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3 POLICY, LEGAL & INSTITUTIONAL FRAMEWORK

This Chapter summarizes the policy, legal and institutional framework applicable to the Project land acquisition and resettlement program, including:

- Relevant Ugandan legislation, regulations and policy (Section 3.1), including the statutory procedures for land acquisition in Uganda;
- Ugandan land tenure system (Section 3.2);
- Ugandan institutional framework for Project land acquisition (section 3.3);
- Corporate standards of the Upstream Partners (Section 3.4);
- Inter-governmental Agreement (IGA) (Section 3.5);
- The applicable international financing standards (Section 3.6) adopted by the Project in particular:
 - The Equator Principles (EPs);
 - IFC PS1 (Assessment and Management of Environmental and Social Risks and Impacts);
 - IFC PS5 (Land Acquisition and Involuntary Resettlement);
 - IFC PS7 (Indigenous Peoples);
 - IFC PS8 (Cultural Heritage);
 - The applicable international conventions, specifically, the International Labor Organization (ILO)'s C169 (Indigenous and Tribal People's Convention), the African Commission on Human and Peoples' Rights (ACHPR); and the United Nations (UN) Declaration on the Rights of Indigenous Peoples; and
- A gap analysis of national legislation and international financing standards and a way forward approach to address any gaps identified (Section 3.7).

The key policies and legislation are summarized, Appendix A contains a more detailed description of the Ugandan legal and policy framework.

3.1 UGANDAN REGULATORY FRAMEWORK

3.1.1 Key Legislation for Land Acquisition

In line with the Government directive, the land required for the development of the Project is classified as land required for public purposes. Therefore, this compulsory land acquisition process follows the national laws, policy and institutional framework. This section presents the legal and policy framework for acquiring land in public interest in Uganda.

The key legislation for land acquisition for the Project is summarized in the table below. This is followed by a description of the statutory procedure for land acquisition in Uganda under the Land Acquisition Act.

Table 3-1 Key Land Acquisition Legislation

Constitution of the Republic of Uganda, 1995 (as amended) :

The 1995 Constitution of the Republic of Uganda (referred to as The Constitution) is the supreme law of Uganda and has binding force on all authorities and persons throughout Uganda. If any other law or any custom is inconsistent with any of the provisions of this Constitution, the Constitution shall prevail, and that other law or custom shall, to the extent of the inconsistency, be void.

Article 26 of the Constitution spells out the right to own property either individually or in association with others

and that no person shall be compulsorily deprived of property or any interest in or right over property of any description except where the taking of possession or acquisition is necessary for public use, in the interest of defence, public safety, public order, public morality or public health; and prior to the compulsory taking of possession or acquisition of property, prompt payment of fair and adequate compensation shall be made. The article confers a right of access to a court of law by any person who has an interest or right over the property.

The Constitution is, therefore, one the main pieces of legislation dictating the land acquisition and resettlement processes as it provides for sovereignty over land and the legal framework for compensation and resettlement in Uganda.

- Article 237(1) of the Constitution vests all land in Uganda on behalf of its citizens and it prescribes various tenure regimes in accordance with rights and interests over which land may be held – customary, freehold, mailo and leasehold.
- In addition, under Article 237(1) (a) the Government or Local Government may acquire land in public interest and provides the procedures to be followed for acquiring land in the public interest, including the “prompt payment of fair and adequate compensation” prior to taking possession of the land.
- Article 26 reinforces prompt payment of fair and adequate compensation, prior to taking possession/or acquisition in case of compulsory acquisition of land and provides for the right of access to a court of law by any person who has an interest or a right over the property.
- Articles 26(2) and 237(2)(a) of the Constitution (Section 43) reaffirm the statutory power of compulsory acquisition conferred on the Government and local authorities. As the Act does not repeal the Land Acquisition Act No. 14 of 1965, it is assumed that this legislation meets requirements of Article 26(2) of the Constitution that requires a law to be in place for payment of compensation and access to courts.
- Articles 21, 24, 26, 27, 32, 33, 34, 35, 36 and 37 provide for the protection and promotion of fundamental and other human rights and freedoms for women, children, persons with disabilities, rights of minorities, cultural and similar rights all who are affected persons in the land acquisition process and therefore the above rights are a mandate that must be considered in the land acquisition process.

Land Act Cap. 227, 1998 (as amended in 2010) :

Besides the Constitution, the 1998 Land Act is the most important legislation guiding involuntary resettlement activities, with regard to land ownership and use, land management, land administration, land acquisition, compensation and compensation rates and protection of environmentally sensitive areas. It also provides an opportunity for a project to advise the registered PAP to produce their spouse to witness compensation as well as jointly open a Bank Account to deposit cash compensation.

Land Ownership and Land Use :

Sections 3 & 4 of the Land Act and Article 237 of the Constitution provide for four (4) land tenure systems in Uganda, namely; customary, leasehold, freehold and mailo land tenure system. The primary objective of the Land Act is to operationalise the land reforms.

The Constitution under Article 273(8) made provision for the enactment of law regulating that lawful and bonafide occupant on mailo, freehold and leasehold land shall enjoy the security of occupancy on the land. Under sub-section (9) the said law should also regulate the relationship between the lawful or bonafide occupants of land and the registered owners of that land. Provision had to be made providing for the acquisition of a registerable interest in the land by the occupant.

The Land Act provides for the security of tenure for the above- mentioned land interests and provides for an institutional framework for management and control of land under a decentralised system.

Land Administration :

Part IV of the Land Act creates a series of land administration institutions consisting of the Uganda Land Commission (ULC), the District Land Boards (DLB), the District Land Committees (DLCs). The land administration institutions set out in the Land Act will be instrumental in facilitating land acquisition for the Project.

Protection of Environmentally Sensitive Areas :

Section 44 provides for control of environmentally sensitive areas. Section 44(1) states that “the Government or a local Government shall hold in trust for the people and protect natural lakes, rivers, groundwater, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and

touristic purposes for the common good of the citizens of Uganda”.

Section 44(4) stipulates that the Government or a local Government shall not lease out or otherwise alienate any natural resource referred to in section 44(1). Section 44(5) provides the Government or a local Government power to grant concessions or licenses or permits in respect of a natural resource referred to in this section subject to any law.

Compensation Rates :

Section 59(e) and (f) requires District Land Boards to compile and maintain a list of rates of compensation payable in respect crops, buildings of a non-permanent nature among others. Computation and compensation payment is to be based upon the current market price of the area.

Section 77 provides guidelines for the settlement of disputes arising from compensation & computation of the award. The following shall be taken into account:

- In the case of a customary owner, the value of the land shall be the open market value of the unimproved land.
- The value of the building on the land, which shall be taken at open market value for urban areas and depreciated replacement costs for the rural areas.
- The value of standing crops on the land; excluding annual crops which could be harvested during the period of notice given to the tenant (also refer to the Uganda Land Act Section 78).
- The list of rates of compensation compiled by the District Land Board is to be used in determining the rates of compensation for crops and temporary structures.

Section 77(2) of the revised edition (2000) of the Land Act 1998 provides for a disturbance allowance on top of the computed compensation amount as shown below:

- 30% of the compensation amount if notice to vacate is within 6 months.
- 15% of the compensation amount if notice to vacate is more than 6 months.

The Land Acquisition Act 1965 :

The Land Acquisition Act only specifies the procedure for the acquisition of land and thus relies on the Land Act and general valuation principles of land and developments to determine compensation awards. The procedure is summarized in Section 3.1.2 below.

