



“One Nile – One Family”

## **FACT SHEET ON MAINSTREAMING LOCAL COMMUNITY STAKEHOLDER PARTICIPATION AND BENEFITS IN THE NELSAP SUB REGIONAL HYDRO-POWER AND INTERCONNECTION PROJECTS**

### **Key Principles of the Resettlement action Plan (RAP)**

#### **1.0 Brief background and overview of the interconnection project**

The Nile Equatorial Lake countries prioritized the interconnection of their electrical networks to improve the rate of access of electrical power for the people of the member countries and to foster regional power trade. The project comprises Construction of 220kV double circuit transmission line from Bujagali via Tororo substation to the Uganda/ Kenya border, over a distance of 127.7kml, Construction of 220kV double circuit transmission line from Mbarara North substation in Uganda to the Rwanda border over a distance of 66km, Extension of sub stations at Tororo and Mbarara and New 220/132/33kV substation at Mirama.

The Tororo Bujagali power line is a 220kV double circuit transmission line from Bujagali via Tororo substation to the Uganda/ Kenya border, over a distance of 127.7km traversing the Districts of Jinja, Mayuge, Bugiri, Iganga and Tororo. It's part of the regional interconnection system coined within the Nile Equatorial Lakes Subsidiary Action Program (NELSAP) under the Nile Basin Initiative (NBI) framework.

Its aimed at expanding and strengthening the transmission capacity to the eastern part of the country and to the regional market through Kenya.

The wider system consitits of interconnection among NELSAP countries (Burundi, DRC Congo, Egypt, Kenya, Rwanda, Sudan, Tanzania and Uganda).

#### **1.1 Components of the project**

The project consists of the following components;

- Design and development of the transmission line system, including substations
- Acquisition of the way leaves
- Construction of the lines and Substations
- Overall project Management

#### **2.0 Land Requirement**

- Total acrage required is 1282.41 acres
- Total acarage for Right of Way is 172.51 acres
- Total acarage for Way leaves is 1104.90 acres
- Total acarage Tororo Sub Station is 5 acres

### 3.0 Affected Population

- The total number of households is 2429
- Number of transactions to be closed to ensure vacant possession is 3006
- Land owners are 2466
- Sharecroppers are 540
- Residential buildings are 789 (principal dwellings occupied by owners at the time of the census)
- Vulnerable categories are 86
- The number of households eligible for in kind settlement (those requiring replacement of affected dwelling) is 50
- The number of large entities/institutions to be affected are 37.

### 4.0 Compensation options

**Option 1:** Cash for crops and developments including disturbance allowance. Applies to only licensees.

**Option 2:** Cash compensation for crops, land, fixtures and developments. Applies to tenants and land owners.

**Option 3A:** Either cash compensation for all interests or kind for residence on owners land. Applies only to those very vulnerable and determined to utilize cash.

**Option 3B:** Cash or kind compensation for house and land. Applies only to those very vulnerable and determined as unable to utilize cash effectively.

**Option 3C:** Cash compensation for all structures whether commercial or residential. Applies to those determined as capable of utilizing the cash to replace residences.

Compensable items include; perennial crops (bananas, coffee, etc), trees, fixtures (fences, graves, shrines etc), permanent building, non permanent building, cultural artifacts (assistance in relocation/appeasement).

Payment for cash is either through cash itself or through the bank. Amounts ranging below 100,000 UGX will be paid in cash and those above will be by the bank draft and those beyond twenty million will be split into two EFT parcels.

### 5.0 Implementation arrangements for the RAP; ideal sequence of the process involved

**Step 1; RAP Study;** UETCL leads in hiring consultants to do the Social and Environment study (Social Economic Consultant), Land Identification and Survey (Surveyor) and then Valuation (Valuer). This was done in 2007 and a report was approved in 2008.

**Step 2; Approval of the Valuation by Government Valuer;** The valuation report compiled by the consultant during the RAP study is passed on to the Government Valuer for approval. This has been recently in February 2011 approved and the delay has caused a lot of despair among the PAPs.

