

Government of Uganda

Ministry of Water and Environment

Directorate of Water Development

**Environmental and Social
Management Framework
(ESMF) for the OBA in
Water Supply in Uganda's
Small Towns and RGCs**

Resettlement Policy Framework

January 2007

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List of Acronyms and Abbreviations

Abbreviation / Acronym	Meaning
CSO	Civil Society Organization
DEO	District Environment Officer
DWD	Directorate of Water Development
ESMF	Environmental and Social Management Framework
GoU	Government of Uganda
GPOBA	Global Partnership for Output Based Aid
HIV/AIDS	Human Immuno- Deficiency Virus/Acquired Immune Deficiency Syndrome
LC	Local Council
LGA	Local Government Act
MOWE	Ministry of Water and Environment
NEMA	National Environment Management Authority
NGO	Non-governmental Organisation
NWSC	National Water and Sewerage Corporation
OBA	Output Based Aid
PO	Private Operator
RAP	Resettlement Action Plan
RGC	Rural Growth Centre
RPF	Resettlement Policy Framework
ST	Small Town
TOR	Terms of Reference
WA	Water Authority
WB	World Bank
WSC	Water and Sanitation Committee
WUA	Water User Association
WUG	Water User Groups

Executive Summary

The objective of the Output-Based Aid (OBA) in Water in Uganda's Small Towns and RGCs is to support an output-based aid component of the private sector management of water supply services in small towns and Rural Growth Centres.

Generally it is anticipated that the implementation of the sub project activities will entail water supply installations that may have negligible impact on existing settlements for different categories of people. Where these effects are anticipated, few, if any, are irreversible and in most cases, the mitigation measures can be designed more readily as the installations can flexibly be designed in such a manner as to avoid lasting impacts on the number of people to be affected.

The purpose of this Resettlement Policy Framework (RPF) is to clarify resettlement principles, organizational arrangements and design criteria to be applied to subprojects to be prepared during project implementation. It is the third volume in a series of three reports based on the Environmental and Social Management Framework.

The RPF is based on the World Bank's Operational Policy on Involuntary Resettlement (OP/BP 4.12) and attempts to ensure that all affected persons will be compensated for their losses and provided with assistance to improve, or at least maintain their pre-project living standards and income earning capacity.

The implementation of the RPF is supported by enabling legal framework in Uganda comprising of specific provisions of *The Constitution of the Republic of Uganda, 1995*; *The Land Act, 1998*; *The Water Statute, 1995*; *The Local Governments Act, 1997*, which support the implementation of the RPF in matters concerning access, ownership, regulation, control of and responsibility for land and water resources.

The basic principles highlighted by the RPF state that involuntary resettlement will be avoided where feasible and acquisition of land and other assets will be minimized as much as possible. Where this is not feasible, resettlement activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the affected persons to share in project benefits. But this will be done with the consultation of the affected per-

sons. All assistance possible will be provided to improve the livelihoods of affected persons to restore them to pre-displacement levels.

It is envisaged that the projects will have minor and localized impacts particularly on land and cause slight disruption in the pace of normal socioeconomic activities. But these are likely to be temporary.

The activities entailed in the RPF will therefore involve conducting detailed baseline studies on likely social impacts; holding consultations with communities and planning resettlement and compensation issues with affected persons; conducting detailed participatory socio-economic surveys of all the affected persons (on a household to household basis) and identifying the potential risks facing the affected population; quantification of numbers of people affected by the project as accurately as possible with a detailed analysis of the different categories and groups, sectors and populations involved (including how they will be affected); development of a criteria for valuing assets (for both voluntarily and involuntarily acquired property) and determining compensation action; documentation all these proceeds and development Resettlement Action Plans (RAP) that cater for the needs of all affected persons.

The process of implementation of the RPF recognises the need to compensate affected persons who meet the minimum set eligibility criteria for resettlement. Particular attention will be drawn to affected persons who are well established and with a likelihood of suffering socio-economic difficulties arising from possible loss of land and interruption of their activities.

Affected persons will be compensated for affected property that includes land housing, crops or thriving business enterprises situated in the area identified for development.

The criteria for selection and compensating affected persons will emphasise the existence of formal legal, customary or cooperative rights to land or a claim to such land or assets where such claims are lawfully recognized in Uganda or become recognized through a process identified in the RAP. Affected persons without legal or traditional claim to the land, but with legally acceptable evidence of occupancy or use of the land prior to the cut-off date will also be considered for compensation.

The GOU will be responsible for compensating the affected persons through the MOWE / DWD.

The cut-off date provided for compensation is 30 days after the commencement of the sub project. Compensation will be acceptable where sufficient and acceptable evidence can be produced that the affected person has owned or occupied the land within 30 days from the commencement of the sub project activities and is appropriately listed in the Entitlement Matrix and RAP.

Considerations for resettlement will also take care of household members who derive their livelihood from the advantage of location and proximity to other social economic facilities provided the current settlement.

The RPF places the overall duty for enforcement of the Resettlement Policy on the DWD supported by GPOBA (through the World Bank) and the Fiduciary Agent. The latter will bear full responsibility and risk for overseeing compliance of the execution of the project and disbursement of funds for the project.

DWD is delegated the responsibility of ensuring that the project meets all Ugandan environmental and social laws and regulations and that the project adheres to the ESMF and RPF; DWD is also responsible for providing all necessary information to the Fiduciary Agent to this effect.

It is clearly anticipated that local capacity for implementation of the RPF will need to be developed and as a safeguard to ensure standardized application; resettlement planning guidelines will need to be utilized to ensure the attainment of fairness in compensating affected persons.

1 Introduction

1.1 The Project

The Output-Based Aid (OBA) in Water Supply in Uganda's Small Towns and RGCs is a project designed to deliver water supply as a basic service to the poor through the use of performance-based targeted subsidies. The objective of the Project is to support an output-based aid component of the private sector management of water supply services in small towns aimed at expanding access to piped water supply. The Project will support the installation of a total of about 2000 new water connections targeting a total of about 45,000 consumers in about six small towns and four rural growth centres (RGCs)¹.

The towns have been selected from a short-list of 19 provided by the Directorate for Water Development (DWD) of the Ministry of Water and Environment (MOWE) based on criteria such as demand, willingness to pay, availability of water, local authority interest and capacity, and private sector interest. The project will consider and design the appropriate contractual arrangements for private sector participation.

In the small towns, where the water authorities own the assets and the private operators run the systems through management contracts, the majority of the output-based subsidy will be paid after connections (yard taps and stand-posts) of agreed quality are delivered, although some of the subsidy payment will be withheld until several months of reliable service has been demonstrated.

In the RGCs, where there is no existing system and therefore no operator, a design-build-operate arrangement will be introduced through competitive procurement, and payments to the operator will be phased, including after delivery of appropriate design of the system, raw water intake, storage, etc.

A certain percentage of the subsidy payment to the operators will be withheld until after the connections (of basic agreed minimum standards) have been made.

¹ Two other small towns qualify for inclusion in the first phase of the OBA project but have running contracts. Their entry into the OBA scheme may therefore be delayed until 2008.

In the case of the small towns, boreholes with submersible pumps, other sources with hand pumps, and springs currently exist to supply the water supply systems. These systems meet Ugandan environmental standards (and many of the original investments were World Bank financed). The existing systems are generally well under capacity, and therefore it is not expected that new sources will be required, except in one small town, Rukungiri. In the four RGCs however, the competitively selected operator will in three cases be constructing systems that involve ground water sources and pumping, and in one case construct a system that relies on gravity flow systems with limited treatment.

The project brings along with it the need to construct water storage reservoirs and distribution mains which may impact on existing settlements. The magnitude of adverse impacts is anticipated to be very marginal during the Project and will only be known once the specific water systems, water distribution mains and other sub-projects are selected and approved². It is not anticipated that the Project will be implemented in neither protected areas nor fragile ecosystems.

To adequately address the rehabilitation and compensation of the people likely to be affected by the land acquisition and impact on assets of land and property destruction under the Project, the Government of Uganda through the Directorate of Water Development (DWD) in conjunction with the World Bank has adopted the Resettlement Policy Framework (RPF). This policy framework will guide the implementers of the project in land acquisition and impact on assets, involuntary resettlement³, compensation and rehabilitation of affected persons. This RPF is the third volume in a series of three reports based on the Environment and Social Management Framework (ESMF) for the project. It should be read along with the Main ESMF Report and the Environmental Management Plan Report.

The RPF describes a framework of common principles, objectives, institutional arrangements and procedures that will govern resettlement activities on all sub-projects (small towns and RGCs). DWD authorizes Water Authorities and Water Boards in the Town Centres and RGCs working closely with local councils to follow the conditions and procedures set forth in this RPF.

