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Uganda National Roads Authority

Consulting Services for the Design Update and Construction Supervision for the Works under the Kampala Flyover Construction and Road Upgrading Project (KFCRUP)

Volume A

Resettlement Action Plan (RAP) Update for the Kampala Flyover Construction and Road Upgrading Project

March 2021

Joint Venture of

NIPPON KOEI CO., LTD. and

EIGHT-JAPAN ENGINEERING CONSULTANTS INC.

in Association with

ICS-Engineering & Environment Ltd.

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Consultancy Services for Design Update and Construction Supervision of the Kampala Flyover Construction and Road Upgrading Project

Resettlement Action Plan (RAP) Update Report, Volume A - March 2021

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List of Acronyms

LIST OF ACRONYMS

ARAP	-	Abbreviated Resettlement Action Plan
CBD	-	Central Business District
DLB	-	District Land Board
DRC	-	Democratic Republic of Congo
EIA	-	Environment Impact Assessment
ESIA	-	Environmental and Social Impact Assessment
FO	-	Flyover
GoU	-	Government of Uganda
GKRIP	-	Greater Kampala Roads Improvement Project
JICA	-	Japanese International Cooperation Agency
KCCA	-	Kampala Capital City Authority
IR	-	Involuntary Resettlement
LAWS	-	Land Acquisition and Management System
LGA	-	Local Government Act
LC	-	Local Council
LOU	-	Laws of Uganda
MLHUD	-	Ministry of Lands, Housing and Urban Development
MoWT	-	Ministry of Works and Transport
NEMA	-	National Environment Management Authority
OD	-	Operational Directive
OP	-	Operational Policy
PAPs		Project Affected People
RAP	-	Resettlement Action Plan
SP	-	Safe Guard Policies
ToR	-	Terms of Reference
UNRA	-	Uganda National Roads Authority
ULC	-	Uganda Land Commission
WB	-	World Bank

MEASURES AND UNITS:

Km:	Kilometre (= 1 000 metres)
M:	Meters
L:	Litres

Definition of Terms

S/No	Term	Definition
	Asset Inventory	A complete count and description of all property that will be acquired.
	Compensation:	Payment in cash or in kind at replacement value for an asset or a resource affected by the project at the time the assets need to be replaced.
	Displaced Persons:	The people or entities directly affected by a project through the loss of land and the resulting loss of residences, other structures, businesses, or other assets.
	Economic Displacement:	Loss of income or means of livelihood resulting from land acquisition or obstructed access to resources (land, water or forest) caused by the construction or operation of the proposed Project.
	Economic Rehabilitation:	Economic Rehabilitation implies the measures taken for income restoration or economic recovery so that the affected population can improve or at least restore its previous standard of living.
	Eligibility:	The criteria for qualification to receive benefits under a resettlement program.
	Eminent Domain:	The right of the state to acquire land, using its Sovereign Power, for public purpose. National Law establishes which Public Agencies have the prerogative to exercise Eminent Domain
	Grievance Procedures:	The processes established under Law, Local Regulations, or Administrative Decision to enable property owners and other displaced persons to seek redress on issues related to acquisition, compensation, or other aspects of resettlement.
	Host Community (Hosts):	The population in the areas receiving re-settlers is called the host community or the hosts.
	Initial Baseline Survey:	The population census, asset inventory, and socio-economic survey together constitute the baseline survey of the affected population.
	Land Acquisition:	The process of acquiring land under the legally mandated procedures of Eminent Domain
	Population Census:	A complete and accurate count of the population that will be affected by land acquisition and related impacts. When properly conducted, the population census provides the basic information necessary for determining eligibility for compensation.
	Project-Affected Area	The area subject to possible change in use as a result of construction and operation of the Proposed project.
	Project-Affected Person (PAP):	Any person who, as a result of the implementation of the project, loses the right to own, use, or otherwise benefit from a built structure, land (residential, agricultural, pasture or undeveloped/unused land), annual or perennial crops and trees, or any other fixed or moveable asset, either in full or in

		part, permanently or temporarily. Affected people might be displaced either physically ("Physically Displaced People") or economically ("Economically Displaced People").
	Project Cycle:	A process of identifying, planning, approving, and implementing a Bank supported development activity. In the World Bank, the project cycle is divided into the following stages: Identification, Preparation, Appraisal, Negotiations, Approval, Loan Effectiveness and Implementation.
	Physical Displacement:	Loss of shelter and assets resulting from land acquisition associated with the project, requiring affected persons to move to other locations
	Project-Affected Households (PAH)	A PAH is a household that includes one or several project-affected persons and usually comprises of a head of household, their spouses, children and other dependents (e.g. parents, grandchildren).
	Resettlement Assistance:	Support provided to people who are going to be physically displaced by the project. Assistance may include transportation and other services that are provided to affected people during relocation. Assistance may also include cash allowances to compensate affected people for inconveniences associated with resettlement and settle up expenses during transition to a new locale and lost workdays.
	Replacement Value:	The rate of compensation for lost assets, that is, the market value of the assets plus transaction costs (taxes, registration fees and cost associated with registration or transfer of new land). The replacement value of an item must reflect the cost at the time it is due for replacement. For land and structures, "*replacement value*" is defined as follows: i) *Agricultural land*: the market value of land of equal productive use or potential located in the vicinity of the affected land, plus the cost of preparation to levels similar to or better than those of the affected land including fees of any registration and transfer taxes; ii) Land in urban areas: the market value of land of equal size and use, with similar or improved public infrastructure facilities and services, preferably located in the vicinity of the affected land, plus the cost of any registration and transfer taxes; iii) Household and public structures: the cost of purchasing or building a new structure, with an area and quality similar to or better than those of the affected structure, or of repairing a partially affected structure, including labour, contractors' fees and any registration and transfer taxes.

	Re-locates, Relocated Communities, or Re-settlers	Those groups of people who have to be physically displaced
	Resettlement Strategy (Rehabilitation Strategy):	The approaches used to assist people in their efforts to improve (or at least to restore) their incomes, livelihoods, and standards of living in real terms after resettlement. The resettlement strategy typically consists of payment of compensation at replacement cost, transition support arrangements, relocation to new sites (if applicable), provision of alternative income-generating assets (if applicable), and assistance to help convert income-generating assets into income streams.
	Resettlement Entitlements:	A Resettlement Action Plan (RAP) is the planning document that describes what will be done to address the direct social and economic impacts associated with involuntary taking of land.
	Resettlement Entitlements:	Resettlement entitlements with respect to a particular eligibility category are the sum total of compensation and other forms of assistance provided to displaced persons in the respective eligibility category.
	Stakeholders:	A general term that covers all parties affected by or interested in a project or a specific issue, in other words, all parties who have a stake in a particular issue or initiative. Primary stakeholders are those most directly affected in resettlement situations, the population that loses property or income because of the project and host communities. Other people who have an interest in the project such as the Project Authority itself, the beneficiaries of the project, and interested NGOs are termed as secondary stakeholders.
	Socio-economic Survey (SES)	A complete and accurate survey of the project-affected population. The survey focuses on income-earning activities and other socio-economic indicators.
	Vulnerable Groups:	People who by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status be more adversely affected by resettlement than others; and who may have limited ability to claim or take advantage of resettlement assistance and related Project benefits.

EXECUTIVE SUMMARY

0.1 Background and Project Area

In order to reduce traffic congestion within the Greater Kampala Metropolitan Area (GKMA), a number of projects and studies have been carried out. One of such projects is the Greater Kampala Roads Improvement Project (GKRIP) that was carried out under funding by the Japan International Cooperation Agency (JICA). The initial/ preliminary study focused on traffic congestions at the Jinja Road Junction, Shoprite Junction and Clock Tower Junction and along the Mukwano Road. The pre-feasibility study was conducted for construction of flyovers, road widening and intersection improvement.

The Feasibility Study (F/S) and preliminary design concluded that the construction of two flyovers at Kitgum House and Clock Tower Junctions respectively, widening of Mukwano Road and improvements of interfacing roads and junctions would be an effective and feasible strategy to reduce the traffic congestion in Kampala's Central Business District (CBD). The proposals of the F/S also considered improvement of traffic safety for non-motorized transportation (NMT) such as pedestrians, cart pushers and bicycle cyclists. The specific objective of the project is to decongest the Central Business District (CBD) of Kampala City as well the congested junctions which are located within the project area. This project was originally known as "The Greater Kampala Roads Improvement Project" (GKRIP) but has since been renamed as the Kampala Flyover Construction and Road Upgrading Project (KFCRUP).

Based on the F/S results, the Government of Uganda (GoU) represented by Uganda National Roads Authority (UNRA) decided to carry out the detailed design and tender assistance of the Kampala Flyover Project (Jinja Road - Mukwano Road - Queen's Way) in order to ensure that the detailed design is prepared in time for the anticipated loan from the Government of Japan to finance the construction of the Project. As part of the requirements of the project, UNRA had to acquire the Right of Way (ROW) for the project.

The contract for the consulting services of detailed engineering design and tender assistance for the works under the Kampala Flyover Project was signed between UNRA and the Detailed Design Consultant (Nippon Koei Co. Ltd/Eight-Japan Engineering Consultants Inc., JV in association with ICS-Engineering & Environment Ltd), on 4 February 2015. In addition, subsequently, UNRA signed Addendum No 1 to the contract for the services related to the Resettlement Action Plan (RAP) Implementation on 29th September 2015.

The main objective of the RAP implementation was to assist UNRA acquire land for the road project while ensuring that persons displaced benefit from adequate and prompt compensation and/or resettlement assistance in accordance with the Ugandan Law and internationally acceptable practices.

As part of the preliminary design, a Resettlement Action Plan (RAP) study was conducted and was concluded in March 2015. The principal valuation report in particular and RAP in general were subsequently approved by the Chief Government Valuer (CGV) in June 2015, with a total number of 82 eligible Project Affected Persons (PAPs) and a total acreage of approximately 15.235 acres of affected land to be acquired. The cost for RAP implementation was estimated at USD 21,562,047.

The original/ first valuation report for compensation of the affected persons along the project corridor that was approved by the Chief Government Valuer (CGV) on the 22nd June, 2015 was used as a basis for the original scope of RAP Implementation that commenced in April 2016. It was however clear during the implementation of the original valuation report that extra land-take would be required for the project due to design changes that were introduced in the design, and as such additional/supplementary valuation reports were subsequently prepared and submitted and approved by the Chief Government Valuer and these were used as the basis for the additional land acquisition process.

A significant number of changes were made to the project alignment during the detailed design in 2016 and

management of grievances recorded during implementation of the original RAP. This required updating of the principal RAP. The consultant conducted a supplementary RAP and three supplementary valuation reports 1, 2 and 3 subsequently, which were approved by the CGV in February 2017, May 2019 and January 2020 respectively; and these were consequently implemented. The supplementary reports covered the new estimated compensation cost due to the new design changes, affected property omissions, computation of reversionary interests, and as well included the assessment of orphan land captured under the grievances recorded from Electoral Commission and Petro Uganda.

Additionally, following the detailed design stage of Lot 2, detailed design review of Lot 1 and implementation of supplementary RAP, the land requirements were re-examined in light of the design modifications and the updated extents of Right of Way (RoW) for the Project. This exercise resulted into a need further update to supplementary RAP to take into account additional changes to the Project Right of Way and, at the same time, to ensure that only those impacted do receive resettlement assistance. The details of the additional land-take and new Project-affected persons are also covered within this updated RAP Report.

0.2 Project-Affected Areas and Potential Impacts

The KFCRUP is located in the Kampala Capital City Authority (KCCA) administration mostly covering Central and Makindye Divisions. Over all, most of the impacted properties in this Updated RAP belong to Government institutions, companies, organisations and a few private individuals. The PAPs who would have been individual claimants are being treated as groups i.e. the furniture dealers along Nsambya Road, market vendors operating business on part of M/s. Mandela's land and police staff in the semi-permanent structures on UPF land.

0.3 Design Considerations to Minimize Resettlement

The cardinal principal of this road project design was to minimize the potential for resettlement to the bare minimum. The JICA study identified three options which were termed Option 1, Option 2, and Option 3 whose main objective was to decongest the Central Business District (CBD). Option 3 was chosen because it had the least land and property acquisition. More adjustments were done on this Option 3 to reduce the possibility of affecting any major structure. The Environmental and Social Impact Assessment (ESIA) study proposed mitigation measures to work around the utilities and relocate only those where there is no alternative for working around them.

To minimize land acquisition and displacement of people, the survey Team and the design team have worked closely together to re-align the road so that no structures are taken. In the end only a few structures are impacted. During the detailed design, some PAPs opposed the original design. This has led to a radical change of design where such PAPs were left out. Instead a larger chunk of land from URC was affected in addition to the clinic. The Electoral Commission buildings were also affected as part of the new detailed design. Subsequently, displacement impacts have not arisen except for the RVR tenants, people growing flowers and furniture vendors who were operating in the road reserve and Nsambya market vendors. After consultations between the CGV and UNRA, the RVR tenants were paid three months rent in liue ontop of a 15% disturbance allowance; and the flower attendants received a compensation package equivalent to the commercial value of the flowers and pots in addition to a 15% disturbance allowance. It was agreed that the RVR tenants would be given ample notice to vacate without paying rent from time disclosure was made to the PAPs while the flower attendants were allowed to take their compensated flowers to another location of their choice. For the furniture and market vendors, relocation assistance will be given. For the case of police families residing in the affected police quarters/ flats, the compensation of the affected land and structures will be paid to Police and management of Police will provide alternative housing as per their mandate to provide accommodation to their staff. During the detailed design, the surveyor advised further that for small pieces of land that were cut off due to the road, it was prudent to leave them out and adjust the design so that the road reserve coincides with the cadastral boundary of the neighbouring plot of land. This has been done to minimise further land acquisition.

In this updated RAP, due to the design changes, a number of new structures have been affected and lead to displacement and relocation of some people particularly on UPF and M/s. Mandela Auto Parts land along the proposed new Nsambya-Kibuli Link as well as the furniture dealers operating mainly on the road reserve along Ggaba Road.

0.4 Legal Framework for Compensation

This RAP takes into account the Uganda Legal Framework as well as the key Donor Guidelines (JICA and WB) on resettlement and compensation. The Uganda Government requires compensation to be paid if damage is caused to land and other private property. The Relevant Uganda laws on compensation and resettlement include the Constitution of the Republic of Uganda, 1995; and the Land Act, Cap 227; The Local Government Act (1997); Land Acquisition Act (1965) and The Access to Roads Act (1965). The same requirements are also articulated by the major Development Partners of Uganda (especially the JICA and WB) Involuntary Resettlement Policy Guidelines.

0.5 Institutional Framework

UNRA is responsible for implementing this RAP. There are three main proponents involved in carrying out compensation/resettlement where involuntary relocation or resettlement is inevitable. These are the Ministry of Lands, Housing and Urban Development (responsible for Compensation), Lead Agencies/Ministries and in this case the UNRA and the donor agency (JICA and WB) for donor-supported projects to ensure compliance with Donor Safeguards. In addition, the KCCA Administrations (Local Government) is a key lead agency in this resettlement, and compensation until its successful completion.

0.6 Community Participation

In the original and first supplementary RAP, a number of meetings were held with all stakeholders. In this Updated RAP No.2 at the detailed design stage, the consultations were done both by the technical team and the social team and the following PAPs were covered among others:

- Local leaders within the project area;
- Directly impacted persons/entities including the following: -
    - Mukwano Industries (U) Ltd/Gulfstream Investments Ltd,
    - Kingdom Kampala,
    - Total Uganda Limited
    - Access Uganda Limited,
    - House of Dawda Uganda Limited
    - Kampala International University
    - Total Uganda Limited
    - Kampala Archdiocese,
    - Mandela Auto Parts Limited
    - Nsambya Market vendors
    - Furniture dealers
    - Uganda Police Force,
    - Kampala Capital City Authority/ Nalongo Estates Limited

During updated RAP, individual PAPs and institutions/ Companies have been/ will be met on a one to one arrangement through organising meetings at either their office premises, UNRA offices or the Consultant's

office. A general engagement meeting which involved the Town Clerk, KCCA Physical planner, Resident City Commissioner (RCC), and State House representative among others was organised to sensitise the furniture vendors. For the case of the market vendors, these were engaged during the survey and valuation exercise on a one to one while carrying out assessment of the temporary structures.

0.7 Field Survey Findings

The principal and first supplementary RAPs covered most of the impacted properties within the project ROW. This Updated RAP covers properties affected as a result of re-alignment from the original design at Centenary Park, due to addition of flyover stage 2; extension of the landing of the flyovers at Yusuf Lule and Nile Avenue; road widening along Mukwano Road and Nsambya Road; and construction of the new Nsambya- Kibuli link. These changes mainly impact police quarters, furniture dealers, and commercial structures within Centenary Park.

The relocation of the furniture vendors is being treated as a group under their association "Nsambya Carpenters Joinery and Crafts Training Agency (NSACARJA). The furniture vendors resettlement covered in this RAP is a program for temporary relocation since they have an on-going permanent resettlement plan being implemented by the State House. *(please refer to the attached letters regarding the engagements between UNRA, State House and the furniture dealers under Annex 1)*. The relocation cost for the furniture vendors association is estimated at UGX.426,485,000 as provided by their leadership which was considered adequate by the RAP team and thereon approved by UNRA.

The Police staff were not counted as individual PAPs as these will be relocated by their employer 'Uganda Police force' once the compensation payment is made by UNRA. *(Please refer to the attached letter from Uganda Police Force committing to relocate the affected families as per their mandate under Annex 1).*

For the case of the market vendors (trading as Nsambya Market vendors Association Ltd) on Kampala Archdiocese land leased to [redacted], it was discovered that they are operating business and not residing on the premises. In addition, they were licensees that had been occupying the land and paying rental fees to the Freehold owner i.e. Kampala Archdiocese but had since been served eviction notices. However, there is pending proof of payment and effective eviction of the same by the Kampala Archdiocese which was under contestation with an ongoing civil suit in court. *(Please refer to the attached letters from the landlord i.e. Kampala Archdiocese, M/s. Mandela Auto Parts and the Lawyer of the Nsambya Market vendor's association Limited regarding the market vendors under Annex 1).* This gave the RAP team the basis of the type of entitlement to be considered. Following engagements with the Chief Government Valuer's office, it was deemed necessary to assess them as licensees. This negation was advised by the fact that there is a pre-existing compensation arrangement between the lessor and lessee ensuring vacant possession. An independent valuation assessment of the semi-permanent developments has been undertaken as an addendum to supplementary valuation report No.4 to advise on compensation in the event that the land owners i.e. Kampala Archdiocese and [redacted] delay to handover unencumbered land, the compensation of the temporary structures for the market vendors shall be paid to the association to ensure vacant possession. The value of the temporary structures for the Nsambya market vendors (112persons in total) was captured in the addendum to supplementary report No.4, estimated at UGX. 152,797,665.

For the commercial structures within Centenary Park, in the draft assessments; [redacted] was assessed as a licensee for the developments within centenary park with an estimated total compensation value of UGX. 3,393,325,574 for developments only excluding land component to KCCA estimated at UGX. 15,789,500,000 for the additional land take. However, CGV advised that assessments of affected properties on Centenary should be captured in a separate report. The entitlement of the PAPs and new rates will be confirmed after approval of the CGV as will be advised by the Memorandum of understanding (MOU) between UNRA and KCCA regarding acquisition of land take at Centenary Park measuring approximately 5.23 acres. The additional land required at Centenary Park under this Updated RAP report measures about 3.012 acres since the 2.218acres was captured within supplementary RAP No.1.

The rest of the affected property belonging to Government institutions, companies, organisations and a few private individuals have been valued at market rate plus a 30% disturbance allowance for properties under Lot 1 and 15% disturbance allowance for properties under Lot 2. A disturbance allowance of 15% has been applied for Lot 2 in this Updated RAP report because it was projected that the PAPs would be allowed more than six (6) months to vacate while disturbance allowance of 30% has been applied for Lot 1 since the construction works are already ongoing and the PAPs would be required to vacate within the shortest time possible from the time compensation is paid.

0.8 Summary of the Impacts

For proper accountability, the number of claims considered for implementation are the claims categorised as verifiable since some of those that were unverifiable under original valuation report were moved to supplementary Valuation No.1 and those that were unverifiable under supplementary valuation report No.1 were moved to the subsequent supplementary valuation reports No.2 and No.3 that were approved. Table 0.8.1 below shows the approved land acquisition cost of reports approved and number of verifiable claims under the principal RAP, supplementary RAP No.1 and Updated RAP.

Table 0.8.1 Estimated Land Acquisition Costs for reports approved under the Principal RAP, supplementary RAP No.1 and Updated RAP

Valuation Reports	Total No. of Claims Valued	Compensation value assessed/ Approved (UGX.)	Net No. of Claims Verifiable	Area of verifiable claims (Acres)	Amount of verifiable claims (UGX.)
First/ Principal Report (Approved 22nd June 2015)	102	51,822,154,790	24	0.243	1,856,341,500
Supplementary Report No.1 (Approved 7th February 2017)	158	119,512,423,993	141	20.401	94,390,775,768
Approval letter for revision of compensation award due to HAKs Express Limited & KIU. Moved from report No.1 (Approved 20th July 2018)	04	10,348,013,000	04	2.122	10,348,013,000
Supplementary Report No.2 (Approved 7th May 2019)	06	23,914,920,500	02	2.707	22,283,895,000
Supplementary Report No.3 (Approved 15th January 2020)	10	809,879,150	10	0.051	809,879,150
Approval letter for revision of compensation award due to Petro Uganda Limited. Moved from Report No.2 (Approved 30th July 2020)	04	1,617,356,000	04	0.311	1,617,356,000
Supplementary Report No.4 (Approved 12th March 2021)	19	16,821,461,344	19	2.9295	16,821,461,344
Addendum to Supplementary Report No.4 (Approved 18th March 2021); (Assessment of 112 temporary structures for market vendors) however, considered as a group i.e.1PAP since payment will be made to a group pending resolution of court case with the landlord)	1	152,797,665	1	N/A	152,797,665
Relocation cost for furniture vendors (considered as a group i.e.1PAP since the relocation programme targets the entire group)	1	426,485,000	1	N/A	426,485,000
Draft Assessment for developments at Centenary Park (2 lincence claims for [redacted] and 2 claims for KCCA land)	4	19,182,825,574	4	3.012	19,182,825,574
Grand Total	**309**	**244,608,317,016**	**210**	**31.777**	**167,889,830,000**

Under the Principal RAP, Supplementary RAP No.1 and Updated RAP, the number of claims considered for implementation are the claims categorised as verifiable thus giving a total number of 210 PAPs covering a total land size of 31.777 acres with land acquisition cost estimated at approximately UGX. 167,889,830,000 (USD. 45,622,236.41 at exchange rate of 1USD=3680 Ushs).

The summary of impacts for all properties affected by the Flyover project is provided in table 0.8.2 and table 0.8.3 below. It is evident that most of the impacted properties belong to Government entities and few individual companies whose properties have been valued at market value plus a 15% or 30% disturbance allowance depending on whether the properties are under Lot 1 or Lot 2. The comprehensive detailed assessments of all the principal/ supplementary valuation reports are attached to this RAP report under Annex 2 and includes Photographs of the key / main developments that have been valued.

Table 0.8.2 Summary of the Impacted PAPs /Institutions as of March 2021

S/no	Description	Number of PAPs	Number of Involuntary Resettlemet	Land Acres		Land Value	Houses / Structures value	Crops Value	Relocation Cost/ Payment in lieu of Tenancy	Total Compensation + 15%/ 30% Dist. Allow
				In road	Out of road					
1	Government Land(Plots)/ Institutions	43	0	1.108	22.2286	101,669,456,800	6,993,496,950	8,544,000		126,028,658,305
2	Private Institutions / Companies	36	0	1.077	7.1371	28,192,215,194	3,959,776,040	24,369,200		39,081,771,697
3	Religious Institutions	7	0	0	0.02	763,851,991	25,650,000	435,000		1,012,955,338
4	Men Land Lords	6	0	0	0.1818	514,342,816	245,289,575	190,000		912,014,608
5	Women Land Ladies	0	0	0	0	0	0	0		0
6	RVR Tenants	21[*1]	88[*2]	0	0	0	0	0	5,040,000	5,796,000
7	Men Flower Gardeners	50	0	0	0	0	1,651,200	43,922,000		52,409,180
8	Women Flower Gardeners	40	0	0	0	0	2,565,900	31,959,473		39,713,468
9	Licencees/ Individuals	5	0	0	0	80,000,000	56,329,800	0		177,228,740
10	Nsambya Furniture vendors Association	1	0	0	0	0	0	0	426,485,000	426,485,000
11	Nsambya Market vendors Association	1	0	0	0	0	117,536,665	0		152,797,665

[*1] The number of families
[*2] The number of family members

Table 0.8.3 Summary of Impacted Government Institutions/bodies as of March 2021

S/no	Description	Number	Land Acres		Land Value	Houses / Structures value	Crops Value	Total Compensation + 15% /30% Dist. Allow
			In road	Out of road				
1	URC	21	0.717	7.483	29,115,410,000	727,950,000	5,890,000	34,326,637,500
2	Uganda Police	9	0.097	5.0156	19,669,300,000	2,398,276,950	2654000	26,437,201,485
3	Electoral Commission	1	0	2.701	16,206,000,000	3,114,100,000	0	22,218,115,000
4	Uganda Post Limited	2	0.186	0.534	1,689,100,000	753,170,000	0	2,808,610,500
5	KCCA[1]	10	0.108	6.565	34,989,646,800	0	0	40,238,093,820

[1]In the total compensation award, KCCA was not included among those to be paid as it is a major beneficiary of the project and the land constitutes public land.

Summary of the compensation amounts for verifiable claims in all the valuation reports is presented in Table 0.8.4 and includes the costs related to compensation at 1% of the compensation assessed.