This Act provides for the appointment of an Assessment Officer to carry out the valuation assessment. S.6(1) provides that the assessing officer shall make an award of compensation in which his or her opinion should be allowed.

The Petroleum (Exploration, Development and Production) Act, 2013 :

The Petroleum Act, 2013 gives effect to Article 244 of the Constitution; to regulate petroleum exploration, development and production. This Act together with the Land Act and the Land Acquisition Act provide for procedures and processes to be undertaken in the process of acquiring land.

3.1.2 Statutory Procedures for Land Acquisition

The Land Acquisition Act governs the procedure for compulsory land acquisition by Government. The procedure is summarized in Figure 3-1 below. The detailed process as articulated in the Land Acquisition Act and in practice is then presented in Table 3-2.

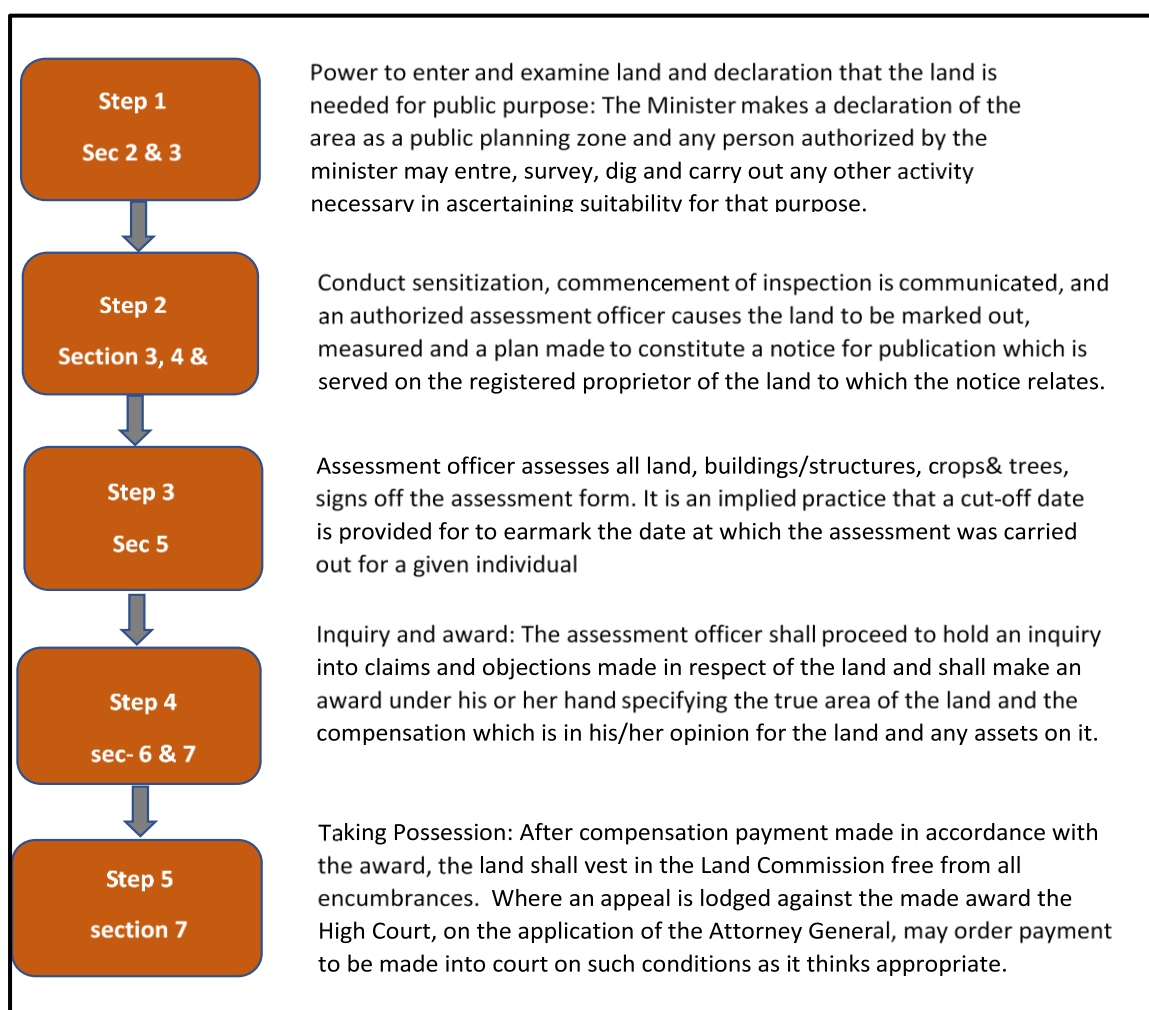


Figure 3-1 Statutory Procedures for Land Acquisition

Table 3-2 Detailed Process for Compulsory Land Acquisition

Step	Description of Procedure under the Land Acquisition Act and in Practice:
1	<ul style="list-style-type: none"> Identification of the need for land; where the Minister authorizes a person to enter upon land to survey, remove soil samples and ascertain the suitability of the land for a public purpose. The Government shall pay compensation to any person who suffers damage in the said process. The Minister makes a declaration by a statutory instrument that the identified land is required by the Government of Uganda. The Minister also indicates the location of the land, the approximate area of the land and, expresses the intention to inspect the land plan (if any). A copy of the declaration shall be served on the registered proprietor of the said land or on the controlling authority of that land or the occupier of the land where the proprietor is not the occupier.
2	<ul style="list-style-type: none"> Consultation and sensitization of the affected community and commencement of inspection are communicated. The assessment officer, as appointed by the Minister and in practice has been the Chief Government Valuer, shall cause the land to be marked out and measured and a plan shall be made. The assessment officer shall cause a notice to be published in the Gazette and exhibited at convenient places on or near the land, stating that the Government intends to take possession of the land and that claims to compensation for all interests in the land may be made to him or her. The published notice shall give the particulars of the land to which the notice relates and shall require all persons having an interest in the land to appear personally or by an agent before the assessment officer on a day and at a time and place specified in the notice in order to state : <ul style="list-style-type: none"> The nature of their respective interests in the land, The amount and particulars of their claims to compensation for those interests, Their objections, if any, to the land plans,