**Step3; Disclosure;** The approved report and individual compensation values are disclosed by UETCL team composed of Community development specialists, environmentalists and valuers. This is done in two forms; group where the general valuation issues are passed on to the district, Sub county and general community (PAPs) and then the Individual disclosure that is done per household indicating the approved items/properties and the values to be compensated.

**Step 4; Compensation/Grievance management/resettlement;** Those who accept the valuation are paid, those who have grievances, they are given chance to appeal through a raid out procedure and those very vulnerable one are resettled.

**Step 4; Construction of the power line;** UETCL contracts a company to construct the powerline

**Step 5; Community development projects/livelihood restoration programmes;** At this stage specialists like surveyors, valuers, urban planners and architects, engineers / construction supervisors, database officers, compensation officers, accountants, agriculture specialist, small business specialist, social workers, engineer and community mobilize pool their expertise together to support communities restore and even make better livelihood.

#### **6.0 Requirements for compensation**

- Valid identification
- Proof of ownership (title deed, purchase agreement, PLC confirmation etc)
- Proof of authorized representation (POA, LOA, Consent etc)
- The disclosure agreement is fully binding and is not changeable after signing

#### **7.0 Payment procedure**

- Payment will only be effected after the PAPs have agreed to the package, witness by the PCL and attesting witness
- Payment shall be in cheque form for those above 100,000 UGX and cash for those below 100,000UGX
- PAPS are urged to open up accounts or soon after disclosure.

#### **8.0 Schedule of the Project**

- Duration for compensation is 12 months, including payments, relocation, disputes resolution and site vacation
- Implementation begins in June 2011 and ends in June 2012
- Detailed program is distributed to LC Chairpersons

#### **9.0 Financers and Cost of the Project**

The Uganda to Tororo border section alone, African Development bank contributes 7.59 million units of accounts and the JICA contributes 5.41 billion yen as counterpart funding for construction and contracting consultants. The Uganda Government also funds the other community aspects like the community compensation, livelihood restoration and development projects and will contribute 49.8 billion UGX.

#### **10.0 Significance of the project**

The most significant reason for the electrical interconnection networks by the Nile Equatorial Lake countries was to improve the rate of access of electrical power for the people of the member countries and to foster regional power trade. There several other local benefits that will eventually come with it like fostering cross border trade, improving cross boarder peace and security, reducing poverty through powering small scale industries, reduction in power fluctuation and power cuts. In the community study made in all districts affected the responses indicated that inhabitants in the project area will benefit from the project through improved housing and water supply, better school and health facilities. The project will also create job opportunities during construction and for the power plant's operations. However all these are

still speculation as there has not been any approved Community Development Action Plan, it is still unclear how the communities' interests will be protected in the current situation. It will take strenuous lobbying on their behalf by local NGOs to get the government to respond to the full realization of the speculations.

### **11.0 Applicable Laws Of The Republic Of Uganda; Goals Together With Laws That Will Guide The Implementation Of The Project As Well As Various Legal Provisions That Will Facilitate/Hinder Project Key Issues**

Applicable laws with relevance to land tenure, compensation and resettlement in Uganda are the following:

- The Constitution of the Republic of Uganda, 1995
- The Land Act, 1998
- The Land Acquisition Act, 1965
- The Electricity Act, 1999

#### **Goals and guidelines include;**

- Environmental impact assessment as per the National Environmental Management Act
- Land Tenure Regimes and Transfer of Land of Article 237 of the Constitution, 1995, vests land in the citizens of Uganda and detailed under section 4 of the Land Act, 1998.
- Right of spouse and children; protected under the Constitution of Uganda and the Land Act.
- Compulsory acquisition; Chapter Four (Protection and promotion of fundamental and other human rights and freedoms), Article 26 (Protection from deprivation of property), the Constitution.
- Valuation and Compensation of Lost Assets; rates set at district level for crops and “non-permanent” structures enacted by District Land Boards.
- Consultation and Disclosure; governed by “The African Development Bank Group Policy on Disclosure of Information” (2005) [hereinafter, “*Disclosure Policy*”]. Pursuant to Paragraph 3.2 of this Policy and first, Paragraph 3.3(a) of the *Resettlement Policy* states that “Any resettlement plan should ensure that” affected communities give their “demonstrable acceptance”
- Grievance Handling Mechanism; The *Resettlement Policy* in paragraph 4.1.11 states that “An independent third party should monitor large resettlement plan implementation with regular feedback from the affected people”.

