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7 ELIGIBILITY, COMPENSATION & ENTITLEMENT FRAMEWORK

7.1 INTRODUCTION

This Chapter presents the compensation and entitlement framework, including the:

- **Eligibility Criteria:** Identifies and details the categories of PAPs “who” will suffer losses/impacts as a result of the Project’s land acquisition (i.e. presented in Chapter 6) and “who” are eligible to receive compensation and resettlement assistance.
- **Valuation:** Defines “how” various impacted assets have been valued and the levels and types of compensation that will be offered to affected persons. This includes the approach used in determining:
 - valuation and compensation under Ugandan legal requirements and practice; and
 - additional entitlements to meet International Financing Standards (IFS) requirements; and
- **Compensation Strategy and Entitlement Framework:** Defines the compensation strategy including the compensation entitlements for PAPs/PAHs to meet Ugandan regulatory requirements and any additional entitlements to meet IFS. Defines “what” type of compensation and assistance each category of affected person is entitled to, including monetary compensation and in-kind compensations (i.e. replacement housing, livelihood restoration assistance, transitional support and the assistance measures for potentially vulnerable people/groups). The section includes the Entitlement Framework (Table 7-7).

Entitlements for in-kind compensation options, livelihood restoration, transitional support and vulnerable people/groups assistance are specific IFS requirements, hence are presented as an ‘additional entitlement’ to those prescribed under Ugandan legal framework and practice. These additional entitlements to meet the international financing standards, namely IFC PS5, are Project-specific in order to meet the agreed Project standards (see Chapter 3). The Project have developed compensation packages that include both monetary and in-kind compensation options, where appropriate, including other forms of assistance to improve, and as a minimum restore, livelihoods and living standards.

7.2 ELIGIBILITY

The purpose of defining eligibility is to ensure that all people/ households/businesses who will suffer losses as a result of the Project’s land acquisition receive compensation and/or assistance to offset these losses and restore (or improve) their livelihoods and standard of living to pre-displacement levels. Setting transparent and adequate eligibility criteria prevents conflicts among people present in the project area, as well as preventing opportunistic settlers from encroaching on the Project area.

As per the IFC’s definition, eligibility is “...*entitlement to compensation and assistance granted to persons, groups of persons, families, or institutions due to subjection to displacement resulting from land acquisition, the revocation of rights, and / or the expropriation of property as a direct result of the Project*”.

A primary requirement for eligibility is that affected persons and assets are enumerated during the resettlement asset valuation process. In other words, eligibility applies only to land and assets that were established prior to the cut-off date. The early formulation and dissemination

of eligibility criteria, together with the implementation of cut-off dates, assist in managing opportunistic claims and speculative activities.

The eligibility criteria applied in this RAP are based on the requirements of both the Ugandan legal framework and IFC PS5.

Ugandan Legal Framework:

In the national legal framework, the 1995 Constitution of Uganda and the Land Act, 1998 recognize four major land tenure systems i.e. mailo, customary, freehold and leasehold. The occupants on land and the registered proprietors are all eligible for compensation for land and improvements to land inter alia; crops and structures.

The guidance GCALA Principle 8 recommends the identification and recognition of multiple layers of rights on the affected land and property. It further suggests that affected persons with no legal rights to land but, with established rights to the property be included in the assessment.

IFC PS5 Requirements:

IFC PS5 defines three categories of displaced persons¹ :

- i. *Displaced persons who have formal legal rights to land or the assets they occupy or use;*
- ii. *Those who do not have formal legal rights to land or assets, but have a claim to land which is recognized or recognizable under national law.* This may include persons who have historical claims to land which are recognized within the legal framework. This scenario is particularly applicable in Uganda where there are historical interests resulting in multiple claims to land in certain areas; and
- iii. *Those who have no recognizable legal right or claim to land or the assets they occupy or use².*
 - This category would typically include persons who have constructed buildings or have cultivated crops on land owned by others, without approval and /or knowledge of the landowner.
 - This also includes informal users within protected land and reserves.
 - Such persons may not be entitled to compensation for land, as they do not hold the formal rights to or interests in it; however, they would be entitled to compensation for assets that they own – for example, the replacement value of buildings, structures, eligible crops, and economic trees.
 - Eligibility for compensation does not create or confer a right or interest where none previously existed – it does not legitimize the illegal occupation of land. The purpose of compensation with respect to this category of persons is to ensure that people affected by the Project do not end up worse off as a result of displacement.

According to IFC PS5, persons who encroach on the area or who start developments after the

¹ IFC PS5 Requirement 17.

² As stated in IFC PS5: '*such claims could be derived from adverse possession or from customary or traditional tenure*'. Adverse possession may relate to legal doctrine that allows a person to claim a property right in land owned by another. Also in proving adverse possession, the claimant is not necessarily required to pay the owner for the land.

cut-off date are not entitled to compensation or any other form of resettlement assistance³.