Table 0.8.4 Summary of the Land Acquisition and Resettlement Cost (As of March 2021)

S/No.	Type of cost	Amount in UGX	Amount in USD
1	Land Acquisition Cost	131,343,866,800	35,691,268.15
2	Crops/Trees	110,141,600	29,929.78
3	Buildings and structures	11,401,582,280	3,098,256.05
4	Relocation Cost/ Payment in lieu of Tenancy	431,525,000	117,262.23
5	Sub aggregate total (1+2+3+4)	143,287,115,680	38,936,716.22
6	Disturbance allowance (15%/ 30%*5))	24,602,714,320	6,685,520.20
7	Total Compensation (5+6)	**167,889,830,000**	**45,622,236.41**
8	1% RAP Implementation costs (No.7*0.01)	1,678,898,300	456,222.36
9	**Total RAP Budget** (7+8)	**169,568,728,299**	**46,078,458.78**

Source: Adapted from assessed Valuation reports
1$=UGX 3680.00

The total compensation cost for all verifiable claims under the Principal RAP, Supplementary RAP No.1 and Updated RAP No.2 is therefore estimated at UGX. 167,889,830,000 with 1% costs makes the total RAP budget UGX. 169,568,728,299 (USD.46,078,458.78).

It is important to note that despite both the changes in design and the passing of time, the objectives of the project in general and the RAP in particular have not changed. They remain the same as was the case in the original RAP study.

0.9 Implementation Plan

This KFCRUP will not lead to large scale resettlement and relocation of communities. Due to the relatively small number of PAPs, the impact on livelihood has been minimal. Under the principal/ first RAP,there were 21 RVR families (88 members) who were paying rent to RVR that had to be relocated. Accoriding to their tenancy agreement, (copy attached under Annex 1), it provided that the RVR tenants would be given three months notice or payment in lieu to relocate; thus the project compensation package included three months rent as well as a 15% disturbance allowance to the impacted RVR tenants. The compensation payment was made and were given ample notice to vacate in addition to months of not paying rent to RVR after disclosure of compensation was made.

Under Supplementary RAP, the PAPs that received relocation assistance were flower attendants (93 PAPs), whose flowers were assessed at market rate value and in addition were paid a 15% disturbance allowance. They were allowed to take their compensated flowers to another location of their choice.

Under this updated RAP, the livelihoods affected are the furniture dealers along Nsambya Road reserve, the market vendors on Kampala Archdiocese/ M/s. Mandela's land and the police families occupying some of the affected structures in the Nsambya and Kibuli police quarters. The Police families occupying the affected police quarters will be provided with alternative residential units by the Uganda Police Force as per their mandate to provide accommodation for their staff once compensation is paid; while the furniture dealers will be temporarily relocated to a site near their permanent carpentry village in Kigo as there is a pre-existing` long-term resettlement plan being implemented by the State House. The market vendors have been assessed for compensation as licensees (excluding land component) pending the outcome of the pre-existing resettlement arrangement with their landlord not subject to this project, but incase the civil suit is not resolved in time, the Project shall pay the compensation of the affected structures to the association to ensure vacant possession. If the civil suit is resolved by the time of payment, the market vendors (112 vendors assessed), shall be compensated directly without going

through court. Please refer to the letters under Annex 1 relating to correspondences with Uganda Police, State House and [redacted].

The government entities, private companies, and individual PAPs will be compensated as per their entitlement of the affected properties.

0.10 Compensation Strategy

At the time of this RAP study, most of the PAPs in the original and supplementary RAP No.1 had received their compensation awards and the outstanding PAPs were being paid upon provision of all the required legal documents for payment to be effected by UNRA. This Updated RAP will also follow a similar compensation strategy as the previous RAPs. The private entities will be paid by bank transfer to their respective bank accounts which they will have provided on the agreement form. Any individual who is entitled to less than 200,000/= will be paid cash compensation and a minimum compensation pay-out of 200,000/= will be paid to those PAPs whose compensation awards are less than 200,000/=.

0.11 Payment Procedure

Under the WB /JICA guidelines, it is recommended that no works should commence before compensation and resettlement have been completed and grievances attended to. It is important that the key stakeholders (PAPs, LCs, UNRA and JICA) agree fully with the resettlement packages. At all times, the PAPs must be kept informed of the evolution of the resettlement schedule and should agree to it before implementation. The consultation for this updated RAP study has been proceeding concurrently alongside implementation of the original and first supplementary RAP.

0.12 Proposed Time Schedule

A resettlement/ compensation - implementation and monitoring program which has been proposed will be implemented. The program covers resource mobilization, formation of relevant implementation committees, material mobilization and payment of disturbance allowances and monitoring of the exercise. The compensation and resettlement assistance is expected to be completed within 12 months at most from the time the valuation report is completed and approved depending on the availability of the finances of the RAP budget within the financial year.

0.13 Monitoring, Evaluation and Completion Audit

It will be important to carry out a Monitoring, Evaluation and Audit exercise to determine the progress and effectiveness of the RAP. This will establish among others:

- Amounts of compensation paid in a given month,
- Progress of construction of resettlement houses, in this case following up with Uganda Police Force on progress of relocation of their staff
- People completing livelihood restoration training courses.

0.14 Unra will therefore monitor the following:

Total amount paid out and the rate at which it is being paid;

- Socio economic status of the compensated/resettled people;
- Number of people compensated and the rate at which it is happening; and
- Number of grievances recorded, settled and those that resorted to court action if any.

0.15 Conclusion

In conclusion, the total number of verifiable claims (thus total number of PAPs) to date is 210 i.e. 185 PAPs as the sum of verifiable claims under first valuation report and supplementary valuation reports No.1, No2 & No.3; plus 19 PAPs assessed in supplementary valuation report No.4; plus 4 licensees and 2 land claims for KCCA Centenary park land. The 4 licensees' claims include 2 claims for [redacted], 1 claim for furniture vendors association, and 1 claim for Market vendors association since each association is being treated as one PAP. The total land take to be acquired by the Flyover Project excluding existing road reserve limits is 31.777Acres with total acquisition cost estimated at UGX. 167,889,830,000.

In order to arrive at this figure, a number of key principles have been followed while conducting the RAP. These include the following:

- Minimizing compensation needs by ensuring that the KFCRUP does not encroach on structures and buildings as much as possible;
- Ensuring that the project remains along the present alignment as much as possible;
- Taking advantage of Government land as much as possible to reduce possibility of taking private land for the road project;
- Key stakeholders have been involved in the study and will be involved in the compensation exercise; Prompt compensation is recommended for successful implementation of the project.

CHAPTER 1. INTRODUCTION

1.1 Background of the Project

This project was originally known as the "The Greater Kampala Roads Improvement Project" (GKRIP). It has since been renamed as the Kampala Flyover Construction and Road Upgrading Project (KFCRUP). The primary alignment of the Project commences at a point about 500m along Queen's way, passes through the Clock Tower Junction and along Mukwano Road to the Kitgum House Junction where it turns to the east onto Jinja Road which it follows to the end of the Project approximately 250m east of the Africana Junction. Its total length for the mainline (Queensway to Jinja Road) is approximately 3.5 kilometres.

The pre-feasibility study was conducted for construction of flyovers, road widening and intersection improvement. As part of the preliminary design, the consultant conducted a Resettlement Action Plan study that was concluded in March 2015. The valuation report in particular and RAP in general were subsequently approved by the Chief Government Valuer (CGV).

Similarly, an Environmental and Social Impact study (ESIA) was conducted and while it was found that the road project is consistent with the description of the projects under section 3 of the Third Schedule of the National Environment Act, Cap 153, JICA classified this project as a category B project in line with their own Environmental Safeguards. This is mainly because the project impacted people were less than 200. The ESIA established that a number of properties and structures were likely to be affected. Most of the impacts were of a social nature and that was why a RAP was subsequently conducted so as to enable the provision of resettlement assistance where necessary.

The original and first supplementary RAP studies covered the primary alignment of the Project. The studies also covered the extensions fringes from the Nsambya Junction along Ggaba Road for a distance of about 560 metres and also along Yusuf Lule road up to Golf Course Junction (about 600metres). This Updated RAP study will cover new design adjustments made on the primary alignment and also include extensions along Ggaba Road (about 400 meters) and impacts caused by the construction of the new Nsambya-Kibuli Link Road (about 560 meters).

The previous RAP studies took cognizance of the World Bank/JICA Guidelines for Environmental and Social Considerations (April 2010 version) as well as the Uganda Government Policy Guidelines on Involuntary Resettlement/Compensation hence its acceptance by the Chief Government Valuer (CGV), JICA and UNRA. This Updated RAP assessment has followed a similar approach to that of the already approved RAP reports. This RAP to the already approved RAP reports therefore highlights the design changes to the preliminary design together with the associated social impacts where applicable.

The Project was originally subdivided into three (3) packages namely, package 1, 2 and 3 according to the JICA Feasibility Study (F/S). During the original Detailed Design of the Services, it became apparent that the harmonization with railway viaduct for the SGR (Standard Gauge Railway) project is necessary, which inevitably required significant modifications to Package 3 design. Consequently, UNRA decided to proceed with procurement of the Contractor for Package 1 and 2 that had no impacts from SGR project. Further, Package 1 and 2 were combined as one contract package namely "Lot 1". In the same manner of naming, the Package 3 was renamed as "Lot 2". The project components are summarized under subsection 1.3.3 of this chapter in Table 1.3.1 and Table 1.3.2.

In addition, UNRA proposed an additional flyover at Kitgum House junction since the land of Electoral Commission became available which can accommodate additional route to increase the junction capacity and traffic through-put. It was further agreed that detailed design of the proposed Nsambya-Kibuli link road would be concluded at detailed design review stage once the Construction contract for

Lot 1 commences.

From the above, it was decided that commencement of Lot 2 should be delayed and it also became necessary to undertake supplemental F/S and preliminary design of Lot 2 (the study) considering the modifications due to the effect of SGR; land usage of Electoral Commission and the proposed additional flyover. UNRA decided to undertake the study under the original contract of the Services while detailed design of Lot 2 would be considered under a separate Contract together with the Supervision Component.

1.2 Objectives of the Project

The overall objective of this project is to improve traffic movements within the Greater Kampala Road Improvement Project area. This is being done in phases.

The specific objective of this project is to decongest the Centre of Kampala City as well as the congested Rounds About which are located along the 3.5 km stretch that is described as the congested segment. At the Local level the project aims at ensuring that no roadside communities become worse off as a result of the road upgrading works.

1.3 Project Area

1.3.1 General Overview of the Project Area

The Project is located within the Central Business District (CBD) of Kampala, and the location of the Project and project layout is as shown in figure 1.3.1 and figure 1.3.2 below. The primary alignment of the project commences at a point about 500 metres to the south side of the Clock Tower Junction, passes through the Clock Tower Junction and along Mukwano road to the Kitgum House Junction, where it turns to the East onto Jinja road, which it follows to the end of the project approximately 250 metres east of the Africana Junction. Its total length for the mainline (Queensway to Jinja Road) is approximately 3.5 kilometres.

Other components of the project include;

1. A section of Entebbe road between Clock Tower junction and Shoprite junction, and Ben Kiwanuka Road (approximately 500 metres);

2. Widening of Ggaba road at Nsambya junction (approximately 910 metres);

3. A minor diversion at Kibuli junction, Kibuli- Nsambya Link Road (approximately 560 metres);

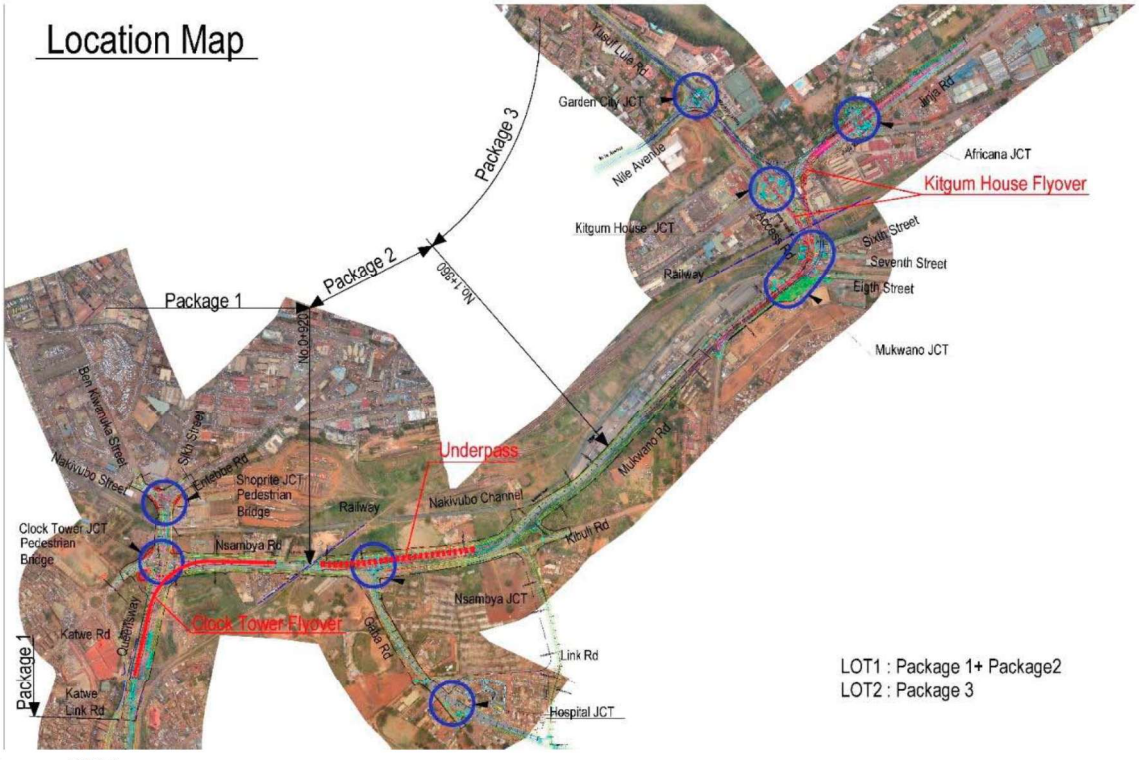
4. A section of road between Kitgum House junction and Garden City Roundabout (approximately 600 metres), and

5. A section of Nile Avenue starting from the Garden City Junction (approximately 400 metres).

The total length of the project for the (mainline together with the additional components of road widening), is about 6 Kilometres.

Source: JICA F/S

Figure 1.3.1 Location Map of the project



Source: DDC

Figure 1.3.2 General Layoutt Plan of the Project

1.3.2 Project packaging

To aid project implementation during construction, the project was packaged into three packages as shown in figure 1.3.2 above i.e. Package 1, Package 2 and Package 3. However, later this was revised and Package 1 and 2 were combined categorised as Lot 1 and Package 3 as Lot 2.

1.3.3 Project Components

Despite the design changes, the general project components have not changed. This is one of the major reasons why the RAP foot print has largely remained the same with a few additions.

The major works of the Project consists of the construction of Flyovers, bridges, road improvement, road widening, major drainage improvement works, signalization of roundabouts, and underpass construction, among others.

The Project components are divided into three contract packages as earlier mentioned in the introductory chapter. The summary of the project components for Lot 1 (Package 1 and 2) and Lot 2 (Package 3) are summarised the tables 1.3.1 and 1.3.2 below.

Table 1.3.1 Lot 1 Components (Packages 1 & 2)

Package-1	
Components	**Description (the F/S)**
i) Flyover	• Clock Tower Flyover, Total L=584m (Bridge L=366m), 2-lane
ii) Road Widening/Improvement (including footways and drainage)	• Queen's Way Widening L=500 m, 4-lane (existing: 2-lane) • Entebbe Rd. Improvement L=200 m, 6-lane • Nsambya Rd. Widening L=420 m, 6-lane (existing: 4-lane)
iii) Pedestrian Bridge	• Clock Tower Pedestrian Bridge, L=220 m • Shoprite Pedestrian Bridge, L=72 m
iv) Junction Improvement (with NMT* provisions)	• Shoprite Junction • Clock Tower Junction
Package 2	
Components	**Description (the F/S)**
i) Underpass	• Nsambya Underpass, Total L=430m (Tunnel L=130m), 4-lane
ii) Road Widening/Improvement (including footways and drainage)	• Mukwano Rd. Widening L=1,330m, 4-lane (existing: 2-lane) • Ggaba Rd. Widening L=500m, 4-lane (existing: 2-lane)
iii) Junction Improvement (with NMT* provisions)	• Nsambya Junction • Hospital Junction • New Nsambya-Kibuli Junction

Source: Study Team

Table 1.3.2 Package-3 (Lot 2) Components

Component	Description	
Flyover	Kitgum House Flyover	Total Bridge Length: 2,964 m Approach Embankment: 132 m (via Mukwano Rd) 77 m (Jinja Rd Side); 108 m (Yusuf Lule Rd Side) 90 m (Nile Ave Side)
Road Upgrading and Junction Improvement	Widening and improvement of Mukwano and Access Road	L=1,011.5 m
	Improvement of Kitgum House Junction	-
	Improvement of Jinja Road	L=758.0 m
	Improvement of Yusuf Lule Road	L=740.7 m
	Improvement of Nile Avenue	L=380.8 m
Signalization and Junction Improvement	Signalization of Mukwano Roundabout	
	Signalization of Press House Junction	
	Signalization of Africana Junction	
	Signalization of Garden City Junction	

Source: Study Team

1.4 Phasing/ Project Duration

Since the preliminary design and following the design change, a number of changes were introduced. While the changes under Lot 1 were mostly expansion of the right of way, as discussed above, major changes were realised under Lot 2. This led to changes in the implementation timeline especially for Lot 2. The revised implementation timelines are as summarised in Table 1.4.1.

Table 1.4.1 : Kampala Flyover Project Timelines

Contract	Key Scope Activities	Duration in Months	Date of Commencement
Lot 1 (Clock Tower Flyover, Mukwano road widening and Nsambya Underpass (Tunnel)	Detailed Design Review	4	April 2019
	Construction Period starting with Utilities Relocation	28	
	Defects Notification Period	12	
Lot 2 (Kitgum Flyover)	Detailed Design	9	February 2019 with Detailed design. Construction to start after Government has secured additional funding from JICA.
	Tender assistance	13	
	Construction Period	37	
	Defects Notification Period	12	

Source: DDC

1.5 Detailed Design Change Considerations

As has been discussed above, the detailed design has taken into account the theme of the preliminary design and also following further consultations several adjustments were made to the design. This has been done in part to avoid some of the developers who were opposed to the alignment saying that such an alignment would disrupt their business plans. Instead the detailed design takes off more land area from public properties including the Electoral Commission and Uganda Railways Cooperation (URC) land. Subsequently as discussed above, the detailed design divides the road project into three sub sections or Packages (Package 1, 2 and 3). Presently, Packages 1 and 2 have been combined to be called LOT 1 and Package 3 is LOT 2.

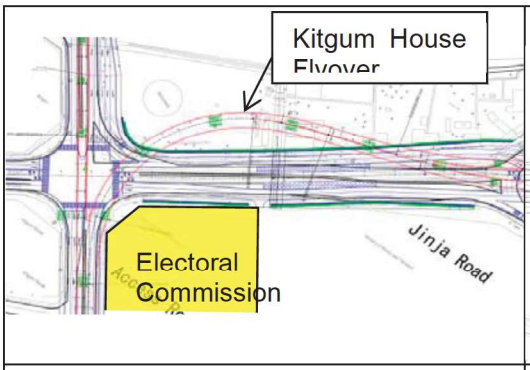
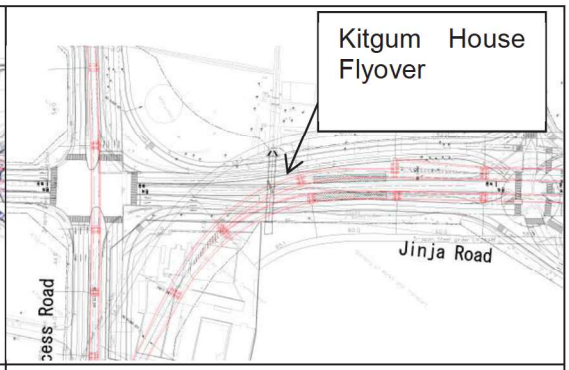
1.6 Major Changes in Design From JICA F/S

The original Detailed Design commenced in November 2014 (officially February 2015) based on the results of the JICA F/S. However, the following changes were made during the detailed engineering design stage:

1.6.1 Horizontal Alignment of Kitgum House Flyover

A horizontal alignment of Kitgum House Flyover was modified because the land of the electoral commission was allowed to be used for the Project

Table 1.6.1 Modified Alignment of Kitgum House Flyover

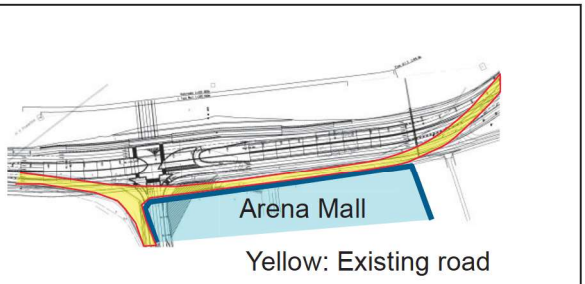
	
Original Plan	Modified Plan

Source: DDC

1.6.2 Alignment at Nsambya Junction and Location of the Underpass

The horizontal alignment near Nsambya Junction where the underpass is planned was modified due to a new development plan of Arena Mall. In relation to this modification, the horizontal alignment of Ggaba road was also revised.

Table 1.6.2 Style: Modified Plan near Nsambya Junction

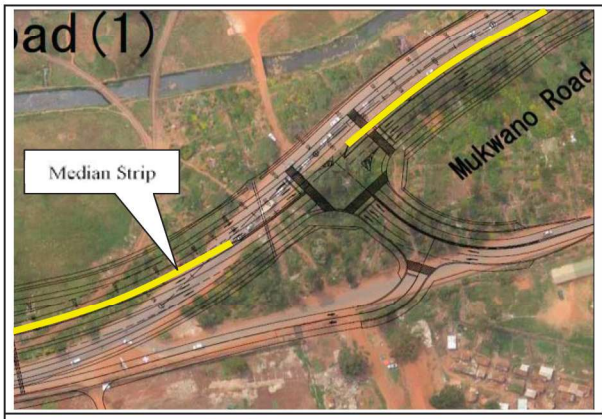
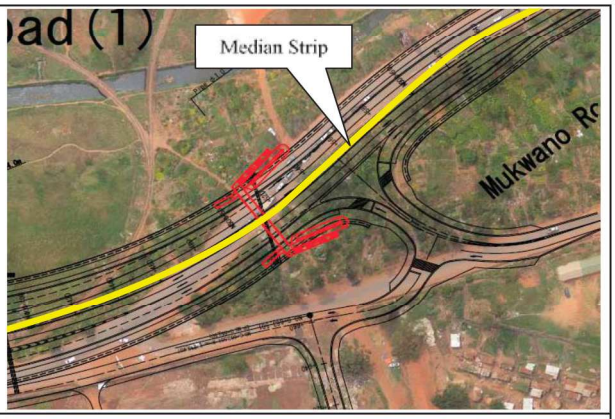
	
Original Plan in the F/S	Modified Plan

Source: DDC

1.6.3 New Kibuli Junction

In order to avoid interruption of traffic flow by the traffic signals, UNRA requested to remove the traffic signal planned for New Kibuli Junction. With this modification, traffic between Jinja Road and Queen's Way will not be interrupted by red signals.

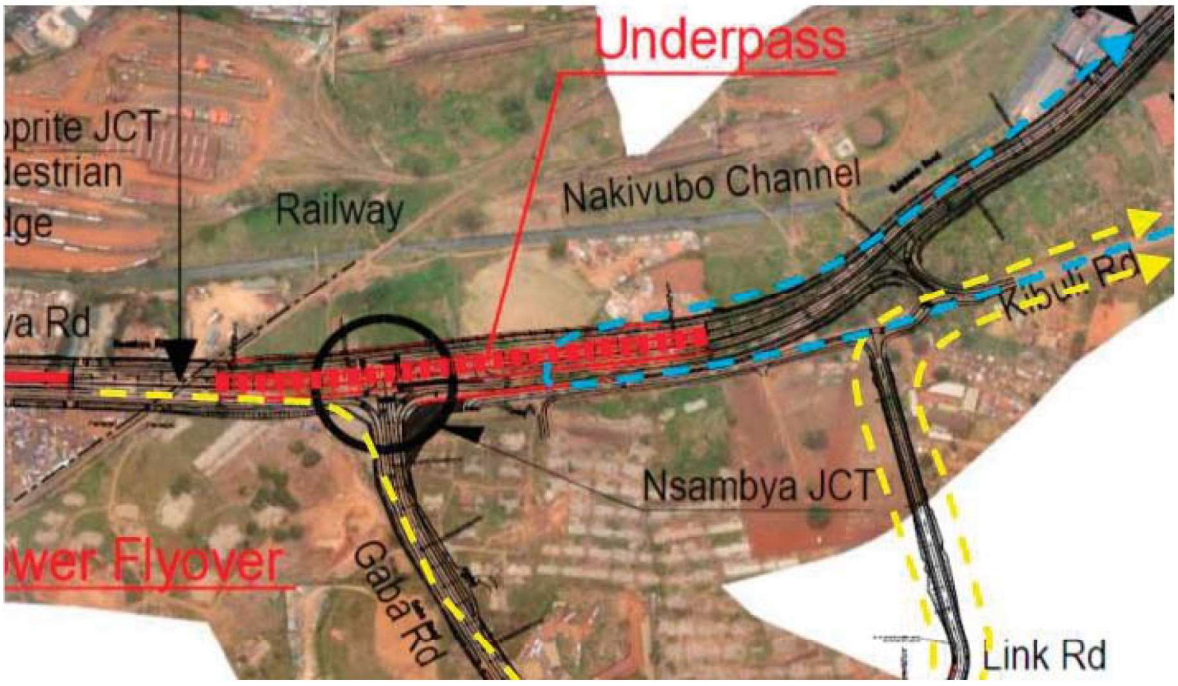
Table 1.6.3 Style: New Kibuli Junction

	
Signalized junction in the F/S	Left turn only junction with pedestrian bridge

Source: DDC

1.6.4 New Link Road

Due to the above-mentioned modification of New Kibuli Junction, traffic from West side (from Clock Tower and Ggaba Road) will not be able to enter Kibuli Road. For the traffic from Kibuli Road, a U-turn lane (highlighted in blue) was provided for traffic towards Kitgum House Junction as shown in Figure 1.6.1 below.



