



Land Acquisition and Resettlement Framework

Petroleum Development and Production in the Albertine Graben

December 2016



Compiled by:

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Reviewed and amended by the Resettlement Advisory Committee (RAC) from June to November 2015 (including representatives of Ministry of Energy and Mineral Development, Ministry of Lands Housing and Urban Development, National Environment Management Authority and Ministry of Local Government). Disclosed to District stakeholders in October and November 2016. Final draft reviewed by the RAC in November 2016.

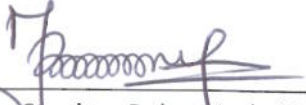
PREAMBLE: GOVERNMENT OF UGANDA


The Government of Uganda has supported CNOOC Uganda Limited, Total E&P Uganda B.V and Tullow Uganda Operations Pty Limited (the Partners) licensed to produce oil and gas in Uganda to prepare and draft the Land Acquisition and Resettlement Framework (LARF) that is to be implemented in the development of upstream petroleum projects in the project area in the Albertine Graben.

The development of the upstream petroleum projects is under the overall responsibility of the Ministry of Energy and Mineral Development (MEMD). It is mandated to promote the development, strategically manage and safeguard the national and sustainable exploitation and utilization of energy resources for social-economic development in the country. The LARF was developed by the Partners with support from the Ministry of Lands, Housing and Urban Development, as well as representatives of the Ministry of Local Government and the National Environment Management Authority. The objective of the LARF is to systematically detail and consolidate the 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 upstream petroleum projects to be implemented by the Partners. The LARF therefore is prepared to guide and govern the land acquisition process of upstream projects and sets out the elements that will be common to all subprojects that will entail involuntary resettlement.

In Uganda there are a number of national laws and regulations that define land rights, ownership, procedures and requirements of transfer and acquisition of land between individuals and groups. The Ugandan legislation also provides for exceptions under which Government may compulsorily acquire land for a public purpose such as in the national interest for public use, interest of defence, public safety, public order, public morality and public health. This is the case for petroleum projects for which the land acquisition is therefore subject to prompt payment of fair and adequate compensation. Among the most important legal instruments in this regard are The Constitution of The Republic of Uganda as amended from time to time, The Land Act Cap 227, The Land Regulations 2004, The Local Government Act Cap 243, The Land Acquisition Act Cap 226, The National Land Policy 2013 and the Petroleum (Exploration, Development and Production) Act 2013.

The LARF document provides overall guidance on the land acquisition and resettlement process, in compliance with Ugandan laws and regulations as well as the International Finance Corporation performance standards on environment and social sustainability (2012). For the purpose of the upstream petroleum projects, it highlights the requirements of the Ugandan law and the IFC performance standards related to the important relationship between property rights, human settlement and the need to maintain affected people's sources of livelihood. It provides a framework to minimise social disruption and assist those who will lose assets as a result of the upstream petroleum projects. The LARF will be implemented by the Partners in the execution of the upstream petroleum operations that Government licensed them to undertake in the districts of Buliisa, Hoima and Nwoya. It is noted that a Resettlement Action Plan (RAP) would constitute the principle mitigating tool and therefore the LARF is not a substitute for a detailed RAP but rather a basis thereof.


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JOINT STATEMENT BY THE JV PARTNERS

The Joint Venture Partners (the Partners) comprising of CNOOC Uganda Limited (CUL), Total E&P Uganda B.V. (TEPU) and Tullow Uganda Operations Pty Limited (TUOP) are licensed oil and gas operators in their respective exploration and development areas located within the Albertine Graben. The Partners have been granted Petroleum Production Licences and are transitioning from the exploration & appraisal phases into the development & production phases of their petroleum operations. This necessitates a shift from temporary land access, to a more permanent land access for petroleum operations in the project area.

In order to standardize the approach to long-term land acquisition and resettlement in the project areas, the Partners in collaboration with the Government of Uganda have formulated a Land Acquisition and Resettlement Framework (LARF). This document proposes a voluntary and consistent approach that is compliant with Ugandan legislation, international standards and best practices to further safeguard against social risks, such as, but not limited to those associated with involuntary resettlement. Outlined in the table below are the key milestones for the development of this framework:

Key milestones of the development of the LARF	
May 2014	Land Acquisition Resettlement Steering Committee (LARSC) was set up by the Partners with the objective of developing a common strategy and approach on land issues for the upstream oil & gas development projects.
December 2014	A strategy was presented by the Partners to the Ministry of Energy and Mineral Development (MEMD). A key outcome of this meeting was to set-up an inter-ministerial committee (Resettlement Advisory Committee (RAC)) to review the LARF drafted by the Partners.
May 2015	Resettlement Advisory Committee (RAC) – MEMD approved the RAC composition and members, which led to convening of the first RAC meeting on May 13 th , 2015.
December 2015	Review of draft LARF – the RAC members commenced the technical review in June 2015 and concluded the review towards the end of 2015.
August 2016	Production Licenses – following the first license granted to CNOOC (U) Ltd. in 2012 for the Kingfisher Development Area, MEMD awarded three (3) production licenses to Total E&P Uganda B.V. and five (5) licenses to Tullow Uganda Operations Pty Ltd For their EA1 and EA2 respective discoveries.
October – November 2016	Disclosure of the LARF – meetings held in Nwoya, Buliisa and Hoima Districts and at village level where the LARF was disclosed to the relevant stakeholders in the project areas.
December 2016	Endorsement of the final LARF document.

Therefore, we the Partners do commit to develop and implement Resettlement Action Plans in a manner that provides the physically and economically displaced persons with the opportunity to restore their livelihoods and general standards of living in accordance with the LARF.



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EXECUTIVE SUMMARY

Tullow Uganda Operations Pty Limited (TUOP), Total E&P Uganda B.V. (TEPU), and CNOOC Uganda Ltd (CUL) (hereinafter the JV Partners), are concluding their current phase of petroleum exploration and appraisal activities in the Lake Albert Basin (Albertine Graben) in Uganda, and are preparing to advance to the next phase of their activities which is the Development phase. In preparation for this phase, the JV Partners anticipate that infrastructure development will necessitate more permanent land acquisition for large scale and linear infrastructure, and this shall lead to the involuntary displacement of communities. The Government of Uganda and the JV Partners have agreed to develop a Land Acquisition and Resettlement Framework (LARF) aimed at standardising the way in which land acquisition and resettlement planning is conducted across all the Licence Areas.

The information contained in this LARF is limited to the existing legal framework and contextual baseline information and design parameters that were available at the time of compilation of this document. This LARF aims to provide an overarching framework specific to the development of upstream oil and gas facilities in the Albertine Graben. It will subsequently guide the development of more detailed action plans for each project component requiring resettlement and compensation.

The JV Partners and GoU are committed to securing long term access to all required lands so that the Project can be developed and operated. In doing so, the Project will address displacement impacts and enhance development impacts by improving the livelihoods and standard of living of Project Affected Persons. The development and production of petroleum across the Partner's Licence Areas is likely to occur over an extended period of time. The ultimate objective is therefore to conduct the Project activities in a manner that secures its social licence to operate.

The first development projects requiring land acquisition and resettlement programs will be:

- The EA1-EA2 North Project (Exploration Areas 1, 1A which include parts of Murchison Falls National Park and Buliisa District as well as EA2 North which falls in southern Buliisa); and
- The Kingfisher Development Area previously referred to as Exploration Area 3A, located in Hoima District.

The third area of interest is located in the southern portion of EA2 near the Kaiso-Tonya area in Hoima District, and will be developed at a later stage. Associated infrastructure such as the export pipeline, a gas processing facility, and other components are yet to be defined, but are considered part of these projects as Associated Infrastructure.

The discovery of commercially viable oil reserves in the Albertine Graben has initiated a number of infrastructure development projects which entailed forms of displacement. The precedents set by past experience will be reviewed for the Lake Albert Development Project with specific reference to the following:

- The legal and administrative frameworks for previous RAPs have upheld the supremacy of Uganda laws. In addition, international guidelines have been adopted to further safeguard against the risks of impoverishments associated with involuntary resettlement.
- Compensation options have, by and large, been generic (a cash option and a resettlement option) with limited scope for effective restoration and improvement of livelihoods. Land availability for the restoration of agricultural livelihoods has thus not been established and is likely to be a significant challenge in the restoration of land-based livelihoods.

- Most RAPs have demonstrated a willingness by project proponents to exceed statutory rates. The principle of equitability provided for in Uganda law should guide the development of additional rates; income restoration measures should ideally be based on actual household requirements and not on baseline averages.

A legal and administrative framework has been compiled for undertaking land acquisition and resettlement for the Project, with specific reference to all relevant Uganda laws, and the IFC Performance Standard for Land Acquisition and Involuntary Resettlement (PS5). Where national legislation falls short of meeting the conditions prescribed in PS5, this Project will ensure that the Performance Standards are met without infringing on issues of national sovereignty. The legal framework determines the provisions required to safeguard the following:

- Consultation regarding resettlement activities;
- Provision of timely compensation for lost assets at full replacement cost;
- Alternative sites to choose from for relocation;
- Provision of resettlement assistance, if required; and
- Improvement of livelihoods.

Involuntary resettlement as a result of physical and/or economic displacement is likely to have adverse impacts on living arrangements, productive assets, and enterprises. The mitigation of these impacts will be detailed in one or more RAPs in which a detailed matrix of impacts and entitlements will be presented to ensure that all impacts are appropriately mitigated. Potential resettlement impacts in the area that will be further assessed will include, but not be limited to:

- Permanent loss of permanent homes and other related structures;
- Permanent loss of business structures;
- Loss of agricultural land;
- Loss of perennial/annual crops;
- Loss of grazing areas and access to other common resources such as forest or wetlands;
- Loss of graves, burial sites and sacred sites;
- Loss of social infrastructure;
- Temporary loss of access to lake resources due to restrictions during construction;
- Permanent loss of access to lake resources due to exclusion buffer zones around the Water Abstraction Facility.

Each RAP will define the compensation framework for the proposed components. Eligibility will be determined by the cut-off date which will be disclosed and documented prior to the census and asset surveys. The Project will develop packages that include both monetary and in-kind compensation as well as other forms of assistance to restore and improve livelihoods and living standards.

The Project recognises that livelihood restoration is both critical to the success of the resettlement of project affected persons on the one hand and difficult to achieve without participatory planning on the other. Livelihoods in the project area are largely land-based, but also diversified with a view to maximise food production and cash generating opportunities; and to spread the risks often associated with subsistence livelihoods. While livelihood restoration will aim to sustain and improve existing livelihood strategies, the primary focus during RAP implementation will be on ensuring continued food security. Livelihood planning will be based on appropriate technological solutions and technical advice from development NGOs, local consultants and research and academic

institutions. Vulnerable individuals and households will be identified during the detailed census survey for the RAP, and will be supported with tailored assistance, to enhance their access to the benefits from resettlement opportunities.

Furthermore, regular consultation with affected people will facilitate the monitoring of the adequacy and effectiveness of compensation packages, livelihood restoration efforts and development initiatives. The principle of collective negotiations is fundamental to the acceptance of final compensation packages, and essential to reaching consensus about the resettlement plan, including opportunities to share in project benefits.

The Project will establish a resettlement monitoring and evaluation system. The monitoring activities will assess the requirements of each RAP performance against the schedule of activities and budget. The need for any changes or corrective action will be identified in order to improve the resettlement delivery.

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 Abbreviations

AfDB	African Development Bank
ALC	Area Land Committee
CGV	Chief Government Valuer
CLO	Community Liaison Officer
CNOOC	China National Offshore Oil Corporation
CPF	Central Processing Facility
CSO	Civil Society Organisation
DLB	District Land Board
EA	Exploration Area
ESIA	Environmental and Social Impact Assessment
FDP	Field Development Plan
FID	Final Investment Decision
IFC	International Finance Corporation
km	kilometer
LAR	Land Acquisition and Resettlement
LARF	Land Acquisition and Resettlement Framework
LC	Local Council
m	meter
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MEMD	Ministry of Energy and Mineral Development
MLHUD	Ministry of Lands, Housing and Urban Development
MoLG	Ministry of Local Government
MoU	Memorandum of Understanding
MW	Megawatt
NEMA	National Environmental Management Authority
NGOs	Non Governmental Organisations
OP	Operational Procedure (a guide developed by the World Bank)
PAP	Project Affected Person
PEDPD	Petroleum Exploration Development and Production Department
PLA	Production Licence Application
PS	Performance Standard of the International Finance Corporation
PSA	Production Sharing Agreement
RAP	Resettlement Action Plan
SEP	Stakeholder Engagement Plan
TEPU	Total Exploration & Production Uganda
TUOP	Tullow Uganda Operations Pty
UETCL	Uganda Electricity Transmission Company Limited
UNRA	Uganda National Roads Authority
WB	World Bank

1. INTRODUCTION

Tullow Uganda Operations Pty Limited (TUOP), Total E&P Uganda B.V. (TEPU), and CNOOC Uganda Limited (CUL) (the JV Partners), are concluding their current phase of petroleum exploration and appraisal activities in the Lake Albert Basin (Albertine Graben) in Uganda, and are preparing to advance to the next phase of their activities. In preparation for this phase, the JV Partners anticipate that infrastructure development will necessitate more permanent land acquisition for large scale and linear infrastructure, resulting in the involuntary displacement of communities. Land access during the exploration phase has thus far been limited to surface rights licence agreements, deeds of easements, and compensation for temporary crop disturbance. In a few instances where expansion of existing infrastructure has occurred, affected persons have been compensated for damages to their assets, but there has been no need for resettlement as a result of physical displacement. Negotiation of temporary land access has varied depending on the JV Partners' operations in their respective Licence Areas. The JV Partners recognise the impact that diverging approaches may have on land acquisition for a larger project footprint and have thus agreed to develop a Land Acquisition and Resettlement Framework (LARF). The content of this LARF is aimed at standardising the way in which land acquisition and resettlement planning¹ is conducted across all the Licence Areas, and to assure a consistent approach in line with the International Finance Corporation's (IFC's) Performance Standards (PS) (particularly PS5 on Involuntary Resettlement and Land Acquisition).

This LARF has been developed during the early stages of the Project, prior to the finalisation of project design and footprints. Furthermore, while this LARF was being developed, land access activities by the JV Partners continued. This LARF has thus benefitted from the ongoing preliminary land processes.

The information contained in this LARF is limited to the existing legal framework, the contextual baseline information and design parameters that were available at the time of compilation of this document. Any relevant changes in the legal framework, or in the contextual baseline or in the final project design occurring during the resettlement planning activities will be reflected in this framework. The LARF will be updated and reviewed by the Resettlement Advisory Committee to reflect these changes. For avoidance of doubt, any changes in the legal and administrative framework that may come after signing this document will be accommodated within the LARF.

1.1. Purpose

The purpose of this Land Acquisition and Resettlement Framework is to:

- Clearly and comprehensively define a framework of terminology, objectives, policies, principles and organizational arrangements that will govern resettlement activities related to the Project;
- Assist with the application of and compliance with Uganda legal requirements and IFC standards; and
- Provide practical guidance to Project personnel (including JV Partners, contractors and consultants) in the planning and implementation of the overall Project.

The LARF aims to specifically address the social impacts due to the process of land acquisition and involuntary resettlement. It provides the overarching policy framework for the development of

¹ Land acquisition includes both outright purchases of real property and acquisition of access rights, such as easements or rights of way (see IFC PS5).

upstream oil and gas facilities in the Albertine Graben. It will subsequently guide the development of more detailed resettlement action plans (RAP) for each project component requiring resettlement and compensation. The LARF and each of the project specific RAP will serve to inform the environmental and social impact assessments (ESIA). Environmental impacts of the project land intake will therefore be addressed within the wider scope of the ESIA.

1.2. Resettlement Planning Documents

According to best practice, a project that will be required to undertake resettlement must prepare a Resettlement Action Plan (RAP) to guide these activities.

Specifically, the IFC (IFC 2002) defines a RAP as:

“[...] a document drafted by the sponsor or other parties responsible for resettlement (such as government agencies), specifying the procedures it will follow and the actions it will take to properly resettle and compensate affected people and communities. The RAP is the sponsor’s commitment to the IFC and to the affected people that it will meet its obligations arising from involuntary resettlement.”

However, the IFC (IFC PS5 2012) advises that:

“[...] where the exact nature or magnitude of the land acquisition or restrictions on land use related to a project with potential to cause physical and/or economic displacement is unknown due to the stage of project development, the client will develop a Resettlement and/or Livelihood Restoration Framework outlining general principles compatible with this Performance Standard. Once the individual project components are defined and the necessary information becomes available, such a framework will be expanded into a specific Resettlement Action Plan [...]”.

The Lake Albert Development Project designs are still being refined and thus the magnitude of the land acquisition or restrictions on land use related to the development of the Project is currently unclear. This LARF has been prepared to serve as the foundation document for all future land access and resettlement activities undertaken at all sites and in all Licence Areas that form part of the Project.

The next resettlement planning document to be prepared will be one or more Resettlement Action Plans² for facilities/component that requires economic/physical displacement. Individual RAPs will be consistent with Uganda legislation and IFC PS5³. Individual RAPs will be consistent with goals, principles and processes of this RPF. RAPs in the Albertine Graben will address specific conditions, characteristics and needs of particular people affected by the Albertine Development Project. All documents will be completed within an appropriate timeframe prior the actual impact to accommodate change between the time affected people lose assets and/or when they are required to relocate. Implementation work plans providing detailed planning for key areas of work outlined in the RAPs will also be prepared.

² The development of RAPs may take an iterative process, depending on the availability of information at the time, the progress that has been made in consulting with PAPs about various aspects of the RAP and the readiness of the Project.

³ A project [that] may include subprojects or multiple components that cannot be identified at project appraisal or that may be implemented sequentially over an extended period (PS5 §11, GN23)

2. RESETTLEMENT GOALS AND PRINCIPLES

The Project commits to the following goal:

To secure long term access to land to enable the project to be developed and operated, while addressing displacement impacts and enhancing development impacts by improving the livelihoods and standard of living of Project Affected Persons.

The development and production of petroleum across the Licence Areas is likely to occur over an extended period of time. The ultimate objective for the Project is to conduct their activities in a manner that secures their social licence to operate. The overall goal is to develop and implement resettlement plans in a manner that gives physically and economically displaced persons the opportunity to at least restore their livelihoods and standards of living. An important element of a common approach is a set of shared principles and social commitments for all land acquisition and resettlement activities. The following key principles will guide the JV Partners in their respective resettlement processes.

<i>Principle 1</i>	<i>Resettlement will be avoided and minimised</i>	The Project will seek to avoid or minimize displacement (both physical and economic) to the extent practically and affordably possible by exploring alternative Project designs, phasing, and land use and land access arrangements. This principle will also apply to host communities in the selection and construction of resettlement sites.
<i>Principle 2</i>	<i>Resettlement will be integrated into overall project planning</i>	From the outset land access, acquisition and resettlement will be integrated into overall project planning with consideration given upfront to the implications of land access and resettlement, in terms of project design and project cost. The overall project planning will be based on a realistic assessment of the schedule and cost for dealing with all land access and resettlement. Project layout, from the earliest stage of development, will be reviewed against land access and resettlement concerns. Well in advance of land access, the Project will dedicate adequate staffing, including for the community affairs function, and other resources to address land access and resettlement issues.
<i>Principle 3</i>	<i>Compliance with laws, standards and policies</i>	The Project will adhere to applicable Uganda legislation, regulations and policy, the applicable IFC Performance Standards (in particular Performance Standard 5), and applicable Partner internal policies.
<i>Principle 4</i>	<i>Active and informed stakeholder participation</i>	PAPs, including host communities, will be adequately informed and consulted on all matters that affect them and will participate in decision making related to the planning, implementation, monitoring and evaluation phases of the land acquisition and resettlement activities. This will include providing access to appropriate advice to ensure that they understand

		their rights, responsibilities and options.
<i>Principle 5</i>	<i>Cultural appropriateness</i>	All land access and resettlement planning and implementation will be undertaken in a culturally appropriate manner.
<i>Principle 6</i>	<i>A publicly disclosed cut-off date will be used</i>	Eligibility for resettlement assistance will be determined by a publicly disclosed census cut-off date. It will limit eligibility to genuinely affected people and preclude an influx of people into the Licence Area.
<i>Principle 7</i>	<i>Compensation will be based on full replacement value</i>	PAPs will be eligible for compensation for loss of assets at full replacement value, as well as rehabilitation assistance. Land acquisition and resettlement should be conceived as an opportunity for improving the livelihoods and living standards of PAPs.
<i>Principle 8</i>	<i>Comprehensive resettlement assistance package</i>	Physical relocation and re-establishment of households will be supported through a comprehensive assistance package tailored to the Project socio-economic environment that: <ul style="list-style-type: none"> • Is culturally appropriate; • Offers PAPs a choice of compensation packages of equal or higher value, equivalent or better characteristics, and advantages of location; • Is transparent, consistent, fair and equitable, with people who have equivalent assets being treated in the same way; • Encourages the acceptance of replacement housing for affected households. It will include the design of replacement housing that meets all statutory requirements, considers local preferences and is culturally appropriate. Cash compensation may be appropriate in certain circumstances, but must be based on a documented assessment of the ability of the affected person to use the cash to restore and improve their housing standards; and • Involves resettled and host communities participating in the selection of resettlement sites. The site selection shall follow a systematic process that also considers proximity to affected areas, accessibility and locational advantage.
<i>Principle 9</i>	<i>Informal rights will be recognised</i>	Affected persons with no formal legal rights to land will be included as “displaced persons” provided they have established rights to assets in the Licence Area prior to the cut-off date.
<i>Principle 10</i>	<i>Vulnerable people will be provided with targeted assistance</i>	The Project will identify PAPs who are especially vulnerable to displacement impacts and provide them with targeted assistance.
<i>Principle 11</i>	<i>A grievance mechanism will be established</i>	A grievance mechanism will be established allowing affected people to lodge a complaint or claim without

cost and with assurance of a timely consideration and response to the complaint or claim.

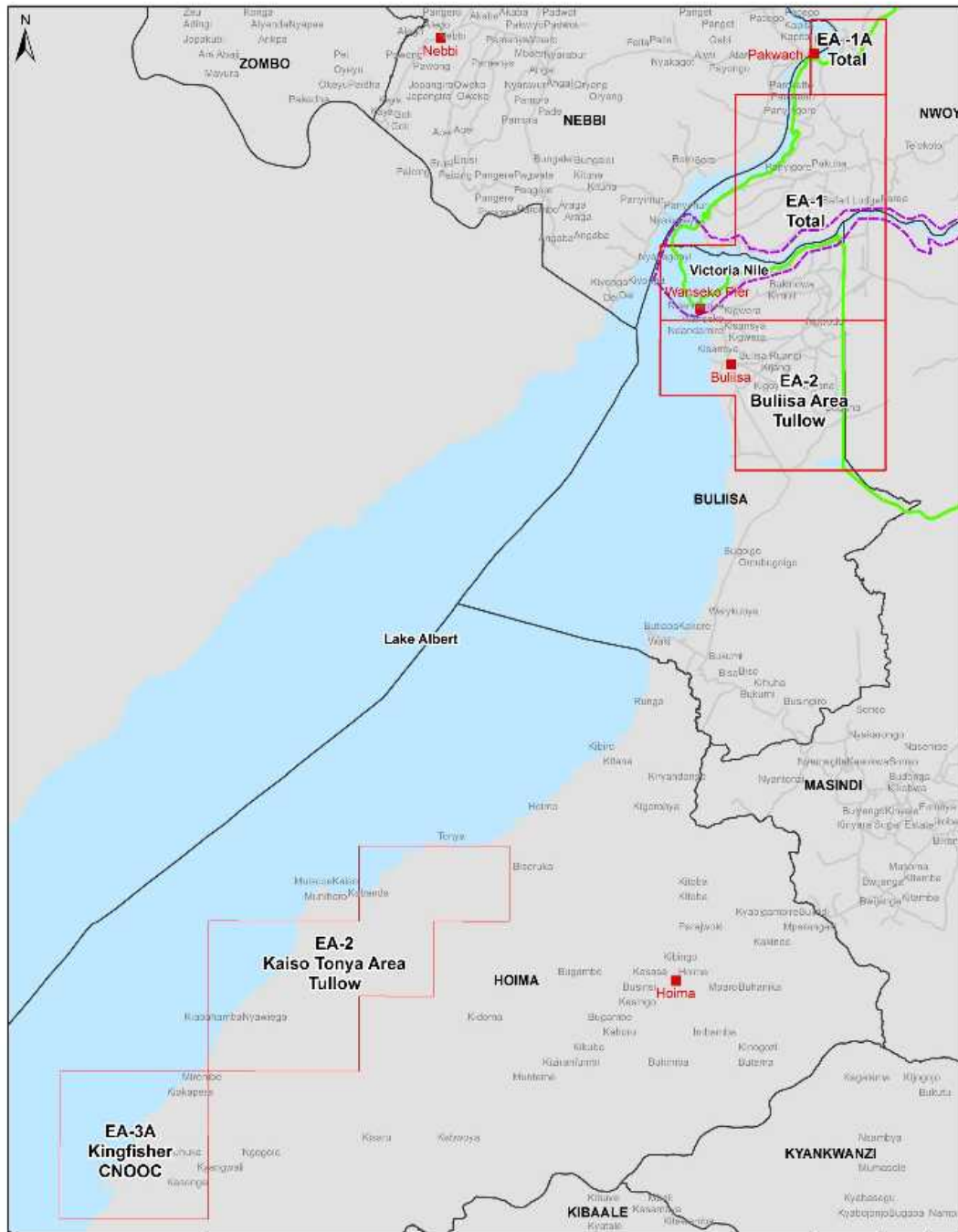
Principle 12 *Appropriate Monitoring and Evaluation will be undertaken*

Appropriate monitoring and evaluation activities will be undertaken to provide the Project and PAPs with timely, concise, indicative and relevant information about whether compensation, resettlement and development initiatives are on track or whether corrective actions are required. The implementation of land acquisition and resettlement will be subject to monitoring and independent external evaluation, and the results will be shared with the people affected by resettlement.

3. DEVELOPMENT CONTEXT

The area of interest lies along the entire eastern shore and the north of Lake Albert, and is referred to as the Lake Albert Development Project (see [Figure 1](#)). The Lake Albert Development Project entails the development of seven of the discovered fields in accordance with the revised commercialisation plan for which the JV Partners signed a Memorandum of Understanding (MOU) with the Government of Uganda in February 2014.

Figure 1: Project Location Map



The JV Partners have an equal share in each of the licence areas. The operatorship is the following:

- Total E&P Uganda B.V. (TEPU) is the operator of licences EA1 and EA1A in Buliisa and Nwoya districts;
- Tullow Uganda Operations Pty Limited (TUOP) is the Operator of EA2 licence area: one part in Buliisa and the other part in Kaiso Tonya in Hoima District;
- CNOOC Uganda Limited (CUL) is the operator of Kingfisher Discovery Area around the Buhuka Flats in Hoima District.

Most offshore acreage and some onshore licence areas in the previous EA2 licence areas have been relinquished.

The first development projects requiring land acquisition and resettlement programs will be:

- The EA1-EA2 North Project (Exploration Areas 1, 1A which include parts of Murchison Falls National Park as well as EA2 North which falls in southern Buliisa);
- The Kingfisher Development Area previously referred to as Exploration Area 3A.

The third area of interest is located in the southern portion of EA2 near the Kaiso-Tonya area. This project will be developed at a later stage. Associated infrastructure such as the export pipeline, a gas processing facility and other components are yet to be defined, but are considered part of these projects as Associated Infrastructure and will therefore be covered by this Land Acquisition and Resettlement Framework.

3.1. Project Components

Each Partner (within their Licence Area) will be responsible for developing all the project components. A detailed project description and social baseline will be included in each RAP to identify the project components and all of the impacted communities associated with the project components. Potential impacts as a result of the preliminary project footprint are summarised in the table below:

Type of Infrastructure	Displacement	Scope of Potential Impacts
<p>Central Processing Facility (CPF) The well-stream is usually a mix of hydrocarbons, debris and water. The main function of a CPF is to separate all fluids which are present in various phases in the flow lines and to treat each fluid in a given phase either to stabilise it (crude or gas) or to be able to dispose of it (water). The current plan is to construct one CPF in each district (Hoima and Buliisa) as opposed to constructing one in each exploration area as originally planned. This is in the interest of reducing the project footprint from three to two CPFs. The CPF in the Kingfisher Development Area and used by both CNOOC for Kingfisher operations and TUOP for their Kaiso-Tonya operations while the CPF in Buliisa will cover the EA-1, EA-1A operations and the EA-2 North operations. The estimation of restricted area around the CPF and camps is determined by safety and security considerations. The extent of the restricted area is to be confirmed.</p>	Physical and economic, displacement	<ul style="list-style-type: none"> - Loss of residential land, dwellings, and other structures - Livelihood impact due to loss of farmland and grazing areas; loss of crops - Loss of income from business - Loss of community infrastructure (water points, community and social services)
<p>Permanent camps near CPF Activities undertaken in the production phase will require staff to remain on the ground for long periods. Two camps have been proposed for each operational area: (1) a base camp and (2) an operational support camp to accommodate field staff and contractors respectively. The camps will be located within the Global Restricted Area of the CPF.</p>		
<p>Permanent camps North of MFNP Potential additional camps and yard facilities will be located, North of MFNP, Nwoya District.</p>	Physical and economic, displacement	<ul style="list-style-type: none"> - Livelihood impact due to loss of farmland and grazing areas; loss of crops; loss of income from business - Possible loss of residential land, dwelling and other structures (including graves and cultural assets) - Possible loss of community infrastructure (water points, community and social services)
<p>Production well pads Many exploration well pads are currently being restored and planning is now underway (and in some cases being implemented) for the final location of production well pads. The distribution</p>	Economic, possibly some physical displacement	<ul style="list-style-type: none"> - Livelihood impact due to loss of farmland and grazing areas; loss of crops - Possible loss of residential land, dwelling and other structures

Type of Infrastructure	Displacement	Scope of Potential Impacts
<p>of well pads across the Licence Areas for the production phase is expected to be different from the exploration phase. Plans indicate that production pads will consist of a cluster of production and injection wells, thus consolidating land impacts to larger but fewer sites. The main influencing factors in the choice of well pad layout design are the drilling facility which will operate on the pad as well as the JV Partners' obligation to minimise the Project footprint.</p>		<p>(including graves and cultural assets) - Economic impact on tourism industry for pads located in protected areas</p>
<p>Lake Water intake station In order to guard against land subsidence induced by petroleum operations, water will be injected back into the ground through injection wells. Initially, water will be extracted from Lake Albert and transported via pipeline to the injection well sites which will require the construction of two water intake stations by the lake, one in Hoima and one in Buliisa. While the need for water extraction reduces over time (for instance by using the water separated at the CPF), the infrastructure will remain intact and its impact will not diminish.</p>	<p>Economic, possibly some physical displacement</p>	<p>- Livelihood impact due to reduced income from fishing - Loss of communal landing site and associated infrastructure</p>
<p>Nile River Crossing The Victoria Nile River Crossing will connect the fields in MFNP to the CPF in Buliisa. Horizontal Directional Drilling (HDD) is the preferred option but Micro tunnelling is also being considered. Temporary land intake during construction phase is planned on either side of the Nile River in EA1 Licence Area.</p>	<p>Economic displacement</p>	<p>- Livelihood impact due to loss of crops - Economic impact on tourism industry</p>
<p>Pipelines Pipelines will need to be laid for the transportation of fluids as follows: - Flow lines will carry well pads production to a Central Processing Facility (CPF) and feed injection water from the water intake station to the CPF and the well pads; - Feeder pipelines will transport crude oil from the CPF to the delivery point near the Government refinery in Kabaale village. The length of pipeline from Buliisa to the delivery point is estimated at approximately 100km and the length of pipeline from the Kingfisher CPF to the refinery is estimated to be 50km. All pipelines are expected to be buried with registered conditional surface right of ways restricting land use to varying degrees.</p>	<p>Economic, possibly some physical displacement</p>	<p>- Temporary (less than one year) disturbance of land during construction - Loss of crops - Possible loss of residential land, dwelling, commercial structures. - Restriction on land-use during operations</p>
<p>Access Roads While UNRA is responsible for the construction of national and district roads, the Project is responsible for the construction and maintenance of access roads that connect the main roads to their respective areas of operations. Some of the</p>	<p>Economic, possibly some physical displacement</p>	<p>- Livelihood impact due to loss of farmland and grazing areas; loss of crops - Possible loss of residential land, dwelling and other structures (including graves and cultural assets)</p>

Type of Infrastructure	Displacement	Scope of Potential Impacts
road network will coincide (at least in part) with the pipeline servitudes while additional access roads to well pads and other infrastructure will be added.		
Airstrip upgrade The upgrade and/or extension of existing airstrips including Kyabasambu (in Buhuka Flats), Pakuba and Bugungu (both within MFNP) is anticipated in the development phase.	Economic, possibly some physical displacement	<ul style="list-style-type: none"> - Livelihood impact due to loss of farmland and grazing areas; loss of crops - Possible loss of residential land, dwelling and other structures (including graves and cultural assets)
Construction Camps & Yards Construction and drilling activities will require staff, contractors and equipment to remain on the ground temporarily for the duration of construction. Camps, yards and lay-out areas for CPF and pipeline construction may be required for around three years while temporary camps for drilling activities may be required for up to six years.	Economic, possibly some physical displacement	<ul style="list-style-type: none"> - Livelihood impact due to loss of farmland and grazing areas; loss of crops - Possible loss of residential land, dwelling and other structures (including graves and cultural assets)

3.2. Socio-Economic, Land Use and Livelihood Characteristics

The social context⁴ of the Albertine Graben has been described in several preliminary studies undertaken by the JV Partners, as well as the Strategic Environmental Assessment which was approved by Parliament in July 2015. The three districts where the JV Partners' activities are concentrated fall in two historical socio-political regions of Bunyoro (Hoima and Buliisa) and Acholi (Nwoya). Colonial legacy and other historical events have significantly shaped the social context in these two regions and Uganda alike.

3.2.1. Population

According to the provisional results of the 2014 Population Census, Hoima district is among the most populated districts with a population of at 573,903 and a growth rate of 4.3 percent. The urban centre (Hoima Municipality) experienced a growth rate of 10.7 percent between 2002 and 2014. Buliisa district had a population of approximately 113,569, and a growth rate of 4.9 percent. Hoima district comprises 24 sub-counties with Hoima town as its main urban centre. Nwoya District was established in 2010 out of Amuru District (established in 2006) and has an estimated population of 128,094.

3.2.2. Land Use

Agriculture is the main economic activity across the project area, with 80 percent of the households in Hoima being actively engaged in crop cultivation. Livestock production is second in economic importance to crop production. Fishing is also an important economic activity, particularly on Lake Albert where fishing has greatly influenced the social and economic development of the sub-counties of Kigoroby, Buseruka, Kabwoya, and Kyangwali.

⁴ A number of studies have captured the main characteristics of the communities in the project area, including a Social and Health Baseline Study (SHBS), the scoping reports of the Environmental and Social Impact Assessment (ESIA).

Buliisa district, formerly a county, was formed out of Masindi District in 2006, and borders Lake Albert. The district comprises six sub-counties and a town council in the main (Buliisa) urban centre. Agriculture and livestock production are the main economic activities in the eastern parts of the district, and fishing processing activities occur along the shores of Lake Albert. The Social and Health Baseline Study summarised land-use as follows:

- The eastern part of the district is mostly farmed land covering around 100 km².
- The central part of the district is used mostly as rangeland, covering around 180 km², and predominantly controlled by clans
- The western part of the district has a mixed land use pattern with around 20 km² of semi-rural/urban areas, 35 km² of rangeland, and 40 km² of wetlands.

The Nwoya District economy is driven by agriculture, but has also seen more commercial developments over time.

