



Republic of Uganda  
Ministry of Water and Environment

**INTEGRATED WATER MANAGEMENT AND DEVELOPMENT PROJECT**

**LARGE SOLAR POWERED PIPED WATER SUPPLY SYSTEMS AND SANITATION  
FACILITIES IN REFUGEE SETTLEMENT AND HOST COMMUNITIES OF  
KIRYANDONGO DISTRICT**

**VALUATION REPORT**

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## LIST OF ACRONYMS

ACAO	Assistant Chief Administrative Officer
AIDS	Acquired Immuno-Deficiency Syndrome
CAO	Chief Administrative Officer
CBR	Community Rehabilitation Program for the Disabled
CDO	Community Development Officer
CDP	Community Development Plan
CESMP	Contractors Environmental and Social Management Plans
CGV	Chief Government Valuer
CLO	Community Liaison Officer
DCDO	District Community Development officer
DGMC	District Grievance Management Committee
DISO	District Internal Security Officer
DLG	District Local Government
DTT	District Technical Teams
EHS	Environment, Health, and Safety
EIA	Environment Impact Assessment
ESF	Environmental and Social Framework
ESIA	Environmental and Social Impact Assessment
ESMF	Environmental and Social Management Framework
ESMP	Environmental and Social Management Plan
FAL	Functional Adult Literacy
FAO	Food and Agricultural Organisation
FDG	Focus Group Discussions
FRV	Full Replacement Value
GBV	Gender Based Violence
GDP	Gross Domestic Product

GMC	Grievance Management Committee
GO	Grievance Officer
GoU	Government of Uganda
GPS	Geographical Positioning System
HEP	Hydro Electric Power
HIV	Human Immuno-deficiency Virus
HoH	Head of Household
IWMDP	Integrated Water Management and Development Project
LC1	Local Chairperson
LSBI	The Guiding Principles on Large Scale Land Based Investments in Africa
M&E	Monitoring and Evaluation
MC	Municipal Council
MDA	Ministries, Departments and Agencies
MGLSD	Ministry of Gender, Labour and Social Development
MLHUD	Ministry of Labour, Housing and Urban Development
MoFPED	Ministry of Finance, Planning and Economic Development
MWE	Ministry of Water and Environment
MZO	Ministerial Zonal Offices
NEMA	National Environment Management Authority
NFA	National Forestry Authority
NGO	Non-Governmental Organisation
NTS	Non-Technical Summary
NWSC	National Water and Sewerage Corporation
OP	Operational Policy
OPM	Office of the Prime Minister
PAD	Project Appraisal Document
PAH	Project Affected Household

PAP	Project Affected Person
PAPs	Project Affected Persons
PCR	Physical Cultural Resources
PCY	Support to AIDS Orphans and Other Vulnerable Children
PIM	Project Implementation Manual
PWD	People with Disabilities
P/S	Primary School
RAP	Resettlement Action Plan
RDC	Resident District Commissioner
RGC	Rural Growth Centre
RPF	Resettlement Policy Framework
SACCO	Savings and Credit Cooperative Organisation
SC	Subcounty
SEA	Sexual Exploitation and Abuse
SPP	Source Protection Plan
TC	Town Council
TCCC	Town Council Grievance Management Committee
UN	United Nations
UNHCR	United Nations High Commission for Refugees
UTM	Universal Transverse Mercator
VAC	Violence Against Children
VGGT	Voluntary Guidelines on the Responsible Governance of Tenure
VIP	Ventilated Improved Pit
WB	World Bank



## 1 VALUATION CERTIFICATE

In accordance with our terms of reference and having regard to the contents of this detailed Valuation Report, we certify that the Total Compensation Award for 966 PAPs to be affected by the proposed Kiryandongo Water and Sanitation Project in the 3 Rural Growth Centres of Nyakabale, Gaspa and Mutunda is in the region of **UGX 669,177,284 (UGANDA SHILLINGS SIX HUNDRED SIXTY-NINE MILLION ONE SEVENTEEN THOUSAND TWO HUNDRED EIGHTY FOUR)** made up as follows:

Rural Growth Centre	#PAPs	Land Value (UGX)	Building and Other Structures Value (UGX)	Crop/Tree Value (UGX)	Sub Total (UGX)	Disturbance Allowance @15% (UGX)	Total Compensation Award (UGX)
Nyakabale	259	139,310,440	102,851,450	22,601,000	<b>264,762,890</b>	39,714,435	304,477,325
Gaspa	227	71,689,478	13,170,360	36,913,600	<b>121,773,438</b>	18,266,017	140,039,455
Mutunda	480	128,013,644	20,891,010	46,452,300	<b>195,356,954</b>	29,303,550	224,660,504
<b>Total</b>	<b>966</b>	<b>339,013,562</b>	<b>136,912,820</b>	<b>105,966,900</b>	<b>581,893,282</b>	<b>87,284,002</b>	<b>669,177,284</b>

**ALOZIUS GONZA FISU RSU**  
**VALUATION SPECIALIST**

## 2 INTRODUCTION

### 2.1 BACKGROUND

The Government of Uganda received credit from the World Bank towards implementation of the Integrated Water Management and Development Project (IWMDP). The Project Development Objective is to improve access to water supply and sanitation services, capacity for integrated water resources management and the operational performance of service providers in project areas. The project will also contribute to the achievement of National Development Plan III objectives, Vision 2040 and Sustainable Development Goals. Under the IWMDP, funds have been provided for Environmental and Social Impact Assessment (ESIA), Resettlement Action Plan (RAP) and Source Protection Plans (SPP).

In particular, under Component 1.2, IWMDP provides support to Refugee and Host Communities, with financing from the IDA 18 Refugees Sub-Window. The sub-component supports activities designed to improve the sustainable provision of water supply and sanitation services to refugee settlements and host communities. The sub-component's target districts are: Yumbe, Arua, Moyo (including Obongi district newly created from Moyo), Adjumani in West Nile, Lamwo in Northern and Kiryandongo in Central Uganda, where about 70 percent of the refugees in Uganda are being hosted.

The Ministry of Water and Environment (MWE) commissioned JBN Consults and Planners Limited (JBN) to carry out the ESIA, SPP and RAP for the 3 proposed large solar powered water supply and sanitation system projects in Nyakabale, Gaspa, and Mutunda Rural Growth Centres (RGCs) in Kiryandongo District.

This document presents the Valuation Report which has been prepared as part of the annexures to the Project RAP.

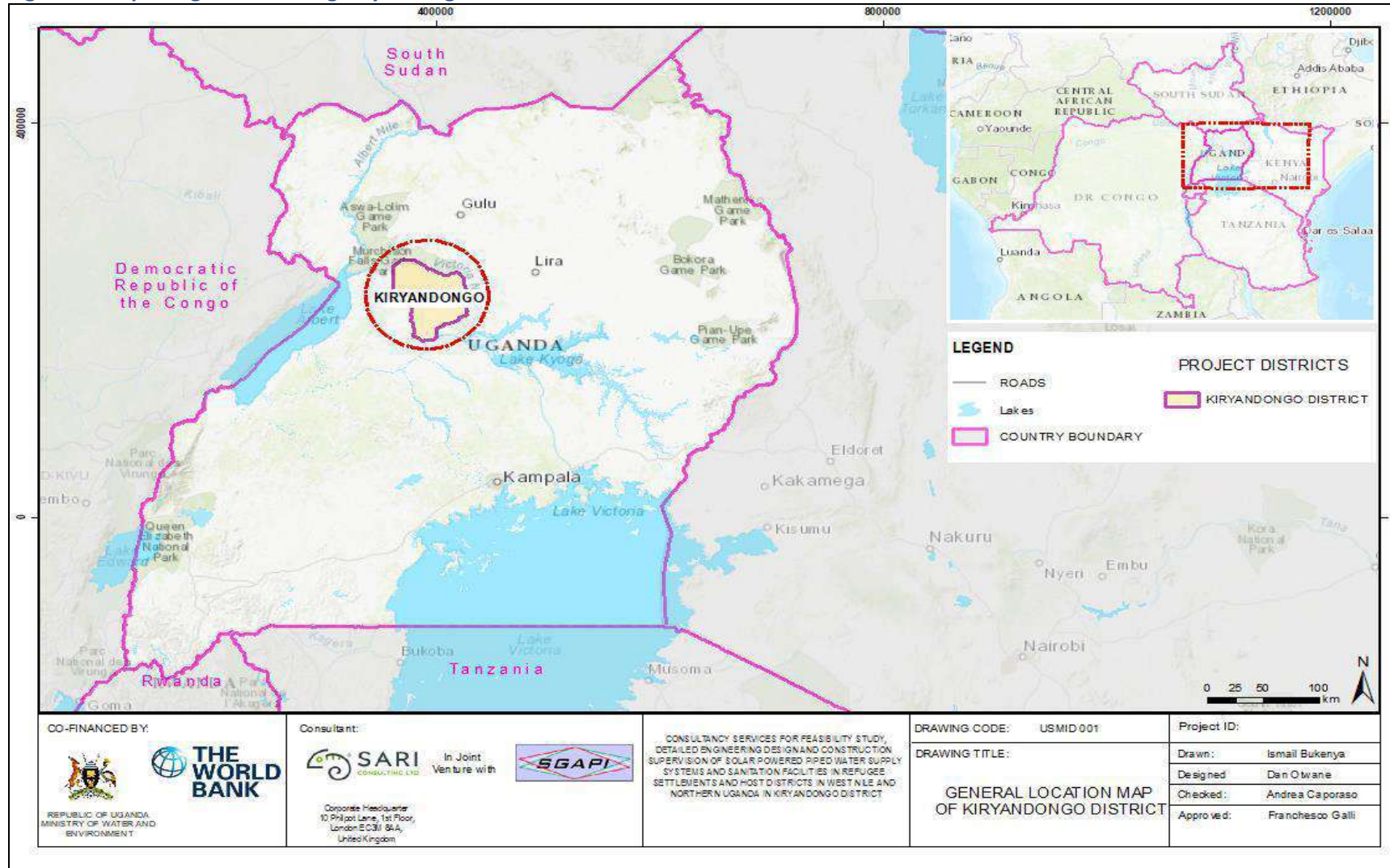
### 2.2 PROJECT DESCRIPTION

#### 2.2.1 PROJECT LOCATION

The Project is proposed to be located in Nyakabale, Gaspa, and Mutunda Rural Growth Centres (RGCs), Kiryandongo District.