Source: DDC

Figure 1.6.1 U turn for traffic from Kibuli road to Kitgum House Junction

In order to provide an additional access for traffic from West side (from Clock Tower and Ggaba Road) to Kibuli road, a new Link Road which connects New Kibuli Junction and Hospital Junction (Option1) was provided as shown in the Figure 1.6.2 below.

Source: DDC

Figure 1.6.2 New Link Road route alignment options

However, the original proposed alignment (option 1) at the time of tender via Mestil access road was discovered during the detailed design review stage that it was no longer viable due to lack of right of way along that corridor.

The following were the challenges associated with acquisition of the ROW along the original alignment (option1):

- Marriot Hotel development that is already under construction with approved plans
- Mestil approach road and parking area that are already built and operational
- Other Land Owners with different development plans on the approach to Ggaba road.

Due to the above reasons and following numerous engagements with KCCA, UNRA and adjacent property developers, it was agreed to shift the Link road alignment due to challenges associated with the original route.

Accordingly, Option 2 was selected as the best alternative since Option 1 was no longer tenable. Following the selection of the new route alignment, the Consultant proceeded to carry out draft detailed design of link road alignment. It must however be noted that the selected alignment is a more expensive option due to the following reasons;

- It necessitated to extend the scope of works along Ggaba road up to the proposed link road junction.
- Addition of a signalized junction at the intersection of Link Road and Ggaba road.

- Land acquisition for the entire Link road corridor which was not envisaged for the original alignment.

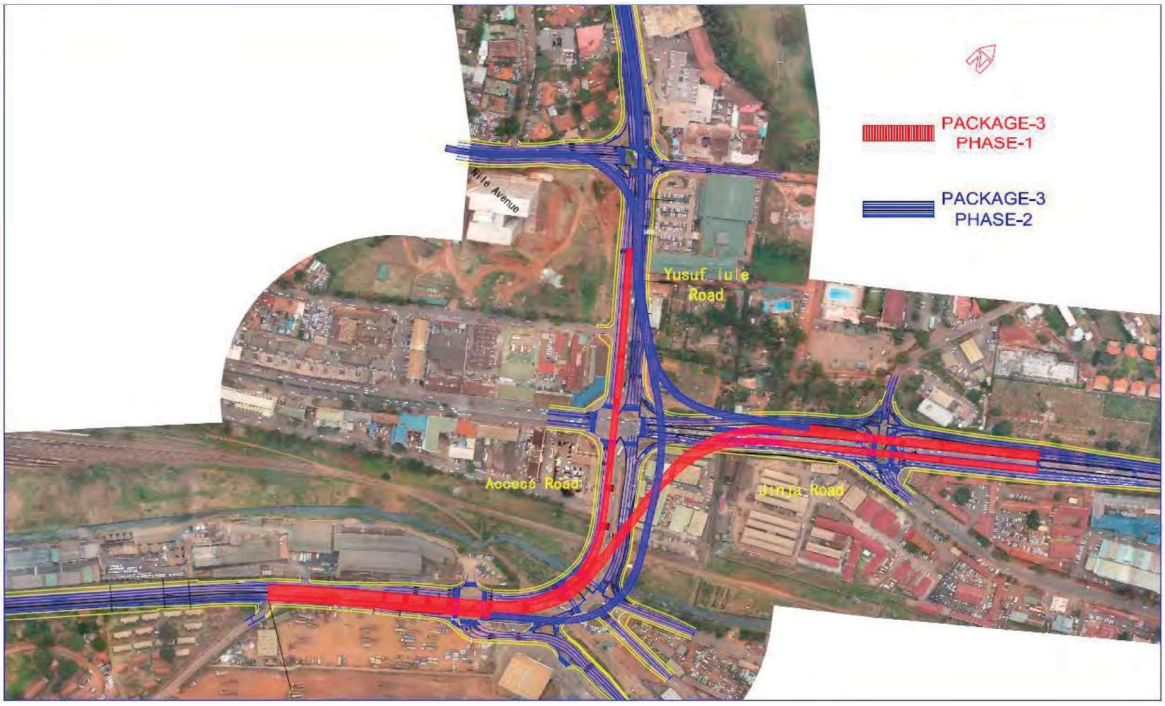
- Need to incorporate Marriot Hotel's request to harmonize access levels for link road with their designed access levels.

1.6.5 Engagement between the Detailed Design Consultant (DDC) and the Standard Gauge Railway (SGR)

One of the major reasons why the LOT 2 package delayed was because of the indecision of the SGR which according to government had a higher priority than the Road project. The road alignment could only be fixed after the layout of the SGR had been agreed. For these reasons, at the commencement of the Detailed Design (DD) study, the DDC held a meeting with URC on 14th November 2014. The meeting confirmed that the SGR will cross both Access and Nsambya Roads at grade. The meeting took place at the URC boardroom. The DDC therefore proceeded to design KFCRUP based on the above conditions.

In July 2015, the SGR team informed the DDC that they are planning the SGR with an embankment of about 2.5 metres across Access Road, effectively closing off the road. This decision had major impact on the traffic considerations for KFCRUP. The DDC studied and compared several options to resolve the conflict. These options were discussed with the SGR team. After a series of discussions, the SGR team decided that the SGR will cross both Access Road and Nsambya Road at grade and for safety reasons automated barriers will be installed.

With the EC land available, UNRA asked the DDC to conduct a conceptual study on modification of alignment of Kitgum House Flyover and additional Phase 2 flyover utilizing the EC land. The DDC came up with the conceptual plan as shown in Figure 1.6.3.



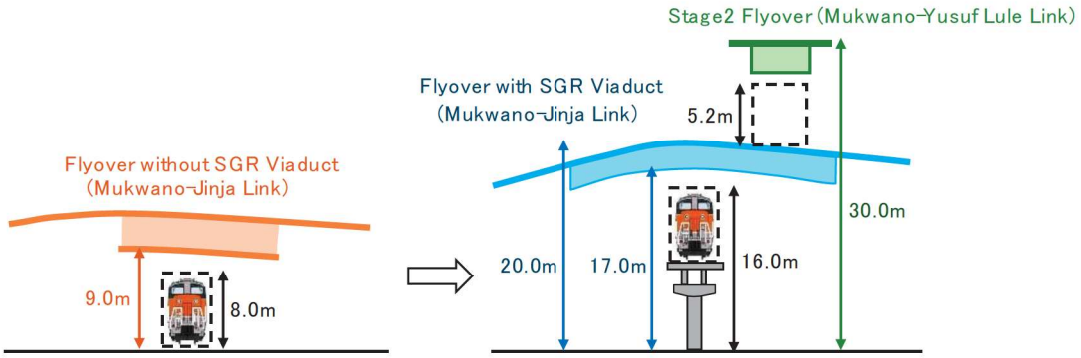
Source: DDC

Figure 1.6.3 Concept for Modification pf Kitgum House Flyover

The Phase 2 flyover was considered because at grade crossing of the railway may interrupt smooth traffic flow at Access Road in the future.

However, in March 2016 the SGR team informed the DDC through UNRA that the alignment of the SGR had changed and that a railway viaduct was now being planned across Access Road as opposed to the previous plan of at grade crossing. According to the SGR team, the viaduct is necessary due to the elevation of the planned new railway station that is to also serve as a multi-modal transportation hub.

The construction of the viaduct would require a redesign of the Kitgum House Flyover. Specifically, in order to accommodate the viaduct, the headroom requirement for the flyover increased from 8.0 meters to 16.6 meters. Furthermore, with the railway viaduct requiring the raising of the profile of the Kitgum House Flyover by 8.6 meters in order to pass over the viaduct, consequently the Phase 2 flyover would require a height of about 30 meters from the ground level in order to go above both the viaduct and the Phase 1 flyover as shown in Figure 1.6.4 below.



Source: DDC

Figure 1.6.4 Impact of SGR Viaduct to Kitgum House Flyover

Taking into account the SGR meant that more land has been affected. Figure 1.6.5 shows the summary of the best selected option within Lot2.

Image of the Selected Option	Alignment and Structures
Alternative2-1	**Horizontal Alignment** Min-Curve Radius:80 Spiral parameter: A=63 **Vertical Alignment** Max gradient: 6.0% **Clearance Point** A: From Yusuf Lule Rd to Mukwano Rd The clearance is secured 8.2m from MJL road surface. 5.2m; Clearance for vehicle 3.0m; Bridge structure height **Structure** Yellow; Bridge of the Blue and Red; Bridge of the steel type

Source: DDC

Figure 1.6.5 Summary of the Best Lot 2 Alignment

As can be seen from these changes, there are bound to be significant visual impacts due to the elevated level of the flyover. The Visual Impact of the flyover is a major concern since it is out of character compared to surrounding environment. Apart from the concerns about aesthetics and visual impact, this did not change the environmental foot print significantly.

1.7 Design Considerations to minimize resettlement

1.7.1 General considerations

Originally, the cardinal principal of this road project was to minimize the potential for resettlement to the bare minimum. The JICA study identified three options which were termed Option 1, Option 2, and Option 3 as follows:

- Option 1: Direct access to the City centre from Clock tower and Shoprite Junction;
- Option 2: Aims at Dispersing traffic towards Yusuf Lule road;
- Option 3: Aims at diverting traffic from the CBD to Mukwano / Access Road;

Apart from engineering constraints, the other consideration was the need to reduce disruption of communities and acquiring property, structures and buildings. Although JICA did not conduct a census for each one of the options they concluded by inspection about the likely disruptions as shown in the table below.

Table 1.7.1 Different options for the road project

S/No	Option	Buildings and structures	Land acquisition	Space for NMT
1	Option 1	Direct access to city centre and along Kla – Jinja road with many buildings likely to be impacted	There is no land acquisition as all land is built up	None is available without disrupting people's structures
2	Option 2	Extends into Yusuf Lule Road which again passes through structures from Kitgum House all the way to Oasis Mall Round about. These are private property that would lead to possible displacement;	There is room for land acquisition along Nsambya road to Mukwano road. There would be no land acquisition along Yusuf road	Partly possible along Nsambya road to Mukwano road;
3	Option 3	Along Nsambya and Mukwano road there are no buildings that will be impacted	Apart from The Railway and the Uganda Muslim Association land, the impacted land is Government (the developer) land for which there is no displacement;	Has more options for NMT lanes as well as diversions during construction;

Source: DDC

Based on these considerations, the study team selected option 3. Even after this selection, for the initial survey, it was found that a number of Buildings including the Nissan Building as well as part of the Electoral Commission and Ministry of Housing structures were going to be partially affected. The survey confirmed on ground that Kitgum House was not affected although initial observations were indicating that it would also be impacted. Following a re-adjustment of the design an additional 13 structures were affected which were valued in the first/ principal RAP statement. However, during the detailed design, it became apparent that the alignment had to change substantially to accommodate additional lanes and relocate the Clock Tower in the process. In some instances, the impacted people showed a lot of resistance and it was prudent to accommodate their demands by changing the design and avoiding them altogether.

Taking all these into account, this updated RAP therefore has valued the additional land take as well as the properties that are affected. Discussions with stakeholders have also been concluded to enable the relocation of the Clock tower which is indeed a National Monument. Appropriate Mitigation Options

have been agreed on between the Department of Museums, Monuments and Antiquities (DMM&A) as well as other stakeholders (see attached Annex 1 showing the view of the DMM&A). Otherwise, all the others have now been valued in this revised report and appropriate compensation will be paid out. The report also takes note of those areas which had been included in the initial design and are now left out. These will not be compensated.

1.7.2 Optimising the alignment

In spite of the above-mentioned changes, the design team continued to realign the road with a view of avoiding as many structures as possible. The table below shows some of those that were left out to optimise the alignment.

Table 1.7.2 Measures to reduce acquisition of structures

This category includes the following who have since been left out: -

S/No	Plot	Proprietor
1	PLOTS 2, 4, 6, 8 & 2-8 NAKIVUBO PLACE	SHREE SWAMINARAYAN MANDIR
2	33A JINJA ROAD & PLOT 95 YUSUF LULE ROAD	NISSAN BUILDING
3	10-20, KIBULI ROAD	IUIU
4	26-28, KIBULI ROAD	CTM & ALLMUSS

Source: DDC

Apart from the Electoral Commission buildings, some URC structures, Posta Building, the Clinic and some police quarters/ flats, all other structures have remained intact and the number of structures / buildings affected by the final design alignment is minimal and will not lead to major resettlement.

CHAPTER 2. BACKGROUND TO THE UPDATED RAP

As part of the preliminary design, a Resettlement Action Plan (RAP) study was conducted and was concluded in March 2015. The principal valuation report in particular and RAP in general were subsequently approved by the Chief Government Valuer (CGV) in June 2015, with a total number of 82 eligible Project Affected Persons (PAPs) and a total acreage of approximately 15.235 acres of affected land to be acquired. The cost for RAP implementation was estimated at USD 21,562,047.

The original/ first valuation report for compensation of the affected persons along the project corridor that was approved by the Chief Government Valuer (CGV) on the 22nd June, 2015 was used as a basis for the original scope of RAP Implementation that commenced in April 2016. It was however clear during the implementation of the original valuation report that extra land-take would be required for the project due to design changes that were introduced in the design, and as such additional/supplementary valuation reports were subsequently prepared and submitted and approved by the Chief Government Valuer and these were used as the basis for the additional land acquisition process.

A significant number of changes were made to the project alignment during the detailed design in 2016 and management of grievances recorded during implementation of the original RAP. This required updating of the principal RAP. The consultant conducted a supplementary RAP and three supplementary valuation reports 1, 2 and 3 subsequently, which were approved by the CGV in February 2017, May 2019 and January 2020 respectively; and these were consequently implemented. The supplementary valuation reports covered the new estimated compensation cost due to the new design changes, affected property omissions, computation of reversionary interests, and as well included the assessment of orphan land captured under the grievances recorded from Electoral Commission and Petro Uganda.

Additionally, following the detailed design stage of Lot 2, detailed design review of Lot 1 and implementation of supplementary RAP No.1, the land requirements were re-examined in light of the design modifications and the updated extents of Right of Way (RoW) for the Project. This exercise resulted into a need for further update to supplementary RAP No.1 to take into account additional changes to the Project Right of Way and, at the same time, to ensure that only those impacted do receive resettlement assistance. The details of the additional land-take and new Project-affected persons are also covered within this updated RAP Report.The main objective of this RAP implementation is to assist the client/UNRA to acquire land for the road project while ensuring that persons displaced benefit from adequate and prompt compensation and/or resettlement assistance in accordance with the Uganda Law and International Performance Standards.

2.1 Purpose of Resettlement Action Plan (RAP)

Project development activities required land especially where the road is being widened beyond the existing road corridor. Land, buildings / structures and trees and perennial crops all constitute property that has been affected and therefore had to be acquired.

Against that background, a Resettlement Action Plan (RAP) was prepared.

Therefore, the goal of the RAP was to minimize the negative economic and social impacts that arose from Involuntary Resettlement (IR) for the Project Affected/Impacted Persons caused by:

- Loss of assets or access to assets; and
- Relocation or loss of shelter;
- Loss of income sources and livelihood.

2.2 Scope of RAP Activities

Based on the Terms of Reference, the following were key activities in the RAP preparation and implementation:

- Communication and sensitization of stakeholders
- Review and update the Resettlement Action Plan
- Review and Update Valuation Report and Strip Maps/Cadastral layout
- Gazette the Right of Way
- Establish a PAPs Database
- Payments of Compensation and Expropriation of Land
- Handling of Grievances and Appeals
- Notice to Vacate Land already compensated
- Land Titling/Expropriation

The activities above suggested that all the six activities of RAP preparation and implementation were implemented concurrently, and the activities fall under the Technical Issues, Social Activities, Cadastral Surveys, Valuation Surveys, Compensation Payment, and Legal Issues

2.3 Summary of the Principal RAP, supplementary RAP and Updated RAP

2.3.1 Feasibility Study Stage

UNRA commissioned a Resettlement Action Plan (RAP) Study during the F/S phase and submitted a RAP Report to the Chief Government Valuer (CGV). The principal valuation report was approved by the Chief Government Valuer on 22nd June 2015. At the F/S stage, the approved land acquisition cost for the Project was estimated at approximately USD 21,562,047.

2.3.2 Detailed Design Stage 1

As a result of the changes that have been introduced during the detailed design stage, and management of grievances recorded during implementation of the original RAP, the project ROW has been accordingly updated and a new strip map prepared. New PAPs have been added whilst some who may have been previously listed at the feasibility stage as impacted are no longer affected because of the realigned sections of road. These changes have been reflected in the updated RAP in the earlier subsections of this chapter. The respective supplementary Valuation Reports 1, 2, &3 were prepared and submitted to the Chief Government Valuer for approval before implementation, which were subsequently approved. In addition, supplementary valuation report No.4 & its addendum were prepared and approved. A summary of these is as shown in Table 2.3.1 below.

Table 2.3.1 Summary of approved valuation reports under principal RAP and supplementary RAP No 1 & Updated RAP

No	Reports Approved	Approval Date	No. of Claims/ PAPs	Compensation value Assessed Ushs.
1	Original/ First Approved Valuation Report	22nd June 2015	102	51,822,154,790
2	Survey and Valuation Report for Additional Land Take– (Supplementary Valuation No.1)	07th February 2017	158	119,512,423,993
3	Appeals & Objections resulting from complaints of undervaluation i.e. HAKs Express Limited & KIU (Letter of Approval of compensation revision of disturbance allowance from 15% to 30%)	20th July 2018	04	10,348,013,000
4	Appeals & Objections resulting from Injurious affections – i.e. Electoral Commission, Petrol Uganda Limited & Alert Guards Ltd (Supplementary valuation report No.2)	07th May 2019	06	23,914,920,500
5	Survey and Valuation Report for Cases with Omissions of some developments on the land (Supplementary valuation report No.3)	15th January 2020	10	809,879,150
6	Appeals & Objections resulting from valuation principle of reversionary interest assessed for lessor of Petrol Uganda Limited (Letter of Approval of revision of compensation value due to Petro Uganda Limited)	30th July 2020	4	1,617,356,000
7	Supplementary valuation report No.4	12th March 2021	19	16,821,461,344
8	Addendum to Supplementary No.4 (Nsambya market vendors Association)	18th March 2021	1	152,797,665
9	Nsambya Furniture vendors Association		1	426,485,000
10	Draft Assessment for developments at Centenary park within additional landtake		4	19,182,825,574

Source: DDC

In light of the above reports, during implementation of the original/ principal RAP report, a number of grievances were recorded at the disclosure meetings arising from complaints of undervaluation. In addition to the grievances of undervaluation, there was additional land take that resulted from design changes on most of the properties listed in the original valuation report. In consideration of these, there was need for a supplementary valuation. Any grievances relating to valuation, necessitated seeking further guidance from the office of Chief Government Valuer. According to the guidance given, the Consultant would prepare a subsequent supplementary valuation report. As a result, the PAPs that were non verifiable during implementation of a particular report would be revalued and moved to the next supplementary valuation report. The disturbance allowance varied from 15% to 30%.

2.3.3 Overall verification/ compensation progress of all the approved report under the principal RAP and supplementary RAP No. 1.

For proper accountability, the number of claims considered for implementation are the claims categorised as verifiable since some of those that were unverifiable under original valuation report were moved to Supplementary Valuation No.1 and those that were unverifiable under valuation report No.1 were moved to the subsequent supplementary valuation reports No.2 and No.3 that were approved. The comprehensive detailed valuation reports are attached to this report as Annex 2 and include photographs of the developments that have been valued.

Table 2.3.2 below shows the approved land acquisition cost of reports approved and number of verifiable

claims of each approved report under the principal RAP and supplementary RAP No.1. Therefore, the approved land acquisition cost was estimated at approximately UGX. 131,306,260,418.

Table 2.3.2 Estimated Land Acquisition Costs for reports approved under the Principal RAP and supplementary RAP No. 1

Valuation Reports	Total No. of Claims Valued	Compensation value Approved (UGX.)	Net No. of Claims Verifiable	Area of verifiable claims (Acres)	Amount of verifiable claims (UGX.)
First Approved Report (Approved 22nd June 2015)	102	51,822,154,790	24	0.243	1,856,341,500
Supplementary Report No.1 (Approved 7th February 2017)	158	119,512,423,993	141	20.401	94,390,775,768
Approval letter for revision of compensation award due to HAKs Express Limited & KIU. Moved from report No.1 (Approved 20th July 2018)	04	10,348,013,000	04	2.122	10,348,013,000
Supplementary Report No.2 (Approved 7th May 2019)	06	23,914,920,500	02	2.707	22,283,895,000
Supplementary Report No.3 (Approved 15th January 2020)	10	809,879,150	10	0.051	809,879,150
Approval letter for revision of compensation award due to Petro Uganda Limited. Moved from Report No.2 (Approved 30th July 2020)	04	1,617,356,000	04	0.311	1,617,356,000
Grand Total	**284**	**208,024,747,433**	**185**	**25.835**	**131,306,260,418**

Source: DDC 1 USD = 3680 UGX

Table 2.3.3 below presents the compensation/ verification progress of each of the approved valuation report under the original RAP and Supplementary RAP No.1

Table 2.3.3 Summary of verification progress of each valuation report approved under Principal RAP & supplementary RAP No.1

Valuation Reports	Total No. of claims valued	Net no. of Claims Verifiable	Area of verifiable claims (Acres)	Amount of verifiable claims (Ushs.)	No. of claims verified	Land Acquired (Acres)
First Approved Report	102	24	0.243	1,856,341,500	24	0.243
Supplementary Report No.1	158	141	20.401	94,390,775,768	138	20.279
Approval letter for revision of compensation award due to HAKs Express Limited & KIU.	04	04	2.122	10,348,013,000	4	2.122
Supplementary Report No.2	06	02	2.707	22,283,895,000	2	2.701
Supplementary Report No.3	10	10	0.051	809,879,150	6	-
Approval letter for revision of compensation award due to Petro Uganda Limited (moved from Report No.2)	4	4	0.311	1,617,356,000	4	0.311
Grand Total	**284**	**185**	**25.835**	**131,306,260,418**	**178**	**25.662**

From the above table, the total number of verifiable claims for all the approved reports under principal RAP & Supplementary RAP No.1 i.e. original/ first valuation report and the supplementary valuation reports 1,2 &3 are 185 claims with a total compensation award of Ushs. 131,306,260,418 covering a total land size of 25.835 acres, developments and crops including disturbance allowance of either 15% or 30%.

The Table 2.3.4 below presents the summary of the overall compensation progress for all the approved reports under the original RAP and Supplementary RAP No.1 in form of verifiable claims that have been verified and submitted to the Client (UNRA) for payment.

Table 2.3.4 Summary of overall verification/ compensation progress of verifiable claims under principal RAP & Supplementary RAP No.1

Description	Net No. of Verifiable Claims	No. of claims verified	No. of claims unverified	Verified: verifiable claims ratio (%)
Number of Claims (No.)	185	178	7	96
Affected Area (Acres)	25.835	25.723	0.112	99.6
Compensation Value (Shs.)	131,306,260,418	130,612,352,233	693,908,185	99.5

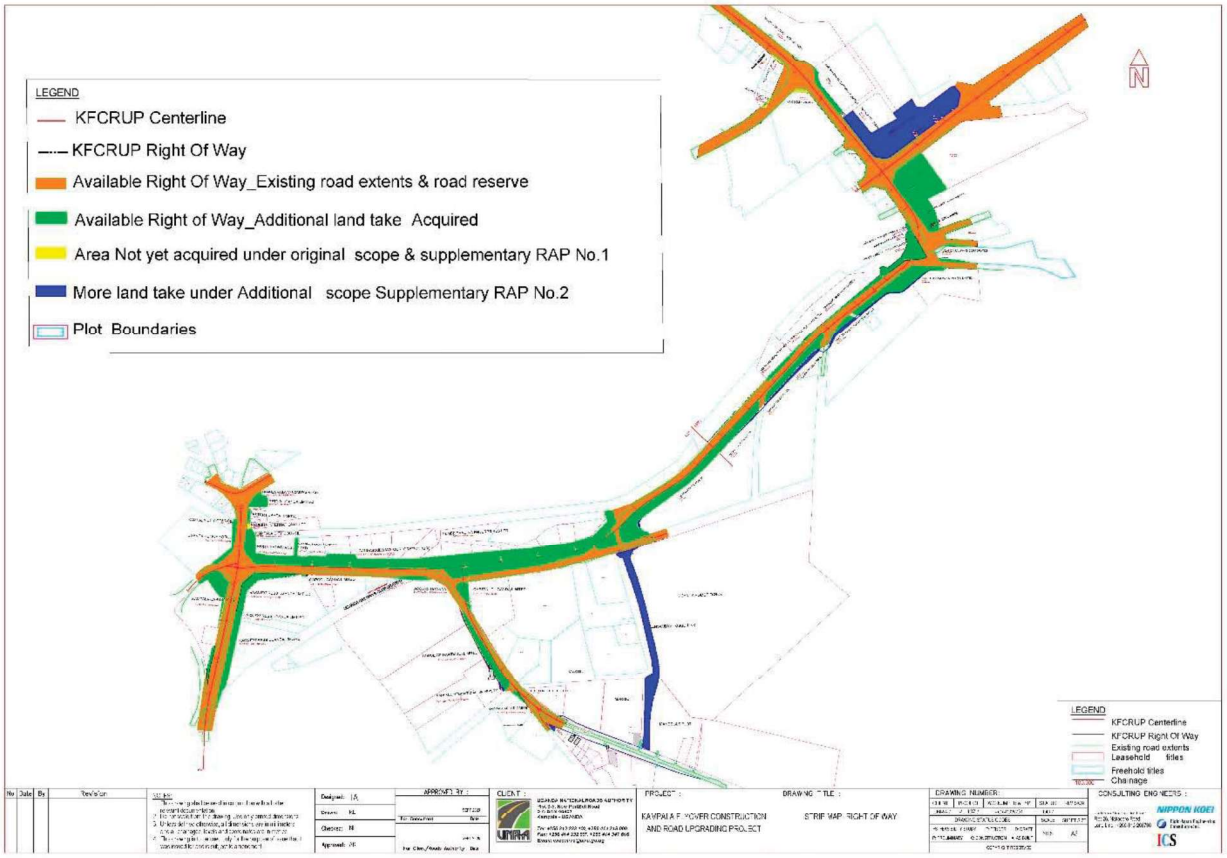
Source: Accoutability report

Out of the 185 verifiable claims, 178 claims have been verified, with a total compensation award of Ushs. 130,612,352,233 and a total land take area of 25.723acres. The 178 claims consist of 60 land claims, 21 RVR tenants, 89 flower croppers, 02 claims for tenant (Nsambya Sharing), 04 licensees and 02 bonafide occupants. The 7claims still being engaged to ensure 100% verification progress are Mogas, Garden city, Uganda Media centre (Shoal Limited) and 4 licensees.