1.2 Policy Framework, Principles and Objectives

The Output-Based Aid (OBA) Water Supply in Uganda's Small Towns and RGCs is rated Category 'B' according to the World Bank's Environmental Assessment OP/BP 4.01 safeguards policy. Most of the sub projects, particularly

²Impacts are considered minor if the affected people are not physically displaced and less than 10% of their productive assets are lost. If the reverse were to occur, the impacts will be considered major.

³ For the purposes of this RPF, the term resettlement includes physical relocation as well as impact or loss of assets regardless of whether or not there is physical relocation.

in the RGCs will comprise of the construction of new water treatment works, water reservoirs and extension of distribution mains in which the impacts are site specific. Few, if any, of the impacts are irreversible; and in most cases, the mitigation measures can readily be designed. Displacement of persons and assets is most unlikely. Sub projects particularly in the small towns may belong to category 'C' because the activities comprise of rehabilitation of exiting treatment plants, reservoirs and extension of distribution mains which may have minimal significant or adverse environment impacts.

The purpose of this RPF is to clarify resettlement principles, organizational arrangements and design criteria to be applied to subprojects to be prepared during project implementation (see [OP 4.12](#), paragraphs. 26-28).

In all cases, it is anticipated that the beneficiaries will voluntarily donate land for construction sites and allow free passage of distribution mains through their land or plots. In the event the landlords demand compensation, the RPF provides that all affected persons will be compensated for their losses and provided with assistance to improve, or at least maintain, their pre-project living standards and income earning capacity.

The principles outlined in the World Bank's Operational Policy Involuntary Resettlement (OP/BP 4.12) have been adopted in preparing this RPF. These include:

- a) Involuntary resettlement will be avoided where feasible and acquisition of land and other assets will be minimized as much as possible.
- b) Where it is not feasible to avoid resettlement, resettlement activities will be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the affected persons to share in project benefits.
- c) Affected persons will be consulted and will have opportunity to participate in planning and implementing resettlement programs.
- d) Affected persons will be assisted in their efforts to improve their livelihoods and standards of living or at least restore them to pre-displacement levels.

2 Legal Framework

2.1 Introduction

As indicated earlier, the principal objective of the RPF is to ensure that all affected persons will be compensated for their losses and provided with assistance to improve, or at least maintain, their pre-project living standards and income earning capacity.

2.2 Relevant Laws of Uganda

The relevant legal framework that applies to resettlement in Uganda includes all existing laws and regulations relating to access, ownership, control of and responsibility for land and water resources.

These are set out in the following instruments, statutes and regulations of the Laws of Uganda:

- a) The Constitution of the Republic of Uganda, 1995;
- b) The Land Act, 1998;
- c) The Water Statute, 1995; and
- d) The Local Governments Act, 1997

2.2.1 The Constitution of the Republic of Uganda, 1995

Article 237 of the Constitution of Uganda 1995 effectively reversed the Land Reform Decree of 1975. It provides that land in Uganda belongs to the citizens of Uganda.

The Constitution further identifies access to clean and safe water as a right that the State must seek to fulfil for all Ugandans to enjoy. This is clearly stipulated by National Objective XIV (b). In this provision of the Constitution it is clearly indicated that the State has the obligation of providing safe and clean water.

The Constitution also stipulates ownership of property as a right. Section 26 provides for the payment of a “...*fair and adequate compensation prior to the taking of possession or acquisition of the property.*”

This provision of the Constitution allows for compensation in the event of the need for resettlement.

2.2.2 The Land Act, 1998

The Land Act, 1998, puts in place a legal framework for land management and land tenure reforms that conform to and make functional Article 237 of the Constitution of Uganda, 1995. These provisions are highlighted below:

A. Land Ownership

Section 3 of the Land Act, 1998 provides that subject to Article 237 of the Constitution, all land in Uganda shall vest in the citizens of Uganda and shall be owned in accordance with customary, freehold, *mailo* and leasehold tenure systems. This means that the location of water supply works and systems on private land must recognise and respect the proprietary rights of the landowner or occupier as these rights are protected by both the Constitution and the Land Act.

B. Land Management and Utilisation

Section 44 of the Land Act imposes a number of restrictions in relation to the management and utilisation of land by landowners and occupiers. This section requires an occupier or owner of land to manage and utilise the land in accordance with, amongst other natural resources legislations, the Water Statute, 1995.

This means that management and utilisation of land under the Land Act, 1998 is not unlimited, and must comply with other requirements of the Water Statute, 1995. For example, although land on which water supply facilities are located might be privately owned, all rights in water sources on or under the land remain reserved to the Central Government in accordance with Section 5 of the Water Statute, 1995.

C. Ownership of, and Rights in, Water Resources

The ownership of, and rights in, natural water resources are, under the Land Act, 1998, reserved to central and local governments. Section 45 provides that water resources reserved for ecological and tourist purposes shall be vested in the Central Government or a local government. In particular, the following water resources must be owned by the Central Government or a local government:

- Natural lakes;
- Rivers;
- Ground water;

- Natural ponds;
- Natural streams and
- Wetlands.

Grants of freehold, customary, *mailo* or leasehold interests over the above water resources are, therefore, prohibited. The only interests that can be granted under the Land Act, 1998 in respect of the above water resources are limited to concessions, licences and permits.

In addition, all rights in the following water resources are (subject to the power to grant concessions, licences and permits) reserved to the Central Government:

- Natural Springs;
- Rivers;
- Streams;
- Water Courses;
- Ponds and;
- Any Lake on or under land.

The practical implications for the location of water supply installations by Water Authorities in close proximity to any of the above water resources are obvious. It avoids or minimises higher compensation costs that would otherwise arise if the above water resources were privately owned.

D. Compulsory Acquisition of Land

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

Acquisition of land for purposes of water supplies by water user groups (WUGs), water user associations (WUAs), water and sanitation committees (WSCs) and water authorities (WAs) would clearly meet the 'public purpose' test. Accordingly, where it is not possible for the WUGs, WUAs, WSCs or WAs to come to a negotiated settlement or agreement with private landowners or occupiers, or where the compensation demanded is considered excessive, the provisions in the Land Act, 1998 relating to the compulsory acquisition of land by either local governments or the Central Government can be invoked.

However, the exercise of this power is subject to payment of compensation and compliance with stringent statutory conditions and procedures set out in the Constitution and the Land Acquisition Act, 1965.

E. Execution of Public Works on Private Land

Sections 73 and 74 of the Land Act, 1998 give powers to government officials to enter, encamp and carry out public works on private land. However, payment of a reasonable fee to the landowner or occupier for compensation for any produce or other things taken from, or for damage caused to, the land in question is required.

These provisions can be utilised by WUGs, WUAs, WSCs and WAs in instances where temporary access to private land is required for purposes of carrying out public works relating to water supply installations e.g. laying of pipes. In other instances where permanent access to land is required, the land in question would have to be acquired by agreement with the owner or occupier or by way of compulsory acquisition pursuant to section 43 of the Land Act, 1998.

2.2.3 The Water Statute, 1995

The Water Statute, 1995 provides for the legal framework for the regulation of the water sector, including all aspects of water resources management relating to water supply.

The key features of the Water Statute, 1995 relevant to water supply generally and as found relevant for the RPF are summarised below.

A. Regulation of Water Extraction and Supply

All aspects relating to water supply are regulated by the Central Government. Section 5 of the Water Statute, 1995 vests in the Central Government all rights in water in Uganda.

It provides that ‘..... all rights in water in Uganda for any use is vested in the Government to be exercised by the Minister (responsible for water or natural resources) and the Director (of DWD) in accordance with Part II of the Statute.’

The Water Statute is therefore clear on who governs the right to water sources. This is further affirmed by subsequent sections that define restrictions to use.

Section 6 imposes a general restriction in relation to the right to acquire or use water. It provides that no person shall acquire or have a right to use water, to construct or operate any water works except in accordance with the provisions of the Water Statute, 1995. Limited concessions and exemptions from the general restriction contained in section 6 apply under section 7.

In this respect, limited concessions and exemptions provided for under section 7 are available to an occupier of or resident on any land where there is a natural source of water. An occupier of, or resident on, such land is granted a statutory right to use water but only for the following limited purposes:

- Domestic water use;

- Water use for fire fighting purposes; and
- Water use for irrigating a subsistence garden.

Additionally, any person who is temporarily resident at any place is also given a right to use a natural source of water for any of the purposes outlined above.

B. Establishment and Operation of WUGs, WUAs and WSCs

The Water Statute, 1995 limits the role of local governments to organising the formation of WUGs, WUAs and WSCs (see Section 52 (2)). The power of local governments to organise the formation of these entities is not mandatory, but merely an enabling provision.

2.2.4 The Local Governments Act, 1997

The Local Governments Act, 1997 (LGA) implements the government's decentralisation policy. The LGA transfers certain functions from the Central Government to district, urban and lower government councils. Key features of the LGA relevant to water supply and resettlement are summarised below.