### **12.0 National Players Who Have Been Involved In The Project And Their Roles**

The earmarked project is owned by the Government of Uganda through the Uganda Electricity Transmission Company (UETCL) and will be operated and maintained by UETCL. In terms of compensation and resettlement, the overall responsibility, lies with the project sponsor, the Government of Uganda. The Ministry of Lands, Housing and Urban Development, notably the Chief Government Valuer, is a key player whose responsibilities will be guiding the valuation and ascertaining the compensation rates. The Commissioner for lands in collaboration with the District Land Boards, and Land Tribunal will closely participate in the RAP process and ensure timely execution of the whole process

### **13.0 Benefits likely to accrue or are already accruing**

There basically three levels of benefits; regional, national and community.

**Regionally;**

- Better regional integration more reliable electricity supply
- Power trade/sharing
- Less water related conflicts
- Decrease pressure on deforestation
- Less greenhouse gases and other air pollutants
- Better environmental planning and management with positives consequences on management of aquatic resources: fisheries and biodiversity
- Improvement of socio-economic conditions, including alleviation of daily chores such as wood gathering.

**National and Community level;**

- The project will facilitate interconnection of the Bujagali HPP into the national grid, thereby providing business and people access to much needed power;
- Communities and villages that host the proposed facilities will benefit from access to a Community Development Fund for worthy projects such as upgrades to schools, health centres, and water supply;
- The infrastructure being provided will support transmission needs beyond the IP.
- The regional and local economies will benefit from opportunities for employment and by opportunities to provide goods and services required during construction.
- Women will be consulted and benefit (as with men) in the compensation programmes and be prime beneficiaries in the Community Development Action Plan
- The IP will consist of the development of new high voltage transmission lines, and a substation at Tororo.
- There will be a new substation developed at the HPP site area as part of that project.
- The overall is regional interconnection and then trade and eventually solving the electricity supply question leading to less load shading and improved rural electrification.

**14.0 Gaps existing and how and who should fix them**

There several project implementation gaps currently existing especially focused on land acquisition, compensation including values of property and resettlement as discusses in the above chapters. The following are modalities of how and who to counter these gaps;

- UETCL should as soon as possible provide the project time frame and advance notices especially to the PAPs with majority desiring to know when they will be compensated, much as they are afraid of the inflation currently prevailing, they see an opportunity to gain financially due to the current harsh economic situations while others want to prepare for the project consequences
- UETCL should partner with CSO(s) and the Local Government structures to provide adequate awareness creation and social engineering at every step of the project.
- UETCL should ensure that the powerline construction contractors employ the local skilled people and therefore no need for “Importation” of unskilled and semi-skilled labor

- Were applicable UETCL should design route of the project to follow, as much as possible, uninhabited areas to ensure minimal disturbance, relocation, costs and electricity related accidents
- The Government should put in place safety mechanism to ensure security of the PAPs new property that they will move to as some influential people may claim the property and fence it off
- Communities along the powerline need awareness on the dangers of having the power line pass near home or on your land and compensations if injured during neo be communicated. The CSOs in this case can be very useful.

## 15.0 Key Issues For National Dialogue

### **Institutional Coordination;**

- Appreciate the donors for funds, Government for setting up the institutional framework through the Ministry and UETC and UECTCL for the progress so far reached
- Recommend immediate recruitment of Witness CSO, to fulfill the intended requirements as per the guidelines
- Improve district and Sub County level coordination through setting up, building capacity and facilitating committees
- Merging the lands, grievance and including new members into resettlement coordination committees at district and Sub County level.