A significant number of PAPs under principal & supplementary RAP No.1 have been paid to date and these include claims of URC, Electoral Commission, Mukwano Industries, Uganda Police Force, Posta, White Showman's, Oasis, flower croppers, RVR tenants and other individual owners among others.

It is important to note that the 08 claims with compensation value of Ushs. 24,448,593,820 and total area of 3.661 acres, were not considered for payment since the affected land belongs to KCCA. The project obtained KCCA's consent to subdivide the affected portion of land on the understanding that it is Government land and KCCA is a stakeholder on the Project. The Consultant is following up to ensure that the remaining verifiable PAPs not yet compensated are all verified.

The Figure 2.3.1 below shows the verification status of PAPs under original scope (principal RAP & Supplementary RAP No.1) and additional land take as a result of design changes under Updated RAP.



Source: DDC

Figure 2.3.1 Verification/ Compensation status of PAPs

2.3.4 Update of RAP based on Final Design Lot 1 & Lot 2

Following the detailed design review Lot 1 and detailed design Lot 2 by the consultant, it was established that there was a requirement for additional land take in some sections to accommodate project components such as walk ways, public utility relocations. Furthermore, the new design provided for a new link road from Kibuli Road connecting to Ggaba Road and an extension along Gaba Road towards Kabalagala Trading Centre (approximately 1.0kilometres). The sections for additional land take are highlighted in blue as shown in Figure 2.3.1 above.

As the detailed designs were being finalised, the RAP report was being updated in tandem. The ongoing RAP update has involved re-sensitisation of PAPs as to the revised RoW, identification of new PAPs and notification to original PAPs that are no longer impacted by the Project, update to district compensation rates, staking out of the RoW in accordance with the latest required land-take, and re-valuation of assets based on the updated compensation rates and latest market rates for land and structures.

In light of these additional land take requirements, a number of properties were affected and this necessitated a supplementary valuation to determine their compensation. The final draft Supplementary valuation No.4 covers a total number of 19 Project Affected Persons (under both Lot 1&2) with a total land area of approximately 2.9295 Acres. The compensation of affected land, crops/trees and buildings is UGX 13,157,948,165 with a 15% & 30% disturbance allowance of UGX 3,663,513,179 giving a total compensation award of UGX 16,821,461,344 (Uganda Shillings Sixteen Billion Eight Hundred Twenty-One Million Four Hundred Sixty-One Thousand Three Hundred and Forty-Four ONLY). Supplementary valuation report No.4 was approved on 12th March 2020.

Summary of the compensation amounts for Updated RAP is presented in Table 2.3.5 below and includes the costs related to compensation at 1% of the compensation assessed.

Table 2.3.5 Summary of the Land Acquisition and Resettlement Cost of Supplementary report No.4 approved on 12th March 2021

S/No.	Type of cost	Amount in UGX	Amount in USD
1.	Land Acquisition Cost	10,544,160,000.00	2,849,772.97
2.	Crops/Trees	7,792,100.00	2105.97
3.	Buildings and structures	2,605,996,065.00	704,323.26
4.	Sub aggregate total (1+2+3)	13,157,948,165.00	3,556,202.21
5.	Disturbance allowance (15%/ 30%*4))	3,663,513,179.00	990,138.70
6.	Total Compensation (4+5)	16,821,461,344.00	4,546,340.90
7.	1% RAP Implementation costs (No.6*0.01)	168,214,613.44	45,463.41
8.	**Total RAP Budget** (6+7)	**16,989,675,957.44**	**4,591,804.31**

Source: Adapted from Supplementary valuation report No.4 (2021)
1$= UGX 3680.0

It should be noted that the final supplementary valuation report No.4 approved on 12th March 2021 excludes the value for improvements on Centenary park with an estimated value of UGX. 3,393,325,574 for developments only excluding land component to KCCA estimated at UGX. 15,789,500,000 for the additional land take at Centenary Park; the relocation cost for the furniture vendors association estimated at UGX.426,485,00 that was submitted by the furniture association, and value of the temporary structures for the Nsambya market vendors on [redacted] land captured in the addendum to supplementary report No.4. The value of the temporary market structures captured in the addendum is UGX. 152,797,665. The addendum was approved by CGV on 18th March 2021.

It is important to note that despite both the changes in design and the passing of time, the objectives of the project in general and the RAP in particular have not changed. They remain the same as was the case in the original RAP study.

2.4 Objective of the Principal and Updated RAP Studies

The first RAP recognized from the beginning that the number of people likely to be impacted will be less than 200. This meant that it was not necessary (by IFC and JICA safeguards) to conduct a full RAP as an Abbreviated Resettlement Action Plan (ARAP) could have sufficed.

The main objectives of the ARAP study however are as follows: -

- To prevent or at least mitigate the adverse impacts associated with the implementation of the KFCRUP;
- To compensate all project Affected people and provide resettlement assistance in line with the Uganda Policy on compensation and resettlement;
- To deliver the entitlements to the PAP's (Project-Affected-Persons) and support the restoration of their livelihoods if affected, in accordance with World Bank OP 4.12 which is also the same standard for JICA;
- To maximize the involvement of the PAPs in all stages of the implementation of the ARAP especially through Public meetings and all-round consultations;
- To ensure that the standard of living of PAPs is improved or at least restored;

- To ensure that the compensation activities are implemented seamlessly in a socially responsible manner as a sustainable development program.

2.5 Methodology and Approach (Public Consultation)

2.5.1 Initial activities during the provisional RAP Study

Following initial sensitization meeting that covered stakeholders and PAPs, a RAP team consisting of the Surveyors, Sociologists, Engineer and the Valuation were mobilised and sent to the field with the main objectives of:

- Consultations with the Project Affected Persons (PAPs) regarding the detailed design, survey, valuation and possible resettlement;
- Conducting a social economic study within the project area;
- Seeking the views of the PAPs on the Resettlement Plan.

However, after the initial sensitisation, the design was reviewed and it was found necessary for the teams to go back and make additional valuation. It was found that the same people will be impacted with some new additional locations. The RAP team went back to consult and inform each one of the PAPs (household heads or business owner) about the changes and interviewed the additional people that were going to be impacted. Most of the individuals newly impacted were the Flower garden attendants under supplementary RAP No.1 and for the case of Updated RAP, the RAP team encountered furniture vendors operating within the road reserve as informed by KCCA, and Nsambya market vendors operating on Kampala Archdiocese land. These were treated as two groups and their relocation cost/ compensation was not assessed on an individual basis since they are operating under an association. The rest were organisations, which were also engaged on a one to one basis. Below is a detailed report on the progress of these consultations.

(1) Overview of the meetings during the provisional RAP

Consultative meetings with the KCCA Divisional District and Sub County political and Administrative Officials were held between August and October 2013. Additional Consultation meetings were held with additional stakeholders and as wide as possible with the key Lead Agencies. Those consulted included the Local Government Leadership (both technical and political) in the affected Divisions of Nakawa, Kampala Central and Makindye. Consultations were also conducted with the JICA design team based at the UNRA headquarters. Following some changes in design, further consultations were conducted from 4th to 8th March 2014.

(2) Consultative meetings

Since at the time of the principal RAP, the number of Project Affected People was low (less than 200) only three community sensitisation meetings were held in addition to one to one meetings with the PAPs as follows:

Table 2.5.1 Schedule of Consultative meetings

S/No	Type of meeting	Venue	Date of meeting	Remarks
1	Intensive Consultations with Local Councillors and leaders	Makindye Divisional Board Room/ Community hall	23rd July 2013	All leaders at LC2 and Councillors
2	Community Sensitisation / Consultative meeting for Stakeholders	Glory Church International, Katwe	20th Aug 2013	About 100 people attended
3	PAP sensitisation / consultative meeting	Fairway Hotel, Kampala	17th Sep 2013	About 85 people attended
4	One to one sensitisation during census of PAPs	Along the entire stretch of the FO		All PAPs at site were met
5	One to one sensitisation / consultation meetings following the change in design	Along the entire stretch covering those areas where change was anticipated	4th to 8th March 2014	Covered only those who would be affected by the change in design

Source: DDC

The Photos below show some of the meetings that took place at the time of consultations / sensitisation under the Principal RAP.

Photo 2. 1: Consultation / Sensitization Meetings Were Conducted Before the Census.

[redacted]

From bottom left hand corner Clockwise:

1. Intensive Consultations with The Local Council Chairpersons at Makindye Divisional Board Room on 23rd July 2013;
2. Public in a Consultation Meeting Held at Glory Church International Katwe, 29th August 2013; and
3. Consultation with PAPs at Fairway Hotel on 17th September 2013;

Photo 2. 2: Consultation / Sensitization Meetings Were Conducted Before the Census.

During Updated RAP, individual PAPs and institutions/ Companies are being met on a one to one arrangement through organising meetings at either their office premises, UNRA offices or the Consultant's office. A general engagement meeting which involved the Town Clerk, KCCA Physical planner, Resident City Commissioner (RCC), Division Police Commander and State House representative among others was organised to sensitise the furniture vendors. For the case of the market vendors, these were engaged during the survey and valuation exercise on a one to one while carrying out assessment of the temporary structures.

(3) Notification of meeting dates and venues

Having fixed the venues and meeting days/times, letters of invitations were sent to each and every potentially project Impacted person (copy of such a letter is attached under Annex 1). In addition, the Local Council (LC) leaders were enlisted to sensitise the participants to come. In the case of the community meeting, the Ward Administrators working through the community leaders were the main vessels for mobilization. For the engagement with the furniture vendors, a committee to represent them was made and it is with this committee that a meeting was organised to carry out the sensitisation. In the end, the attendance was excellent and beyond the expectations of both the consultant's team as well as the mobilizers.

(4) Meetings and community participation

As discussed above, during the principal RAP two meetings were envisaged in the Terms of Reference (ToRs), and also due to the small number of potential PAPs. At these meetings, the representative of the Town Clerk who was the Ward Administrator (Central Division for Fairway and Makindye Division for the Katwe meetings) introduced the teams and explained why they were there. Thereafter the team leader would introduce his/her team and the subject matter to be covered. In addition to the meetings in the Principal RAP, are the engagements held with the flower attendants under supplementary RAP No.1 and the furniture vendors under Updated RAP. The language used was mostly a mixture of English and Luganda to ensure that all present would understand what was being discussed.

These meetings were the first stage in community participation where all the PAPs were informed about the project and the compensation procedure was explained to them. They were given an opportunity to ask any questions and make a contribution to ensure that the community did own the project. The different team members explained their roles to these communities and the concept of the cut-off-dates as well as the grievance mechanism was explained to the participants. The overall objective was to encourage the PAPs to contribute, raise concerns and where appropriate give their own input to the project planning. The main concern for the PAPs was whether they would be compensated adequately and on time. The method of compensation was explained to them.

In the original RAP, it was not envisaged that people would relocate apart from the flower sellers and the furniture vendors who might have to move a step backwards to enable the construction to go on. The KCCA was of the view that since such people are in the Road reserve, they do not deserve compensation. However according to World Bank O.P. 4.12 such people should receive some resettlement assistance. It was further confirmed by the design and survey team that the possibility of the flower attendants and furniture vendors, moving a step back to allow construction works was not feasible as the entire road reserve was required by the Project. The second group are the RVR tenants who were staying in the URC houses. These tenants qualified for resettlement assistance and were paid three months' rent in lieu with an addition of a 15% disturbance allowance. The RVR tenants were allowed to stay without paying rent and were given ample notice to vacate.

2.5.2 Information provided by the social team

The Social Team explained the social component particularly as it related to the human factor at the design stage, during implementation and during the operational phases of the road project. In particular the following were highlighted:

- That the surveyor would identify the proposed areas for the FO /road reserve on the ground. The width on the ground varies depending on whether the section was to be widened or it would be supplemented by the FO. Even where the FO has been designed, the areas of the ramp would be wider leading to possible land acquisition;
- That the names picked by the surveyor would be the same names picked by the social team as well as the valuation team to ensure that all the data on PAPs is harmonised;
- That it was planned later to administer a questionnaire capturing all information on the affected People;
- That PAP should provide their views which the team would capture and would be used in the RAP.

2.5.3 Information provided by the survey team

The Land Surveyor explained to the PAPs the land acquisition related to the FO project and that he would get the references for the land titles from the land office at Entebbe. He further explained as follows:

- That pegs and mark stones must be kept in place to enable work to be done by the valuation surveyors;
- That once pegs and or mark stones are put in place, they are not to be removed for any purpose;
- That both tenants and registered title owners would be asked to identify their land where the proposed FO/ Road reserve will pass;
- That boundaries would be demarcated and the demarcation would be countersigned by the land owner as well as the Local leaders to ensure that there is total agreement on the boundaries and ownership; and
- That photocopies of land titles will be collected for verification.

Details of the cadastral survey reports of the approved valuation reports are attached to this report under Annex 3.

2.5.4 Information provided by the valuation team

The Valuation team briefed the PAPS and informed them as follows:

- That the Valuation Survey Team was going to value all properties within the demarcated zone of the FO project that will have been identified through the survey team.
- That while conducting the valuation, updated District Compensation Rates and Current market values would be used;
- That seasonal crops will not be considered;

- That PAPs would retain a copy of the valued property;
- That the Cut Off date to commence immediately after valuation of property for each household.
- That 15% disturbance allowance to the PAPs would be paid for a notice of more than 6 months while 30% for less than 6 months;
- That Disclosure and Identification will be done prior payment;
- That payments will be effected before execution of the project;
- That there would be grievance committee to be set up to deal with complaints from the PAP;
- That failure to resolve issues at local levels would lead to appeal to Courts of law; and.
- That transparency will be paramount in all the three activities for the RAP.

2.5.5 Additional consultative meetings for the upgraded Rap/ Supplementary RAP No.1 & Updated RAP

As a matter of standard procedure, the stages discussed above were repeated which included both the PAPs and, some of the technical persons. These consultations were continuous starting with the preliminary design stage to date. Prior notice of meeting dates and time was circulated to PAPs in advance: - In regard to the supplementary RAP No.1, UNRA also circulated an advertisement (Annex 1) in the media informing the potentially impacted people of the detailed design and that implementation of the RAP was going to commence.

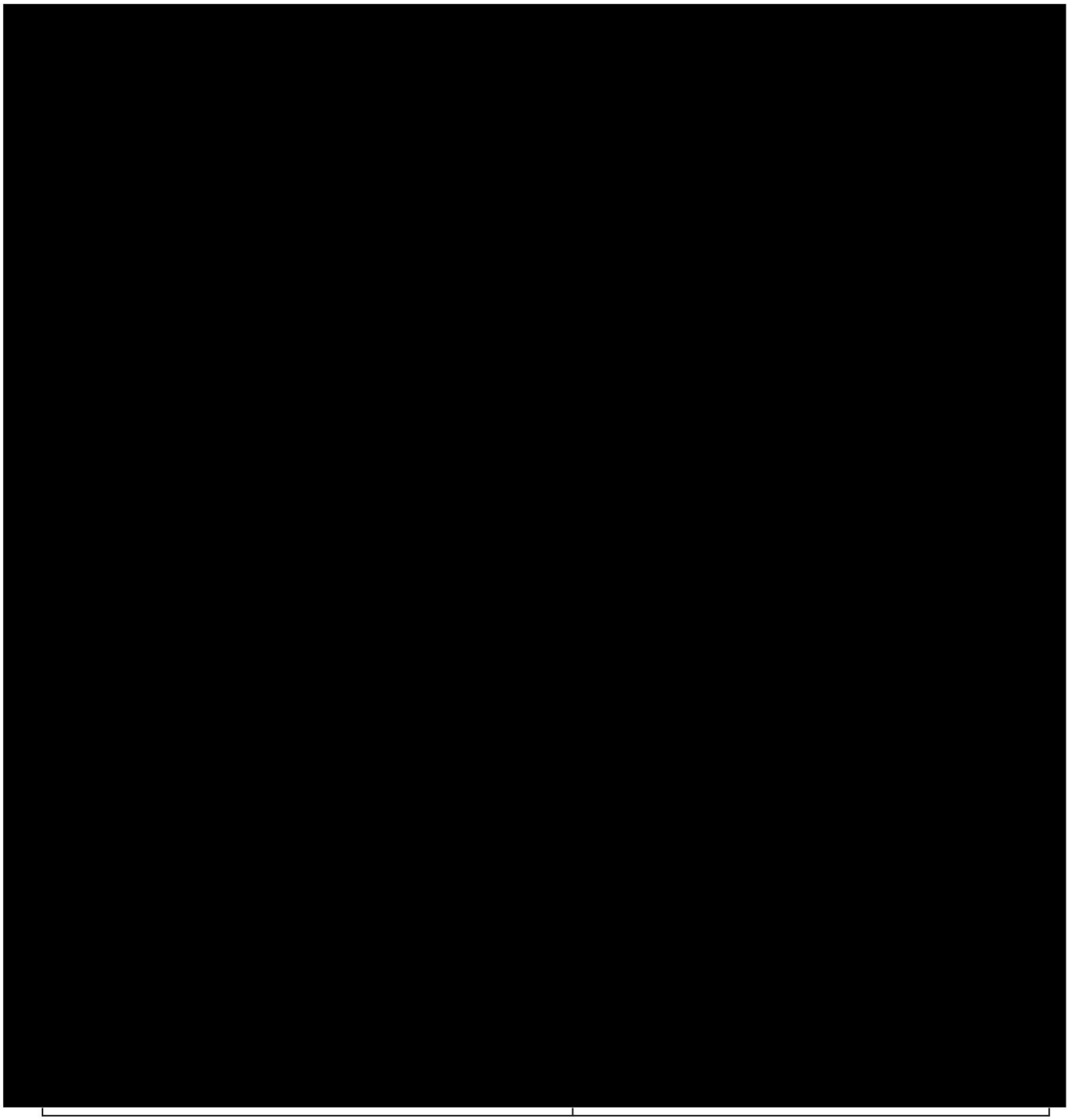
Under the detailed design stage, the consultations were done both by the technical team and the social team and the following PAPs were covered among others:

- Local leaders within the project area;
- Directly impacted persons including the following: -
    - Uganda Railways Cooperation
    - Electoral Commission
    - Mukwano Industries (U) Ltd/ Gulfstream Investments Ltd,
    - Kingdom Kampala,
    - Nalongo Estates Limited
    - Kampala Capital City Authority
    - Furniture vendors
    - Nsambya Market vendors
    - Uganda Post Limited
    - Mogas group
    - Total Uganda Limited

- Mandela Group
- Access Uganda Limited,
- House of Dawda
- Kampala International University
- Kampala Archdiocese,
- Uganda Police Force,

Since these persons / Entities were relatively few and also from the CBD they were engaged on a one to one basis (Photo 2.3 to 2.6) show some of the consultative meetings with different stakeholders.

Photo 2.3: Meeting Electoral Commission on 28th April 2016



For Updated RAP, most of the PAPs were already known to the Project RAP team since the footprint of the Project ROW didn't vary significantly and most of the additional land take was from parcels already affected under earlier RAP studies. It was imperative that all newly or additionally impacted people are informed and sensitised regarding the project and the likely impacts. The following was done as part of the Updated RAP review exercise. Prior notice of meeting dates and time was circulated to PAPs in advance through letters.

During Updated RAP, individual PAPs and institutions/ Companies have been met on a one to one arrangement through organising meetings at either their office premises, UNRA offices or the Consultant's office. A general engagement meeting which involved the Town Clerk, KCCA Physical planner, Resident City Commissioner (RCC), Division Police Commander and State House representative among others was organised to sensitise the furniture vendors. For the case of the market vendors, these were engaged during the survey and valuation exercise on a one to one while carrying

out assessment of the temporary structures. Photos 2.7 to 2.16 show some of the consultative meetings with different stakeholders.

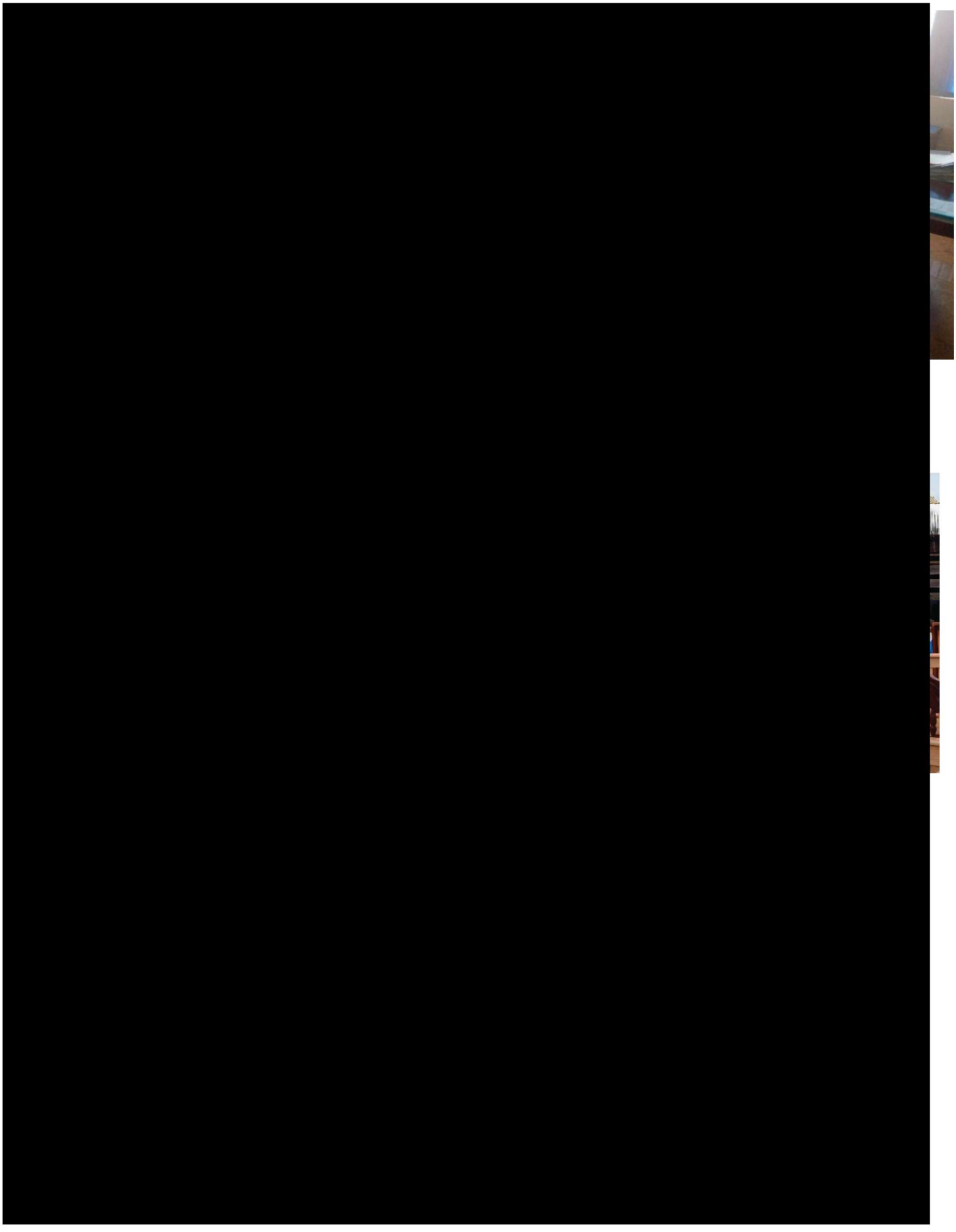


Photo 2.13: Construction work in progress at the presidential initiative site in [redacted]

Photo 2.14: Proposed temporary relocation site at [redacted]

[redacted]

In addition, the following aspects were covered during the RAP upgrade:

- Disclosure of values under the first and supplementary RAP report;
- Establish an impartial, culturally appropriate and accessible grievance redress mechanism to resolve any disputes arising from the compensation procedures for the previous reports;
- Verification and assessment of PAPs as per the updated strip map (including new PAPs);
- Engagement with CGV with respect to methodology and the need to meet some of the donor safeguards (JICA); and
- Advise on the compensation cost and methodology

2.5.6 Concerns raised by the PAPs and mitigation proposals

The concerns have been recorded in the minutes of the meetings. However, the main concerns evolved around the likelihood for delayed compensation which would impact negatively on the PAP, and the service providers were worried about the likely impacts on their infrastructure which could lead to

disruption of services.

During the upgrade consultations, there was a major concern from almost all the people who had been valued earlier that the values provided were low. A few others were vigilant and were not agreeable to the road project passing through their lands. This led to a major change of design where by more land for URC and Electoral Commission was taken up to reduce relocation. A summary of stakeholder concerns on resettlement is provided in the Table below. Participants expressed the view that their concerns should be considered during the design and construction of FO /Road.