A. Devolution of Functions: General

Section 31 (1) (b) of the LGA provides that a local government shall within its area of jurisdiction 'provide services as it deems fit' except 'the functions, powers and services' reserved to the Central Government under Part I of the Second Schedule to the LGA. Item 7 of Part II of the Second Schedule provides that the function of water resources management is reserved to the Central Government.

Accordingly, general water resource management policy is a function reserved to the Central Government under the LGA. This does not necessarily mean that the function of the provision of water supplies though forming part of water resource management is also a function of the Central Government. A review of Part II of the Second Schedule to the LGA indicates that the function of the provision of water supplies has been decentralised to local governments as outlined below.

B. Rural Water Supply

Item 3 of Part 2 of the Second Schedule to the LGA provides that district councils are responsible for the 'provision and maintenance of water supplies in liaison with the Ministry responsible for Natural Resources, where applicable.'

Part 4 of the Second Schedule to the LGA sets out the functions and services that are required to be devolved by the district council to lower local government councils. Items 14 (b) and 21 of Part 4 of the Second Schedule list the protection and maintenance of local water resources as well as the enforcement of proper methods for the 'making, maintenance of wells, dams and other water supplies' as some of the functions and services that must be devolved by district councils to lower local governments.

In practical terms, this means that the general provision of rural based water supplies is now primarily a function of the district council and its administration. The protection and maintenance of local rural water resources must however be delegated or devolved to lower local government councils. However, district councils and lower government councils appear to be under an obligation to consult with the Central Government in the discharge of the function of the provision and maintenance of rural water supplies.

To this extent, the provision and maintenance of rural water supplies can be regarded as a shared responsibility between district and lower government councils on the one hand and the Central Government on the other. However, the extent to which district and local government councils are required to consult with the Central Government remains unclear, due to the inclusion of the words 'where applicable' in Item 3 of Part 2 of the Second Schedule to the LGA.

It is suggested that district and lower government councils are not mandated to consult with the Central Government. The *use* of the words 'where applicable' suggests that the requirement to provide and maintain rural water supplies 'in liaison' with the Central Government is merely discretionary and that district and lower government councils are given the option of consulting with the Central Government if they choose to do so, but otherwise remain free to provide and maintain rural water supplies independently.

C. Urban Water Supplies

Section 31 (3) of the LGA provides that urban councils 'shall have autonomy over their planning and financial management when carrying out the functions and services specified under Part 3 of the Second Schedule.' Item 1 (x) of Part 3 of the Second Schedule empowers urban councils to establish and operate water supplies within their jurisdiction but which are outside the jurisdiction of National Water and Sewerage Corporation (NWSC).

Part 5 (Item 31 under section B) of the Second Schedule requires urban councils to delegate or devolve the functions of spring protection and provision of drinking water to urban divisions within the urban council's area of jurisdiction. Unlike district councils, urban councils do not appear to be under any obligation under Part 3 of the Second Schedule to liaise with the Central Government in relation to the provision of water supplies within their area of jurisdiction but which are outside the jurisdiction of NWSC.

However, section 6 of the LGA provides that a municipal or town council shall be a lower local government of the district in which it is situated. If this section is read together with Part 3 of the Second Schedule, it is suggested that urban councils as well as district and lower government councils may (but are not obliged to) consult the Central Government in relation to the provision and maintenance of water supplies within their areas of jurisdiction.

2.3 The World Bank Policy on Resettlement

The World Bank Policy on resettlement recognises the need to mitigate the effects of involuntary resettlement based on an appreciation of the detrimental effects of involuntary resettlement. In comparison to Ugandan law that defines rights to land ownership and ownership of property *per se*, the policy goes further to highlight the important relationship between property rights, human settlement and the need to maintain people's source of livelihood. It compliments existing law in Uganda related to property rights and land ownership by recognising the socioeconomic value this presents to persons affected.

By requiring that compensation and resettlement be planned through a participatory process that is geared towards satisfying affected person(s), the Policy adds more value to the national aspirations enshrined in the Constitution in attempting to achieve the realization of the rights and dignity of citizens.

The principles of supporting affected persons achieve a livelihood that is either equal to or better than that before resettlement provides a development perspective to land and property rights.

2.4 Institutional Issues and Responsibilities

While the Water Statute and the LGA provide that general water resource management is a function of the Central Government (Item 7, Part 1 of the 2nd Schedule), *'the provision and maintenance of rural water supplies'* is primarily a function of district councils (see Item 3 of Part 2 of the 2nd Schedule).

District councils are required to provide and maintain rural water supplies in the district *'in liaison'* with the Ministry responsible for Natural Resources.

The LGA provides that urban councils shall have autonomy over their planning and financial management when carrying out the functions and services specified under Part 3 of the Second Schedule. Urban councils are empowered by the LGA to establish and operate water supplies within their jurisdiction but which are outside the jurisdiction of the NWSC (see Item 1 (x) of Part 3 of the Second Schedule). Unlike district councils, urban councils are not specifically required under the Second Schedule to the LGA to liaise with the Central Government in relation to the establishment and operation of water supplies within their jurisdiction.

The Central Government through DWD is therefore expected to share the responsibility of establishing and maintaining water supplies with the Local Governments.

The running principle used by the DWD in provision of water supply is a demand driven approach in which:

- Access to water supply is granted when communities show demand. Where this is shown,

- The local authorities must provide land free of encumbrances for installation of water supply systems.

The overall duty for enforcement of the Resettlement Policy rests with DWD guided by the relevant water authorities established under the sub projects and with the support of the respective Local Governments.

In liaison with the respective Local Council (LC) leadership, each WA is responsible for preparing the inventories, the Resettlement Action Plans (RAP) and for the day-to-day implementation thereof within their respective jurisdiction. The LCs and community leaders must ensure active and effective consultation and participation of the affected persons in the preparation and implementation of the RAPs.⁴

It is anticipated that where resettlement may be required, relocation is very unlikely. The major requirement for the project is land that requires approximately US \$ 100 – 350 in compensation in order to install a water tank, pump house and where applicable, a project coordination office. This will affect about 3 – 4 households only particularly in the Greenfield projects. These amounts are low and can readily be managed at the local government levels using local revenues. Grants such as the Water and Sanitation Development Conditional Grants could be used with approval from the Ministry of Finance and DWD.

GPOBA (through the World Bank) and the Fiduciary Agent will be the signatory parties of the Grant Agreement. The Fiduciary Agent will bear full responsibility and risk for overseeing compliance of the execution of the project and disbursement of funds for the project. But the DWD will be delegated the key responsibility of ensuring that the sub-projects adhere to Ugandan laws and regulations, and that the sub-projects adhere to the ESMF and RPF.

DWD will also be responsible for validating resettlement claims and ensuring that fairness in compensation is achieved, and providing sufficient information and evidence to the Fiduciary Agent to this effect. The ESMF and RPF are referred to in the Grant Agreement and the Project Operations Manual, as well as the Memorandum of Understanding between GPOBA and the MOWE.

The WAs will submit RAPs to DWD for validation; all copies will be provided to the project's Fiduciary Agent.

It will be the responsibility of DWD to ensure that it establishes the genuineness of the compensation claims and verifies the correctness of the values provided. This process can be contracted to an NGO (with competence in handling resettlement) to make the process fair, independent and efficient. Where re-

⁴ Regulation of environment concerns is the principal domain of the National Environment Management Authority (NEMA) supported by District Environment Officers (DEO) in each District. It is imperative that the DEOs in the respective project districts be brought on board in facilitating part of the process.

quired, the NGO should validate donations of land, to determine that they are voluntary donation without outside influence or coercion.

2.5 Capacity of Local Agencies

The key agencies/actors in the implementation of the RAPs are the following: GPOBA; DWD; the Fiduciary Agent; The District Local Governments; The Water Boards (in small towns) or Sub County Local Council (in RGCs); Private Water Operators and The Local Community Leadership.

Apart from the Fiduciary Agent, the other key agencies/actors have been actively involved in water supply related programs. However, resettlement planning and implementation introduces a new dimension to planning for water supply that draws attention to environmental and social concerns. The majority of water supply programs in small towns and rural areas only emphasized provision of land free of encumbrances as the responsibility of local authorities⁵. How fairly the local authorities achieved this and the consequences to affected persons were a silent issue.

The RPF recognizes the need to maintain and improve (where possible) the socioeconomic status of the affected persons. This dimension is an added responsibility to most of the key actors.

This requires the use of standardized and rather elaborate procedures and processes that must begin from a conceptual understanding of the benefits of the RPF to an appreciation of the use of the provided tools.

To be able to perform their roles and responsibilities better, all the key actors need basic orientation and a consensus on the roles each of them will play.

Table 2.1 shows the basic competencies in the management of involuntary resettlement that need to be developed targeting various actors.

⁵ Available reports on water supply in both urban and rural areas are silent about the specific criteria that Local Authorities adopted for handling resettlement.

