PROJECT: ROAD SECTOR SUPPORT PROJECT 4
COUNTRY: UGANDA

RESETTLEMENT ACTION PLAN SUMMARY

PROJECT NUMBER: P-UG – DB0- 021

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RESSETLEMENT ACTION PLAN SUMMARY

Project Name: Road Sector Support Project 4: Upgrading of Kigumba – Masindi – Hoima - Kabwoya Road

Country: UGANDA
Project Number: P-UG-DBO-021

1. Introduction

Government of Uganda (GoU) through Uganda National Roads Authority (UNRA) is seeking funding from the African Development Bank (AfDB) to finance the upgrading of Kigumba – Masindi – Hoima - Kabwoya Road to bituminous standards (135 km). This section is part of a 238 km road which originates from Kyenjojo Town passing through towns of Hoima and Masindi, ending at Kigumba. According to AfDB environmental screening guidelines, projects involving major upgrading and rehabilitation and affecting more than 200 persons are classified as “Category I” are require an ESIA done and a full Resettlement Action Plan (RAP) as per the AfDB’s Involuntary Resettlement Policy (2003). The Bank’s Policy requires, therefore, that any persons affected by the project should be compensated and also assisted with relocation. This project will affect 4272 persons representing approximately 780 households. Among those affected are 91 households that will require physical relocation, representing 498 persons. The RAP summary presents the project description, potential impacts, organizational responsibilities, community participation, socio-economic assessment, legal and institutional framework, eligibility, valuation, grievance redress, implementation schedule, costs and budget, and monitoring and evaluation.

2. Project Description and Justification

The road to be upgraded is 238 km with gravel carriage way located in Western Uganda, running through Districts of Kyenjojo, Kibale, Hoima, Masindi and ending up at Kigumba Town Council in the newly created Kiryandongo District connecting to Gulu highway. It should, however, be noted that the sections for which funding from AfDB is available is 135 km and run from Kigumba - Bulima (69 km) and Bulima – Kabwoya (66 km). These sections traverse districts of Hoima, Masindi and Kiryandongo. The project works shall entail upgrading the road from a gravel road to a Class II paved road standard with a carriageway width of 6 meters, 3 meters shoulders and overall claiming of 30 meters road reserve. This will be the source of the social impacts. The road project shall provide a strategic link between the northern corridor (specifically south western Uganda, Rwanda and Burundi and eastern DRC) and the Kampala - Gulu -Juba corridor. It will also improve access to markets, social and health services and employment possibilities for residents within the zone of influence of the proposed road. More so it will offer enormous distance and journey time savings for traffic to Fort Portal, southwestern Uganda and eastern Democratic Republic of Congo (DRC) and in areas north of Kigumba (Gulu, Sudan and northeastern DRC).
3. Potential Impacts

Although upgrading of the gravel road to a paved surface will follow existing alignment, there will be social impacts such as land take and impacts on residential and commercial houses, business units, shops, kiosks, grain stores, fences, hedges, strips of land, crops and trees (including fruit trees) where the road alignment is altered either to widen the carriageway or remove dangerous corners. Several structures will be affected in Kagadi Trading Centre, Muhorro, Haikona, Bwijanga and in other places as detailed on strip maps. Along each section of the road, table below shows number of people affected and land take.

Table of affected assets:

<table>
<thead>
<tr>
<th>Affected Properties</th>
<th>Road Section</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bulima-Kabwoya (66 km)</td>
</tr>
<tr>
<td>Commercial Structures</td>
<td>45</td>
</tr>
<tr>
<td>Residential Structures</td>
<td>11</td>
</tr>
<tr>
<td>Permanent Buildings</td>
<td>51</td>
</tr>
<tr>
<td>Semi-Permanent Buildings</td>
<td>11</td>
</tr>
<tr>
<td>Pit Latrines</td>
<td>2</td>
</tr>
<tr>
<td>Shades</td>
<td>2</td>
</tr>
<tr>
<td>Kiosks</td>
<td>1</td>
</tr>
<tr>
<td>Barbed wire Fences</td>
<td>64</td>
</tr>
<tr>
<td>Local live Hedges</td>
<td>37</td>
</tr>
<tr>
<td>Earth Graves</td>
<td>0</td>
</tr>
<tr>
<td>Paved/Concrete Yards</td>
<td>1</td>
</tr>
<tr>
<td>Gates</td>
<td>2</td>
</tr>
<tr>
<td>Septic Tanks</td>
<td>2</td>
</tr>
<tr>
<td>Boundary/Retaining Walls</td>
<td>2</td>
</tr>
<tr>
<td>Water Tanks</td>
<td>1</td>
</tr>
<tr>
<td>Fuel Pumps</td>
<td>6</td>
</tr>
<tr>
<td>Fuel Tanks</td>
<td>2</td>
</tr>
<tr>
<td>Petrol Station Canopies</td>
<td>2</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>242</strong></td>
</tr>
</tbody>
</table>
Most of structures affected in towns and trading centres are permanent buildings while in rural areas both permanent and semi-permanent buildings will be impacted by the project. Disruption to businesses and temporary loss of income during relocation will be minimized by allowing owners to rebuild replacement structures before completely vacating the old ones during the regulatory 6-month “notice to quit” period. Economically-displaced people are people whose livelihoods are affected by the proposed road project and associated land acquisition. This only applies to those whose business that will be required to relocate, but also to those employed in a business, or those who lose livelihood (income or subsistence) due to loss of crops.