- Residential settlements are scarce and concentrated along the main road and in the vicinity of the railway.
- Commercial developments include three lodges built close to the River Nile (Heritage, Bwana Tembo and Fort Murchison) + potential agribusiness ventures.
- Industrial sites include Total E&P camp and oil & gas contractors (BGP, Quantum, etc.) operational bases in the area.
- Natural resource exploitation, such as sand-mining, occurs close to Victoria Nile River and seasonal streams. Few grazing areas are available close to rivers and streams.
- Public infrastructures by way of the railway line operated by Uganda Railway Corporation which traverses the district from Pakwach to Tororo.

Whereas the communities in the Albertine Graben are predominantly agriculturalist or agro-pastoralist, land is the principal resource to meet their livelihood needs. Land also has an important cultural and historical meaning and shapes the interactions among the different ethnic groups, clans and families in the area. It defines social identity through geographic boundaries, and historical attachment (settlement on land over generations) strengthens their claim to their interests in land. As such, land is often the source of family and community disputes and, while such disputes do not directly cause a deprivation of interests, the anticipated involuntary displacement will cause, at least to a degree, a total deprivation of interest in some lands and a restriction on land use on other land. These changes in access to and control over land will undoubtedly amplify underlying land disputes which, if not appropriately managed, could cause significant delays in the land acquisition process.

The area is divided in four major agro-ecological zones with specific characteristics regarding human activities and natural environment, namely the Lake Albert shores, the river floodplain, seasonal marshlands and grasslands and hillside areas.

1. **Lake Shores:** settlements are concentrated around landing sites, with designated (and densely developed) residential areas. Livestock is typically kept in enclosures and vegetables are grown on a small scale within homestead boundaries. The main economic activity in these areas is fishing. Fishing households have their own gear including nets, and in some instances traps and hooks. Fish processing (salting, smoking and drying) is done at the landing sites, which are also often characterised by a vibrant fish trade. Remaining land along the lake shores is designated for free range cattle rearing (without rotational range management practices), and is generally held under communal ownership. Occasional sand-mining activities are also undertaken in wetland area in addition to opportunistic farming.

2. **River floodplains:** Land along rivers (the largest inflows into Lake Albert come from River Nile and River Semliki), is typically owned communally but exploited privately by subsistence farmers. The soils in these areas are richer in humus and loam thus being more conducive for crop cultivation, especially small exigent crops (i.e. cotton, tobacco). On the banks of the River Nile, there exists self growing papyrus which is harvested for weaving and crafting of traditional mats to be sold in local markets.
3. **Seasonal marshland and grassland:** These areas usually have a high density of grasses and vegetation during the wet seasons and are occupied by herders during the dry seasons for livestock grazing. Some of these families also own or rent land on higher lying areas, where they practice subsistence agriculture while others own homes lower down at the lake shore where they engage in fishing activities. Fallow land is also used for grazing, as well as serving as uncultivated buffer areas between farmlands;
4. **Hillsides:** Characterized by gentle sloping elevations and valleys, this ecological zone is typical of Hoima district where the elevated escarpment area is used for cultivation and settlement and the lower lying plains along Lake Albert are used for grazing of livestock and as landing sites for fishing activities. In a typical arrangement homesteads are scattered, often grouped along lines of lineage and are located on hill tops with trading centers situated along the roads. Land is extensively used for crop production and plot sizes range between less than an acre to seven acres and more.

3.2.3. Livelihoods

Several types of livelihoods have been identified in the proposed project area as summarised below. However, the Project will conduct further livelihood studies to understand the full range of economic activities in the area.

1. **Crop farming** is the predominant economic activity in the Albertine Graben with 95% of the rural population cultivating on an average farm size of two acres of land. Seasonal crops are grown for home consumption and the surplus is sold off to offset household necessities. The main food crops cultivated in the project area are: sweet potatoes, maize, beans, cassava, rice, sorghum and bananas. Cash crops grown in the region include tobacco, cotton and tea. Agriculture in the Albertine Graben is rain fed and it depends on the two seasons of high rainfall that have been recorded (April - May and August - October). The region is faced with low agricultural productivity and farmers generally yield meagre economic gains from their respective agricultural activities. Agricultural produce is mainly sold locally in Buliisa town, Wanseko Landing Site, Panyimur and to a lesser extent across the border in the Democratic Republic of Congo (DRC).
2. **Fishing** is the second most important economic activity in this area and it provides informal employment (especially for the youth and women) in fishing and its associated industries such as fish preparation and preservation; transportation and market sales. The three major landing sites within the proposed project area's radius are Wanseko, Karaba and Karakaba.
3. **Livestock rearing and poultry keeping** are practised although they have not been fully developed. Cattle are mainly reared for sale and beef production; breeding of dairy cows is not common in this region. Beef produced by local herdsmen is sold in the local region i.e. Hoima, West Nile and Masindi. Open range grazing (communally used land) is the most widely used grazing system in the area since many herdsmen cannot afford the cost of securing private grazing land. Poultry, goats, sheep and donkeys are reared on very small

scale with households keeping a few animals for transport, sale or as an occasional source of food.

4. **Bee keeping** is another livelihood activity practised in the Albertine Graben. Some farmers in the region have found that it is an ideal means through which they can supplement income earned from more traditional livelihood activities since it is not as labour intensive, and does not require a very high initial financial investment. Products from the local bee keeping industry are mainly supplied to markets in Kampala and the Democratic Republic of Congo.
5. **Forest resources** in this region are mainly derived from Bugoma in Hoima and Budongo in Masindi district. The local population depends on these native forests for fuel wood, timber, forest foods and medicinal plants as well as hunting.
6. **Tourism:** The Albertine Graben is known for its rich biodiversity and is a popular tourist destination. The Murchison Falls National Park is the largest protected area in the region covering a land area of 3,840km² in Buliisa and Nwoya districts and it receives a large proportion of tourist visitors in this area.
7. **Trading** is primarily reserved to the urban centres although some people operate village shops or market stalls.
8. **Transport** is provided by some youth who are engaged in “boda-boda” businesses although passengers and cargo are also transported on Lake Albert mainly on small vessels and ferries.
9. **Other wage based livelihoods** are available to a minority of the population in the Albertine Graben, and include teaching, local government employment and the tourism sector. Remittances are also received from employment outside the country, mainly Southern Africa, Europe, USA and Canada.

3.2.4. Community and Social Infrastructure

The project area is predominantly rural with the exception of the established urban infrastructure in Hoima town, the fledgling Buliisa town, and Pakwach (Nebbi District). Housing is mostly basic, constructed from rudimentary material with a few exceptions. There is a visible distinction between temporary structures made of non-durable materials, and occupied by ‘temporary’ residents who come to a village to cultivate the land (and have their permanent residence elsewhere), and permanently occupied structures made from mud-and-wattle materials, baked or manufactured bricks with thatched or corrugated iron-sheet roofing. The style of dwellings allows for easy expansion and enlargement, generally with cooking and ablution facilities detached from the main structures.

The infrastructure supporting the villages is by and large undeveloped. The main challenges include:

- **Access to energy:** Communities are not connected to the national grid for electricity supply, and use wood and charcoal as their main source of energy. A growing number of households in Buliisa have improved their homes with solar panels.
- **Access to water and sanitation:** Communities have varying levels of access to fresh water supply (mostly non-potable), which has in recent years improved due to the active

involvement by the Uganda Red Cross Society. Infrastructure remains unreliable in some areas forcing people to travel considerable distances to collect water from communal boreholes or unprotected springs and wells. Household sanitation facilities are not common.

- **Access to education:** School infrastructure is limited and focused on primary education. Classrooms are overpopulated, teachers are in short supply and there is insufficient support to staff to make work in remote areas more attractive (e.g., allowances and staff housing). High drop-out rates are experienced especially for girls due to teenage pregnancies and early marriages. Secondary school facilities are sparse (only one secondary school in Buliisa District), and most household do not afford to send eligible children for secondary education.
- **Access to health services:** Infrastructure is limited and services are generally poor due to insufficient basic supplies, medical treatment facilities and staff shortages. The JV Partners have recently opened a Level IV Health Centre in the Buliisa Municipality. The incidence of HIV/AIDS and other sexually transmitted diseases is increasing due to a lack of continued sensitisation on reproductive health, low adaptation of preventative measures and behaviours, inward migration of job-seekers as well as uncontrolled cash inflows (such as compensation and wages during exploration activities into local communities which have increased commercial sex).
- **Roads and transportation:** Road infrastructure around the villages has gradually improved as a result of the exploration activities. However, access routes remain poorly maintained and impassable during the wet seasons. Modes of transportation include walking, bicycles and motorcycles with limited access to minibus taxis and buses. A number of small vessels also operate and provide transport services on the Lake Albert.

3.3. Land Tenure in the Albertine Graben

In the proposed Project area, land use can be classified⁵ as follows:

- a) **Private land** use where land is used for subsistence cultivation, and commercial enterprises such as small service and retail businesses, hotels, and taverns by individual owners;
- b) **Public land** use which recognises communal land uses, such as grazing areas and community conservation areas, lake shore landing sites, as well as institutional land use (this includes places of worship and community halls) and cultural heritage sites. This is also referred to as common property;
- c) **Government land** such as educational and health facilities (district social infrastructure), right-of-way and similar linear corridors used by UNRA and UETCL, and environmental reserves such as Murchison Falls National Park (MFNP).

The Constitution (art. 237) and the Land Act (Cap. 227) only recognise formal (statutory) and informal (customary) land-use, and four basic forms of land tenure in Uganda, namely:

- Customary
- Freehold
- Leasehold, and
- Mailo

⁵ Based on The Uganda National Land Policy (2013), page 17.

- **Customary tenure**

This is the most dominant type of land tenure in the Albertine Graben. The rights under customary tenure are held either individually, by the family, by a clan or by a community. There is an 'informal' recognition of access to land under each bundle of right which is majorly governed by the applicable norms and customs applicable to each area. Land is owned in perpetuity under this type of tenure.

The Land Act provides for two mechanisms in which rights held under customary tenure can be formally recognised:

i) By acquiring a Certificate of Customary ownership (CCO).

Any person, family or community holding land under customary tenure on former public land may acquire a certificate of customary ownership. A CCO can be acquired through a tiered application process. Applications are reviewed by the Area Land Committee and certificates are eventually issued by the District Land Board.

ii) A Communal Land Association (CLA)

A CLA may be formed by any group of persons under the Land Act for any purpose connected with the communal ownership and management of land, whether under customary law or otherwise.

- **Freehold**

This type of tenure refers to land ownership by an individual or private organisation with full powers of disposition and the compulsory registration of title in perpetuity. Freehold tenure is only permitted for Ugandan citizens and companies with a minimum Ugandan ownership of 50 percent. Foreign entities can thus only access land in Uganda through leasehold and are restricted from owning land in perpetuity.

Public policy regards freehold as the property regime of the future to the extent that current laws provide for conversion from leasehold tenure or customary tenure to freehold. This process is expensive as it requires substantial resources for adjudication, consolidation and registration. Since the discovery of oil in the Albertine Graben, speculative buying of land and registration of freehold title has increased significantly in the hope of sharing in the benefits from petroleum production. Unscrupulous activities and dubious transactions will add a level of complexity to land acquisition for the Project.

Government institutions prefer to own land in perpetuity; therefore, most government land is held under freehold tenure. Some of the government land holdings in the Albertine Graben area include: Nakuvala Refugee Settlement Area, Murchison Falls National Park, several community wildlife areas and the Kyangwali Refugee Settlement.

- **Leasehold**

Individuals or institutions can obtain a lease by means of a contract or operation by the law. Under this form of tenure, tenants or lessees have exclusive possession, interest and security of tenure on the land for a defined period of time in return for rent. A contractual arrangement where interest on land is ensured for a period less than five years in return for rent or lump sum compensation is referred to as a tenancy agreement. However, for a

period exceeding five years, parties are obliged to apply for a leasehold title which is formally registered⁶.

Common law recognizes the statute of ‘tenancy agreements’ and ‘sharecropping’ that are not defined under the Land Act. In sharecropping arrangements, licensees are typically granted authority to use land only for agricultural production (this usually covers annual and semi-annual crops). In both these cases tenure is purely contractual and no legal security of tenure is provided. However, licensees are empowered by the Land Act to convert such interests in land into freehold title through a prescribed process⁷.

- **Mailo Land Tenure**

Mailo land was introduced under the 1900 Uganda Agreement. The key characteristics of *mailo* tenure under the Land Act are that it involves holding registered land in perpetuity. *Mailo* tenure and “native” freeholds separate the ownership of land from occupancy or ownership of developments by lawful or bonafide occupants. This creates conflicting interests and overlaps in rights on the same piece of land. The Land (Amendment) Act of 2010 grants statutory protection to the bonafide and lawful occupants against any arbitrary eviction as long as the prescribed nominal ground rent is paid. However, the nominal ground rent provided for is largely ignored creating a land use deadlock between tenants and registered land owners. The landlord-tenant relationship as legally regulated is often not amicable or harmonious⁸.

In addition, common property resources are usually managed through institutional arrangements, customs and social conventions designed to induce joint solutions to issues of access and benefit-sharing. These resources are often situated on land owned privately by individuals and/or communities (including clans). Common property resources, especially communal grazing land, have in the past been illegally appropriated or sold, or individualised by members of local communities without their consent⁹.

In Buliisa district, only 54 freehold and 10 leasehold applications had been approved by the District Land Board in April 2012. A very small minority of the land in the Albertine Graben has registered titles, and land is therefore predominantly held under (unregistered) customary tenure. The discovery of petroleum has increased interest in land in the area, and a number of individuals have started speculating in land. In a context where land administration is poorly developed, speculative land transactions have led to a sharp increase in land disputes. For the vast majority of inhabitants in the project area the cost of securing land rights under any of the tenure regimes recognised by law remains unaffordable. The expense of registering freehold titles has already been alluded to, and present land rights delivery mechanisms cannot be entrusted with the mandate to guarantee tenure security, especially for the vulnerable.

3.4. Land Acquisition Challenges

⁶ The Land Acquisition Act (1965) provides for temporary occupation of waste or arable land by Government for public purposes for a period of three years upon payment of appropriate compensation (section 10). The Land Act (1998) provides for the leasing of land by a non-citizen and where the lease is for a period of five years or more, the lease shall be registered in accordance with the Registration of Titles Act (Cap 205).

⁷ The Land Act (1998) provides for the conversion of customary tenure to freehold (section 10) and leasehold to freehold tenure (section 29).

⁸ Uganda National Land Policy, 2013, p18.

⁹ Ibid, p20.

A number of challenges in respect to the anticipated land acquisition process need to be addressed prior to the commencement of land acquisition and resettlement activities. These are summarised in **Table 1**.

Table 1: Current Land Acquisition Challenges

Challenge	Description
Land Titling	Land registration in the Albertine Graben is sporadic with few freehold and leasehold title applications having been approved in the last four years. The low rate of land registration can be attributed to a number of factors, including registration capacity and systems as well as the cost to landowners. These challenges are likely to affect the successful implementation of resettlement project activities unless the obstacles to land registration are removed.
Speculative behaviour	Speculation is a common consequence of publicly disclosed land acquisition. Speculative behaviour is often initiated and may be funded by resourceful individuals with access to information on potential development areas (information which is otherwise not available in the public domain). Acting on such information, speculators extort land from desperate land owners (usually parcels held under customary tenure) often at below-market prices and without the consent from family or clan members who have interest in the same land. In addition, due to the large number of unregistered land parcels in the area, land is often transferred and registered without consent or due process, by individuals who do not share interests in the targeted land and who have access to the land administrative system. Legitimate land owners (with customary tenure rights) are thus deprived of their land rights, often without their knowledge. Such land disputes have already caused significant delays in the current land acquisition activities.
Contested land ownership	Weaknesses in the land administrative system have given rise to land ownership disputes, not least as a result of incomplete transactional processes, including title registrations. For example, the area referred to as the Buhuka Flats in the Kingfisher Development Area was formerly a controlled hunting area under the Uganda Wildlife Authority (UWA). Current occupants of the land understand that the public use of the land was relinquished in 2002 or 2003 in response to the growing requirement for land from the surrounding communities. The land administrative process through which this land was relinquished is now under scrutiny to determine whether the transaction was fully regulated. New claims of ownership have arisen since the start of this investigation, further complicating the matter. The resolution of claims through the current land administrative system has caused delays in compensation payments (especially for land) and increases the Project's social risks.
Recognising and formalising rights under Customary tenure.	<p>Although customary tenure does not give clan leaders any land ownership rights, these institutions have the power nonetheless to establish rules for people claiming their rights and interests on specific parcels of land. Increasingly, land is being parcelled out into individual plots, even in clan-held areas and there is therefore evidence of a move towards individual ownership.</p> <p>Certificates of Customary Ownership linked to membership of a given clan may not be relied on as stable instruments since social migration and community dynamics change family and community composition:</p>

Challenge	Description
	<p>clans and families retain the right to exclude individuals from membership. Furthermore, customary practices continue to override legislated provisions that recognise and enforce women's land rights. It has thus been observed in recent studies (10) that women in the proposed Project area who have access to land for subsistence agricultural production typically have no land ownership rights or ownership of the agricultural activities they participate in. Similarly, youth who have not yet attained independence or reached full maturity as defined by the prevailing customs have limited access to land outside their customary rights as a member of a clan or family.</p> <p>The cultural dynamics across the Albertine Graben (including both internal and cross border migrations) has diluted the recognised customs in which land can be held. Communal disputes in recognising individual, clan or family rights on customary land caused by the ever emerging multiplicity in the tribes. This presents a challenge of recognising a specific formal cultural institution while acquiring land and the land rights have to be recognised on a case by case basis.</p>

These challenges are likely to hinder the transfer of land to the Project and also result in an escalation in the cost of implementing land acquisition and resettlement. It is important to gain broad government support (especially at the local level) to identify land tenure arrangements as well as asset ownership, and define an effective mechanism to better control land transfers and limit speculation (moratorium or other mechanism).

¹⁰ EA1 / EA2 North Social and Health Baseline Study, 2015.

4. RESETTLEMENT EXPERIENCE IN UGANDA

The discovery of commercially viable oil reserves in the Albertine Graben initiated a number of infrastructure development projects that required resettlement. The RAPs for three of these projects, as well as a resettlement assessment of one of the first resettlement projects since 1995, have been reviewed in order to develop an understanding of the resettlement experience in Uganda; specifically:

- Resettlement Action Plan (RAP) for Proposed Hoima-Mputa-Fort Portal-Nkenda 132 kV Power Transmission Line and Associated Substations – UETCL, 2008;
- Resettlement Action Plan (RAP) of Proposed Upgrading of Kigumba-Masindi-Hoima-Kabwoya Road to Bituminous Standards – UNRA, 2012;
- Resettlement Action Plan (RAP) for the Proposed Acquisition of Land for the Oil Refinery in Kabaale Parish, Buseruka Sub-County, Hoima District – PEDPD, 2012;
- Assessment of Past Resettlement Activities and Action Plan (APRAP) (Bujagali HPP) – Bujagali Energy Limited, 2006;
- Monitoring Reports (1-4) on the Implementation of Findings of Non-Compliance and Related Actions to be undertaken by the ADB Management on the Bujagali Hydropower and Interconnection Projects – Independent Review Mechanism (IRM), 2009-2012.
- Agricultural Cluster Development Project Resettlement Policy Framework by MAAIF (2014)

The review was specifically concerned to identify the compensation packages that were offered by the proponents and to establish the means by which additional requirements, over and above Uganda legislation, were met. Detailed summaries of findings are included in [Annex 1](#).

4.1. Key Findings from Past Experience

Based on the review of past resettlement projects, the following key findings are presented:

Table 2: Summary of Past Resettlement Experiences

Key Findings	Brief Description
Legal Framework	RAPs consistently included references to international guidelines such as the IFC PS5, World Bank (WB) OP 4.12 and African Development Bank (AfDB) policies. The degree to which projects adhered to the additional requirements (exceeding the requirements of Uganda laws) was dependent on the extent to which projects received funding from these institutions. <i>Examples: RAP for Oil Refinery by MEMD (2012); RAP for Hoima-Mputa-Fort Portal-Nkenda Transmission Line by UETCL (2008); RAP for Upgrade of Kigumba-Masindi-Hoima-Kabwoya Road by UNRA (2012).</i>
Impacts assessment	RAPs included a baseline section from which key resettlement impacts were deduced. Livelihood impacts were also identified and considered as part of the compensation framework. The notion of livelihood restoration to the same pre-resettlement standard was consistently mentioned, and in some instances, the potential for improvement of conditions after resettlement had been explored. Despite these commitments, limited detail was provided to guide livelihood restoration activities during implementation.

Key Findings	Brief Description
Transitional assistance	In mitigation of the loss of income from crop production, commercial enterprises, and employment, several RAPs provided various forms of transitional assistance to PAPs that exceeded Uganda laws. Loss of income from perennial crops was mitigated through a transitional allowance for the duration of the re-establishment of the replacement crop to maturity. A loss of income from business or employment disruptions was also catered for on some projects. <i>Examples: RAP for Hoima-Mputa-Fort Portal-Nkenda Transmission Line by UETCL (2008); RAP for Upgrade of Kigumba-Masindi-Hoima-Kabwoya Road by UNRA (2012).</i>
Compensation packages	Despite acknowledgement of the potential negative impacts of cash compensation, efforts to provide more attractive resettlement combinations of cash and in-kind packages were limited and cash compensation was by and large preferred by PAPs. The availability of land and mechanisms to secure replacement land were not widely tested. <i>Example of an effort to consider replacement land: RAP for Bujagali Hydropower Project, review report of 2006.</i> Other recent UETCL projects.
Asset valuation method	RAPs generally based their compensation rates on existing rates tables (district rates), and, where applicable, valuation methods using market values. Compensation at full replacement cost was used in some instances to meet external funding requirements. <i>Example: mentioned as principle in RAP for Oil Refinery by MEMD (2012). Also included in Agricultural Cluster Development Project Resettlement Policy Framework by MAAIF (2014).</i>
Vulnerability assistance	Identification of potentially vulnerable PAPs was widely adopted, and special assistance measures were put in place to ensure that these households had access to the same benefits. Spousal consent was also used to ensure that women participated in decisions regarding compensation options. <i>Example: Agricultural Cluster Development Project Resettlement Policy Framework by MAAIF (2014).</i>
Special rates	Computation of unspecified rates, for instance for the determination of transitional allowance to compensate for the loss of regular income, was based on calculated averages derived from baseline data. However, it is important to note that the use of average baseline values for the calculation of unlisted rates is not an equitable approach to determine a fair rate of compensation. <i>Example: RAP for Upgrade of Kigumba-Masindi-Hoima-Kabwoya Road by UNRA (2012) and Resettlement Policy Framework for the Energy Rural Transformation Phase III by UETCL (2014).</i>
External support	This was not widely applied, but independent institutions to support and advise PAPs during implementation were used in at least one instance, including independent legal counsel and witnessing of implementation activities. <i>Example of an effort to consider replacement land: RAP for Bujagali Hydropower Project, review report of 2006.</i>

The precedents set by past experience will be taken into consideration for the Lake Albert Development Project LARF. The following matters deserve specific reference:

- The legal and administrative frameworks for the RAPs have upheld the supremacy of Uganda laws. In addition, international guidelines have been adopted to further safeguard against the risks of impoverishments associated with involuntary resettlement¹¹. It is thus often necessary to supplement the legal framework for land acquisition and resettlement by adopting additional measures to assure that implementation of resettlement does not lead to large scale impoverishment and deprivation¹². The scope of application of these additional measures will be limited to the Project and in proportion to the scale of impact of displacement caused by project activities.
- Compensation options entailed mainly a cash option and a resettlement option, with the overwhelming preference for cash compensation, and with limited scope for effective restoration and improvement of livelihoods. Transitional allowances have provided a degree of security in this regard; but with the ease with which cash compensation has been accepted as form of compensation, realistic programmes to ensure the continuation of farming activities (the main source of livelihood) have been lacking, not least as a result of the lack of coordination to ensure that PAPs have access to replacement land. Land availability for the restoration of agricultural livelihoods has not been established and is likely to be a significant challenge in the restoration of land-based livelihoods.
- Most RAPs (for instance those implemented by UETCL and UNRA) have demonstrated a willingness by project proponents to exceed statutory rates. The disclosure of the rates calculation, including transitional allowances, for perennial crops in one of the RAPs is an example of dealing with extraordinary situations in a transparent manner that protects the interests of affected people. The calculation of rates for unlisted items (for instance to mitigate potential short-term losses of income from employment) has also demonstrated the importance of baseline data collection. The principle of equitability provided for in Uganda law should guide the development of additional rates; income restoration measures should ideally be based on actual household requirements and not on baseline averages.

A detailed summary of findings from each of the documents reviewed can be found in [Annex 1](#).

5. LEGAL AND ADMINISTRATIVE FRAMEWORK

This section describes the legal and administrative framework for undertaking land acquisition and resettlement for the Project, with specific reference to all relevant Uganda laws and other statutory provisions, and the IFC Performance Standard for Land Acquisition and Involuntary Resettlement (PS5).

The process for developing the legal framework for the LARF is illustrated in [Figure 2](#).

The IFC Performance Standards require that projects identify all laws of the host country that are applicable to land acquisition and involuntary resettlement, including relevant local customs and traditions that govern affected communities. However, where national legislation falls short of meeting the conditions prescribed by IFC Performance Standards, projects should ensure they meet

¹¹ See M. Cernea, 2004. Impoverishment Risks, Risk Management, and Reconstruction: A Model of Population Displacement and Resettlement. Also read "Involuntary Resettlement Portfolio Review Phase II: Resettlement Implementation" by Social Development Department, World Bank, June 2014.

¹² The Ministry of Lands, Housing and Urban Development is in the process of developing a National Land acquisition, Resettlement and Rehabilitation Policy.

the Performance Standards. On this basis this section identifies gaps between Uganda laws and IFC policies, and proposes a strategy to address those gaps without infringing on issues of national sovereignty. Where differences between standards have been identified, the more stringent of IFC Performance Standards and Uganda policies, legislation, and regulations applies for this LARF.

Figure 2: Legal Framework for LAR



Since the option is available to the Project to acquire land by means of compulsory acquisition (also referred to as expropriation or eminent domain) in the event that the affected parties fail to agree on a compensation settlement, this legal and administrative framework must specifically clarify:

- the scope of the power of eminent domain and the nature of compensation associated with it, both the procedures for assessing compensation values and the schedule for making compensation payments;
- the legal and administrative procedures applicable, including the appeals process and the normal time for such procedures;
- land titling and registration procedures; and
- laws and regulations relating to the agencies responsible for implementing resettlement and those related to land compensation, consolidation, land use, environment, water use, and social welfare.

Furthermore, based on the Land Acquisition and Resettlement Principles adopted for this Project, the legal framework will determine the policy provisions that are required to safeguard the following:

- consultation regarding resettlement activities;
- provision of timely compensation for lost assets at full replacement cost;
- alternative sites to choose from for relocation;
- provision of resettlement assistance, if required; and
- improvement of livelihoods.

These conditions are not commonly prescribed in Uganda legislation. Therefore, the development of the RAP legal framework requires the Project to compare prevailing laws and regulations of Uganda with the IFC Performance Standards on involuntary resettlement.

5.1. Corporate Policies

The JV Partners each have corporate policies pertaining to their social responsibilities. These are referred to differently by each Partner and include Environment, Health and Safety policies, Ethics

Charters, commitments to the protection of biodiversity and strategies for operating in sensitive environments. Social commitments, including stakeholder engagement, are summarised for each Partner in the sections below.

5.1.1. TUOP Policies

In its Environment and Social Performance Standard, TUOP states that it will comply with the requirements of all applicable host country laws and regulations, and apply their Standard where their requirements are more stringent than host country laws. The Standard requires that a robust stakeholder engagement process is followed, which is well-planned and coordinated, including the identification of potential stakeholders and the participation of project impacted people to discuss and contribute to project design, scope, impacts and mitigation measures prior to the start of project activities.

In its policy statement on human rights, TUOP commits to a human rights due diligence from the start of a potential project and to actively engage employees and contractors with appropriate cultural awareness training. TUOP will undertake all its operations in conformity with the Voluntary Principles on Security and Human Rights.

5.1.2. TEPU Policies

TOTAL S.A.'s ambition is to act and be recognized as an industrial operator with a strategy centred on respect, listening, dialogue and stakeholder involvement, and as a partner in the sustainable social and economic development of its host communities and countries. TOTAL commits, among others, to:

- Developing transparent, constructive relationships with all of its stakeholders;
- Reducing negative socio-economic impacts related to its operations;
- Participating in the economic diversification of host communities and countries by supporting local initiatives;
- Contributing to human development by emphasizing education and the strengthening of local skills and capacities; and
- Enhancing the value of the historical, natural and cultural heritage of local communities.

In their Health, Safety and Environment Charter, TOTAL commits itself to comply with applicable Ugandan laws and regulations, international standards, as well as TOTAL Group policies in the fields of Health, Safety and Environment. In matters of safety, health, environment and quality, Total further adopts a constructive attitude based on open dialogue with stakeholders and outside parties. Through its social commitment, it focuses on developing its activities in harmony with the neighbouring communities. In its Ethics Charter, TOTAL commits to contributing to the social and economic development of the countries in which it operates, in compliance with local legislation and regulation. It is committed to protecting the environment and respecting local cultures.

5.1.3. CUL Policy

CUL, in its social policies, is committed to contributing to the economic development of the country and ensure that the communities where CUL operates benefit from their operations. CUL will operate in compliance with Uganda laws and regulations and pursue high standards of business ethics and corporate governance, and implement advanced standards and industry best practice. It is committed to pursuing a win-win relationship with stakeholders, and to respect the rights and

interests of stakeholders, by supporting local communities in the development of education, and contributing to poverty alleviation, among others.

5.2. Uganda Laws and Regulations

Several Uganda statutes contain information about the rights and obligations of Government and its agencies as well as its citizens, regarding the acquisition of land, including the administration of such transactions, pre-conditional and subsequent arrangements and the authority of different levels of government and their agencies in administering land. For the purpose of this LARF, a comprehensive legal review was conducted based on the following laws and regulations:

- The Constitution of the Republic of Uganda, 1995(as amended)
- The Land Act, Cap 227, 1998 (as amended)
- The Land Acquisition Act, Cap 226,1965
- Registration of Titles Act, Cap 230, 1924
- Petroleum (Exploration, Development and Production) Act, No. 3 of 2013
- The Water Act, Cap 152
- The National Forestry and Tree Planting Act, No. 8 of 2003
- Physical Planning Act, No. 8 of 2010
- Survey Act Cap 232, 1939 (as amended)
- The Roads Act, Cap 358, 1964
- Access to Roads Act, Cap 350, 1969
- Uganda National Roads Authority Act, 2006
- Local Government Act, Cap 243, 1997 (and as amended in 1997, 2001 and 2003)
- Illiterate Protection Act, Cap 78, 1918
- National Oil and Gas Policy for Uganda, 2008
- Uganda National Land Policy, 2013
- Strategic Environmental Assessment of Oil and Gas Activities in the Albertine Graben, 2015
- National Physical Planning Standards and Guidelines, 2011
- National Policy for Older Persons, 2009
- Environmental Impact Assessment Guidelines for the Energy Sector, 2004
- The National Environment (Wetlands, River Bank and Lake Shores Management) Regulations, No. 3 of 2000

Key legislation in respect of the anticipated land acquisition are **summarized** briefly in the following sections.

THE CONSTITUTION OF THE REPUBLIC OF UGANDA, 1995

Land in Uganda belongs to the citizens of Uganda and is vested in them in accordance with four land tenure systems: Customary, Freehold, *mailo* and Leasehold. However, the government or a local government may acquire land from individual owners in the public interest. To this end, compulsory deprivation of property or an interest in or right over property of any description can only be made under a law which makes provision for prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the property, and a right of access to a court of law by any person who has an interest or right over the property.

THE LAND ACT, CAP 227, 1998

This law regulates the tenure, ownership and management of land in Uganda. The Act establishes a number of land administration institutions, notably District Land Boards, District Land Office, Land Tribunals and Land Committees. The Land Act makes further provision for government or local government to acquire land compulsorily as long as this is done after the affected persons have been adequately compensated (the procedure for this acquisition is set out in the Land Acquisition Act).

THE LAND ACQUISITION ACT, CAP 226, 1965

Compulsory acquisition of land is defined as the intervention of Government, including local government, to acquire land in the national interest, such as public use, interest of defence, public safety, public order, public morality and public health. There is no provision for compulsory acquisition of land by individuals or corporate bodies in the name of public interest, and is thus the explicit prerogative of the State. The Act stipulates that land owners affected by compulsory acquisition must be adequately compensated for their land, developments thereon, and loss of livelihood prior to the resettlement or relocation. The procedures for compulsory acquisition are also detailed in the Act.

PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) ACT, NO 3 OF 2013

The interest in land in a development area belongs to the land owner. The Government of Uganda is, however, vested with the interest in the petroleum in or under any land or water in Uganda. Subject to any law relating to acquisition of land, and Section 135 of the same Act, a holder of a petroleum production licence may obtain a lease of the land or other rights to use it upon such terms as to the rent to be paid for the land, the duration and extent or area of the land to which the lease or other right of the lease shall relate as may be agreed upon between the holder of a licence and the land owner.

A licensee should pay to the land owner a fair and reasonable compensation for any disturbance of his or her right and for any damage done to the surface of the land, any crops, tree, building or works. The basis upon which compensation is payable for damage to the surface of any land is the extent to which the market value of the land has been reduced by reason of the damage, but without taking into account any enhanced value due to the presence of petroleum. In assessing compensation payable under this arrangement, account should be taken of any improvements effected by the licensee or by the licensee's predecessor in title, the benefit of which has or will accrue to the land owner.

Payment of rent or compensation to a land owner for termination of his or her lawful occupancy is deemed to be adequate compensation for deprivation of the use of the land to which the rent or compensation relates. Land owners who are dissatisfied with any compensation offered by a licensee should have the dispute determined by the Chief Government Valuer.

The Government of Uganda does not yet have a national policy on involuntary resettlement. As a result, many development projects in Uganda have adopted resettlement policies and implementation principles that combine provisions from existing Uganda laws and policies with Standards and Operational Procedures developed by multilateral organisations such as the AfDB, WB and the IFC. For more details on the findings of the legal review, please refer to [Annex 2](#).

PRODUCTION SHARING AGREEMENTS

The exploration, appraisal, development and production activities of the JV Partners are regulated by 4 Production Sharing Agreements (PSAs) which set out a range of terms and conditions for the petroleum development, including terms of cost recovery and revenue sharing. With regard to land acquisition, the PSA states that *all land shall become the property of the Government as soon as it is acquired by the Licensee, subject to its continued use rent-free by the Licensee until the date upon which the Agreement is terminated*. The responsibility for the land acquisition process thus lies with the JV Partners while ownership of the acquired land will be vested in ULC on behalf of the Government of Uganda.

5.3. IFC Performance Standards

In line with the IFC's Performance Standards 5, the Strategic Environmental Assessment¹³ (SEA - Annex 10) provides guidance for the screening of oil and gas activities in the Albertine Graben and establishes parameters for conducting land acquisition and compensation including resettlement of persons who may be affected during implementation of oil and gas investment activities in the Albertine Graben, particularly for infrastructure, socioeconomic activities and conflict-prone activities such as the taking of land for oil and gas exploration, processing and related production facilities as well as associated facilities.

The JV Partners are committed to adhere to the SEA and to apply the IFC's Performance Standards and Guidance. These international standards set certain requirements for the resettlement programme, particularly with regard to the compensation payable to affected people, the standard of living in the resettlement sites, the livelihood programmes offered, and the process of consultation with the affected communities.

The IFC's Policy and Performance Standards on Social and Environmental Sustainability have become the international benchmark for good practice on extractive industry projects. The majority of large companies in the extractive industry, and financial institutions funding such projects seek adherence to IFC standards. This Project intends to apply and comply with IFC standards that relate to land acquisition and resettlement.

Central to the standards is the IFC's principle of "do no harm" to people or the environment. Negative impacts should be avoided where possible, and if these impacts are unavoidable, they should be reduced, mitigated or compensated for appropriately. In particular, the IFC is committed to ensuring that the costs of economic development do not fall disproportionately on those who are poor or vulnerable.