Table 2.1 Building capacity of selected key actors in implementing RAPs

Actor	Competencies necessary	Recommended Capacity Building Interventions	Who is Responsible
DWD	<ul style="list-style-type: none"> - Environment and social issues & mitigation measures. - Compensation planning and management guidelines/ procedures. - Function of key actors in handling involuntary resettlement. - Monitoring and Evaluation of the implementation of the RPF. 	<p>Awareness workshop to discuss the implications of the RPF and how to complete a RAP.</p> <p>Support services (Consultant) for roles that DWD may not be able to perform with its staff, logistics and mandate.</p>	DWD Consultant
The Fiduciary Agent	<ul style="list-style-type: none"> - Overview of the OBA in Water for Small towns and RGCs and likely environmental and social impacts. - Fundamental principles underlying compensation, planning and management (guidelines/ procedures). - Roles of key actors in handling involuntary resettlement. - Compensation pre commencement audit. - Supervision, monitoring and evaluation of implementation of the RPF. 	<p>Awareness workshop to discuss the implications of the RPF and how to complete a RAP.</p> <p>Workshop on Supervision, Monitoring and Evaluation of the implementation of the RPF.</p>	DWD Consultant
District Local Government (Sec. for Standing Committee in charge of water; Water Engineers; Environment Officers; Town Clerk / Sub County Chiefs)	<ul style="list-style-type: none"> - Overview of the OBA in Water for Small Towns and RGCs and likely environmental and social impacts. - Fundamental principles and benefits of the RPF. - Function of key actors in handling involuntary resettlement. - The roles of the Local Government in implementing the RPF. - Key messages to disseminate in mobilizing local support. 	<p>Awareness workshop to discuss the importance of the RPF and how to mobilize support for implementing the RAP.</p>	DWD Consultant

Actor	Competencies necessary	Recommended Capacity Building Interventions	Who is Responsible
The Water Authorities (in small towns) and Sub county Local Councils (in RGCs)	<ul style="list-style-type: none"> - Overview of the OBA in Water for Small towns and RGCs and likely environmental and social impacts. - Fundamental principles and benefits of the RPF. - Functions of key actors in handling involuntary resettlement. - The role of the WAs in implementing the RPF. - Resettlement planning (process and tools). - Practical application of Entitlement Matrix and Inventories. - Key messages to disseminate in mobilizing local support. 	<p>Workshop to discuss the implications of the RPF, how to complete and mobilize support for the RAP.</p> <p>Practical hands-on application of the Entitlement Matrix and Inventories</p>	DWD Consultant
Private Water Operators	<ul style="list-style-type: none"> - Fundamental principles and benefits of the RPF. - The roles of the Private Water operators in the implementation of the RPF. 	Awareness workshop to discuss the implications of the RPF and how to complete a RAP.	DWD Consultant
The Local Community Leadership	<ul style="list-style-type: none"> - Overview of the OBA for Water in Small towns and RGCs and likely environmental and social impacts (including involuntary resettlement). - Function of key actors in handling involuntary resettlement. - The Role of the Community leaders in implementing the RPF. - Practical application of Entitlement Matrix and Inventories. - Key messages to disseminate in mobilizing community support. 	Awareness workshop to discuss the implications of the RPF and how to complete a RAP.	DWD, Town Clerks/Sub County Chiefs Consultant

3 Project Features in Relation to Settlements in the Selected Project Regions

3.1 Types of Project

The sub projects are divided into two categories – small towns and RGCs, details are given below:

3.1.1 Projects in Small Towns

Sub-projects in small towns are divided into Group I with no incumbent providers or where the contract is up for re-bidding (expiry of current contract in brackets) and Group II that have contracts running to 2008 for the Private Operators. The small towns in Group I may be procured competitively without violating existing Incumbent Operator contracts and are included in the GPOBA pilot scheme.

Group I: Small Towns where Water Supplies Exist

- 1 Kachumbala, Bukedea District (No incumbent provider);
- 2 Wakiso, Wakiso District (Dec. 2006);
- 3 Luwero, Luwero District(Jan. 2007);
- 4 Wobulenzi, Luwero District. (Mar. 2007);
- 5 Rukungiri , Rukungiri Distric(Jun. 2007);
- 6 Kalisizo, Rakai District. (Jun. 2007).

Group II: Projects in Small Towns that may be included in the Pilot

The towns below are suitable for the OBA Pilot but have contracts running to 2008 for the Private Operators:

- 7 Busembatia,
- 8 Bugiri.

Group III: Projects in Rural Growth Centres

Greenfield projects in RGCs (which involve construction of new water treatment works, reservoirs and distribution mains) with no incumbent provider:

- 9 Sipi, Kapchorwa District.
- 10 Namutumba, Namutumba District.
- 11 Magale, Manafwa District.
- 12 Masafu, Busia District.

3.2 Planned Location of Projects

The 12 projects are located as shown in Fig 3.1 below.

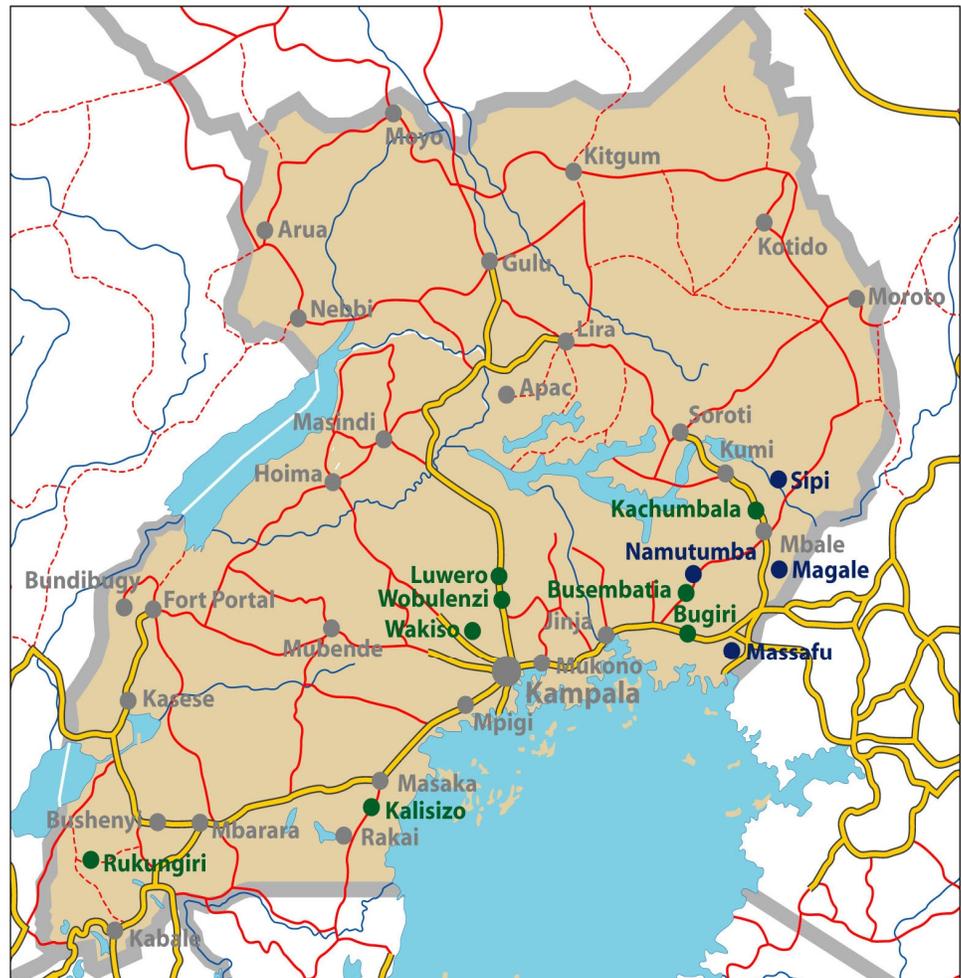


Figure 3.1 Location of the 12 Towns for the OBA Pilot Phase

3.3 Likely Impacts and Categories of People to be Affected by the Subprojects

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

1. Permanent impacts;
2. Temporary impacts.

3.3.1 Permanent Impacts

Permanent impacts will result into loss of use of property, vegetation, or land by the affected person as a result of the sub project activities. These are likely to occur where permanent installations such as water tanks, pumping houses and office blocks are established.

Farmers in (especially in the RGCs) whose land is found suitable for these installations may suffer impacts. This can translate into either loss of farmland, crop or vegetation. The use of construction workers coming from outside the sub project areas may increase the spread of infectious diseases like HIV/AIDS.

3.3.2 Temporary Impacts

Temporary impacts will result into an interruption in the current use of property or land by the affected person as a result of the sub project activities. This is likely to occur where installations such as distribution lines are established. This is likely to affect:

- 1 Farmers with land under crop cover.
- 2 Business persons whose premises will have to have alternative access routes caused by distribution lines being installed across roadways and foot paths.
- 3 Water users where a main water source such as a river, has got to be protected prior to the installation of pumping facilities.
- 4 Dust, noise and accidents.