Loss to public assets will also occur such as several churches, schools and health centres which will strips of land to the road reserve; or at least experience temporary disruption to their access, such as when overburden is dumped into junctions leading to these faculties. This may render them impossible to be accessed by women, children elderly or disabled people. In some places, water mains and 33 kV power lines adjoining the existing road will need relocation during road upgrade, causing temporary disruption in supply. While the RAP has taken into consideration compensation for utilities, the project replacement program will have to be robust so as to minimize the period of interruption especially to water supply and power supply. In cases of injurious damage (e.g. cracking) of private property which, since outside project area, would not normally be compensated, such injurious damage to property during project implementation shall be mitigated or compensated in monetary terms from contractor’s insurance, and contractor shall be obliged to repair or replace to the owner’s satisfaction.

4. Organizational Responsibility for RAP Implementation

Uganda National Road Authority (UNRA) will be responsible for implementing the RAP. The Ministry of Lands, Housing and Urban Development (MoLUHD) is a key institutional agency in which the Chief Government Valuer (CGV) who approves valuation and compensation reports seats. The Ministry is also responsible for issuance of land title deeds. District Land Boards in respective local governments develop compensation rates and will be useful during RAP implementation, monitoring and grievance management. Local Councils will authorize compensation payment schedules. Local councils will be involved in verifying identity of PAPs and grievance redress. UNRA may sub-contract a contractor to implement the RAP but this is expected to work through the District Committees which will comprise members from the District Land Board, Parish Land Committees, Local Councils (I-V), local leaders, representatives of the PAP and identified NGO/CBO active in the area.

5. Public Consultations and Community Participation

Consultations with affected people were conducted from 22nd September 2010 to 11th November 2010. Consultations also involved local leaders in the project Districts of Kyenjojo, Kibaale, Hoima, Masindi and Kiryandongo (which until 01 July 2010 was part of Masindi District). Largely upgrading the road from gravel to bituminous standards was prevalently considered a timely and beneficial to the districts/ region and country. In spite of this, some of the key issues were: UNRA to ensure equitable and timely compensation for all affected assets before road
construction commences. Property located away from the road and otherwise not eligible for compensation should be duly compensated if damaged by contractors. Besides structures, this applies to water mains or power lines in towns e.g. Katooke Trading Center must be replaced as a matter of urgency. If 90% one’s land is affected and the remaining parcel is so small that it is not useful for farming or settlement, the project should provide compensation for all the land so that affected persons can resettle elsewhere they can purchase sufficient land. Additionally, PAPs required UNRA to ensure quick and proper grievance resolution during RAP implementation.

6. Integration with Host Communities

It is expected that most affected home owners would have some land to reconstruct their dwellings by stepping a little back from affected locations within either their own yards or at least within the same village or community. Conversely, due to linear settlement pattern along roads and small size of commercial land parcels (plots) in towns and trading centres, this may not always be possible and affected persons would have to relocate to new plot of land but still within town. There is thus little possibility that a large population of PAPs would be relocated to an entirely new host community. This will therefore not necessitate any particular program of integration with host communities nor the need for undertaking an environmental assessment of new locational sites.

7. Socio-economic baseline conditions

The existing road lies in five districts of Kyenjojo, Kibale, Hoima, Masindi and Kiryandongo, in western Uganda. The population comprises Banyoro, Batooro, Banyankole and migrant tribes such as Bakiga, Baganda, Bafumbira and Alur and others from neighboring countries. Despite some regional and localized differences, poverty in the districts is generally considerable and attributed to inadequate skills, land shortage, poor farming methods, gender factors, low productivity, morbidity due to malaria and HIV/AIDS. More men than women owned land in the project area most of which is under customary land tenure. The average size of the affected households comprises 6 people. The most affected age group is between 36 and 40 years.

Most affected households were headed by males compared to female-headed households. Firewood is the principal source of energy for cooking. Proportions of households using other types of fuels like paraffin and electricity are almost negligible; and only 9.5% of households had access to grid electricity for lighting.