The full series of Performance Standards, designed to improve social and environmental outcomes, consist of the following:

¹³ The Strategic Environmental Assessment (SEA) was approved by Government of Uganda in July 2015.

Table 3: IFC Performance Standards

PS1	Assessment and Management of Environmental and Social Risks and Impacts
PS2	Labour and Working Conditions
PS3	Resource Efficiency and Pollution Prevention
PS4	Community Health, Safety and Security
PS5	Land Acquisition and Involuntary Resettlement
PS6	Biodiversity Conservation and Sustainable Management of Living Natural Resources
PS7	Indigenous Peoples
PS8	Cultural Heritage

Key relevant IFC documents other than PS5 are:

- PS5 Guidance note (2012)
- Revised Environmental and Social Review Procedure (2013)
- IFC Handbook for Preparing a Resettlement Action Plan (2002)

Performance Standard 5 is the core standard related to land acquisition and resettlement. It refers to the management of physical displacement (i.e. relocation or loss of shelter) and economic displacement (i.e. loss of assets or access to assets that leads to loss of income sources or means of livelihood) as the result of project-related land acquisition.

The objectives of Performance Standard 5 include:

- To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs;
- To avoid forced eviction;
- To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition or restrictions on land use by (i) providing compensation for loss of assets at replacement cost, and (ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- To improve, or restore, the livelihoods and standards of living of displaced persons; and
- To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure at resettlement sites.

Performance Standard 5 requires:

- That the project proponent identify those persons who will be displaced and establish a cut-off date to establish eligibility for compensation;
- The project proponent to offer land-based compensation, where feasible, where livelihoods of displaced persons are land-based, or where land is collectively owned;
- Negotiated settlements to be encouraging to avoid forcible removal of people;
- Private sector companies to “bridge the gap” between domestic legal requirements and the requirements of the Performance Standard where necessary; and
- Preparation of a RAP, which demonstrates how displacement will be managed in accordance with the Performance Standard.

Performance Standard 5 further requires that standards for compensation be transparent and consistent within a project, and established with the participation of those impacted. Project

proponents must, according to the Performance Standard, offer displaced persons compensation for loss of assets at full replacement cost, and other assistance to help them improve or at least restore their standards of living or livelihoods.

In the case of physically displaced persons, the Performance Standard requires that project proponents offer the choice of replacement property of equal or higher value, equivalent or better characteristics, and advantages of location and security of tenure, or cash compensation at full replacement value where appropriate.

If land acquisition for the project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, project proponents are required to:

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost;
- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere; for lost net income during the period of transition; and for the cost of the transfer and reinstallation of the plant, machinery or other equipment;
- Provide replacement property (e.g. agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the national laws;
- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost;
- Provide additional targeted assistance (e.g. credit facilities, training, or job opportunities), and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected; and
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living.

PS5 requires project proponents to identify, review, and abide by all laws of the host country that are applicable to land acquisition and involuntary resettlement.

5.4. Comparison of IFC Standard and Uganda Regulations

A comparison of IFC standards and Uganda legislation is provided in **Table 4**. Gaps are identified and a strategy to address each gap is proposed.

Table 4 Gap Analysis Table

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
Alternative project designs	Feasible alternative Project designs should be considered to avoid or at least limit physical or economic displacement.	Activities must be exercised in a manner that affects land owners as little as possible ¹⁴ .	IFC Standards explicitly require that resettlement be minimised by considering alternative project design.	The JV Partners commit to avoiding or minimising impacts by considering alternative project designs.
Planning Instruments	In the case of physical displacement, a Resettlement Action Plan will be developed. In the case of economic displacement only, a Livelihood Restoration Plan will be developed. Where both physical and economic displacement is caused, livelihood restoration will be incorporated in the Resettlement Action Plan.	Displacement resulting from development project activities is not defined in Uganda laws. However, EIA Guidelines for the Energy Sector refer to compensation and resettlement as consequences of displacement. It also makes provision for the development of a Compensation Plan or a Resettlement Plan ¹⁵ .	Resettlement plans are not required by Uganda laws, but are prescribed in the EIA Guideline for the Energy Sector.	The JV Partners commit to develop Resettlement Action Plans and Livelihood Restoration Plans once impacts of proposed land acquisition and resettlement activities have been identified.

¹⁴ Section 10.1 of EIA Guideline for the Energy Sector, 2004

¹⁵ Section 10.7 of EIA Guideline for the Energy Sector, 2004

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
Consultation and Information Disclosure	<p>Resettlement activities must be planned and implemented with appropriate disclosure of information, consultation and the informed participation of those affected including host communities in decision-making.</p> <p>The perspectives of women, minority groups and other categories with special requirements must be obtained and their interests factored into resettlement planning and implementation.</p>	<p>A Licensee is not permitted to exercise any right upon land without prior written consent from the land owner¹⁶. Disclosure and consultation are also required as soon as the need for resettlement has been identified.</p> <p>For compulsory land acquisition, the Minister of Lands, Housing and Urban Development must declare the location, approximate area and plan of the land required¹⁷. All land owners and occupiers must receive a copy of this declaration and must be informed on when and where they can inspect the plan of the land.</p>	<p>Despite references to consultation and disclosure, community participation does not drive the land acquisition and resettlement process.</p> <p>According to the Petroleum (Exploration, Development and Production) Act, accounting for the “[...] interests of the community” is done after having obtained consent from affected persons.</p> <p>There is no mention of how host communities or women shall be engaged during resettlement activities.</p>	<p>The JV Partners commit to informing project affected persons (including host communities) and having them participate in resettlement planning. Furthermore, they commit to timely disclosure of information within affected communities.</p>
Eligibility	<p>Eligibility criteria should recognize the rights of those affected people:</p> <ul style="list-style-type: none"> • Who have formal legal rights to the land or assets they occupy or use • Who do not have formal legal rights to land or assets, but have a claim to land that is 	<p>Uganda laws recognise land occupancy under four regimes of land tenure, namely freehold, leasehold, <i>mailo</i> and customary. Under these different types of land ownership, occupants and land owners are eligible for compensation for land, improvements to land, crops and</p>	<p>Uganda laws and the IFC PS 5 are consistent in the recognition of the rights of occupants and land owners under the different land tenure regimes.</p>	<p>The JV Partners will recognise the rights of all affected people including those with formal legal rights; those without formal legal rights and those who have no</p>

¹⁶ Section 138 (1) Petroleum (Exploration, Development and Production Act) No. 3 of 2013

¹⁷ Section 3 (1) Land Acquisition Act Cap. 226

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
	<p>recognized or recognizable under national law</p> <ul style="list-style-type: none"> Who have no recognizable legal right or claim to the land or assets they occupy or use <p>The census will establish the status of the displaced persons.</p>	structures.		<p>recognisable legal right to land or assets used or occupied by them. The census to be undertaken prior to land acquisition and resettlement activities will establish the status of the displaced persons</p>
Cut-Off Date	<p>In the absence of government procedures the client will establish a cut-off date for eligibility which will be well documented and disseminated throughout the project area.</p>	<p>There is no legal provision for the establishment of a cut-off date, but the EIA Guidelines for the Energy Sector make reference to the cut-off date for the determination of eligibility, but does not provide any procedural guidance¹⁸.</p> <p>With regard to compulsory land acquisition the intention to acquire land must be published in several notices; exhibited at “convenient places on or near the land” and should state who should be compensated¹⁹.</p>	<p>The Uganda regulations are unclear on how a cut-off date is to be enforced.</p>	<p>Cut off dates for eligibility will be well documented and disseminated throughout the project area, including relevant national ministries and local government.</p>

¹⁸ Section 10 of EIA Guidelines for the Energy Sector, 2004.

¹⁹ Section 5 (1) Land Acquisition Act Cap. 226

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
Census	Where involuntary resettlement is unavoidable, a census will be carried out to collect appropriate socio-economic baseline data to identify the persons who will be displaced by the project, determine who will be eligible for compensation and assistance.	Uganda laws do not require that a census be taken of the persons who will be displaced by the project. However, the EIA Guidelines for the Energy Sector refer to the census as the means to identify all affected persons and their means of livelihood. It also refers to a baseline study to identify all interests in affected assets, including the rights of tenants ²⁰ .	The Guidelines require that a census be conducted in the event of compensation and resettlement.	The JV Partners commit to identifying all persons who will be displaced as a result of their development activities. This will be done in the form of a census prior to resettlement to determine who will be eligible for compensation and assistance.

²⁰ Section 10.4 of EIA Guidelines for the Energy Sector, 2004.

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
Physical Displacement and Relocation	Physically displaced persons will be offered a choice of replacement property of equal or higher value, security of tenure, equivalent or better characteristics, and advantages of location or cash compensation where appropriate.	Uganda laws do not require that physically displaced persons be offered a choice of resettlement housing (out of the options available) and relocation assistance. However, the EIA Guidelines for the Energy Sector refers to the requirement to provide suitable materials for resettlers to build their own housing. The Physical Planning Standards specify plot sizes and materials to be used for the establishment of new residential infrastructure ²¹ .	There is no specific requirement for the resettlement of persons who are physically displaced by a development project in Uganda laws, other than making replacement building materials available.	The JV Partners' policy is to provide physically displaced persons the right to choose from a number of resettlement options, and resettlement sites must offer improved living conditions. They must also provide suitable relocation assistance. No forced evictions (except those that are in accordance with the law) are to be carried out.
Economic Displacement (loss of land)	Economically displaced persons will be compensated for the loss of economic assets at full replacement cost (PS5, §27) and with replacement land of at least the same productive potential and location advantage (PS5, §28).	Displacement resulting from development project activities is not defined in Uganda law. The EIA Guidelines for the Energy Sector considers compensation for the loss of land ²² . The type of compensation packages that should be awarded to project	The Uganda laws do not categorise project affected persons according to the impact that proposed land acquisition and resettlement activities have on them. There is no specific requirement	The JV Partners will commit to compensating economically displaced persons: <ul style="list-style-type: none"> with replacement land of at least

²¹ Chapter 2 (see also Table 1, p. 8) of National Physical Planning Standards and Guidelines, 2011.

²² Section 10 of EIA Guidelines for the Energy Sector, 2004.

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
		affected persons is not described.	to provide replacement land to project affected persons, but it is an option available for consideration.	the same productive potential and location advantage, or <ul style="list-style-type: none"> • for the loss of economic assets at full replacement cost.

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
Economic displacement (businesses)	Economically displaced persons will also be provided with (i) assistance to re-establish commercial activities (businesses), (ii) replacement property of equal or greater value, and will be provided with transitional support as necessary to restore their income-earning capacity and standards of living (PSS, §29).	Unlike economically displaced persons who own land, commercially displaced persons only have legal claims to land by virtue of occupancy. The Uganda laws recognise this ownership as a formal land right and such occupants must be considered under Section 139, Subsection 1b of the Petroleum (Exploration, Development and Production) Act which provides that “account shall be taken of any improvements effected [...] the benefit of which has or will accrue to the land owner”.	The local laws are inconsistent with what is stipulated in the IFC guidelines when it comes to assistance in the re-establishment of commercial activities and provision of replacement property with transitional support as necessary to restore the affected person’s income earning capacity.	The JV Partners are committed to the provision of support to commercially displaced persons, who will receive: <ul style="list-style-type: none"> • assistance to re-establish commercial activities; • replacement property of equal or greater value; and • transitional support to restore their income earning capacity and standards of living.

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
Full Replacement Cost	<p>Mitigation measures to mitigate adverse impact should include compensation at full replacement cost for loss of assets and other assistance to help them improve or restore their standards of living and livelihoods.</p> <p>Where livelihoods of displaced persons are land-based, or where land is collectively owned, affected persons will be offered land-based compensation where feasible.</p> <p>Land will be taken into possession only after compensation has been made available and resettlement sites and moving allowances have been provided to affected persons (PS5, §2, 9).</p>	<p>The District Land Boards assess compensation based on open market value of the unimproved land; and buildings on the land are compensated at open market value (in urban areas) and depreciated replacement cost for the rural areas²³. Standing crops which can be harvested during the period of notice shall not be compensated. The list of rates of compensation compiled by the district land boards are to be used in determining the rates of compensation.</p> <p>The EIA Guidelines for the Energy Sector refer to “acceptable compensation rates” which are to be established after consultation with representatives of the affected communities²⁴.</p>	<p>Computation of compensation as outlined in the Land Act does not offer full replacement cost prescribed by the IFC. However, there appears to be room for reaching acceptable rates through consultation.</p>	<p>The JV Partners commit to mitigating the adverse impacts associated with land acquisition and resettlement by compensating affected persons at full replacement cost of the affected assets.</p>
Form of Compensation	<p>Compensation in kind should be considered in preference over cash.</p>	<p>Article 26 of the 1995 of the Constitution of Uganda protects Ugandans from deprivation of property. Land can only be accessed once “prompt payment</p>	<p>The JV Partners are not required by Uganda laws to consider compensation in kind although the EIA Guidelines for the Energy Sector refer to the “constraints to</p>	<p>The JV Partners commit to compensating affected persons for loss of rights</p>

²³ Section 24 of Land Regulations, 2004.

²⁴ Section 10.5 of EIA Guidelines for the Energy Sector, 2004.

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
		of fair and adequate compensation prior to the taking of possession of the property” has been undertaken.	monetary compensation”.	over land or property in kind in preference over cash.
Vulnerable Groups	In resettlement planning, particular attention should be given to the poor and vulnerable, and compensation in kind should be offered to facilitate permanent relocation and establishment at an alternative location.	The 1995 Uganda Constitution stipulates that: “the State shall take affirmative action in favour of groups marginalised on the basis of gender, age, disability or any other reason [...] for the purpose of redressing imbalances which exist against them”. This regulation is not fully described in the context of resettlement and land acquisition. The EIA Guidelines for the Energy Sector require that vulnerability is established during the census ²⁵ .	The Uganda laws offer protection of vulnerable groups from exploitation. However, this does not provide the procedure for this category of project affected persons to be consulted, engaged or further protected.	The JV Partners commit to planning with particular focus to vulnerable project affected persons. Resettlement packages should give preference to compensation in kind with special facilitation of permanent relocation.
Grievances	Affected persons will have access to an independent grievance mechanism to lodge concerns and complaints about compensation and relocation without impeding access to any judicial or administrative remedies (PS5, §11).	Disputes regarding compensation will be determined by Government (in practice the Chief Government Valuer). In addition, any person who has an interest or right over property being acquired compulsorily has a right of access to a court of law ²⁶ .	Uganda laws do not explicitly require that development project implementers develop independent grievance redress mechanisms that are accessible to affected communities and individuals. However, the EIA Guidelines for the Energy Sector	The JV Partners commit to making an independent grievance mechanism accessible to project affected persons, including

²⁵ Section 10.4 of EIA Guidelines for the Energy Sector, 2004.

²⁶ Section 2 and other related sections of Land Acquisition Act Cap 226.

Resettlement Topic	IFC Performance Standard	Uganda Regulation	Gaps	Proposed Mitigation Measure
Monitoring and Evaluation	A procedure to monitor and evaluate the implementation will be established; affected persons will be consulted during the monitoring process (PS5, §14).	An evaluation procedure is prescribed in the EIA Guidelines for the Energy Sector, including a team of experts to provide technical advice during monitoring. Monitoring is based on the Resettlement Plan ²⁸ .	makes provision for a grievance committee “at the lowest level of activity” ²⁷ .	free access to judicial and administrative remedies.
			Uganda laws do not require development project implementers to develop a monitoring and evaluation procedure for the land acquisition and resettlement process contrary to what is required by the IFC. However, the EIA Guidelines for the Energy Sector makes recommendations about monitoring and evaluation of resettlement plans.	The JV Partners commit to developing a Monitoring and Evaluation procedure that will assess the implementation of land acquisition and resettlement activities. Affected persons will be consulted during the M&E activities.

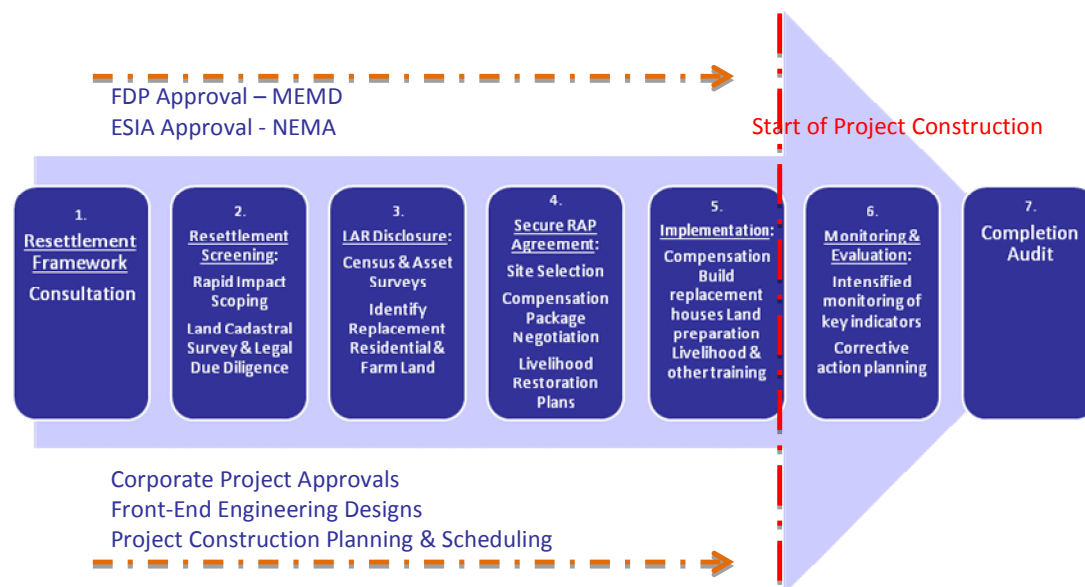
²⁷ Section 10.11 of EIA Guidelines for the Energy Sector, 2004.

²⁸ Section 10.11 of EIA Guidelines for the Energy Sector, 2004.

6. RESETTLEMENT PROCESS AND ADMINISTRATIVE FRAMEWORK

Resettlement planning and implementation is a systematic process with the ultimate objective to maintain the Project's social licence to operate. A significant part of the work involves technical planning for which specialist skills are required, and stakeholder engagement is a core component of the process. The LARF is the initial step towards a structured planning and implementation process which is illustrated in Figure 3.

Figure 3: Project Planning and Resettlement Process Flow



The actual resettlement process will typically consist of four phases:

- **Screening phase (for priority project infrastructure components):** As some facilities such as camps, CPFs and key well-pads will enable the development of the project, a screening will be undertaken to minimize at fullest extent potential land-related impacts. The screening will assess ways to avoid or minimize impacts in consultation with affected population;
- **RAP Development or Planning phase:** where data will be collected, communities engaged, livelihood restoration plans prepared and replacement land/sited identified and secured. The deliverable of this phase will be a Resettlement Action Plan (RAP) that will be submitted for approval to the Government of Uganda and may be submitted to international funders;
- **Implementation phase:** once the RAP is approved, a compensation and resettlement agreement will be signed with affected households, construction of replacement villages, completion of physical relocation, and implementation of livelihood restoration plans will commence; and
- **Monitoring and Evaluation phase:** although not a distinct phase, the ongoing monitoring and final auditing activities are important quality assurance mechanisms to guide and direct the planning and implementation phases in relation to agreed outcomes.

Resettlement planning is an integral aspect of the overall Project planning process and must be incorporated into and aligned with the overall project schedule, taking into consideration the nature and extent of displacement and the duration of resettling affected households and enterprises to

their new resettlement sites. Construction will only commence once compensation has been paid and all physical resettlement has been completed.

6.1. Project Linkages

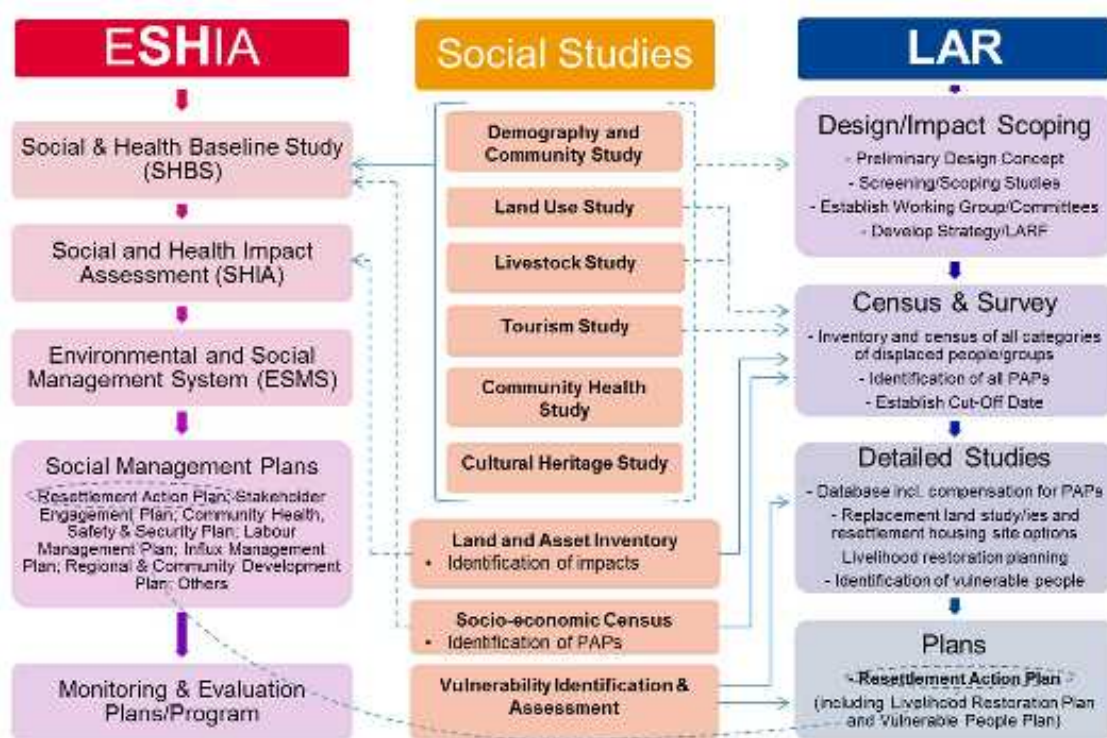
Resettlement planning activities have linkages to a number of other regulatory and approval processes.

- **Field Development Plans (FDP)** require formal approval from MEMD upon which a production licence is granted which will allow the Operator to commence its field development activities. A development project may consist of several fields, therefore requiring several FDPs. Once a production licence has been issued, the Project will be required to carry out an environmental and social impact assessment.
- **Environmental and Social Impact Assessments (ESIAs)** need to be approved by the NEMA for the different project components before the construction programme may commence.
- Similarly, the JV Partners' corporate approval processes (financial investment decisions) are tied to certain regulatory approvals after which detailed engineering design, project planning and the scheduling of activities are initiated.

While some preliminary planning activities are likely to start prior to the granting of all necessary regulatory approvals, detail disclosure of the resettlement planning process to affected communities will be dependent on these approvals, unless the regulators determine otherwise. To avoid speculative behaviour, the timing of disclosure should be linked to the Project's readiness to progress the planning phase to its final end.

Environmental and social management plans (ESMPs), envisaged under the requirement to carry out an ESIA, will include mitigation measures to deal with impacts on the environment and biodiversity as well as potential economic impacts on tourism as well as the management of impacts on tangible and intangible cultural heritage sites among others. An operating model of how the different streams interact is illustrated below:

Figure 4: Example of Integrated Social Planning Process



It is evident from Figure 4 that social impact assessment activities and the resettlement planning (RAP) work have close linkages with mutual application of the social data collected during these activities. A RAP is one of the social management plans to mitigate displacement as a significant social impact.

6.2. Resettlement Planning: Key Steps, Roles and Responsibilities

Project planning and implementation steps for all resettlement activities are summarised in Table 5.

Table 5: Resettlement Planning Steps

Resettlement Step	Main Description (not exhaustive)	Responsibility
LARF Development and Consultation	<ul style="list-style-type: none"> Review of the LARF with government stakeholders, including MEMD and MLHUD through Resettlement Advisory Committee (RAC) Formal engagement with District Local Government and communities to seek support on policy principles and procedures 	<p>JV Partners to coordinate and facilitate.</p> <p>RAC (chaired by MEMD) to assist with disclosure at district level</p>
Resettlement Screening/Scoping	<ul style="list-style-type: none"> Assessment of anticipated displacement on affected land, people and structures Compilation and analysis of regulatory rates and market values of assets Identify availability of replacement land Information to present to project and 	JV Partners

Resettlement Step	Main Description (not exhaustive)	Responsibility
	<p>social teams to identify alternatives and avoid or minimise displacement</p> <ul style="list-style-type: none"> • Resettlement Consultation Plan • Understanding of legal due diligence and other requirements for compensation • Preliminary budget and planning 	
Resettlement Disclosure	<ul style="list-style-type: none"> • Inform affected communities, especially those affected by physical or economic displacement, about the displacement impacts and introduce resettlement activities • Disclose information throughout resettlement planning, implementation, monitoring and evaluation phases • Consultation should promote participation of affected people in resettlement decision making • After completion of the detailed surveys and during RAP preparation, strip maps will be publicly disclosed to the affected communities. The strip maps are to be approved before the RAP implementation activities commence 	JV Partners, MEMD and with assistance from MLHUD and District Local Government
Establishment of Resettlement Planning Committees	<p>The following activities will be undertaken:</p> <ul style="list-style-type: none"> • Provide information to affected people on resettlement • Announce the 'cut-off date' and explain its significance • Assist communities to select representatives to participate in the resettlement planning process • Establish the resettlement planning committees (government and village level) that will supervise and participate in resettlement planning, implementation, monitoring and evaluation processes • Establish a grievance mechanism 	JV Partners and MEMD, with assistance from MLHUD and District Local Government
Socio-Economic Census, Asset Survey other specific studies	<ul style="list-style-type: none"> • Socio-economic baseline data (to include land tenure and livelihood studies) • Stakeholder identification and mapping • Sensitisation and notification of landowners and users about the Project and Development Phase (to include information dissemination and consultation on assessment and census) • Asset and census surveys • Development of a Resettlement Database • Identification of the magnitude of impacts 	JV Partners and MEMD

Resettlement Step	Main Description (not exhaustive)	Responsibility
	<ul style="list-style-type: none"> • Identification of affected people and of people who are particularly vulnerable to resettlement impacts • Additional baseline studies as required 	
Replacement Land Identification and Selection	<p>Consult with affected communities and coordinate with District Land Board to identify, evaluate, and select preferred replacement land site(s). Activities will include:</p> <ul style="list-style-type: none"> • Consult with affected communities on their resettlement site preferences and requirements • Develop a brief on replacement site requirements to social team • Identify potential in-fill resettlement options within existing villages • Conduct detailed site investigations (i.e. geotechnical, water supply, agricultural) to confirm the suitability of the site(s) • Consult and engage with host communities • Survey host communities with the census and asset surveys instruments • Develop housing design in consultation with affected communities and a plan that defines village layout • Develop architectural and engineering designs for replacement village(s) and develop replacement budget and schedule to be integrated in the major plan 	JV Partners and MEMD with assistance from RAC and from District Local Government

Resettlement Step	Main Description (not exhaustive)	Responsibility
Resettlement Planning and Preparation	<p>Based on the census, socio-economic surveys and asset inventories, the following activities will be undertaken:</p> <ul style="list-style-type: none"> • Development of eligibility criteria for compensation and other forms of assistance • Valuation of land, crops, structures and other assets to be affected by land acquisition, including any communal property, social and physical infrastructure, and cultural heritage sites • Development of compensation approaches: cash, in-kind, resettlement assistance • Development of a RAP specific entitlement matrix • Preparation of household compensation and resettlement agreements • Preparation of agreements to cover design standards, handover arrangements, equipment and staffing, and maintenance of communal and public facilities and infrastructure 	JV Partners and MEMD with assistance from MLHUD (CGV, Department of Surveys & Mapping).
Livelihood Restoration Plan	Develop livelihood restoration plans covering agriculture, fisheries and non-land based livelihoods to ensure the improvement of productive strategies of physically and economically displaced communities	JV Partners and GoU (MEMD and other key agencies/Ministries).
Vulnerable People Program	Identify vulnerable groups and develop measures to support them during resettlement planning, agreement negotiation, compensation disbursement, physical relocation, and livelihood restoration where needed	JV Partners and MEMD
RAP preparation	Prepare a resettlement action plan in accordance with Uganda Legislation and IFC PSS.	JV Partners and MEMD with assistance from the RAC
RAP Approvals	Resettlement Action Plans, including maps and valuation reports will be submitted to GoU for review and approval after completion of the Resettlement Planning activities. Approvals from GoU stakeholders will pave way for Resettlement Implementation Activities to commence	MEMD,MLHUD and NEMA
Secure Resettlement Agreement	<p>Obtain PAPs perspectives, and suggestions to reach broad consensus on the Resettlement Process through a process of negotiation. This will include:</p> <ul style="list-style-type: none"> • Displacement eligibility and entitlements, including compensation 	JV Partners and MEMD

Resettlement Step	Main Description (not exhaustive)	Responsibility
	and livelihood restoration packages <ul style="list-style-type: none"> • Livelihood restoration strategies • Property values and methods of valuation 	
RAP Implementation	<ul style="list-style-type: none"> • Signature of agreements • Delivery of compensation payments • Implementation of physical relocation measures • Provision of resettlement re-establishment assistance • Sustained information sharing with affected people and provision of opportunities for participation and consultation throughout RAP implementation • Implementation of livelihood restoration measures 	JV Partners and (MEMD)
Internal Monitoring	<ul style="list-style-type: none"> • Conduct on-going input progress monitoring • Conduct monthly output monitoring • Report and respond to need for any course corrections 	JV Partners and MEMD
External Monitoring and Evaluation	<ul style="list-style-type: none"> • Organize external evaluation, with particular emphasis on standard of living and livelihood restoration (bi-annually) • Organize completion audit at reasonable time for RAP measures, particularly livelihood measures, to be completed 	JV Partners and MEMD

6.3. Institutional Responsibilities

The main actors to be involved in carrying out resettlement and/or compensation are discussed below.

Table 6: Institutional Roles and Responsibilities

Institution	Roles
Petroleum Exploration, Development and Production Department in the Ministry of Energy and Mineral Development	Ministry of Energy and Mineral Development (MEMD) oversees and approves all the Project activities. MEMD has a regulatory role in the oil and gas industry and is, therefore, responsible for ensuring that the Project is compliant with Uganda legislation in all of their activities. In addition, MEMD is responsible for the approval of both project technical and financial planning. Since some of the activities carried out by the Project are cost-recoverable, MEMD approval of planned and executed work is required.
Ministry of Lands, Housing and Urban Development	The CGV in the Valuation Division of the MHLUD is responsible for approving all valuations. The CGV's office is also involved in resolving public complaints and disputes that arise from valuation for land acquisition and compensation payments. It is further anticipated that the Land Administration, Land Registration, and the Surveys and Mapping Departments, as well as the Ministry Zonal Offices at regional level will be involved in resettlement activities.
Ministry of Local Government	Ministry of Local Government oversees the decentralisation and devolution of functions, powers and services; and to ensure good governance and democratic participation in, and control of decision making by the people. The lower local governments function under this Ministry, including the District Local Government and the lower systems under that. Elected Councils and their executive committees have, among other, a function to receive and solve disputes from lower local governments.
National Environmental Management Authority (NEMA)	National Environment Management Authority (NEMA) is charged with the management of environmental issues and provides for sustainable management of the environment. The Authority in consultation with the lead agencies is empowered to issue guidelines and prescribe measures and standards for the management and conservation of natural resources and the environment. The Authority has issued EIA regulations for the energy sector, including sections on land acquisition and associated public consultation requirements. NEMA, therefore has an interest in the resettlement and compensation plans in the petroleum industry.
Uganda Land Commission (ULC)	The Uganda Land Commission (ULC) holds and manages land in Uganda vested in or acquired by the Government of Uganda. Leases on public land are granted by the ULC. When the Project has acquired the land for the development of project infrastructure, the land will be transferred to the ULC.

Office of the Prime Minister	Ministry of State for Disaster Preparedness, under the Office of the Prime Minister is responsible for re-settlement of refugees and persons displaced by disasters. Although the Project will not affect any refugee camps identified to this day, it may encounter on the land persons that have migrated into the area to take refuge and in such cases the Project may seek guidance from the Office of the Prime Minister.
District Local Government	All districts have four levels of local councils (LCs). Local Councils are responsible for local policy matters, economic development, resolving local conflicts and providing orderly leadership. In the project-affected area, LC Is, LC IIs and LC IIIs interact directly with the affected population. These councils will thus be able to assist during the identification of rightful property owners, and resolving compensation grievances. District Local Government includes the District Land Office, District Land Board and Area Land Committees (see following sections).
District Land Office	The District Land Office (DLO) should include a District Physical Planner, a District Land Officer, a District Valuer, a District Surveyor, a District Registrar of Titles and a District Cartographer, which provides technical services to the DLB through its own staff or arranges for external consultants to facilitate the Board in the performance of its functions.
District Land Board	District Land Boards (DLBs) set compensation rates for crop and temporary structures and facilitate land registrations. It is, therefore, important that RAP implementation involves participation of DLBs. In this regard, the DLBs will oversee the appropriation of public land; facilitating registration, and transfer of interests in land.
Area Land Committee	Area Land Committees (ALCs) determine, verify and mark the boundaries of all interests in land that is subject to an application for certificate of customary ownership or in grant of freehold title. The ALC assists the DLB in an advisory capacity on matters relating to land including ascertaining rights in land boundaries and disputes.
Private Sector entities	RAP implementation will entail involvement of private sector consultants for various planning and implementation activities, including the assessment and verification of assets, and payment of compensation to PAPs.

7. ANTICIPATED IMPACTS

Project impacts refer to both physical and economic displacement. Displacement may be caused by the development of permanent infrastructure, as well as temporary construction activities.

Physical displacement will be avoided as much as possible. Efforts to minimise displacement will be documented during infrastructure design and site selection procedures for inclusion in the applicable RAPs. The anticipated impacts as a result of the infrastructure development and operation are summarised below. Impacts relate to *restricted areas* (fenced in) and *buffer areas*. The latter refers to areas outside the restricted zones, but where certain land-use limitations are placed as a safety measure. Impacted areas are not controlled by the Operators and land-use restrictions will be enforced by the relevant agencies including local government.

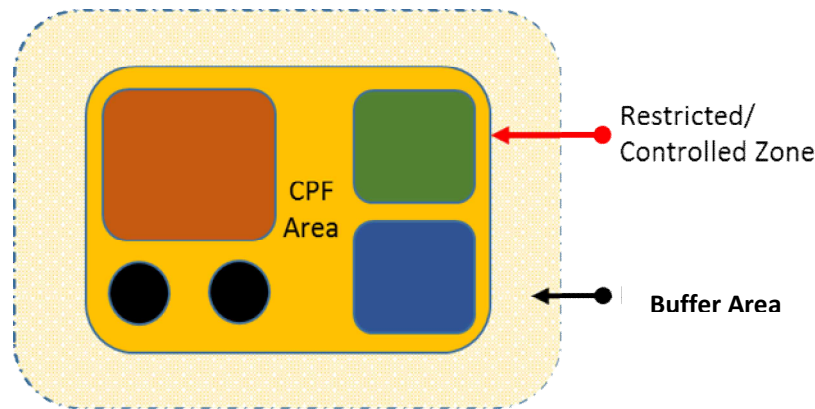


Figure 5: CPF Area Impacts

- In EA1-EA2North project, an area of approximately 260 ha will contain the CPF and associated facilities, as well as permanent accommodation and contractor camps. In KFDA, an area of approximately 40 ha will contain the CPF. Each CPF area will be fenced in with controlled security access. The physical and economic displacement within the enclosed area will be permanent, and land acquired within the area will be transferred to Government. Certain restrictions regarding the construction of buildings within a safety and security buffer along the outside perimeter of the facilities. The size of the buffer area will be determined through the ESIA, detailed engineering and RAP studies.