Table 2.5.2 Summary of Stakeholder concerns and possible mitigation measures with respect to resettlement

SN	**Stakeholders Concerns**	**Proposed action or mitigation measures by the stakeholder**
1	Most contacted persons especially the Claimants / PAPs were worried if their structures such as Kitgum House, Nissan building and others were going to be safe and whether at the end point of the project if the FO will cut down the traffic jam. More concerns were raised during the upgrade such that a number of PAPs objected to passing through their property.	The design will avoid most structures in as far as will be possible. Subsequently no private residential or commercial houses would be brought down because of the project. Important sites such as temples, churches will also be avoided; Following objections during the upgrade study some PAPs were left out and more of Government land taken up including the Electoral Commission and URC land; Moreover, the laws of Uganda provide that, all people who will be affected by a project are to receive resettlement and compensation packages and also be assisted to resettle.
2	There were some concerns from some of the leaders that some contractors tend to take peoples wives, and wondered how this was going to be handled. This would be a challenge in light of the HIV/AIDS pandemic which is a major national concern.	The project will not have a workers camp which leads to increased promiscuity and there will be provision for HIV/AIDS counselling, sensitization as well as treatment of related ailments by the project.
3	The local leaders and the Town Clerk were concerned that perhaps the employment opportunities provided by the project would not be availed to the locals when the project begins. The level of unemployment was high in the project area.	The ESIS recommends that Jobs which do not require skills can be given to the local community with the cooperation of the Local Council (LC) executive.
4	Most of the service providers were concerned about their infrastructure that would be impacted and the likely disruption to services. The key ones were the NWSC, UMEME, the Telecommunication Companies as well as the Fire brigade. They noted that the area around Centenary Park was a beehive for most of the utilities especially NWSC and UMEME.	The design team as well as the contractor will work closely with the Utility Providers to ensure minimum disruption of the services through concerted planning and execution of works. Moreover the ESIS recommends the use of light equipment as well as manual methods in the initial stages of excavation so as not to disrupt the utilities (as is the practice world over while excavating in the urban environment). Any relocation of utility lines to be done before the construction begins.
5	Some of the lead Agencies noted that the area around Pan Africa Park is a monumental area. First of all the Clock tower is a national Monument which needs to be treated as such. Secondly the Park is both a National and International Monument due to the CHOGM	There have been many arguments for and against the removal of Clock Tower. While at the time of the initial study, the Department of Museums and Monuments and Antiquities was still considering the case t the time of the upgrade and following the design change The Department and other

SN	Stakeholders Concerns	Proposed action or mitigation measures by the stakeholder
	Planting of trees in the park each of which was planted by a specific African Country. Secondly they were concerned that while compensating for trees, they should not only consider the value, but should add money for growing the trees until they mature because the Trees in Kampala are under threat, hence the need to grow them and put in funds for grooming the trees.	stakeholders have agreed that the Clock Tower can be relocated towards the Centenary Park area. They gave a number of conditions under which the Clock Tower can be relocated. They insisted that any relocation should involve the department who will advise on the method and best way of relocation. So this RAP recommended that the team from the Department of Museums, Monuments and Antiquities will work closely with the contractor to relocate the Clock Tower.
6	Most of the PAPs were worried that Government has tendency to delay compensation such that by the time compensation materialises, the value of the property has greatly changed.	UNRA had informed the PAPs that the compensation funds would be included in the Budget and compensation would be done before construction commences in. Indeed, at the time of the Supplementary RAP study verification for payment to those who were not impacted by the detailed design was ongoing.
7	Following the change in design, the people contacted did not raise any concerns apart from worrying whether they will be compensated in full and on time. Those who rejected the road passing through their lands were noted.	To continue with the valuation exercise following the same approach as before. In order not to delay the project, the design was changed in some aspects so as to leave out the few who were vehemently opposed notwithstanding the fact that Government could have had the option of forced eviction through a court action.

Source: DDC

In summary, while conducting the study, the methodology used had a number of approaches that were used as follows:

A comprehensive review of the guidelines and safeguards was done covering the World Bank Performance Standards as well as the Uganda Government Policy on resettlement. A comparison between the Uganda Government policy and that of the donors (JICA / WB) was done and ways of bridging the gaps were proposed;

Consultations with the KCCA Division Officials as well as local leaders at the Zone levels were conducted;

Questionnaire: A questionnaire was used on each of the affected people in order to assess the livelihood status of the community. All PAPs who were present were served with the questionnaire covering all the PAPs. For the supplementary RAP No.1 study, most of the individual persons were the flower garden attendants. They were 93 and each one of them was contacted. For Updated RAP study, the furniture & market vendors were not served questionnaires since they are being treated as groups and not individual PAPs. The others were mostly organisations / companies and they were also contacted on a one to one basis. The list of the flower garden attendants is attached in the supplementary valuation report No.1 under Annex 2;

Census: An actual census of the PAPs was conducted. Here three teams were used to conduct the census. These are the Social Team, the Survey Team and the Valuation Team:

The Survey Team moved a head delineating the areas to be impacted and pegging the locations that were subsequently used by the Valuer and Social Team;

When the alignment was changed, during the detailed design, there were some changes in some of the

area to be acquired. Also, some new people were now impacted. The social team went back to each one of those who was going to be affected by the changes and sensitised accordingly informing them that the survey team and valuation teams would re-conduct the exercise;

This sensitisation was a one to one exercise, since the PAPs were few and being a busy Central Business District most PAPs could not be available at the same time;

2.5.7 Specific activities by the review team to conduct the supplementary RAP following detailed design study

In addition to what has been discussed above, the team reviewed the first RAP statement and considered the implications of the likely changes in design. It became apparent that with changes then the affected PAPs will have to be re-engaged to bring them in line with the new changes. Subsequently, the following was done: -

- Stakeholder Engagement including liaison with relevant local authorities
- Community Disclosure and Consultative Meetings
- Socio-economic Impact Assessment (SIA);
- Stakeholder Engagement consultations

2.5.8 Disclosure Process

At the time of the feasibility study and ESIA, the findings were disclosed at every stage to key stakeholders and the Project Affected People. Disclosure for the environmental and social process was done following the ESIA studies starting with disclosure meetings with the community. At the time of sensitisation, information regarding the RAP process was also disclosed to the potentially affected people who were given an opportunity to make contributions as necessary.

Disclosure of the RAP (after approval by the Chief Government Valuer) is to the directly Impacted persons and Institutions. The individual compensation amounts are disclosed to the affected stakeholder on a one to one. Several engagement meetings were held before and after the disclosure exercise. The schedules of the disclosure meetings are attached under Annex 5. In addition to these, disclosure letters were issued to the PAPs and attendance lists recorded for every meeting held.

The disclosure is done prior to commencement of the compensation. Valuation details were disclosed to the respective PAPs on a case by case basis. The information disclosed to the affected person included: size, rates and value of affected land; size, rates and value of affected structures; number, rates and value of crops affected; disturbance allowance and lastly the total compensation entitlements.

CHAPTER 3. POTENTIAL IMPACTS (PROJECT AFFECTED AREAS AND POTENTIAL FOR RESETTLEMENT)

As discussed earlier, the KFCRUP is a purely urban project. However great effort has been taken not to affect buildings and structures and as much as possible to limit the land acquisition. This has been done to minimize compensation and disruption of people's livelihoods.

3.1 Land area use and settlement

Where there is land take, all the impacted land is titled and is held as either Freehold, or Leasehold tenure. During the survey, and following the change in alignment several permanent and semi-permanent buildings will be impacted, mainly within the police quarters and the Centenary park.

In general, there are both permanent and semi-permanent residential and commercial structures that will be impacted mainly within the police quarters, M/s. Mandela's land and Centenary Park (Photo 3.1 - 3.4). The team has had discussions with these stakeholders to discuss the implications and the options.

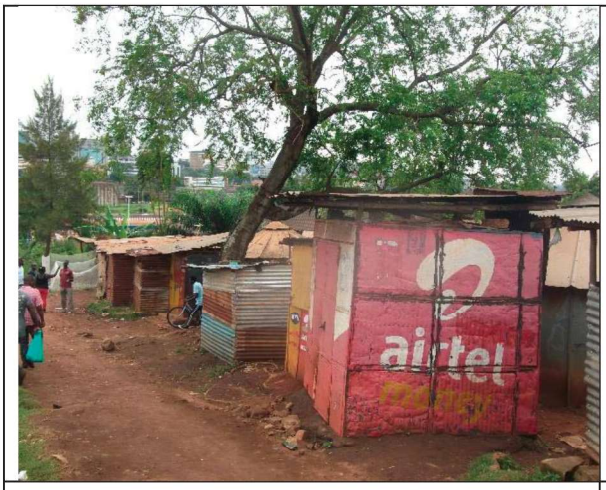


Photo 3.1: Semi Permanent structures within Nsambya Police Quarters to be Displaced

Photo 3.2: Permanent Residential Kibuli Police Quarters Along Mukwano Road to be demolished

Photo 3.3: Semi Permanent structures for market vendors on [redacted]

Photos 3.4: Permanent & Semi Permanent commercial structures for Nalongo Estates at Centenary Park

3.2 Category and Impact on land affected by the project

3.2.1 Categories of land

As indicated above, land to be affected by construction and operation of the road widening and overall KFCRUP project will be mainly within the Road Reserve and road corridor which varies from location to location depending on the road width at the specific location. This is indicated in the strip maps in Volume B of cadastral survey report attached under Annex 3. While no buildings or permanent crops are allowed in the Road Reserve, some people have been carrying out temporary activities within the road reserve which include flower attendants, furniture dealers, some temporary structures as well as road signage among other semi – permanent installations. The furniture dealers have an ongoing permanent resettlement plan to be implemented by the State House, while the road signage and installations will be relocated by either the proprietors (in case of billboards) as per licencing agreements with KCCA.

3.2.2 Impact on Structures

The major houses/structures which will be directly impacted are within the Police Quarters along the new Link Road ROW; the Police residential flats along Mukwano Road, and commercial structures within Centenary Park. There are also concrete slabs, chain links and perimeter walls /fences, metal plate police post, signage as well as boundary walls among others. The Details are documented in Volume B, the cadastral survey reports with Project strip map attached under Annex 3.

3.2.3 Impact on People and Livelihoods

This KFCRUP will not lead to large scale resettlement and relocation of communities. Due to the relatively small number of PAPs, the impact on livelihood has been minimal. Under the principal/ first RAP,there were 21 RVR families (88 members) who were paying rent to RVR that had to be relocated. Accoriding to their tenancy agreement, (copy attached under Annex 1), it provided that the RVR tenants would be given three months notice or payment in lieu to relocate; thus the project compensation package included three months rent as well as a 15% disturbance allowance to the impacted RVR tenants. The compensation payment was made and were given ample notice to vacate in addition to months of not paying rent to RVR after disclosure of compensation was made.

Under Supplementary RAP, the PAPs that received relocation assistance were flower attendants (93 PAPs), whose flowers were assessed at market rate value and in addition were paid a 15% disturbance allowance. They were allowed to take their compensated flowers to another location of their choice.

Under this updated RAP, the livelihoods affected are the furniture dealers along Nsambya Road reserve, the market vendors on Kampala Archdiocese/ M/s. Mandela's land and the police families occupying some of the affected structures in the Nsambya and Kibuli police quarters. The Police families occupying the affected police quarters will be provided with alternative residential units by the Uganda Police Force as per their mandate to provide accommodation for their staff once compensation is paid; while the furniture dealers will be temporarily relocated to a site near their permanent carpentry village in Kigo as there is a pre-existing` long-term resettlement plan being implemented by the State House. The market vendors have been assessed for compensation as licensees (excluding land component) pending the outcome of the pre-existing resettlement arrangement with their landlord not subject to this project, but incase the civil suit is not resolved in time, the Project shall pay the compensation of the affected structures to the association to ensure vacant possession. If the civil suit is resolved by the time of payment, the market vendors (112 vendors assessed), shall be compensated directly without going through court. Please refer to the letters under Annex 1 relating to correspondences with Uganda Police, State House and M/s. Mandela Auto Parts.

3.2.4 Impact on Graves and Cultural Sites

(1) Graves

None were encountered

(2) Places of Worship and Cultural Sites

The nearest place of worship to the project road is the BAPS Shree Swaminarayan Madir-Hindu Temple. The original design had evaded this facility and it had not been touched. During the final detailed design, however the alignment will run along the Temple's Perimeter wall. Compensation has been prepared to take care of injurious damages in case the wall collapses during construction. This has been discussed with the PAP and there is total agreement with respect to this approach. No other place of worship will be impacted negatively to the detriment of the worshippers.

3.2.5 Summary of the Impacts

Under the Principal RAP and Supplementary RAP, the number of claims considered for implementation are the claims categorised as verifiable PAPs thus giving a total number of 185 PAPs with approved land acquisition cost estimated at approximately USD 35,681,049 (UGX. 131,306,260,418) covering a total land size of 25.835 acres.

Whereas, the Supplementary Valuation Report No.4 covers a total number of 19 Project Affected Persons with a total land area of approximately 2.9295 Acres to acquire. The total compensation of affected land, trees and buildings is UGX 13,157,948,165 with a variable 15% or 30% disturbance allowance of UGX 3,663,513,179 giving a total compensation award of UGX 16,821,461,344 (Uganda Shillings Sixteen Billion Eight Hundred and Twenty-One Million Four Hundred and Sixty-One Thousand Three Hundred and Forty-Four). The final supplementary valuation report No.4 approved excludes the value for developments on Centenary park, the relocation cost for the furniture vendors association estimated at UGX.426,485,00 that was submitted by the furniture association, and value of the temporary structures for the Nsambya market vendors on M/s. Mandela's land captured in the addendum to supplementary report No.4. The value of the temporary market structures captured in the addendum is UGX. 152,797,665. For the commercial structures within Centenary Park, in the draft assessments; M/s Nalongo Estates Limited was assessed with 2claims as a licensee for the developments within centenary park with an estimated value of UGX. 3,393,325,574 for developments only excluding land component to KCCA estimated at UGX. 15,789,500,000 for the additional land take at Centenary park. However, CGV advised that assessments of affected properties on Centenary should be captured in a separate report. The entitlement of the PAPs and new rates will be confirmed after approval of the CGV as will be advised by the Memorandum of understanding (MOU) between UNRA and KCCA regarding acquisition of land take at Centenary Park measuring in total 5.23 acres. The additional land required at Centenary Park measures about 3.012 acres since the 2.218acres was captured within supplementary RAP No.1.

The summary of impacts for properties affected under all the RAP reports is provided in table 3.2.1 and table 3.2.2 below. It is evident in there that most of the impacted properties belong to Government entities and few individual companies whose property have been valued at market value plus a 15% or 30% disturbance allowance depending on whether the properties are under Lot 1 or Lot 2. The comprehensive detailed assessments are attached to this report under Annex 2 and includes Photographs of the key / main developments that have been valued.

In conclusion, the total number of verifiable claims (thus total number of PAPs) to date is 210 i.e. 185 PAPs as the sum of verifiable claims under first valuation report and supplementary valuation reports No.1, No2 & No.3; plus 19 PAPs assessed in supplementary valuation report No.4; plus 4 licensees and

2 land claims for KCCA Centenary Park land. The 4 licensees' claims include 2 claims for Nalongo Estates, 1 claim for furniture vendors association, and 1 claim for Market vendors association since each association is being treated as one PAP. The total land take to be acquired by the Flyover Project excluding area within the existing road limits/ road reserve is 31.777 Acres with total acquisition cost estimated at UGX. 167,889,830,000.

Table 3.2.1 Summary of the Impacted PAPs/Institutions as of March 2021

S/no	Description	Number of PAPs	Number of Involuntary Resettlemet	Land Acres		Land Value	Houses / Structures value	Crops Value	Relocation Cost/ Payment in lieu of Tenancy	Total Compensation + 15%/ 30% Dist. Allow
				In road	Out of road					
1	Government Land(Plots)/ Institutions	43	0	1.108	22.2286	101,669,456,800	6,993,496,950	8,544,000		126,028,658,305
2	Private Institutions / Companies	36	0	1.077	7.1371	28,192,215,194	3,959,776,040	24,369,200		39,081,771,697
3	Religious Institutions	7	0	0	0.02	763,851,991	25,650,000	435,000		1,012,955,338
4	Men Land Lords	6	0	0	0.1818	514,342,816	245,289,575	190,000		912,014,608
5	Women Land Ladies	0	0	0	0	0	0	0		0
6	RVR Tenants	21[*1]	88[*2]	0	0	0	0	0	5,040,000	5,796,000
7	Men Flower Gardeners	50	0	0	0	0	1,651,200	43,922,000		52,409,180
8	Women Flower Gardeners	40	0	0	0	0	2,565,900	31,959,473		39,713,468
9	Licencees/ Individuals	5	0	0	0	80,000,000	56,329,800	0		177,228,740
10	Nsambya Furniture vendors Association	1	0	0	0	0	0	0	426,485,000	426,485,000
11	Nsambya Market vendors Association	1	0	0	0	0	117,536,665	0		152,797,665

[*1] The number of families

[*2] The number of family members

Table 3.2.2 Summary of Impacted Government Institutions/bodies as of March 2021

S/no	Description	Number	Land Acres		Land Value	Houses / Structures value	Crops Value	Total Compensation + 15% /30% Dist. Allow
			In road	Out of road				
1	URC	21	0.717	7.483	29,115,410,000	727,950,000	5,890,000	34,326,637,500
2	Uganda Police	9	0.097	5.0156	19,669,300,000	2,398,276,950	2654000	26,437,201,485
3	Electoral Commission	1	0	2.701	16,206,000,000	3,114,100,000	0	22,218,115,000
4	Uganda Post Limited	2	0.186	0.534	1,689,100,000	753,170,000	0	2,808,610,500
5	KCCA[1]	10	0.108	6.565	34,989,646,800	0	0	40,238,093,820

[1]In the total compensation award, KCCA was not included among those to be paid as it is a major beneficiary of the project and the land constitutes public land.

CHAPTER 4. SOCIAL ECONOMIC CHARACTERISTICS OF AFFECTED PERSONS

4.1 Overview

Most of the affected individual persons are the flower garden attendants since the furniture vendors and Market vendors are being treated as groups, whereas the police families residing within the police quarters will be relocated by the employer (Uganda Police Force) as per their mandate. The majority (84.7%) of the flower attendants are from Makindye Division of Kampala city while (15.5%) are from Central division. The highest number of respondents from Makindye division was due to the fact that it is a core area where major road construction will take place if compared to the Central division.

4.2 Occupations

Considering the original study, a description of affected members revealed that the majority (78.3%) said that they were working as flower attendants, (14.5%) mentioned other jobs like restaurant or hotel attendant and boda-boda riders, (4.8%) said that they were traders, casual labourers and carpenters had equal representations of (1.2%) respectively.

4.3 Land use and use of affected site

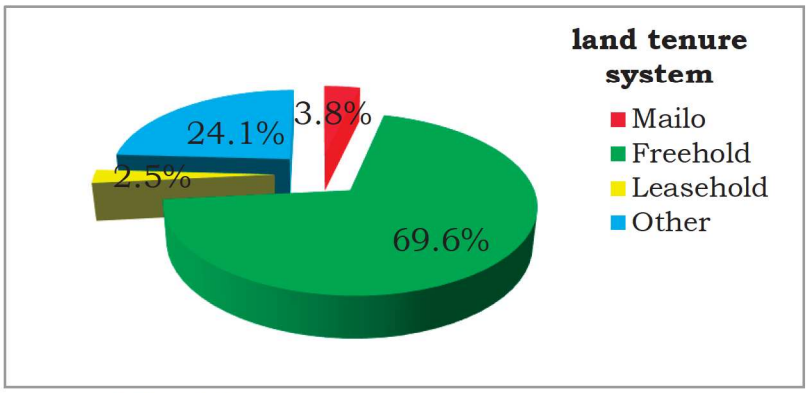
The land use is mixed varying from Institutional office buildings, artisan works along the road side (flower nurseries and metal fabrication), partly industrial at Mukwano road and some petrol stations. The land use is consistent with a fully developed urban setup.

On the other hand, the majority of affected persons (85.8%) used the site as a working place; while those who used their place for both work and living were (7.1%). The vast majority had earlier indicated their occupation was flower attendant, this is the reason why results showed that respondents were using the sites for only work, while those who reported to be working and living at the site were mainly business.

4.4 Land Holding and Land Tenure

The majority of the affected persons (75.9%) are staying on public land as tenants / squatters (away from the project area). These were followed by respondents (12%) who were on the inherited land with no titles, (9.6%) were tenants on titled land. Only a handful of the respondents (2.4%) had possession of land titles.

Majority (72.6%) have spent between 0-10 years on the affected land, followed by respondents (21.4%), who had spent between 10-20 years, those who reported to have spent over 20 years were (4.8%) and a small number of respondents (1.2%) had stayed on the affected land since birth. On land tenure, most of the land affected is freehold as shown in the figure below:



Source: Field Data, 2013

Figure 4.4.1 Land Tenure Systems in Project Area

On land affected, 69.6% of land owned is on a freehold land ownership arrangement, followed by (24.1%) that is government land and while mailo covers (3.8%) and lease covers the least (2.5%). This information is from the responses in the questionnaire. However, from the survey results, all the land is titled and it is either Milo, Freehold or Leasehold tenure.

4.5 Title of Ownership

In the original results, the census showed that of the PAPs, very few had a land title. This is because most of the impacted land is institutional or Government land. In fact, the majority of the respondents (82.5%) did not have either the title or agreement for ownership or tenancy. These are mostly flower nursery owners / attendants along the roadside. They operated their business on government land by road sides, (10%) of the respondents said that they lived on the land by tenancy, those who had agreements were (6.2%), and only (1.2%) of the respondents possessed land titles. This is shown in the Table below.

Table 4.5.1 Perecentage Distribution of Respondents According to Land Title Possessions (N=80)

Land title possession	Frequency	Percentage (%)
Land title	2	1.2
Agreement	5	6.2
Tenancy	8	10
No title holder	66	82.5
Total	80	100

Source: Field Data, 2013

4.6 Livelihoods

The majority of the affected persons (76.2%) were reported to be flower attendants, (11.9%) owned other businesses like hotels and salons, the managers and traders had equal proportions (3.6%) respectively, while other respondents (2.4%) mentioned to be carpenters and casual labourers respectively. This distribution is however valid since people to be much affected by the road were the flower sellers who carry out their business by road sides.

4.7 Ethnic Composition and Cultural Set up

This is a cosmopolitan area where all the National ethnicities are represented. A walk through the project area showed that most of the ethnic groups in Uganda are represented. As is expected, within the cosmopolitan areas, the different ethnic groups tend to live in harmony. Within the project area, the dominant ethnic group are the Baganda who by nature are very accommodating to other ethnic groups in Uganda. The communities are mostly patrilineal with men dominating the decision-making process. Government affirmative action, however, has enabled some of the women to be part of the decision-making machinery. Since the majority of the PAPs are the flower garden attendants, an analysis showed that most of them were Baganda followed by Basoga and Banyankore respectively (See Fig 4.2 below).

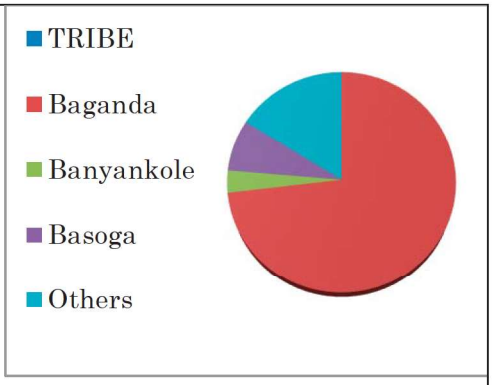


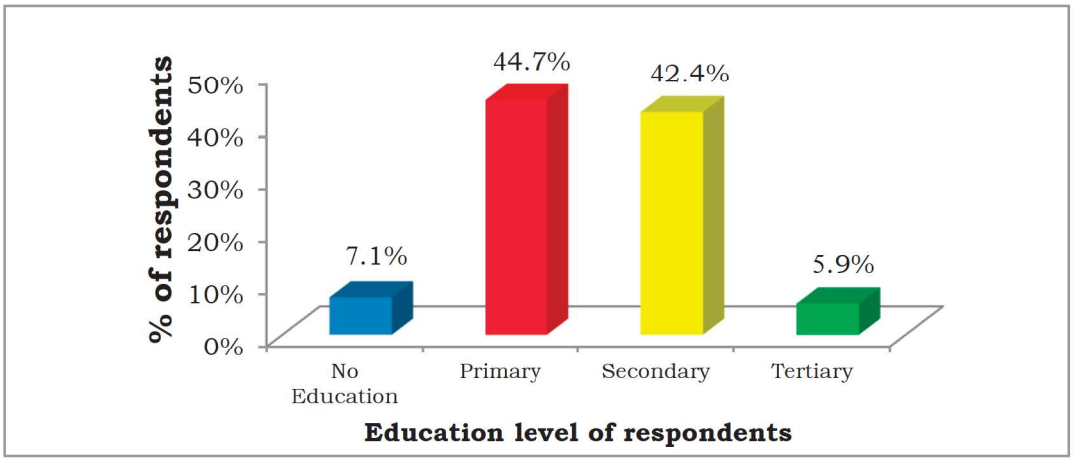
Figure 4.7.1 Ethnic Composition for flower attendants

4.8 Sources of Income

Because most of the PAPs were those dealing with the flower gardens along the roadside, it is apparent that this was an important source of income for most of the affected people. Up to 73% of the respondents practiced agriculture on the roadside activities although majority of those (86.3%), this was their secondary income. Discussions with them showed that they took flower nursery activities as a part time activity, since the sales were low and far in between. In total, there were 93 flower attendants the majority of whom (52) are men.

4.9 Vulnerable Groups

The survey did not identify any critically vulnerable people. This was mostly because they are all youthful and of working age. In the original study, the average age among all the respondents was 31 years and most of the respondents were aged 30 years. The median age of the respondents was 30 years. The oldest person according to the study was aged 50 years and the youngest was of age 18 years which gave the age range of 32 years. There was no bias against any age and people of different ages were all considered since they had different needs. Most of the people found working / staying in the area were men (55.3%) and the majority had some minimum education as evident from the findings presented in the figure below. This percentage is consistent with the number of flower attendants who are 93. Of these 53 are men and 42 are women.