Step	Description of Procedure under the Land Acquisition Act and in Practice:
	<ul style="list-style-type: none"> ○ The appointed assessor conducts an inspection of the land, developments, crops/trees and a census of all the affected persons.
3	<ul style="list-style-type: none"> • Assessment officer assesses all land, buildings/structures, crops & trees, signs off the assessment form. After each individual has been assessed, he/she signs and retains a copy of the assessment form. Any new developments on the land after the assessment date shall not be considered for compensation. • Declaration of the completion date of the inspection as the overall cut-off date. New persons occupying the project area after the cut-off date shall not be eligible for compensation and/or resettlement assistance. • The assessor prepares a draft valuation report that is submitted to the Chief Government Valuer for review. The draft valuation report is reviewed, and comments made. The assessor amends the draft valuation report and submits a final valuation report for approval. The approved valuation report is handed over to the acquiring entity for disclosure of entitlements.
4	<ul style="list-style-type: none"> • The assessment officer shall proceed to hold an inquiry into claims and objections made in respect of the land and shall make an award under his or her hand specifying true area of the land; the compensation which in his or her opinion should be allowed for the land; and the apportionment of that compensation among all the persons known or believed by him or her to have an interest in the land, whether or not they have appeared before him or her. • For purposes of said inquiry, the assessment officer shall have the same power to summon and enforce the attendance of witnesses and to compel the production of documents as is vested in a magistrate's court in its civil jurisdiction. • The assessment officer shall cause a copy of the award to be served on the Minister and on those persons having an interest in the land as are not present personally or by their representatives when the award is made; and the Government shall pay compensation in accordance with the award as soon as may be after the expiry of the time within which an appeal may be lodged. The period from final report approval to payment of compensation awards shall not exceed 6 months. • Where an appeal is lodged against the made award and a person awarded compensation refuses to accept payment; or any other circumstance arises which renders it inexpedient, difficult or impossible to make payment in accordance with the award, the High Court, on the application of the Attorney General, may order payment to be made into court on such conditions as it thinks appropriate.
5	<ul style="list-style-type: none"> • The assessment officer shall take possession of the land as soon as he or she has made his or her award, except that he or she may take possession at any time after the publication of the declaration if the Minister certifies that it is in the public interest for him or her to do so and the land shall immediately vest in the Land Commission free from all encumbrances; and the estate and interest of every person having an interest in the land immediately before the land so vested shall be deemed to have been converted into a claim for compensation under this Act. • As soon as may be after taking possession of land, the assessment officer shall forward to the registrar of titles a copy of the declaration relating to the land endorsed with a certificate signed by the assessment officer, which shall state that the assessment officer has taken possession of the land and specify the date when he or she did so. • On receipt of a declaration, the registrar of titles shall, notwithstanding any inconsistency with the Registration of Titles Act, take such steps as may be necessary to give effect in the Register Book to the operation of the provisions of the law in respect of the land specified in the declaration. • If the assessment officer or the appointed officer is opposed or impeded in taking possession of land, he or she may apply ex-parte to a Magistrate Grade I for relief and, the Magistrate if satisfied that the assessment officer or the appointed officer, as the case may be, is entitled under this Act to take possession of the land to which the application relates, he or she shall make a declaration to that effect in whatever form he or she considers appropriate; and any declaration so made may be enforced as if it were a decree of a magistrate's court made in the exercise of its civil jurisdiction.

3.1.3 Summary of Legislation & Policy of Relevance to RAP

The key legislation, other legislation and policies of relevance to the land acquisition and RAP are summarized in Table 3-3 below:

Table 3-3 Summary of Legislation and Policies of Uganda Governing Land Acquisition

LEGISLATION / POLICY	RELEVANCE
Land Act Cap 227, 1998 (as amended)	Defines the land tenure system and other legal interests in land, land administration and management, and establishes the functions of the District Land Board in regard to compensation
Land Acquisition Act, Cap 226 of 1965	Spells out procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use.
The Registration of Titles Act (RTA), Cap 230	Defines the procedure for the transfer of registered land and registration of titles.
The Petroleum (Exploration, Development and Production) Act, No.3 of 2013	Before Petroleum exploration activities are undertaken due regard should be paid to licensing, exploration and production of petroleum
The Physical Planning Act, 2010	The Act makes the requirement for obtaining a physical planning permit prior to making developments on the land.
The Survey Act, Cap 232, 1939 (as amended)	Regulates surveying of land and provides guidance to the cadastral survey activities.
OTHER LEGISLATIONS	
Public Health Act, Cap 281 of 1935	The Act provides guidelines on graves relocation and maintenance of sanitation and housing.
The National Forestry and Tree Planting Act, No. 8 of 2003	Regulates and promotes tree planting, conserve and ensure sustainable management and development of forests.
The National Environmental Act and The National Environment (Wetlands, River Bank and Lake Shores Management) Regs No. 3/2000	The Act and regulations provide guidance on the use and protection of environmentally sensitive areas, procedures for the acquisition of permits and permissible uses in these areas.
The Historical Monuments Act, Cap 46 of 1968	Provides guidance on preservation, protection and management of historical monuments and objects of archaeological, paleontological, ethnographical and traditional interest.
The Illiterates Protection Act, Cap 78, 1918	The Act imparts a duty that the contents of a document be read over and explained to the person for whom it purports to have been written and fully and correctly represents his/her instructions.
The Occupational Health & Safety Act, 2006	The Act regulates employer /employee relationship and requires that the employers protect their workers and charges the employees to take responsibility for their safety while at work.
The Roads Act, Cap 358, 1964	The Act stipulates the establishment of road reserves and for the maintenance of roads
The Water Act, Cap 152, 1997	The Act provides us with guidance for the use, protection and management of water resources

LEGISLATION / POLICY	RELEVANCE
The Traditional Rulers Act (Restitution of Assets and Properties) Cap. 247 Of 1993	In this Act, kingdoms and chiefdoms were given the right to own their cultural property. They're the custodians of some cultural sites and traditional belief systems and thus key stakeholders in the project area.
The Administrator General's Act, CAP 157, 1933	In the Act, jurisdiction is conferred on magistrates' courts to grant probate or letters of administration in respect of small estates of deceased persons.
The Children's Act, CAP 59 of 1997(as amended in 2016)	The welfare of the child principle is spelt out to be the paramount consideration in determining any question in respect of the administration of a child's property or application of any income from that property.
The Employment Act, 2006	The Act makes regulation on individual employment relationships and spells out the prohibition of forced labour.
The Estates of Missing Persons (Management) Act, CAP 159, 1973	The Act lays out the procedure for the management of estates of missing persons.
The Local Council Courts Act, 2006	The Act establishes local council courts for the administration of justice at the local level.
The Magistrates Court Act, CAP 16, 1971	The Act establishes Magistrate courts, jurisdiction, practice and the procedure before, magistrates' courts since these are majorly the courts of the first instance for a number of cases.
The Succession Act, CAP 162, 1906	Provision is made on succession to a deceased person's immovable and movable property, distribution of an intestate's property and execution of wills.
The Uganda Human Rights Commission Act, CAP 24, 1997	The Act establishes the Uganda Human Rights Commission with functions to ensure creation and sustenance within society the awareness of the human rights provisions in the Constitution
The National Council for Disability Act, 2003	The Act stipulates rights of persons with disabilities set out in the International Conventions, the Constitution and Legal instruments.
Public Health Act; Cap 281, 1964- (The Building Rules Sections 70 and 71)	Building design standards
Ministry of Works and Transport General Specifications for Building Works, 2013	Standards and Specifications for Materials and workmanship
National Physical Planning Standards and Guidelines, 2011;	Site selection and layout of buildings
Seismic code of practice for structural designs; US 319:2003	Design for seismic responsive buildings
POLICIES (including Guidelines)	
The Uganda National Land Policy, 2013	The Uganda National Land Policy provides a systematic framework for articulating the role of land in national development, land ownership,