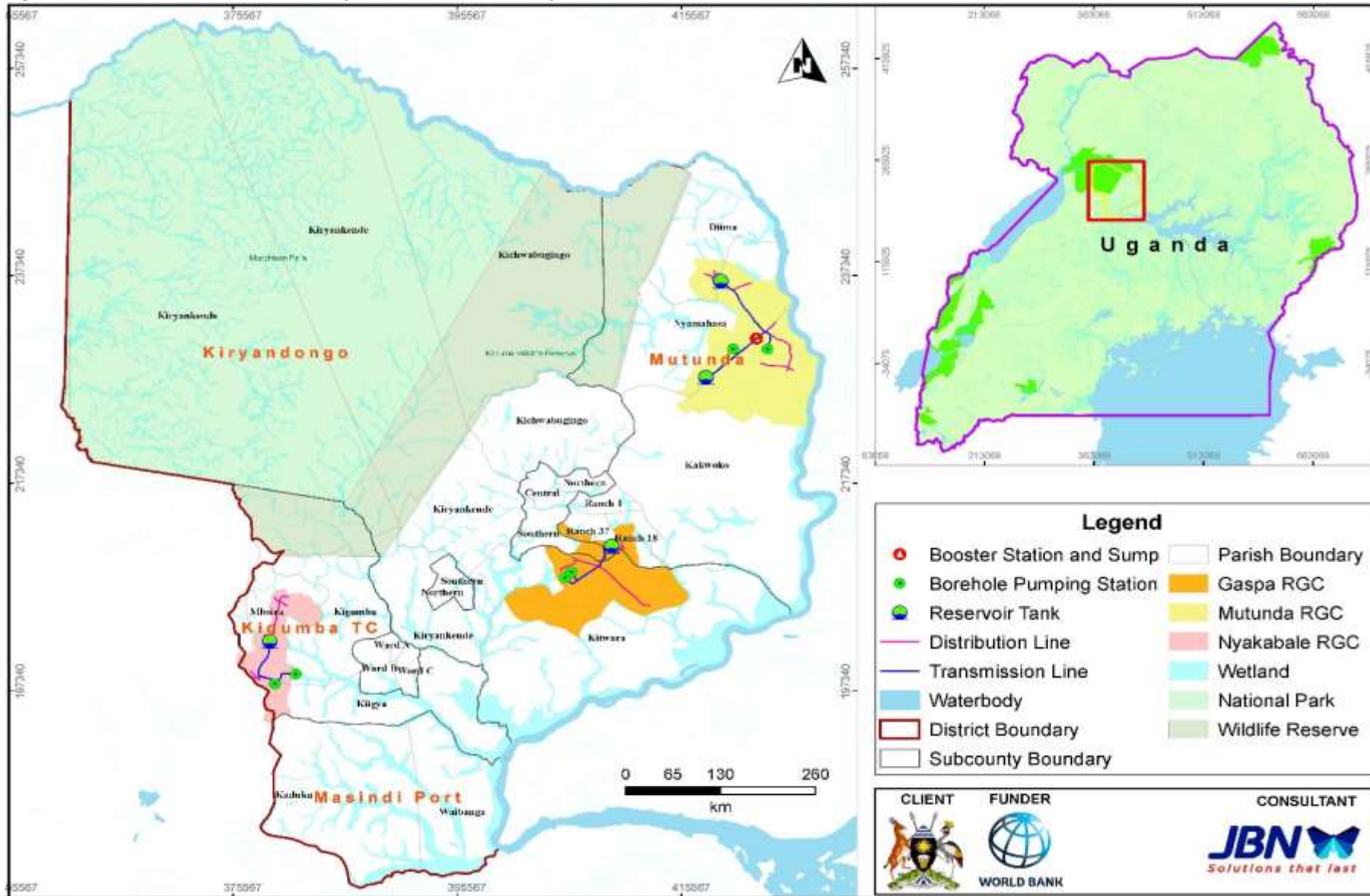
Kiryandongo District is bordered by the Districts of Apac to the East, Nakasongola to the South East, Masindi to the South and West, Nwoya to the North and Oyam to the North East. The location maps are shown in Figure 1 and Figure 2 below.

Figure 1: Map of Uganda showing Kiryandongo District



Source: Feasibility and Preliminary Design Report (August 2021)

Figure 2: General Location of the Proposed 3 RGCs Water Systems



### 2.2.1.1 NYAKABALE RURAL GROWTH CENTRE

Nyakabale Rural Growth Centre is located in Mboira Subcounty at coordinates 36N 198746 Northings and 377835 Eastings. The RGC is approximately 13km West of Kigumba Town Council. Nyakabaale RGC is located approximately 39km from Kiryandongo Refugee Settlement. Nyakabale RGC is shared by Nyakabale Parish and Buhomoozi Parish.

Nyakabaale RGC is accessed by a tarmac road over a distance of 13km from Kigumba Town Council along Kigumba – Masindi Road. The roads in the RGC are a network of tarmac road and gravel roads. The core of the RGC is connected to the national electricity grid.

The RGC has approximately 700 - 1000 households, one primary school with an approximate enrolment of 300 pupils. Other institutions include Apodra Health Center III and several commercial institutions such as dry processing meals and shops. With an average household size of 5.1, the proposed community population is between 3,570 - 5,100 people.

This community has 4 boreholes but only 3 are functional. The neighborhood community relies on the Apodorwa Mini Solar Piped Water Supply System that supplies Apodorwa Trading Center. The borehole DWD 43049 has a yield of 3m<sup>3</sup>/hr. The system has 3No. water points, the end-users pay UShs 1,000/- per month. The water borehole pumps operate for an average of 4 hours a day.

The population in the RGC relies on onsite sanitation facilities such as pit latrines. Solid waste management is done at household level. There is no designated solid waste disposal site.

### 2.2.1.2 GASPA RURAL GROWTH CENTRE

Gaspa Rural Growth Centre is located in Kiryandongo Subcounty at coordinates 36N 214546N 404385E. Administratively, it is found in Mirima village, Kikube Parish. The RGC is approximately 8km South East of Bweyale Town Council.

Gaspa RGC is accessed by gravel road over a distance of 8km from Bweyale Town Council along Kampala – Gulu highway. All the roads in the RGC are gravel roads. The core of the RGC is not connected to the national electricity grid.

The RGC has approximately 260 households with an average household size of 5.1, the community population is approximately 1,326 people. The area also possesses one primary school with an approximate enrolment of 700 pupils and one health Centre II. Additionally, the Centre also attracts refugees from Kiryandongo Refugee Settlement who come for trading. The settlement consists of refugees from South Sudan, Kenya and Congo.

There is no existing piped water supply system in Gaspa RGC. The population relies on point water sources such as boreholes fitted with handpumps and rainwater harvesting. The area is served by three boreholes, but only two are functional. The area is also supplied by water vendors that sell a 20-liter jerry can at 500 – 1000 UGX during the dry season.

The population in the RGC relies on onsite sanitation facilities such as pit latrines which are mainly at household level. Solid waste management is done at household level. There is no designated solid waste disposal site.

On the other hand, Kiryandongo Refugee Settlement which is located approximately 3km away from Gaspa RGC, is served by 7No. piped water supply systems. UNHCR contracted Water Missions

Uganda to carry out the operation and maintenance of the piped water supply systems. One of the piped water supply systems that extends into the Refugee Settlement is managed by NWSC. The population in the refugee settlement is served by on-site sanitation facilities in the form of pit latrines.

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### 2.2.1.3 MUTUNDA RURAL GROWTH CENTRE

Mutunda Rural Growth Centre is located in Mutunda Subcounty at coordinates 36N 231946E 423053N. The RGC is located approximately 25km off Kampala-Gulu Road at Katulikire Trading Centre on the right. Mutunda RGC is located 3km away from River Nile.

Mutunda RGC is accessed by a gravel road over a distance of 25km from Katulikire along Kampala – Gulu highway. All the roads in the RGC are gravel roads. The core of the RGC is not connected to the national electricity grid, however, erection of electricity poles is underway.

The core villages in Mutunda RGC are Mutunda A, Mutunda B, Tenam B, Nyakagwem and Nanda. The RGC has an estimated 370 households in the five villages. With an average household size of 5.1, the community population is approximately 1,887 people. It also consists of three primary schools that is Mutunda Primary School (P/S) (700-1000 pupils), Mutunda Parents (350-400 pupils) and Echo P/S (370 pupils). The Centre also harbors Mutunda Subcounty headquarters and Mutunda Health Centre III. The Centre also has a seasonal market operational once a week. There are a number of nearby trading centers such as Kawiti (approximately 5km away), Popara East (approximately 7km away) and Teyago (approximately 7km away). These trading centres serve as potential service areas.

There is no existing piped water supply system in Mutunda RGC. The population relies on point water sources such as surface water (from Victoria Nile, located approximately 4km from the core of Mutunda Trading Center), boreholes fitted with handpumps, swamps (such as Nanda swamp along the road to Kawiti Trading Center) and rainwater harvesting. Mutunda RGC is served by three boreholes, but only two are functional. The area is supplied by water vendors that sell a 20-liter jerry can at 500 – 1000 UGX during the dry season.

The population relies on onsite sanitation facilities with the most common being pit latrines. Solid waste management is done at household level. There is no designated solid waste disposal site.

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### 2.2.2 PROJECT COMPONENTS

In order to address the water supply and sanitation gap in Kiryandongo District, 3 Large Solar Powered piped water supply systems and 10 toilets have been proposed.