There are several vulnerable households among the affected i.e. those headed by terminally ill, widows, elderly people, orphans or people with disabilities. These will be provided additional assistance during resettlement. Malaria was the most prevalent disease in the project area followed by acute respiratory infections. Most people (97% of people interviewed) in the project areas were aware of HIV/AIDS and how it is transmitted. Health centres at sub-county levels and major hospitals (Hoima Referral Hospital, Masindi Hospital and Kiryandongo Hospital) play a central role in the fight against HIV/AIDS and provide treatment, nutrition, free VCT including other outreach programmes like community sensitization through drama, music and sports.
Education wise 19% of people aged 10 years and above have never attended school, while 20% completed primary school and only 8% completed secondary school with 5% having attained tertiary education. Significant historical buildings and monuments were found in this area. The region has evidence of historical settlement starting from colonial building (1920-1930s) together with Indian settlement terraces. Fortunately these sites will not be directly affected since they are about 70m from the center line. Among the monuments to potentially be affected is the Businge monument which is located on Kyenjojo-Hoima –Masindi Road roundabout. This will however be covered during construction and undergo maintenance after construction phase.

Settlements along the project area are generally linear especially in trading centres. There is a mix of residential, commercial and small scale industrial (maize, mills saw mills, welding) buildings including shops and market stalls along the road. However, most buildings especially residential ones are located away from the road.

8. Institutional and Legal Framework

Key legislations governing compensation and resettlement in Uganda are the Constitution of Uganda (1995) and the Land Act (1988). Article 237(1) of the Constitution vests land ownership in citizens of Uganda, however under Article 237(1)(a), the Central or Local Government may acquire land in the public interest. The Constitution prescribes various tenure regimes in accordance to which rights and interests over land may be held. It provides procedures to follow in acquiring land in the public interest and provides for the “prompt payment of fair and adequate compensation” prior to taking possession of land. The Land Act (1988) is the principal legislation on land tenure in Uganda which emphasizes adequate, fair and prompt compensation by the developer of the occupier or owner of land. The Act creates a series of land administration institutions consisting of Uganda Land Commission (ULC), District Land Boards (DLB), Parish Land Committees (PLC) and Land Tribunals. Section 78 of the Act gives valuation principles for compensation i.e. compensation rates to be yearly approved by DLBs The following legal instruments provide the legal framework for compensation and resettlement in Uganda:

- The Uganda Constitution (1995)
- The Local Government’s Act 1997
- The Land Act, 1988
- Physical Planning Act , 2010
- Valuation Act 1965
- The Access to Roads Act ,196

UNRA’s Land Acquisition Manual (LAM) has been designed to satisfy regulatory and key financiers’ resettlement requirements based on the following principles: (i) Compensation should be aimed at minimizing social disruption and assist those who have lost assets to maintain their livelihoods. In accordance with Ugandan laws and standards, a disturbance allowance is to be provided to PAPs to cover costs of relocation during resettlement; and (ii) Community infrastructure must be replaced and ideally be improved in situations where it was deficient. This for example includes roadside water sources, schools and clinics, among others. Preparation of the RAP has taken into consideration safeguard policies of the AfDB (Involuntary Resettlement
Policy, 2003) with the aim to ensure that project-affected persons should be assisted to improve their livelihoods and standards of living or restore them to pre-displacement levels.

9. Eligibility

The cut-off date was considered by the surveying and valuation consultant as the last day of the census of affected people and properties, i.e. 10 February 2011. No structure or field established in the project-affected area after that date would be eligible for compensation. The cut-off date after which no settlers or developers are eligible for compensation was publicized among potentially affected people. This was explained during the census and valuation exercise to all stakeholders in the area, including: Project-affected people, identified and individually surveyed, Parish Land Committee (LC2 level), District Land Board (LC5 level), LC officials in which consultations were undertaken. The following categories are eligible for compensation:

- People who have been in the surveyed part of the proposed road reserve and working areas;
- Landlords owning land affected by the road;
- People whose structures are to be affected by the development;
- People who rent land for cultivation (sharecroppers) and their crops or trees are to be removed or damaged due to land acquisition activities;
- Any other group of persons that has not been mentioned above but is entitled to compensation according to the laws of Uganda and development partners such as the AfDB’s policies; and
- Public or community facilities such as churches, schools and water sources.