The magnitude of effects may differ from sub project to sub project depending on the design specifications and the volume of socioeconomic activity. All these need to be assessed by conducting a comprehensive baseline study.

3.4 Effects on Current Settlements

For Group 1 and Group 2 Towns, the water supplies exist and the community land issues will have been settled during the implementation of these projects (and a few of them were financed by the World Bank, ensuring that the Safeguards would have been adhered to). Additional works would be to extend the

distribution mains, the construction of new sources and new public stand posts (PSPs). No significant displacement of persons therein would be involved except for the acquisition of required land for the expansion and new structures.

No resettlement is foreseen of any persons in these towns. The people already appreciate the services and will donate the land required or allow the free passage of water pipes through their land or plots willingly. Where land is donated this must be in accordance with the laws of Uganda to ensure that the donation is truly voluntary and free of coercion.

Restoration of roads, fences, walkways and compounds shall be done to as near the original state as possible.

Additionally, these towns already have approved urban plans which allow for utility routes along the road reserves. There are also areas allocated for the town council use, which can easily be given for the construction tanks or other structures.

For the RGCs, there are, in general, no approved plans existing since most RGCs would not have been planned as yet⁶. However, part of the requirements for installation of water supplies should be to prepare a plan and gazetting for the RGC. DWD should therefore ensure that the RGCs are gazetted as soon as is practicable so that the land use within the RGC is legally set. The location of the structures for the water supply should not in future conflict with the uses that the urban plan allocates to particular areas.

The potential for displacement of people in the RGCs will be minimal since there is flexibility of routing the distribution mains and locating the structures; however, due consideration should be taken of the future plans for the RGC when it converts to a planned urban settlement.

3.5 Minimisation of Resettlements Effects by Site Choice

Sources of water i.e. boreholes and surface sources will need to be located far away from present and potential human and animal settlements. The projects will require that settlements should be at least 50 – 100 m from the boreholes to reduce the chances of faecal contamination of the ground water. Although the land may not be required for the purpose of the projects, the landowners and their neighbours must be informed of the impossibility of them erecting human settlements within the above radius of the boreholes.

This will also require that the persons siting the boreholes should be cognisant of the fact that urban settlements will result in higher population densities and the pressure on land may increase dramatically in the long term. The issue of

⁶ The approval of town plans and gazetting of towns and municipalities is vested in the Ministry of Local Government.

compensation may then arise after many years and could cause problems to the urban council.

It will therefore be prudent for the local council to acquire land outside the present or potential urban boundaries and ensure that the community is fully sensitised about the above requirements.

For springs and similar sources, the urban council does not have much choice since these natural and human settlements tend to occur upstream of them. The catchments area should therefore be fenced off and protected. However, conflicts of the use of the spring could arise as the community on the upper part may wish to erect latrines away from their settlements and towards the spring. The local community may be using the spring for their drinking water, so their needs would have to be met by the provision of a source tap.

In general therefore, there will be minimal displacement of persons in both the towns and the RGCs, but there will be caveats on the use the community may put the land to. This is the potential conflict area and should be captured in the RAP.

4 Resettlement Procedures

4.1 Introduction

As described earlier, the magnitude of adverse impacts in the implementation of the Output Based Aid in Water Supply in Uganda's Small Towns and RGCs is anticipated to be very marginal and will only be known once the specific water systems, water distribution mains and other sub-projects are selected and approved.

To ensure that resettlement costs are minimized, all alternative options will have to be critically examined before the key implementation decisions are taken and alternative sites that involve less or no resettlement should be considered. Fortunately, water supply installations do not occupy much land and space and need not all be concentrated in one locality to be efficiently functional. Erecting installations besides settlements is easy to achieve especially since high density polyethylene (HDPE) pipes will be used which can flexibly be used to avoid cutting through structures. In this case, minimizing resettlement should be very possible.

However, in the event that resettlement or impact on assets is not avoidable, due weight will be given to the measures needed to mitigate and compensate for the resettlement. Where relocation is unavoidable, or there are impacts on assets, the project should seek to minimize the number of people affected and the magnitude of the impacts. In the unlikely event that this is not possible, then a comprehensive resettlement action plan will have to be developed.

4.2 Eligibility Criteria

The process of assessing affected persons and determining the magnitude of impacts should be done within 30 days of the commencement of the project. Affected persons will be eligible for resettlement assistance if:

- They have formal legal rights to land (including customary and traditional rights recognized under the Laws of Uganda) and can produce satisfactory evidence of this;

- They do not have formal legal rights to land, but have a claim to such land or assets provided that such claims are lawfully recognized in Uganda or become recognized through a process identified in the RAP.
- They have no legal or traditional claim to the land, but are occupying or using the land prior to the cut-off date.

For all the three categories mentioned above, evidence acceptable within the laws of Uganda can be adduced, provided that the person has not assumed this ownership or occupancy within the first 30 days of the commencement of the project.

Compensation will be paid only to those persons:

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

Determination of the legibility of the bona fide occupants of the properties to be compensated shall be done through a transparent and legal process, taking into consideration all the existing laws of Uganda and policies of the World Bank and local customs.

Some impacts may be defined as non-compensable, or as compensable with a generic payment – minor strips of land of a meter or two along a road to be widened in a non-farmed area, for example. Cash payments may be more acceptable when losses constitute a very small fraction of incomes, than when the income source (or residence plot) is so compromised that the entire holding or structure should be replaced. Defining the treatment to be applied to the major variations of all the main types of impacts eliminates the need to negotiate these issues for each subproject

As a principle, exercising transparency and garnering the confidence of affected persons must be upheld. Affected persons must be invited to participate throughout the various stages of the planning and implementation of the resettlement activities. Particular care must be taken to ensure that the interests of vulnerable groups such as women and children, the disabled, the elderly and the sick are appropriately addressed.

4.3 Resettlement Implementation Procedures

To ensure that all affected persons will be catered for, the following procedures need to be followed:

1. Conducting detailed baseline studies to document selection criteria and sufficient justification for resettlement. This must explore existing alternative sites giving the strengths and weaknesses that inform the selection criteria and sufficient jurisdiction for resettlement and other associated impacts.
2. Communities will be informed of the consultation process throughout the design, preparation, and implementation process. The impacts of the projects will be brought out clearly showing how they affect existing settlements. For this purpose, meetings will be organized and invitations to the local authorities and the affected communities made in a timely manner to allow all the project area stakeholders to effectively participate. A 60% quorum will be the minimum acceptable proportion of invited people for commencing community meetings.
3. Take extra effort to engage affected persons (households) in the planning process. Affected persons will be fully consulted about acceptable alternatives and options and informed by the Project staff at relevant council levels of their entitlements and rehabilitation options, where applicable. Where displacement affects an entire household, both spouses (where this applies) must be consulted and engaged in the various stages of drawing and executing the RAP. In the event that the affected person(s) is/are eligible to entitlements and rehabilitation options, including compensation, the time frame within which resettlement will be meted out must be communicated and duly abided with.
4. Conduct a detailed participatory Socio-Economic Survey of all the affected persons (on a household basis). This survey will draw accurate information and careful consideration of the likely impacts of displacement in order to inform the process of developing acceptable costs for relocation and rehabilitation. The participatory Socio economic survey must clearly:
 - Identify the potential risks facing the affected population.
 - Quantify the numbers of people affected by the project as accurately as possible to include economic data, gender, age, education level, family status (# children, spouse and other dependents), and means of livelihood.
 - Identify the different categories and groups, sectors and populations involved, and analyze the particular ways they are likely to be affected (stakeholder analysis).
5. Criteria for compensation: legal definitions are needed to determine rights to replacement. This may vary from land, housing, cash compensation or economic rehabilitation to other benefits. The definitions will cover basic

concepts such as what constitutes the 'household' as well as the dates on which the losses are assessed.

6. Establish the most appropriate compensation option that takes account of replacement cost(s). It is advisable to offer a range of choices in determining the kind of compensation that supports resettlement at replacement cost. This must take into account the particular social and economic characteristics of the population in the project area. These could include the exchange of land for land, economic development programs, housing and cash compensation or a combination of these options. Affected households need help to transport their possessions, equipment and livestock, as well as temporary accommodation and support at the new site; this must all be taken into account.
7. Develop all documentation pertaining to proceeds even where affected persons voluntarily contribute any part of their land and/or assets for the project. All land titles and other relevant legal documents of donations together with arrangements for compensation and entitlements for each project shall be satisfactorily completed prior to the World Bank giving the no objection for award of contract for civil works.
8. Develop a RAP and a detailed implementation schedule of the various activities to be undertaken including an inventory of property to be affected.

4.4 The Resettlement Action Plan

4.4.1 General

Once all alternative options have been explored and resettlement cannot be avoided, a resettlement action plan needs to be developed⁷.

