/environmental-and-social-policies](http://www.Worldbank.org/en/projects-operations/environmental-and-social-policies)].

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

Resettlement Policy Framework

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

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

For other Bank-assisted project with multiple subprojects that may involve involuntary resettlement, the Bank requires that a draft resettlement plan conforming to this policy be submitted to the Bank before appraisal of the project unless, because of the nature

and design of the project or of a specific subproject or subprojects (a) the zone of impact of subprojects cannot be determined, or (b) the zone of impact is known but precise sitting alignments cannot be determined. In such cases, the borrower submits a resettlement policy framework consistent with this policy prior to appraisal . For other subprojects that do not fall within the above criteria, a resettlement plan conforming to this policy is required prior to appraisal.

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

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

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

This template is extracted from OP 4.12 Annex A. Its full description can be found in the World Bank external website [[www. Worldbank.org/en/projects-operations/environmental-and-social-policies](http://www.Worldbank.org/en/projects-operations/environmental-and-social-policies)].

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

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

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

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

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

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

- (i) Current occupants of the affected area as a basis for design of the RAP and to clearly set a cut-off date, the purpose of which is to exclude subsequent inflows of people from eligibility for compensation and resettlement assistance;
- (ii) Standard characteristics of displaced households, including a description of production systems, labor, and household organization; and baseline information on livelihoods (including, as relevant, production levels and

income derived from both formal and informal economic activities) and standards of living (including health status) of the displaced population;

- (iii) Magnitude of the expected loss, total or partial, of assets, and the extent of displacement, physical or economic;
- (iv) Information on vulnerable groups or persons, for whom special provisions may have to be made; and
- (v) Provisions to update information on the displaced people's livelihoods and standards of living at regular intervals so that the latest information is available at the time of their displacement, and to measure impacts (or changes) in their livelihood and living conditions.

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

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

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

- (i) Scope of existing land and property laws governing resources, including state-owned lands under eminent domain and the nature of compensation associated with valuation methodologies; land market; mode and timing of payments, etc.;

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

The institutional framework governing RAP implementation generally covers:

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

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

Valuation of and compensation for losses: The methodology to be used for valuing losses, or damages, for the purpose of determining their replacement costs; and a description of the proposed types and levels of compensation consistent with national and local laws

and measures, as necessary, to ensure that these are based on acceptable values (e.g. market rates).

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

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

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

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

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

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

- (i) Description of the strategy for consultation with and participation of PAPs and

hosts in the design and implementation of resettlement activities;

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

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

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

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

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

managing facilities and services provided under the project and for transferring to PAPs some responsibilities related to RAP components (e.g. community-based livelihood restoration; participatory monitoring; etc.).

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

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

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

ANNEX 3: Sample Grievance and Resolution Form

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

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

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

Review/Resolution

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

Summary of Conciliation Session

Discussion: _____

Issues _____

Was agreement reached on the issues? Yes No

If agreement was reached, detail the agreement below:
If agreement was not reached, specify the points of disagreement below:

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

Signed: _____
Independent Observer

Date: _____

ANNEX 4: Sample Table of Contents for Consultation Reports

1.0 Introduction.

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

2.0 Stakeholder Analysis

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

3.0 Stakeholder Engagement

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

4.0 Summary of Key Issues

5.0 Future Consultation Events

- 5.1 Phase 4 – Release of the SEA Report and Action Plans
- 5.2 Phase 5 – RCDAP Planning Consultation
- 5.3 Phase 6 - On-going Project Communication

6.0 Disclosure Plan

Tables

Table 2.1: Consultation Activity Summary

Table 3.1: Initial Government Agency Consultations

Table 3.2: Summary of NGO Meetings

Table 3.3: Sub-County Committee Composition

Table 3.4: Summary of Community Discussions

Table 3.5: Local Community Comments

Table 4.1: Summary of Key Issues and Responses

Table 5.1: Summary of Future Consultation Activities per Stakeholder Group

TEMPLATE Table on Consultation Activity Summary

Location and Communities Represented	Meeting Dates	Attendees	Discussion Summary
Example:			

ANNEX 5: Voluntary Land Contribution Tool

TOOL FOR SCREENING AND DOCUMENTING VOLUNTARY LAND CONTRIBUTION (VLC)