The main components of each Large Solar piped water systems will include; a production well as a water source, a raw water pumping main to a reservoir, an elevated storage reservoir on a steel tower, Solar Pumps, Solar Panels, chlorine dosing unit, pump motor, pump house, distribution network, and service connections. Although the primary power source will be solar, there will be provision for power connection to Hydro Electricity Power (HEP). The power lines will be constructed within existing road reserves or along new access roads whose land is to be acquired as part of this Project.

The Project components are shown in Table 1 below

**Table 1: Project Components for Kiryandongo Large Solar Powered Water Supply and Sanitation System**

<b>RGC</b>	<b>Project Component</b>	
Nyakabale RGC	Population Served (2043)	13,747
	Water Source	2No. Boreholes
	Civil Structures	
	Borehole Pump House	2No.
	Chemical House	1No.
	Water Office	1No
	Borehole Riser Main (m)	
	DN 65 Steel Pipe PN16	100.00
	DN 100 Steel Pipe PN16	120.00
	Borehole Submersible Pumps	
	Head 245m, Flow 10.0m <sup>3</sup> /hr (DWD 77383)	1No.
	Head 250m, Flow 30.0m <sup>3</sup> /hr (DWD 77383)	1No.
	Borehole Pumping Mains (m)	
	OD 90 HDPE PN16	5,449
	OD 160 uPVC PN16	7,643
	Power Source	
	280Wp Solar Panels	274No.
	HEP Extension	2.7km
	50kVA Power Transformer	1No.
	150kVA Power Transformer	1No.
	Storage Tank	
	300m <sup>3</sup> Cold Pressed Steel Tank Elevated on 10m steel tower	1No.
	Distribution Network (m)	
	OD 160 uPVC PN10	742
	OD 110 uPVC PN10	5,767
	OD 90 HDPE PN10	1,245
	OD 75 HDPE PN10	417
	OD 63 HDPE PN10	1,183
	OD 50 HDPE PN10	4,755
	Network Intensification	
OD 40 HDPE PN10	3,000	
OD 32 HDPE PN10	4,000	
OD 25 HDPE PN10	5,000	

<b>RGC</b>	<b>Project Component</b>	
	Service Connections	200No.
	Public Stand Posts	35No.
	Sanitation Interventions	
	6 Stance Waterborne Toilet	1No.
	5 Stance VIP Latrine for Girls	1No.
	5 Stance VIP Latrine for Boys	4No.
<b>Gaspa RGC</b>	Population Served (2043)	9,729
	Water Source	2No. Boreholes
	Civil Structures	
	Borehole Pump House	2No.
	Chemical House	1No.
	Water Office	1No
	Borehole Riser Main (m)	
	DN 150 Steel Pipe PN16	90.00
	DN 100 Steel Pipe PN16	85.00
	Borehole Submersible Pumps	
	Head 173m, Flow 30.0m3/hr(DWD 77380)	1No.
	Head 209m, Flow 50.0m3/hr (DWD 77381)	1No.
	Head 112m, Flow 30.0m3/hr (DWD 77380)	1No.
	Head 122m, Flow 50.0m3/hr (DWD 77381)	1No.
	Borehole Pumping Mains (m)	
	OD 160 uPVC PN10	6,552
	OD 160 uPVC PN16	6,617
	Power Source	
	280Wp Solar Panels	424No.
	100kVA Power Transformer	1No.
	200kVA Power Transformer	1No.
	Storage Tank	
	200m3 Cold Pressed Steel Tank Elevated on 15m steel tower	1No.
	Distribution Network (m)	
	OD 160 uPVC PN10	2,935
	OD 110 uPVC PN10	24
	OD 90 HDPE PN10	5,141
OD 75 HDPE PN10	0	



RGC	Project Component	
	OD 63 HDPE PN10	7,724
	OD 50 HDPE PN10	2,096
	Network Intensification	
	OD 40 HDPE PN10	3,000
	OD 32 HDPE PN10	4,000
	OD 25 HDPE PN10	5,000
	Service Connections	200No.
	Public Stand Posts	25No.
	Sanitation Interventions	
	6 Stance Waterborne Toilet	2No.
	5 Stance VIP Latrine for Girls	2No.
	5 Stance VIP Latrine for Boys	3No.
	Mutunda RGC	Population Served (2042)
Water Source		2No. Boreholes
Civil Structures		
Borehole Pump House		2No.
Chemical House		1No.
Water Office		1No
Borehole Riser Main (m)		
DN 40 Steel Pipe PN16		105.00
DN 100 Steel Pipe PN16		75.00
Borehole Submersible Pumps		
Head 220m, Flow 5.2m3/hr(DWD 77379)		1No.
Head 190m, Flow 45.0m3/hr (DWD 77378)		1No.
Borehole Pumping Mains (m)		
OD 160 uPVC PN16		8,453
OD 75 HDPE PN16		10,292
Power Source		
280Wp Solar Panels		135No.
HEP Extension		2.2km
25kVA Power Transformer		1No.
150kVA Power Transformer		1No.
Storage Tank		
350m3 Cold Pressed Steel Tank Elevated on 20m steel tower		2No.
Distribution Network (m)		

RGC	Project Component	
	OD 225 uPVC PN10	6,388
	OD 160 uPVC PN10	1,612
	OD 110 uPVC PN10	5,235
	OD 90 HDPE PN10	3,600
	OD 75 HDPE PN10	1,835
	OD 63 HDPE PN10	3,150
	OD 50 HDPE PN10	7, 240
	Network Intensification	
	OD 40 HDPE PN10	3,000
	OD 32 HDPE PN10	4,000
	OD 25 HDPE PN10	5,000
	Service Connections	200No.
	Public Stand Posts	35No.
	Sanitation Interventions	
	6 Stance Waterborne Toilet	1No.
	5 Stance VIP Latrine for Girls	2No.
	5 Stance VIP Latrine for Boys	2No.

Source: Nyakabale, Gaspa and Mutunda RGC Feasibility and Preliminary Design Report (December 2021)

These water supply and sanitation infrastructure will be implemented as part of the strategy to improve access to clean water, improved sanitation and hygiene in the refugee settlements and host communities.

Figure 3: Location of the Proposed Water Supply System for Nyakabale Rural Growth Centre

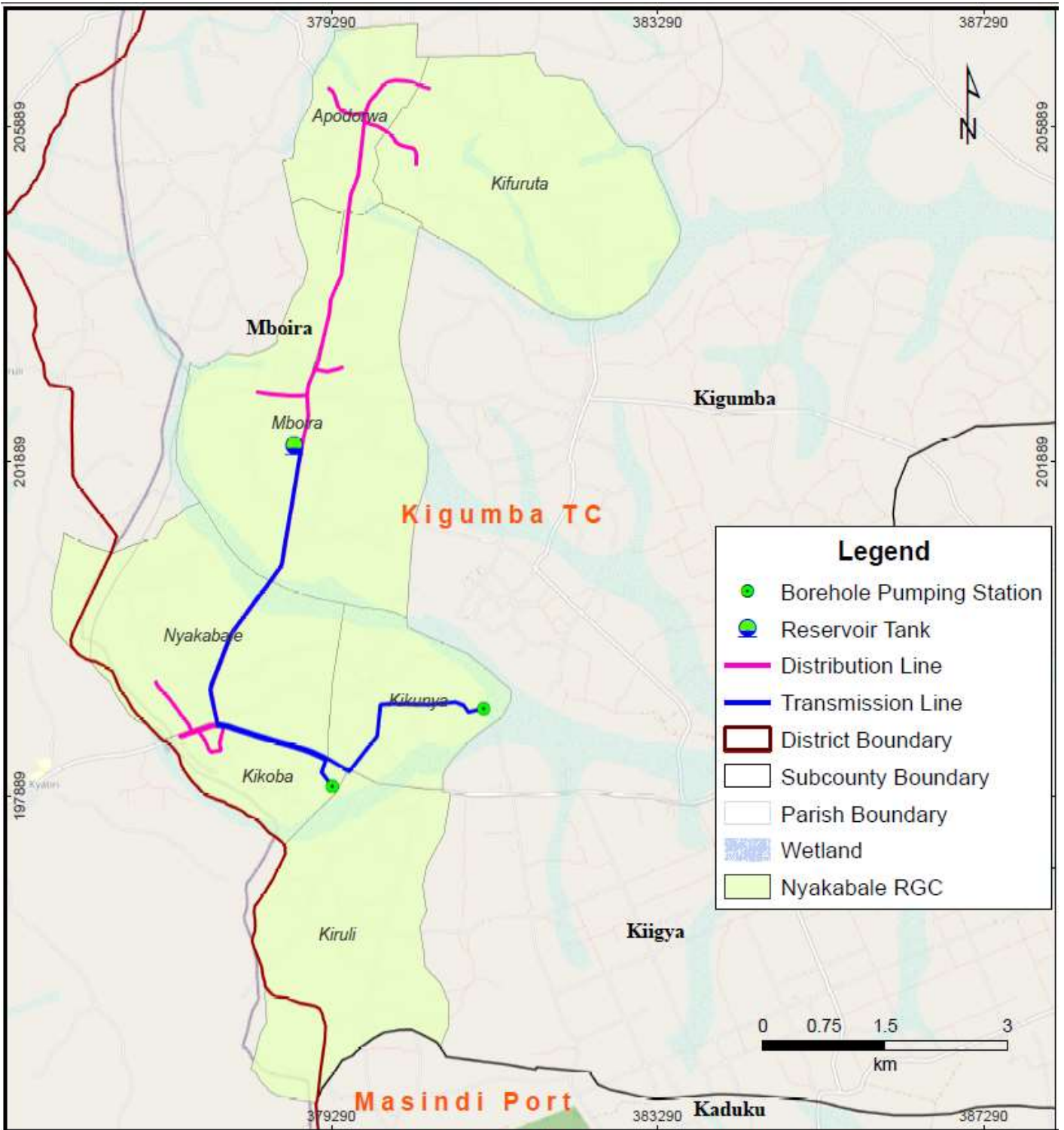


Figure 4: Location of the Proposed Water Supply System for Gaspa Rural Growth Centre