LEGISLATION / POLICY	RELEVANCE
	distribution, utilization, alienability, management and control.
The National Land Use Policy, 2006	The Policy provides guidelines for effective socio-economic development and on minimizing land degradation.
Guidelines for Compensation Assessment Under Land Acquisition (GCALA), 2017	Stipulates for the overall practice of valuation assessment to achieve fair and adequate compensation to project affected persons in accordance with the Constitution.
Environmental Impact Assessment (EIA) Guidelines for The Energy Sector, NEMA (2014)	<p>The guidelines include sections on compensation for loss of assets, as well resettlement. It includes :</p> <ul style="list-style-type: none"> • With regard to compensation it should be sufficient to purchase replacement assets so that displaced persons are not worse off, economically and socially, than before displacement. • It acknowledges the constraints of monetary compensation and recognizes the rights of secondary affected persons (e.g. tenants, 'squatters') to compensation and thus provides for the development of a comprehensive baseline to identify all affected persons. • With regard to a census, this must precede the compensation and relocation process, and should identify all affected persons and their means of livelihood, as well as vulnerable categories. • The guidelines include a basic framework for a Compensation or Resettlement Plan including the provision for consultations with displaced persons, a grievance mechanism and resettlement monitoring and evaluation.
Uganda Gender Policy, 2007	The Policy emphasizes gender equality and women's empowerment as an integral part of Uganda's socio-economic development.
National Policy for Older Persons, 2009	The Policy recognizes that all older persons are equal before the law and are entitled to equal treatment and benefits from the laws.
National Oil and Gas Policy for Uganda, 2008	The Policy articulates the operational framework for the management of oil and gas resources, with the overall objective of contributing to early achievement of poverty eradication and create lasting value to society.
Wetlands Policy, 1995	Ensures integration of wetland concerns into the planning and decision making of other sectors.
The National Culture Policy, 2006	The Act lays strategies to enhance the integration of culture into development.
National Content Policy, 2017	The Act makes the requirement for the promotion of the competitiveness of Ugandan labour and enterprises in the oil and gas industry and associated sectors of the economy
The National Environment (Wetlands, River Bank and Lake Shores Management) Regulations, No. 3 of 2000.	The Regulations spells out regulated activities which prior to being carried out in wetlands is subject to the issuance of a permit granted by NEMA in consultation with the Lead Agencies.

3.2 UGANDAN LAND TENURE SYSTEM, RIGHTS & INTERESTS ALONG THE CORRIDOR

3.2.1 Land Tenure Systems

It is paramount to understand the land tenure system in Uganda which was a basis of formulation of the national legislation and guidelines for land acquisition. The land tenure system is largely shaped by the history and political perspective of Uganda. There are four land tenure systems as established in the 1995 Constitution, Article 237 and defined in section 3 of the 1998 Land Act, namely: Customary, Freehold, Mailo, and Leasehold tenure systems. These are further described below in

Table 3-4 Uganda Land Tenure Systems

Tenure	Summary Description
Customary	<p>The term customary tenure invokes the idea of traditional rights to land and other natural resources. Under the customary system of land tenure, the land is held in accordance with the customs and norms of a given locality. Customary tenure system allows for communal ownership of land as well as individual ownership. The Land Act describes customary land tenure as a form of tenure which among others is applicable to a specific area of land and a specific description or class of persons.</p> <p>The rules of customary land tenure vary from community to community.</p> <p>The Land Act provides that customary land tenure is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies. In some areas, customary land is owned communally, in some parts the land belongs to a certain clan whereas, in other sections, it is held by individual persons. A certificate of customary land ownership confirms and is conclusive evidence of the customary rights and interests specified in it.</p>
Freehold	<p>Freehold is a land tenure that derives its legitimacy from the Constitution and written law and involves the holding of registered land in perpetuity or for a period less than perpetuity which may be fixed by a condition. A Freehold title enables the holder to exercise in due regard to the lawful power of ownership of land including but not limited to;</p> <ul style="list-style-type: none"> • Using and development of land for any lawful purpose. • Taking and using any and all proceeds from the land. • Entering into any transaction in connection with the land including but not limited to selling, leasing, mortgaging, subdividing, creating interests for other people in the land and creating trusts of the land. • Disposing of the land to any person by will. Freehold tenure is only available to Ugandan citizens.
Mailo	<p>This tenure arrangement derives its legality from the Constitution and its incidents from the written law which: involves the holding of registered land in perpetuity; permits separation of ownership of land from occupancy or ownership of developments by "Lawful or Bonafide" occupants and enables the holder, subject to the customary and statutory rights of those persons lawful or bonafide in occupation of the land at the time that the tenure was created and their successors in title, to exercise all the powers of ownership.</p> <p>Mailo Tenure is where the land held by a landowner which has its roots from the 1900 Buganda Agreement and 1928 Busulu Envujjo Law. It is in the Buganda region, currently central Uganda. The mailo land is divided into two i.e. official mailo and private mailo. Official mailo refers to land that was owned by office bearers in Buganda Kingdom. These include the Kabaka of Buganda, the Katikiro, Omulamuzi, and Owesaza. The Kabaka was given 350 square miles and the Ssaza chiefs who got eight square miles. So, the 350 square miles that was given to the Kabaka is the land that is today popularly referred to as "Kabaka's land" and is currently managed by the Buganda Land Board. The EACOP alignment affects official mailo belonging to Ssaza chief in Sembabule district on the access road to MCPY3. (Owesaza Lya Mawogola, ACCMCPY3/LO-05/M).</p>

Tenure	Summary Description
	<p>Private mailo is the land which was parcelled out to individuals including the Kabaka as a person, royals, individual chiefs and some notables in the sense that it was their personal property. This land has been subdivided into smaller parcels and sold out to non-royals overtime and other Ugandans who are not Baganda. They could deal with this land as they deemed fit; they could transfer it, or if one got a financial problem or any other, they could sell it.</p> <p>Both the registered proprietor on the certificate of title and tenants by occupancy (lawful occupants and bonafide occupants - Kibanja holders) have interests on this land. Mailo landowners have the same rights as freehold landowners, but they must respect the rights of tenants by occupancy (Kibanja holders) who occupy and live on the land (per Section 3(4) of the Land Act). In matters of compulsory acquisition of mailo land, the registered proprietor and tenants by occupancy (Kibanja holders) are entitled to compensation.</p>
Leasehold	<p>Leasehold land tenure is a system whereby the property owner grants the right to another party exclusive possession of land for a stated time period subject to payment of a premium. Under the system, owning land is for a limited period of time usually 49 or 99 years.</p> <p>Leases can be obtained from an individual, local authority, organization/ company, an institution like the Buganda Kingdom or from the Uganda Government. Leasehold transactions allow parties to define the terms and conditions of access and usage in such a manner that suits their land use needs. A grantee is entitled to a certificate of title. Leasehold tenure is governed by the Registration of Titles Act.</p> <p>In practical terms, most of the land under leasehold was formerly owned by government agencies and bodies, predominantly the ULC and DLBs. These bodies tend to enforce some development conditions for the subsequent use of land. Leasehold tenure is usually granted for payment of rent, premium, both or free of charge. S.3 (5) of the Land Act, make provision for the leasehold title owner to have exclusive possession of the land and able to exercise landowner's rights. A lease instrument under S.54 of the Registration of Titles Act is not effectual to create a lease until it's registered and upon registration, the land becomes subject to the agreed terms of the lease.</p> <p>During the process of involuntary land acquisition of leasehold land, the law recognizes two interests over the property in question:</p> <ol style="list-style-type: none"> The rights of the person granted a lease; and The interest of the landowner.

3.2.2 Land Rights and Interests Along the Pipeline Corridor

An interest in land relates to ownership which might be legal (such as a registered owner and his or her successor); or equitable (such as tenants in occupancy or unregistered land):

- Legal interest refers to an interest held on the land by a landowner who is registered under the RTA so as to give the world notice of his/her ownership for instance owners of land in the mailo, freehold, and leasehold tenure who have been registered.
- Equitable interest, on the other hand, refers to an interest held on the land which has not been registered for instance tenants by occupancy, interests of a spouse in family land and a purchaser of land who has not been registered as the landowner among others, all unregistered interests under the RTA are equitable in nature.

There are overlapping formal (legal), informal rights (unregistered), interests on land.