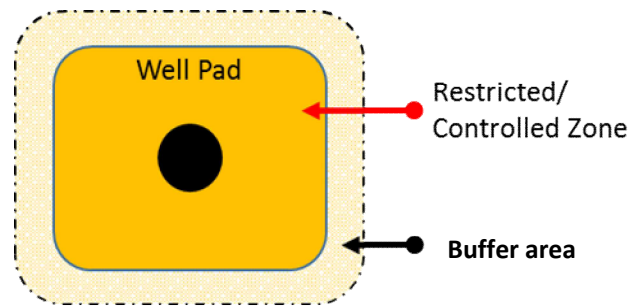


Figure 6: Well Pad Impacts

- In KFDA, 4 well pads (each with multiple wells) will be developed and operated over the life of the Project. In the EA1-EA2North project, more than 40 well pads will be developed and approximately 30 of these will be located within communities. Each well pad will occupy between an estimated 2 and 3 Ha of land, depending on well pad design, and will be fenced in. Land within the perimeter will be permanently acquired by the Project and ownership will be transferred to Government. A safety and security buffer area along the perimeter will be maintained to avoid the construction of buildings in the immediate vicinity of the infrastructure and to prevent the risk of fire propagation in case of vegetation burning.

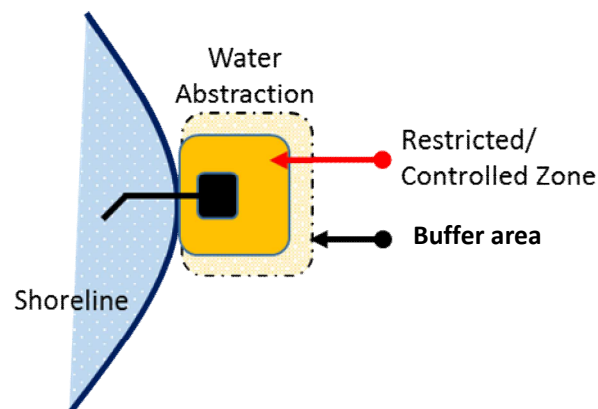


Figure 7: Water Abstraction Impacts

- A water abstraction system on the shore of Lake Albert will require a surface area of approximately 1 ha of land which will contain pumping and associated facilities as well as a pipeline towards the CPF. The area will be permanently impacted by the facility and land will be acquired and transferred to Government. The facility will be fenced in and a small additional safety buffer is envisaged.

- In the two main projects, approximately 400km of flow lines will be laid together fibre optic cables within a Right of Way (ROW) of 30m wide. A number of pipelines will be laid between well pads, including the production network with flowlines, a water injection network and a polymer injection network. In addition, a water abstraction line will transport water from Lake Albert to the CPF. All pipelines will be buried, and where more than three pipelines are required, the network may be installed in two parallel trenches. Due to safety requirements as well as access for routine inspection, maintenance and repairs, the land within this corridor will have restricted use: no buildings or cultivation will be allowed within this corridor, but the land may be used for grazing. Access to the corridor will be secured either through acquisition or registered easements over the affected land.

Buried Linear Infrastructure

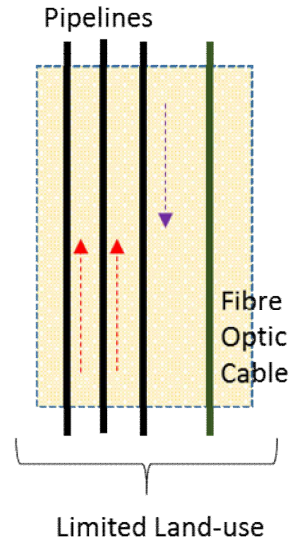


Figure 8: Linear Impacts

- Access roads to project areas (e.g., well pads) will as far as possible follow linear infrastructure corridors, and will be contained within these corridors. Where this is not possible, and where permanent access is necessary, land will be permanently acquired in addition to the ROW. Ownership of access roads will be transferred to Government or its delegated agencies.
- During construction, several areas will be accessed for temporary use (e.g., construction area for the Nile River Crossing and temporary access roads), and for storage of materials and equipment. All temporary accessed areas will be fully restored after use. Construction areas along the ROW will be progressively accessed as the construction moves along. Temporary land access will be acquired through tenancy agreements with the affected landowners.

- Incremental land access may be required in areas where site specific conditions require larger land access than originally envisaged. Incremental land access will be temporary and managed and implemented according to an internal approved specific Land Access and Disturbance Permit Procedure. This form of access will be acquired through the extension of the existing land agreement or a new tenancy agreement

Incremental Land-take

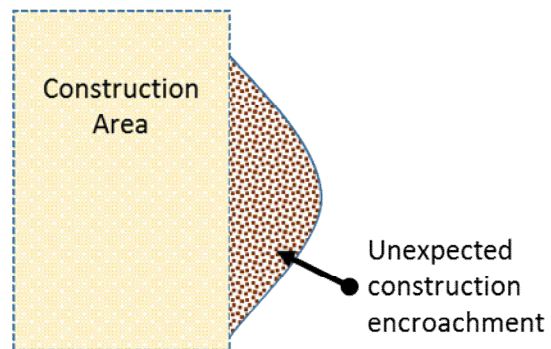


Figure 9: Unanticipated Land-take

The Project will draft a Land Access and Disturbance Permit Procedure in the eventuality of any additional, incremental and injurious land access required during the construction and development phase (and which are not addressed in the RAPs). The principal objective of the Procedure is to prevent land access or clearance by the Project without consent and/or approval from the affected communities and other stakeholders. Without these prior approvals there will be an increased risk of dissatisfaction and grievances from the communities.

In some instances, the location of project infrastructure may cause unintended (consequential) displacement. Such instances will be assessed on a case basis. Examples of such displacement are illustrated in Figure 10. Orphan land will be acquired by the Project either by means of permanent acquisition or through the extension of the easement area. In some instances, residential or other structures may be separate as a result of the project infrastructure, which will be relocated to avoid isolation, and the acquisition of the vacated land will be determined for each situation.

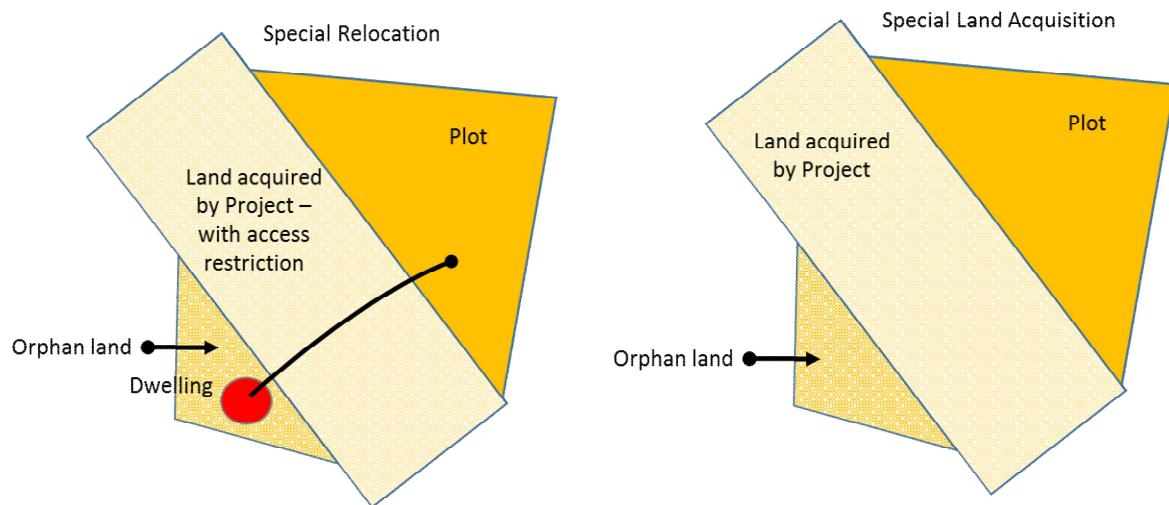


Figure 10: Special Land-take Situations

Impacts will be incurred across multiple districts and sub-counties. Detailed assessments of impacts will be done during the resettlement planning process which will provide the basis for defining compensation eligibility, the extent of the impacts, and the kind of entitlements to be compensated. Potential resettlement impacts in the area that will be further assessed will include, but not be limited to:

- Permanent loss of residential structures and ancillary structures;
- Permanent loss of business structures;
- Loss of agricultural land;
- Loss of perennial/annual crops;
- Loss of grazing areas and access to other common resources such as forest or wetlands;
- Loss of graves and sacred sites;
- Loss of social infrastructure, including schools, clinics and markets;
- Temporary loss of access to lake resources due to restrictions during construction;
- Permanent loss of access to lake resources due to exclusion buffer zones around the Water Abstraction Facility.

Host communities will also experience impact from receiving new communities, and this will depend on the nature of the resettled sites. However potential impacts in host communities may include:

- Increased demand on existing structures and facilities;
- Increased demand in infrastructures and common resources (e.g. grazing land, land sites);
- Increased security issues.

8. RESETTLEMENT AND COMPENSATION STRATEGY

8.1. Land Access Approach

In light of the aforementioned land acquisition challenges and the anticipated physical and economic displacement as a result of Project infrastructure development, a range of land acquisition strategies will be employed in order to secure long-term access to land for the following uses.

Right of access for passage for activities such seismic activities, topography surveys, geo-technical investigations, and temporary construction buffers. Access will result in limited disturbance and involves obtaining rights to access land for a limited period (the duration of activities).

Temporary Occupation for temporary lay-down areas and any other additional land required for storage of equipment. This will occur mostly during the development phase. Land will be accessed and occupied for the duration of the required period, after which the land will be returned to the landowner.

Permanent Occupation for medium-term land requirements for instance for construction camps and various on-site manufacturing of materials, as well as access roads. Long-term occupation will be required for production facilities, well pads, roads and operational accommodation.

Right of Way for permanent linear infrastructure (buried pipelines and fibre optic cables) with restrictions on surface use to avoid construction of buildings and crop cultivation.

These strategies apply to the following Project conditions:

Permanent land acquisition will be achieved through negotiations initiated by the Operators with landowners, and facilitate the process of transfer of ownership from the landowner to Government. Permanent acquisition includes the acquisition of land for priority infrastructure such as the CPF area, long-term camps and well pads, as well replacement land for physically and economically displaced individuals and households.

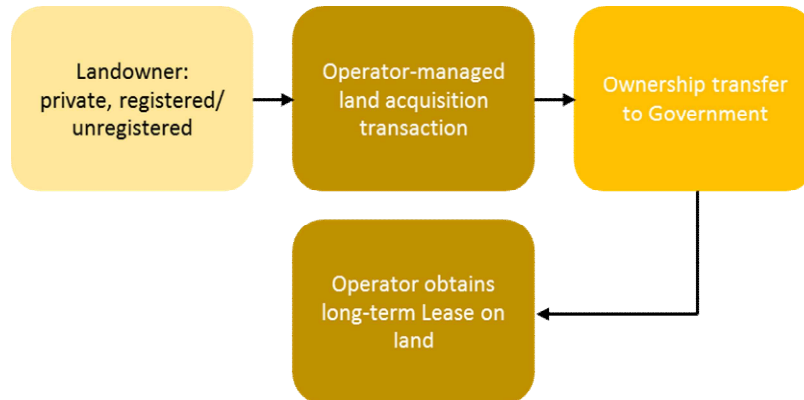


Figure 11: Permanent Land Acquisition

For **temporary land use**, for instance mobile camps and lay-out areas during construction, and when the affected area is relatively small and/or involves no physical displacement, the Operators will enter into tenancy agreements of a maximum of 3 years directly with the project affected persons (PAPs). *[Assessment is required to consider the pros and cons of tenancy vs permanent acquisition, including cost implications, siting flexibility and timeframe available for acquisition]*. All temporary acquired land will be reinstated to previous conditions before handing it back to the owners.

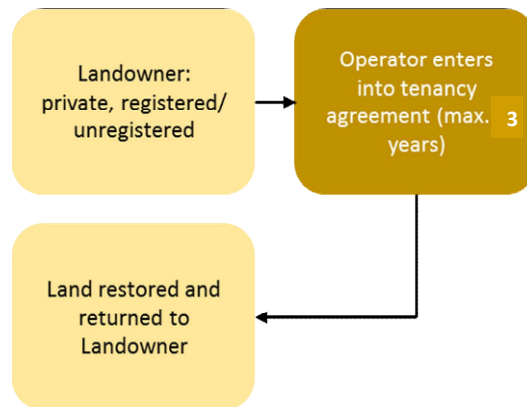


Figure 12: Temporary Land Acquisition

For **Right of Way** and restricted land-use in pipeline corridors and safety buffer zones near production facilities, Operators shall negotiate with the landowners to secure registration of an easement across the affected portion of the land. In respect of untitled land, the Operators will facilitate the titling of the land to meet the precondition for the registration of easements.

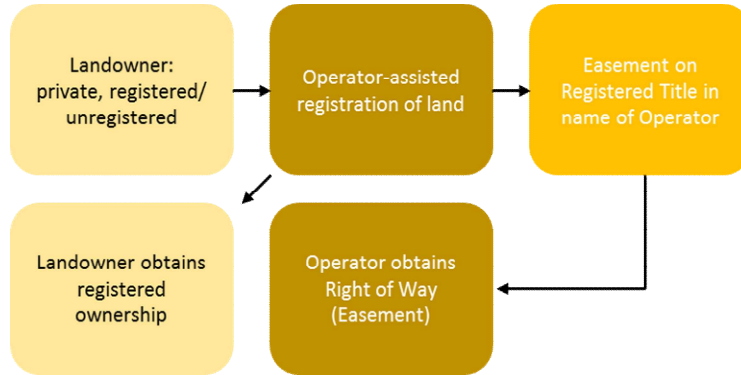


Figure 13: Easement

A significant part of the petroleum activities will occur or cut across government land such as protected wildlife and nature conservation areas, national roads, etc. These areas are generally free from human habitation and land acquisition will be negotiated between the Operators, the Government as the registered owners of the land and potential lessees of the land. Where governmental land required for the petroleum project is subject to private lease, the project will have to enter into a contractual agreement with lessees to suspend their lease in return for compensation. Private lessees will receive compensation for the interests and rights provided for under the lease and will be compensated for any other property loss or damage, and for the loss of income resulting from the suspension of their leases or as advised by the respective government agencies. Access to Government land by Operators will be obtained through agreements with the Uganda Land Commission, at no additional cost.

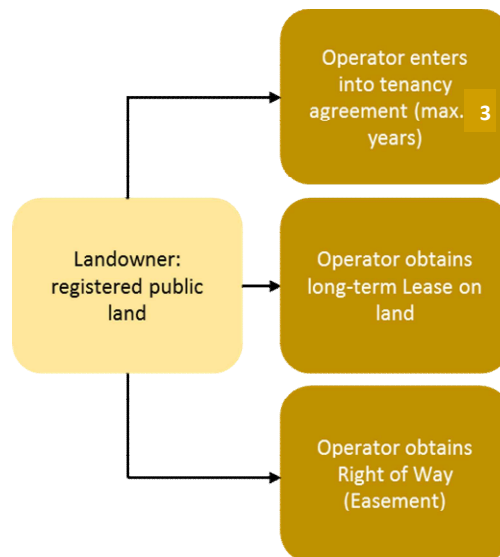


Figure 14: Registered Public Land Access

With regard to the requirement to provide PAPs with security of tenure, it should be noted that at a minimum:

- Any existing form of tenure, including tenancy rights established through occupancy (*bona fide* occupants) will be restored at the resettlement site.
- Where these existing rights were not registered, the PAPs will be assisted, where applicable, with the formal registration of their rights in the resettlement area.

The provision of security of tenure has the explicit purpose to provide PAPs with an assurance that they will not be subject to forced evictions based on their status as displaced persons.

Where the transaction of land (e.g., registration of easements) requires the prior documentation and registration of ownership, the Project will assist the PAPs with the registration process in order to enable the transaction to be completed. The cost of these processes will be deemed transaction costs, and are therefore absorbed by the Project to meet the 'full replacement cost' requirement.

8.2. Land Agreements

The provision in the PSAs for the acquisition and transfer of land by the JV Partners to Government requires an appropriate mechanism in order to address the limitations placed on foreign companies to have freehold interest in land. It is therefore envisaged that several agreements will be entered into between different parties to the agreements in order to facilitate access to land for the Project. These are summarised as follows:

Land Acquisition Agreement: A tripartite Land Acquisition Agreement will be entered into between the landowner, the JV Partners and Government in order to permanently transfer the rights of ownership from a private landowner to Government and compensating the landowner for the loss of land. Petroleum activities will only commence on the land after full compensation has been made and the land has been vacated by the landowner.

Land Lease Agreement: A long-term lease will be entered into between the Government and the JV Partners to grant the latter unhindered access to the required land to perform its petroleum activities. Such lease agreements will provide access to the land once the former landowner has been fully compensated and resettled from the land.

Tenancy Agreement: Where land is acquired for a period less than five years, for instance for temporary construction camps and lay-out areas, a tenancy agreement will be entered into between the landowner (landlord) and the JV Partners (tenant) to provide the JV Partners access to the land for its petroleum activities. The land will be accessed after the first instalment (rent) has been paid and all other resettlement requirements (if any) have been met.

Easement Agreement: Where certain restrictions are placed on the land, for instance within the infrastructure corridor (e.g. pipeline, information and communication cables) or within safety buffer zones around sensitive infrastructure, easement agreements will be signed with landowners to compensate for the restricted land-use. Easements will be registered on the land title deed, and where land is not formally registered, such registration will be included in the establishment of easement agreements.

8.3. Compensation Framework

Each RAP will define the compensation framework for the proposed components. The Project will ensure that the compensation framework will be developed in close consultation with Communities and Local Authorities and will define the following:

- Valuation approach for asset and land improvement losses that will be considered for compensation as well as the basis of valuation and rates;
- Eligibility criteria defining the categories of PAPs that will be eligible for compensation and assistance;
- Entitlements defining what each category of eligible owner, user or business will receive in compensation.

The Project will develop packages that include both monetary and in-kind compensation as well as other forms of assistance to restore and improve livelihoods and living standards.

8.3.1. Valuation Methodology in Uganda

The Uganda legislation provides specific guidelines in terms of valuation. Compensation following the acquisition of land in Uganda is based on the principle of equivalence, which is broadly assumed to be the financial equivalent of the asset taken. Under this principle, PAPs should not be worse off or better off in financial terms from their status prior to acquisition. The asset is valued on the basis of market value without any increase or decrease attributed to the reasons that led to the acquisition. Any special value to the owner which is not reflected in market value is excluded.

In addition to the compensation derived from market value, the PAP is entitled to other payments which are generally referred to as 'disturbance allowance' of 15 or 30 percent. Compensation will reflect the cost incurred and losses sustained as a direct, natural and reasonable consequence of having to relocate.

Compensation may also arise where land or improvements are affected but not necessarily acquired in the interest of the execution of works. This type of compensation is payable when the loss occurs i.e. when some right in property other than its acquisition are temporarily affected due to interference with the activities being conducted on it.

There are five conventional valuation methods which are used in Uganda to determine market value: Comparison method, Contractor's method, Investment method, Profit method and Residual method. These are described in Annex 3.

There is no active land market in the Project area and land transactions are largely informal and remain unregistered. Nonetheless, perceptions about land value have been significantly altered as a result of the land transactions during the exploration activities. As a result, it is anticipated that land valuations will be done predominantly based on the comparative method.

8.3.2. Valuation Procedure in Uganda

In Uganda valuation for compensation of land and improvements that are affected by Government projects was originally undertaken by the office of the CGV. This practice has changed in recent times and private valuers are now used to compile valuation assessment reports on behalf of Government. However, the CGV has retained its oversight role in ensuring that standards are

maintained and government interests are duly protected. The valuation is carried out in consideration of established practices, policies, regulations and Ugandan laws.

The valuation process starts with the identification of the affected property owner and the assets to be affected. The affected owner is informed and sensitized about the project and permission is sought to allow access to the land for inspection. Once the affected property and improvements are identified, all relevant details are recorded such as crops (type and growth stage), economic trees and buildings (size, materials), and, where relevant, the features and characteristics of the land. The asset recording is witnessed, at a minimum, by the property owner, local leaders and Project representatives.

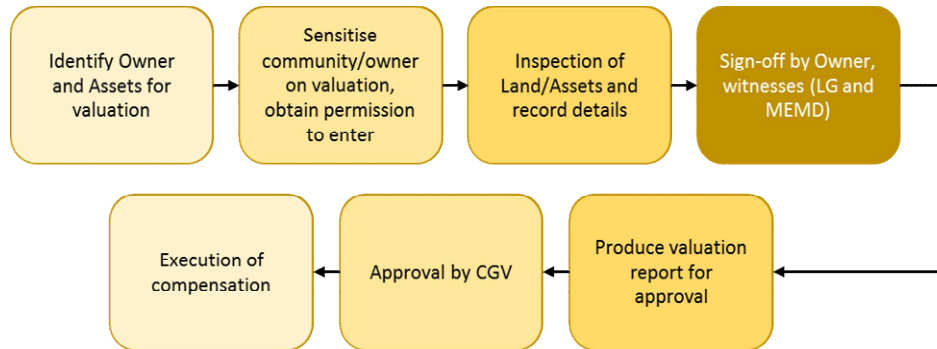


Figure 15: Generic Valuation and Compensation Process

The valuation assessment is reached through a direct application of the applicable rates and is submitted in draft to the CGV for review and comments. Following on from this, the final report is submitted to the client through the office of the CGV for technical approval. The approved report becomes an official document for implementation of compensation payment²⁹.

Two categories of rates used in the valuation of assets for compensation are:

- 1) **Statutory rates** as provided for in the Constitution and the Land Act. These include rates for crops, economic trees, temporary structures and graves, and are determined by District Land Boards (DLBs) with input from the relevant professionals.
- 2) **Market related rates** derived from market analyses conducted by the office of the CGV or a delegated appointee who is a registered Valuer. These rates are specifically applied to land interests and permanent buildings. Factors considered during the assessment of these assets include market conditions, tenure systems, covenants, securities, and physical conditions of the asset.

The legal provisions in the Constitution and other statutes do not provide detailed information on valuation methods and procedures. The office of the CGV adheres to the International Valuation Standards (2013) and best practices and appreciates the Royal Institute of Chartered Surveyors' Guidelines. The office of the CGV is also considering developing national guiding principles and procedures. Statutory rates determined by District Land Boards (DLBs) are infrequently updated and the process of review is not firmly adhered to. Certain rates, including those for economic fruit trees, graves and shrines, do not reflect the full cost of replacement, and appear to be inadequate for

²⁹ In the case of this Project, funds for compensation are ultimately reimbursed by Government in compliance with the PSA. It is therefore envisaged that the CGV will have the prerogative to determine final valuations, endorsed by PEDPD.

compensation of losses. There is also no functional land market in the Project area. It is, therefore, anticipated that valuations for this Project will have to involve a combination of methodologies described above in order to reach a fair and acceptable value for project affected persons' land and assets. Without an improved procedure³⁰ for the determination of rates, DLB rates will not be an acceptable basis for compensation.

In addition, non-cash compensation options must be offered in all land acquisition and compensation plans. The provision for non-cash compensation options must be aimed at livelihood restoration and the improvement of standards of living.

8.3.3. Compensation and Valuation Policy

The Project is committed to providing fair and adequate compensation for losses as a result of displacement. A resettlement package based on the entitlement matrix will be offered after consultation with eligible households. The final package will be tailored to specific characteristics of the project affected people as well as their current and future resettlement situation. This will also include a disturbance³¹ component to meet the demand for adequate compensation. The disturbance component must consider the Project's impacts on livelihoods i.e. the loss of future opportunities to earn income³² and standards of living; and the interruption of the progressive improvement over time of living conditions. In this context fair and adequate compensation³³ must take cognisance not only of the value of the asset that is lost, but also the disruption resettlement is likely to cause. Some categories of assistance for disturbances induced by the Project's development activities will be common to all entitlements defined for each PAP, while others will be linked directly to specific Project impacts.

In addition, interests in assets may be vested in more than one person or entity. The valuation procedure must, therefore, be able to recognise each interest and allocate the appropriate value to these interests so that fair and adequate compensation can be demonstrated in terms of individual interest, and not merely the combined interests in an asset. The test of fairness and adequacy must, therefore, be met for each individual interest.

Against this background, the valuation policy for this Project includes the following principles:

- a) Valuation of assets will be at full replacement cost without consideration of the condition of the asset. Depreciation will not be taken into consideration;
- b) Valuation of assets must separate the different interests in the asset under review. Each interest must be valued in terms of fairness and adequacy;
- c) Land must be valued separately from any improvements to facilitate the valuation of separate interests and allow for the establishment of consistent land rates across the project;
- d) Where replacement land is offered, the offer must include all transactional costs associated with the acquisition of replacement land, including titling and transfer fees, required taxes and utility permits;

³⁰ The objective of meaningful participation in resettlement planning is to safeguard the Project from designing and implementing plans that are inappropriate for the replacement and improvement of livelihoods and standards of living of affected people. It is, therefore, imperative for good stakeholder relations and in the interest of fair and just compensation that a fair and transparent basis for asset valuations is established.

³¹ Disturbance allowances are also referred to as inconvenience payments.

³² This includes food security as a substitution for cash earnings to buy food supplies.

³³ 'Fair' value must be derived from the objective assessment of the asset. 'Adequate' compensation must incorporate the subjective value of the loss of the asset.

- e) Where replacement housing is offered, the value of the structures is determined by the replacement cost of adequate replacement housing including the cost of materials and labour, and any other statutory requirements. Replacement housing criteria must include aspects such as floor area, number of rooms, functionality of social spaces and socio-cultural values associated with the house as social space;
- f) Annual crops are not valued if sufficient notice is given to harvest the crops. In the event that crops cannot be harvested, or incidental damage is caused, standard rates for annual crops will apply for the assessment of damaged crops.
- g) The value of perennial crops must include the net present value (NPV) of forgone income for the duration of the period of re-establishment of the crop to the maturity stage at the time of displacement.
- h) The value of salvaged materials at the time of resettlement will not be deducted from compensation.

Whereas valuation methods may be technically complex, the underlying principles must be disclosed in simple and understandable terms to PAPs during consultation so that they can participate meaningfully in the determination of a valuation approach that achieves fair and adequate compensation for all affected assets.

8.4. Implementation Assistance

Resettlement is a complex process often characterised by competing interests and conflict. Low literacy levels, and increased availability of cash from recent compensation and other Project-related sources of cash (e.g. annual rental for temporary access during exploration, land leases for camps) highlights the need for independent guidance for affected people to manage these social and economic changes. Following the practice in Uganda on similar projects, the Project will provide assistance to affected communities to participate in the resettlement planning and implementation processes and to ensure their informed consent. Measures to protect the rights and interests of affected households and communities include the following:

- Use of local languages when contract documents are explained (for avoidance of doubt all legal documents will be in English);
- Hiring a third party that will act as an independent advisor³⁴ to PAPs with respect to their rights, responsibilities and options concerning resettlement in the context of both national legislation and Project timeframes and procedures.

Compensation will be paid directly to the affected household or individual based on the asset and census surveys. All agreements will be signed by the eligible PAPs and their spouses, a Partner representative, and representatives from relevant authorities to be identified during the planning phase.

The Project recognises the lack of financial infrastructure and limited financial literacy in the project area. The Project will take appropriate measures to the extent feasible to invite financial institutions to provide services in the project area. The Project will also provide appropriate advice to PAPs with regard to money management. Examples of such advice may include the following:

- Financial forward planning;
- Investment options;

³⁴ The nature of the independent advisor will be discussed and agreed with GoU when resettlement planning activities will commence.

- Improvement and/or 'start up' of business ventures; and
- Training and employment opportunities.

Detailed assistance packages will be developed during the RAPs based on baseline conditions and the needs of PAPs.

8.5. Entitlement Framework and Eligibility

For each RAP³⁵ an Entitlement Matrix will be prepared providing details of all categories of affected people, type of losses associated with each category and types of compensation and assistance to which category will be entitled. **Annex 5** presents a summary of resettlement entitlements to mitigate displacement impacts.

Eligibility will be determined by the cut-off date which will be disclosed and documented prior to the census and asset surveys. In the absence of Government procedures for setting a cut-off date, it is common for a project to use the completion of the census and survey as the cut-off date. International standards do not specify when notification should be given to the community. However, it must be demonstrated that the notification about the cut-off date is well documented, and disseminated throughout project area, if the Project seeks to use the cut-off date as a basis to deny compensation or resettlement assistance for persons who settled or establish their assets and economic activities after such cut-off date. In this respect, the Project should inform the affected communities regarding the cut-off date, and the purpose of conducting a census and asset survey, particularly if the data is to be used to set a cut-off date and determine compensation entitlements in order to ensure there is adequate discussion with the community on its operation and to ensure that it supports the cut-off date. It must accommodate individuals or groups who were not present at the time of census and survey but who have a legitimate claim to membership in the affected community. Such groups might include absent family members engaged in migrant wage labour or nomadic pastoralists who use local resources on a seasonal basis. If there is a significant time lag (more than twelve (12) months) between the completion of the census and implementation of the RAP, the Project should make provision for population movements as well as natural population increase and expansion of households, which may include an update of the socio-economic census. If the physical relocation is not expected to take place until several years after project approval, or if it will occur in distinct phases, it may be more appropriate to delay the final census and asset survey until a time closer to the actual resettlement. Regardless of when it takes place, the census and asset surveys must be rigorous and verifiable, and the affected population must be officially notified that it will be used to determine their right to compensation and livelihood restoration.

Special situations, such as share-cropping arrangements and third-party investment interests will be considered based on evidence from the census and asset surveys. Final compensation packages will be based on data collected during the detailed census and asset surveys.

³⁵ It is anticipated that several RAPs will be prepared for the Project. The scope of a RAP will be determined by the timing of resettlement, the location of project activity, and the logical inclusion of various project activities that would cause displacement. Resettlement activities in the Kingfisher Development Area would be distinctly separated from the proposed development in the Buliisa area (EA1, EA-1A and EA2 (North)). Similarly, the development of the CPF would precede the construction of the pipeline to the Refinery and would therefore result in separate RAPs. The phased development of well pads will likewise result in more than one RAP, although the simultaneous development of several well pads will be combined into a single RAP.

8.6. Resettlement and Livelihood Restoration

8.6.1. Replacement Land Strategy

The availability of replacement land for resettlement and crop production has not been firmly established, and has not been sufficiently tested on previous resettlement projects in Uganda. Resettlement preferences in clan-held areas will be determined with approval from clan leaders to assure clans of their control over their communal resources.

Replacement farmland where livelihoods are land-based is a critical aspect of livelihood improvement. To the extent feasible, land will be replaced with land although not necessarily of the same size. However, criteria such as land quality, its productive capacity, location and other appropriate aspects will be included in the assessment of the suitability of replacement farmland. Alternative approaches to maximise access to farm land include the following:

- Optimisation of existing unaffected farmland to which PAPs already have access; and
- Identifying vacant or under-utilised land held under communal tenure.

Self-identification of available land for resettlement will be encouraged, especially in areas managed by clans. In addition, the Project will commission relevant studies to identify appropriate resettlement areas based on a set of criteria including, but not limited to the following:

- Distance from the formal original site;
- Possibility of in-fill resettlement – this is the preferred option;
- Availability of equivalent area of crop land free of settlements, similar or larger in size;
- Access to main social infrastructure and road systems;
- Proximity to wetlands will be preferable for land for agricultural purposes;
- Acceptance by receiving communities.

The Project will be responsible for the completion of all land transactions. Cash compensation for affected land is discouraged.

8.6.2. Replacement Housing and Community Structures

The Project will as far as possible avoid physical displacement. In the event that this is not possible, replacement housing will be offered with due consideration of pre-existing housing arrangements recorded in the asset and census surveys. Replacement housing for primary residences will be offered under two options:

- Project-built replacement housing based on agreed materials and design and constructed by Project-appointed contractors; or
- Self-built replacement housing based on a pre-approved house plan and construction programme. Building materials will be provided in several instalments, either as cash or in-kind based on estimated material requirements linked to any phased construction requirements. The feasibility of this option will be assessed on an individual basis to ascertain that risks associated with this option are identified and appropriately managed and mitigated.

Auxiliary household structures (e.g., granaries, barns, animal enclosures) will be compensated in cash and materials may be salvaged in order to reconstruct these structures at the resettlement site.

Replacement housing will, as far as possible, be constructed within existing communities at available residential sites. Sites will be identified by the Project with participation from physically displaced households. Where a group of households are displaced by Project activities, a suitable resettlement site will be identified based on approved site selection criteria, including aspects such as ground suitability and safety, access to public facilities and distance from existing community and social network.

The Project will rebuild all replacement communal structures (e.g., schools, health clinics) with preference for local contracting and employment opportunities as far as this is feasible, without sacrificing the quality, cost, and duration of construction. The designs of communal facilities will be concluded in collaboration with the relevant authorities and affected communities.

8.6.3. Livelihood Restoration Strategy

The Project recognises that livelihood restoration is both critical to the success of the resettlement of affected persons and difficult to achieve without prior participatory planning. Livelihoods in the project area are largely land-based, but diversified (for instance to include animal husbandry or seasonal fishing activities) with a view to maximise food production and cash generating opportunities, and to spread the risks often associated with subsistence livelihoods. It is therefore recognised that many households engage in various livelihood strategies and that these are often perceived as equally important.

The Project further recognises that land-based livelihood improvement opportunities have not been widely tested in Uganda. There is therefore a significant need for appropriate baseline information³⁶ to plan livelihood restoration activities. This data collection will be an integral part of the resettlement planning process, and all livelihood restoration plans will be incorporated into the RAPs and executed as part of the RAP implementation process.

Livelihood restoration planning will follow a number of broad guidelines:

- It will follow an integrated approach aimed at sustainable local development, using existing opportunities as much as possible, and promoting partnership and collaboration in view of long-term sustainability.
- It will focus on the enhancement of livelihoods through the improvement of income, increased production and a better quality of life.
- It will ensure that land-based programmes are discussed and agreed to with affected communities only if replacement land is available and secured. When there is insufficient replacement land, other measures such as improving of productivity of remaining land or training/capacity building will be explored.
- It will equally endeavour to re-establish existing business enterprises and provide additional support to business owners in order to improve business operations (marketing, administration, operational efficiency) through training and other support measures.
- Livelihood restoration will be the focus of all monitoring and evaluation programmes until after completion of the resettlement to assure that the Project has successfully restored and improved livelihoods and standards of living.

³⁶ Apart from the baseline indicators of current crop production, animal husbandry and fishing activities, as well as other enterprises, the baseline study also needs to assess the availability of replacement land and the feasibility to acquire this land without causing further economic displacement. Secondary displacement will, as much as possible, be avoided.

While livelihood restoration will aim to sustain and improve existing livelihood strategies, the primary focus during RAP implementation will be on ensuring continued food security. In addition, opportunities for livelihood diversification and alternative livelihood opportunities will be assessed during the planning process and, where appropriate, offered to PAPs as part of the resettlement package. Livelihood planning will be based on appropriate technological solutions and technical advice from Government, development NGOs, local consultants and research and academic institutions. Where feasible, livelihood programmes will be aligned with relevant existing national and district programmes.

Programmes currently implemented by the JV Partners include the following:

- Agricultural awareness and training programs (i.e., improved farming techniques for priority crops identified in the Agrarian Study);
- Identification and assessment of new technologies to improve production of cash crops, marketing and value chain activities;
- Agricultural training and capacity building in new farming technique, business literacy programmes, establishment of cooperatives.

Other programmes could include the following:

- Animal Care Assistance for herders;
- Mentoring programs and support for farmers/fishermen;
- Fisheries development;
- Small enterprise training;
- Vocational skills and development; and
- Scholarship scheme.

8.6.4. Assistance to Vulnerable People

Vulnerable individuals and households will be identified during the detailed census survey for the RAP, and will be supported with tailored assistance, to enhance their access to the benefits from resettlement opportunities. Appropriate measures will be determined in the entitlement framework and each vulnerable person/household's needs will be assessed prior to their relocation. Additional support will be provided to these individuals during the planning phase to ensure that they are informed of the process and are able to give their consent to the agreements.