The WA shall ensure that a comprehensive resettlement action plan (RAP) is prepared for each sub project and it should be submitted to DWD, GPOBA and the local authorities for approval. All RAPs have to be developed in consultation with the affected persons. The RAP shall, among others:

- Emphasize the cut-off date for compensation.
- Provide descriptions of different categories of impacted people determined by degree of impact and assets lost.
- Define resettlement arrangements, (which may include transport to a new site and temporary accommodation where necessary) and the criteria to be used in identifying who is eligible for compensation for each category of population impacted. These criteria may include, for example, whether

⁷ Since comprehensive baseline studies have not been conducted, RAP's for the sub projects cannot be generated now. They shall be generated by the Private Operator under the supervision of the WA, DWD and GPOBA.

losses are partial or total, whether people have their own land or also rent land, and what happens when buildings are occupied by more than one business tenant or household.

- Elaborate on the amount of losses, ownership status, tenancy status, and any other relevant information.
- Identify who and how impacted persons will be impacted.
- Set out the different categories of people that may be affected by subproject, and show the types of losses such people may suffer, whether to land, income, rights of access, housing, water sources, proximity to work, and others, and including combinations (house and land, for example).
- Make the eligibility criteria user-friendly, so that those applying the principles to subprojects 'on the ground' will be able to quickly identify whether people affected are eligible for compensation, and how.
- Describe who will judge eligibility in difficult cases, for example by the use of neighbourhood or village committees, or outside experts, and how such processes will work.
- Define categories of people eligible under national law, and, separately, any others who must be compensated because of the requirements of World Bank policy.
- Define the unit of compensation – individuals, families, collectives (or all three, because some losses may be sustained by individuals, others by the community as a whole or by associations within it such as religious or farmers' groups).
- Provide the costs and budgets involved in the resettlement process

Appendix 1 provides a detailed checklist useful in the process of preparation of a RAP.

Appendix 2 presents an appropriate outline for preparing the RAP for each subproject.

4.4.2 Costs and Budget

Each inventory and RAP will include detailed costs of relocation, compensation and all other entitlements with costs that adequately provide for contingencies.

4.4.3 Compensation

As indicated elsewhere, the water authorities will be responsible for acquiring land and providing proof that it is free of encumbrances. Any compensation arrangements in this process must be handled in accordance with the provisions

of the laws of Uganda as outlined in this RPF. It is anticipated that compensation here will involve insignificant costs that Local governments can be able to handle.

Where compensation involves larger amounts, the GOU will take the responsibility for compensation through the MOWE and implemented by the DWD. However, sufficient justification must be provided that all options have been explored and compensation cannot be avoided if sub project benefits have got to be shared by both the affected person and the project recipients.

The claim for compensation will be submitted to DWD for validation and pre compensation audit. DWD will then make arrangements to prepare a compensation agreement with the affected person(s). This agreement will spell out the beneficiaries and amounts to be compensated, and the payment modalities within the agreed payment period. All compensation agreements must be settled within a period not exceeding 30 days of either party signing it.

5 Entitlement Policy

In principle, the WA's are required to provide land free of encumbrances for water supply installation. This principle puts WA's at the forefront of negotiating agreements for land prior to compensation.

As described in the ESMF, it is anticipated that land demands for water supply installations will be minimal and restricted to a few square metres. In fact only water tanks and pumping houses may require land specifically for their installation. For the majority of the projects, there will be no need for significant resettlement activities since project demand for land will be localized and limited to small proportions of land that may require compensation but not relocation.

WA's will apply the following policies in meeting the entitlements to compensation and rehabilitation of affected persons.

5.1.1 Affected Person Losing Residential Land and Conducive Living Environment

1. Where the affected person loses his or her entire land, the provision of replacement of land of equivalent size and quality, satisfactory to the affected person and cash compensation reflecting full replacement cost without depreciation will apply;
2. Where the portion of the land to be lost represents 11% - 20% of the total area of the residential land area and the remaining land is still a viable residential lot, an agreement with the affected person(s) must be reached for appropriate cash compensation, at full replacement cost (market value);
3. If after acquisition, the residential land is insufficient for residential use, then at the request of the affected person the entire residential land and structure will be acquired at full replacement cost, without depreciation;
4. In the event that project activities cause the displacement of tenants who have leased a house for residential purposes, these tenants will be provided with a cash grant of three months rental fee at the prevailing market rate in the area, and will be assisted in identifying alternative accommodation.
5. In cases that the affected land is donated, special care must be taken to ensure donation is completely voluntary and free of any coercion. The land ti-

tle must be annotated by the Land Registry or by any relevant authority and the Project will shoulder the cost of resurvey. For this instance, the cooperation of the Land and Surveys office is anticipated *inter alia*.

5.1.2 Affected Person Losing all Agricultural Land and Crops

1. The general mechanism for compensation of lost agricultural land will be through provision of 'land for land' arrangements of equal productive capacity, satisfactory to the affected person. However, if the affected person so wishes and the portion of the land to be lost represents 11% - 20% of the total area of the landholding, and the remaining land is still a viable economic holding, cash compensation, at full replacement cost (market value), may be provided to the person;
2. If more than 20% of affected persons' agricultural land is acquired and the remaining holding is not viable, then the Project will acquire the entire landholding and provide compensation of the acquired land either at direct land replacement or cash acceptable to the affected person;
3. Affected persons will be compensated for the loss of standing crops and fruit or industrial trees at market price.

5.1.3 Affected Person Losing Business

The mechanism for compensating loss of business will be:

1. The provision of an alternative business site of equivalent size and accessibility to customers, acceptable to the affected person;
2. Cash compensation for lost business structures reflecting full replacement cost of the structures, without depreciation; and
3. Cash compensation for the loss of income during the transition period.

5.1.4 Damage to Private Property

Where private property or assets are deliberately or accidentally damaged, repair will be made of the property or assets to the satisfaction of the affected person. A certificate shall be obtained from the affected person to the effect that the damage has satisfactorily been made good in order to provide indemnity from subsequent claims.

5.2 Valuing Affected Assets

Affected persons will be provided compensation at full replacement cost, without depreciation for any other fixed assets affected in part or in total by the project, such as tombs and water wells.

In cases where community infrastructure such as schools, factories, water sources, roads, sewerage systems or electrical supplies are damaged, the Project will ensure that these will be restored or repaired as the case may be, at no cost to the community.

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

In order to capture assets for compensation, the project team will have to use the Entitlement Matrix and Entitlement Inventory of Assets in the **Appendix 3** and **Appendix 4** attached to this RPF.

The Entitlement Matrix shows the types and number of affected people, the types and quantity of losses, and the forms and amounts of compensatory actions that will be taken for each type. The Entitlement Inventory lists and costs all assets that qualify for compensation.

The application of these tools will be done in the presence of at least two local council leaders with the participation of the affected persons. Values assigned to assets must be based on the local market rates. Where this is not possible, a Government Valuer will be engaged to do this.

5.3 Complaints and Grievances Procedures

Adequate time will be given to educate affected people on the provisions of this Policy in addressing resettlement. The purpose will be to achieve clarity and avoid misinterpretation, complaints and grievances.

After initial sensitization, Notice of Intent to install project facilities in or through land will be sent to all affected persons through their respective local council leaders. This will be done after:

1. The Water Authorities providing confirmation of land available and;
2. The RAP has been developed and agreed upon.

All affected persons receiving this notice will be given 30 calendar days to confirm receipt and receive comments. The comments may be in the form of grievances or complaints that need to be addressed. After the stated 30 days, no new entrants for resettlement will be accepted and this must be clearly indicated in the notice. This is done as a procedure to minimize speculation and avoid the arrival of people seeking to take advantage of the compensation measures.

The public will be informed through existing media of the localities to be affected by the project and the list of all the affected persons will be circulated.

Where they occur, attempts will be made to settle all complaints and grievances in accordance with the provisions of this RPF. The grievance procedure will be simple, administered as far as possible at the local level to facilitate access and will be flexible and open to various proofs taking into cognizance the fact that some people may be illiterate and poor, requiring a speedy, just and fair resolution of their grievances.

As a first stage, affected persons will present their complaints and grievances to the Local Council leadership (LC 1), which will have to provide a written response to the persons, within fifteen (15) calendar days of receiving the complaint. If the affected person is not satisfied with the response of the LC 1; the person may present the case to the Water Authority within fifteen (15) calendar days of receiving the written response from the LC 1. The judgement and decisions of the Water Authority should be rendered within thirty (30) calendar days of receipt of the affected person's appeal.

If the complainants claim is rejected, then the matter will be brought before the District Land Tribunal and/or local courts system of administration in the district for settlement. This will include all grievances concerning non-fulfilment of contracts, denial of compensation, or seizure of assets without compensation.