Background:

Uganda has National REDD+ Strategy to tackle deforestation and forest degradation. The implementation of this Strategy may come with a demand for land and may cause displacement of people. It is necessary to have a Resettlement Policy Framework (RPF) to provide guidance. However, where land is voluntarily contributed or donated, there is a need for a tool for screening and documenting. The Voluntary Land Contribution (VLC) tool will be used as a practical tool to assist REDD+ program implementing agencies in screening and documenting acquisition of land, any anticipated issues and subsequent impact on the owner(s) livelihood and community. Additionally, VLC tool will be used in identifying issues of local communities that may be arise and affect the implementation of REDD Program activities.

The REDD Program proposes to rely on VLC for demonstration plots, seedling multiplication sites, construction of civil works, extension of forest reserve land and increased benefit sharing. The VLC procedures seek to ensure proper record keeping and prevent any administrative or social coercion that could result in marginalizing vulnerable and disadvantaged persons and communities. The procedures encompass extensive consultations with relevant interest groups (persons, families, clans, religious organizations, institutions, cultural leaders, local councils) who hold a stake in the land; assessing and minimizing social impact; and properly documenting the process of VLC. The following are recommended procedures for voluntary land contribution or donation for the REDD Program activities:

Due Diligence:

VLC for an activity should be openly discussed in community/public consultations to establish that: ^[L]_[SEP]

The donor is the legitimate owner of such lands.

The donor is fully informed of the purpose of the contribution/donation as evidenced by a letter of consent or MOU or local council letter. ^[L]_[SEP]

The donor is aware of the implications (economic, social and environmental) of contributing/ donating the land and does so [L] [SEP] without coercion and retribution. [L] [SEP]

The donor is aware of his/her/their option to choose freely whether or [L] [SEP] not to enter into a VLC agreement. [L] [SEP]

For communal lands donated by the chiefs, the specific individuals using or occupying [L] [SEP] the land should also be identified and consulted to verify whether they consent to the [L] [SEP] land donation and also that their livelihoods would not be adversely affected. [L] [SEP]

For institutional lands (religious institutions, cultural institutions, schools) donated by the local chiefs, the headquarters of such institutions should also be identified and consulted to verify whether they consent to the [L] [SEP] land contribution/donation and also that their use of such land would not be adversely affected. [L] [SEP]

For family lands, family members (including spouses and children) must be aware of the contribution/donation, [L] [SEP] in order to minimize the risks of cross-generational conflicts. [L] [SEP]

For government lands, respective local land board must be aware and REDD Program staff must do thorough screening to establish that the [L] [SEP] land is free of claims (from squatters, encroachers, tenants, or other land users); otherwise, it would trigger the World Bank's Involuntary Resettlement Policy and follow-up, site-specific Resettlement Action Plans might be required. [L] [SEP]

Assessing and minimizing adverse social impacts: [L] [SEP]

VLC for family should represent only a small fraction of the total land holding of the donor unless otherwise assessed that impact on the family livelihood is negligible. [L] [SEP]

For land contributed, the section of land to be donated should not be the donor's main source of income and should not significantly affect the donor's livelihood. [L] [SEP]

Donation of land should not occur if it requires any household relocation, institution relocation or the loss of structures or fixed assets on the affected land area. [L] [SEP]

The donor or user may request monetary or non-monetary benefits, incentives, or community assistance as a condition for donation. [L] [SEP]

When appropriate, the land contribution/donation agreement should specify that, if and

when the REDD Program definitively decides not to use the contributed or donated land as previously intended, the land would revert back to the previous owner. [L] [SEP]

Recommended Documentation: [L] [SEP]

VLC Screening Checklist (see Attachment 1).

Minutes of Consultations with a list of participating stakeholders and their institutional affiliation or area of interest, along with the key information shared and the agreed- upon actions (see Attachment 2). [L] [SEP]

For public land or government land, minutes of approval of the local land board or local council and or letter.

For institutional land or cultural land, minutes of approval of the respective institution land committee/board and or letter.