Source: Field Data, 2013

Figure 4.9.1 Percentage Distribution Respondent According to their

4.10 Average Income

The land lords are quite wealthy and these are mostly companies or Institutions. The rest are the flower garden attendants whose income may be considered to be low. In the analysis for the supplementary study, the Flower garden attendants declared average monthly income was about shillings 250,000/= while the minimum was about shillings 50,000/=. The maximum income was about 550,000/= shillings.

4.11 Project Affected Persons through Loss of Land only

Land is a major asset especially within the CBD where it is valued highly. The total land to be taken is therefore significant although it will be strips along the Road Reserve. Most of it belongs to institutions or Government. All the land in question is titled as Freehold or Leasehold Tenure. In all a total of 30.9725 Acres of land will be acquired by the FO project.

4.12 Public Notices

In the original study, the Client, UNRA introduced the teams using an introductory letter to the KCCA Leadership as well as to the key Stakeholders. For the supplementary RAP No.1 study, UNRA published an advertisement in the Press informing the public about the design of the road as well as the disclosure for those whose land take had not changed. It is attached as Annex 1. Because of the low number of PAPs, the impacted people were met at their work places on a one to one basis. This was found to be the most prudent since it was difficult to gather these busy urban people.

CHAPTER 5. POLICY, INSTITUTIONAL AND LEGAL FRAMEWORK (IMPLEMENTATION ARRANGEMENTS)

This Resettlement Action Plan is guided by both the National and the Donor Safeguard Policies coupled with existing National Laws and Institutional arrangement as they relate to compensation and resettlement.

5.1 Policy Framework

It is the Uganda Government Policy that persons affected by development projects including road development projects such KFO Fly over project be adequately compensated for any property (structures, buildings, land, crops and any other) as well as for loss of livelihood should that occur. There is in place an elaborate Institutional and Legal Framework to ensure compliance with the Policy requirements. Furthermore, the JICA / World Bank have its Resettlement Policy regarding resettlement and loss of livelihood due to displacement of persons. The Bank Group Involuntary Resettlement Policy is triggered when a project results in relocation or loss of shelter by the persons residing in the project area, assets being lost or livelihoods being affected. UNRA as the Government arm that will receive the JICA funding has the primary responsibility for planning, implementing and monitoring resettlement issues.

This KFO project does not envisage major relocation of people. Nevertheless, the primary goal of the Bank's Involuntary Resettlement Policy is to ensure that when people must be displaced, they are treated equitably, and that they share in the benefits of the project that involves their resettlement.

The policy among others states that compensation at the full resettlement cost for loss of land and other assets should be paid prior to projects implementation with the view to improve the former living standards, income earnings capacity and production levels of the affected population.

For neutrality and transparency in the execution of the RAP, it is necessary to engage an external consultant to oversee the compensation process to ensure that those displaced receive fair compensation and be assisted to improve their livelihoods and standards of living.

5.2 Institutional Framework

5.2.1 General

UNRA is responsible for triggering off this RAP. There are three main factors involved in carrying out compensation/resettlement where Involuntary Relocation or Resettlement is inevitable. These are the Ministry of Lands, Housing and Urban Development (responsible for Compensation), and Lead Agencies/Ministries and in this case the Uganda National Road Authority and the Donor Agency (in this case JICA) for donor-supported projects to ensure compliance with Donor Safeguards.

In addition, the KCCA Administrations (Local Government) is a key stakeholder in this resettlement, relocation and compensation until its successful completion. It is imperative that all projects which require resettlement closely liaise with the Local Government administration to ensure equity, acceptability and compliance.

5.2.2 UNRA Land Acquisition Management System (LAMS)

UNRA has put in place a Land Acquisition and Management System (LAMS) to provide guidance to the management of land acquisitions of the Road Reserve for both UNRA and its suppliers. The LAMS clarifies the roles and responsibilities of all parties in the implementation process. While the LAMS applies to all aspects of the acquisition process, it does not apply to injuriously affected claims outside

of the Road Reserve and neither does it apply to the aspects of land acquisition managed by external implementation partners such as the Chief Government Valuer's office for example. Under the LAMS these three aspects must be followed:

- Initial assessment including a review of the Legal and Institutional Framework, community consultations and surveys, compensation strategy as well as actual compensation estimates;
- Survey and Valuation including the definition of compensation principles and rates, and
- Compensation and Expropriation including necessary approvals, paying of compensation to PAPs and transferring of land titles together with deed plans to UNRA.

5.2.3 Other Administrative Procedures/Framework

Apart from the UNRA Land Acquisition Management System (LAMS), the administrative framework is mandated to support compensation and resettlement activities. The main players are as follows:

Table 5.2.1 Summary of Other Administrative Procedures and Framework related to Land Acquisition

	Stakeholder	Relevance	Opportunity	Threat	Link
1	KCCA	Administrative Units / Wards within the City to provide enabling environment for the project at zone or ward level	Has capacity to mobilize communities and oversee any grievance that might arise during Project Implementation	The KCCA displeasure can translate to project failure	Local Government Act 1997
2	KCCA Land Board	Although the status of the Land Board is not fully defined, it nevertheless has a role to support division of parcels of land and authenticating the land titles as well as providing District Compensation rates.	Mandated by the land Act	They are the ones to approve division of land in the City.	The land Act
3	Ministry of Lands, Housing and Urban Development;	Survey and Valuation of properties and or compensation	Facilitates land transfer and compensation if necessary	Can overestimate or underestimate the values distorting the market	The Land Act Cap 227, Constitution, and Compensation Policy
4	Ministry of Water and Environment	Responsible for the environmental concerns including wetlands, water bodies and Natural resources;	Supports environmental compliance for the benefit of all stakeholders	Blind application of the law without considering mitigation factors	National Environment Act Cap 153
5	Project Affected People (PAP) along the proposed FO project road	This includes all the PAPs who will be impacted to some degree;	The PAPs could improve livelihood by taking advantage of the project.	PAP may threaten workforce for lack of public relations.	Project is within their area.
6	Contractor and His /her team	In charge of the construction Works and overall project Implementation;	To ensure compensation before work;	Failure to be sensitive to community legitimate concerns;	Contract documents / specifications
8	Donor Agency (JICA)	Provides funding support for the project	Ensures compliance in line with Donor Safeguards	Failure of borrower to meet donor conditions can lead to fund withdrawal	Bilateral agreements

Source: DDC

5.3 Legal Framework

For land acquisition and displacement of people, specific attention is drawn to the 1995 Constitution and other Laws of Uganda as well as the World Bank / JICA Operational Safeguards /Directives (e.g. OP 4.12 and OD 4.30). In conducting this study, the applicable laws to enable a seamless resettlement and compensation have been reviewed, and those that are directly relevant are discussed herein. No r4settllement of people is envisaged in this project. Nevertheless, this section provides a detailed description of the Legal Framework relevant in implementing resettlement for such projects as the KFO. In particular, the following Uganda Laws comprise of the Legal Framework.

The Uganda Constitution (1995): Article 237(1) of the Constitution vests all land in Uganda in the citizens of Uganda. However, under Article 237(1) (a), the Government or Local Government may acquire land in the public interest. Such acquisition is subject to the provisions of Article 26 of the same Constitution, which gives every person in Uganda a right to own property. The Constitution also prescribes the tenure regimes in accordance with which rights and interest in which land may be held (Customary, Leasehold, Mailo, and Freehold). It provides procedures to follow during the acquisition of land in the public interest and provides for the "prompt payment of fair and adequate compensation" prior to taking possession of land. The Constitution however does not make resettlement a right.

Within the KFO, the main land tenure system is either Freehold or Mailo Land and Leasehold. Nevertheless, Article 237 of the Uganda Constitution defines four land tenure systems, namely the Customary, Freehold, Mailo land and Public Land/Leasehold Tenure Systems. The incidents of these systems are detailed under Section IV of the Land Act 1998 as follows:

5.3.1 Customary Tenure

This is type of tenure is not common in the city and was not encountered during the survey.

5.3.2 Freehold Tenure

- This tenure system is mostly under Institutional and Government ownership such as the Railway or Uganda Police land. Freehold land tenure:
- Derives its legality from the constitution and its incidents from the written law;
- Involves the holding of land in perpetuity or for a period less than perpetuity fixed by condition; and
- Enables the holder to exercise, subject to the law, full powers of ownership.

5.3.3 Leasehold Tenure

There are very few incidents of leasehold tenure within the project area. Leasehold tenure:

- Is created either by contract or by the operation of the law;
- Is a form under which the landlord of the lesser grants the tenant or lessee exclusive possession of the land, usually for a period defined and in return for a rent; and
- The tenant has security of tenure and proprietary interest in the land.

5.3.4 Mailo Tenure

This land tenure system is the second most common in the project area and covers privately owned lands. Mailo Tenure system:

- Has roots in the allotment of land pursuant to the 1900 Uganda Agreement;
- Derives its legality from the constitution and it incidents from the written law;
- Involves the holding of land in perpetuity;
- Permits the separation of ownership of land from the ownership of developments on land made by a lawful or bona-fide occupant; and
- Enables the holder to exercise all the powers of ownership, subject to the rights of those persons occupying the land at the time of the creation of the Mailo Title and subsequent successors.

The Land Act (1998) and as amended (2010): This Act addresses land holding, management control and dispute resolution. The developer should seek to enter into mutual agreement with the occupier or owner of the land upon payment of compensation. The Act creates a series of land administration institutions consisting of Uganda Land Commission (ULC) and the District Land Boards (DLB).

- Section 78 of the Act gives valuation principles for compensation (i.e. market values for urban properties) which principles have been followed during the valuation exercise. The Act provides for the tenure, ownership and management of land. Although there is no customary tenure within the project area, it is important to note that the Act recognises customary tenure as a form of land holding (section 4(1)) and thus places customary tenants in a position of ownership of land unlike the Land Reform Decree, 1975, that made them tenants at sufferance. Section 28 stipulates that any decision taken in respect of land held under customary tenure, whether in respect of land held individually or communally shall be in accordance with the custom, traditions and practices of the community concerned. Customs that ensure access to water can therefore be invoked to protect this particular right. Furthermore, provision is made for communal land associations which may be formed for management of land whether under customary law or otherwise (section 16). Such Associations may set aside land for such common uses as grazing and watering livestock, and such other purposes as may be traditional among the community using land communally (section 24).

- The Act recognises other forms of tenure namely Freehold, Mailo and Leasehold (Section 3). The Act provides for bona fide occupancy and defines a bona fide occupant as a person who is not the title holder or customary tenant of the land he occupies and has enjoyed undisturbed occupancy of the land for 12 years or more. Any person who owns or occupies land under any tenure must manage and utilise that land in accordance, inter alia, with the National Environment Act, Cap 153, the Water Act, Cap 152 and any other relevant law (section 44). The Government and Local Government shall hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams and wetlands for the common good of the citizens of Uganda (section 45(1)).

- The Act provides for the compulsory acquisition of land for public purposes. The land owner must be compensated

- The occupant of land would be compensated for the value of their chattels. In instances where there are bona fide occupants on land, compensation would have to be made to both the land owner and the bona fide occupant.

The Local Government Act (1997): The Local Government Act (LGA) was enacted to give effect to the policy of decentralisation and devolution of functions, powers and services; and to provide for decentralisation at all levels of local government to ensure good governance and democratic participation in, and control of decision making by the people. The Local Government Act provides for the system of Local Governments, which is based on the District. Under the District there are lower Local Governments and administrative units. In the case of this project, the Local Government is run within the framework of the KCCA. This system provides for elected Councils. The chairman nominates the executive committee of each council. The functions of this committee include:

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

According to the second schedule to the LGA, the Central Government is responsible for water resources and the environment (Part I, Second Schedule, and Local Government Act). The Lower Local Government Councils (sub-county or division) are responsible for the protection and maintenance of local water resources (Part 4). It is the function of the various executive committees, including the Parish or village executive committees, to generally monitor projects and other activities undertaken by government, local governments, and non-governmental organisations in their area (section 50(8)). The KCCA administration has a mandate to monitor this road project in line with the Local Government Act.

Land Acquisition Act (1965): This Act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister responsible for land may authorize any person to enter upon the land and survey the land dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose.The Government of Uganda is supposed to pay compensation to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision.

The Land Acquisition Act stops at payment of compensation. It is not a legal requirement to purchase alternative land for the affected people by the project. Once they are promptly and adequately compensated, then the obligations stop there. The Government through the Ministry of Lands, Housing and Urban development will pay the compensation to the affected persons.

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

The Access to Roads Act (1965): The Access to Roads Act seeks that a private landowner who has no reasonable means of access to public highway may apply for leave to construct a road of access to a public highway. This law also establishes a mechanism of applying for such a road. It also establishes a legal regime to ensure the safety of the neighbouring environment.

The Act permits the owner of any land who is unable through negotiations to obtain leave from adjoining land owners to construct a road of access to the public highway, to apply to a magistrate for leave to construct a road of access over any land lying between his land and the public highway. This law also provides for means by which an order for the construction of an access road can be revoked.

The Act further provides for maintenance of the access road in a good and efficient state of repair, and for payment of compensation in respect of the use of the land, the destruction of crops of trees and such other property.

The Roads Act (1964): The Roads Act of 1964 is a critical piece of legislation with respect to the construction of the Flyover project road especially with respect to the widening of some sections. It defines a Road reserve. The Act is silent on whether such land is "taken" for the state, but states that no person shall erect any building or plant, trees or permanent crops within a Road Reserve. It also allows the roads authorities to dig and take materials from the Road Reserve for the construction and maintenance of roads.

The Minister or, with the consent of the Minister, a District Commissioner , in relation to any road within or passing through any government town or an Administrator in respect of any area not being in a government town, may by order:

- Prescribe the line in which buildings shall be erected in such town or area; or
- Prescribe the distance from the centre of the road within, which no building shall be erected in such town or area.
- The Road Authority is required to give written notice to the owner or occupier of the land on which prohibited activities have been carried out so as:
- To pull down or remove the building or erection;
- To cut down or uproot the trees or crops; or
- To alter or repair the cattle path, bicycle track, side road or entrance or means of access or to close the same.

The Act allows a road authority to dig and take away materials required for the construction and maintenance of roads in any part of a Road Reserve approved by the District Commissioner without payment to any person.

The Judicature Act: Customary law is stipulated under the Act as law applicable in Uganda though it is subordinate to written law. Further the custom in issue should not be repugnant to natural justice or equity. Some customary laws recognize the importance of maintaining clean water sources particularly for drinking water. There are cultural practices that recognize the value of the common good which could be harnessed.

National Environment Act Cap 153: The objective of the Act is to provide for sustainable management of the environment and to establish an Authority as a coordinating, monitoring and supervisory body for that purpose. The National Environment Management Authority (NEMA) is established under the Act as the Principal Agency in Uganda responsible for the environment. "Environment" is defined in section 2 as the physical factors of the surroundings of human beings including air, land and water. NEMA is required to ensure the integration of environmental concerns in overall national environmental planning through co-ordination with the relevant ministries, departments and agencies of government; and initiate legislative proposals, standards and guidelines on the environment in accordance with the Act. NEMA is mandated to ensure the observance of proper safeguards in the planning and execution of all development projects, including those already in existence that have or is likely to have a significant impact on the environment. A project is defined to include policy. In similar vein, NEMA shall review and approve environment impact assessments and statements submitted in accordance with the laws of Uganda. As a result of this, NEMA is a key stakeholder in the resettlement process.

The Water Act, Cap 152: According to its long title, the purpose of the Water Act is to provide for the use, protection and management of water resources and supply; to provide for the constitution of, and facilitate the devolution of water supply and sewerage undertakings. The objectives of the Act include the promotion of the rational management and use of the waters of Uganda through application of appropriate standards and techniques; and the coordination of all public and private activities which may

influence the quality, quantity, distribution, use or management of water resources. Promotion of the provision of a clean, safe and sufficient supply of water for domestic purposes to all persons is a major objective (section 4 Water Act).

"Domestic use" of water is defined in section 2 of the Act to include use for the purpose of basic human consumption; watering not more than thirty livestock units, (approximately 43 cattle or 50 horses or 75 donkeys or 200 goats or 200 sheep or a mixture of these animals); subsistence agriculture, and watering a subsistence fish pond. The National Water Policy makes provision of water for domestic use a priority. The policy categorically states that in allocating water, domestic needs of a community should be reserved within the available water resource. Resettlement activities will comply with the Water Act in as far as relocation of persons and their livestock are concerned.

Under Section 39 of the Land Act Cap 227 (Restrictions on transfer of land by family members) the rights of children and spouses are protected. The consent of spouse and children must be acquired prior to any transaction on land on which the family ordinarily resides by the head of household. The Act under this section requires that no person shall:

- Sell, exchange, transfer, pledge, mortgage or lease any land; or enter into any contract for the sale, exchange, transfer, pledging, mortgage, lease of any land;
- Give away any land inter vivos, or enter into any transaction in respect of land:
- In the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;
    - In the case of land on which the person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent children of majority age;
    - In the case of land on which the person ordinarily resides with his or her dependent children below the age of majority, except with the prior written consent of the Committee ; and
    - In the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the Committee.

The law however stipulates that consent shall not be unreasonably withheld. Moreover, the spouse or children of majority age, not being the owners of any land to which subsection (1) applies, may lodge a caveat on the certificate of title or certificate of customary ownership of the person who is the owner of the land to indicate that the property is subject to the requirement of consent under subsection (1).

The Local Government Act, 1997: The Act empowers the Local councils to oversee the performance of persons employed by the Government to provide services in the council's area of jurisdiction and to monitor the provision of Government services or implementation of projects in the area under the council's jurisdiction. These councils are well distributed in accordance with the five tier system and there is a council at each level of the administrative units. Councils are required to draw the attention of the relevant authorities at the District and in this case at the KCCA any matter that rouses their concern or interest. Among others, higher councils are required to resolve problems or disputes referred to them by relevant sub county or village councils;

Ugandan legislation on compensation: In general, cash compensations are paid based upon market value of the crops likely to be destroyed. The affected persons are, in some cases, entitled to new housing on authorized land under government housing programmes. Under the customary law, land is given in compensation for land. Indeed, there are some shortfalls in the Legislation on resettlement and compensation in Uganda compared to some of the donor safeguards commonly applied in the Country.

5.4 Development Partner (WB and JICA) Resettlement Policies

This section describes the some of the Donors' Safeguard Policies as they will relate to Resettlement in Development projects with specific reference to the World Bank Safeguards.

The World Bank's Safeguard Policy OP 4.12 applies to displaced persons in the project area, regardless of the number of people affected the severity of impacts and the legality of land holding. Particular attention should be given to the needs of vulnerable groups especially those below the poverty line, the landless, the elderly, women and children, indigenous groups, ethnic minorities and other disadvantaged persons.

The Bank's Policy requires that the provision of compensation and other assistance Project Affected Persons is carried out prior to the displacement of people. In particular, repossession of land that has been taken for road widening and other road works may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances will be provided to the affected persons in accordance with the provisions of the Bank's policies and incorporated into the Resettlement Action Plan.

The policy encourages participation of the affected persons in the planning and preparation of the Resettlement Action Plan. It also offers the impacted persons an opportunity to improve their living standards.

Operational Directive O.D. 4.30 "Involuntary Resettlement" requires that displaced persons should be compensated at full replacement cost, assisted with relocation / resettlement and during transition period. The developer should be encouraged to offer replacement land rather than cash compensation when the residual land holdings are not economically viable.

The World Bank Group O.D. 4.30 on Involuntary Resettlement is applicable to the Various Development Projects where resettlement, relocation and compensation are indicated. The main features of this Directive are as follows:

- All viable alternative project designs should be explored to avoid or minimise the need for resettlement and when it is inevitable, to minimise the scale and impacts of resettlement;
- Resettlement measures are to be conceived and executed as development activities providing sufficient resources to give the persons displaced, the opportunity to share in project benefits. Assistance should be given to the community in their efforts to improve former production levels, incomes earning capacity and living standards or at least restore them to the levels they would have without the project;
- Displaced persons should be:
    - Compensated at full replacement cost prior to the actual move;
    - Assisted with relocation;
    - Assisted and supported during the transition period;
- Particular attention should be given to vulnerable groups; and
- Communities should be given opportunities to participate in planning, implementing and monitoring their resettlement.

5.5 Differences between Uganda Laws and JICA Guidelines/World Bank Policy

There are some differences between the JICA guidelines and the Uganda Laws on Resettlement and Compensation. For instance: the Ugandan Laws restrict themselves to fair, adequate and prompt compensation (cash), while JICA guidelines extends it to providing alternative land and resettling the person. In Uganda compensation is based on the right of ownership. The World Bank OP 4.12 is fundamentally different from the matter, and states that affected persons are entitled to some form of compensation whether or not they have legal title if they occupy the land by a specified cut-off date. The higher of the two standards will be followed in this policy framework, since that procedure also satisfies the requirements of the lesser standard.

A comparison of Uganda Law and JICA/W Donor requirements with possible mitigation options regarding compensation is given in the table below: -

Table 5.5.1 Comparison between Uganda Law and JICA Guidelines

No	JICA Guidelines	Laws of Uganda	Gaps between JICA Guidelines and Laws of Uganda	Policy of the Project
1	Involuntary resettlement and loss of means of livelihood are to be avoided when feasible by exploring all viable alternatives. (JICA GL)	The law does not specify; however, the policy aims at avoiding resettlement as much as possible by finding alternatives.	The Uganda law is silent and in general the situation in Uganda does not consider loss of livelihood.	Resettlement will be avoided by choosing an alternative with minimum infrastructure disruption. Road-side businesses will be relocated and disturbance allowance will be paid out
2	When population displacement is unavoidable, effective measures to minimize impact and to compensate for losses should be taken. (JICA GL)	PAPs are compensated according to category of ownership at market rates in addition to paying them a disturbance allowance. The categories are land owners, tenants, land users/sharecroppers, as well as owners of temporary and permanent buildings.	JICA encourages compensation at replacement cost not just the market value same as the case for Uganda.	PAPs will be compensated at replacement cost in addition to paying disturbance allowance of 15% or 30% depending on the notice given of three or six months, respectively.
3	People who will be resettled involuntarily and people whose means of livelihood will be hindered or lost must be sufficiently compensated and supported, so that they can improve or at least restore their standard of living, income opportunities and production levels to pre-project levels. (JICA GL)	Uganda laws are silent on the restoration of lost livelihood, but allow for compensation of lost structures followed by payment of disturbance allowance.	There is no restoration of lost livelihood according to the Ugandan laws.	Full compensation at replacement cost will be paid for taken structures. For those roadside businesses (flower garden attendants) following agreement with CGV, their flowers and flower pots will be valued and a 15% disturbance allowance paid to them. They will be allowed to take the flowers and pots to a location of their choice.

No	JICA Guidelines	Laws of Uganda	Gaps between JICA Guidelines and Laws of Uganda	Policy of the Project
4	Compensation must be based on the full replacement cost as much as possible. (JICA GL)	Compensation is based on the current market value as much as possible.	For semi-permanent structures, the compensation rates are fixed by the District Land Board annually and these can be outdated by the time of valuation.	Compensation will be at full replacement cost, while temporary structures compensation will be based on the rates as determined by the District Land Board. In both cases disturbance allowance will be paid.
5	Compensation and other kinds of assistance must be provided prior to displacement. (JICA GL)	Compensation including disturbance allowances must be paid before displacement/start of the project.	No difference	PAPs will be paid before displacement.
6	For projects that entail large-scale involuntary resettlement, resettlement action plans must be prepared and made available to the public. (JICA GL)	Resettlement action plans are mandatory for large-scale involuntary resettlement.	No difference	Large-scale involuntary resettlement is not anticipated in this project.
7	In preparing a resettlement action plan, consultations must be held with the affected people and their communities based on sufficient information made available to them in advance. (JICA GL)	The law is silent, but the policy stipulates effective consultations with all stakeholders. The National Environment Act insists on consultations with all key stakeholders in a transparent manner.	No difference	Consultations will be held with all key stakeholders, and the PAPs will individually be consulted in the presence of the Local Council Leaders.
8	When consultations are held, explanations must be given in a form, manner, and language that are understandable to the affected people. (JICA GL)	Both English and the local language which is understandable will be used during consultations.	No difference	Both English and Luganda will be used and in case there is a person who does not understand these languages, arrangement to interpret for him will be made.
9	Appropriate participation of affected people must be promoted in planning, implementation, and monitoring of resettlement action plans. (JICA GL)	The National Environment Act insists on involving the stakeholder's right from the time of project inception until its completion.	No difference	Stakeholders are to be consulted throughout the project cycle and the PAPs will be involved during the design stage of the project through consultations and community meetings. The local government leaders have already been consulted while one general community meeting has already taken place.

No	JICA Guidelines	Laws of Uganda	Gaps between JICA Guidelines and Laws of Uganda	Policy of the Project
10	Appropriate and accessible grievance mechanisms must be established for the affected people and their communities. (JICA GL)	Grievances are to be handled through the local landlords, the local council system and the courts of law	There is no specific grievance committee in the case of the Ugandan laws apart from the local government structure.	A grievance committee which will include the local council leadership will be put in place to handle grievances. If the committee does not handle the grievances then the courts of law will be used as a last resort mechanism.
11	Affected people are to be indentified and recorded as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advance of such benefits. (WB OP.4.12 Para.6)	The Ugandan law is silent but the policy is in place to identify and record PAPs as early as possible in order to establish their eligibility through an initial baseline survey (including population census that serves as an eligibility cut-off date, asset inventory, and socioeconomic survey), preferably at the project identification stage, to prevent a subsequent influx of encroachers of others who wish to take advantage of such benefits.	There is no difference as per the policy.	The policy of the project is to sensitize the PAPs, conduct a census, identify the affected properties, inform the PAPs of the cut-off date as well as the grievance mechanism and agree on the valuation report in the presence of the local leader.
12	Eligibility of benefits includes, the PAPs who have formal legal rights to the land (including customary and traditional land rights recognized under law), the PAPs who do not have formal legal rights to the land at the time of census but have claim to such land or assets and the PAPs who have no recognizable legal right to the land they are occupying. (WB OP4.12 Para 15)	The Land Act, as amended, recognizes tenants who do not have legal rights to the land but have such claim to the land like the squatters, tenants, and sharecroppers.	No difference	The PAPs who have formal legal rights to the land (including customary and traditional land rights recognized under law), the PAPs who do not have formal legal rights to the land at the time of census but have claim to such land or assets, and the PAPs who have no recognizable legal right to the land they are occupying will receive resettlement assistance as well as adequate compensation in accordance with their level of claim/interest.