If the matter cannot be settled by the local courts, the matter will go to the High Court for resolution. The High Court of Uganda will be the highest appellate 'judge' in this system. The decision of the High Court will be final and all such decisions must be reached within a full growing season after the complaint is lodged and affected persons will be exempted from all administrative and legal fees.

In the local cultures it takes people time to decide that they are aggrieved and want to complain. Therefore, the grievance procedures will give people up to the end of the next full agricultural season after surrendering their assets to set forth their case.

5.4 Supervision, Monitoring and Evaluation

Application of the Entitlement Matrix and inventories and implementation of the RAP must be closely supervised and monitored by DWD in liaison with the respective Local Government and Local Council leadership.

This monitoring must be able to ensure that:

- All affected persons are involved in all the preparatory processes of the RAP and that all affected properties and assets are captured in the Entitlement Matrix and inventories and given appropriate budgets.
- Compensation is done on schedule and in accordance with the RPF
- All funds are spent on the line items for which they are budgeted for and affected persons are satisfied with the resettlement process.

- All grievances and complaints are channelled correctly and appropriately attended to.

Appendix 1: Validation Checklist for Resettlement Planning

JUSTIFICATION FOR RESETTLEMENT
Why is resettlement unavoidable?
What alternative sites and design changes have been explored to reduce negative impacts?
ACHIEVING FAIRNESS IN COMPENSATION
How are the existing legal provisions and mechanisms to be used in providing fair compensation to the people affected?
Will the amount of compensation allow affected families to replace their lost property and production systems?
Is it sufficiently simple, timely and transparent?
Are affected families aware of the existence of an appeals system to handle disputes related to compensation?
Can the project budget accommodate payment of fair compensation to all affected individuals?
CAPACITY FOR EFFICIENT MANAGEMENT OF RESETTLEMENT
What is needed to strengthen the capacity to implement the resettlement action plan and complete resettlement on schedule?
Are there agreements drawn up regarding costs, financing, schedules and disbursements?
AVAILABILITY OF ALTERNATIVE LAND
Where can sufficient land be found suitable for purposes of compensation where this is necessary? For what use is it suitable for and how relevant is this in addressing resettlement needs?
How will speculation for land values be handled in budget allocations?
RESTORATION OF LIVELIHOOD OF AFFECTED PEOPLE
How will the resettlement action plan adequately restore the standard of living of the affected community?
Is the budget adequate for all the resettlement activities?
COMPREHENSIVE COVERAGE OF THE NEEDS OF ALL AFFECTED PEOPLE
How many people are affected and how are they affected? What proportion of the sub project area population do they occupy?
What are the priority concerns and needs raised by the affected people and how are these to be incorporated in the resettlement action plan?
Have all the affected people signed agreements regarding compensation, resettlement or economic rehabilitation?
Will the affected population participate in execution of the project?

What are the likely sanitation and health care issues and how can they be handled?
What is the total value (budget) to cater for the needs of the affected people?
PAYING ATTENTION TO THE NEEDS OF WOMEN AND VULNERABLE GROUPS
How will the sub project impact on vulnerable groups such as women and children, the disabled, the elderly and the sick and what measures need to be adopted to effectively resettle them?
How have women and other vulnerable groups been consulted and what are their priority issues of concern that the resettlement action plan must address?
How will these vulnerable groups participate in project execution?
What traditional use rights to resources will these vulnerable groups lose and how can this be addressed?
What opportunities are there for women and other vulnerable groups to share in sub project benefits?

Appendix 2: Resettlement Plan Outline

The presentation of the RAP

1. Executive Summary.
2. Background and Objectives of the Resettlement Plan.
3. Results of the Baseline Study

This will give the justification (sufficient) for resettlement (why it is regarded as unavoidable).

4. Entitlements for Project-Affected Persons.

This must clearly define the population affected by the project, how they are affected and the rights of affected people, the compensation eligibility criteria and what will be compensated.

5. Activities that comprehensively and adequately restore the livelihood of affected people.

This must include activities and mechanisms to enhance capacity to efficiently manage the resettlement process e.g. activities that strengthen existing capacity of Water authorities and local Councils to handle the process where necessary and; activities for catering for the needs of vulnerable groups.

6. Compensation Procedures.

This should include procedures for assessment and a description of procedures for settling disputes over compensation and resettlement. These procedures must uphold the principle of fairness in compensating affected persons. (See World Bank policy on Involuntary Resettlement OP-710).

7. Legal and institutional framework, responsibilities and coordination mechanisms.
8. Information dissemination and community participation strategies.
9. Resettlement implementation schedule.
10. Monitoring and Evaluation indicators and framework.

Appendix 3: Entitlement Matrix

Name of sub project: Sub county/Town: District

Household ID No.:Name of Household head and gender: M/F.....

Persons in household				Total Land holding m ²	Land to be affected m ²	Loss as % of total	Area of residential land to be lost	Crops to be affected		Other assets			
No. below 5 years	6 – 18 yrs	19 - 50 yrs	51 yrs and above					No. and types of fruit trees	Other crops (Specify)	Residence	Tombs	Business	etc
COMPENSATORY ACTION													
Land													
Residence/Structure (Specify)													
Fruit trees													
Other Crops (Specify)													
Assets (Specify)													
Vulnerable groups													

Compiled by: Signature Witnessed by: 1)..... (Local Council leader) with the Participation of 2)..... (Household head): (Spouse if applicable)

Names and Signatures of approving Authority (Respective Water Authority)

Appendix 4: Entitlement Inventory

Name of sub project: Sub county/Town: District

Household ID No.: Name of Household head and gender: M/F.....

No of persons in household	Compensation for Land			Compensation for structures			Compensation for Crops			Compensation for Other assets (Specify)			Total
	Quantity m ²	Unit price m ²	Entitlement (Ug. Shs)	Quantity m ²	Unit price m ²	Entitlement (Ug. Shs)	Quantity Unit	Unit Price (Ug Shs)	Entitlement (Ug. Shs)	Quantity	Unit Price (Ug Shs)	Entitlement (Ug. Shs)	

Compiled by: Signature Witnessed by: 1)..... (Local Council leader) with the Participation of 2)..... (Household head): (Spouse if applicable)

Names and Signatures of approving Authority (Respective Water Authority)

Appendix 5: List of Persons Consulted

The Consultant consulted the following persons and institutions over the 9 month period of the OBA transaction design (from April 2006 to date):

DWD

Organization	Name	Contact Telephone No.	E-mail address
MoWE	Hon. Maria Mutagamba, Minister for Water and Environment		
MoWE	Hon. Jennifer Namuyangu, Minister of State for Water		
MoWE	Hon. Jessica Eriyo, Minister of State for Environment		
DWD	Eng. C. H. Azuba	+256 77 2498330	azuba@dwd.co.ug
DWD	Gerry Garvey	+256 77 2734292	dorsch@dwd.co.ug
DWD	Eng. Joseph O. Eyatu	+256 77 2591919	eyatu.oriono@dwd.co.ug
DWD	Eng. Chris Tumusiime	+256 77 2501832	ctumusiime@dwd.co.ug
DWD	Chad Akita	+256 77 2328848	akita@dwd.co.ug
DWD	Kiiza Rwigyi Edmund	+256 71 2293311	rwimundo@yahoo.co.uk
DWD	Innocent Nkuyahaga	+256 77 2420030	innocentn@dwd.co.ug
DWD	Nakiwala Lillian	+256 77 2589432	comfortns@yahoo.com
DWD	Kobusinge Priscilla	+256 77 2903710	prish78@yahoo.com
DWD	Ojuka Alex Jalameso	+256 78 2988157	ojukaajal@yahoo.co.uk
DWD	Martha Ntabadde	+256 77 2987766	ntabadde@yahoo.com
DWD	Okedi John	+256 71 2221187	okable@yahoo.com
DWD	Mugisha-Shillingi	+256 41 221383	shillingi@dwd.co.ug
DWD	Richard Cong	+256 41 505942	cong-spqa@dwd.co.ug
DWD	Aaron Kabirizi	+256 41 505946	kabirizi@dwd.co.ug
DWD	John Pinfeld		adviser@dwd.co.ug

Ministry of Finance (MFPED)

Organization	Name	Contact Telephone No.	E-mail address
MFPED	Margaret Kobusingye, Senior Economist in charge of MWLE relations	+256 75 2598025	margaret.kobusingye@finance.go.ug
MFPED	Patrick Ocairap, Director of Budget		
MFPED	Magona Mweru Ishmael, Commissioner Infrastructure and Social Services Department	+256 41 707140	ishmael.magona@finance.go.ug

World Bank

Organization	Name	Contact Telephone No.	E-mail address
World Bank	Yogita Mumssen	+1 202 473 7793	ymumssen@worldbank.org
World Bank	Samuel Mutono	+256 77 2843383	smutono@worldbank.org
World Bank	Maimuna Nalubega	+256 77 2462344	mnalubega@yahoo.co.uk
World Bank	Luis Tineo	+1 202 4732293	Ltineo@worldbank.org
World Bank	Patrick Piker Umah-Tete	+256 41 231230	pumahtete@worldbank.org