An appropriate set of vulnerability indicators will be developed during the ESIA process.

9. RESETTLEMENT CONSULTATION

The objective of the Resettlement Consultation is to secure the meaningful participation of all PAPs (including their leaders and spokespersons) during planning and implementation. Effective resettlement planning requires regular engagement with a wide range of stakeholders, including individuals and groups that can play a significant role in shaping or affecting the project, people who are directly impacted by the Project, as well as representatives from host communities. The Project will engage frequently and throughout the different project phases for at least the following purposes:

- 1) Information disclosure at the start of the Project;
- 2) Consultation with affected communities and people about Project impacts; and

3) Negotiation of resettlement options and benefits.

A Stakeholder Engagement Plan (SEP) will be developed for the resettlement process that identifies project stakeholders; provides for engagement with local government and community leaders; describes the procedure for the announcement of the cut-off date; general stakeholder engagements for the dissemination of information; and to seek their project support. More specifically, the different phases of engagement will include the following:

9.1. Project Disclosure with Affected Communities

Project disclosure occurs often during the ESIA public consultation process. It is therefore imperative that early stakeholder engagement takes cognisance of and is aligned with similar engagement for the LAR process. During this engagement, stakeholders will be given general information about the Project, general project descriptions, a summary of potential social (and other) impacts and proposed mitigation measures. Stakeholders will also be given an opportunity to engage for the assessment of project alternatives, especially in relation to the selection of suitable location for project infrastructure components.

Project disclosure may occur over several meetings, each having a specific purpose. The cumulative dissemination of project information must at least enable affected communities to engage meaningfully in discussions and consider their options.

9.2. Consultation with PAPs

Once the displacement impacts have been identified and there is a better appreciation of the scope of impact (through an initial screening or preliminary impact studies), affected communities will be engaged in further discussions to provide more details about the displacement impact, as well as the measures that have been taken to avoid or at least minimise displacement. During these consultations, PAPs will be given further opportunity to identify additional options to minimise impacts and engage with the Project in more detail on project impacts. The procedures for the census and asset surveys, including the dissemination of information regarding the cut-off date, will be communicated during these engagements. This consultation will also serve to start the identification of potential resettlement areas as the basis for the screening of site suitability and any other factors pertinent in the site selection process. Finally, the need for resettlement planning committees will be introduced during this consultation phase.

9.3. Participatory Planning and Consultation

During this phase, PAPs will be engaged in detailed planning and discussions to determine compensation packages and eligibility requirements; resettlement assistance including livelihood restoration; site selection; design of replacement houses and other details pertaining to their resettlement and restoration of livelihoods and standards of living, as well as the timing of resettlement activities. Regular feedback must be provided to the respective communities represented on the resettlement planning committees. During the initiation of implementation, all notifications for resettlement activities will be channelled through the resettlement planning committees.

Based on international best practice, project consultation with people affected by resettlement is mandatory. It not only provides for the dissemination of information, but also creates opportunities for people to voice their concerns about the project, and propose alternatives. Early engagement is

preferred in order to manage public expectations concerning the impact of the project and its expected benefits. Furthermore, keeping affected people fully informed of their rights and responsibilities is crucial to the success of resettlement planning. To achieve this objective, information must be made accessible and understandable and special arrangements must be made to reach marginalised individuals. In order to ensure that women and members of vulnerable groups are reached, the Project must employ women and members from these vulnerable groups to participate in the stakeholder engagement activities.

Furthermore, regular consultation with affected people facilitates the monitoring of adequacy and effectiveness of compensation packages, livelihood restoration efforts and development initiatives. The principle of negotiations has far reaching implications: it is fundamental to the acceptance of final compensation packages (and thus reducing grievances), and essential to reach consensus with PAPs about the resettlement plan, including opportunities to share in project benefits.

For the purposes of this Project, Resettlement Planning Committees will be established in the project area representing affected households and other key stakeholders to facilitate the resettlement planning and agree on the design and delivery of compensation packages. Representatives from project affected households, including women and youth, will be elected onto the RPCs in order to represent the interests of PAPs in the discussions, and to provide regular feedback to PAPs on progress, and seek support and approval in decision-making processes. Selection criteria will be determined with community participation, and will include aspects such as local residence, good standing in the community, local knowledge and availability.

A Resettlement Advisory Committee with representation from national government ministries will provide guidance and direction to the resettlement planning process. This Committee will also serve as a mediation mechanism when consensus cannot be reached at the project level.

The final RAP will be disclosed in an appropriate format³⁷ to provide PAPs with sufficient information about the planning process and its outcomes to indicate their support for the project. While the need for project support prior to implementation is not legislated, it is an important aspect of obtaining social licence to operate.

9.4. Grievance Management

The JV Partners have adopted a formalised grievance management mechanism that seeks to address complaints and grievances in a manner that brings a resolution in a timeframe as short as possible.

A generic grievance redress process is illustrated in Figure 16.

³⁷ The disclosure of non-financial information, including eligibility criteria and entitlements, resettlement sites, resettlement housing and other social services.

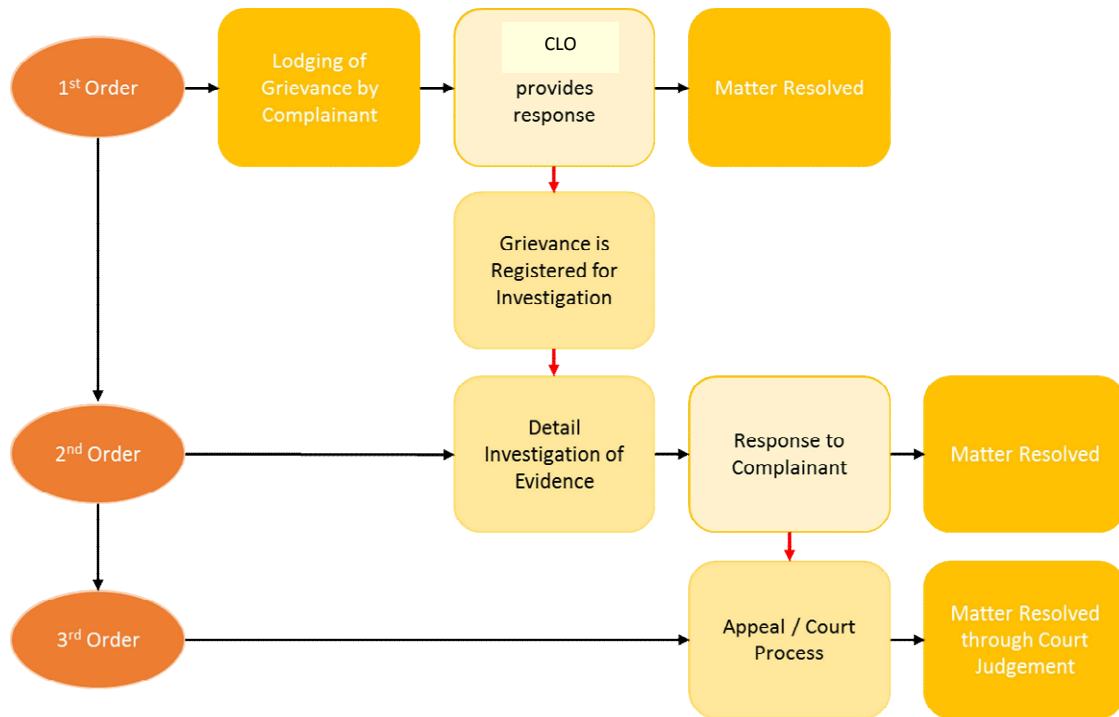


Figure 16: Generic Grievance Redress Mechanism

The objective of the grievance management mechanism is to provide opportunities to affected communities and individuals to discuss concerns and raise grievances with the aim of finding long-term solutions that do no harm to the local population and that reduce social risks. Ultimately, the Project endeavours to maintain positive relationships with the affected and neighbouring communities, and all stakeholders at large.

The procedure applies to all concerns and grievances related to all activities of the project and is intended for the use by all stakeholders concerned with the Project. The application of this procedure does not deny communities and individuals their right to utilize other grievance resolution mechanisms and facilities provided by the laws of Uganda.

During the implementation phase of the RAP, once the compensation that is owed to a landowner or user has been calculated, the owner or user will be notified of the compensation offer. The offer will include all relevant details. The process to secure agreements starts with the first visit to the PAP by a representative of the Project land access team. The procedure for securing land access is elaborated upon, after which the offer is presented and explained. During a period of approximately two weeks, the PAP can be given the time to consider the offer, to ask for additional explanation and information, or to seek legal advice (JV partners may facilitate this process by providing legal assistance services free of charge). Community liaison officers will be the first point of contact and will address questions on procedures and other legal solutions to legal department. A witness (for example LC1 Chairman) will accompany the representative of the Project land access team, to be present during the signing of the land agreement and compensation forms with the PAP.

If the PAP refuses to sign the offer during the second visit, a record of disagreement is signed by the representative of the Project and the witness. The PAP is asked to sign for confirmation. If despite reasonable endeavours of the Project land team, the PAP cannot be persuaded to sign the offer, and the record of disagreement is drawn up, the procedure will be deemed unsuccessful. In that case,

the JV partners and MEMD reserve the right to call upon the expropriation procedure to obtain rights for the land required for the Project. The offer remains open until the expropriation (or mandatory easement) has ended, to allow the PAP to change his/her mind and sign the Offer.

10. ORGANISATIONAL ARRANGEMENTS

Resettlement requires a team of skilled and experienced individuals who provide direction during the planning stages of the Project, and manage and support the implementation of the negotiated resettlement plans. This team is also required to interact with the Operator's technical teams in order to integrate all project planning activities and ensure that displacement and resettlement is avoided where possible, or at least minimised. Some functions are more prominent during the planning phase with a reduced role during implementation.

Overall accountability for the application of this LARF lies with the Land Acquisition and Resettlement Manager or the designated Project Manager for the Project. The Project Manager will provide sufficient financial, staff and other resources to plan, implement and monitor a resettlement programme compliant with this LARF.

Responsibility for implementation of the LARF will be delegated to a designated person(s), including external expert consultants, as required. The designated Land Acquisition and Resettlement Manager will assume direct responsibility for the day-to-day management of land acquisition and resettlement and will work closely with other relevant Project personnel, including senior management, project engineers, ESIA contractors, community relations staff and lawyers, to ensure that land acquisition and resettlement issues inform plans and activities across the Project and that policies contained in this LARF and subsequent RAPs are fully adhered to and applied. All Project resettlement activities will be coordinated through the Land Acquisition and Resettlement Steering Committee (LARSC).

The resettlement team will be adequately staffed and resourced with the following broad clusters:

- **Land acquisition cluster:** coordinated by a Legal Counsel and responsible for legal due diligence of all lands and public assets; coordination of land and asset valuation; and the execution of land and legal transactions including outright purchases, lease agreements, easements and way-leave agreements.
- **Resettlement planning cluster:** coordinated by a resettlement planning coordinator and responsible for resettlement site selection; structural designs of all immovable replacement structures; site planning activities; quantity surveying and building cost estimation; and livelihood restoration planning activities. The focus of this cluster is on planning and not execution of RAPs.
- **Community consultation cluster:** coordinated by a consultations manager skilled in negotiation and responsible for the establishment and functions of the Resettlement Planning Committee, supported by liaison officers as well as administrative and logistical staff to assist during community consultations.
- **Baseline and data collection cluster:** coordinated by a data manager and surveys managers. This cluster will be responsible for the establishment and maintenance of all databases, including design and data entry and output, and the execution of all rapid and final asset

surveys, census data collection and other surveys necessary for the planning and execution of the resettlement projects.

- **Implementation cluster:** coordinated by a construction manager and responsible for the implementation of the replacement housing and infrastructure programme; livelihood restoration plans; compensation payments; and training and capacity building programmes. The implementation cluster will be supported by third party construction teams as well as technical advisors and agricultural support teams for the re-establishment of agricultural production post resettlement.
- **Monitoring and evaluation cluster:** coordinated by a monitoring manager responsible for regular reporting, quarterly and half-yearly reviews and annual evaluation of the various project planning and implementation aspects.
- **Stakeholder engagement cluster:** coordinated by the stakeholder manager and supported by a grievance manager and a team of case officers responsible for the daily assessment of complaints and grievance, especially during implementation of the RAPs.

Where the Project does not have sufficient skilled and experienced staff to manage land acquisition and resettlement, the Project will hire qualified and experienced external resettlement consultants and contractors to assist.

In addition, the Resettlement Advisory Committee has been established with representation from the JV Partners as well as key government ministries. The committee is responsible for the coordination of all LAR activities with an advisory role in terms of project implementation. More specifically, the Committee will do the following:

- Serve as a platform for dialogue among key government stakeholder and JV Partners to ensure alignment on the LARF developed by the JV Partners and approved by GoU;
- Facilitate guidance and advice in respect of GoU requirements; and
- Act as a reference group in support of LAR at project level through regular briefings and to monitor resettlement planning progress with affected communities.

The Committee will enable effective and timely decision-making; provide direction and support; and aid in the resolution of emerging compensation and resettlement issues that may be encountered by the JV Partners in the Lake Albert Development Project. It will also facilitate communication and consultation with and within the Government administration.

Other specific responsibilities:

- Establish an effective mechanism to address and limit resettlement issues such as land speculation and population influx in the development area;
- Coordinate efforts and provide technical support and recommendations on how Government agencies can support the land access and acquisition process for the Lake Albert Development Project;
- Ensure alignment in respect of the LARF;
- Providing advice and guidance on GoU requirements for LAR, resettlement packages, resettlement housing and communication strategy (at national and local level), and support requirements to set-up Local Resettlement Planning Committees;
- Ensure the development of a holistic approach to resettlement aiming at the restoration and improvement of community wellbeing and livelihoods;

- Support LAR implementation including but not limited to:
 - Review the JV Partners' proposed footprint of petroleum production surface facilities and advise on their integration in physical planning documents;
 - Consultation on the status of LAR activities linked to the JV Partners' project operations including adherence to LARF principles
 - Advice in respect of the eligibility criteria, resettlement site preference and proposed livelihood restoration and alternative livelihood options;
 - Provide guidance on the consultation / negotiation process with affected and host communities.
- Identify key risks and facilitate the approval of LAR process and documents in a timely manner for inclusion in the projects' Environmental Social Impact Assessments;
- Provide direction to Local Resettlement Planning Committees on LAR issues such as but not limited to consultation/grievances with affected and host communities, implementation of livelihood strategies etc.

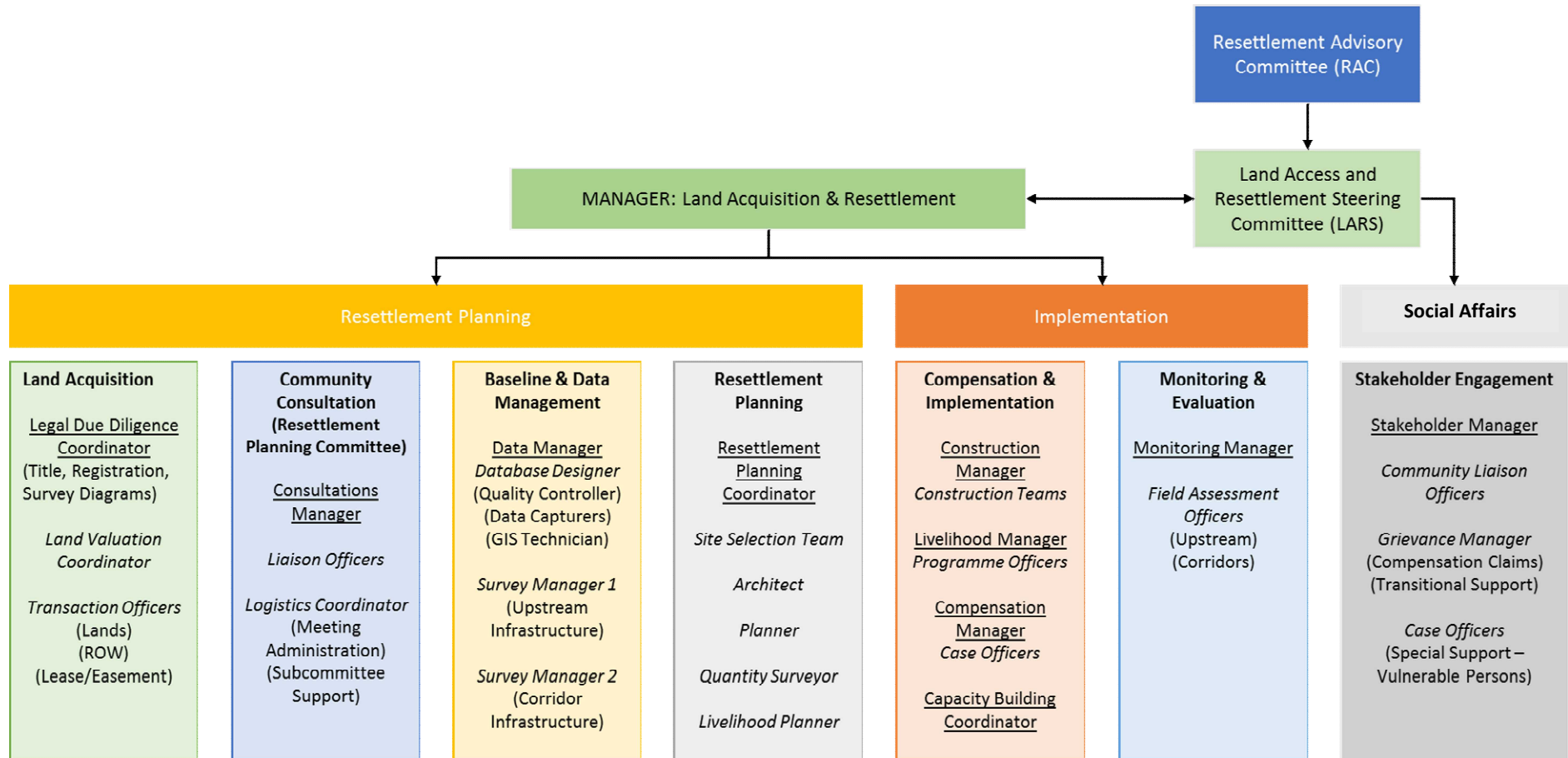


Figure 17: Resettlement Planning and Implementation Team

10.1. Monitoring and Evaluation

The Project will establish a resettlement monitoring and evaluation system, consistent with the requirements of IFC PS5 at two levels:

- Internal monitoring: by the resettlement teams with active participation of affected communities as far is possible and
- External monitoring: by a third party specialist

The monitoring activities will assess the requirements of each RAP performance against the schedule of activities and budget. The need for any changes or corrective action will be identified in order to improve the resettlement delivery. Monitoring will periodically assess the progress and effectiveness of RAP implementation in restoring and improving living standards of PAPs. Local communities will be given opportunities to provide feedback on RAP monitoring activities through the Resettlement Village Committees and the Resettlement Advisory Group.

10.1.1. Internal Monitoring

Typical internal monitoring activities may include the following:

- Reporting progress against the RAP schedule – input and output indicators;
- Verifying that land acquisition and compensation entitlements are being delivered in full;
- Monitoring vulnerable households to ensure that they receive the agreed additional assistance;
- Collating periodic records of grievances and undertake status analysis; and
- Preparing general status reports for the Project management team.

The purpose of the internal monitoring outputs will be to inform Project management of implementation progress, any corrective actions to improve processes and procedures, and additional resource requirements.

10.1.2. External Monitoring

External monitoring activities will entail the following:

- Periodic evaluation of implementation progress; and
- A completion audit.

The Project will at a minimum annually conduct independent monitoring to assess the Project outcomes as envisaged in the RAPs and engage with PAPs in this regard to verify that the Project is implemented in accordance with the measures outlined in the RAPs.

A completion audit for each RAP will be conducted by an independent evaluator. The overall purpose of the completion audits will be to determine whether the RAP and its implementation comply with the requirements of Ugandan Legislation and IFC PS5. The completion audits for all resettlement will specifically focus on livelihood restoration (both measures and effects) to assess that adverse impacts have been adequately mitigated and benefits optimised.

Completion audits will occur once all RAP measures have been implemented and, in terms of livelihood restoration, once a sufficient amount of time has passed to produce verifiable outcomes. The decision on the timing for the completion audit of a resettlement will be taken at the end of the outcome evaluation in collaboration with the evaluators.

A completion audit will eventually verify:

- That all physical inputs committed to have been delivered and all services provided;
- That livelihood restoration activities have been executed with the desired effect; and
- That PAPs and host communities are achieving sustainable livelihoods and their household food security is assured.

The completion audit brings to a close the resettlement process. However, if the completion audit indicates that certain resettlement objectives have not yet been achieved, further action will be identified and implemented as appropriate. Indicators will focus on:

- **Progress monitoring:** against the implementation measures and schedule set out in the RAPs.
- **Output monitoring:** Outputs will be measured by a set of quantitative indicators.
- **Outcome evaluation:** Outcomes will be evaluated by a core set of qualitative indicators designed to demonstrate whether the RAPs have achieved their goals, and conform to the requirements of IFC PS5 and Uganda law.

A detailed monitoring and evaluation system and indicators with key performance indicators will be developed and described in each RAP.

Monitoring and evaluation activities for each RAP will continue for three years in case of economic displacement and five years in case of post relocation for physical displacement. Final RAP documents will be reviewed by the Government of Uganda during the process. Each RAP will include an estimated budget for all resettlement costs, including planning and implementation, monitoring and evaluation and contingencies, as required and consistent with Ugandan legislation and IFC PS5.

GLOSSARY OF TERMS

Asset Inventory	A record of lost and affected assets at the household, enterprise and community level. This information is collected by means of a detailed survey and should at a minimum account for land area and improvements, loss of physical assets, as well as loss of income, the duration of loss (temporary or permanent), and ownership details. Assets surveys should be signed by household heads to minimise future claims to ownership. Collectively held assets should be recorded separately.
Associated Facility	Facilities that are essential to the construction or operation of the Project, but that are not necessarily developed by the JV Partners.
Communal Land Association	An association of persons formed under the Land Act, Cap 227(laws of Uganda 2000), for any purpose connected with communal ownership and management of land, whether under customary law or otherwise.
Community Development	Community development refers to a program of interventions that contribute to both economic and social development of communities who are considered stakeholders. The area of intervention may extend beyond the people who experience physical or economic displacement. The specific objectives and modes of implementation may vary, and are subject to negotiation with stakeholders, including communities and government.
Compensation	Payment in cash or in kind for an asset or a resource that is acquired or affected by the Project.
Compulsory Acquisition	Also known as Expropriation or Eminent Domain. According to the Constitution of the Republic of Uganda (1995) as amended “no person shall be compulsorily deprived of property or any interest in or right over property” except under the condition that it is necessary for public use and made under a law that makes provision for prompt payment of fair and adequate compensation prior to taking of possession or acquisition of the property, etc. (see article 26 (2) and article 237 (2) (a)).The process for expropriation should be considered a measure of last resort to obtain permanent entry onto land.
Consultation and Disclosure	Resettlement planning requires that affected persons are informed early on in the planning process about their options and rights regarding displacement and compensation. Affected persons should also have the opportunity for informed and meaningful participation in the key phases of planning, so that mitigation of adverse project impacts is appropriate, and the potential benefits of resettlement are sustainable. Disclosure includes, the disclosure of information about displacement eligibility and entitlements, as well as compensation and livelihood packages, with the aim to allow potentially displaced people sufficient time to consider their options (see also IFC PS5 §5 and §10 and GN28).
Cut-off Date	Designated 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 shall not be eligible for compensation and/or resettlement assistance. Similarly, fixed assets (such as built permanent structures, crops, fruit trees, and woodlots) established after proper disclosure of the date of completion of the assets inventory shall not be compensated. For avoidance of doubt, the cut-off date is not the same as a declaration or notice issued under the Land Acquisition Act (sections 3 and 5).
Development	The planning, placement, construction and installation of facilities needed for production of petroleum.

Development Area	An area constituted by a block or blocks which, following a commercial discovery of petroleum, has been delineated for production according to the terms of the petroleum agreement.
Discovery Area	The block or blocks in an exploration area comprising the geological feature as outlined by the relevant geological or geophysical data in which a discovery is located.
Dwelling	A structure occupied by one or more households as their residence. A dwelling may be a primary or secondary residence.
Easement	An easement is a non-possessory right of use, entry or way onto the property of another. It is used by a Project Operator to allow its personnel to enter private land to inspect and maintain its infrastructure. It is a proprietary form of right in the land of another and is thus enforceable. A legal contract (easement agreement) is concluded between the parties that sets out the mutual rights and obligations of the parties, including the determination of an easement fee as form of compensation for the disturbance associated with the enforcement of the “right of way” and any limitations on the owner’s continued use of the land in question.
Economic Displacement	Loss of income streams or means of livelihood caused by land acquisition or obstructed access to resources (land, water, or forest) resulting from the construction or operation of the Project or its associated facilities. For example, economic displacement can result from loss of access to farm land and can occur without physical displacement occurring.
Encroacher	A person who moves into the Project Area after the cut-off date and is therefore not eligible for compensation or any other rehabilitation measures provided by the Project.
Entitlement	The compensation, rights, and assistance measures offered by the Project according to identified impacts and displaced assets.
Exploration Area	An area constituted by a block or blocks that are subject to a petroleum exploration licence.
Export Pipeline	The pipeline that shall be used to export crude oil from the project area to an export facility on the East African coast.
Feeder Pipeline	This pipeline will connect the Central Processing Facility to a delivery point to be located near the refinery.
Field Development Plan	A prerequisite condition for an application for the grant of a petroleum production licence. It includes proposals for the development and production of the resource relating to the spacing, drilling and completion of wells and the facilities required for the petroleum production. (See Petroleum (Exploration, Development and Production) Act, Act 3 of 2013, Section 71).
Forced Eviction	Defined by the United Nations Office of High Commissioner for Human Rights as the permanent or temporary removal of individuals, families and/or communities against their will from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.
Grievance	A grievance is a concern or complaint raised by an individual or a group of individuals affected by company operations. Both concerns and complaints can result from either real or perceived impacts of a company’s operations, and may be filed in the same manner and handled with the same procedure. The difference between responses to a concern or to a complaint may be in the specific approaches and the amount of time needed to resolve it. (See also IFC Good Practice Note on Grievance Management, 2009).
Host Community	People living in areas to which the people physically displaced by the Project will be resettled, and who in turn may be affected by the resettlement.

Household	An individual or group of persons living together, who share the same cooking and eating facilities, and operate as a single socio-economic and decision-making unit.
Household Census	The enumeration of affected people; their registration according to location and collection of basic information before the Project starts to establish a list of legitimate beneficiaries. A census may include data variables that seek to determine socio-economic conditions of affected people and their households as baseline information for monitoring and evaluation. On large projects the baseline survey is done on a representative sample and thus not done as part of the census.
Buffer Area	Area that extends beyond the boundaries of the installation but which is nevertheless affected to some extent either permanently by normal operation of the facility (noise, radiation, etc.) or exceptionally by the consequence of an emergency situation caused by a major failure. The buffer area is not under control of the company but is subject to agreement with local authorities to minimise the presence of the public within this area.
Involuntary Resettlement	Resettlement 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.
Land Acquisition	This includes both outright purchase of property and acquisition of rights such as easements or rights of way. It enables the temporary or permanent entry of land and the consequential removal of all assets on the land for a project-related activity. Where land is registered under some form of title, land acquisition requires the transfer of landownership to the Project in order to secure an unencumbered right to entry. Where land ownership is vested in the Government, the right of entry may be established by means of long-term leasehold.
Land Acquisition and Resettlement Framework	The policy statement that outlines the terminology, objectives, policies, principles and organizational arrangements that will govern land access, acquisition and resettlement activities related to the Project. This is in order to meet the needs of the people who may be affected by Project activities resulting in land access and acquisition, loss of shelter, loss of assets or livelihoods, and/or loss of access to economic resources.
Land grabbing	Refers to an unprotected practice of obtaining interests in or rights over unregistered land without full disclosure to the unregistered owner(s) of that land. A term used in the Uganda National Land Policy.
Land Tenure	The Uganda National Land Policy recognises three land use classifications namely Private, Public and Government and four land tenure classifications namely customary, freehold, <i>mailo</i> , and leasehold.
Licence Area	Means Exploration Area 1, 1A, 2, and the Kingfisher Development Area, and thereafter the whole or any part of such area which, at any particular time remains subject to a petroleum exploration licence and/or a petroleum production licence.
Licence Operator	The designated Partner that will lead the development and operation of facilities in one or more licence areas.
Livelihood	Refers to the full range of means comprising of capabilities, assets (including both material and social resources), and activities required for individuals, families, and communities to generate an income to secure the necessities of life.

Livelihood Improvement	Livelihood improvement refers to programs or measures designed specifically to improve the assets, levels of economic productivity, and/or standards of living to above pre-project levels. Livelihood improvements in the context of this document are targeted to displaced people whose livelihoods are affected by the project. Livelihood improvements are required as part of the resettlement action plan to conform to the spirit and intent of Performance Standard 5.
Network Pipelines	Pipelines that will connect the well pads to the CPF (also referred to as flow lines).
Orphan Land	Linear infrastructure (pipelines, communication cables, roads etc.) corridor will place land-use restrictions on the surface land. These restrictions may limit the usefulness of the remaining land not affected by the corridor. Similarly, access to land across the corridor may be unreasonably restricted. These small, uneconomic areas have been named 'orphan land'.
JV Partners	Three oil and gas companies, Tullow Uganda Operations Pty Limited (TUOP), Total E&P Uganda B.V. (TEPU), and CNOOC Uganda Ltd (CUL) entered into a Joint Operating Agreement (JOA) to develop the petroleum resources in the Lake Albert Rift Basin. JV Partners are also referred to as Operators.
Permanent Displacement	Physical or economic displacement for the development of the Project that does not foresee the return of the land and its assets to its original state within a reasonable period (e.g. at the end of construction); as a result, affected persons are required to relocate to a new location to re-establish their livelihoods and asset base.
Permanent Materials	Defined in the National Physical Planning Standards and Guidelines, 2011. Refers to durable wall and roof materials that can maintain stability for more than 3 years.
Physical displacement	Loss of shelter and assets resulting from the acquisition of land associated with the Project that requires the affected person(s) to move to another location.
Production	All activities relating to recovering oil and gas from a reservoir and preparing it for evacuation from the field area.
Project	One or more aspects of the development of the four licence areas which are collectively known as the "Lake Albert Development Project". The Lake Albert Development Project is expected to contain two Central Processing Facilities (CPFs) located in the Buliisa-Nwoya Area, and the Kingfisher Area respectively. Each Operator is leading (in its designated area of operations) the development of the infrastructure required for the Project. Associated facilities, such as the export pipeline, are not included in this definition.
Project Affected Persons	Individuals who are physically or economically displaced by land acquisition for the Project. Individuals who are part of families affected by the Project's development activities are collectively referred to as Project Affected Households.
Public Disclosure	Dissemination of information about the Project in a public forum including allowing public access to reports and documents which contain (among others) the description of: projects, potential impacts, mitigation plans and other information that may have an effect on the public. Public disclosure of resettlement plans refers to the making available of non-financial information about the planned resettlement to affected communities.

Replacement cost	The rate of compensation for lost assets, which shall be calculated at full cost of replacement; that is, the market value of the assets in addition to all transaction costs. In applying this method of valuation, depreciation of structures and assets are not taken into account. Market value is defined as the value required to enable affected communities and persons to replace lost assets with assets of similar value.
Replacement Land	A form of compensation for the loss of agricultural or pasture land. It is land of equal productive use or potential, located in the vicinity of the affected land or the new housing site, and the cost of its preparation to levels similar or better than that of the affected land.
Resettlement	Resettlement refers both to physical and economic displacement as a result of Project related land acquisition, and the process by which these impacts are mitigated and addressed.
Resettlement Action Plan	The document which specifies the plan and procedures that the JV Partners will follow, and the actions that it will take to mitigate adverse effects, compensate losses, and provide development benefits to persons and communities affected by the Project. The RAP shall be consistent with this Framework.
Resettlement Package	The compensation, benefits and other assistance provided by the Project to displaced households and businesses.
Restricted Area	An area of land in which the level of prevailing risk is not compatible with the presence, even temporarily, of members of the public. Onshore, the restricted area is required to be within the security zone of the facility.
Security of Tenure	Means that resettled individuals or communities are resettled to a site that they can legally occupy, and where they are protected from the risk of eviction.
Speculation	The buying of land, construction of structures or planting of crops or trees within the Project Area as well as other associated activities with the aim of claiming resettlement benefits.
Stakeholder Engagement	An ongoing process that may involve stakeholder analysis and planning, disclosure and dissemination of information, consultation and participation, grievance mechanism, and ongoing reporting to Affected Communities. The nature, frequency, and level of effort of stakeholder engagement may vary considerably, and will be commensurate with the Project risks and adverse impacts, as well as the phase of development.
Standard of Living	The level of wealth, comfort, material goods and necessities available to a certain socioeconomic class in a certain geographic area. The standard of living includes factors such as: income, quality and availability of employment, class disparity, poverty rate, quality and affordability of housing, hours of work required to purchase necessities, gross domestic product, inflation rate, number of holiday days per year, affordable (or free) access to quality healthcare, quality and availability of education, life expectancy, incidence of disease, cost of goods and services, infrastructure, national economic growth, economic and political stability, political and religious freedom, environmental quality, climate, and safety. Standard of living is closely related to quality of life.
Temporary Displacement	Economic displacement for the development of the Project for a limited period of time, for instance during specialised technical operations or period of construction of Project infrastructure. Land and assets are restored after the temporary displacement and compensation for any loss of assets and convenience is provided for by the Project including livelihood support during the period of displacement.
Temporary Structure	Defined in the National Physical Planning Standards and Guidelines, 2011. Dwelling units built with non-durable wall and roof materials that cannot maintain stability for more than 3 years and require regular replacement.

Vulnerable people	People who by virtue of gender, ethnicity, age, physical or mental disability, economic or social status may be more adversely affected by displacement than others, and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits.
Well pad	Unmanned facility with up to 20 wells per pad including both producer and injector wells.

Land Acquisition and Resettlement Framework

Annexes

2016

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ANNEX 1 PAST RESETTLEMENT EXPERIENCE

This annex presents the key findings from the reviewed documents to gain insight into the resettlement practices in Uganda over approximately the last 10 years. Key areas of focus were the types of compensation packages (in-kind and cash) being offered by the project proponents and which additional requirements (over and above Uganda legislation) were met to achieve 'fair' compensation. Lessons learned from implemented land acquisition and resettlement projects are also documented to provide practical examples of how challenges in resettlement projects have been dealt with in the past.

10.2. Resettlement Action Plan (RAP) for Proposed Hoima-Mputa-Fort Portal-Nkenda 132 kV Power Transmission Line and Associated Substations – UETCL, 2008

In 2008, TUOP planned to construct a mini refinery (topping plant) fed by Mputa oil wells in Kaiso-Tonya villages to produce kerosene, jet fuel, diesel and heavy fuel oil. TUOP planned an 85 MW thermal power plants near Mputa 1 oil well, the first stage (57 MW) of which would be commissioned in 2011. The thermal power plant comprised seven units of about 8 MW each consuming heavy fuel oil from the refinery. The thermal plant would generate 50 MW for feeding to the national grid via a 227.7 km 132 kV power line comprising two segments: Mputa–Hoima (49.4 km) and Mputa–Fort Portal–Nkenda (178.3 km).

A RAP was developed for the proposed power line and associated substations. While the line for most sections traversed uninhabited rural areas, it affected in some cases private land, permanent and semi-permanent residential and commercial structures, woodlots, and tea plantations. The purpose of the RAP was to outline the methodology of implementing resettlement and equitable compensation. The project with a proposed wayleave of 30 meters (15m on either side of its centreline) would affect 1,514 property owners, with effects ranging from orphaned strips of land beneath the line, loss of permanent and semi-permanent residential and commercial structures, woodlots, and crops.