No	JICA Guidelines	Laws of Uganda	Gaps between JICA Guidelines and Laws of Uganda	Policy of the Project
13	Tenants who rent residential accommodation should be given resettlement assistance to enable them move to a new place of comparable standard	The Policy in Uganda is that tenants who are impacted on by the project are treated in line with the tenancy agreement which they have entered into with the land lord. In the case of the rentals in this FO project, the tenants are to be given a minimum of three moths notice before termination of their tenancy	The tenants who were assessed in the preliminary RAP have been paid three months rental fee and 15% disturbance allowances to enable them relocate. These residential tenants for URC will be assisted with alternate accommodation by the employer (URC)	Where the Uganda Government Policy differs from that of the development partner, the policy of the Development Partner will be adopted.
14	Preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. (WB OP4.12 Para.11)	Preference is given to cash-based compensation	The Uganda government prefers cash compensation.	Basically, the project will provide cash compensation because the project is located in an urban area, and alternative land compensation is difficult. If requested, PAPs would be able to select either cash compensation or land-based compensation.
15	Provide support for the transition period (between displacement and livelihood restoration). (WB OP4.12 Para.6)	The law provides for a disturbance allowance in addition to the computed compensation package.	No support for the transition period.	Timely cash compensation inclusive of disturbance allowance will be paid.
16	Particular attention must be paid to the needs of the vulnerable groups among those displaced, especially those below the poverty line, landless, elderly, women, children, ethnic minorities, etc. (WB OP4.12 Para.8)	The policy gives preference to the vulnerable groups.	No specific mention of those below the poverty line.	Vulnerable people will be identified during the census and depending on the level of their vulnerability resettlement assistance will be extended to them. ***(There were no Vulnerable people identified)***
17	For projects that entail land acquisition or involuntary resettlement of fewer than 200 people, abbreviated resettlement plan is to be prepared. (WB OP4.12 Para.25)	The law is quiet on this aspect.	No mention of A-RAP in Ugandan law.	A-RAP will be prepared in this project in line with the JICA guidelines.

Source: Adapted frpm the JICA Survey team and Preliminary RAP

In a number of cases, as shown in the Table above, most of the Donor Requirements are more favourable to PAPs than the provisions of Uganda Law. In most cases the Government of Uganda is strongly committed to comply with Donor Requirements. It was imperative that for those whose livelihood is to be negatively impacted, are given relocation assistance aiming at complying with Donor Requirements where they are not complied with by the sole Ugandan provisions would be appropriate, i.e. for the case of the furniture vendors and Nsambya market vendors. The difference has been for flower attendants who were assessed individually and have been paid commercial rates for their flowers in addition to a 15% disturbance allowance, and were allowed to take away all their compensated flower pots and flowers as agreed on by the CGV and RVR tenenats who were compensated three months rent in liue with a 15% disturbance allowance.

CHAPTER 6. VALUATION OF AND COMPENSATION FOR LOSSES

During the Preliminary RAP, two community sensitisation meetings were conducted to meet the PAPs. During the Supplementary RAP No.1, since the numbers of the affected people was less, the PAPs were met on a face to face arrangement following an appointment; this was done because it became difficult to arrange group meetings for these busy urban PAPs except for the flowers vendors who were met as a group but disclosure of compensation was conducted on a one to one basis after the general sensitisation.

During Updated RAP, individual PAPs and institutions/ Companies have been met on a one to one arrangement through organising meetings at either their office premises, UNRA offices or the Consultant's office. A general engagement meeting which involved the Town Clerk, KCCA Physical planner, Resident City Commissioner (RCC), Division Police Commander and State House representative among others was organised to sensitise the furniture vendors. For the case of the market vendors, these were engaged during the survey and valuation exercise on a one to one while carrying out assessment of the temporary structures.

The main resettlement package under this project has been compensation for crops/ trees, land, structures (walls, fences and some buildings) that will be affected by the development and relocation assistance offered to the furniture vendors operating within the road reserve. UNRA commits itself to pay full compensation as valued to all PAPs. Key principles that UNRA will commit themselves to ensure a smooth compensation exercise include the following:

Table 6.1.1 Key Principles to heed during compensation

- Resettlement and compensation of Project Affected People (PAP) should be carried out in compliance with relevant Ugandan laws. In the case of this project, for the physically or economically displaced people will be adequately and equitably compensated;
- Resettlement should be implemented in a gender-responsive manner (In the case of KFO, the PAPs are gender disaggregated); and
- Cash compensation adopted for those receiving amounts below Uganda shillings 200,000.00. Institutions receive compensation through banks or by cheque to minimise misuse of public funds.

Source: Adapted from the Land Act, the Constitution of Uganda and Donor Safeguard Policies

CHAPTER 7. ELIGIBILITY

Eligibility may be defined as the criteria for qualification to receive benefits under a resettlement program. For the World Bank / JICA, eligibility includes even those without land title, those perceived illegal including squatters. In the case of the KFCRUP the criteria for qualification is that any person who has been affected through loss of property, loss of land, loss of livelihood or actual displacement will be eligible for resettlement or compensation benefits provided such a person was in the affected area before the announced cut – off date. Eligibility therefore is a function of the census and cut-off date. In the case of this road project, the cut-off date was considered as the last day of the census of affected people and properties. Due to the revision in the design the census had to be redone for many of those impacted. No structure or field established in the Project-Affected Area after the date of the census and valuation will be eligible for compensation. The concept of the cut-off date after which no settlers or developers are eligible for compensation was publicized among potentially affected people during the census/ valuation. This was explained during the census and valuation exercise to stakeholders in the area, including:

- Project-Affected People, identified and individually surveyed;
- Sensitization meetings; and
- LC officials in which consultations were undertaken.

Appropriate compensation approaches are therefore needed, with the compensation meeting the Ugandan Law.

7.1 Speculative Structures

Opportunistic uninhabitable structures established for the sole purpose of compensation pose a specific eligibility problem and these were addressed through the following methods to ascertain the validity of the compensation claim:

- Inspection of the structure to determine whether it is indeed habited or not; and
- Consultation with LC chairpersons/authorities to ascertain whether the contested structure existed at the time of the cut-off date or census and whether it was established in good faith or for an opportunistic compensation purpose.

There were no such structures found during the survey such that speculative structures in the KFO are not a concern.

7.2 Estimated Compensation Amounts

In view of the foregoing, a comprehensive valuation of land acquisition, crops/trees and buildings/structures to be affected was undertaken. The details of all the approved valuation are attached under Annex 2 of this report.

7.3 Payment Procedure

Census of the Project Affected Persons (PAPs) has been carried out. In addition, mitigation measures as well as impacts of resettlement have been identified. These are part of the ingredients for the RAP. Apart from the shops/kiosks, there are flower garden attendants, furniture vendors, market vendors and other structures that will be removed from the Road Reserve and compensated for. In principle, there is an option for cash compensation and another for replacement of equivalent structures. The Ugandan law

favours cash compensation rather than replacement of structures/land.

It is recommended that:

- Those with large amounts of money above Two hundred thousand Uganda Shillings (UGX 200,000) should be paid through a bank such that those without a bank Account will be assisted to open bank accounts through which the money can be paid;
- A disturbance allowance of 15% to any of the relocated people will be paid at least six months before relocation to enable them re-adjust.
- A disturbance allowance of 30% to any of the relocated people will be paid to PAPs with less than 6 months' notice period to vacate.

Before the implementation of the project, PAPs will have to be compensated in accordance with this RAP. It is imperative that apart from activities requiring cash compensation, for land acquisition or loss, denial or restriction to access, UNRA makes provision for compensation and for other assistance required for relocation, prior to displacement. No land or other property may be taken over before compensation has been concluded and grievances attended.

It is important that key stakeholders (PAPs, LCs, UNRA and relevant Donor Agencies in this case JICA) agree fully with the resettlement packages and schedule taking into account the above-mentioned requirements. PAPs must be kept informed of the evolution of the resettlement schedule and should agree to it before implementation. Indeed, during the preparation of this Updated RAP, some engagements were still going on for the properties valued during the supplementary RAP No.1. The implementation schedule will include among others the following:

- Dates of start of compensation payments;
- Schedules of meetings of the grievances committee;
- Start and completion of civil works at the site for relocation in case relocation is indicated; and
- Dates of possession of land to be acquired if this is the agreed method of compensation.

7.4 Why a Bank Account

Although many people in the urban areas have bank accounts, there those who do not have it. Such people are also not used to handling large sums of money which means that when compensated they could easily be tricked and end by losing the money. This is why it is recommended that for those being compensated more than 200,000/= shillings it would be better if they are paid through a bank. If there a few who do not have a bank Account, then the project will have to assist them to open the relevant bank account. Otherwise those with less money will be paid directly in cash.

CHAPTER 8. RESETTLEMENT AND COMPENSATION MEASURES

8.1 Methodology

While the strategy and methods for calculating cash, compensation are provided under sections 8-3 to 8-4, the general approach for resettlement is characterized by the following:

- A comprehensive literature review of the legal and institutional arrangement regarding the compensation and resettlement;
- All stakeholders were interviewed and a census conducted to obtain their socio-economic data;
- A survey team demarcated all the land and area which was to be taken up by the road activities inclusive of the Road Reserve and working areas;
- Thereafter the Valuer valued all the properties (land, buildings/structures, crops and trees)
- A census to determine the socio-economic conditions of the project affected persons was conducted to estimate the likely impacts on livelihoods;
- All PAPs were sensitized regarding the project, grievances and the entitlement date.

8.2 Design Considerations to minimize resettlement

To minimize land acquisition and displacement of people, the survey Team and the design team have worked closely together to re-align the road so that no structures are taken. In the end only a few structures are impacted. During the detailed design, some PAPs opposed the original design. This led to a radical change of design where such PAPs were left out. Instead a larger chunk of land from URC was affected in addition to the clinic. The Electoral Commission buildings were also affected as part of the new detailed design. Subsequently, displacement impacts have not arisen except for the RVR tenants, people growing flowers and furniture vendors who were operating in the road reserve and Nsambya market vendors. After consultations between the CGV and UNRA, the RVR tenants were paid three months rent in liue ontop of a 15% disturbance allowance; and the flower attendants received a compensation package equivalent to the commercial value of the flowers and pots in addition to a 15% disturbance allowance. It was agreed that the RVR tenants would be given ample notice to vacate without paying rent from time disclosure was made to the PAPs while the flower attendants were allowed to take their flowers to another location of their choice. For the furniture and market vendors, relocation assistance will be given. For the case of police families residing in the affected police quarters/ flats, the compensation of the affected land and structures will be paid to Police and management of Police will provide alternative housing as per their mandate to provide accommodation to their staff. During the detailed design, the surveyor advised further that for small pieces of land that were cut off due to the road, it was prudent to leave them out and adjust the design so that the road reserve coincides with the cadastral boundary of the neighbouring plot of land. This has been done to minimise further land acquisition.

8.3 Strategy

As part of the implementation strategy for PAPs under the updated RAP, the following will apply:

- Payments for compensation will be independently monitored and accurate records kept for all transactions;

- Resettlement and compensation of Project-Affected People (PAP) will be carried out in compliance with relevant Ugandan laws as well as key Donor (WB and JICA) Safeguard Policy Guidelines. All Impacted people will be adequately and equitably compensated. Wherever possible, the UNRA/developer should assist affected people in restoring their livelihoods by providing transitional assistance, where necessary, if livelihoods are not restored to their previous level; for the case of police families residing in the affected police quarters/ flats, the compensation of the affected land and structures will be paid to Police and management of Police will provide alternative housing as per their mandate to provide accommodation to their staff.

- Resettlement will be implemented in a gender-sensitive manner. Consent of spouses should be sought, as provided by the law (e.g. Section 40 of the Land Act, 1998) and in accordance with the key Donor Policy guidelines (please note that in Updated RAP, most land belongs to either an organisation/company or government);

- Consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision-making processes related to resettlement. Consultations will continue during the implementation, monitoring, and evaluation;

- Carry out a census with appropriate socio-economic baseline data to identify the persons who will be displaced by the project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. In the absence of host government procedures, the developer will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area;

- Where land acquisition for the project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, UNRA will meet the following requirements:

- Promptly compensate economically displaced persons for loss of assets or access to assets at full replacement cost (In the earlier RAP, RVR tenants were paid three months' rent, then given free accommodation for at least six months after compensation, in the case of flower garden attendants, these were given an appropriate package); tor the furniture and market vendors, relocation assistance will be given.

- In cases where land acquisition affects commercial structures, compensate the affected business owner for the cost of re-establishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment;

- Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the national laws;

- Compensate economically displaced persons who are without legally recognizable claims to land for lost assets (such as crops, irrigation infrastructure and other improvements made to the land) other than land, at full replacement cost. The developer is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date;

- Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are adversely affected; and

- Provide transitional support to economically displaced persons, as necessary, based on a

reasonable estimate of the time required to restore their income earning capacity, production levels, and standards of living. The security of tenure for the relocated people should be ensured.

8.4 Overview of Entitlements

8.4.1 Compensation and Resettlement Packages

Paying out compensation and resettling people, requires that the nature and status of the PAP is well analysed to enable the best scenario for a smooth compensation or relocation exercise. As been stated earlier, this project will not lead to resettlement of households. In general, however one considers a number of PAPs in order to be in a position to implement either compensation or relocation. These are as follows:

- Scenario 1: "Affected household is not physically or economically displaced" This means that the affected household has adequate remaining land and no building has to be removed. Consequently, cash compensation without a resettlement option will be offered. Cash compensation should be paid out in line with the KCCA Land Board rates for trees and crops, as well as the market rates for structures and houses as well as other immovable property, with payment of disturbance allowance as per Uganda Law. These rates have been used to arrive at the compensation figures presented in this study.

- Scenario 2: "Affected household is physically displaced but not economically affected" The value of a replacement house should be offered wherever a building has to be removed or relocated. The affected person would then use compensation payment either to: Build another building on the remaining part of the plot if the remaining land area in the neighbourhood of the affected plot is deemed economically viable; or Procure another resettlement plot if the remainder of the affected plot is not economically viable.

- Scenario 3: "Affected household is economically displaced but not physically displaced" Such a scenario is more common in rural zones and will not arise under this KFO.

8.4.2 Cash Compensation

This road KFO is being supported by JICA who have specific safeguards regarding compensation and resettlement. The road project will therefore have to comply with both the requirements of the Ugandan Law and JICA or World Bank. The latter are more advantageous to PAPs, especially with regard to the valuation at "full replacement cost" as opposed to the depreciated value taken into consideration by Ugandan valuation methodologies.

To address this issue, it is proposed to distinguish clearly two terms within the compensation amount:

- X1 will be the amount calculated under Ugandan law, according to KCCA Land Board rates, including the regulatory disturbance allowance (usually 15% or 30%),

- X2 will be a top-up intended at fulfilling Donor Safeguards for those who will be deemed to be either vulnerable or require support to regain their former status.

There were no vulnerable people.

During compensation, an important legal requirement is that contained in Section 40 of the Land Act that makes it compulsory to seek consent of spouses before any compensation package is agreed upon in the case of the family house. As mentioned earlier, cash compensation entails a number of risks for impoverishment of female spouses and children, when for example, a household head decides to marry another wife or buy luxuries instead of rebuilding a new home.

Affected persons irrespective of their status (whether they have formal title, localizable and non-localizable rights) are eligible for some kind of assistance if they occupied the land before the cut-off date.

8.5 Compensation rated for land

This section provides the basis for compensation in the affected area as shown in Table 8.5.1 below.

Table 8.5.1 Basic Compensation in necessary land acquisition area

S/N	Category of PAPs	Example of Interests	Examples	Entitlement	Remarks
1	Private Owners	Chestnut Ltd, Shoal Ltd, White Showman's, HAKs Ltd etc.	Land and developments	Compensation and disturbance allowance for affected land and developments	Details in Valuation Report
2	Municipal Bodies	KCCA	Public Land	N/A	Assessed but the authority will not receive benefit for given that KCCA is stakeholder of this project
3	Licensees	21 RVR families (88members/PAPs)	RVR Tenants	Paid three months rent in liue plus 15% disturbance allowance	Details in Valuation Report
		Flower Associations, Market vendor association	Flower garden owners	Compensation and disturbance allowance for crops only	Details in Valuation Report
4	Government Bodies	Uganda Police Force	Land, developments and crops	Compensation and disturbance allowance for land, crops and developments	Details in Valuation Report
5	Government Parastatals	Uganda Railways Corporation, Posta	Land, developments and crops	Compensation and disturbance allowance for land and developments	Details in Valuation Report
6	Church Bodies	Kampala Archdiocese	Land, developments	Compensation and disturbance allowance for land and developments	Details in Valuation Report

Source: DDC

Valuation is supported under Uganda law as follows: -

- The basis of valuation for compensation is provided in The Constitution of The Republic of Uganda 1995 and the Land Act CAP. 227.
- The Constitution of the Republic of Uganda, 1995, Article 26; Protection from deprivation of property such that every person has a right to own property either individually or in association with others.
- No person shall be compulsorily deprived of property or any Interest in or right over property

of any description except where the following conditions are satisfied;

- The taking of possession or acquisition is necessary for public use or in the interest of defence, public safety, public order, public morality or public health; and
- The compulsory taking of possession or acquisition of property is made under a law which makes provision for;
    - Prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property and
    - A right of access to a court of law by any person who has an interest or right over the property. The Land Act, CAP.227: - The district land tribunal shall, in assessing compensation referred to in section 76 (1)(b) take into account the following;
- In the case of a customary owner, the value of land shall be the open market value of the unimproved land;
- The value of the buildings on the land, which shall be taken at open market value for urban areas and depreciated replacement cost for the rural areas;
- The value of standing crops on the land, excluding annual crops which could be harvested during the period of notice given to the tenant.
- In addition to compensation assessed under this section, there shall be paid a disturbance allowance of 15 percent or, if less than six months' notice to give up vacant possession is given, 30 percent of any sum assessed under subsection (1).
- The rates set out in the list of rates of compensation referred to in section 59(1)(c) shall be used in determining the amount of compensation payable.

8.5.1 Rate Calculation

In view of the above recommendations, the tables below summarize the way compensation is arrived at.

Table 8.5.2 Basis for Land Compensaton Calculations

Situation	Compensation under the Law
Land is permanently acquired	The guideline is that if adequate warning or grace period of at least 6 months is provided to the PAP, then a 15% disturbance allowance will apply. When the due notice is less than 6 months, then a 30% disturbance allowance will apply. For the case of this KFO, the Valuation is based upon "market value of the land".

Source: DDC

8.5.2 Compensation Rates for Structures

Table 8.5.3 shows the general basis for calculations regarding compensation of structures.

Table 8.5.3 Basis for Structure Compensation Calculations

Asset to be Compensated	Compensation under Ugandan Law
Permanent Houses	Valuation on a case-by-case basis based upon the replacement cost + 15 % or 30 % Disturbance Allowance.
Non-Permanent Houses	Valuation based upon official District Land Board rates with type of materials, condition and age taken into account + 15 % or 30 % Disturbance Allowance.
Other Structures (Graves, latrines, shrines or "*sabo*")	Valuation based upon official KCCA rates with type of materials, condition and age taken into account + 15 % or 30 % Disturbance Allowance.

Source: DDC

8.5.3 Compensation Rates for Crops

Table 8.5.4 shows the general basis for calculations regarding compensation of crops.

Table 8.5.4 Basis for Crops Compensation Calculations

Asset to be Compensated	Compensation under Ugandan Law
Perennial Crops	Valuation based upon count and KCCA official compensation rates + 15% / 30% disturbance allowance
Annual Crops	No compensation as long as the crop can be harvested. Notice to vacate land is normally six months, which allows harvesting of annual crops. If notice to vacate is given in less than six months, disturbance allowance is increased from 15% to 30%.
Damage To Annual Crops	Valuation of damaged crops based on KCCA official compensation rates and count of damaged crops.
Flower Garden attendants	After discussions between the consultant, UNRA and the CGV, the flower and their pots were valued at commercial rates, then a 15% allowance was applied. There after the PAP are allowed to take away the flowers and pots to another location.

Source: DDC

8.5.4 Tenants

During this Updated RAP there were no tenants. The available tenants were handled in the Primary RAP. These were tenants renting quarters belonging to URC. They have been paid three months' rent in lieu of notice and 15% disturbance allowances to enable them relocate. They have been given at least six months free accommodation to fulfil the JICA safeguards. The rent had been calculated based on their tenancy agreements.

8.5.5 Disturbance Allowance

A disturbance allowance of 15% of the compensation amount will be given to affected persons when prior notice of 6 months or more is given to vacate their property, otherwise, 30% should be applied. The minimum number of days (threshold) which will be given to the PAPs to move will be 90 days to enable them move without harassment.

8.5.6 Salvaging

Assets that can be removed, such as building materials, should be an additional benefit to affected persons and their value must not be deducted from the compensation amounts given to them.

8.6 Entitlements

According to the survey, the affected persons have different activities and each one of them will be affected differently. This is further summarized in table 8.6.1 below covering the different entitled groups within the project area.

Based on the above, the table below summarizes the consideration applied for each category of PAPs and a highlight on how they were assessed.

Table 8.6.1 Summary of Entitlement Matrix Covering Different Groups within the Project Area

	Category	Entitled Person (EP)	Type of Loss	Entitlements/ Compensation	Rehabilitation Assistance
1	Official land	Government authorities (KCCA, ULC, EC, UPF, URC)	• Loss of land	• Cash compensation for land value based on market price (however in the case of this Project, KCCA compensation value will not be paid. Other Government authorities i.e. URC, UPF and Electoral Commission will be compensated. ULC as a government entity in trust of Government land in some cases was assessed for reversionary interest as lessor but the compensation value was not paid.	KCCA will not be compensated for land as a major project stakeholder. Other Government authorities like URC, UPF and Electoral Commission will be compensated
2	Private land (Commercial and Industrial land)	Private Owners	• Loss of land	• Cash compensation for land value based on market price	A combination of 15% and 30% disturbance allowance will be paid depending on notice to vacate
3	Cultivated land (No land title)	Cultivator/ Farmer/ Kibanja Owner/license	• Loss of crops; • Loss of income; • Loss of trees, structures and assets	• Entitled to harvest annual/seasonal crops; • In case of damage to crops, cash compensation as per rates provided by Kampala District Land Board; • Compensation for loss of trees at rates provided by the Kampala District Land Board; • Compensation for loss of assets at full replacement value; and • If possible allow farmers to harvest fruits as supplemental source during 'transition period';	A combination of 15% and 30% disturbance allowance will be paid depending on notice to vacate

	Category	Entitled Person (EP)	Type of Loss	Entitlements/ Compensation	Rehabilitation Assistance
4	Small Businesses, Petty Traders (Commercial structure/establishment- stall, shop, bar, Kiosks etc.)	Owners of business	• Loss of structures; • Loss of income generating assets; • Loss of operating space	• Cash compensation for structures and assets as determined by Government approved Valuer • For loss of income - cash compensation equal to 36 months of average affected income from the establishment (calculated using verifiable accounting methods) • Relocation assistance for loss of operating space	• Developments at Centenary Park with Tenants renting will be assessed in the names of M/s. Nalongo Estates as a licensee with a 15% disturbance allowance as will further be advised by the MOU between KCCA and UNRA. • Carpenters and furniture dealers at Nsambya will be assisted to relocate to a Government developed carpentry village through a separate relocation provision by State House. Though the Project will temporarily relocate them to a site near their permanent premises for a period of one year until completion of the construction works. • Assessment of the affected kiosks/ temporary structures for the Nsambya market vendors on M/s. Mandela's/ Kampala Archdiocese land; Compensation will be made in case the landlord delays to handover unencumbered land.
5	Small Business (Small flower shops along the road)	Flower shop groups	• Loss of trees • Loss of space	• Cash compensation for trees and flowers based on market price and • Disturbance allowance • Sufficient time to remove or relocate their movable flowerpots	15% top up in addition to disturbance allowance was paid to aid relocation Flower vendors were permitted to salvage their flowers after compensation.
6	Residential structure and other assets	Owners	• Loss of structure, • Loss of assets (such as fencing, well, hand pump, storage room, etc.)	• Cash compensation for structure and assets as determined by government approved Valuer • In the case of police staff quarters affected along link road ROW and flats affected along Mukwano road, compensation will be paid to Uganda Police Force. (UPF).	15% or 30% disturbance allowance will be paid depending on notice to vacate. UPF committed to relocate their staff once the compensation payment is effected by UNRA. (Letters are attached in the main RAP report attached to this report as Appendix 2)

	Category	Entitled Person (EP)	Type of Loss	Entitlements/ Compensation	Rehabilitation Assistance
7	Residential in quarter of Uganda Railway Corporation (URC)	21 RVR Tenants (88 members)	• Loss of rented shelter	• Sufficient time to find and shift to alternative shelter • They were paid three months' rent and 15% disturbance allowance for relocation cost. • They will be refunded their regular monthly housing allowance for the rest of the period in line with RVR Policy for livelihoods restoration; • Were provided the option to get free accommodation for six months and more in the affected houses after compensation	•Restoration of livelihood was made by Rift valley railways (RVR) restarting paying the tenants the housing allowance that was being withheld before at the standard RVR rate to meet the Gap between JICA requirements and the Uganda Government policy. •RVR procedure to be recognised in order to keep harmony in the RVR private Company •The tenants were given the option to look up their own accommodation to meet their specific needs and criteria, as necessary.
8	Community structures, Common property	Trustees/ community leaders/ Government agency	• Loss of structure, assets, etc.	• Cash compensation for structure and assets as determined by government approved Surveyor/Valuer • Link up with local administration to provide additional infrastructure facilities • Reinstatement of affected structure/facility in an alternate location e.g. The clock tower has been removed and will be relocated to the Global Pan African Square, the Centenary Park monument is to be reinstated within the Road reserve	• A 15% disturbance allowance will be paid
9	Public Utilities	UMEME/ National Water/ UGANDA TELECOM/ Orange/MTN/ Airtel/NITA Uganda Police	• Loss of underground electric cables, • Loss of underground water mains • Loss of Underground Tele-communication cables/internet cables • Loss of police boxes • Loss of junction boxes	• To conduct reconstruction/relocation for the structure during construction phase under responsibility of project proponent • The KCCA Toilet within the Centenary park will be relocated in a different site within the same Centenary Park	• A 15% disturbance allowance will be paid
10	Billboard and signage	Owners	• Loss of billboard and signage	• Sufficient time to remove or relocate	KCCA requests bill board owners to remove/ relocate the billboard/ signage with the road reserve at their own cost.