Table 3-5 below summarizes the overlapping rights and interests on land as identified in the RAP planning process.

Table 3-5 Overlapping Rights and Interests on Land

Tenure	Legal interest	Equitable interests	User rights	Other interests
Customary	Certificate of customary ownership.	Unregistered Customary interests communally recognised.	Licensees	Mortgagors (financial institutions) with an incumbrance over the land) Caveats on a title.
Freehold	Registered freehold title.	Lawful and bonafide occupants.	Unregistered family/ clan or communal user rights on the land Licensees.	Mortgagors (financial institutions) with an incumbrance over the land) Caveators on a title.
Mailo	Registered mailo title over the land. Leasehold title	Lawful and bonafide occupants (Kibanja) Purchasers with only sale agreements and have not effected the transfer of ownership of land. Trusts.	Unregistered family/ clan or communal user rights on the land Licensees.	Mortgagors (financial institutions) with an incumbrance over the land) Caveators on a title.
Leasehold	Leasehold title. The reversionary interest of the lessor. The leasehold interest of a sub-lessee.	Lawful and bonafide occupants	Licensees	Mortgagors (financial institutions) with an incumbrance over the land) Caveats on a title.

In Chapter 2 Table 2-4 presents a summary of the land tenure system and interests in Project-affected land along the pipeline corridor per District. In accordance with the laws and regulations, the configuration of the PAP interests along the route which have been valued for the purposes of compensation are indicated in Table 3-6 below:

Table 3-6 Configuration of Interests in Land

Main interest / Tenure type	Configuration of various interests in land:
PAPs	Owners of the Perpetual interest + lessees + sub-lessees + kibanja/lawful/bonafide occupants+ licensees
Owners of Perpetual interests	Public land (Can be under the DLB or ULC; ULC can have titles as well) +Customary + Freehold + Mailo (Private, Kabaka's land and Buganda) + Lessors + Surveyed not yet titled
Titled land	Mailo (Private, Buganda, Kabaka's land) + Leasehold + Freehold.

Main interest / Tenure type	Configuration of various interests in land:
Leasehold	Lessor (Reversionary interest owner) ¹ + Lessee + Sub-lessee + Lawful occupants + Licensees
Freehold	Perpetual interest holder + Lessee + Sub lessee + Lawful occupant + Licensee
Mailo	Perpetual interest holder + Kibanja + Lessees + Licensees
Public Land	ULC/DLB + bonafide occupants + licensees + CFRs, Wetlands & River banks

3.3 INSTITUTIONAL FRAMEWORK FOR LAND ACQUISITION

The key institutions related to the Project land acquisition program in Uganda are:

- **Ministry of Lands, Housing and Urban Development (MLHUD):** in charge of land policy direction and supervision, whose department of surveys and mappings, Chief Government Valuer and land registration are central to land acquisition for approval of land surveys, valuation report and registration of titles.
- **Ministry of Energy and Mineral Development (MEMD):** in charge of energy and mineral policy direction, mobilisation, guidance and approval of all the process and methodology and supervision of project activities.
- **Uganda Land Commission (ULC):** is mandated to hold and manage any land in Uganda which is vested in or acquired by the Government in accordance with the Constitution (Part IV:49 (a)).
- **District Land Board (DLB):** Each district is supposed to have a DLB. The DLB is supposed to: facilitate the registration and transfer of interest in land; compile and maintain a list of rates of compensation payable in respect of crops, buildings of non-permanent nature, and any other thing that might be prescribed (but not the value of the land itself or any permanent buildings); review every year the list of rates of compensation.
- **Parish Land Committees (PLC):** the PLCs are supposed to be appointed by the district council on the recommendation of the Sub-County Council and has the interest to grant estate and create rights or interest in relation to land vested in it.

Table 3-7 below indicates the key institutions and role it plays in land acquisition of EACOP.

Table 3-7 Institutional Framework for Project Land Acquisition

No	Institution/Department	Role and relevance	Time frame
1	Ministry of Energy and Mineral Development	Policy direction, mobilisation, guidance and approval of all the process and methodology and supervision of project activities	Project period
2	Petroleum Authority of Uganda	Supervision of project activities	

¹ Reversionary interest: the interest that reverts back to a landowner (lessor) on expiry of lease term.

No	Institution/Department	Role and relevance	Time frame
3	Ministry of Lands, Housing and Urban Development :		
	Surveys and Mappings Department	Approval of Cadastral Survey methodology Support during assessment i.e. boundary opening data Issuance of Instructions to Survey and approval of JRJs	Project period
	Chief Government Valuer's Office	Approval of valuation methodology and valuation reports	Project period
	Department of Land Registration and MZOs	Certificate of Title searches Registration of the project Titles	During assessment and implementation of the RAP
	Physical Planning Department	Issuance of Project Physical planning permit and other	RAP Implementation
4	National Environmental Management Authority	Issuance of wetland permits and verification of environmental resources	Assessment and RAP Implementation
5	National Forestry Authority	Valuation of lost forestry biomass.	Assessment
6	Ministry of Gender, Labour and Social Development	Policy guidance on cultural heritage aspects of the project	RAP Implementation
7	Ministry of Tourism and Antiquities	Policy guidance on archaeological heritage aspects of the project	
8	Ministry of Works and Transport	To guide and approve the architectural drawings of the replacement housing	
9	Local Governments	Technical guidance and support in the implementation of RAP. Technical support in dispute resolutions	Project period
10	Sub-county and town councils	Technical support in the implementation of the project	Project period

3.4 CORPORATE ENVIRONMENTAL AND SOCIAL COMMITMENTS

The Upstream Partners² each have corporate policies that include Environment, Health and Safety policies, Ethics Charters, commitments to the protection of biodiversity and strategies for operating in sensitive environments. The relevant social commitments, including

² Total and Tullow have entered into an Agreement, through which Total shall acquire Tullow's entire interests in Uganda Lake Albert development project including the East African Crude Oil Pipeline (April 2020).

stakeholder engagement, are summarized for each Partner in the table below.

In the absence of EACOP Project specific standards, and in advance of the Pipeline Company developing its standards, EACOP is applying some of Total SA standards to the Project including:

- Code of Conduct;
- HSE Charter;
- Security Charter;
- Charter of Principles and Guidelines on Indigenous and Tribal Peoples;
- Business Integrity Guide; and
- Human Rights Guide.

Summaries of the Upstream Partners' commitments to social responsibility are presented in Table 3-8.