The RAP clarified that it was government policy that all development programmes in Uganda comply with national as well as donor safeguard policies; in this instance, the World Bank OP 4.12. The goal of the RAP was, therefore, to minimise economic and social impacts that would arise from involuntary resettlement resulting in relocation or loss of shelter; loss of assets or access to assets; or loss of income sources and livelihoods. The objective of the RAP was “to provide guidance on how project-affected persons in the project affected areas should be equitably compensated and upon relocation, able to cope and lead a normal life as was previously lived or a better one”³⁸.

Compensation rates were, however, determined based on the requirements set out in the Constitution of the Republic of Uganda of 1995 and the Land Act of 1998. Most of the land was held by *bibanja* owners (under *mailo* land tenure) and the market value of land was based on available purchase agreements with adjustments for land type (e.g. semi-urban, rural). Buildings and structures were valued on the basis of depreciated replacement cost³⁹ and rented properties were

³⁸ UETCL, 2008: Resettlement Action Plan (RAP) for Proposed Hoima-Mputa-Fort Portal-Nkenda 132 kV Power Transmission Line and Associated Substations, p2.

³⁹ This is not in line with the World Bank OP 4.12, and seems to contradict the projects commitment referred to in the preceding paragraph.

valued using the investment valuation method. All crops (excluding annual crops) were compensated on the basis of the district land board rates. Sufficient notice (6 months) was given to harvest annual crops.

Due to the linear nature of the impact, most of the affected structures could be relocated within the same plot of land. PAPs had proposed that they were allowed to rebuild their shops and kiosks during the notice period in order to minimise the impact on their business enterprises. In addition, business owners and employees of enterprises that were affected were given a transitional allowance equivalent to one month's earnings based on the average income from employment in the retail sector in the area (the figures for the computation were derived from baseline data). PAPs with graves in the corridor were given an additional top-up allowance for transport during the grave relocation on the basis that each family had to take care of the grave relocation process (a basic grave relocation fee was determined by district rates, which did not include the costs of transportation).

Eligibility for compensation was based on a cut-off date and a provision was made to handle any disputed claims. Two entitlement options were made available:

- Option 1 was designed for the majority of PAPs who were likely to lose a small section of land and some structures. The measures included a mix of cash compensation for lost assets (including land, structures and crops), assistance during relocation, and where appropriate, measures to cover any short-term changes in livelihood. It was presumed that cash compensation would be used by PAPs to replace lost assets by purchasing new land where necessary, and/or constructing new structures on remaining portions of their current plots;
- Option 2 was specifically designed for vulnerable PAPs and for those who preferred to receive replacement assets rather than cash compensation. Under this arrangement, land and structures would be replaced (with the same tenure as pre-resettlement), and assistance would be provided to move household or business goods. No cash compensation would be provided for assets, but a transition and disturbance allowance was provided to overcome any short-term changes in livelihood.

A detailed list of rates for perennial crops was provided including a standard for annual yields per crop type, rates per weight, period until new crop would reach maturity, and a "transition allowance". All livelihood impacts were considered under a transition allowance:

- Income losses from perennial crops were calculated based on the standard yield and rate per weight multiplied by the number of years to maturity;
- The livelihood impact of the loss of annual crops was calculated at 10% of the average daily income from annual crops for a one-month period. The 10% was determined on the assumption that only small portions of cultivated land were affected;
- Business income losses were calculated at 50% of the daily net income for a one-month period, based on the assumption that the real losses were most likely to be minimal since business owners were given the opportunity to rebuild their business structures in close proximity to the existing structures before the affected structures were demolished by the Project and were thus unlikely to lose clientele due to the relocation;
- Loss of employment, although estimated to have been 'very low', was provided for on the basis of the average income in the retail sector for a one-month period.

Consultation with stakeholders was done at two levels:

- Disclosure at village level, during which principles of compensation for various types of loss were detailed, and various entitlement options discussed. A question and answer session allowed PAPs to raise their concerns, and where feasible, PAPs' preferences were adopted in the compensation framework;
- Individual and group disclosure, which entailed discussions of individual compensation packages with PAPs. Where options were presented, preferences were noted and applied to the final compensation calculations.

The RAP document detailed among other the legal and institutional framework, a description of the social baseline, the entitlement matrix, a grievance management procedure, as well as monitoring and evaluation procedures.

10.3. Resettlement Action Plan (RAP) of Proposed Upgrading of Kigumba-Masindi-Hoima-Kabwoya Road to Bituminous Standards – UNRA, 2012

This RAP was based on the UETCL 2008 RAP (see 10.2), with a number of similarities in layout and content.

The resettlement project related to the upgrading of the Kigumba-Bulima (69 km) and Bulima-Kabwoya (66 km) road sections, which was part of the upgrade of the 238km Kyenjojo–Hoima–Masindi–Kigumba Road. The upgrade of the 135km stretch was financed by the African Development Bank (AfDB) which classified it as a Category 1 project for which a full RAP was required.

While the upgrade of the gravel road to a paved surface with a road reserve of 30 meter followed the existing road alignment, social impacts included land-take and impacts on residential and commercial structures, crops, and trees (including fruit trees), where the road alignment was altered either to widen the carriageway or to remove dangerous corners. A total of 9,005 property owners were affected and 518ha of land had to be acquired along the entire 238km road. The AfDB-funded portion affected 4,272 crop owners, and 91 households were physically displaced. Due to the linear nature of the impact, relocation to a host area was not envisaged; instead, the preferred option was to relocate dwellings and commercial structures further onto the remaining plot.

While valuation principles based on Uganda law were adopted, the AfDB stipulated that asset depreciation and value derived from salvaging of materials should not be discounted when deriving at the replacement cost of the affected assets. Furthermore, the compensation rates included the cost of transport, labour costs, and any transfer fees or taxes involved in replacing an asset. For PAPs losing businesses, production capacity or rental income due to the loss of commercial structures, an additional 6% of the value of affected building was added to the valuation in lieu of deprived income.

A number of compensation principles were adopted for the resettlement project:

- Resettlement and compensation of PAPs would be carried out in compliance with relevant Ugandan laws and AfDB standards. All physically and economically displaced people were to be adequately and equitably compensated. Wherever possible, UNRA would assist affected people in restoring their livelihoods by providing transitional assistance, where necessary, if livelihoods are not restored to pre-project level;

- Resettlement had to be implemented in a gender-sensitive manner. Spousal consent had to be obtained for the approval of final packages and resettlement-based options were strongly promoted to avoid misuse of cash by male household heads to the detriment of their spouses;
- Cash compensation was discouraged where “land-for-land” compensation options were feasible;
- The objective of compensation was to ensure that people are not worse off after resettlement and attention should be given to ‘vulnerable’ categories such as the child-headed and female-headed households.

Eligibility was based on a cut-off date which was set as the last day of the census of affected persons and assets. The purpose and implications of the cut-off date was explained in various meetings and with a range of stakeholders.

A number of transitional allowances were included in the compensation packages in addition to the disturbance allowance provided for in Uganda laws:

- A perennial crop transition allowance was added to cover lost income incurred by households during the transition period until replacement crops are ready for harvest. Compensation was calculated on assumption that 10% of perennial crops are sold annually. PAPs would be paid 10% of their annual crop income for 3 years to provide a transition allowance while new crops were grown;
- A transitional allowance of UGX 24,000 per household was allowed for the loss of annual crops (in addition to harvesting the crops during the notice period). The allowance was calculated at 10% of the average daily income from agriculture, for a period of one month. The base figure was derived from the social baseline data collected during the planning phase;
- Transport assistance for household or business goods to a new settlement or non-adjacent land was provided. In Additional assistance was provided for vulnerable groups, in the form of labour to assist with loading and unloading of moveable assets. It was assumed that households would otherwise prefer this to be done by household members to avoid theft, and maintain privacy about their household or business assets;
- Compensation to business owners and tenants for the potential loss of business income was paid as a transition allowance in the amount of UGX 240,000. This was calculated at 50% of the average daily income for business in the area, based on social baseline data, for a period of one month;
- PAPs employed in affected roadside kiosks, shops, bars and restaurants, a transition allowance of UGX 95,000 was provided, calculated on the basis of their average wage for a period of one month.

Consultation with stakeholders, including PAPs, was aimed at identifying concerns and allaying fears about resettlement. Issues that were raised included among other safety of cash if compensation was not paid into bank accounts; lack of documented legal titles; resolving family conflicts concerning rights to compensation; and Local Council levies raised on compensation payments.

10.4. Resettlement Action Plan for the Proposed Acquisition of Land for the Oil Refinery in Kabaale Parish, Buseruka Sub-County, Hoima District – PEPD, 2012

The RAP for the government refinery in Hoima District lacks clarity and has attracted considerable public attention. The refinery was conceived following a recommendation in the National Oil and Gas Policy for Uganda of 2008 for the development of a refinery. A subsequent feasibility study recommended that the refinery be located near the oil fields and about 29km² of land was earmarked in Kabaale.

The RAP was prepared in line with national legislation, including, among other, the Constitution of the Republic of Uganda of 1995, the Land Act of 1998, and the Land Acquisition Act of 1965, and international guidelines such as IFC Standards on Environment and Social Sustainability (2012) and World Bank Operational Policy on Involuntary Resettlement (OP 4.12). It subsequently states that the RAP recommends land for land compensation where PAPs prefer the resettlement option, and full replacement costs where cash compensation is preferred.

The summary of land acquisition indicates the impact of 1,662 land parcels affecting 2,473 land owners and licensees, and 1,221 households and a population of 7,118. A total of 13 villages were impacted by the proposed development.

The general objective of the RAP was to set out a framework for managing the loss of economic activities and livelihoods and the resettlement from the proposed site for development. Despite this objective and its adherence to the 'more favourable' international guidelines, such as the IFC PS5 and WB OP 4.12, the considerations for the compensation of affected assets followed the prescriptions of Uganda laws. The following entitlement framework was proposed:

- Licensees were entitled to compensation for crops and development on the land in addition to a disturbance allowance of 30%. No land compensation was considered;
- Landowners were compensated based on the market value of the land, and any crops and developments on the land, as well as a 30% disturbance allowance;
- Tenants were entitled to compensation based on their rights over the land, as well as a 30% disturbance allowance.

Two compensation options were offered, namely cash compensation and a resettlement package. Despite the stated preference for land-based compensation, only 27 households chose the resettlement package. This aspect was highlighted in a report by a civil society organisation (Africa Institute for Energy Governance) which suggests that PAPs were discouraged to take the resettlement package. It has also been suggested that the cash payments reduce government's risks during implementation. The commitment to livelihood restoration assistance was restated in the compensation principles. Three mechanisms were identified in this regard:

- Financial management planning in view of the vast majority opting for cash compensation, despite the finding that 'nine out of ten' households derived their income from farming;
- Improved agriculture through the introduction of modern farming methods and improved crop varieties among other;
- Small-scale rural business development.

Consultation entailed the dissemination of basic information and obtaining household approval of the calculated packages.

10.5. Assessment of Past Resettlement Activities and Action Plan (APRAP) (Bujagali HPP) – Bujagali Energy Limited, 2006

The Bujagali resettlement project for the development of a 250MW hydropower facility on the Victoria Nile, for which a RAP was prepared in 2001, is generally regarded as one of the larger and more complex resettlement projects undertaken in Uganda. The implementation has been marred by institutional challenges and an assessment of past resettlement activities was completed in 2006. The review included the following comments about the original resettlement planning and implementation:

- Eligibility to resettlement and compensation was based on the census: households identified during the census as having interests affected by the project were eligible to resettlement and compensation packages proportionate to the level of impact;
- A resettlement package was offered as an option to all physically or economically displaced households, including:
 - the provision of a plot on a resettlement site, with slightly greater surface area than the present;
 - affected person's plot, and similar or better agricultural potential;
 - the provision of a replacement house, improved vis-à-vis usual houses, featuring amongst other improvements a corrugated iron roof, a concrete floor, and a ventilated pit latrine;
 - agricultural inputs such as seeds, seedlings, fertilisers;
 - cash compensation against the value of lost perennial crops plus disturbance allowance; and
 - cash compensation against the cost of moving.
- Cash compensation for those households who do not opt for resettlement or who are not displaced, for their land, perennial crops and buildings. All compensations were calculated according to the Ugandan legislation with an "uplift" from the project proponent to meet WB/IFC requirements.
- A resettlement area had been identified based on the following criteria:
 - It was at a short distance (a few kilometre) from the affected peoples' present location, thus causing minimal social and psychological disruption;
 - Because sufficient land was available there; and
 - It was conveniently located near the main road and the main town. A primary school and a clinic were also available in the vicinity.

Residential plots (the plot where the homestead was located in the original location, usually a combination of residential and agricultural use) were compensated in the form of a residential plot of less than 1 acre would be replaced by a plot of 1 acre; and a residential plot of more than 1 acre would be replaced by land rounded up to 1/8 acre. Additional pieces of land would be compensated in cash.

Non-residential plots (usually agricultural plots without a residential homestead on them) were replaced as follows:

- An agricultural plot of less than 1/8 acre would be replaced by a plot of the same surface;
- An agricultural plot of more than 1/8 acre would be replaced by a plot of 1/8 acre with cash compensation to offset the difference in surface above 1/8 acre.

The replacement land policy was designed to provide a minimum “safety net” of one acre to the poorest landowners (those with less than one acre), and to leave it to the better-off people to deal themselves with acquisition of additional land using the cash compensation they were allocated in this purpose. These options were also designed to manage the limited agricultural land available at the resettlement site.

The implementation of the RAP was entirely under the responsibility of the Proponent who had an implementation team in charge of resettlement and compensation for both the hydropower facility and the transmission system. In addition, the following independent institutions were involved in the monitoring of the implementation of the RAP:

- An independent legal counsel firm was available to advise PAPs on legal issues relevant to compensation and resettlement;
- A Ugandan NGO (Interaid) independently witnessed the whole RAP implementation;
- Local Government representatives were involved in signing off on compensation payments to individuals, and participated in various consultation bodies.

Only 40% of the eligible displaced households chose the full resettlement package. The following factors explain this rather low number:

- In many displaced communities such as the one interested by this project, people tend to think that they will get a better deal taking cash and choosing their relocation housing themselves rather than relying on the Project sponsor to provide resettlement houses, which they usually think would be incompletely built or poor quality;
- Ugandan law does not provide for resettlement as a compensation option; per Ugandan law, compensation is normally offered in cash; the Project sponsor was therefore compelled to offer cash compensation as an option; there was also a large community demand for cash compensation;
- Ugandan law requires all household members to give their consent to the compensation option; this is a factor that may have favoured cash compensation as it is easier to obtain consent on a compensation option (of which everyone in the household can easily claim a share) than on a resettlement option.

During the review assessment, resettlers unanimously indicated that they were well informed and had had a say in decisions related to their compensation package, including the option of resettlement versus cash compensation.

10.6. Lessons Learned from Past Experience

The literature review for the LARF included implementation documents and minutes of meetings that summarised issues that have previously delayed and hampered implementation progress on the following resettlement projects:

- Kampala Institutional and Infrastructure Development Project (KIID) Phase I
- Bujagali Hydropower Project
- Energy for Rural Transformation Program III

This section summarises the lessons learned by the different project proponents from their experience in implementing land acquisition and resettlement projects with a view to improve the planning and implementation processes in the Albertine Graben.

10.6.1. Speculation

Activities of a speculative nature are common on resettlement projects. The following recommendations have been made in recognition of the Partners' anticipated challenges:

a) Socio-Economic Baseline Studies and Rapid Asset Surveys

Experiences from the Bujagali Hydropower Project showed the importance of conducting comprehensive baseline studies during the development project design phase. In some cases, the unavailability of this data allowed for speculators to benefit from the compensation packages being given to affected persons.

b) Gazetting of land

This is a process that results in the declaration of a project for national interest and has mainly been done for development projects being undertaken by national agencies (UNRA and UETCL). The advantages of land gazetting are that land titling in the proposed project area is frozen. Additionally, it ensures that the land required is reserved for public interest and project activities can still continue despite land disputes. Overall, the gazetting process⁴⁰ (for UNRA and UETCL) follows the procedure outlined below:

Required procedure before land gazetting:

- 1) Completion of feasibility studies, detailed designs, ESIA's;
- 2) A survey notice stating the intention and purpose for acquiring land must be published and affected landowners (whether physically present or not present in the affected area) must be notified. This usually involves calling community meetings;
- 3) Land and Asset Surveys are undertaken for a minimum of three months to identify the land required and specific dimensions of affected property. All types of "ownership" are identified i.e. everyone who has an interest in the land;
- 4) A cut-off date is determined once the CGV has approved of the land asset survey reports;
- 5) Land demarcation and survey reports submitted to MLHUD Commissioner for Surveys and Physical Planning for approval.

It is understood that the gazetting procedure⁴¹ involves:

- 6) Land required for public purposes is communicated directly to the Minister of Land in a dossier which includes:
 - a. The plan for the land: strip maps showing the land intake for the project, the existing land tenure, registered land, and sizes;
 - b. Purpose for which the land will be acquired;
 - c. Place and time at which the plan can be inspected (Public Disclosure must last a minimum of three months);
 - d. Notice to any person that has an interest in the land;

⁴⁰ This entire sequence of events is summarised from the minutes of a consultation meeting with UNRA and UETCL on 9 September 2014. While this is the procedure that the two government agencies are familiar with and have used, it is important to note that this process would have to be modified to the particular situation in the Albertine Graben.

⁴¹ The gazetting procedure referenced here can be done before or during RAP implementation and compensation, but requires that project proponents demonstrate willingness to compensate affected persons. Compensation must therefore be planned for in parallel to the gazetting procedure or funds must be saved in an escrow account.

- 7) Manage grievances and complaints;
- 8) The Minister of Lands issues a statutory instrument (SI) once grievances and complaints are dealt with or does so immediately with a condition to sort outstanding grievances and complaints. There is no public hearing required;
- 9) The SI is applied and it specifies the date from which gazetting will be effective. MLHUD informs all of the districts of the application of the SI. As a last resort, the SI enables UNRA / UETCL to use compulsory acquisition;

It is recommended that the Partners enter discussions with PEPD on how this can be modified and used as an alternative to their challenge in combatting speculative activities. Key to note is that since the Partners can compulsorily acquire land only as a last resort, a special instrument taking components from the one described above must be put in place.

10.6.2. Valuations

Past land access experience (particularly for the Bujagali project⁴²) and locally in the Albertine Graben has shown that PAPs often contest the value at which they are compensated for loss of crops and land. It would be beneficial for a formal Asset Valuation Study to be undertaken in collaboration with key government institutions (local district governments, DLBs, CGV, PEPD) to determine reasonable rates that will be acceptable to affected persons. It is important that the baseline rates and valuation methodologies are disclosed to communities. For more details on valuation and compensation, please refer to Chapter 7 and Annex 3.

10.6.3. Livelihood Restoration

Key to the success of livelihood restoration in projects reviewed for this section is the early identification and reporting of socio-economic baseline conditions. The lack of detailed baseline data created difficulties for monitoring teams on the Bujagali Hydropower Project as there was not sufficient baseline data to determine whether livelihoods had been restored, which in turn hampered proof of compliance with project financiers' policies on livelihood restoration. Efforts to retrospectively collect data were often difficult as PAPs had already moved from the project area. It is recommended that the Partners consider conducting the recommended baseline studies in the proposed project area prior to the RAP development process.

10.6.4. Integrated project planning

During the monitoring visits for the Bujagali Hydropower Project, the IRM team found that follow-on projects from the original one were negatively impacting the environment as they were further encroaching upon forest and wetland habitats. In addition, resettled PAPs also later voiced concern about the perceived temporary condition of their resettlement. This stemmed from a number of factors which included new surveys being conducted in their area for other development projects.

These issues underscored the importance of better project planning (including strategic social and environmental assessments) particularly in the knowledge of possible projects that may follow on from the original project. In the context of the projects that the Partners are planning to undertake,

⁴² During the IRM Monitoring visits, it was found that many PAPs had rejected the CGV's offer. In fact, a court case had been opened by 557 affected people to contest the compensation they had received for their crops and land. According to their representatives, the CGV's rates were much lower than those that had been compiled by the district at the time when the project began.

it is important that plans are made with future development projects being taken into consideration. Partners should work closely with national planning agencies such as planning departments at MLHUD and at the district level to ensure that resettled PAPs and natural environments are not adversely affected by future development project activities.

ANNEX 2 LEGAL REVIEW OF UGANDA LAWS AND REGULATIONS

This Annex provides a comprehensive review of the applicable Uganda laws and regulations in respect of land acquisition and resettlement. The review is presented in two sections:

- 1) National Legislation;
- 2) Policies, Regulations and Guidelines.

The purpose of this review was to identify the applicable local laws and regulations that will govern land acquisition and resettlement activities and that must be complied with. A detailed gap analysis – the difference between Uganda legislated requirements and international good practice defined in the IFC Performance Standard 5 for Land Acquisition and Involuntary Resettlement – is presented in the Land Acquisition and Resettlement Framework (LARF), including the actions that are required in order to ensure that the requirements of Uganda law and the standards set out in PS5 are met.

National Legislation

THE CONSTITUTION OF THE REPUBLIC OF UGANDA, 1995

Land in Uganda belongs to the citizens of Uganda and is vested in them in accordance with four land tenure systems: Customary, Freehold, *mailo* and Leasehold. However, the government or a local government may acquire land from individual owners in the public interest. To this end, compulsory deprivation of property or an interest in or right over property of any description can only be made under a law which makes provision for prompt payment of fair and adequate compensation prior to the taking of possession or acquisition of the property, and a right of access to a court of law by any person who has an interest or right over the property.

With regard to the property of petroleum, the control of all minerals and petroleum in or under any land or waters in Uganda are vested in the government on behalf of the Republic of Uganda. As such, the Government of Uganda holds petroleum rights on behalf of and for the benefit of the people of Uganda.

THE LAND ACT, CAP 227, 1998

This law regulates the tenure, ownership and management of land in Uganda. The Act establishes a number of land administration institutions, notably District Land Boards, District Land Office, Land Tribunals and Land Committees.

District Land Boards

Each district has a land board comprised of a chairperson, one member representing the municipal council, one member representing the urban council and one member from each county in the district. The district land board functions are to:

- Hold and allocate land in the district which is not owned by any person or authority;
- Facilitate the registration and transfer of interests in land;
- Take over the role and exercise the powers of the lessor in the case of a lease granted by a former controlling authority;
- Cause surveys, plans, maps, drawings and estimates to be made by or through its officers or agents;

- Compile and maintain a list of rates of compensation payable in respect of crops, and buildings of a non-permanent nature;
- Review the above mentioned lists of rates compensation every year in consultation with the technical officers in the district;
- Deal with such other matters that are incidental or connected to their responsibilities.

The District Land board has power to sell, lease, or otherwise deal with the land held by it.

The District Land Office

This office is a sector under the Natural Resources Department of the District. The Land Office is established under S.59 (6) and (7) of the Act which states that each district council shall have a district land office comprising the offices of the District Physical Planner, the District Land Officer, the District Valuer, the District Surveyor and District Registrar of Titles. The District Land Office shall provide technical services to the district land board in the performance of its functions⁴³.

District Land Tribunals

Each district has a land tribunal comprised of a chairperson who is well qualified to be magistrate Grade 1, and two other members. District land tribunals have power to:

- Determine disputes relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the Uganda Land Commission or other authority with responsibility relating to land;
- Determine any dispute relating to the amount of compensation to be paid for land acquired compulsorily by government;
- Determine disputes in respect of land value which exceeds two thousand five hundred currency points in rural areas; five thousand currency points in urban areas; and twelve thousand five hundred currency points in a division;
- Make consequential orders relating to cancellation of entries on certificates of title or cancellation of title in cases handled by the lower land tribunals;
- Determine any other disputes relating to land.

In the determination of land disputes, district land tribunals have powers to grant decrees of specific performance; issue injunctions; alter any action, notice, order, decree or declaration made by any official or any board or any committee or any association or the commission, as the circumstances of the case require.

The district land tribunal⁴⁴ in assessing compensation for land compulsorily acquired by government takes into account the following:

- In case of a customary owner, the value of land is the open market value of the unimproved land;

⁴³This section was amended in the 2004 Land (Amendment) Act which states (substituting subsection (6)) that each District shall have a District Land Office, which shall provide technical services through its own staff, or arrange for external consultants to the Board.

⁴⁴Notwithstanding, following the expiry of contracts of Chairpersons and members of the District Land Tribunals, Magistrate Courts presided over by a Magistrates of the rank of Grade 1 and above now exercise jurisdiction over land matters until new chairpersons and members of District Land Tribunals are appointed or otherwise. This is an interim measure to address the vacuum in Land Justice.

- The value of the buildings on the land, shall be taken at the open market value for urban areas and depreciation 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 this, a disturbance allowance of 15% must be paid, or if less than six months' notice to give up vacant possession is given, 30% of any sum assessed as above stated.

Area Land Committees (ALC)

The council at the sub-county level appoints Area Land Committees (ALC). These committees determine, verify and mark the boundaries of all interests in land that is subject to an application for certificate of customary ownership or in grant of freehold title. The ALC assists the DLB in an advisory capacity on matters relating to land, including ascertaining rights in land boundaries and disputes, and performs any other function conferred on it by law.

The Land Act makes provision for government or local government to acquire land compulsorily as long as this is done after the affected persons have been adequately compensated (the procedure for this acquisition is set out in the Land Acquisition Act). The Land Act also provides for four land tenure systems referred to in the Constitution:

- **Customary tenure** is not governed by written law. Rather, it is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies;
- **Leasehold tenure** is created either by contract or by operation of law. The landlord or lessor grants the tenant or lessee exclusive possession of land usually, but not necessarily, for a defined period, and usually, but not necessarily, in return for a rent and/or premium;
- **Freehold tenure** involves the holding of registered land in perpetuity or for a period less than perpetuity which may be fixed by a condition; and enables the holder to exercise, subject to the law, full powers of ownership;
- **Mailo tenure** involves the holding of registered land in perpetuity. *Mailo* tenure permits the separation of ownership of land from the ownership of developments on land made by a lawful or a *bona fide* occupant. It also enables the holder and his/her successors in title, to exercise all the powers of ownership, subject to the customary and statutory rights of those persons lawful or *bona fide* in occupation of the land at the time that the tenure was created.

The Constitution protects the tenure rights of lawful and *bonafide* occupants of *mailo* land, freehold or leasehold land to enjoy security of occupancy on the land as "lawful occupants" until an appropriate law is enacted by Parliament. The Land Act has subsequently specified in greater detail the following:

- Lawful occupants are either persons occupying land by virtue of the repealed Busuulu and Envujjo Law of 1928, or the Toro Landlord and Tenant Law of 1937, or Ankole Landlord and Tenant Law of 1937; or persons who entered land with the consent of the registered owner, and includes a purchaser; or persons who had occupied land as customary tenants, but whose tenancy was not disclosed or compensated for by the registered owner at the time of acquiring a leasehold certificate of title, qualify as lawful occupants;
- *Bonafide* occupants are persons who before the coming into force of the 1995 Constitution of the Republic of Uganda had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more; or had

been settled on land by the government or an agent of the government, which may include a local authority.

The Act provides that a tenant by occupancy on registered land shall enjoy security of occupancy on the land, subject to terms and conditions set in the Act.

THE LAND ACQUISITION ACT, CAP 226, 1965

Compulsory acquisition of land is defined as the intervention of Government, including local government, to acquire land in the national interest, such as public use, interest of defence, public safety, public order, public morality and public health. There is no provision for compulsory acquisition of land by individuals or corporate bodies in the name of public interest, and is thus the explicit prerogative of the State.

The Act stipulates that land owners affected by compulsory acquisition must be adequately compensated for their land, developments thereon, and loss of livelihood prior to the resettlement/relocation. The procedures for compulsory acquisition are as follows:

- The Minister upon being satisfied that any land is required by Government for a public purpose makes a declaration by statutory instrument to that effect;
- A copy of the declaration is served on the registered proprietor of the land specified in the declaration or, as the case may be, on the controlling authority, and if the proprietor is not the occupier of the land, on the occupier;
- Upon publication of the declaration by the Minister, the assessment officer causes the land to be marked out and measured, and a plan of the land to be made if a plan of the land has not already been made;
- The assessment officer then causes a notice to be published in the gazette, and exhibited at convenient places on or near the land, stating that Government intends to take possession of the land, and that claims to compensation for all interests in the land may be made to him or her;
- The assessment officer then causes a copy of the notice to be served on the registered proprietor of the land to which the notice relates or, as the case may be, on the controlling authority, and, if the proprietor is not the occupier of the land, on the occupier;
- On the day specified in the notice, the assessment officer proceeds to hold an inquiry into claims and objections made in respect of the land, and then makes an award under his or her hand;
- The assessment officer causes a copy of the award to be served on the Minister and on those persons having an interest in the land, if they were not present personally when the award was made;
- The assessment officer takes possession of the land as soon as the award is made. The Act also provides that if the Minister certifies that it is in the public interest, possession may be taken after publication of the declaration⁴⁵;
- When the assessment officer takes possession of the land, it immediately vests in the Uganda Land Commission, free from all encumbrances, and the estate and interest of every person having an interest in the land immediately before the land vested in the Uganda Land Commission converts into a claim for compensation;
- The assessment officer then forwards to the registrar of titles a copy of the declaration relating to the land endorsed with a certificate signed by the assessment officer, stating that

⁴⁵ A recent Court decision has challenged the legality of this part of the subsection which gives the government the power to take possession before compensation (right after declaration) if the Minister certifies so. This decision is under Appeal.

the assessment officer has taken possession of the land and specifying the date when he or she did so;

- On receipt of a declaration endorsed by the assessment officer, the registrar of titles then takes the steps necessary to give effect in the Register Book to the vested interest and compensation requirements of the land specified in the declaration.

REGISTRATION OF TITLES ACT, CAP 230, 1924

This law governs the documentation of freehold, leasehold and *mailo* land tenure systems. Section 59 of the RTA provides that the certificate of title is conclusive evidence of ownership. Section 64 states that the interest of the registered proprietor has priority over any interest except in cases of fraud.

PETROLEUM (EXPLORATION, DEVELOPMENT AND PRODUCTION) ACT, NO 3 OF 2013

The interest in land in a development area belongs to the land owner. The Government of Uganda is, however, vested with the interest in the petroleum in or under any land or water in Uganda. As such, a person exercising any right under a licence should, when asked for it, produce evidence of the possession of the licence to the land owner of any land upon which the right is to be exercised. Failure to produce the same would be treated as trespass.

However, subject to any law relating to acquisition of land, and Section 135 of the same Act, a holder of a petroleum production licence may obtain a lease of the land or other rights to use it upon such terms as to the rent to be paid for the land, the duration and extent or area of the land to which the lease or other right of the lease shall relate as may be agreed upon between the holder of a licence and the land owner, if the licensee requires the exclusive use of the whole or any part of a block in a development area.

When a land owner makes a demand, a licensee should pay to the land owner a fair and reasonable compensation for any disturbance of his/her right and for any damage done to the surface of the land, any crops, tree, building or works.

The basis upon which compensation is payable for damage to the surface of any land is the extent to which the market value of the land has been reduced by reason of the damage, but without taking into account any enhanced value due to the presence of petroleum. In assessing compensation payable under this arrangement, account should be taken of any improvements effected by the licensee or by the licensee's predecessor in title, the benefit of which has or will accrue to the land owner.

However, payment of rent to or compensation to a land owner for termination of his or her lawful occupancy is deemed to be adequate compensation for deprivation of the use of the land to which the rent or compensation relates. Land owners who are dissatisfied with any compensation offered by a licensee should have the dispute determined by the Chief Government Valuer.

THE WATER ACT, CAP 152

The Act vests all rights to investigate, control, protect and manage water in the Government of Uganda. These rights are exercised by the Minister of Water and Environment. The interest in land upon which water exists belongs to the land owner. The land and works acquired or constructed by or on behalf of a water or sewerage authority are owned by that authority to the extent that is prescribed or directed by the Minister in the performance contract with the authority.

The power to acquire land under the Act is vested in the Minister, and the Authority (National Water and Sewerage Corporation) with the authorisation of the Minister, by agreement or through compulsory acquisition in accordance with Article 26 of the Constitution, for the purposes of the Water Act. In the performance of its functions, the Authority is authorised to exchange any land for any other land; grant leases, licences or easements over its land; mortgage its land; or sell any of its land.

THE NATIONAL FORESTRY AND TREE PLANTING ACT, NO. 8 OF 2003

A forest is an area of land containing a vegetation association that is predominantly composed of trees of any size and includes a natural forest; woodland or plantation; the forest produce in a forest; the forest ecosystem; central forest reserves, local forest reserves; community forests; forests forming part of a wildlife conservation area declared under the Uganda Wildlife Statute, 1996, and private forests.

Forest reserves are a natural resource. The Constitution of the Republic of Uganda mandates Government or a local government to hold and protect natural resource land, including forest reserves, in trust for the people of Uganda. Government is prohibited from issuing out leases on any natural resource land or otherwise alienating any natural resource. It may only create private rights over the land through the grant of concessions, or licenses or permits in respect of natural resource. Forest reserves are put to use in accordance with the management plan. One needs a licence in order to utilise a forest reserve. The person granted a licence, only acquires the usufructuary rights stated in the licence. The Licensee is not deemed to have acquired any privilege, right, title, interest or easement over the forest reserve. The Act requires every person intending to undertake a project or activity which may, or is likely to have a significant impact on a forest to undertake an environmental impact assessment.

PHYSICAL PLANNING ACT, NO. 8 OF 2010

The Act regulates development where development is the making of any material change in the use of any building, land, sub-division of any land, and the erection of such buildings or works and carrying out of such building operations. It declares the whole country a planning area bringing the entire country under planning control. It has established planning institutions like the National Physical Planning Board (NPPB), District Physical Planning Committee, and Urban/Local Physical Planning Committees. These institutions provide national and regional planning frameworks and inform district, urban and local planning processes.

The Minister has powers to declare an area a special planning area or suspend all developments in the special planning area. This affects all land even land in the hands of Uganda Land Commission. The effect of the Act is that the entire country is a planning area. This means that all developments including land allocation, is subjected to planning approval. Therefore, where Uganda Land Commission (ULC) has land it wants to allocate, and no planning and allocation has taken place before, the District Physical Planning unit in conjunction with the Physical Planning Committee of the area will prepare a layout which will guide ULC in the allocation of such land as per the land use attached to it. These developments, including sub-division and consolidation of land, renewal or extension of a lease on any land, and change of land use, require approval by the National Physical Planning Board.

Land owners have to use qualified planners to prepare local physical development plans through the local physical planning committees. All developments must take place with development permission from the Physical Planning Committee prior to any development taking place. The development plans should provide for the making of new roads, streets, right of way, sites for bridges, quarries,

power lines, telecommunication lines, industries, dumping sites, sewerage treatment plants, schools, petrol stations, human settlements, and sites that have injurious impact on the environment (approved after getting Environmental Impact Assessment).

SURVEY ACT (Amended), CAP 232, 1939

This Act provides for, among others, the surveying, inspection and maintenance of national and international boundaries, acquisition of small and large scale photographs for mapping, maintenance of all aerial photographic records and supplying the same to other organizations, surveying for production of large and small scale topographic maps, execution of new grant surveys, and compilation of deed plans, approving all title surveys, production of plans for the gazetting of administrative boundaries, forests and National Park boundaries. It provides for the commissioner of lands and surveys to authorize at any time, the carrying out of any trigonometric or topographical survey or any other survey which, in the opinion of the commissioner, is necessary. Surveyors can enter upon any land and make all inquiries and do or cause to be done all things necessary for the survey. They can cause to be cleared any boundary or other line which it is necessary to clear for the purpose of any survey by cutting down and removing any trees, bushes, fences or standing crops, doing thereby as little damage as possible, or otherwise, to assist in the survey of the land. Further, the commissioner, his or her officers and agents may without the payment of compensation build and occupy camps on any uncultivated or unused land and take from that land for the construction of camps, beacons and survey marks such materials, wood, not being timber of special value, or water.