In the case of physical displacement of persons in the three categories IFC PS5 requires:

- *[Requirement 21] For persons falling within categories (i) and (ii) 'the client will offer the choice of replacement property of equal or higher value, security of tenure, equivalent or better characteristics, and advantages of location or cash compensation where appropriate. Compensation in-kind should be considered in lieu of cash. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.'*
- *[Requirement 22] For persons falling within category (iii) 'the client will offer them a choice of options for adequate housing with security of tenure so that they can resettle legally without having to face the risk of forced eviction. Where these displaced persons own and occupy structures, the client will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost, provided that these persons have been occupying the project area prior to the cut-off date for eligibility. Based on consultation with such displaced persons, the client will provide relocation assistance sufficient for them to restore their standard of living at an adequate alternative site.'*

7.2.1 Eligibility Categories

The eligibility categories listed below refer to categories of affected parties and PAPs who will potentially experience various types of displacement-induced loss or increased vulnerability as a result of physical and / or economic displacement arising from the Project required land acquisition.

The eligibility categories relevant to this RAP are as follows:

- Persons who hold the rights to and interests in land under the legal framework (i.e. hold freehold title, leasehold, customary right, lawful and bonafide interests, Kibanja interests). Land may be registered and unregistered. Some persons may hold land with no encumbrances, whereas some land affected may be affected by encumbrances (such as with kibanja, lawful occupants and bonafide occupants). The apportionment of compensation to PAPs where there are multiple interests in land which is encumbered is summarized in Section 7.3;
- Persons who own affected buildings and structures, such as dwellings, ancillary domestic buildings and agricultural structures;
- Institutions who own land and / or buildings and / or public facilities, including religious organizations and government authorities (assets belonging to such institutions may include schools, health facilities, roads, etc.);
- Owners of perennial agricultural crops⁴;
- Owners of economic trees growing in the affected areas, either on their own land or on the land of others;

³ IFC PS5 obliges Clients/projects to comply with applicable national law. There may be scenarios under the Ugandan legal framework where PAPs may be able to claim for re-assessment of compensation. (For example, in the instance where sub-division of land was ongoing prior to cut-off and the gazettelement, and has been completed post these).

⁴ Owners of seasonal (planted and harvested each season) crops will be recorded in the inventory for consideration of livelihoods impacts but will not be eligible for compensation as they will be given time to harvest crops.

- Owners or custodians of cultural heritage assets such as graves, shrines, etc.;
- Licensees & other formal land users – i.e. persons who, while not owning the land or holding an interest in the land, have an agreement with landowners/landholders to use their land so are eligible for assets or other improvements they own on the land. This also includes persons who hold permits with the relevant authorities to utilize land for livelihood activities (e.g. persons who hold permits from NFA within the Forest Reserves and persons with permits from NEMA for certain activities within the protected wetland and riverbank areas);
- Informal users of land – for example: persons who collect firewood, herbs and medicines, hunters; those who gather other natural resources; persons (without permits) who use the demarcated wetlands and riverbanks for some of their livelihoods activities; and persons who reside without permission in the Forest Reserves/Protected Areas;
- Pastoralists using land for grazing livestock; and
- Vulnerable/Potentially Vulnerable persons – i.e. persons for whom loss of land/assets or resources, and / or disruption of access to land/assets or resources, may have a disproportionate impact on livelihoods, due to their vulnerability and / or livelihood dependency on these activities.

It is recognized that a PAP may fall into more than one eligibility category (e.g. for land, structures and / or crops and trees). The socio-economic and asset valuation surveys coupled with the Valuation Reports (VRs) determine the eligibility categories, and associated entitlements, that apply to each identified PAP. Entitlements to compensation under Ugandan legal framework are covered in the Valuation Reports, see Section 7.3. The RAP describes additional entitlements PAPs are eligible for under the international financing standards (i.e. IFC PS5) which are described in Section 7.4 and will be applied within each PAPs compensation agreement. In addition to individual PAPs who form part of PAHs there are also a few institutions and other government agencies whose land and/or assets are affected.

The Entitlement Framework (Table 7-7) for eligible categories of PAPs is presented in Section 7.5.

7.2.2 Cut-Off Date

A cut-off date is an important component when defining eligibility and entitlement. For the Project two types of cut-off date were established the:

- ‘Individual Cut-off Date’ (*issued on a rolling basis and is when the socio-economic census and asset inventory for each PAP was completed and he/she signed the assessment form*); and
- ‘General Cut-Off Date’ (*this is when the socio-economic census and asset inventory for the last PAP was completed in a Priority Area (MCPYs 1 to 4 and access roads) or in each District for the pipeline and AGIs*).

The cut-off process is described further in Section 4.4 and the General Cut-off dates are summarized in Table 4 1.