Table 3-8 Project Partners' Commitments to Social Responsibility

Company	Policies
Total E&P Uganda B.V. (TEPU).	<p>TEPU commits, among others, to:</p> <ul style="list-style-type: none"> • Developing transparent, constructive relationships with all of its stakeholders; • Reducing negative socio-economic impacts related to its operations; • Participating in the economic diversification of host communities and countries by supporting local initiatives; • Contributing to human development by emphasizing education and the strengthening of local skills and capacities; and • Enhancing the value of the historical, natural and cultural heritage of local communities. <p>In their HSE Charter, Company commits itself to comply with applicable Ugandan laws and regulations, international standards, as well as Total Group policies in the fields of HSE. In matters of safety, health, environment and quality, Company further adopts a constructive attitude based on open dialogue with stakeholders and outside parties. Through its social commitment, it focuses on developing its activities in harmony with the neighboring communities. In its Ethics Charter, Company commits to contributing to the social and economic development of the countries in which it operates, in compliance with local legislation and regulation. It is committed to protecting the environment and respecting local cultures.</p>
CNOOC Uganda Limited (CUL)	<p>CUL, in its social policies, is committed to contributing to the economic development of the country and ensuring that the communities where CUL operates benefit from their operations. CUL will operate in compliance with Ugandan laws and regulations and pursue high standards of business ethics and corporate governance and implement advanced standards and industry best practice. It is committed to pursuing a win-win relationship with stakeholders, and to respect the rights and interests of stakeholders, by supporting local communities in the development of education, and contributing to poverty alleviation, among others.</p>

3.5 INTER-GOVERNMENTAL AGREEMENT

The IGA was signed by the Governments of Uganda and Tanzania on 26th May 2017. Within the IGA, Article 3 establishes the land rights framework. This framework addresses:

- Fair, transparent, legally enforceable and clear terms in favor of the Project;
- Availability of land rights and integrity of the pipeline system including;
 - Clearly identifiable, registrable title;
 - Free from third party encumbrances, rights or claims;
 - Strongest available title (or for temporary land, an appropriate title / right);
 - Duration for the entirety of the Project (or for temporary land, as long as needed by the Project);

- Uninhibited implementation of the Project;
- The enabling of full ownership of all Project facilities;
- IFIs' right to legal, valid and enforceable first priority security; and
- Compliance with Environmental Health, Safety and Security (EHSS) and Human Rights Standards at a national and international level.

The HGAs for the Project between the Upstream Partners and the governments will follow on from the IGA and will cover, in their remit, agreement over land rights. The HGA is currently under development and discussion between the Upstream Partners and the GoU. However, the Project will adopt the IGA principles stated, and these will be reflected in the processes undertaken to develop the RAP including socio-economic and asset surveys, valuation methods and the determination of monetary and in-kind compensation. Where additional entitlements to Uganda legal requirements and normal practice to meet international standards, as referenced in the IGA, are required these are clearly identified as additional and Project specific.

3.6 INTERNATIONAL GUIDANCE AND STANDARDS

3.6.1 Equator Principles

The Equator Principles are a risk management tool adopted by numerous financial institutions in 38 countries to identify, assess and manage environmental and social risks. The Equator Principles are largely based on the IFC's PSs with some additional requirements for lenders who have adopted the Equator Principles. As the Project may be seeking funding from Equator Principles financial institutions, the process for land acquisition, compensation and resettlement must recognize the applicable international standards within the Equator Principles.

3.6.2 International Finance Corporation Performance Standards (PSs) (2012)

The IFC, a member of the World Bank Group, has adopted a suite of PSs on social and environmental sustainability. The IFC applies these PSs to manage project-related social and environmental risks and impacts, and to enhance development opportunities in its private sector financing. The key PSs considered applicable to the RAPs are summarized below:

PS1: Assessment and Management of Environmental and Social Risks and Impacts

PS1 establishes the importance of:

- An integrated assessment to identify the environmental and social impacts, risks, and opportunities of projects;
- Effective community engagement through disclosure of project-related information and consultation with local communities on matters that directly affect them; and
- The client's management of environmental and social performance throughout the life of the project.

The specific objectives of PS1 are:

- To identify and assess social and environmental impacts, both adverse and beneficial, in the Project's area of influence;
- To avoid, or where avoidance is not possible, minimize, mitigate, or compensate for adverse impacts on workers, affected communities, and the environment;

- To ensure that affected communities are appropriately engaged on issues that could potentially affect them; and
- To promote improved social and environmental performance of companies through the effective use of management systems.

PS5: Land Acquisition and Involuntary Resettlement

The Project will require the involuntary resettlement of all households and assets located within the Project footprint thereby making PS5 applicable. The main objectives of PS5 are:

- To avoid, and when avoidance is not possible, minimize displacement by exploring alternative project designs;
- To avoid forced eviction;
- To anticipate and avoid, or where avoidance is not possible, minimize adverse social and economic impacts from land acquisition and / or restrictions on land use by, (i) providing compensation for loss of assets at replacement cost³ and (ii) ensuring that all resettlement activities are implemented with appropriate disclosure of information, consultation, and the informed participation of those affected;
- To improve, or restore, the livelihoods and standards of living of displaced persons; and
- To improve living conditions among physically displaced persons through the provision of adequate housing with security of tenure⁴ at resettlement sites.

According to IFC PS5, displaced persons may be classified as persons:

- i. Who have formal legal rights to the land or assets they occupy or use;
- ii. Who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law; or
- iii. Who have no recognizable legal right or claim to the land or assets they use / occupy.

PS5 also includes the following requirements:

- Provide opportunities to displaced people to derive appropriate development benefits from the project; and
- Where land is collectively owned, land-based compensation should be offered, where possible.

Involuntary resettlement refers both to physical displacement (resettlement or loss of shelter) and economic displacement (loss of assets, or access to assets, that leads to loss of income sources and / or other means of livelihood), as a result of project-related land acquisition and / or restrictions on land use. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition and restrictions on land use that result in physical or economic displacement. This occurs in cases of lawful expropriation, or restrictions on land use, or in negotiated settlements in which the buyer / developer can resort

³ Replacement cost is defined as the market value of the assets plus transaction costs. In applying this method of valuation, depreciation of structures and assets should not be taken into account. Market value is defined as the value required to allow Project Affected Communities (PAC) and persons to replace lost assets with assets of similar value. The valuation method for determining replacement cost should be documented and included in applicable Resettlement Action Plan (RAP) and / or Livelihood Restoration Plan (LRP).

⁴ Security of tenure means that resettled individuals or communities are resettled to a site that they can legally occupy and where they are protected from the risk of eviction.

to expropriation or impose legal restrictions on land use if negotiations with the seller fail⁵.

When displacement cannot be avoided, the project sponsor will offer displaced persons and communities' compensation for the loss of all assets at full replacement cost, as well as other assistance as provided in PS5, to help them improve or restore their standards of living and livelihoods. Compensation standards shall be transparent and applied consistently to all the communities and persons affected by the displacement.

According to IFC PS5, preference should be given to land-based resettlement strategies for displaced persons whose livelihoods are land-based. Strategies may include resettlement on public land with the agreement of the government, or on private land acquired or purchased for resettlement. Whenever replacement land is offered, it should provide for land that is at least equivalent to that of the old site.

Where physical displacement occurs, PS5 further requires that a RAP shall be developed and implemented.

In order to comply with the above requirements, the project sponsor will carry out a census with appropriate socio-economic baseline data to identify all persons who will be displaced by the project, and to determine who will be eligible for compensation and / or resettlement assistance and to discourage the inflow of people who are ineligible for these. A cut-off date for eligibility under the proposed project should also be established. Information on the cut-off date shall be well documented and disseminated throughout the project area.

PS5 requires that the RAP is disclosed to the relevant authorities and affected parties prior to implementing resettlement. Provision of compensation of those affected by the project shall be ensured prior to any actual resettlement. Possession of land for project activities should take place only after compensation has been paid, or alternatively, if suitable guarantees of compensation have been made to the affected parties' satisfaction. Replacement housing and related public infrastructure and services and moving allowances must be provided to affected persons in accordance with the RAP provisions.

PS5 further requires that particular attention be given to the needs of vulnerable persons and groups. These are defined as those below a defined poverty line, the landless, the elderly, women and children, indigenous groups and ethnic minorities, the disabled, orphans, and otherwise disadvantaged persons. In particular, the RAP must provide:

- Additional targeted assistance (for example credit facilities, training and employment) and opportunities to restore, and preferably improve, their income-earning capacity, production levels and standards of living to displaced persons whose livelihoods or income levels are adversely affected; and
- Transitional support to economically displaced persons where necessary, based on a reasonable estimate of time required to restore income-earning capacity, production levels, and standards of living.