IFC

Organization	Name	Contact Telephone No.	E-mail address
IFC	David Ashiagbor	+27 11 731 3024	dashiagbor@ifc.org
IFC	Githuku Mwangi	+254 20 2805000	gmwangi@ifc.org

Donors

Organization	Name	Contact Telephone No.	E-mail address
EU Commission	Dorian Kivumbi	+256 41 701018	dorian.kivumbi@cec.eu.int
Danida	Lotte Mindedal	+256 41 256687	kmtamb@um.dk
Danida	Grace W. Katuramu	+256 31 2263211	kmtamb@um.dk
Austrian Embassy	Robert Burtscher	+256 41 235103	Robert.burscher@ada.gv.at
SIDA	Anna Liljelund Hedqvist	+46 (0)8 698 5287	anna.liljelund@sida.se

COWI

Organization	Name	Contact Telephone No.	E-mail address
COWI	Carsten Glenting	+45 45 972955	cag@cowi.dk
COWI	Eng. Simon P. Otoi	+256 77 2743045	spo@cowi.co.ug
COWI	Henrik S. Sorensen	+256 77 2937800	hhs@cowi.com
COWI	Niels Palmvang	+45 44 485267	np@cowi.dk
COWI	Sixto Requena	+1 301 6562661	sre@pem.dk
COWI	Bodil Bjerg	+45 45 971113	bbg@cowi.dk
Legal advisor	Benjamin Nganwa Kamugasha	+256 77 883233	taxap@africaonline.co.ug
Maviggo	Kasule Mathew	+256 77 2484652	maviggo@infocom.co.ug

Small towns and RGCs

Small Town / RGC	Name	Contact Telephone No.	Position / Organization	E-mail address
Kachumbala	Ms. Aiyo Susan	no info	Chair person / Sub-County	no info
		no info	Pump Attendant / Sub-County	no info
Wakiso	Ssebaduka Authman	075-2-649 243	Town Clerk / Wakiso Town Council	no info
		no info	Ass. Commercial manager / BIKA Ltd	no info
		no info	Pump attendant / BIKA ltd	no info
Luweero	Mr. Muuluta Muganga	no info	Town Clerk / Luweero TC	no info
	Mr. K.B. Mpalamu	no info	Urban Water Engineer / Luweero TC	no info
	Mr. Tigubingwe Elias	no info	Officer / Luweero TC	no info
	Ms. Helen Mbabazi	077-2-601 897	Administrator/ Hq, Kalebu Ltd	hmbabazy@yahoo.co.uk
	Mr. Abbey Kagwa	041 332 356 (off)	Project Engineer - coordinator / Kalebu Ltd. Hq.	no info
	Mr. Edward Jjombwe Nelson	no info	Area Manager / Kalebu Ltd. Luweero	no info
	Mr. Kigobe Herbert	no info	Accountant / Kalebu Ltd Luweero	no info
	Mr. Kizza Moses	no info	Technician / Kalebu Ltd Luweero	no info
	Mr. Kilama Patrick	no info	Plumber / Kalebu Ltd Luweero	no info
	Ms. Juliet Namazzi	no info	Administration assistant / Kalebu Ltd. Luweero	no info
Wobulenzi	MR. Ddamulira Tito	077-2-601 809	Major / Wobulenzi TC	no info
	Mr. Wilson S. Nottebetyo	078-2-504 690	Councillor / Wobulenzi TC	no info
	Mr. Lutaaya Thomas Charles	no info	Town clerk / Wobulenzi TC	no info
	Eng. Kaka Gosain	077-2-427 565	Sen. Town Engineer / Wobulenzi TC	no info
	Mr.Konyike Joseph	077-2-610 555	Town Water Officer / Wobulenzi TC	no info
	Ms. Nakiyaga Clare	077-2-546 370	Manager / George & Co Ltd	no info
	Mr. Katto Innocent	078-2-425 213	Plumber / George & Co Ltd	no info
	Ms. Kukunda Annets	077-2-323 382 031-2-278 878 (off)	Administrator / George & co Ltd	annetten-shambi@yahoo.co.uk

	Mr. George Tumusiime	031-2-278 878 (off) 077-2-427 758	Director / Gerge & Co Ltd	no info
	Mr Katamba Thomas	077-2-650 640	Ass Engineering Officer Civil / Wobulenzi TC	no info
	Ms. Victo Kibirige	no info	Councillor Chairperson Social services/ M.o. WB / WTC	no info
Rukungiri	Muheirwe Laban	077-2-661 469	Ass. Town Clerk / Rukungiri TC	no info
	Mwebesa Jackson	077-2-302 989	Senior Treassurer, Rukungiri TC	no info
	Byamukama Vincent	077-2-680 313	Ass. Water Officer / Rukungiri TC	no info
	Grace Mary	no info	Senior Health Officer	no info
	Lule Wycliff	no info	Manager / WSS Ltd	no info
	Komuhangi Evas	no info	Cashier / WSS Ltd	no info
	Twinomujuni Julius	no info	Technician / WSS Ltd	no info
	Mr. Muhindi James	no info	Pump attendant / WSS Ltd	no info
	Mr. Mugisha Nicholas	no info	Pump attendant / WSS Ltd	no info
Kalisizo	Kisirinya Jude	077-2-614 494	Town Clerk / Kalisizo TC	no info
	Mihindo Charles	no info	Health Inspector / Kailisizo TC	no info
	Basiga Stephen	no info	Plumber / WSS Ltd.	no info
	Gerald Nkirangwa	no info	Pump Attendant / WSS Ltd.	no info
Busembatia	Eria Magumba	no info	Town Clerk, Busembatia	no info
	Betty Kanyago	no info	Commercial Manager, BIKA Limited	no info
	Jimmy Sajjabi	no info	Accounts Assistant	no info
	Barbara Babirye	no info	Secretary, BIKA Limited	no info
	Laston Damba	no info	Pump Attendant	no info
Bugiri	Biabi Kiassine	077-2-398 031	Mayor / Bugiri Town Council	no info
	Emanuel Ofono	no info	Town Clerk / Bugiri Town Council	no info
	Kitagenda Abbey	no info	Chairman / WB Bugiri WS	no info
	Kakaire Patck	no info	Town Engineer / Bugiri Town Council	no info
	Dison Wegulo	no info	Water Engineer / Bugiri Town Council	no info
	Leah Nanyenya	078-2-471	Office Administrator / JOWA	leawans@yahoo.com

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Sipi	Joseph Musobo	no info	Ag. District Water Officer Kapchorwa District	no info
	Alfred Mwanga	no info	Assistant DWO (ADWO), Sanitation and Hygiene, Kapchorwa District	no info
Namutumba	Mwondha Moses	no info	OC - Local Area Police	no info
		no info	Sub-County Clerk /Busiki Sub-county	no info
Magale	Headmaster	no info	Private school / Magale	no info
	LCI chairpersons	no info	Villages within Magale	no info
Masafu	Wanyama Oundo	no info	no info	no info
	Charles Okello	no info	no info	no info
	Ramadhan Oundo	no info	no info	no info
	Isaac Natukunda	no info	no info	no info
	Martin Egesa	no info	no info	no info
	Sandy Fred Ouma	no info	no info	no info
	Charles Ngolobe	no info	no info	no info
	Joseph Wanyama	no info	no info	no info

Private Operators

PO	Name	Contact Telephone No.	Position	E-mail address
JOWA	Joel Wandera	no info	Managing Director	no info
BIKA	Samuel Ogot Okoth	no info	Managing Director	no info
	Simon Peter Okongo	no info	Company Secretary	no info
Kalebu	Mrs Winfred N. Kalibu	no info	Managing Director	no info
		no info		no info
George & Co	George Tumusiime	no info	Managing Director	no info
	David Mishereko	no info	Managing Director	no info
WSS	Sonko Kiwanuka	no info	Managing Director	no info
	Dr. Kamukama Denis	041 - 570984 0782-519315	Director Research & consultancy	wss@engineer.com

Financing institutions

Fin. Inst.	Name	Contact Telephone No.	Position	E-mail address
DFCU	Chris Ssemugabi	no info	Business Development Manager	no info

Stanbic	Kitili Mbathi	+256 31 2224-400	Managing Director	mbathik@stanbic.com
	Willie Ogule	no info	Company Secretary	no info
Standard		no info	Business Development Manager	no info
Acumen	Bhavika Vyas			bvyas@acumenfund.org

Others

Organisation	Name	Contact Telephone No.	Position	E-mail address
Warner Consultants Ltd.	Charles Wana-Etyem	041 - 267071 0772 - 746 952	Managing Director (TL - Tariff study DWD)	warner@infocom.co.ug
Drillcon Ltd.	H.S. Satyan	0772 - 22 10 18	Manager - Pumps Division	drillcon@imul.com