THE ROADS ACT, CAP 358, 1964

This Act provides for the establishment of road reserves and for the maintenance of roads. It gives the Minister authority to declare a road reserve by Statutory Instrument. UNRA is responsible for all national roads, District Local Governments are responsible for district roads, Urban Authorities responsible for urban roads and LC III's responsible for community roads. Road reserves are required to be kept clear and no person is allowed to erect building or plant permanent crops in a road reserve except with the Minister's permission.

ACCESS TO ROADS ACT, CAP 350, 1969

This legislation provides for the procedure for a private land owner to access a public highway and for leave to construct a road of access to a public highway and connected purposes, an application for access of a road is made to a land tribunal⁴⁶, service of the application on a land owner, hearing of the application by a competent court, and avenues for revocation of an order that may have been granted for an access road. Further the Act deals with width of road of access; registration of an order under right of way of the person who obtains an order for access road; obligations to repair the acquired access road; the remedy of appeal to the High Court in the event of dissatisfaction with an order granted for an access road against a landowner and entry in the Register Book of the order of access of a road or its revocation.

UGANDA NATIONAL ROADS AUTHORITY ACT, 2006

The Act establishes the National Roads Authority and makes for the provision and management of the national roads network in an efficient and effective manner as advisory to Government. UNRA is responsible for the management of the national roads network; maintaining and developing the national roads network; advising Government on policy matters concerning roads generally, and addressing transport concerns in overall national planning through co-ordination with the relevant ministries, departments and agencies of Government; collaboration with international organisations,

⁴⁶ The land tribunals are not in force and applications are lodged with the existing judicial courts.

inter-governmental organisations and agencies of other states, and the private sector on issues relating to the development and maintenance of roads.

UNRA can enter into agreements or other arrangements with any person for the provision of roads services, subject to such charges as may be agreed upon; any matter relating to the planning, design, construction and maintenance of roads, whether the roads are part of the national roads network or not, and establishment and maintenance of road reserves in accordance with the Roads Act.

LOCAL GOVERNMENT ACT, CAP 243, 1997 (and as amended in 1997, 2001 and 2003)

The Act provides for the establishment of local governments and administrative units within the district. The district council, which is comprised of elected members, is the highest political authority having legislative and executive powers within the district, and other councils in lower-level local government are also the highest political authorities in their jurisdictions. The local government system is comprised of a five-tier structure where, in rural areas, the village council (LC I) forms the lowest level, followed by the parish council (LC II), then the sub-county council (LC III), the county council (LC IV), and at the top (the district) the district council (LC V).

The district council is the basic local government unit while the municipal council, city division council, the municipal division council, and the town council are lower-level local governments. Both the district council and the lower-level local government units have corporate status with perpetual succession and a common seal, and they have independent legal personality in the sense that they can sue and be sued in their corporate name.

In their areas of jurisdiction, local government councils make development plans based on locally determined priorities, raise revenue, budget, and appoint statutory commissions, boards and committees for personnel (District Service Commission), land (District Land Boards), procurement (District and Urban Tender Boards) and accountability (Local Government Public Account Committee). Local governments are also vested with powers to provide such services as education (except tertiary education), health services (except referral hospitals), the construction of roads (except those under the central government), and ambulance services.

The Local Government Act also provides for the office of the Chief Administrative Officer (CAO), who is appointed by the public service commission, and serves as the head of the public service in the district, the head of the administration of the district council, and also as the accounting officer of the district. The CAO is responsible for the implementation of all lawful decisions by the council; giving guidance to the local government councils and their departments; and supervising, monitoring and coordinating the activities of the district and lower council employees; and he acts as the liaison officer between the district and Government.

Policies, Regulations and Guidelines

NATIONAL OIL AND GAS POLICY FOR UGANDA, 2008

This Policy supersedes the Energy Policy for Uganda published in 2002, and creates a conducive environment for petroleum exploration and the anticipated development, production and utilisation of discovered resources. It further provides a framework for the efficient management of oil and gas resources as well as revenues accruing from it. Section 6.1.1 of the Policy envisages the need to acquire land for the different aspects of the petroleum value chain like provision of transportation corridors, i.e. pipelines and roads, together with infrastructure such as wellheads, oil and gas processing facilities and refineries. It anticipates that agreements will have to be entered into with landowners to cover aspects like compensation for their land surface interests. As such,

Government shall, where necessary and in accordance with the Constitution, acquire land in the public interest to support the implementation of oil and gas activities.

In pre-empting the development of urban centres during the development of oil and gas activities, the Policy further endeavours to ensure organised urbanisation in and around the Albertine Graben. In order to achieve this objective, consideration will be given to declare the areas where oil and gas activities will be concentrated special planning areas to pave the way for their physical planning, including the identification of potential urban and growth centres around the Graben, and the proactive planning for these centres with the oil and gas activities in mind. It identifies the need to support efforts to design and implement physical planning in pace with, or preferably prior to, the development phases of oil and gas activities. Finally, it stipulates the need for community participation in both planning and implementation and the balance of physical planning in other parts of the country to avoid any undesirable population migration.

UGANDA NATIONAL LAND POLICY, 2013

The Uganda National Land Policy provides a framework for articulating the role of land in national development, land ownership, distribution, utilisation, alienability, management and control of land. The Policy is aimed at transforming the country into a modern, industrialised and urbanised society. It harmonises the diverse views on historical land injustices, land management and land use, and contemporary land issues. It further protects the rights of citizens to own land, which should be optimally utilised. It further provides a framework for reform geared towards having an efficient and effective land delivery system, which is the basis for poverty reduction, wealth creation and socio-economic transformation.

Government has a mandate to protect the land rights and resources of customary owners, individuals and communities owning land in areas where petroleum deposits exist or are discovered, and to allow, to the extent possible, co-existence in such areas. In the use and management of natural resources, Government should recognise and protect the right to ancestral lands of ethnic minority groups and shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action.

DRAFT STRATEGIC ENVIRONMENTAL ASSESSMENT OF OIL AND GAS ACTIVITIES IN THE ALBERTINE GRABEN, 2013

The Draft SEA includes, as a separate document⁴⁷, a resettlement policy framework (RPF) which addresses land acquisition and loss and/or restrictions of access to economic assets and resources. The RPF was prepared as part of the SEA in line with World Bank Operational Policy, OP 4.12 on Involuntary Resettlement. The main aim of the RPF is to provide guidance on how to address all impacts associated with the access to land and resources to be obtained by the project developers and their associated facilities and actors. It is based on international best practice to ensure that the people living in Albertine Graben and/or depending on its resources do not face adverse socio-economic impacts as a consequence of the development of the oil and gas industry in this region.

⁴⁷ The full text of this RPF was not publicly available. The Draft SEA contained a summary in Appendix 10.

The RPF requires that the implementation of individual RAPs are a prerequisite for the implementation of project activities causing resettlement, such as land acquisition to ensure that displacement or restriction to access does not occur before necessary measures for resettlement and compensation are in place. It is further required that these measures include provision of compensation and other assistance required for relocation, prior to displacement, and preparation and provision of resettlement sites with adequate facilities, where required. In particular, the taking of land and related assets or the denial of access to assets may take place only after compensation has been paid and where applicable, resettlement sites, new homes, related infrastructure, public services and moving allowances have been provided to displaced persons. Furthermore, where relocation or loss of shelter occurs, the policy further requires that measures to assist the displaced persons are implemented in accordance with the resettlement and compensation plan of action.

To address displacement impacts, resettlement and compensation plans must include measures to ensure that displaced persons are (a) informed about their options and rights pertaining to resettlement and compensation, (b) consulted on, offered choices among, and provided with technically and economically feasible resettlement and compensation alternatives and (c) provided prompt and effective compensation at full replacement cost for losses of assets and access, attributable to the project.

The RAP prepared by the sponsor shall be approved by the MEMD in compliance with international standards and provisions.

NATIONAL PHYSICAL PLANNING STANDARDS AND GUIDELINES, 2011

The Physical Planning Guidelines and Standards are intended to guide the preparation and implementation of physical development plans, with the basic aim of ensuring orderly, coordinated and efficient development. This Guideline consolidates existing standards relating to social, economic and physical infrastructure provision from various sectors into one document for ease of implementation and enforcement and includes provisions for specific development processes and the application of the standards. It includes standards and guidelines for residential, commercial and industrial developments and associated infrastructure requirements.

NATIONAL POLICY FOR OLDER PERSONS, 2009

It recognises that all older persons are equal before the law, and are entitled to equal treatment and benefits from the laws. Older persons should be provided with opportunities to take appropriate decisions on matters affecting their lives and families.

ENVIRONMENTAL IMPACT ASSESSMENT GUIDELINES FOR THE ENERGY SECTOR, 2004

The National Environment Management Authority (NEMA) developed EIA Guidelines (1997) for the purpose of guiding development actions that are likely to impact on the Uganda's environment. The Guidelines list energy projects among those that should be subjected to an EIA before being granted approval for implementation. These 1997-guidelines, however, are not specific to energy development projects but target all development actions that are likely to have significant adverse impacts on the environment. In light of this, EIA sectoral guidelines have been developed specifically for energy development projects and for the energy sector in general.

The 2004-Guidelines include sections on compensation for loss of assets, as well resettlement. With regard to the latter, the Guidelines state that it is Governments policy goal to improve living standards and earning capacities of displaced persons. It further recognises the importance of ensuring that displaced people benefit from the displacing project; that resettlement takes place according to a timetable that makes sufficient time allowances for the development of resettlement infrastructure; lost incomes are restored, and that sufficient financial resources are made available in order to afford resettlement.

With regard to compensation (with reference to cash payments for affected assets), it should be sufficient to purchase replacement assets so that displaced persons are not worse off, economically and socially, than before displacement. It acknowledges the constraints of monetary compensation and recognises the rights of secondary affected persons (e.g. tenants, 'squatters') to compensation and thus provides for the development of a comprehensive baseline to identify all affected persons. Asset recording must take cognisance of all affected privately-owned, community and public assets. While reference is made to a cut-off period, no further details are provided about its procedure. With regard to a census, this must precede the compensation and relocation process, and should identify all affected persons and their means of livelihood, as well as vulnerable categories.

The Guidelines include a basic framework for a Compensation or Resettlement Plan including the provision for consultations with dis-placed persons, a grievance mechanism and resettlement monitoring and evaluation.

THE NATIONAL ENVIRONMENT (WETLANDS, RIVER BANK AND LAKE SHORES MANAGEMENT) REGULATIONS, NO. 3 OF 2000

Wetlands are areas permanently or seasonally flooded by water where plants and animals have become adapted, and include swamps, mambos, areas of marsh, peatland, mountain bogs, banks of rivers, vegetation, areas of impeded drainage, or blackish salt.

Government and local government are vested with the powers to hold in trust for the people and protect wetlands for the common good of the citizens of Uganda. Government and local governments are prohibited from leasing out or otherwise alienating any wetland. However, any person can apply for a permit from the Executive Director of the Authority to carry on an exploitative activity which is of a commercial or trade nature in a wetland. A permit granted under the Regulations is only assignable with the consent of the Executive Director of the Authority.

A riverbank refers to the rising ground, not more than 100m long, bordering or adjacent to a river in the form of rock, mud gravel or sand, and in cases of flood plains includes the point where the water surface touches the land, that land not being the bed of the river. 'Lake shore' means the land not more than 100 metres adjacent to or bordering a lake.

Like wetlands and forest reserves, riverbanks and lake shores are also held by Government or a local government in trust for the people for the common good of the citizens of Uganda. As such, Government or local governments cannot lease out or otherwise alienate any riverbank or lakeshore. In order to carry out activities in, under, or over the riverbanks or lakeshore which is likely to have adverse effects on the environment, a permit must be obtained from the Executive Director of the Authority.

Developers with an intention to conduct a project which may have a significant impact on a wetland, riverbank, or lakeshore, are required to carry out an environmental impact assessment and also annual audits and monitoring on such activities.

ANNEX 3 VALUATION METHODS

There are five conventional valuation methods which are used in Uganda to determine the market value of the asset to be compensated. These are described in Annex 3.

Table 7: Valuation Methods

Method	Description
Comparison method	The asset to be valued is compared to an asset that is similar in its physical properties or attributes and its legal status. The basis for comparison is “same for same” and is subject to allowances for situational variables. This is the most commonly used valuation method.
Contractor’s method	This method is sometimes referred to as the Replacement Method. The basis for the valuation is the cost of replacing the affected asset. The method is normally applied to assets that are not readily available on the market such as places of worship.
Investment method	The assessment for this method rests on the understanding that the capital value of an interest in landed property is directly related to the income or annual value derived from the land including any improvements. The valuation process involves estimating the future net income that would have been yielded from the land and discounting it at an appropriate interest rate.
Profit method	This method of valuation considers the trade of an enterprise and its actual or estimated profits. A number of years of trading results (e.g. financial statements) are considered in order to determine a fair average and to allow for any fluctuations in trade. With gross income (turnover) as the basis for valuation, a deduction is made for reasonable overheads and working expenses to arrive at the net value of the enterprise.
Residual method	This method is used in the valuation of development properties. The method calculates the surplus value after meeting all costs of developments including the cost of finance, and allowing for profits. This could be undeveloped land which is to be developed, or land with existing buildings which are to be refurbished or torn down and redeveloped.

ANNEX 4A COMPENSATION RATES MATRICES

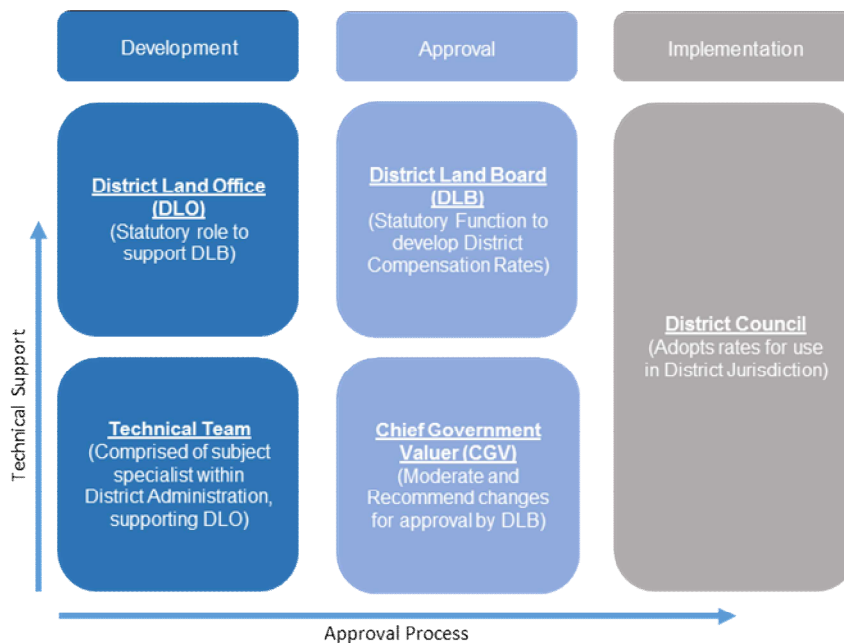
This Annex includes a comparative table between compensation rates matrices from Buliisa District, between 2010 and 2014. District Land Boards (DLBs) are mandate by law “to compile and maintain a list of rates of compensation payable in respect of crops, buildings of a non-permanent nature and any other thing that may be prescribed”. The procedure followed in the compilation of the district rates is not supported by any legislation or regulation and the default approach to establishing rates is pragmatic, which brings the validity of rates into question.

The DLBs face various constraint including human resources with specialised technical competence. The development of rates is a specialised field that requires knowledge of the subject matter, ranging from understanding the principles of valuation to technical knowledge in the fields of agronomy and engineering.

Consultations with district staff revealed a general process for compiling compensation rates. The process is illustrated in the figure below.

- The technical team of the district meets annually to determine the rates for the various items and compiles this into a list. The list is then forwarded to the DLB for consideration and approval. The format of the rates lists is not the same for every district although there are broad similarities.
- Following the endorsement by the DLB, the list is sent to the office of the CGV under a cover note requesting the CGV’s approval.

District Rates Approval Process



- The compensation committee in the office of the CGV is constituted when necessary to review and approve district rates lists. The committee is mostly convened in the second half

of the year, following the beginning of the fiscal year. The result of this review is often an adjustment of rates by the committee, which is then returned to the DLB for correction and adoption.

- The list is then resubmitted for the CGV's final approval (official stamp) and control, and published at the district for operational use.

District staff across the board mentioned the delays in the approval of rates by the CGV. The CGV mentioned that rates are to be submitted before the start of the new financial year (1 July), which is often not the case. The limited capacity both at the district and in the office of the CGV will have contributed to the delayed submission and approval of district rates. In addition, the review of rates by the districts is also driven by project needs. Consequently, Masindi District, though the most established in the Project area, has not had their rates reviewed by the technical team for seven years. Consultations with government agencies such as UNRA and UETCL revealed that the issue of outdated rates is not unique to the observed Districts. The status of district rates lists is presented in the following table.

July 2015: Status of District Rates in the upper Lake Albert Region

District	Last Approved DCR	Remarks
Buliisa	2013/2014	Submitted 2014/15 to CGV
Hoima	2013/2014	Submitted 2014/15 to CGV
Masindi	2012/2013	Submitted 2014/15 to CGV
Nebbi	2012/2013	Submitted 2014/15 to CGV
Nwoya	Never	Use Nebbi District rates

The basis for the calculation of the current compensation rates by the DLBs is poorly documented. There is insufficient evidence that district rates are based on robust investigations into farm gate prices for produce and local contractor prices for construction and building material. Furthermore, income losses are not adequately incorporated in perennial crop rates, and items such as reburial sites do not make adequate provision for ceremonial rites. In the absence of supporting evidence the current rates cannot be defended as reasonable.

There are some key challenges for this project as pertains to the calculation of compensation rates:

- 1) There is no functional land market in the proposed project area. It is anticipated that valuations will have to involve combining several of valuation methodologies to reach a fair and acceptable value for affected persons' land and other assets.
- 2) Many affected persons have previously voiced dissatisfaction with the crop compensations⁴⁸.
- 3) The local district governments face challenges in developing rates as a result of limited capacity and resources⁴⁹.

It is imperative for good stakeholder relations and in the interest of fair and just compensation that the basis for asset valuations is reviewed. A formal study of applicable rates must be commissioned

⁴⁸ This was discussed at great length during stakeholder engagement meetings with local government representatives in Hoima and Buliisa districts.

⁴⁹ This was one of the challenges that was brought up in interviews with district representatives. As in many districts in Uganda, many technical positions in the two district local governments are not filled. Representatives from both district local governments were receptive of having technical support from central government (e.g. MLHUD, MAAIF) in determining rates.

in order to support the office of the CGV as well as the DLBs in updating their rates tables. The study must establish a defensible baseline for district rates which should form the basis for future negotiations with PAPs⁵⁰. In order to find support for this initiative, an inter-ministerial advisory committee should be established to provide support to the proposed Asset Valuation study and ratify the study findings and recommendations. The role of MAAIF is crucial during this study as a precursor for detailed farm asset surveys when Resettlement Action Plans (RAPs) are being developed. This study will also alleviate pressure on the office of the CGV in that it would reduce the burden of verifying every valuation report. In addition, non-cash compensation options must be offered in all future land acquisition and compensation plans. The provision for non-cash compensation options must be aimed at livelihood restoration and the improvement of standards of living.

It is critical that the valuations conducted during the asset valuation study are grounded in sound methodological approaches and are acceptable to communities, central government stakeholders (CGV, MLHUD and PEPD) as well as the Partners. At the appropriate time, valuation methods and base rates must be disclosed to PAPs and the respective government stakeholders for their approval and adoption.

⁵⁰ PAPs are presently excluded from the most significant opportunity to participate in the 'restoration' and 'improvement' of their situation post resettlement through the determination of their compensation packages.

Example of District Compensation Rates: Buliisa Matrix (2010 to 2014)

NO	ITEM DESCRIPTION	BULIISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
1	Banana stem mature	6,000			2,000				6,000				10,000
2	Banana very good and mature												
3	Banana average maintained and mature												
4	Banana poorly maintained and mature												
5	Bananas young and good												
6	Bananas young and poorly maintained												
7	Bananas young suckers												
8	Bananas sucker medium												
9	Banana stems young	1,300			1,300				1,300				2,000
10	Sweet bananas mature and good												
11	Sweet bananas mature and average												
12	Sweet bananas mature and poor												
13	Sweet bananas young and good												
14	Sweet bananas young and poor												
15	Coffee Robusta/ Clonal mature and yielding									3,000,000			8,000
16	Coffee Robusta/ Clonal mature and good	1,500,000			4,000	1,500,000			6,000				
17	Coffee Robusta non clonal mature and average maintained												
18	Coffee robusta clonal mature and average												
19	Robusta clonal coffee mature and poorly maintained												
20	Robusta clonal coffee young and poorly maintained												
21	Robusta clonal coffee young and well maintained												

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
22	Non clonal robusta coffee young and wellmaintained												
23	Non clonal robusta coffee young and poorly maintained												
24	Coffee robusta non clonal young and average maintained												
25	Arabica coffee mature and well maintained												
26	Arabica coffee mature and average												
27	Arabica coffee mature and poor												
28	Arabica coffee young and well maintained												
29	Arabica coffee young and poor												
30	Mature non clonal robusta poorly maintained												
31	Mango mature and yielding	80,000			80,000				80,000				200,000
32	Mango improved mature and yeilding (average)												
33	Mango exotic mature and non yeilding (average)												
34	Mango mature and non yielding	30,000			1,000				50,000				
35	Mango average												100,000
36	Mango young				20,000				20,000				50,000
37	Mango seedling grafted												
38	Mangoes grafted mature												
39	Mangoes grafted medium												
40	Mangoes grafted young												
41	Mango seedling								2,000				6,000
42	Mango seedlings local												
43	Sugar cane mature	1,000,000			10,000	1,000,000			10,000	1,200,000			10,000
44	Sugar cane medium												
45	Sugar cane immature					500,000			5,000	600,000			5,000
46	Paw paw mature local yielding												25,000

NO	ITEM DESCRIPTION	BULIISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
47	Paw paw local medium												
48	Paw paw young												
49	Pawpaw mature exotic and yielding				10,000								
50	Paw paw immature												10,000
51	Pawpaw seedling local												
52	Pawpaw exotic medium												
53	Pawpaw exotic young												
54	Pawpaw seedling exotic well maintained												
55	Beans mature(if not harvested)	400,000	3,000		800					800,000	1,000		
56	Beans young	300,000	1,500		400					400,000	500		
57	Soya beans mature(if not harvested)	400,000	3,500		1,200					400,000	800		
58	Soya beans young	250,000	1,700		800					400,000	500		
59	Ground nuts mature(if not harvested)	1,000,000	4,000		500					1,200,000	1,000		
60	Ground nuts young	400,000	2,000		200					800,000	800		
61	Sorghum young	100,000	700		300					200,000	500		
62	Sorghum mature (if not harvested)	300,000	1,500		500					400,000	1,000		
63	Maize mature	300,000	800		200					700,000	700		
64	Maize young	150,000	400		200					400,000	300		
65	Maize just planted not germinated									Not considered			
66	Cassava mature(if not harvested)	600,000	2,600		2,500					2,000,000	5,000		2,500
67	Cassava average									1,500,000	2,500		1,250
68	Cassava Young	400,000	1,600		1,500					800,000	1,250		650
69	Cassava mature and good (improved)												
70	Cassava young and good (improved)												
71	Cassava stem just planted		650							Not considered			
72	Cow peas mature	400,000	2,000		600					700,000	1,000		
73	Cow peas young	300,000	1,000		800					400,000	500		
74	Simsim mature	500,000	3,000							800,000	800		
75	Simsim young	250,000	1,500							400,000	400		
76	Finger millet mature	400,000	4,000							600,000	600		

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
77	Finger millet young	300,000	2,000							500,000	400		
78	Tomatoes mature	1,000,000			4,000					1,200,000			5,000
79	Tomatoes young	500,000			1,500					600,000			3,000
80	Tomatoes seedlings												
81	Eggplants mature	400,000	6,000		1,500					600,000			2,500
82	Eggplants young	300,000	2,000		500					350,000			1,000
83	Eggplant seedling well maintained												
84	Orange mature not grafted				50,000								200,000
85	Oranges medium not grafted												
86	Orange young not grafted				20,000								100,000
87	Orange mature grafted				80,000				80,000				300,000
88	Orange medium grafted												
89	Orange young grafted								60,000				100,000
90	Orange seedling grafted								4,500				5,000
91	Orange seedling not grafted								500				2,000
92	Passion fruit mature and exotic								80,000				110,000
93	Passion fruit mature and local								30,000				50,000
94	Passionfruit medium and exotic												
95	Passion fruit local medium												
96	Passion fruits young and exotic				50,000				30,000				50,000
97	Passion fruits young and local				50,000				10,000				30,000
98	Local passion fruit well maintained seedling												
99	Passion fruit exotic seedling												
100	Sisal Mature				500				2,000				5,000
101	Sisal younger				250				1,000				2,000
102	Pumpkins young				5,000				7,000				8,000
103	Pumpkins mature				10,000				15,000				20,000
104	Gourds mature												
105	Gourds young												
106	Solanum Ntula mature				1,000				2,000				3,000
107	Solanum Ntula young				500				1,000				1,500

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
108	Climbing beans(amajelero)mature								1,000				3,000
109	Climbing beans(amajelero)young				500				500				1,500
110	Amarathus ododo		2,500										
111	Amarathus ododo mature						2,000						3,000
112	Amarathus ododo young						1,000						1,500
113	Lemon mature (endimo)				35,000				70,000				100,000
114	Lemon medium												
115	lemon young (endimo)				20,000				30,000				20,000
116	Lemon local seedling												
117	Lemon grafted mature												
118	Lemon grafted medium												
119	Lemon grafted young												
120	Lemon grafted seedling												
121	Rice mature	1,000,000	2,000			1,000,000	4,000			1,500,000	5,000		
122	Rice young	500,000	1,500			500,000	2,000			800,000	4,000		
123	Hedge cupresus				2,000								
124	Hedges, Kiap & Cypress							2,500				4,000	
125	Hedges local				1,500			2,000				3,000	
126	Sun flower mature	2,000,000	2,400		600	500,000	4,000		600	700,000	4,500		1,000
127	Sun flower young	150,000	1,200		300	250,000	2,000		250	350,000	3,000		500
128	Sukuma Wiki mature		1,400		350		1,000		400		2,000		600
129	Sukuma Wiki young										1,000		500
130	Cotton mature	400,000	2,000		1,000	600,000	200		100	800,000	300		
131	Cotton young		1,000		600	300,000	100		50	400,000	150		
132	Irish Potato young					600,000	1,000			800,000	2,500		
133	Irish Potatoes Average	400,000	2,000			1,000,000	1,500						
134	Irish Potatoes mature									1,600,000	5,000		
135	Cabbages mature	600,000	4,000		1,000	7,000,000			300	800,000			1,000
136	Cabbages young	300,000	2,000		500	350,000			100	500,000			500
137	Cabbage seedling well maintained												
138	Tobacco mature		2,000		500		5,000		1,000		4,000		700
139	Tobacco young		1,000		200		3,000		500		2,000		400

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
140	Tobacco seedling				2,500		3,000					1,000	
141	Guava mature				10,000				20,000				200,000
142	Guava medium												
143	Guava young				8,000				10,000				120,000
144	Guava seedling exotic												
145	Guava seedling												5,000
146	Guava mature grafted												
147	Guava medium grafted												
148	Guava young grafted												
149	Avocado local mature yielding				40,000				80,000				200,000
150	Avocado local,mature not yielding				30,000				40,000				100,000
151	Avocado local seedling				1,000				1,000				1,000
152	Seedling grafted				3,000				5,000				5,000
153	Avocado seedling grafted and yielding												
154	Avocado young,well maintained and grafted				3,000				15,000				30,000
155	Avocado mature and grafted				60,000				120,000				200,000
156	Avocado local medium												
157	Avocado local young												
158	Avocado grafted medium												
159	Field peas mature	30,000			1,000				500	500,000	1,000		
160	Field peas young					150,000			200	250,000	500		
161	West nut climbing ground nuts				8,000				8,000				20,000
162	Climbing nuts young												
163	Climbing nuts seedlings												
164	Neem tree mature				30,000				40,000				60,000
165	Neem tree young				20,000				10,000				30,000
166	Neem tree seedling												
167	Moringa tree mature				50,000				50,000				60,000
168	Moringa tree young				20,000				30,000				30,000
169	Aloe vera mature	500,000	12,000		3,000	1,000,000	10,000		5,000	1,200,000	12,000		5,000

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
170	Aloe vera young					500,000	5,000		2,500	600,000	6,000		4,000
171	Sweet potatoes mature	300,000	2,000		1,000	600,000			3,000	700,000			4,000
172	Sweet potatoes young	150,000	1,000		500	300,000			1,500	400,000			2,000
173	Sweet potatoes just planted					Not considered				Not considered			
174	Reeds local		2,000		2,000						3,000		3,000
175	Emikukuru				1,500								6,000
176	Watermelon mature				30,000								30,000
177	Watermelon average												30,000
178	Watermelon young												
179	Palm oil mature				10,000								35,000
180	Palm oilyoung				4,000								20,000
181	Eucalyptus mature												
182	Eucalyptus telephone size												20,000
183	Eucalyptus Canoe												
184	Eucalyptus seedling				300								1,000
185	Eucalyptus Small poles				3,000								4,000
186	Building poles				7,500								6,000
187	UEB polesize				50,000								80,000
188	Timber size				100,000								100,000
189	Muvule tree mature timber size (canoe type)	80,000			150,000								200,000
190	Muvule medium size				120,000								100,000
191	Muvule young				10,000								35,000
192	Muvule seedling				1,000								1,500
193	Cyprus mature tree timber size	10,000			100,000								170,000
194	Cyprus medium tree				50,000								120,000
195	Cyprus seedling well maintained				500								1,000
196	Cyprus young tree				10,000								20,000
197	Pine mature tree timber size	30,000			70,000								200,000
198	Pine medium tree	10,000			30,000								150,000
199	pine young tree				10,000								30,000
200	Pine seedling well maintained				500								2,000

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
201	Musizi mature tree timber size	30,000			80,000								400,000
202	Musizi medium size	10,000			40,000								150,000
203	Musizi young	5,000			10,000								30,000
204	Musizi seedling well maintained	200			5,000								1,500
205	Acacia tree mature	2,000	10,000		2,000								14,000
206	Acacia tree young	1,000	6,000		1,000				2,000				5,000
207	Acacia tree just planted								1,000				1,500
208	Bush tree mature	1,000	10,000		1,000				3,000				
209	Bush trees mature&timber size												50,000
210	Bush tree medium size												20,000
211	Bush trees young	600	30,000		600				1,500				5,000
212	Musambya tree big/mature -	5,000			5,000				20,000				20,000
213	Musambya medium												
214	Musambya tree building size	5,000			5,000				5,000				5,000
215	Musambya tree small building size												
216	Musambya tree young	2,000/=			2,000				3,000				4,000
217	Musambya seedling well maintained												
218	Onion mature (Exotic)	1,200,000/=			200,000/=	1,250,000	10,000			1,500,000	12,000		
219	Onion young (Exotic)	800,000/=			100,000/=	800,000	7,000			100,000	3,000		
220	Onion local mature												
221	Onion young local												
222	Onion seedling well maintained				10,000		3,000				5,000		
223	Ficus bark cloth mature	30,000			30,000				40,000				50,000
224	Ficus bark cloth medium	15,000			15,000				20,000				30,000
225	Ficus bark cloth young				5,000				10,000				15,000
226	Ficus bark cloth sprouting cutting stump				500				1,500				2,000
227	Okra mature				10,000		3,000				5,000		
228	Okra young				500		1,500				2,500		
229	Loofra Kyangwe mature				500				1,500				2,000
230	Loofra Kyangwe young				250				800				1,000

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
231	Loofra Kyangwe seedling well maintained				150				400				300
232	Cocoa yams mature	200,000			200,000	300,000			300	400,000			500
233	Cocoa yams mature and poor												
234	Cocoa yams young	100,000			100,000	150,000			150	200,000			500
235	Yams mature and good												
236	Yams mature and poor												
237	Yams young and good												
238	Ordinary yam mature and good												
239	Ordinary yam mature and poor												
240	Ordinary yam young and good												
241	Gourd mature	500			500				2,000				3,000
242	Gourd young	500			500				1,000				1,000
243	Castor oil mature	100			100				1,000				2,000
244	Castor oil young	50			50				200				1,000
245	Turmeric binzali mature	200			200				500				700
246	Turmeric binzali young				200				250				350
247	Ginger tangahuzi mature				150				300				500
248	Ginger tangahuzi young								150				250
249	Climbing beans amajelero				400				800				1,200
250	Bambara nuts (mpande)		2,500		2,000					3,000			1,000
251	Yams (Barugu) mature				2,500								7,000
252	Yams (young)				2,000								3,000
253	Tangerines(maganda)mature				40,000								60,000
254	Tangerine young												40,000
255	Tangerines(maganda)medium				30,000								
256	Tangerine seedlings grafted				2,000								
257	Tangerines seedling				1,000								2,000
258	Tangerines grafted mature												
259	Tangerines grafted medium												
260	Tangerines grafted young												
261	Lime mature				35,000								80,000

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
262	Lime medium				20,000								50,000
263	Lime young	8,000			5,000								20,000
264	lime seedling well maintained				30,000								5,000
265	Lime grafted mature												
266	Lime grafted medium												
267	Lime grafted young												
268	Lime grafted seedlings												
269	Obugora(Nakati)												
270	Grape fruit (Secunguwa) mature				30,000								60,000
271	Grape fruit(Secunguwa)average												
272	Grape fruit grafted (mature)												60,000
273	Grape fruit young				10,000								20,000
274	Grape seedling				1,000					5,000			1,000
275	Grape fruit grafted medium												
276	Grape fruit grafted young												
277	Grape fruit seedling												
278	Cocoa mature				30,000								80,000
279	Cocoa medium												
280	Cocoa young				8,000								40,000
281	Cocoa seedling				300					5,000			2,000
282	Bamboos per piece mature				7,000								3,000
283	Pigeon Peas mature	300,000			700					400,000			1,000
284	Pigeon Peas young	150,000			350					300,000			1,000
285	Candle nut(kabakajangala)				5,000								30,000
286	Candle nut young				5,000								10,000
287	Seedling candle nut				500								1,000
288	Mulberry plant				100								15,000
289	Mulberry young but sprouted and grown				20,000								5,000
290	Rubber Mature				10,000					30,000			40,000
291	Rubber young				5,000					10,000			15,000
292	Rubber well maintained seedling				1,000					4,000			4,000

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
293	Cashew nuts mature				20,000				30,000				50,000
294	Cashew nuts young				10,000				15,000				20,000
295	Cashew nuts seedlings				500				3,000		4,000		1,000
296	West nut climbing ground nuts mature				8,000				10,000				15,000
297	Climbing ground nuts young				4,000				5,000				10,000
298	Calliandra mature				10,000				15,000				20,000
299	Calliandra young				5,000				5,000				9,000
300	Leucena mature				10,000				20,000				25,000
301	Leucena young				50,000				10,000				15,000
302	Lira tree mature				2,000				5,000				7,000
303	Lira tree young				1,000				2,500				3,000
304	Elephant grass		2,000				3,000				4,000		
305	Herbs mature plant				80,000				3,000				4,000
306	Herbs young plant								1,000				2,000
307	Pineapple improved variety and mature								1,000				2,000
308	Pineapple improved variety and young								500				1,200
309	Pineapple local variety and mature								700				700
310	Pineapple local variety and young												500
311	Pineapple suckers just planted												
312	Pineapple suckers												
313	Jack fruit mature and yielding												120,000
314	Jack fruit mature and not yielding												60,000
315	Jack fruit local medium												
316	Jack fruit young												40,000
317	Jack fruit seedling												2,000
318	Jack fruit seedling well maintained												
319	Jackfruit exotic mature and yielding												
320	Jack fruit exotic average												
321	Jack fruit exotic young												
322	Muwafu tree mature												