10. Valuation of and Compensation of Assets

Section 78 of the Land Act (1988) prescribes valuation principles for compensation including compensation rates which are approved by District Land Boards and are updated on yearly basis. Other requirements for assessment of compensation of assets are provided under the Valuation Act 1965. A full census of affected persons and survey/valuation of their assets was completed on the cut-off date by Surveying/Valuation Teams who worked with Local Councils, especially LC1 of affected villages and town centres to verify identity of affected persons and their physical assets including land sizes, crops, trees and buildings. The basis of valuation for compensation purposes is provided in the Constitution of Republic of Uganda 1995 and the Land Act 1998. The value of land and buildings is based on the market value, that is, the probable value the property will fetch when offered for sale; but in cases where no market exists, replacement value will be offered. Affected land was categorized as semi-urban, rural or dry land and hence different rates applied for each category. Valuation rates used for affected land were “market values” based on evidence obtained during property inspection and surveys. Most project-affected residential and commercial buildings are constructed in permanent materials such as burnt clay bricks and iron roof sheets. However, valuation also encountered many semi-permanent and temporary structures built in very low-cost materials such as timber. Buildings and structures were valued on the basis of Replacement Cost Method to arrive at their market value. District compensation rates were applied to derive compensation values for crops, fruit trees, flowers and shrubs owned by PAPs. According to Uganda’s compensation regulations,
annual crops which could be harvested during the period of notice to vacate given to land
landowners are excluded in determining compensation values.

11. Implementation Schedule

The RAP implementation is expected to be done over a period of 16 months during which
monitoring would be undertaken throughout the construction period and for extra 6 months after
construction. The RAP implementation unit and local committees will be formed shortly after the
approval of valuation report by CGV’s office. The implementation schedule as included in the
RAP document covers all resettlement activities from preparation through to implementation,
including target dates for achievement of expected benefits. These include RAP approval date,
RAP disclosure, 3 months’ notice to vacate, compensation payment, monitoring, and completion
audit.

12. Costs and Budget

The resettlement budget including RAP costs, implementation and Monitoring & evaluation
costs, and provisional sum for special assistance to vulnerable people amounts to UgShs
11,468,268,554.43 (or US $ 4,680,925.94 at exchange rate Shs 2450 per US$).

13. Grievance Redress Mechanism

Based on experience of earlier road sector support projects, most grievances will be related to
property valuation. These are likely to arise when households consider compensation values for
their assets insufficient, especially when PAPs doubt if valuation values do indeed provide
replacement value or if PAPs misunderstood the compensation process and believe they are
entitled to additional compensation. Given this, UNRA will constitute a dedicated committee and
procedures to manage and resolve grievances. While some grievances would be resolved by the
committee, others might not. Inspite of the grievance procedure, if the aggrieved person is not
satisfied with resolutions of the Grievance Committee at local level/village, he/she will have the
choice of resorting to courts of law.

The process for lodging a complaint is outlined as such that the Grievance Officer (GO) will
receive a complaint from complainant. The GO will interrogate the claimant in the local
language and complete a Grievance Form which will be signed by the local leader and
complainant. This will then be lodged in the complaint Grievance Log by the GO. A dedicated
Grievance Committee will be established to assess grievances that arise from disputes. This will
include the following members LC3 representative; District Land Officer–Surveyor;
Representative of the valuer; Grievance Officer; and UNRA representative. This committee must
have a quorum of at least 3 people and decisions will be reached by simple majority. The
Committee shall live as long as unresolved grievances are pending.

14. Monitoring and Evaluation

Monitoring is essential to ensure that RAP implementation achieves desired results. A
monitoring and evaluation framework for RAP implementation has been developed to include a
plan for monitoring and evaluation of compensation packages with indicators for measuring performance, impacts and outcomes. This plan also provides for reviews by stakeholders including AfDB. The Framework includes a review of financial disbursements, compensation complaints and grievance redress, adherence to compensation payment schedule and support of vulnerable PAPs. Monitoring will be both Internal monitoring by UNRA, and External evaluations by an independent NGO and other interested parties such as the AfDB and other national stakeholders. During resettlement, monitoring shall focus on resettlement issues such as:

- Number of families that have been compensated;
- Number of people who have acquired legal documents to new property;
- Number of business owners who have restored their businesses;
- Efficiency and effectiveness of grievance redress mechanism.

Post resettlement monitoring should focus on rehabilitation issues, for example:

- Success level of restoration of livelihoods
- Success level of restoration of assets
- Efficiency and effectiveness of grievance redress mechanism.

A review of regular progress reports produced by UNRA will be carried out by all stakeholders both at national and local levels including the AfDB. After completion of resettlement, a final report will be submitted by UNRA to AfDB prior to preparation of the project implementation report. The report shall indicate effectiveness of project implementation and disbursement of compensation payments, effectiveness of public involvement and socio-economic impacts of roadside communities. This report will give overall assessment of the RAP process indicating activities undertaken, success of mitigation action and monitoring and as well as useful lessons learnt. A key aim of resettlement is to ensure compensation and other mitigation measures restore or enhance affected people’s quality of life and income levels. If quality of life of PAPs can be demonstrated to have been restored, then resettlement and compensation process can be considered “complete and successful”. The purpose of Completion Audit will therefore be to establish whether UNRA implemented all activities needed to ensure compliance with proposed resettlement commitments and applicable national and AfDB requirements.