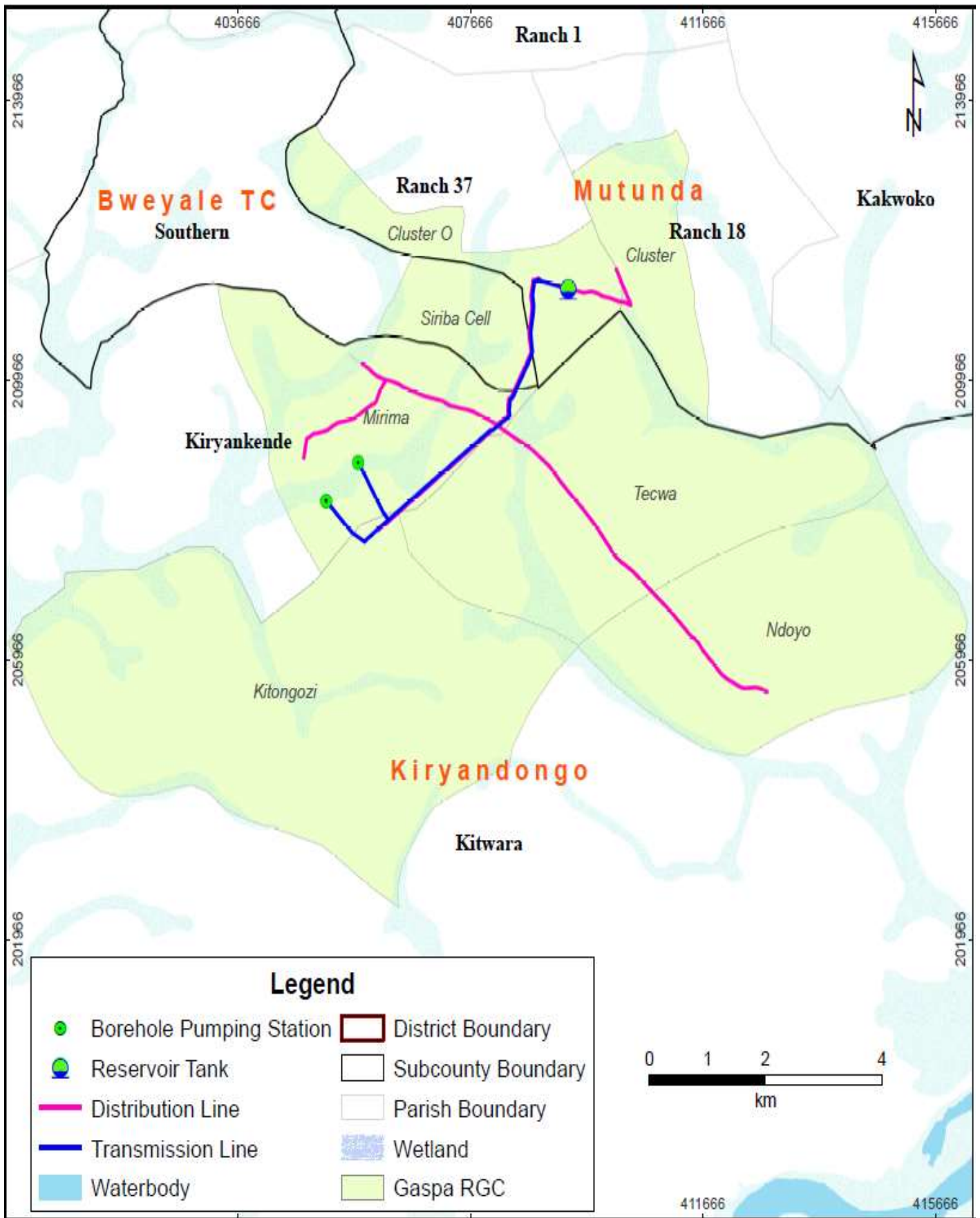


Figure 5: Location of the Proposed Water Supply System for Mutunda Rural Growth Centre



The above Project components traverse 7 Sub counties & 1 Town Council, 16 Parishes and 31 Villages with a total of 966 PAPs as shown in Table 2 below.

**Table 2: Project Area Administrative Centre and Number of PAPs Per Rural Growth Centre**

RGC	Subcounty	Parish	Village	No. of PAPs
<b>Nyakabale</b>	Mboira	Apodorwa	Apodorwa	79
	Mboira	Apodorwa	Kifuruta I	11
	Mboira	Kifuruta	Kifuruta II	3
	Mboira	Mboira	Mboira I	7
	Mboira	Mboira	Mboira II	75
	Mboira	Nyakabale	Kikunya	31
	Mboira	Nyakabale	Nyakabale	28
	Kigumba	Buhoomozi	Kikooba	24
	Kigumba	Kigumba	Katamarwa	1
	Kigumba	Kigumba	Kididima	1
<b>Sub Total</b>	<b>2</b>	<b>6</b>	<b>10</b>	<b>260</b>
<b>Gaspa</b>	Kiryandongo	Kibeka	Kitongozi	5
	Kiryandongo	Kibeka	Ndoyo	33
	Kiryandongo	Kibeka	Tecwa	9
	Kiryandongo	Kikube	Nyakataama	1
	Kiryandongo	Kyembera	Kalwala	1
	Kiryandongo	Kyembera	Mirima	155
	Bweyale Town Council	Southern Ward	Siriba Cell	20
	Kiryandongo Refugee Settlement	Ranch 37	Cluster O/Q	2
<b>Sub Total</b>	<b>3</b>	<b>5</b>	<b>8</b>	<b>226</b>
<b>Mutunda</b>	Mutunda	Kakwokwo	Kawiti	83
	Mutunda	Kakwokwo	Mutunda A	16
	Mutunda	Kakwokwo	Mutunda B	28
	Mutunda	Kakwokwo	Nyakagweny	25
	Mutunda	Kakwokwo	Popara East	1
	Diima	Okwece	Te-Yago A	108
	Nyamahasa	Alero	Alero A	31
	Nyamahasa	Alero	Alero B	52
	Nyamahasa	Alero	Nanda	33
	Nyamahasa	Alero	Tenam A	2
	Nyamahasa	Alero	Tenam B	39
	Nyamahasa	Nanda	Lavor-Ongur C	1
	Nyamahasa	Nyamahasa	Popara West	61
<b>Sub Total</b>	<b>3</b>	<b>5</b>	<b>13</b>	<b>480</b>
<b>Grand Total</b>	<b>8</b>	<b>16</b>	<b>31</b>	<b>966</b>

## 2.3 PROJECT LAND TAKES

As shown in section **Error! Reference source not found.**, the Project has components which will require land acquisition. There will be both permanent land acquisition for some components and permanent land restriction (easements) as shown in the Table 3 below.

**Table 3: Land Requirements for Kiryandongo Large Solar Powered Water Supply and Sanitation System**

RGC	Project Component	Required Land	Important Notes
Nyakabale RGC	Borehole 1 (77383)	30 metres X 30 metres or 0.090 hectares or 0.2224 acres	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Access road <sup>1</sup> to Borehole 1	6 metre wide road extension to Borehole 1	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Borehole 2 (77382)	30 metres X 30 metres or 0.090 hectares or 0.2224 acres	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Access road <sup>2</sup> to Borehole 2	6 metre wide road extension to Borehole 2	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Reservoir	15 metres X 30 metres or 0.0453 hectares or 0.1119 acres	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Access road <sup>3</sup> to Reservoir	6 metre wide road and 0.1km	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Transmission Pipe 1 from Borehole 1 to the Proposed Reservoir	A total of 5.46km with a 3 meters easement corridor	<ul style="list-style-type: none"> <li>Permanent Land Restriction (easement) in case of impact on private land</li> <li>The pipe will be laid within the road reserve or on the sides of the</li> </ul>

<sup>1</sup> The access road will be expanded to 6 metres. Therefore, the total land takes for access roads shall be determined upon completion of cadastral surveys

<sup>2</sup> The access road will be expanded to 6 metres. Therefore, the total land takes for access roads shall be determined upon completion of cadastral surveys

<sup>3</sup> The access road will be expanded to 6 metres. Therefore, the total land takes for access roads shall be determined upon of completion cadastral surveys

RGC	Project Component	Required Land	Important Notes
			access road
	Transmission Pipe 2 from Borehole 2 to the Proposed Reservoir	A total of 7.64km with a 3 meters easement corridor	<ul style="list-style-type: none"> <li>• Permanent Land Restriction (easement) in case of impact on private land</li> <li>• The pipe will be laid within the road reserve or on the sides of the access road</li> </ul>
	Distribution Pipe	A total of 6.47km with a 3 meters easement corridor	<ul style="list-style-type: none"> <li>• Permanent Land Restriction (easement) in case of impact on private land</li> <li>• The pipe will be laid within the road reserve or on the sides of the access road</li> </ul>
Gaspa RGC	Borehole 1(77380)	30 metres X 30 metres or 0.090 hectares or 0.2224 acres	<ul style="list-style-type: none"> <li>• Permanent land acquisition</li> </ul>
	Access road to Borehole 1	6 metre wide road and 0.86km	<ul style="list-style-type: none"> <li>• Permanent land acquisition</li> </ul>
	Borehole 2 (77381)	30 metres X 30 metres or 0.090 hectares or 0.2224 acres	<ul style="list-style-type: none"> <li>• Permanent land acquisition</li> </ul>
	Access road to Borehole 2	6 metre wide road and 0.96km	<ul style="list-style-type: none"> <li>• Permanent land acquisition</li> </ul>
	Gaspa Reservoir	15 metres X 30 metres or 0.0453 hectares or 0.1119 acres	<ul style="list-style-type: none"> <li>• Permanent land acquisition</li> </ul>
	Transmission Pipe 1 from Borehole 1 to the Proposed Reservoir	A total of 6.62 km with a 3 meters easement corridor	<ul style="list-style-type: none"> <li>• Permanent Land Restriction (easement) in case of impact on private land</li> <li>• The pipe will be laid along the access road</li> </ul>
	Transmission Pipe 2 from	A total of 6.20	<ul style="list-style-type: none"> <li>• Permanent Land</li> </ul>