### **Public Participation;**

Consultation and involvement at all stages of the project. There is dire need for the indigenous communities to appreciate the project at all stages of its development. Individuals and Community groups should be supported with Entrepreneur skills on how to use resources in order to build strong community based organizations working in the area to improve the livelihoods of the vulnerable persons, women, children, the child headed households, disabled persons. Government projects should consider involvement of Civil Society Organizations in this.

### **Information Sharing;**

The project implementers should strengthen Information flow such that adequate information is shared among Stakeholders to avoid the existing information gap which is causing the unnecessary discomfort across all stakeholders.

### **Adequacy of the effectiveness of the public disclosure and grievance mechanism**

Now that Public disclosure has been done though with some gaps as mentioned above, the unresolved resettlement and compensation issues relating to the project some of which may include loss of livelihoods, under-compensation, inability to obtain secure land titles, lack of adequate consultation, and requests to share in project benefits, including access to electricity should be addressed through a witness NGO in the resettlement process.

### **Vulnerable people support measures.**

Vulnerable people including; women, sick, aged, child headed families, minors, widows should be focused on in a special way through;

- Transporting them to venues of meetings and where possible reaching them in their home for them to enjoy their right to information like any other community member
- Always ensuring that they have a Next of kin to attend activities of the project
- Providing information whenever we can
- Some projects have projects that specifically target the vulnerable and

### **Gender implications**

The lenders guidelines stipulate strict measures to involve the women. The findings indicate more men as decision makers and thus attending almost all meetings and expected to receive the compensation and probably use it with minimal involvement of their spouses. The approach used so far constitutes non-compliance with the requirements of both World Bank OM 600 and the Policy on Gender.

### **Identification of land owners – were land registers used appropriate?**

Strict measures should be followed at the level of compensation ensuring paying the rightful owners of property. Cross checking of land registers should be done to minimize grievances and associated conflicts.

### **Revaluation to cater for the present high inflation**

Government should consider the current cost rates of PAPs properties during compensation and they should be compensated without any further delays. In this way the affected people will be able to replace their properties and carry out their development activities.

### **Affected Community Infrastructure/services**

Infrastructure that is going to be affected during the development of the power line like the Health Centre III of Imanyiro Sub County, Dominican Primary school in Baitambugwe Sub County, two bores holes in Kapyanga should be quickly replaced not to cause adverse services access challenges to the host communities.

### **Social and Cultural Issues**

The project doesn't specifically show involvement of the cultural leaders as key drivers of the societies. The UETCL management said that there are no clear guidelines in on physical cultural resources but is committed to respecting the World Bank's policy on physical cultural resources. It is therefore recommended that due diligence, including meaningfully consultation with all stakeholders, is fully observed in regard to any cultural or spiritual site that may be damaged by a Bank-funded project.

**RAP to enhance restoration of the residents' economic and income bases;** by promoting diversification and adoption of alternative economic activities. To realize this objective, there is need for the proposed project to incorporate other activities beyond normal compensation.

**Avoiding or minimizing involuntary displacement:** All viable alternative project designs that minimize population displacement must be explored.

**Improve livelihoods:** The main objective of the resettlement is to assist all members of the displaced communities in their efforts "to improve their livelihoods and standards of living or at

least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher”.

**Develop the resettlement plan around a development strategy:** Cash payments often leave project-affected people worse off. Therefore, losses incurred by individuals and communities as a result of the project should be directly replaced and compensation should, as far as possible, be in kind, with preference to land-based resettlement strategies for displaced persons whose livelihoods are land-based. In addition to compensation measures, development assistance, such as land preparation, credit facilities, training, or job opportunities, must be provided.

**Recommendation to address the Inflation gaps**

It is recommended that compensation should come with the current value of the dollar. This previous dollar rates should be converted and the respondents are paid their compensation values based on the changing dollar.