⁵ IFC PS5 does not apply to resettlement resulting from voluntary land transactions (i.e., market transactions in which the seller is not obliged to sell, and the buyer cannot resort to expropriation or other compulsory procedures sanctioned by the legal system of the host country if negotiations fail).

PS7: Indigenous Peoples

Many Indigenous Peoples' (IPs) cultures and identities are inextricably linked to the lands on which they live and the natural resources on which they depend. In many cases, their cultures, identities, traditional knowledge, and oral histories are connected to, and maintained through the use of, and through relationships with, these lands and natural resources; thus, project impacts on lands, forests, water, wildlife, and other natural resources may affect their institutions, livelihoods, economic development, and their ability to maintain and develop their identities and cultures. PS7 sets out specific requirements when projects affect these IPs and relationships.

The applicability of PS7 should be established during a project's environmental and social risks and impacts identification process. The specific objectives of PS7 are:

- To ensure that the development process fosters full respect for the human rights, dignity, aspirations, culture, and natural resource-based livelihoods of IPs;
- To anticipate and avoid adverse impacts of projects on communities of IPs, or when avoidance is not possible, to minimize and / or compensate for such impacts;
- To promote sustainable development benefits and opportunities for IPs in a culturally appropriate manner;
- To establish and maintain an ongoing relationship based on Informed Consultation and Participation (ICP) with the IPs affected by a project throughout the project's lifecycle;
- To ensure the Free, Prior and Informed Consent (FPIC) of the Affected Communities of IPs when the circumstances described in the Performance Standard are present; and
- To respect and preserve the culture, knowledge, and practices of IPs.

This PS is relevant for the approach to resettlement on the Project and is described here.

PS8: Cultural Heritage

PS 8 recognizes the importance of cultural heritage for current and future generations. The specific objectives of PS8 are to:

- To protect cultural heritage from the adverse impacts of project activities and support its preservation; and
- To promote the equitable sharing of benefits from the use of cultural heritage.

In the selection of the chosen pipeline route, the location and proximity to culturally sensitive and potentially sensitive sites were considered. More detailed identification and assessment of potentially affected sites have also been undertaken in the Project ESIA as well as monitoring undertaken during the geophysical and geotechnical surveys. The protection and management of known and chance finds during construction will be addressed through construction management plans, including site monitoring and management during construction, and use of the Project's Chance Finds Procedure.

Chapter 6 presents the graves affected by the land acquisition program that have been identified during the RAP program. Chapter 11 presents the cultural heritage and archaeological resources identified as affected by the land acquisition program and the potential impacts on these are summarized. The measures proposed to protect and minimise impacts on these resources are described.

Other IFS PSs whose requirements are specifically relevant to the Project's land acquisition

and resettlement program and have been considered include:

- *PS4: Community Health, Safety and Security* - especially in respect of mitigating impacts and risks to displaced communities.
- *PS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources* - especially in respect of impacts to ecosystem services used by displaced communities.

3.6.3 Human Rights Considerations

As set out in the IGA framework, the Project has agreed to address Human Rights Standards at a national and international level. The UN norms acknowledge the universality, indivisibility, interdependence, and interrelatedness of human rights, including the right to development, which entitles every person to participate in, contribute to and enjoy economic, social, cultural and political development in which human rights and fundamental freedoms can be realized.

The protection of basic human rights is primarily the responsibility of the State. However, in terms of international good practice, private companies are required to respect human rights and avoid infringing on the human rights of others. The United Nations Global Compact (UNGC) initiative challenges businesses to embrace and enact basic principles with respect to human rights. The UN Guiding Principles on Business and Human Rights (2011) set out the corporate responsibility to respect human rights; avoid, prevent and mitigate adverse impacts; and establish operational level grievance mechanisms for individuals or communities who may be adversely impacted, in order to facilitate remediation.

The IFC PSs provide further insight into how initiatives like the UNGC can improve the human rights performance of project sponsors. The IFC Good Practice Note on the Design of Grievance Mechanisms (Guidance Note 7 of 2009), establishes that credible and effective grievance mechanisms are part of a broader framework for companies to address human rights issues in their business operations. The IFC PSs furthermore require that the dignity, human rights and welfare of communities affected by development projects are protected.

The Project has commissioned a human rights impact assessment, which reviewed potential human rights impacts related to resettlement and potentially vulnerable groups, including women and vulnerable ethnic groups. Current information suggests that the EACOP Uganda section Project does not impact on land being used by vulnerable ethnic groups that may self-identify as indigenous peoples. However, strategic human rights review and guidance will be undertaken during early project activities and construction to assess any potential impacts on an ongoing basis.

3.7 GAP ANALYSIS BETWEEN UGANDAN LEGISLATION AND IFC PS5

IFC Performance Standards require that projects identify all laws of the host country that are applicable to land acquisition and involuntary resettlement, including local customs and traditions that govern affected communities. However, where national legislation differs to the conditions prescribed by international financing standards (e.g. IFC PS5), projects should ensure that they are in compliance with the more stringent of the two, without infringing on issues of national sovereignty.

Table 3-9 provides an overview of the Ugandan legislative requirements and policy framework and IFC PS5 with regard to resettlement and compensation. The gaps between the Ugandan

legislation and policy and the IFC PS5 are identified and the measures to address these gaps outlined. Relevant measures have been applied in the Valuation Reports where they fall within the provisions of the Uganda institutional requirements, policy framework and standard practice. Measures for remaining gaps with IFC PS5 are addressed in this RAP.

Table 3-9 Comparison of Uganda Laws and IFC PS5 Requirement

Resettlement Topic	IFC Performance Standard	Uganda legislation, institutional & policy framework	Gap	Mitigation measures
Consultation and Information Disclosure	<p>Resettlement activities must be planned and implemented with appropriate disclosure of information, consultation and the informed participation of those affected including host communities in decision making.</p> <p>The perspectives of women, minority groups and other categories with special requirements must be obtained and their interests factored into resettlement planning and implementation.</p>	<p>For compulsory land acquisition, the Minister of Lands, Housing and Urban Development must declare the location, approximate area and plan of the land required. All land owners and occupiers must receive a copy of this declaration and must be informed on when and where they can inspect the plan of the land.</p> <p>A licensee is not permitted to exercise any right upon land without prior written consent from the land owner. Disclosure and consultation are also required as soon as the need for resettlement has been identified.</p>	<p>Despite references to consultation and disclosure, community participation does not drive the land acquisition and resettlement process.</p> <p>According to the Petroleum (Exploration, Development and Production) Act, accounting for the “interests of the community” is done after having obtained consent from affected persons.</p> <p>There is no mention of how host communities or women shall be engaged during resettlement activities.</p>	<p>The project is committed to informing Project Affected Persons and having them participate throughout the data collection as witnesses to the entire exercise. Furthermore, there has been timely disclosure of information regarding the survey and valuation of affected properties within affected communities.</p> <p>The project has further ensured that women are fully involved in the land acquisition processes. The reporting is gender sensitive.</p> <p>Furthermore, the District, Sub-county and Local Councils have been fully involved in the land acquisition process.</p>
Eligibility	<p>Eligibility criteria should recognize the rights of those affected people:</p> <ul style="list-style-type: none"> ✓ Who have formal legal rights to the land or assets they occupy or use; ✓ Who do not have formal legal rights to land or assets, but have a claim to land that is recognized or recognizable under national law, and; ✓ Who have no recognizable legal right or claim to the land or assets they occupy or use. The census will establish the status of the displaced persons. 	<p>Ugandan laws recognize land occupancy under four regimes of land tenure, namely freehold, leasehold, <i>mailo</i> and customary. Under these different types of land ownership, occupants, users and land owners are eligible for compensation for land, improvements to land, crops and structures.</p>	<p>Uganda laws and IFC PS 5 are consistent in the recognition of the rights of occupants and land owners under the different land tenure regimes.</p>	<p>The Project has recognized the rights of all affected people including those with formal legal rights; those without formal legal rights and those who have no recognizable legal right to land or assets used or occupied by them. The census undertaken prior to land acquisition and resettlement activities helped to establish the status of the PAPs.</p>