RGC	Project Component	Required Land	Important Notes
	Borehole 2 to the Proposed Reservoir	km with a 3 meters easement corridor	<ul style="list-style-type: none"> <li>Restriction (easement) in case of impact on private land</li> <li>The pipe will be laid along the access road</li> </ul>
	Distribution Pipe	A total of 17.89 km with a 3 meters easement corridor	<ul style="list-style-type: none"> <li>Permanent Land Restriction (easement) in case of impact on private land</li> <li>The pipe will be laid along the access road</li> </ul>
Mutunda RGC	Borehole 1 (77379)	30 metres X 30 metres or 0.090 hectares or 0.2224 acres	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Borehole 2 (77378)	30 metres X 30 metres or 0.090 hectares or 0.2224 acres	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Access road to Borehole 2	6 metre wide road and 1.42 km	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Popara Reservoir	15 metres X 30 metres or 0.0453 hectares or 0.1119 acres	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Access road to Popara Reservoir	6 metre wide road and 1.42 km	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Mutunda Reservoir	15 metres X 30 metres or 0.0453 hectares or 0.1119 acres	<ul style="list-style-type: none"> <li>Permanent land acquisition</li> </ul>
	Transmission Pipe 1 from Borehole 1 to the Popara Reservoir	A total of 8.999 km with a 3 meters easement corridor	<ul style="list-style-type: none"> <li>Permanent Land Restriction (easement) in case of impact on private land</li> <li>The pipe will be laid along the access road</li> </ul>
	Transmission Pipe 2 from	A total of 14.53	<ul style="list-style-type: none"> <li>Permanent Land</li> </ul>

RGC	Project Component	Required Land	Important Notes
	Borehole 2 to Popara and Mutunda Reservoirs	km with a 3 meters easement corridor	Restriction (easement) in case of impact on private land <ul style="list-style-type: none"> <li>The pipe will be laid along the access road</li> </ul>
	Distribution Pipe	A total of 29.84 km with a 3 meters easement corridor	<ul style="list-style-type: none"> <li>Permanent Land Restriction (easement) in case of impact on private land</li> <li>The pipe will be laid along the access road</li> </ul>

In addition to the above, the Project will also construct 10 public toilets at locations in the Table 4 below that have been identified by Kiryandongo District (refer to the District letter vide CR/751/1 dated 10 January 2022 in annex 6.1). The specific plot sizes for the public toilet facilities were defined during the cadastral and assets survey missions together with District officials and MWE.

**Table 4: Location of Public Toilet Facilities**

#	NAME OF SITE	RGC	X_COORD	Y_COORD	Length (m)	Width (m)	Area (Acres)	RAP Mission Remarks
1	Katamarwa RGC	Nyakabale	382572.013	202785.926	15	15	0.056	
2	Kifuruta Primary School	Nyakabale	380370.778	205707.347	15	15	0.056	
3	Nyakabale RGC	Nyakabale	377495.991	199087.694	15	15	0.056	
4	Kigumba Health Centre III	Nyakabale	386838.009	199577.093	15	14	0.052	15m by 14m available
5	Nyakataama Primary School	Gaspa	394567.900	205389.911	15	10	0.037	15m by 10m available
6	Kalwala Primary School	Gaspa	402154.925	209708.879	15	15	0.056	
7	Gaspa RGC	Gaspa	407994.198	209721.951	15	15	0.056	
8	Magamaga Market in Kiryandongo	Gaspa			15	15	0.056	

#	NAME OF SITE	RGC	X_COORD	Y_COORD	Length (m)	Width (m)	Area (Acres)	RAP Mission Remarks
	Refugee Settlement							
9	Ogunga Primary School	Mutunda	419255.651	236739.465	15	15	0.056	
10	Yabweng Health Centre II	Mutunda	415139.303	232757.404	15	15	0.056	

The Kiryandongo Water Supply and Sanitation Project will require a permanent land take of 7.1091 acres and an Easement corridor of 48.5799 acres as shown in table below.

**Table 5: Land Takes Per Rural Growth Centre**

#	Impact	Nyakabale	Gaspa	Mutunda	Total
1	Permanent Land Affected (Water Source Sites, Reservoir Sites, Access Roads, And Sanitation Facility Sites)	1.1950	3.3723	2.5418	7.1091
2	Permanent Land Restriction (Easement for Transmission and Distribution Pipes)	10.9100	16.5858	21.0841	48.5799
3	Total Land Affected in Acres	12.1050	19.9581	23.6259	55.6890

The land for the boreholes, and reservoirs will be permanently acquired with a completed and registered land title processed in the names of MWE after all land rights have been fully compensated and acquired.

The transmission and distribution pipes will require an easement in which they will be trenched but also used as working spaces during construction, operation and maintenance phase of the Project. The land owners will retain their land but subject to following land use restrictions:

- No buildings or other structures can be constructed in the easement corridor
- Cultivation of seasonal crops can continue but not on top of the pipeline

As a result of the above restrictions, land use potential in the corridor is decreased which decreases the land value. It is this diminution (reduction in value) that is compensated.

### 3 RELEVANT POLICY & LEGAL FRAMEWORK AND APPLICABLE INTERNATIONAL STANDARDS FOR LAND ACQUISITION, COMPENSATION AND RESETTLEMENT

#### 3.1 THE CONSTITUTION OF THE REPUBLIC OF UGANDA

Article 237 (1) of the Constitution vests all Ugandan land in the citizens of Uganda. However, under Article 237 (1) (a), the Government or local government can acquire land in the public interest. Such acquisition is subject to the provisions of Article 26 (on protection from deprivation of property) which gives every person in Uganda a right to own property either individually or in association with others. Under Article 26(2), 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 defense, 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

#### 3.2 THE LAND ACT, CAP 227 AS AMENDED

Section 42 of the Land Act reaffirms the statutory power of compulsory acquisition conferred on the governments and local government under articles 237(2)(a) and 26(2) of the Constitution. Compensation is assessed in accordance with the valuation principles laid out in Section 77 of the Land Act (on computation of compensation), briefly outlined below:

- Customary land value is the open market value of unimproved land
- The value of buildings on the land is calculated at open market value for urban areas and replacement cost for rural areas;
- The value of standing crops on the land, excluding annual crops, is determined in accordance with the district compensation rates as set by District Land Boards. Annual crops could be harvested during the period of notice given to the owner
- In addition to the total sum assessed, if 6 months' notice to surrender possession is given, a disturbance allowance of 15% (of the total sum assessed) is paid; if less than 6 months' notice to surrender possession is given, a disturbance allowance of 30% (of the total sum assessed) is paid.

Section 73(3) of the Land Act requires a Project developer carrying out public works on land to promptly pay compensation to any person having an interest in the land for any damage caused to crops or buildings and for the land and materials taken or used for the works.

The Constitution and the Land Act Cap 227 also recognizes land tenure regimes and rights discussed in the following section.

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### **3.2.1 LAND TENURE REGIMES AND TRANSFER OF LAND**

Article 237 of the Constitution of the Republic of Uganda (1995), vests land ownership in Uganda citizens and identifies four (4) land tenure systems:

- 1) Customary
- 2) Freehold
- 3) Mailo
- 4) Leasehold

These tenure systems are detailed under Section 3 of the Land Act (1998), Cap 227. Their Project relevancy is outlined below:

#### Mailo Land Tenure

There are no mailo land holders in the Project Area. The Mailo Land Tenure System is a feudal ownership system introduced by the British in 1900 under the Buganda Agreement. Prior to the 1975 Land Reform Decree, mailo land was owned in perpetuity by individuals and by the Kabaka. All mailo land parcels have title deeds.

Section 3(4) of the Land Act Cap 227 as amended defines Mailo Land Tenure as a form of tenure deriving its legality from the Constitution and its incidents from the written law which, among other things:

- Involves holding registered land in perpetuity;
- Permits the separation of land ownership from development ownership on land by a lawful or bona fide occupant; and
- Enables the holder, subject to the customary and statutory rights of those persons lawfully or bona fide in occupation of the land at the time the tenure was created -- and their successors in title -- to exercise all ownership powers of the owner of land held of a freehold title set out in section 3(2) & (3) of the Land Act Cap 227 as amended and subject to the same possibility of conditions, restrictions, and limitations, positive or negative in their application, as are referred to in those sub-sections.

#### Customary Tenure

Customary Tenure is the dominant Project Area tenure – held by 931 PAHs -- as shown in Table 6 below.

Section 3(1) of the Land Act Cap 227 as amended defines customary tenure as a form of tenure:

- Applicable to a specific area of land and a specific description or class of persons
- Subject to Section 27, governed by rules generally accepted as binding and authoritative by the class of persons to which it applies
- Applicable to any persons acquiring land in that area in accordance with those rules

- Subject to Section 27, characterized by local customary regulation
- Applying local customary regulation and management to individual and household ownership, use and occupation of, and transactions in, land
- Providing for communal ownership and use of land
- In which parcels of land may be recognised as subdivisions belonging to a person, a family, or a traditional institution
- Owned in perpetuity.

Section 27 of the Land Act Cap 227, as amended, protects the rights of women, children, and disabled persons regarding customary land. It states that any decision in respect to land held under customary tenure -- whether in respect to land held individually or communally -- shall be in accordance with the customs, traditions, and practices of the community concerned, except when a decision which denies women or children or persons with a disability access to ownership, occupation or use of any land, or imposes conditions which violate articles 33, 34, and 35 of the Constitution on any ownership, occupation, or use of any land shall be null and void.