A formal statement or documentation of agreement (such as a Memorandum of [L] [SEP] Understanding or Deed of Contribution/Donation) for each instance of land contribution/donation establishing informed consent and signed by each owner or user involved, and for institutions, cultural land and public land must be signed by their authorized representative, and the REDD Program implementing agent representative or other relevant Government agency. (This document should incorporate, as applicable, the information noted in the checklist.) [L] [SEP]

General Instructions:

This checklist should be completed onsite by REDD Program implementing staff (preferably the social and environmental safeguards). All stakeholders to be included at field level to be supervised by local council leadership.

Simply write 'YES' or 'NO' in the space provided as may be applied.

This checklist meant to ensure that environmental and social dimensions are adequately considered depending on the activity to be undertaken.

If applicable, please use the “comment” section to discuss any suggested mitigation measures or provide feedback.

The information should be collected in consultation and coordination with local councils, local government, communities, NGOs, leaders of affected institutions (churches, traditional kingdoms) and leaders of affected community (clan leaders, cultural leaders).

Attachment 1: THE VLC SCREENING CHECKLIST

Part A. INSTITUTIONAL AND ADMINISTRATIVE				
Country	UGANDA	Project		
Activity location	District	Sub-County	Village	Community
Scope of Activity				
Part B. VOLUNTARY LAND CONTRIBUTION/DONATION				
No.	Type of Impact	Yes/ No	Comment	
1	Type of land for contribution donation:	<input type="checkbox"/> Communal; <input type="checkbox"/> Cultural Land; <input type="checkbox"/> Family land; <input type="checkbox"/> Institutional Land;	<input type="checkbox"/> Public Land;	if any other please specify
2	Has the legitimate landowner been established? Note: Local Council Chiefs, and Elders to confirm legitimacy of the land donor?	Yes/No		
	If 'yes' kindly specify the owner in the comment column			
3	Is the land free from multiple claims?	Yes/No		
4	Are there any individuals or tenants using or occupying the land?	Yes/No		
	If 'yes' kindly specify the total number of persons, structure and or property	Yes/No		
4a	If 'yes' do any tenant farmers or occupiers of the land have alternative lands to support their livelihoods?	Yes/No		
5	Has the land for contribution/donation been demarcated?	Yes/No		
5a	If 'yes', what is the surface area? (M ³ /Ha)			

6	Is the land donated for permanent use?	Yes/No	
6a	If 'no' (i.e. 'Temporary'), what is the agreed duration? (In years/months). Also indicate the exact date (D/M/Y)		
7	Is the land owner (s) contributing/donating more than 5 to 10 % of his/her land holding to the program/project?	Yes/No	
8	Would the land contribution/donation lead to physical displacement or the loss of physical assets or agricultural livelihoods?	Yes/No	
No.	Type of Impact	Yes/ No	Comment
9	Was the landowner, along with any tenants or occupiers, consulted and aware of the purpose of the contribution/donation as well as their right to refusal?	Yes/No	
10	Did the landowner and other stakeholders raise any special concerns during the consultations?	Yes/No	
10a	If yes, briefly state		
11	Will the landowners or any other land users receive a specified benefit in return for this land contribution/donation?	Yes/No	
11a	If yes, state briefly		
12	Are there any agreed conditions (Monetary or non – monetary) for the land contribution/donation?	Yes/No	
12a	If yes, what are		

	these conditions ?		
12b	Is there an agreed timeline? If yes, please indicate.	Yes/No	

For Official Use Only	
Start Date:	
End Date:	
Conducted By:	
Approved By:	

Attachment 2: VLD Consultation Meeting Minutes

Venue	Country Community UGANDA	District	Sub-County	Village
Date	Day Year	Month		
Start time	GMT	End time	GMT	
Attendance				
No.	Name of Participant	Institution/Village	Position	Signature/Thumb
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
Consultation Agenda				
No.	Agenda Item	Brief Notes	Agreed Action Point	

	Welcome Remarks		
	Brief Introduction of participants		
	Purpose of meeting & Adoption of Agenda		

Signed _____
REDD Program Representative

Signed _____
Local Council Representative (Official)

Signed _____
Community Representative (Elder)

Signed _____
Community Representative (Women)

Signed _____
Community Representative (Youth)

Signed _____
Local Government Representative (Local Land Board/Tribunal
Official)

Signed _____
Leader or Representative of the Institution