Resettlement Topic	IFC Performance Standard	Uganda legislation, institutional & policy framework	Gap	Mitigation measures
Cut - off Date	In the absence of Government procedures, the client will establish a cut-off date for eligibility which will be well documented and disseminated throughout the project area.	There is no legal provision for the establishment of a cut-off date, but the Guidelines for Compensation Assessment under Land Acquisition (GCALA, MLHUD 2017) and the EIA Guidelines for the Energy Sector (2004) make reference to the cut-off date for the determination of eligibility but does not provide any procedural guidance. With regard to compulsory land acquisition the intention to acquire land must be published in several notices; exhibited at "convenient places on or near the land" and should state who should be compensated.	The Uganda Laws and Regulations are unclear on how the cut- off date is to be enforced.	Cut-off dates for eligibility were established as a rolling cut - off date for the individual PAPs on the date of assessment and a General Cut-off Date was established at the end of the entire census in a District/at a PA site. This was documented and disseminated to the PAPs, including relevant ministries and local authorities.
Census	Where involuntary resettlement is unavoidable, a census will be carried out to collect appropriate socio-economic baseline data to identify the persons who will be displaced by the project, determine who will be eligible for compensation and assistance.	Uganda laws do not require that a census be taken of the persons who will be displaced by the project. However, the 2004 EIA Guidelines for the Energy Sector refer to the census as the means to identify all affected persons and their means of livelihood. It also refers to a baseline study to identify all interests in affected assets, including the rights of tenants.	The Guidelines require that a census be conducted in the event of compensation and resettlement.	The Project is committed to identifying all persons who will be affected. This has been done in the form of a census by the cadastral and valuation team as well as the socio-economic, cultural and archaeological teams, prior to resettlement to determine who is eligible for compensation and assistance.
Economic Displacement (loss of land)	Economically displaced persons will be compensated for the loss of economic assets at full replacement cost (PS5, \$27) and with replacement land of at least the same productive potential and location	Displacement resulting from development project activities is not defined in Uganda laws. The EIA Guidelines for the Energy Sector consider compensation for	The Uganda laws do not categorize project affected persons according to the impact that proposed land acquisition and resettlement	The project is committed to compensating economically displaced persons: ✓ with monetary or in-kind compensation.

Resettlement Topic	IFC Performance Standard	Uganda legislation, institutional & policy framework	Gap	Mitigation measures
	advantage (PS5, §28).	the loss of land. The type of compensation packages that should be awarded to project affected persons is not described.	activities have on them. There is no specific requirement to provide replacement land to project affected persons, but it is an option available for consideration.	✓ For the loss of economic assets at replacement cost.
Economic Displacement (Business loss)	Economically displaced persons will also be provided with (i) assistance to re-establish commercial activities (businesses), (ii) replacement property of equal or greater value and will be provided with transitional support as necessary to restore their income-earning capacity and standards of living (PS5, §29).	Unlike economically displaced persons who own land, commercially displaced persons only have legal claims to land by virtue of occupancy. The Uganda laws recognize this ownership as a formal land right and such occupants must be considered under Section 139, Subsection 1(b) of the Petroleum (Exploration, Development and Production) Act which provides that “account shall be taken of any improvements effected the benefit of which has or will accrue to the land owner”.	The local laws are inconsistent with what is stipulated in the IFC guidelines when it comes to assistance in the re-establishment of commercial activities and provision of replacement property with transitional support as necessary to restore the affected person’s income earning capacity.	The Project is committed to support commercially displaced persons who may be identified, and these will receive: (i) assistance to re-establish commercial activities; (ii) replacement property of equal value, and; (iii) restore their income earning capacity and standards of living.
Replacement Cost	Mitigation measures for the adverse impacts should include compensation at full replacement cost for loss of assets and other assistance to help them improve or restore their standards of living and livelihoods. Where livelihoods of displaced persons are land based, or where land is collectively owned, affected persons will be offered land-based compensation where feasible.	The District Land Boards assess compensation based on open market value of the unimproved land; and buildings on the land are compensated at open market value (in urban areas) and depreciated replacement cost for the rural areas. Standing crops which can be harvested during the period of notice shall not be compensated. The list of rates of compensation compiled by the	Computation of compensation as outlined in the Land Act caters for the replacement costs characteristics in the market value. In addition to this, there is a statutory disturbance allowance paid on top of the compensation award assessed.	The compilation of the compensation rates compiled by the District Land Board and approved by the CGV, have taken into account the replacement cost of the crops, trees and structures. In addition to this, the PAPs are being allowed to take and make use of any salvageable materials. The DLB represents the community in this process.

Resettlement Topic	IFC Performance Standard	Uganda legislation, institutional & policy framework	Gap	Mitigation measures
	Land will be taken into possession only after compensation has been made available and resettlement sites and moving allowances have been provided to affected persons (PS5, §2, 9).	district land boards are to be used in determining the rates of compensation. The EIA Guidelines for the Energy Sector refer to “acceptable compensation rates” which are to be established after consultation with representatives of the affected communities.		The Project has committed to mitigating the adverse impacts associated with land acquisition and resettlement by compensating affected persons at replacement cost (to achieve fair and adequate compensation) of the affected assets.
Form of Compensation	Compensation in-kind should be considered in preference over cash.	Article 26 of the 1995 Constitution of Uganda protects Ugandans from deprivation of property. Land can only be accessed once “prompt payment of fair and adequate compensation prior to the taking of possession of the property” has been undertaken.	The project is not required by Uganda laws to consider compensation in-kind although the EIA Guidelines for the Energy Sector refer to the “constraints to monetary compensation”.	The Project committed to compensating affected persons for loss of rights over land or property in-kind in preference over monetary, where appropriate/possible but recognizing the PAPs’ rights to determine the compensating scenarios after full disclosure of available options.
Grievances	Affected persons will have access to an independent grievance mechanism to lodge concerns and complaints about compensation and relocation without impeding access to any judicial or administrative remedies (PS5, §11).	Disputes regarding compensation will be determined by Government (in practice the Chief Government Valuer). In addition, any person who has an interest or right over property being acquired compulsorily has a right of access to a court of law.	Uganda laws do not explicitly require that development project implementers develop independent grievance redress mechanisms that are accessible to affected communities and individuals. However, the EIA Guidelines for the Energy Sector makes provision for a grievance committee “at the lowest level of activity” and the GCALA refers to a Grievance Mechanism.	The Project is committed and has constituted an independent grievance mechanism that is acceptable to PAPs. This has been achieved through the development of a clear and transparent grievance management mechanism. This is in addition to the legally stated grievance address mechanisms stipulated in the laws of Uganda.