#### Freehold Tenure

7 PAHs hold their land under Freehold Tenure, as shown Table 6 below. Section 3(2) of the Land Act Cap 227, as amended, defines Freehold Tenure as a form of tenure deriving its legality from the Constitution and its incidents from the written law which:

- Involves the holding of registered land in perpetuity or for a period less than perpetuity which may be fixed by a condition
- Enables the holder to exercise, subject to the law, full powers of land ownership, including but not necessarily limited to:
  - Using and developing the land for any lawful purpose
  - Taking and using any and all produce from the land
  - Entering into any transaction in connection with the land, including, but not limited to selling, leasing, mortgaging or pledging, subdividing, creating land rights and interests for other people, and creating land trusts
  - Disposing of the land to any person by will.

Section 3(3) of the Land Act Cap 227 as amended states that, to avoid doubt, a freehold title may be created -- which is subject to conditions, restrictions, or limitations which may be positive or negative in their application -- and is applicable to any of the incidents of the tenure.

#### Leasehold Tenure

There are no leasehold land holders in the Project Area.

Leasehold Tenure is:

- Created either by contract or by application of the law,

- A form under which the landlord or lessor grants the tenant or lessee exclusive land possession, usually for a period defined and in return for a rent, and
- A land holding providing the tenant with security of tenure and a proprietary interest in the land.

### Kibanja (Lawful and Bona Fide Occupants)

A Kibanja Landholder is either a bona fide or lawful occupant. 18 PAHs hold their land under Kibanja as shown Table 6 below.

Section 29(1) of the Land Act Cap 227 as amended defines a lawful land occupant as:

- A person occupying land by virtue of the repealed:
  - Busuulu and Envujjo Law of 1928;
  - Toro Landlord and Tenant Law of 1937;
  - Ankole Landlord and Tenant Law of 1937.
- A person who entered the land with consent of the registered owner, and includes a purchaser; or
- A person who occupied land as a customary tenant but whose tenancy was not disclosed or compensated for by the registered owner at the time the leasehold certificate of title was acquired.

Section 29(2) of the Land Act Cap 227 as amended defines a bona fide land occupant as a person who, before the enactment of the Constitution:

- Had occupied and utilised or developed any land unchallenged by the registered owner or agent of the registered owner for twelve years or more
- Had been settled on land by the Government or an agent of the Government, which may include a local authority.

In Section 29(5) of the Land Act Cap 227, any person who has purchased or otherwise acquired the interest of the person qualified to be a bona fide occupant under the Land Act shall be taken to be a bona fide occupant.

A Kibanja Landholder is a tenant of a landlord to whom s/he is expected to pay rent.

A Kibanja Landholder can also lodge a caveat where they have reason to suspect that the registered landowner intends to enter a land transaction, which will affect their rights and interests as per Section 139 of the Registration of Titles Act.

### Licensee

Although only these latter forms of tenure are legally defined under the Land Act (1998), the context of common law also recognises the statute of “licensee” or “sharecroppers”, these terms having similar meanings in practice.

Licensees are persons granted authority to use land for agricultural production. Traditionally, such production would be limited to annual crops. Licensees have no legal security of tenure or any propriety right to the land.

Licensees in the Kiryandongo Water and Sanitation Project include relatives who have been given rights to carry out agricultural production as well as building a temporary structure but without necessarily having legal land rights. 10 PAHs are licensees as shown Table 6 below.

**Table 6: Land Tenure Distribution by Rural Growth Centre of Project-Affected Households**

Land Tenure	Rural Growth Centre				Total Percentage
	Nyakabaale	Gaspa	Mutunda	Total Number	
Customary	251	221	459	931	96.38%
Freehold	3	2	2	7	0.72%
Kibanja	0	0	18	18	1.86%
Licensee	5	4	1	10	1.04%
<b>Total Number</b>	<b>259</b>	<b>227</b>	<b>480</b>	<b>966</b>	
<b>Total Percentage</b>	<b>26.81%</b>	<b>23.50%</b>	<b>49.69%</b>		

### 3.2.2 RIGHTS OF SPOUSES AND CHILDREN

The rights of spouses and children are protected under the Constitution of the Republic of Uganda (1995), the Land Act (1998), Cap 227, and the Mortgage Act. The consent of spouses and children must be acquired prior to any transaction by the head of household related to land on which the family ordinarily resides.

Section 38A of the Land (Amendment) Act (2004) provides for every spouse to enjoy security of occupancy of the family land and this includes the right to withhold consent on any transactions affecting their rights.

Sections 38A and 39 of the Land (Amendment) Act (2004) requires that no person shall:

- Sell, exchange, transfer, pledge, mortgage, or lease any land or enter into any contract for the sale, exchange, transfer, pledge, mortgage, or lease of any land, or
- Give away any land inter vivos, or enter into any transaction in respect to 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
  - on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the Committee.

### 3.3 THE LAND REGULATIONS, 2004 REGULATION

24(1) of the Land Regulations, 2004 states that the District Land Board shall, when compiling and maintaining a list of rates, take into consideration the following:

- Compensation shall not be payable for any illegally grown crop



- As much time as possible shall be allowed to harvest seasonal crops
- The current market value of crops and trees in their locality will form the basis of determining compensation
- Replacement cost minus depreciation will form the basis of compensation for nonpermanent buildings

### **3.4 THE LAND ACQUISITION ACT (1965)**

This law elaborates on land acquisition procedures for early entry into the delineated land as compensation matters are finalized with the objective of timely Project delivery. Reference to this Act has been made while proposing strategies for addressing unreasonable speculative persons who may jeopardize Project delivery by demanding exorbitant compensation. MWE will issue Notices of Entry at the start of RAP disclosures.

### **3.5 THE ROADS ACT, 2019**

Section 16 of the Act requires the road reserves to be kept clear and used exclusively for the development and expansion of public roads. The authority (Uganda National Roads Authority) in writing, authorize any person or authority to use a road reserve for any approved activity including the placing of public lighting, advertisements, pipelines, telephone lines, electric supplies, optic fibre cables and posts, drains, sewers, mains and other utilities. However, the authorization to use a road reserve shall only be granted where the use does not hinder further use and development of the road reserve by a road authority.

Since some sections of transmission and distribution pipes will be laid within the road reserve, a permit to use road reserve as a Project Easement Corridor shall be obtained from UNRA by MWE.

### **3.6 THE ACCESS ROADS ACT, CAP 350**

The Act seeks to ensure that a private landowner/developer who has no reasonable means of access to public highway may apply for leave to construct a road of access to a public highway. The Act establishes a mechanism of applying for an access road to public highway and a legal regime to ensure the safety of the neighboring environment. The Act permits the owner of any land over which an access road is to be constructed to be paid compensation in respect of the use of land, the destruction of crops or trees and other property on the land. The Act also has provisions for grievance resolution between the developer and owner of land over which the access is to be constructed by applying to Magistrate's Court for leave to construct a road of access.

Access roads to the proposed reservoir and borehole sites will be required and thus this Act will be applicable. Additionally, it will be necessary to improve on the existing access roads to the sites and where necessary to also open new access.

### **3.7 LOCAL GOVERNMENT ACT (1997)**

This Act provides for the system of district-based local governments. Under the district, there are lower local governments and administrative units. This system provides for elected councils whereby chairmen nominate each council's Executive Committee. The Executive Committee functions include:

- Initiating and formulating policy for approval by council
- Overseeing government and council policy implementation
- Monitoring and coordinating district NGO activities
- Resolving disputes escalated by lower local governments.

The local administrations (District Council, and Local Councils or LCs) of Kiryandongo District will assist in grievance resolution during RAP Implementation and compensation. The District and Town Council Community Development Officers are mandated to assist in sensitizations of community for development projects in their areas of jurisdiction.

### **3.8 INTERNATIONAL RAP IMPLEMENTATION STANDARDS AND GUIDELINES (APPLICABLE STANDARDS)**

#### **3.8.1 WORLD BANK POLICIES**

The objective of the World Bank's environmental and social safeguard policies is to prevent and mitigate undue harm to people and their environment during the development process. These policies provide guidelines for the Bank and borrower staff in the identification, preparation, and implementation of programs and projects. They consist of the following Operational Policies (OP):

- Environmental Assessment (OP 4.01)
- Natural Habitats (OP 4.04)
- Pest Management (OP 4.09)
- Indigenous People (OP 4.10)
- Physical Cultural Resources (OP 4.11)
- Involuntary Resettlement (OP 4.12)
- Forestry (OP 4.36)
- Safety of Dams (OP 4.37)
- Projects on International Waterways (OP 7.50)

The IWMDP Project is under the World Bank's safeguard policies on Physical Cultural Resources, OP 4.11 and on involuntary resettlement, OP 4.12. The OP 4.12 is to be complied with where involuntary resettlement, impacts on livelihoods, acquisition of land or restrictions to access to natural resources, may take place as a result of the project. It includes requirements that:

- Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable persons who are physically or economically displaced by the project to share in project benefits. Project affected persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.

- Displaced persons should be assisted 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.
- Land-for-land exchange is the preferred option for people whose livelihoods are land-based. Whenever replacement land is offered, land should be of at least equivalent value in terms of productive value and locational advantage.
- OP 4.12 eligibility criteria include: -
  - those that have formal rights to land
  - those that do not have such rights
  - those who have no recognizable legal right or claim to the land that they occupy. The legal right to compensation under Ugandan law is applicable to those with proprietary interest in the affected land.

This policy covers direct economic and social impacts that both result from Bank-assisted investment projects, and are caused by the involuntary taking of land resulting in:

- relocation or loss of shelter;
- loss of assets or access to assets; or
- loss of income sources or means of livelihood, whether or not the affected persons must move to another location

OP 4.12 also requires that the provision of compensation and other assistance to PAPs, to restore livelihoods when these are affected appreciably, shall be done prior to the displacement of people. In particular, the policy requires that possession of land for project activities may take place only after compensation has been paid. Resettlement sites, new homes and related infrastructure, public services and moving allowances must be provided to the affected persons in accordance with the provisions of the RAP.

OP 4.12 further requires particular attention to 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.