Source: Upadted RAP report prepared by DDC (2020)

CHAPTER 9. SITE SELECTION, SITE PREPARATION AND RELOCATION

For the KFO, care has been taken to minimize impact on structures and houses so that no people are relocated. This has been achieved through the following approaches:

- Working closely with the design team and surveyor to ensure that changes in the alignment are made to avoid structures and houses;
- By proposing a Flyover instead of widening the road in areas which are congested thereby saving structures and housing / buildings;
- Making Radical changes during the detailed design so that individuals/ private entities are minimally affected hence taking more of Government land (URC)

As a result of these measures, the KFO will not lead to large resettlement. This is as a direct consequence of the measures which were taken to minimize relocation of communities.

CHAPTER 10. GRIEVANCE PROCEDURES

10.1 Likely Types of Grievances and Disputes

In practice, grievances and disputes that are most likely to be encountered during the implementation of compensation and resettlement include the following:

- False identification of assets or mistakes in valuing them;
- Disagreement over asset valuation: either the unit rate applied or the count;
- Disputed ownership of property: for instance, where the owner and occupant are different persons, which gives rise to conflicts over the compensation sharing arrangements;
- Dispute over ownership of an asset (For example, when two individuals claim to be owners of same asset);
- Disputes over land boundaries, either between the affected person and the project, or between two neighbours; and
- Successions, divorces and other family issues, resulting in disputes between heirs and other family members, over ownership for a given asset.

10.2 Management Mechanism

It often appears that many grievances derive from misunderstandings of the project policy, or result from neighbour conflicts, which can usually be solved through adequate mediation using customary rules or local administration at the lowest level (LCs). Most grievances can be settled with additional explanation efforts and some mediation using customary disputes settlement mechanisms.

Fortunately for this project most of the major PAPs are big institutions who fully understand their rights. They are able to engage the developer to arrive at a win-win situation. At the time of the Supplementary RAP No.1, discussions between the major property owners within the Updated RAP were ongoing.

A Grievance Redress Mechanism (GRM) has been developed and was submitted to UNRA as part of the Inception Phase of RAP Implementation. The objective of the GRM is to reduce the risks and costs (litigation and administrative) that are associated with unresolved grievances. The GRM document identifies potential sources of grievances, determines the stakeholders in the grievance redress process and develops a practical grievance redress procedure including grievance tracking, monitoring and reporting.

A six-stage approach has been proposed to resolve the manifesting grievances, with each phase generating an output/deliverable. This is summarised in Table 10.2.1 below.

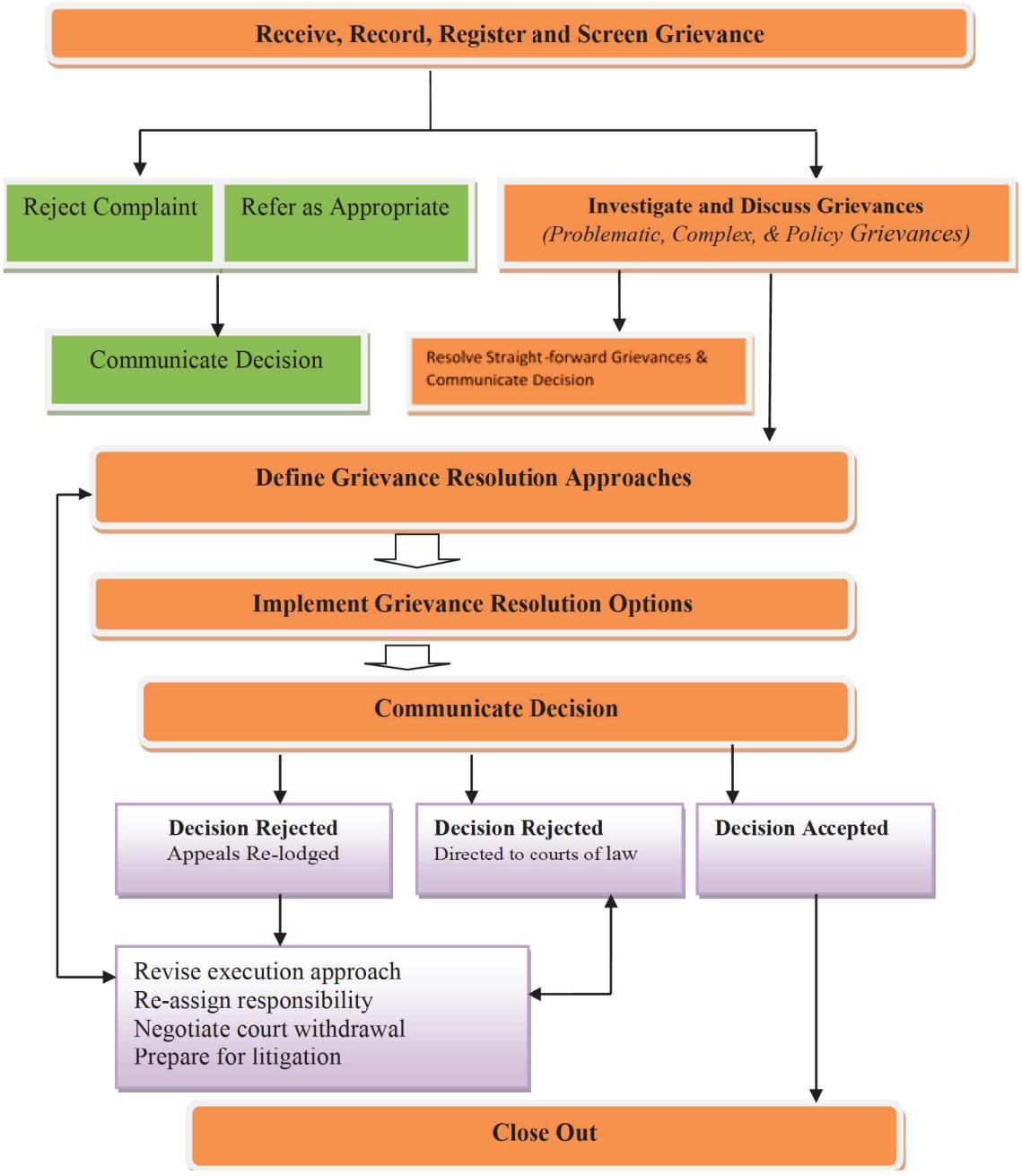
Table 10.2.1 Stages of Grievance Resolution

Steps/Activity	Sub-activities	Output
1. Designing GRM	1. Design the grievance mechanism – the goal, purpose, scope, resolution approaches, structure, workflows, and grievance redress specifics 2. Establishing a procedure for receiving, registering/recording/documenting, assessing,	Grievance Management Plan

Steps/Activity	Sub-activities	Output
	addressing, responding to grievances, to receiving feedback from the complainant 3. Designing a means to track and monitor grievances 4. Publicising the GRM	
2. Publicising GRM	Use multiple communication channels to inform the Project stakeholders (refer to Communication Strategy), GRM, procedures for receiving grievances, responding, and resolution process	Materials on Project Grievance Management distributed to the stakeholders
3. Receiving Grievances	1. Sending, collecting or receiving concerns/complaints through UNRA, Customer Care Centre, mail, email, telephone, Project website, Project staff, text messaging/SMS 2. Recording grievances on the Grievance Form 3. Screening a grievance to determine whether it merits eligibility and should be accepted 4. Acknowledging receipt, notify on eligibility or rejection and reasons 5. Registering the grievance into a grievance log	
4. Processing and Assigning Grievances	1. Determine handler and assign grievance (7 days of acceptance) 2. Determine source of information (complainant, project community, or designated expert, or all of them) 3. Carry out investigations on nature of grievance, content, parties, seriousness, immediate solution, resolution approaches and deadline 4. Hold Project Grievance Meeting to share and discuss the GAR 5. Preparation of response/feedback (if grievance is simple and resolved)	1. Grievance Assessment Report (GAR) 2. Decision Response
5. Adoption of Grievance Resolution Options (complex grievances)	1. Design grievance resolution approaches detailing additional sources of information, stakeholders 2. Hold Project Grievance Meeting to share and discuss the GAR 3. Provide a feedback/response to stakeholders	Minutes from Grievance Assessment Meeting Person Assigned
6. Grievance Close Out	1. Have meeting with the complainant and confirm the resolution 2. Collect documentary evidence and proof of acceptance 3. Close out and file	Grievance Tracking Matrix Close out file

Source: DDC

The flowchart in Figure10.2.1 represents the grievance redress procedures adopted for this Project.



Source: DDC

Figure 10.2.1 Grievance Redress Mechanism for Land Acquisition

CHAPTER 11. ORGANISATIONAL RESPONSIBILITIES

In addition to what has been discussed under the Institutional Framework, there are three main actors who will be involved in carrying out resettlement and/or compensation as required in the KFO. These are Local Government (responsible for handling the Project Affected People), the Ministry of Lands, Housing and Urban Development (approving compensation rates and amounts), and Ministry of Works and Transport together with UNRA (Lead Agencies).

11.1 Ministry of Works and Transport (MoWT) and UNRA

Government of Uganda and often the development Partners require preparation of a Resettlement Action Plan for road projects. This is done to ensure equitable compensation and minimize social disruptions or negative effects on people's livelihoods arising from construction of roads. The compensations assist those who have lost assets as a result of a road project to maintain their livelihood through income restoration.

MoWT is responsible for the road upgrading program in Uganda. The Uganda National Roads Authority (UNRA) and MoWT are responsible for contracting out and overseeing construction of government roads. The Land Acquisition Unit in UNRA is responsible for supervising land acquisition procedures and processes, to ensure they conform to the standards established. UNRA is responsible for controlling encroachment on Road Reserves through the District Engineer's offices.

UNRA and the Chief Government Valuer agreed to a three-stage procedure, based on the law, to resolve public complaints that inevitably arise from land acquisition valuations and compensation payments during road construction, as follows:

- Stage 1: Appeal to the Chief Government Valuer. However, if the complainant is not satisfied, he or she may go ahead to appeal to the District Land Tribunal;
- Stage 2: Appeal to District Land Tribunal. If still not satisfied, the complainant is free to appeal to the High Court;
- Stage 3: Appeal to the High Court of the Republic of Uganda which should be the final arbiter.

11.2 Ministry of Lands, Housing and Urban Development

The Chief Government Valuer in the Valuation Division in the Ministry of Lands, Housing and Urban Development (MLHUD) is responsible for approving the Valuation Roll. This demands fair and transparent compensation and as such all property valued are first inspected by the Chief Government Valuer.

11.3 Local Government

The Local Government is responsible for ensuring that all affected persons have received a fair and appropriate compensation/ livelihood restoration. They are the initial arbitrators in case of disagreements and misunderstandings. They have capacity to identify and co-coordinate all players in the resettlement programme at the Local Government level.

KCCA has five levels of local councils (LCs), namely: KCCA, County, Division, Zone and Ward levels. These are referred to as LC5, LC4, LC3, LC2 and LC1 respectively. Local Councils are responsible for local policy matters, economic upgrading, resolving local conflicts and providing orderly leadership and democratic practices at the grass roots level in their respective areas. The system has facilitated mass participation in government affairs and awakened many who would otherwise have been indifferent. In

the Project-Affected area the LC1s and LC3s will be very active and will directly interact with the Project Affected Persons. These councils will be most helpful during identification of rightful property owners and ameliorating compensation grievances. The same structures have been using in the sensitization, surveying, census and valuation exercise for this RAP. Indeed, the LC officials, the developer (UNRA) and the affected local communities will work closely together to ensure a fair resettlement/land acquisition exercise using these basic administrative structures.

11.4 Traditional Institutions

The Ugandan constitution provides for existence of non-political Traditional Kingdoms. The Project-Affected Area (Kampala) is within the boundaries of the Buganda Kingdom, whose head, the King, is called "HRH the Kabaka". No land belonging to the Kingdom has been impacted.

CHAPTER 12. IMPLEMENTATION SCHEDULE

12.1 Proposed Time Schedule

A resettlement/compensation implementation and monitoring programme for Updated RAP has been proposed and is summarized in Table 12.1.1 below.

Table 12.1.1 Implementation Schedule

S/No	Time Frame in Months	Activity	By Who
1	During the Fiscal year 2019/2020 Budget Cycle [1]	Continued resource mobilisation for compensation of PAPs under valuation reports No.1.2, &3.	Client/UNRA/Ministry of Finance
		The resettlement committee is already in place complete with a grievance Officer;	UNRA/Consultant, LCs, PAPs
		Assessment of properties affected under additional land take (Assessment of supplementary report No.4 commenced in March 2020	Consultant, PAPs
		Grievance Committee to handle grievances recorded during the engagements;	UNRA/Consultant, LCs, PAPs
		There was need to identify alternative land for the furniture vendors	Client / Consultant
		Sensitisation or awareness creation among PAPs still ongoing;	UNRA/Consultant
2	During Fiscal year 2020/2021	Obtaining the required approvals from Chief Government Valuer	UNRA/ Consultant/ CGV
3	February 2021 on wards	Disclosure and verification of PAPs	UNRA/ Consultant
		Pay disturbance Allowances - ongoing;	UNRA/Consultant
		Pay Compensation where applicable (e.g. Land and Crops/Trees, structures, Houses etc.); Grievance process is already in place	UNRA/Consultant
		Ensuring vacant possession by demolishing affected structures once the notice to vacate expires	UNRA/ Consultant/ PAP
		Complete compensation to any individuals	UNRA
		Monitoring and Evaluation of Impacts in accordance with the Indicators During and after road construction;	UNRA and Consultant;
		Grievance process if required continues to consider injuriously impacted People and any other unfinished business;	Grievance Committee, and Contractor; and
		Final Report	Consultant

Source: DDC

[1]Please note that at the time of this Supplementary RAP, resource mobilisation is ongoing and some of the PAPs are already paid while construction works for Lot 1 have already commenced.

It is envisaged that there will be no major relocation of people in this project. Otherwise all will be paid Disturbance allowance to enable move in addition to adequate notice to vacate.

12.2 Compensation Agreement

A compensation agreement between the beneficiary and UNRA will be made. Regarding the Affected Persons, photograph of each beneficiary and his/her structure will be attached to each agreement followed by certificate of completion countersigned by the LC1 or CDO. The cost of these measures will be included in the contract cost.

12.3 Entitlement Cut Off

The census marked the end of the entitlement period. No new cases of compensation will be entertained after that census. The Potentially Impacted persons / entities were informed accordingly and the UNRA is expected to re-enforce this measure together with the Local Government. Persons who re-enter the area after the resettlement survey (census and valuation) are not eligible for compensation and payment of disturbance allowance. The Cut off date for the principal RAP was varied as a result of design changes that necessitated the RAP team to capture properties additionally affected. For this Updated RAP, the cut-off date considered was the Final field assessment date (which is the date of the draft assessment report was compiled), 17th July 2020 for properties in the main supplementary valuation report No.4.

12.4 Rehabilitation of Income

Affected persons will be adequately compensated and PAPs will be paid a disturbance allowance to ensure continuity in resettlement. It is not envisaged that people will be relocated but will find their next activity after they are paid adequate compensation and disturbance allowance. Exception is for the furniture vendors that will be relocated to avoid delayed handover of project site to the Contractor since they are Lot 1, as their permanent resettlement program by State House is already in progress.

12.5 Implementation Strategy

At the time of this Updated RAP, UNRA has already been paying compensation and this is still ongoing. However, it is important to emphasise that No person will be paid when he/she still has issues pending at the grievance committee or if they have appealed to court. According to the distribution of the PAPs the majority of them are either Institutions or Government entities. The private entities will be paid by bank transfer to their respective bank accounts which they will have provided on the agreement form. For Government entities, this are to be handled on a case by case basis depending on the advice from Government. Any individual who will receive less than 200,000/= will be paid cash compensation. Since the number of impacted people is small, the Consultant has been engaging the PAPs one on one.

12.6 Costs of Implementation of the Compensation exercise

The valuation has been completed during the preparation of the RAP. However, implementation of the RAP will require resources to meet allowances, fees and related expenses. This will cover supervisory costs as well as monitoring for the entire compensation process.

12.7 Total Cost Estimates

The Valuation Reports show the compensation for the affected People for land, structures/buildings as well as for crops and trees. In addition, a 1% lump sum has been added to meet the costs of compensation (RAP implementation).

CHAPTER 13. MONITORING AND EVALUATION FRAMEWORK

13.1 General Objectives and Approach

The UNRA Sociologist on the supervising team will initiate the monitoring process. H/She will conduct the monitoring and progress of the resettlement including the impacts. Monitoring, evaluation and auditing will be key components of executing this Resettlement Action Plan. Secondly the UNRA land acquisition specialist will work closely with the sociologist on the supervising team ensuring that the JICA / WB Safeguards are not violated while the UNRA Land Acquisition and Management System (LAMS) is followed.

Monitoring: looks at progress of resettlement, compensation and at specific situations of economic or social difficulties arising from the implementation of the compensation and resettlement process;

Auditing: looks at compliance and completion of the resettlement program;

Evaluation: looks at outcomes, through an assessment of the short- mid- and long-term impacts of the compensation and resettlement programme on affected households, their incomes and standards of living, the environment, local capacities and housing among others.

The following monitoring and evaluation approach will be used, whereby different levels of monitoring and evaluation are used:

(1) Internal progress (or Input/output) monitoring:

Monitors whether inputs are delivered on schedule and as defined in the RAP, and their direct measurable results, for instance:

- Amounts of compensation paid in a given month; and
- Progress of construction of relocated structures such as the clock tower and other structures;

Monitoring will also seek to document and investigate specific conflict or hardship situations arising from implementation of the relocation and or compensation program. Monitoring keeps track of project implementation efficiency and indicates whether changes need to be made to make the programme operate more efficiently. Progress monitoring is done internally by the Project at a frequency of say every 2-3 months.

(2) Audit of Compliance and Completion

Audit defines whether the RAP and applicable requirements have been complied with, and if the implementation can be considered complete. An external entity, preferably a consultant, may be contracted to independently monitor implementation of the RAP.

(3) Outcome evaluation

This defines the extent to which the project is achieving or is likely to achieve the objectives of a program. For example, the people who have been selling flowers on the road side have established themselves and earning acceptable returns over a reasonable period compared to what they used to earn from the flower activity is an example of an outcome. Outcome evaluation, coupled with output monitoring results, indicate whether the programme is genuinely working and should continue to be implemented as is, or whether some fundamental

changes need to be made.

In other words, the outcome evaluation looks beyond numerical compliance to the longer-term impact of programme inputs and outputs, to determine what works, what does not work, and what needs to be changed. Outcome evaluation should be done by an independent entity.

Outcome evaluation often uses proxy (or indirect) indicators. Many people, for example, are reluctant to divulge their actual income. Proxy indicators can be used to help determine whether the new arrangement or not.

13.2 Monitoring and Evaluation Indicators

For most RAPs, it is recommended that simple socio-economic parameters should be established and monitored annually for a sample of about 20% of PAP; In this case the number impacted is very small, so it will be possible to follow all the Institutional PAPs and a sample of 20 percent from the flower gardeners afterwards. In the case of this project, it is important to note that the analysis showed that the flower business was not their main source of income for the impacted PAPs. In their case the following could be monitored: -

- People's average monetary income, and total income including self-consumption;
- Income indicators, such as nutritional indicators and welfare indicators, including the possession of certain household items;
- Number of children attending school;
- Size of flower garden and estimated or observed yields;
- Breakdown of household expenditures;
- Number of affected people employed directly by the Project, including contractors and sub-contractors;
- Number of affected people remaining unemployed.

13.3 RAP Audit and Implementation of completion report

The independent compliance and completion audit will focus on the assessment of compliance with requirements contained in this RAP with the Ugandan law. The audit could include:

- Quarterly external reviews (about one-week in duration each) during the active phase of compensation and resettlement, and
- A final completion audit at least one year after the last compensation has been effected, or at such any other appropriate time.

13.3.1 Compliance Reviews

Objectives of compliance reviews are as follows:

- To assess overall compliance with the RAP and applicable legislation and requirements, particularly the following:
    - Compliance with eligibility criteria as described in this RAP;

- Actual delivery of compensation and resettlement assistance /packages;
- Compliance with implementation mechanisms as described in this RAP.

- To verify that measures to restore or enhance project-affected peoples' quality of life and livelihood are being implemented and to assess their effectiveness;
- To assess the extent to which the quality of life and livelihoods of affected peoples are being restored in an appropriate manner, based on results of the outcome evaluation mentioned above.

External monitoring reports should be prepared independently by the reviewer and submitted to UNRA and relevant stakeholders.

13.3.2 Completion Audit

The purpose of this Audit is to establish whether UNRA has implemented all activities needed to ensure compliance with resettlement commitments defined by the RAP and applicable policies, and whether resettlement and compensation can be deemed complete.

A key objective of the RAP is that resettlement, compensation and other mitigation measures lead to sustainable restoration or enhancement of affected peoples' quality of life and income levels. At such time as affected peoples' quality of life and livelihood can be demonstrated to have been restored, the resettlement and compensation process can be considered complete.

The completion audit should be carried out by the same auditor as the compliance audit. Based on progress indicators and outcome evaluation indicators, the auditor will formulate conclusions on the following topics:

- Have the objectives set forth in the RAP been reached in terms of:
  - Identification of affected people and identification of impacts,
  - Compensation for all impacts of all affected people,
  - Timely delivery of entitlements and compliance with Ugandan Constitution requirement of "prompt" compensation.
- Has compensation been fair and adequate to mitigate impacts? and
- Have livelihoods been restored?

CHAPTER 14. RAP BUDGET

Summary of the compensation amounts for verifiable claims in all the valuation reports is presented in Table 14.1.1 and includes the costs related to compensation at 1% of the compensation assessed.

Table 14.1.1 Summary of the Land Acquisition and Resettlement Cost (As of March 2021)

S/No.	Type of cost	Amount in UGX	Amount in USD
1	Land Acquisition Cost	131,343,866,800	35,691,268.15
2	Crops/Trees	110,141,600	29,929.78
3	Buildings and structures	11,401,582,280	3,098,256.05
4	Relocation Cost/ Payment in lieu of Tenancy	431,525,000	117,262.23
5	Sub aggregate total (1+2+3+4)	143,287,115,680	38,936,716.22
6	Disturbance allowance (15%/ 30%*5))	24,602,714,320	6,685,520.20
7	Total Compensation (5+6)	**167,889,830,000**	**45,622,236.41**
8	1% RAP Implementation costs (No.7*0.01)	1,678,898,300	456,222.36
9	**Total RAP Budget** (7+8)	**169,568,728,299**	**46,078,458.78**

Source: Adapted from assessed Valuation reports
1$=UGX 3680.00

Under the Principal RAP and Supplementary No.1 RAP, the number of claims considered for implementation are the claims categorised as verifiable PAPs thus giving a total number of 185 PAPs whose approved land acquisition cost is estimated at approximately USD 35,681,049 (UGX. 131,306,260,418).

Whereas Updated RAP captures Supplementary Valuation Report No.4 with a total number of 19 Project Affected Persons covering a total land area of approximately 2.9295 Acres with total compensation award of UGX 16,821,461,344. The final supplementary valuation report No.4 approved on 12th March 2021 excludes the value for improvements on Centenary park with an estimated value of UGX. 3,393,325,574 for developments only excluding land component to KCCA estimated at UGX. 15,789,500,000 for additional land take at Centenary park; the relocation cost for the furniture vendors association estimated at UGX.426,485,00 that was submitted by the furniture association, and value of the temporary structures for the Nsambya market vendors on M/s. Mandela's land captured in the addendum to supplementary report No.4. The value of the temporary market structures captured in the addendum is UGX. 152,797,665. The addendum was approved by CGV on 18th March 2021.

The total of all the compensation cost under the Principal RAP, Supplementary RAP No.1 and Updated RAP is therefore estimated at UGX. 167,889,830,000 with 1% costs makes the total RAP budget UGX. 169,568,728,299 (USD.46,078,458.78).

CHAPTER 15. CONCLUSION

In conclusion, the total number of verifiable claims (thus total number of PAPs) to date is 210 i.e. 185 PAPs as the sum of verifiable claims under first valuation report and supplementary valuation reports No.1, No2 & No.3; plus 19 PAPs assessed in supplementary valuation report No.4; plus 4 licensees and 2 land claims for KCCA Centenary park land. The 4 licensees' claims include 2 claims for Nalongo Estates, 1 claim for furniture vendors association, and 1 claim for Market vendors association since each association is being treated as one PAP. The total land take to be acquired by the Flyover Project excluding area within the existing road limits/ road reserve is 31.777Acres with total acquisition cost estimated at UGX. 167,889,830,000.

In this RAP a number of key principles have been followed which include the following:

- Minimizing compensation needs by ensuring that the KFO does not encroach on structures and buildings as much as possible;
- Ensuring that the project remains along the present alignment as much as possible;
- Taking advantage of Government land as much as possible to reduce possibility of taking private land for the road project;
- Key stakeholders have been involved in the study and will be involved in the compensation exercise;
- Prompt compensation is recommended for successful implementation of the project.

By submission of this Updated RAP report, disclosure of approved compensation award to PAPs captured in supplementary report No.4 had commenced.