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
323	Muwafu tree medium												
324	Muwafu tree young												
325	Muwafu tree seedling												
326	Mukooge tree mature												
327	Mukooge tree medium												
328	Mukooge tree young												
329	Mukooge tree seedling												
330	Jambura mature												
331	Jambura medium												
332	Jambura small tree												
333	Jambura seedling												
334	Mahogany mature tree timber size												
335	Mahogany medium tree												
336	Mahogany young												
337	Mahogany seedling												
338	Caddle nut(Kabakanjagala)mature												
339	Caddle nut young												
340	Caddle nut seedling												
341	Gram mature												
342	Gram immature												
343	Bulrush millet mature												
344	Bulrush millet immature												
345	Shea nut tree mature (Yao)												
346	Shea nut tree medium												
347	Shea nut tree small												
348	Shea nut tree seedlings												
349	Tea clonal mature												
350	Tea clonal young												
351	Tea clonal seedling												
352	Tea ordinary mature												
353	Tea ordinary young												
354	Tea ordinary seedling												

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
355	Palm tree Ornamental												
356	Palm tree Timber												
357	Palm tree Oil												
358	Palm tree Fencing												
359	Fish pond averagely maintained and stocked				15,000		50,000						To be valued by Chief Government Valuer
360	Fish pond averagely maintained and un stocked						15,000				30,000		
361	Fish pond stocked with fish enclosed in cages												
362	Fish pond averagely maintained and stocked												
363	Fish pond well maintained and stocked												
364	New fish pond well constructed but pending stocking												
365	Fishpond unstocked with fish cages												
366	Poorly maintained fish pond unstocked		2,000										
367	Buildings, Tins/ Ddebes roofing ,mud and wattle wall bare floor		15,000				20,000				35,000		
368	Grass thatched roof, mud blocks, cement screed floor		15,000				30,000				55,000		
369	Grass thatched roof, mud blocks walls bare floor		15,000				20,000				40,000		
370	Granaries big size		30,000				30,000				35,000		
371	Granaries medium size		15,000				20,000				25,000		
372	Granaries small size		10,000				10,000				15,000		
373	Modern bee hives Langstroth				30,000	To be relocated if possible		100,000	To be relocated if possible			120,000	
374	TTB & KTB bee hives											85,000	

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
375	Johnson ??												50,000
376	Local bee hives				25,000	To be relocated if possible			80,000	To be relocated if possible			85,000
377	Modern bee hives (Un colonised)												
378	Local bee hives (Un colonised)												
379	Pit latrine with poles cover		4,000										7,000
380	Graves bare ground				60,000								150,000
381	Graves finished with cement construction on top				200,000								350,000
382	Graves finished with cement and marbled				500,000								700,000
383	Bath enclosures grass thatched				5,000								20,000
384	Bath enclosures with G.C.I sheets				20,000								50,000
385	Bath enclosures with tins/Ddebes				15,000								30,000
386	Live fence			5,000							10,000		
387	Bath with poles and reeds												
388	Other building structure G.C.I roof and walls bare floor			30,000									
389	G.C.I roof and walls cement screed floor			30,000						120,000			
390	Tins/Ddebe roofing,mud&wattle walls,Bare floor												
391	Tins/Odebes walls and roof, bare floor			10,000						30,000			
392	Tins/Ddebes walls and roof, cement floor			20,000						45,000			
393	Cup/plate, racks, reed and canes			6,000									20,000
394	Cup/plate, racks Ddebes/G.C.I												
395	Sand(per cubic metre)												

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
396	Murrum(per cubic metre)												
397	Ddebes/G.C.I			8,000									35,000
398	Coffee drying tray			10,000									50,000
399	Grass thatched roof,walls of mud blocks,cement screed floor									40,000			
400	Grass thatched kitchen house supported on poles			10,000									400,000
401	G.C.I sheet roofed			20,000									600,000
402	Cattle crush on treated fencing posts and railings												
403	Cattle crush on local poles			3,000					12,000				20,000
404	Cattle enclosures on treated poles with 4 strands of barbed wire			4,000									
405	Cattle enclosures on treated poles with 3 strands of barbed wire						10,000				12,000		
406	Cattle enclosures on untreated poles with 4 strands of barbed wire			2,000			6,000				15,000		
407	Live hedges (Kraal)			5,000					8,000		10,000		
408	Goats shed ,grass thatched,roof supported on poles			5,000					12,000				50,000
409	Cattle dip(large)												
410	Cattle dip(medium)												
411	Cattle dip(small)												
412	Cattle shed(cement+iron roofed)												
413	Cattle shed(bare floor+grass thatched))												
414	Calf house on local poles and grass thatched			10,000			12,000						30,000

NO	ITEM DESCRIPTION	BULISA DISTRICT											
		2010-2011				2011/2012-2013				2013/2014			
		Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit	Rate per Acre	Rate per SQM	Per running meter	Rate per Plant / per Unit
415	Calf house with timber railings and iron sheets			20,000			15,000						50,000
416	Calf pen(cemented+iron sheets+brick walls)												
417	Calf pen(local materials/semi permanent)												
418	Night boma on local poles			2,500			3,500						20,000
419	Night boma on treated poles			5,000					8,000				30,000
420	Chicken house mud and wattle,grass thatched			10,000			10,000						20,000
421	Tobacco barn,Air cured			10,000			12,000						Valier's role
422	Tobacco barn,fire cured			10,000									Valier's role
423	Tobacco barn grass around												
424	Tobacco barn mudded												
425	Poles and reeds												
426	Valley tank												

ANNEX 4B VALUATION CHALLENGES FOR RESETTLEMENT

Some of the risks associated with the valuation and assessment of project affected assets are due to the lack of elaborate policies and guiding principles. The legal provisions in the Constitution and other statutes are not detailed enough to provide sufficient information on valuation for compensation. There are no national valuation standards, and the guiding principles and procedures adopted by the office of CGV are not firmly established. Statutory rates determined by district land boards are infrequently updated and the process of review is not firmly adhered to. Certain rates, including those for economic fruit trees, graves and shrines, do not reflect the full cost of replacement, and appear to be inadequate for compensation of losses. Furthermore, there is limited capacity among private Valuers to cope with the demand for valuation services. Junior Valuers with insufficient qualifications and experience have increased the risk of valuation work in Uganda. Additionally, there is no functional land market in the proposed project area. It is, therefore, anticipated that valuations for this Projects will have to involve a combination of several methodologies in order to reach a fair and acceptable value for affected persons' land and assets.

The focus of acquiring access to land by the Partners has thus far been on compensation for lost assets on the land and deprivation of use of the land. In the absence of a Compensation Framework (a document that describes the objectives and principles for compensation⁵¹ as well as the methods for delivering compensation), assets were exclusively compensated in cash and no alternatives were offered to PAPs. In respect of temporary land take for camps and well pads (with a duration ranging from 6 months to 3 years) the “impact of deprivation of use over one or more planting seasons and the attendant impact on the livelihood of such affected persons⁵²” were taken into consideration by the registered Valuer. On the other hand, short-term impacts caused by seismic surveys were only estimated based on the value of standing crops excluding crops that could be harvested before the disturbance. Tree crops were generally avoided, but immature trees were compensated in cash if avoidance was not possible. In many instances, the actual duration of the disturbance spanned across one or more seasons and payments have often been severely delayed with the result that livelihood impacts, including food insecurity, were not actively managed.

Compensation was paid according to CGV-approved asset valuations. Due to the manner in which valuations were computed and approved, PAPs have not been able to negotiate a better outcome. The result has been a significant number of grievances from PAPs and, at times, tension between DLB and the office of the CGV⁵³. The grievance mechanism has thus become a substitute for a negotiated compensation package. The dissatisfaction with compensation rates can be attributed to a number of factors:

a. Lack of transparency about compensation rates

Comments made by CSO representatives during consultations indicated that valuation methods are often not disclosed to the local population. The lack of transparency around the method of calculation of these values raises suspicion about the quoted compensation rates in their compensation certificates.

⁵¹ Compensation is defined by the IFC (Handbook) as 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.

⁵² Quoted from a Valuation Report prepared by Surveys for the Omuka Drill Pad (dated January 2014).

⁵³ District officials resorted to disclosing compensation rates to affected people prior to submission to the CGV to avoid accusations of reducing rates to unacceptable levels. It appears that disclosure was otherwise not the norm.

b. Outdated district rates in the calculation of compensation rates

The suspicion brought about by the lack of transparency around valuation methods is compounded by the use of outdated rates. An official at the DLB in Hoima explained that the most recent crop rates are for the financial year 1 July 2012- 30 June 2013. Assessments for the 2013/14 rates were concluded in early 2014 but have not yet been ratified. Hoima District has therefore been using the Kiboga District rates. In Buliisa, the rates for the 2013/14 have been finalised but not been 'distributed' by the DLB. As a result, the 2012/13 rates have thus far been applied.

c. Insufficient technical backstopping during district compensation rates determination

Consultation with officials at the MAAIF revealed that the ministry is not directly consulted on the calculation or review of crop rates. The actual survey of farm gate prices is supervised by the District Production Officer (DPO) who submits his findings from the various sub-counties to the District Land Valuer (DLV) for submission to the technical planning committee of the DLB. This committee has not convened this year for lack of funds to pay meeting fees⁵⁴.

d. Valuation principles

Valuations calculated for displaced persons' assets are often low (many interviewees conceded to this perception) and as a result a 30% disturbance fee⁵⁵ (determined in law) is added apparently as a 'top-up' or adjustment for the low rates. It appears, therefore, that the rates inclusive of the 30% disturbance fee should have been the actual base rate (true value) for the affected asset; however, low base rates are now accepted by Valuers as reflecting the intrinsic value of the asset on the basis that there is an unqualified top-up added to the rate to breach the gap.

e. Capacity of the Office of the Chief Government Valuer (CGV)

Land acquisition and resettlement, and more specifically compensation for lost assets, is often delayed as a result of the requirement for validation of rates by the CGV. The delay is mainly due to the limited number of staff and equipment in this office that are trained and able to handle the large number of development projects across the country. Delays have a direct impact on the promptness of compensation payments to affected persons.

Consultations with government agencies such as UNRA and UETCL revealed that the issue of outdated rates is not unique to Hoima and Buliisa. In fact, UNRA and UETCL have resolved to inform DLBs in advance of land acquisition and resettlement projects to allow them to update their rates in time for the commencement of asset valuations. It appears in practice that DLBs turn instead to neighbouring Districts for more recent rates tables.

The basis for the calculation of the current compensation rates by the DLBs is poorly documented. There is insufficient evidence that district rates are based on robust investigations into farm gate prices for produce and local contractor prices for construction and building material. In the absence of supporting evidence, it is hard to defend the current (or any) rates; dissatisfaction is likely to

⁵⁴ The DLB and DPO were interviewed in separate meetings to establish the procedure for annual rates review and the challenges they face in executing their mandate.

⁵⁵ Two 'top-up' rates are provided for: the Land Act provides for a notice to vacate fee of 15% when a 6-month notice is given and 30% when the notice is given less than 6 months ahead of the disturbance – however, the standard disturbance fee is calculated in practice at 30% of the valued assets regardless of the notice period. Furthermore, a diminution fee of 15% has been allowed when a temporary land lease is signed for a period of less than 3 years and 30% when the lease period is between 3 and 5 years (quoted from Dec 2013 Workshop on Land Access Presentation).

escalate when larger numbers of people are affected. Furthermore, the intervention by the CGV to normalise rates across the affected districts seems necessary because of the flaws in the practice of establishing district rates. Neither the unsubstantiated rates nor the normalising intervention has built confidence in the fairness of the compensation packages, and grievances around compensation packages are likely to persist.

The objective of meaningful participation in resettlement planning is to safeguard the Partners from designing and implementing plans that are inappropriate for the replacement and improvement of the livelihoods and standard of living of affected people. The absence of meaningful participation in determining the outcome of the resettlement planning process has exposed the Partners to the risks associated with impoverishment. The risks of landlessness, homelessness (even when replacement housing has been provided), food insecurity, loss of access to common property, and social disarticulation are present in the Licence Area.

It is imperative for good stakeholder relations and in the interest of fair and just compensation that the basis for asset valuations is reviewed. A formal study of applicable rates (farm gate prices for crops and contractor prices for temporary structures) must be commissioned in order to support the office of the CGV as well as the DLBs in updating their rates tables. The study must establish a defensible baseline for district rates which should form the basis for future negotiations with PAPs⁵⁶. The role of MAAIF is crucial during this study as a precursor for detailed farm asset surveys when RAPs are being developed. This study will also alleviate pressure on the office of the CGV in that it would no longer need to verify every valuation report. In addition, non-cash compensation options must be offered in all future land acquisition and compensation plans. The provision for non-cash compensation options must be aimed at livelihood restoration and the improvement of standards of living.

⁵⁶ PAPs are excluded from the most significant opportunity to participate in the 'restoration' and 'improvement' of their situation post resettlement by determining their compensation packages on predetermined rates established by DLBs and validated by the CGV.

ANNEX 5 SUMMARY ENTITLEMENTS AND ELIGIBILITY MATRIX

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
1. LOSS OF LAND				
a. Permanent loss of land with dwellings	In kind or cash compensation for loss/deprivation of use	<p>Titled owners on freehold land on which complete immoveable housing structure is established</p> <p>Registered owner or claimants of customary held land on which complete immoveable housing structure is established</p> <p>Registered leaseholders on public land on which complete immoveable housing structure is established</p>	<p>Cash – Where in-fill resettlement is possible on the remainder of the affected parcel of land or the existing community, or where the household owns land for residential use elsewhere which they choose to occupy as primary residence, compensation in cash for surveyed land at agreed rates.</p> <p>OR</p> <p>In kind – Where in-fill resettlement on the remainder of the affected parcel of land or within existing community is not possible, provision of standardised housing plot on planned resettlement site. Resettlers will be given the same security of tenure as their displaced land, but a Customary Certificate of Ownership (CCO) as a minimum.</p>	<p>Persons must prove ownership of complete immoveable housing structure and in land (not necessarily through title⁵⁷) at the time of final asset surveys.</p> <p>Persons must prove ownership of a suitable house elsewhere to qualify for cash compensation.</p>

⁵⁷ Uganda legislation refers to and protects various interests in land that enjoy the same legal rights usually associated with titled ownership.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
b. Permanent loss of agricultural (crop) land	In kind or cash compensation for loss/deprivation of use (including orphan land)	Titled owners on freehold land	<p>In kind – Package to empower farmers to find their own replacement agricultural land of same size, or an amount of land with equivalent productive value, contingent on timely payment. Land will be brought to same level of preparedness as at time of crop survey (see also livelihood section below).</p> <p>OR</p> <p>Cash – where in kind replacement is not possible, or where owner has access to alternative farm land suitable for the same agricultural purpose compensation in cash at agreed rates for full replacement cost, in proportion to the tenancy or sharecropping agreement should there be any</p>	<p>Persons must prove ownership (not necessarily through title) at the time of final asset surveys.</p> <p>Persons must prove interest in surveyed alternative land.</p>
		Registered owners or claimants of customary held lands		
		Registered leaseholders on public land		
		Users (incl. tenants by occupancy)	In-kind - Where there is a tenant or sharecropper relationship, the tenant or sharecropper will be entitled to use the replacement land on the same basis as the current relationship and also have access to livelihood programmes.	Tenants and sharecroppers must prove sharing arrangement (documented proof or land owner consent) at the time of final asset surveys.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
			<p>OR</p> <p>Cash – In case the owner receives cash compensation, where there is a tenant or sharecropper relationship, the tenant or sharecropper will receive compensation in cash at agreed rates for full replacement cost in proportion to their sharing arrangement.</p>	
c. Permanent loss of grazing land	Cash compensation for loss of land	<p>Titled owners on freehold land</p> <p>Registered owners or claimants of customary held lands</p> <p>Registered leaseholders on public land</p>	Cash – Compensation in cash of the value of the land at full replacement cost	Persons must prove ownership (not necessarily through title) at the time of final asset surveys.
d. Permanent loss of fallow land	In kind or cash compensation for loss/deprivation of use	<p>Titled owners on freehold land</p> <p>Registered owners or claimants of customary held lands</p> <p>Registered leaseholders on public land</p>	<p>In-kind – Provision of support package to identify suitable fallow land</p> <p>OR</p> <p>Cash – Compensation in cash of the value of the land at full replacement cost</p>	Persons must prove ownership (not necessarily through title) at the time of final asset surveys.
e. Temporary loss of	Cash rental/lease payments for	Titled owners on freehold	Cash – Cash payment based on	Person must prove interest in land.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
agricultural (crop) land, grazing land, fallow land	temporary land use	land Registered owner or claimants of customary held lands Registered leaseholders on public land	formal lease agreement determined by affected land area. Rental/lease amount based on professional valuation of the affected land for its present use. Rental/lease amount, payment frequency and duration of lease to be stipulated in lease agreement.	
		Users (incl. tenants by occupancy)	Where there is a tenant or sharecropper relationship, the tenant or sharecropper will receive compensation in cash based on the formal lease agreement (see above) in proportion to their sharing arrangement.	Tenants and sharecroppers must prove sharing arrangement (documented proof or land owner consent) at the time of final asset surveys.
f. Permanent restrictions on affected residential, agricultural (crop) and grazing land (including orphan land) (typically for linear infrastructure)	Cash compensation through easement agreement	Titled owners on freehold land Registered owner or claimants of customary held lands Registered leaseholders on public land	Cash – Once-off easement fee for the restricted use of the affected land by the Project as a result of linear infrastructure, based on an agreed easement fee determined by a professional valuation of the affected land for its present use. Easement fee scale to be	Person must prove interest in land. Orphan land will be classified on merit.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
			determined.	
g. Loss of improvements to land	Agricultural Improvement Package or cash compensation	Farmers	Improvements to land such as irrigations, ditches will be provided on the replacement land or included in the calculation of cash compensation	Person must prove interest in land.
2. LOSS OF LIVELIHOODS				
a. Crops	<p>Annual crops: no compensation unless standing crops cannot be harvested</p> <p>Perennial crops: cash compensation for standing perennial crops.</p> <p>Fruit and economic trees: cash compensation for fruit and economic trees, or provision of replacement tree saplings.</p>	Owners of crops and trees on farm land	<p>Annual crops:</p> <p>1) Where the Project will give sufficient notice (90 days) to farmers to harvest their annual crops no compensation will be paid for annual crops.</p> <p>2) Cash – Where annual crops cannot be harvested due to a reduced notice period, damaged crops will be compensated as mature crops at agreed rates determined annually by the District Land Board.</p>	<p>Crops in place (rooted) at cut-off date and identified through final surveys.</p> <p>Compensation according to defined age or size categories.</p> <p>Crop owners identified through final asset surveys.</p> <p>Shared crop owners receive compensation in proportion to an agreed share of ownership determined at time of final asset surveys</p>

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
			<p>Perennial crops:</p> <p>Cash compensation at full replacement cost at agreed rates determined annually by the District Land Board or based on full replacement cost determined by formal market studies.</p> <p>Fruit and economic trees:</p> <p>Cash compensation at full replacement cost, including the cost of forfeited economic benefits, for all agreed fruit and economic trees, shrubs (e.g. coffee) and plants (e.g. cassava) at agreed rates determined annually by the District Land Board or based on full replacement cost determined by formal market studies.</p> <p>In kind – Where cash compensation is not preferred for fruit and economic trees, two (2) replacement saplings for every damaged tree of a crop variety suitable for the identified replacement farm land.</p> <p>No replacement fruit and economic tree saplings will be planted within infrastructure corridor with land-use restrictions.</p>	

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
	Re-establishment assistance in kind or in cash	Farmers, including sharecroppers	<p>For owners of annual and perennial crops: In kind – Access to agricultural improvement package consisting of labour and mechanical inputs to bring land to same level of preparedness and inputs for 1 year such as improved seeds, pesticides, training, equipment if replacement agricultural land has been secured. OR Cash – Once-off land preparation allowance based on agreed rates determined annually by the District Land Board⁵⁸ or formal market studies.</p>	Farmers identified through final census and asset surveys.
	Livelihood improvement support in kind	Farmers, including sharecroppers	<p>In kind – Participation in livelihood improvement programmes to increase earning capacity. Details of programme to be determined.</p>	<p>Farmers identified through final census and asset surveys. Participation based on a Preference Survey to identify interested farmers and sharecroppers.</p>

⁵⁸ The District Land Board rates table does not include separate costs for this item. Rates to be obtained from a relevant authority, e.g. the Department of Agriculture.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
	OR Alternative livelihood assistance in kind or cash	Farmers, including sharecroppers	<p>In kind – Participation in alternative income generation development programmes.</p> <p>Cash – entitlement for loss of agricultural land (see Land section above) converted into start-up capital (cash equivalent) based on viable Business Plan (assistance to people with review of their proposed business plans).</p>	<p>Farmers identified through final census and asset surveys.</p> <p>Participation based on a Preference Survey to identify interested farmers including sharecroppers.</p> <p>Participants in alternative programmes will forfeit entitlement to in-kind replacement land and receive cash compensation instead.</p>
b. Restricted access to landing areas and associated facilities	In kind compensation for access restrictions to fishing grounds	Fisherfolk	In kind – Address access restrictions through consolidated and improved alternative landing areas and associated facilities.	Organised fisherfolk identified during baseline surveys.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
	In kind livelihood improvement programmes	Fishermen, labourers and people involved in fishing related livelihood activities (incl. women)	In kind – Participation in livelihood improvement programmes to increase earning capacity. Details of programme to be determined.	
	OR Alternative livelihood assistance in kind or cash	Fishermen	In kind – Participation in alternative income generation programmes. OR Cash – compensation for abandoned fishing gear and equipment converted into start-up capital (cash equivalent) based on viable Business Plan for alternative income source (assistance to people with review of their proposed business plans).	Fisherfolk identified through final census and asset surveys and Preference Survey. Participants in alternative programmes will forfeit fishing gear and equipment.
c. Livestock rearing	In kind livelihood improvement	Livestock owners and herders	In kind - Participation in livelihood improvement programmes to increase earning capacity. Details of programme to be determined.	Livestock owners and herders identified through final census surveys and Preference Survey.
	Alternative livelihood assistance in kind or cash compensation	Livestock owners and herders	Cash – entitlement for loss of grazing land (see Land section above) converted into start-up capital (cash equivalent) based on viable Business Plan.	Livestock owners identified through final census surveys and Preference Survey. Participants in alternative programmes will forfeit entitlement to replacement grazing land.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
d. Loss of small businesses	Compensation for loss of net income from business operation during transition	<p>Business owners whose operations are temporary restricted</p> <p>Business owners who are physically and economically displaced</p>	<p>Cash – Cash compensation for the temporary loss of income from non-farm businesses for the duration of the temporary restriction or business closure, based on financial records of individual businesses.</p> <p>The project will endeavour, where practical, to schedule its activities to minimise temporary business income losses.</p>	<p>Business owners identified during final census and business surveys.</p> <p>Income and expenditure data obtained from final census and business surveys.</p> <p>In the absence of recorded financial information, aggregate information based on similar businesses will inform determination of monthly net income.</p>
			<p>Cash – In case of a person who is physically and economically displaced on a permanent basis, cash compensation for the loss of income from non-farm businesses for a period of three months from the date when the Project takes possession of the affected business structure.</p>	<p>Review of businesses that were physically displaced to assess progress of re-establishment before end of three-month assistance.</p> <p>Employees of affected business enterprises will be provided with separate cash compensation (see Business employee section below).</p>
	Re-establishment of business operation	Business owners	<p>In kind – Business advice to assist with re-establishment of displaced businesses.</p> <p>Cash/In kind – business owners with immovable structures will be provided with replacement structures (see Structure section below) or cash compensation.</p>	Business owners identified through final census and business surveys.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
	In kind or cash compensation for cost of moving	Business owners	<p>In kind – Transportation assistance for business items, where practical, including loading, transportation and unloading assistance.</p> <p>OR Cash – Transportation allowance for self-arranged transportation of business items at an agreed all-inclusive rate per kilometre for transport hire and fuel.</p>	Business owners identified through final census and asset surveys.
	In kind livelihood improvement	Business owners and employees	In kind – Participation in business improvement programmes to increase earning capacity. Details of programme to be determined.	Business owners and employees identified through final census and business surveys and confirmed by Preference Survey.
	Alternative livelihood assistance in kind or cash compensation	Business owners and employees	<p>In kind – Participation in alternative income generation programmes.</p> <p>OR Cash – entitlement for loss of business structure (see Structure section below) converted into start-up capital (cash equivalent) based on viable Business Plan.</p>	<p>Business owners and employees identified through final census and business surveys and confirmed by Preference Survey.</p> <p>Participants in alternative programmes will forfeit entitlement to replacement business structures, but will receive cash compensation for affected structures.</p>

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
e. Employees of affected non-farm businesses	Compensation for loss of net income during transition	Employees of affected existing operating non-farm businesses	Cash – Compensation in cash of net income based on non-farm business records for transition period of 6 months from the time the Project takes possession (if there is re-establishment of business).	Employees confirmed during final census and business surveys.
	Alternative livelihood assistance in kind compensation	Retrenched employees of affected businesses Physically displaced employees of affected businesses no longer able to continue employment due to business displacement	In kind – Participation in alternative income generation programmes. Where practical, preferential employment on Project based on skills training, suitability and competence. Cash – Retrenchment payment based on labour legislation requirement and conditions of employment if employment cannot be continued (see Employees section above).	Employees confirmed during final census and business surveys and confirmed by Preference Survey.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
f. Rental income from residential and commercial buildings	Compensation for net loss of income during transition	Landlord – owners of rented structures	<p>Cash – Compensation in cash, net equivalent to monthly rental income, for transition period, as follows:</p> <ul style="list-style-type: none"> Where rented structure is replaced, transition period is equal to duration for replacement of affected structures from the time the Project takes possession of rented structure, up to a maximum of 6 months. Where rented structure is compensated in cash, transition period is one month from the time the Project takes possession of rented structure. 	Proof of established rental agreement identified during final census surveys.
	In kind livelihood improvement	Landlord – owners of rental structures	<p>In kind – Landlord who is provided with a replacement structure (see 3.b. below) will have a better quality building to attract tenants which should result in improved returns. No further compensation.</p> <p>Landlord who chooses cash compensation may participate in business improvement programmes to increase earning capacity. Details of</p>	None

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
			programme to be determined.	
g. Loss of natural resources and access to natural resources such as forests, wetlands, non-economic trees	In-kind livelihood assistance	Resource users	The Project will endeavour to find resettlement sites (if applicable) that maintain access to natural resources. If these resources cannot be replaced communities will receive additional livelihood improvement or alternative livelihood support	Persons identified through final census.
3. LOSS OF SHELTER AND STRUCTURES (IMMOVEABLE STRUCTURES IMPACTED BY PHYSICAL DISPLACEMENT)				
a. Dwellings used as primary residence	In kind replacement or cash in certain instances	Owners who occupy affected dwellings	<p>In kind – Replacement house of equivalent size (measured floor area or number of rooms) with consideration of functional spatial use. Choice of standardised replacement house designs that comply with building/planning standards and that take spatial and cultural function into consideration. House constructed from durable wall and floor materials and with permanent roof. Materials may be salvaged at the owner’s expense and if Project schedule allows this.</p> <p>OR</p> <p>Cash – Compensation at full replacement cost (taking replacement standard of</p>	<p>Houses completed and occupied at cut-off date and identified through final asset surveys.</p> <p>Ownership established through final asset surveys.</p> <p>Cash option available to homeowners with proven and verified alternative dwelling suitable for household members identified during final census survey; Combination of cash and in kind package for homeowners who prefer a smaller replacement house and the balance paid in cash for improved finishes assessed on case-basis.</p> <p>Cash compensation eligibility rules to be further developed.</p>

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
			<p>durable material and permanent roof into consideration) based on professional valuation.</p> <p>OR</p> <p>In kind/Cash combination – Compensation for area of dwelling not replaced based on agreed rate per sqm for existing materials and finishes.</p> <p>Cash for non-typical/ special finishes (floor and/or wall tiling, fitted kitchens and bathrooms) based on assessment of replacement value by registered valuer.</p>	
	Rent allowance in cash	Tenants occupying affected dwellings	<p>Cash – Rent allowance⁵⁹ calculated per occupied room per month for 6 months⁶⁰ from the date when Project takes possession of the affected dwelling.</p>	<p>Tenants with proof of rental agreement with landlord, identified through final census and asset surveys.</p> <p>Limited to tenants who will not be able to relocate into the replacement dwelling and continue their tenancy with existing landlord.</p>

⁵⁹ A contested provision; local practice is to give adequate notice and leave landlord to manage consequences. This is primarily an inconvenience allowance. If tenant can move into replacement dwelling, this is no longer applicable as there will be no inconvenience, but rather (more likely) an improvement of facilities – except for the risk of an increase in rental amount.

⁶⁰ The primary risk to be mitigated is that there might not be any alternative accommodation available in some of these areas. The baseline should give us a better understanding.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
	In kind or cash compensation for cost of moving	Tenants of affected rented structures	<p>In kind – Transportation assistance for household items to move tenant to new premises if within 50 km of the affected structure, including loading, transportation and unloading assistance</p> <p>OR</p> <p>Cash – Transportation allowance for self-arranged transportation of household items at an agreed all-inclusive rate per kilometre for transport hire and fuel if within 50 km of the affected structure.</p>	Tenants with proof of rental agreement with landlord, identified through final census and asset surveys.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
b. Dwellings used for secondary purposes (rental houses, free accommodation for relatives, etc.)	Cash or in kind compensation for loss of structure	Owner of residential structure	<p>Cash – Compensation at full replacement cost (taking replacement standard of durable material and permanent roof into consideration) based on professional valuation.</p> <p>In kind – Replacement house of equivalent size (measured floor area or number of rooms) with consideration of functional spatial use.</p> <p>Choice of standardised replacement house designs that comply with building/planning standards and that take spatial and cultural function into consideration.</p> <p>House constructed from durable wall and floor materials and with permanent roof.</p> <p>Materials may be salvaged at the owner’s expense and if Project schedule allows this.</p>	<p>Complete houses at cut-off date, identified through final asset surveys.</p> <p>Ownership established through final asset surveys.</p> <p>Where dwelling is occupied and used to earn income (livelihood), preference is for replacement house with continuation of tenancy agreement to avoid displacement of tenants.</p> <p>Transportation assistance for tenants is provided for under 3.a. above.</p>

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
c. Sanitation facilities	In kind replacement of affected facilities and provision of new facilities for all physically displaced persons	Owners of residential, commercial and other buildings. Government agencies as owners of communal facilities	In kind – Provision of on-site composting latrines, one per affected household or per physical planning standards.	Facilities in place and used for designated purpose at cut-off date and identified through final asset surveys. Physically displaced households, businesses and other community buildings identified through final census and asset surveys.
d. Non-residential privately owned buildings including commercial buildings, places of worship constructed with permanent materials	In kind compensation	Owner of building	In kind – Replacement building of equivalent size (measured floor area) with consideration of functional spatial use. Replacement design to comply with building/planning standards. Constructed from permanent wall and floor materials with permanent roof. Materials may be salvaged at the owner’s expense and if Project schedule allows this.	Complete building at cut-off date, identified through final asset surveys. Ownership established through final asset surveys.
e. Public buildings	In kind compensation	Government or community	In kind - Replacement structure of equivalent size (measured floor area) with consideration of functional spatial use. Replacement design to comply with relevant building/planning standards. Constructed from permanent wall and floor materials with	Complete building at cut-off date, identified through final asset surveys. Ownership established through final asset surveys.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
			permanent roof.	
f. Moveable and other structures such as fences, livestock enclosures, bridges, fish ponds, livestock water points, etc..	Cash compensation or replacement of communal structures	Owner of structures, community	<p>Cash – Compensation at full replacement cost for affected structures based on assessment by registered Valuer.</p> <p>OR</p> <p>In kind – Replacement of communal structures, such as livestock water points, based on agreed location and applicable standard or technical specification.</p> <p>Materials may be salvaged at the owner’s expense and if Project schedule allows this.</p>	<p>Ownership established through final asset surveys.</p> <p>Structures in place at cut-off date and identified through final asset surveys.</p>
g. Incomplete buildings and structures	Cash compensation	Owners of incomplete structures	<p>Cash – Compensation for incomplete buildings and structures based on assessment by registered Valuer and based on % of completion.</p> <p>Materials may be salvaged at the owner’s expense.</p>	<p>Incomplete at cut-off date, identified through final asset surveys.</p> <p>Ownership established through final census and asset surveys.</p>
4. LOSS OF INFRASTRUCTURE				

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
a. Roads and drainage, and pathways	<p>In kind replacement of affected district and local roads where applicable</p> <p>In kind provision of access roads to resettlement sites where applicable</p> <p>In kind provision of drainage in accordance with statutory road safety requirements</p> <p>In kind replacement of pathways</p>	District and local government, communities	<p>In kind – Provision of roads within communities to national road safety standards including drainage and safety crossings where required.</p> <p>Provision of access roads to resettlement sites where there is no existing access.</p> <p>Rerouting of pathways around project infrastructure based on assessment of loss of access.</p>	<p>Community roads and drainage and community pathways in place at cut-off date and identified through community asset surveys.</p> <p>Owners of displaced residential, commercial and other buildings identified through census and asset surveys.</p>
5. CULTURAL IMPACTS				
a. Graves/cemeteries	In kind assistance	Family and community members	<p>In kind – Complete relocation of graves (exhumation, transportation and reburial) in designated cemetery at agreed rates per grave (in accordance with national legislation).</p> <p>Provision in kind (or cash equivalent) of agreed customary ceremonial assistance per family.</p>	<p>Familial graves identified during asset surveys.</p> <p>Unmarked graves identified through chance-find do not qualify for ceremonial assistance.</p> <p>Chance-find procedures (Cultural Heritage Management Plan) to be adhered to.</p>

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
b. Shrines and other sacred sites	In kind assistance	Community, clans	In kind – Disassembling, transportation and reinstatement (where feasible) of shrines and sacred assets. Provision in kind (or cash equivalent) of agreed ceremonial assistance per clan/community.	Shrine or sacred asset identified during final asset surveys. Clan/community allegiance recorded and confirmed through final asset surveys.
6. OTHER IMPACTS				
a. Re-establishment allowance	Cash compensation for general disruption	All households that are being physically resettled	Cash – Transition allowance per individual to allow households to cover basic living expenses during early transition period	Individuals identified through final census survey.
b. Vulnerable Support Programme	In kind assistance based on assessed need for vulnerable households to mitigate possible increased vulnerability	Vulnerable individuals and families who may find it difficult to cope with the transition e.g. disabled and elderly persons	In kind – Transitional hardship assistance program appropriate to specific cases and based on Project assessment, including: <ul style="list-style-type: none"> • Priority in physical mobilisation and transfer to resettlement plot; • Special assisted transit to resettlement plot; • Additional moving, loading and unloading assistance, if necessary; • Assistance from support case workers during transit process; Other specific support related	Identified through final census survey based on agreed vulnerability criteria relevant to Project.

Type of Loss	Types of Mitigation	Category of Affected Person	Entitlement	Eligibility
			to moving process (e.g. medical assistance) identified by support case workers.	
c. Social networks	In kind assistance through participatory planning in advance	Physically displaced households	In kind – Allocation of replacement residential plots based on household preferences to the extent possible in order to maintain or re-establish social networks	Physically displaced households who choose to resettle on a replacement plot identified by the Project.
d. Financial transition	In kind assistance through training	Individuals and families who will be receiving cash compensation	In kind – Money management training will be provided. Assistance with the opening of bank accounts.	All persons receiving a form of cash compensation identified through final census surveys.

ANNEX 6 TEMPLATE LAND AGREEMENTS

The PARTNERS' were requested to draft standard land purchase and lease agreements to ensure consistence and uniformity:

1. Land purchase agreement for registered land
2. Land transfer form template for unregistered land
3. Land lease agreement (between land owners / users and the PARTNERS)
4. Land Lease agreement template (Between the GoU and the Partners)