### **3.8.2 UN BASIC PRINCIPLES AND GUIDELINES ON DEVELOPMENT-BASED EVICTIONS AND DISPLACEMENT**

Paragraph 38 notes that states should fully explore all possible eviction alternatives. All potentially affected groups and persons, including women, indigenous peoples, and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider.

As per paragraph 43, evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provisions for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement, or

access to productive land is available and provided. Alternative housing should be situated as close as possible to the original place of residence and livelihood source of those evicted.

Under paragraph 52, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water, and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as the result of evictions.

As per paragraph 60, when eviction is unavoidable and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real, or other property or goods, including property rights or interests.

### **3.8.3 VOLUNTARY GUIDELINES ON RESPONSIBLE GOVERNANCE OF TENURE OF LAND, FORESTS, AND FISHERIES (VGGT)**

The VGGT provide direction and information on internationally accepted practices for systems involved in the rights to use, manage, and control land, fisheries, and forests. As per Section 3, guiding principles of responsible tenure governance, States should:

- Recognize and respect all legitimate tenure right holders and their rights. Reasonable measures should be taken to identify, record, and respect legitimate tenure right holders and their rights, whether formally recorded or not; to refrain from infringement on tenure rights of others, and to meet the duties associated with tenure rights.
- Safeguard legitimate tenure rights against threats and infringements. Tenure right holders should be protected against the arbitrary loss of their tenure rights, including forced evictions inconsistent with their existing obligations under national and international law.
- Promote and facilitate the enjoyment of legitimate tenure rights. Active measures should be taken to promote and facilitate the full realization of tenure rights or the making of transactions with the rights, such as ensuring that services are accessible to all.
- Provide access to justice to address infringement of legitimate tenure rights. Effective and accessible means should be provided to everyone, through judicial authorities or other approaches, to resolve tenure rights disputes. Affordable and prompt outcome enforcement should also be provided. States should provide prompt, just compensation where tenure rights are taken for public purposes.
- Prevent tenure disputes, violent conflicts, and corruption. Active measures should be taken to prevent tenure disputes from arising and from escalating into violent conflicts. States should endeavor to prevent corruption in all forms, at all levels, and in all settings.

Under section 8.1, States should ensure that appropriate systems are used for the fair and timely valuation of tenure rights for specific purposes, such as the operation of markets, security for loans, and transactions in tenure rights as the result of investments, expropriation, and taxation. Such

systems should promote broader social, economic, environmental, and sustainable development objectives.

Under section 8.2, valuation policies and laws should strive to ensure that valuation systems consider non-market values such as social, cultural, religious, spiritual, and environmental values where applicable.

As per section 23.1, States should ensure that the legitimate tenure rights to land, fisheries, and forests of all individuals, communities, or peoples likely to be affected, with an emphasis on farmers, small-scale food producers, and vulnerable and marginalized people, are respected and protected by laws, policies, strategies, and actions with the aim to prevent and respond to the effects of climate change consistent with their respective obligations, as applicable, in terms of relevant climate change framework agreements.

## 4 COMPENSATION ELIGIBILITY & DATA COLLECTION

### 4.1 INTERNATIONAL BEST PRACTICE

Under the applicable standards, the Project proponent is required to compensate and/or assist people affected by physical or economic displacement.

Affected persons includes:

- 1) Those who have formal legal land or asset rights
- 2) Those who do not have formal legal land or asset rights, but have a claim to land or assets that is recognized or recognizable under national law
- 3) Those who have no recognizable legal right or claim to the land or assets they occupy or use

Compensation for assets should be at full replacement value which includes:

- **Agricultural Land:** The market value of land of equal productive use or potential -- which must be 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 plus the cost of any registration and transfer taxes
- **Residential and Urban Land:** 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
- **Perennial Crops and Trees:** Equivalent to current market prices given the type, age, and productive value of the plants and/or trees, including lost future productivity
- **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 the cost of repairing a partially affected structure, including labour and contractor fees and any registration and transfer taxes
- In determining replacement costs, neither asset depreciation nor the value of salvage materials are taken into account.

The entitlement options offered to affected people should be based on consultation, and analysis of socio-economic survey results. In the case of physically displaced persons with a claim or formal legal right, the Project proponent must provide the choice of replacement property of equal or higher value, equivalent or better characteristics and advantages of location, or financial compensation at full replacement value where appropriate. For physically displaced persons who own their structures but with no legal right or claim, they must be offered similar housing options including security of tenure (in the case of replacement housing) so they can resettle legally without the risk of forced eviction. The OP 4.12 strongly favours in kind compensation over cash compensation. There is no requirement to compensate or assist those who encroach on the Project area after the cut-off date.

## 4.2 COMPENSATION ELIGIBILITY

PAHs are eligible for compensation and other assistance if they have a “legitimate interest” in Project Area “immoveable assets” that are in place (i.e. established, in the case of crops; or constructed, in the case of buildings and other structures) at the time of the Entitlement Cut-off Date.

“Legitimate interest” in household-level immoveable assets is usually held by a single member: the HoH. Through traditional and family practice, the HoH is typically the most senior male household member. In some instances, the legitimate interest may be held jointly, i.e. by the household head and his/her spouse, or with other extended family members. In accordance with the applicable standards, the compensation framework includes gender-specific components to ensure that documentation of ownership or occupancy and compensation payments will be issued in the names of both spouses and single heads of households as relevant.

Note that “legitimate interest” is not synonymous with ownership. Even those Project-affected persons/households/communities with no recognisable legal right or claim to assets they are occupying should be considered eligible for resettlement assistance, in accordance with the applicable.

Immoveable assets comprise:

- Land
- Perennial crops and trees fully or partly established at the Entitlement Cut-off Date
- Buildings and Other Structures including residential houses, stores, kitchen blocks, latrines, wells, commercial structures and other structures such as animal pens and graves. These must have been fully or partly constructed.

Immoveable Assets that are planted (in the case of crops and trees) or constructed (in the case of buildings) after the Entitlement Cut-off Date are not included in compensation calculations.

Therefore, eligibility derives from association with the land, based on the results of the asset and socio-economic surveys. Categories of eligible persons will include --but not limited to -- the following:

- Households whose residential structures affected by the Project Permanent Land Restrictions (Easement for Transmission and Distribution Pipes) in Nyakabale and Gaspa RGCs
- Households that will be economically displaced, as they have assets or crops/trees to be affected by the Project, so will lose access to their means of production (including rights to unrestricted use of agricultural land or other natural resources);
- Households conducting business that will lose the structures from which the business is operating
- Public institutions such as educational institutions, health institutions and administrative centres affected by the Project Permanent Land acquisition (especially sanitation facility sites) and Permanent Land Restrictions (Easement for Transmission and Distribution Pipes) that will lose auxiliary structures (such as gate house), fixtures (such as fences, perimeter walls and gates) and crops

- Households experiencing loss of, or restrictions of access to some or all of their common resources (for example fuel wood)

#### 4.2.1 ENTITLEMENT CUT-OFF DATE

The date of cadastral and asset surveys is the entitlement cut-off date. PAPs were informed of entitlement cut-off dates during the stakeholder consultations as well as during the PAH surveys. Each PAH was provided with a copy of the Asset Survey Form that was dated and signed off by the Valuer, PAP, and the Local Council Chairperson. Cadastral and asset surveys were carried out from 17 February – 4 March 2022.

#### 4.2.2 SPECULATIVE STRUCTURES

Opportunistic structures established after the entitlement cut-off date shall not be compensated as they were not established earlier or at the time of cadastral and asset surveys.

During the community sensitization meetings, PAPs were informed of how opportunistic structures will be handled. These meetings were aligned with the timing of the surveys to reduce time lapse between sensitization and surveying in order to limit the possibility of speculative structures.

Any claims of missed assets such as buildings and others structures will be corroborated with the Asset Survey Forms that were completed, dated, and signed off by all stakeholders. In addition, the Project strip map referenced all buildings and other structures that existed on ground and within the Project land take at the time of asset and cadastral surveys. All affected assets were photo-documented.

### 4.3 DATA COLLECTION

#### 4.3.1 CADASTRAL SURVEYS

Kinematic (RTK) GNSS receiver sets, the Project designs, and Project Control Points (see Table 7 below) were used to set out the land and easement corridors required for the Project. All parcel boundaries of affected land were surveyed including the portions within the easements and plots.

**Table 7: Project Control Points Schedule**

#	Points	Arc 1960 UTM 36S			
		X	Y	Z	RGC
1	NYK1	199047.177	377822.292	1120.299	Nyakabale
2	NYK2	198925.662	378201.144	1117.152	Nyakabale
3	GSP1	209802.392	407650.309	1105.536	Gaspa
4	GSP2	209758.272	407759.874	1107.596	Gaspa
5	Bm01	208035.462	405570.714	1060.725	Gaspa
6	Bm02	209623.666	408046.894	1085.383	Gaspa
7	MTD1	232084.401	422831.541	1060.253	Mutunda
8	MTD2	232093.841	422795.274	1060.522	Mutunda
9	MTD3	232047.167	422810.766	1060.34	Mutunda

With the help of the village chairpersons and PAH members, ownership information was obtained.



All buildings and other structures were also geo referenced and these are clearly shown in the Project cadastral survey strip map. The cadastral survey exercise commenced on 17 February 2022 and was completed on the 4 March 2022. It was carried out by the JBN Cadastral Survey Team which included two experienced surveyors and a lead surveyor. Support staff included one driver and two field assistants.

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#### **4.3.2 ASSET SURVEYS**

Using Asset Survey Form and with the assistance of Local Council Chairpersons (LCs), all PAPs were identified and verified. The chainage, names and particulars of each PAP recorded, including photographs of the affected persons and properties, National Identification Numbers (NINs) and Telephone Numbers. These will help ensure easy identification of PAPs during the Verification, Disclosure and Compensation Payments as part of the RAP Implementation.

All affected assets including perennial crops, trees, buildings, and other structures were referenced, photo-documented and recorded on the Asset Survey Form. This was done in the presence of the PAH or their representative household members and the local leaders who participated in the direct enumeration, survey, inspection, and inventory of their assets.

The Asset Survey Forms were signed by PAPs after they verified the record of their assets and the forms were verified/witnessed by the LCs and the Valuer.

The asset survey exercise commenced on 17 February 2022 and was completed on the 4 March 2022. It was carried out by the JBN Asset Survey Team which included two experienced Valuers and one Valuation Specialist .

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#### **4.3.3 CADASTRAL AND ASSET SURVEY DATA ENTRY**

Cadastral and asset survey results were entered into Vekta-- an Environmental and Social Information Management System developed and owned by GMT Consults LTD (GMT) for management of environmental, land access, and resettlement projects. The system enables automatic development of valuation (as well as other) reports.

## 5 VALUATION METHODOLOGY

The rates of compensation for crops and buildings of non-permanent nature are determined under section 59 (subsection 1, paragraph f) of the Land Act by District Land Boards of the respective Local Governments on an annual basis.

The RAP has used the 2016/2017 Kiryandongo District compensation rates for perennial crops, trees and buildings of non-permanent nature.

The detailed valuation methodology is shown in the following sections.

### 5.1 PERMANENT LAND AFFECTED (BOREHOLE SITES, RESERVOIR SITES, ACCESS ROADS, AND SANITATION FACILITY SITES)

For both freehold and customary land (without Kibanja interests), the valuation assessment has been determined at 100% land interest of the Market Value.

Where the land has Kibanja interest, the land interest has been split at 60% for the Kibanja holder and 40%<sup>4</sup> for the landlord.

The land value for compensation has been determined by multiplying the Land area (in acres) with the market value rate (per acre) for the subject land and the land interest percentage.

### 5.2 PERMANENT LAND RESTRICTION (EASEMENT FOR TRANSMISSION AND DISTRIBUTION PIPES)

Compensation for both freehold and customary land has been assessed on the basis of “diminution in value”.

Diminution in value measures a property’s reduction in value arising from the extent of use restriction. It is a percentage of the market value of the land and the diminution differs according to the land use. The Project diminution levels are as follows:

- 80% for not severely affected land. This includes land under: grazing, annual cultivation, perennial cultivation, and tree plantation, and where less than 80% of total land holding is affected
- 100% for: all severely affected rural or urban plots, including cases where 80%+ of the PAH total landholding is affected
- 100% for urban and residential plots whose use is only for development

The valuation assessment has been determined at 100% land interest and diminution level of the market value. The project does not have cases of severely affected PAPs or PAPs with small urban and residential plots. Therefore, the easement value has been assessed at 80% diminution level.

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<sup>4</sup> A landowner whose land portion is encumbered with Kibanja interests is entitled to a land interest of 40% of the Market Value of the subject affected land portion assuming it was free of encumbrance. The remaining 60% is the value of land interest to the Kibanja Landholder. The rationale of 60%:40% is that Kibanja Landholder land use activities contribute more to land value appreciation of the subject land compared to the landowner. Refer to Principle 8 of the MLHUD Guidelines for Compensation Assessment under Land Acquisition, 2017

Where the land has Kibanja interest, the land interest will be split at 60% for the Kibanja holder and 40% for the landlord. And where the land is not encumbered with Kibanja interests, the land interest is 100% for the land owner.

The easement value for compensation has been obtained by multiplying the easement area (in acres) with the: subject land market value rate (per acre), land interest percentage, and diminution rate.

It should be noted that for the transmission pipe portion from the Water Source Sites in Kikooba and Kikunya Villages to Nyakabale Trading Centre in the UNRA Kigumba Masindi Road Reserve, compensation shall not be paid as this road reserve was already acquired by Government of Uganda.

### **5.3 PERMANENT BUILDINGS AND OTHER STRUCTURES**

The respective areas or running metre of permanent buildings and other structures were calculated and then multiplied with an appropriate full replacement rate without depreciation to derive the assessed valuation figures.

The replacement cost varies with the type of building materials used and related construction costs such as plan approvals and contractor costs.

### **5.4 NON-PERMANENT BUILDINGS AND OTHER STRUCTURES**

The respective areas or running metre of non-permanent (semi-permanent and temporary) buildings and other structures were calculated and then multiplied with an appropriate district rate without depreciation to derive the assessed valuation figures.

The replacement cost varies with the type of building materials used and related construction costs such as plan approvals and contractor costs.

### **5.5 PERENNIAL CROPS & TREES**

All perennial crops and trees were surveyed, enumerated, and categorized according to type, age, and condition and the district compensation rates were applied to derive the assessed valuation figures.

Seasonal crops have been disregarded in the assessed valuation figures because they will be harvested during the notice to vacate period to be issued by MWE upon payment of compensation.

### **5.6 SUBTOTAL VALUATION AWARD**

The sub-total valuation award is a summation of values for: land, buildings & other structures, and perennial crops & trees calculated in sections 5.1 up to 5.5 above.

### **5.7 DISTURBANCE ALLOWANCE**

Upon compensation payment, PAPs will be given a notice to vacate of 6 months to pave way for commencement of civil works for the Kiryandongo Water Supply and Sanitation Project construction. Therefore, a statutory disturbance allowance of 15% of the sub-total valuation award derived in Section 5.6 was applied.

### **5.8 TOTAL VALUATION AWARD**

The Compensation Award is derived by summation of the sub-total valuation award and the disturbance allowance obtained in Sections 5.6 and 5.7.

## 6.1 IDENTIFIED PUBLIC TOILET SITES

TEL LCV: 0786764863  
 TEL RDC: 0772302195  
 TEL CAO: 0772551353  
 TEL ACAO: 0782339114

Email:

[caokiryandongo@gmail.com](mailto:caokiryandongo@gmail.com)

In any correspondence on this subject, please quote

**REF: CR/751/1**



THE REPUBLIC OF UGANDA

**Office of The Chief Administrative Officer  
 Kiryandongo District Local Government  
 P.O Box 137  
 Kigumba, Uganda.**

**10<sup>th</sup> January 2022**

The Permanent Secretary  
 Ministry of Water and Environment  
 P.O Box 20026  
 Kampala

**IDENTIFICATION OF INSTITUTIONS AND PUBLIC PLACES TO RECEIVE  
 SANITATION FACILITIES UNDER THE IWMDP PROJECT**

Reference is made to your letter KDLG/12/21 of 12<sup>th</sup> December 2021, requesting the District to identify ten sites to benefit from a slot of toilets under the IWMDP.

Accordingly, here submitted as tabulated below, is a list of the identified sites:

	<b>Name of site</b>	<b>Institution</b>	<b>Original Sub county</b>
<b>1.</b>	Nyakabaale RGC	RGC	Kigumba
<b>2.</b>	Kifuruta P/School	Primary School	Kigumba
<b>3.</b>	Gaspa RGC	RGC	Kiryandongo
<b>4.</b>	Magamaga Market	Market	Refugee Settlement
<b>5.</b>	Ogunga P/School	Primary School	Mutunda
<b>6.</b>	Katamarwa RGC	RGC	Kigumba
<b>7.</b>	Kigumba HC III	Health Centre	Kigumba
<b>8.</b>	Yabweng HC II	Health Centre	Mutunda
<b>9.</b>	Nyakataama P/School	Primary School	Kiryandongo
<b>10.</b>	Kalwala P/School	Primary School	Kiryandongo

Ochenge Ismael  
**Chief Administrative Officer**

cc: District Chairperson, Kiryandongo  
 Resident District Commissioner, Kiryandongo.



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ENVIRONMENT  
P. O. Box 20026  
KAMPALA - UGANDA

In any correspondence on  
this subject please quote Ref. No. KDLG/12/21

12<sup>th</sup> December, 2021

The Chief Administrative Officer  
Kiryandongo District Local Government

**CONSTRUCT OF WATER SUPPLY AND SANITATION SYSTEMS IN KIRYANDONGO DISTRICT UNDER THE INTEGRATED WATER MANAGEMENT AND DEVELOPMENT PROJECT (IWMDP)**

**Identification Of Institutions And Public Places To Receive Toilet Facilities**

The Ministry of Water and Environment through the Rural Water Supply and Sanitation Department plans to construct Water Supply and Sanitation Systems in Kiryandongo district under the Integrated Water Management and Development Project (IWMDP). The project is funded by the World Bank and Government of Uganda, and is to benefit the communities in the Sub Counties of Mutunda, Kiryandongo, & Kigumba in Kiryandongo district.

A total of 3No. water supply systems-WSS and 10No. toilets facilities are to be constructed in the three Rural Growth Centers of Mutunda, Kigumba, and Kiryandongo sub counties. The toilets facilities have been planned to address aspects of open defecation in the project area and increase access to improved sanitation. There is need therefore to pay special attention to the selection of the intended beneficiaries of these sanitation facilities if the intended objectives are to be realized.

This is therefore to request you to identify 10 sites to benefit from these sanitation facilities. The suitable sites could be schools and training institutions, health Care facilities, Detention facilities like prisons, public offices, police barracks or public places. **The selection criteria is attached overleaf.**

Eng. Olweny Lamu  
**FOR PERMANENT SECRETARY**

CC: Resident District Commissioner  
CC: District Chairperson  
CC: District Community Development Officer  
CC: District Water Officer  
CC: ADHO-Environmental Health  
CC: District Natural Resources Officer  
CC: District Forestry Officer



Attn:

Ag. DHO - Environment

Ag. DHO Sanitation

Ag. DHO

Ag. DHO Mabeleza

## **6.2 DISTRICT COMPENSATION RATES**

## **6.3 VALUATION ENTITLEMENT MATRIX**

### **6.3.1 VALUATION ENTITLEMENT MATRIX FOR NYAKABALE RGC**

### **6.3.2 VALUATION ENTITLEMENT MATRIX FOR GASPA RGC**

### **6.3.3 VALUATION ENTITLEMENT MATRIX FOR MUTUNDA RGC**

## **6.4 PROJECT SURVEY STRIP MAP**