Persons occupying or migrating to the Project area after the cut-off date are not eligible for compensation and / or resettlement assistance. Similarly, fixed assets (such as structures, crops and trees) established after the cut-off date will not be compensated for.

7.2.3 Validity Period

The cut-off date is representative of a ‘snapshot’ in time when the land and asset valuation

surveys are undertaken. It is assumed that ‘organic’ change related to on-going development over time, whether planned or unplanned, will continue after the cut-off date. It is recognized that PAPs cannot be expected to put life and development plans on hold indefinitely, and it is therefore necessary to set a validity period for the cut-off date and the valuation.

The following points are relevant with respect to validity and will be considered when the Project moves forward with the payment of compensation. Depending on the delay to payment of compensation, an additional study may be required to reassess compensation and the rates used:

- In Uganda the legal framework does not establish a cut-off date or validity thereof. Whilst reference is made to ‘timely compensation’, however ‘timely’ is not defined. The CGV may provide direction on such related valuation matters. The GCALA (*which are only guidelines and not law*) does make reference that the compensation award should be reviewed annually at 15% if it has not been paid within one year from the project cut-off date.
- GIIP indicates up to a two (2) year period is recommended from the cut-off date for whether some reassessment is necessary depending on the project impacts.
- The ‘Valuation Date’ of a Valuation Report is understood to be the date of the CGV’s approval that appears on the final Valuation Report. The Valuation Report is valid from this date for a period of 1 year, as may be guided by the applied District Compensation Rates for a given financial year. In the event that compensation has not been carried out during the stipulated timeframe of the Valuation Report validity, the CGV will advise on procedures for review and any required update of the valuation roll.
- The ‘date of valuation’ cited in the Valuation Report is the date the Registered Valuers receive the approved District Land Board (DLB) rates from the CGV. These DLB compensation rates (also referred to as the ‘District Compensation Rates’) are meant to be valid for one financial year. In instances of compensation payment being made late beyond the validity of the DLB compensation rates, the CGV shall be notified and a direction sought on any required reassessment or advise on whether the applied District Compensation Rates may be sustained for the next financial year depending on underlying economic factors pertaining to renewal.

7.3 VALUATION & COMPENSATION UNDER UGANDAN LEGISLATION & PRACTICE

The valuation process is described in Chapter 4. The valuation was carried out in compliance with the Valuation Methodology approved by the CGV for the Priority Areas (i.e. MCPY sites) and the Pipeline Corridor & AGIs in 16th August 2018 and 25th February 2019, respectively (see Section 4.2.3).

Rates for perennial crops, tree, temporary and semi-permanent structures and graves were based on the District Compensation Rates. The District Land Board (DLB) (with other relevant District officials) develop the District Compensation Rates. These are submitted to the CGV for review and guidance. The CGV on finalization of the District Compensation Rates issued them to the Project Valuers for adoption in the Project valuation.

7.3.1 Land

The basis of valuation of land is Market Rate of a given location. This value was determined using the Sales Comparisons Approach where market evidence, such as recent land sales agreements and land transfers, were collected from the Project area. In addition, interviews were undertaken with the LC 1 officials, the Area Land Committee (ALC) members and other

local residents found to be knowledgeable with the local land market. Engagement was also undertaken with landowners within the Project-affected villages. This information was analyzed to arrive at an appropriate rate per unit area of land to use in the valuation. The main determinants of land value include the location of the land, the land use, tenure systems, other interests on land (e.g. kibanja, lawful or bonafide occupants) and the size of the land. Predominantly the affected land is rural (92%) and the appropriate unit of comparison adopted was per acre. This was guided by the nature of land use (mainly subsistence agriculture and a few residential land use) and the nature of terrain (e.g., valley, slope, hill tops etc). For the remaining 8%, which is in more urban areas (trading centres and major access roads attracting a commercial land use) characterised by some residential and commercial plots, a rate per decimal⁵ was applied instead of a per acre rate as this was observed to be the accruing purchase and sale measure in these areas.

The land rates analysis per acre for each characterized location in each village along the pipeline corridor and within the Priority Areas was compiled and included in the Valuation Reports for review by the CGV and approval by the CGV for adoption in the valuation.

The land tenure and land interests along the pipeline corridor varies (as summarized in Section 2.5). The different tenure types and interests in land were valued accordingly as summarized below. The process to arrive at a value for titled land (i.e. mailo, freehold and leasehold) included analyzing how much it costs to upgrade other interests in land (e.g. a kibanja, lawful occupant or bonafide occupant) to a titled property with a tenure in which it lies. This includes apportionment of the value of physically encumbered land according to land rights and interests held. For physically encumbered land there is the apportionment of the value between the registered proprietor (i.e. freehold, leasehold and mailo titled holders) and those who hold an interest in the land (i.e. kibanja holders, lawful occupants or bonafide occupants).

Table 7-1 Valuation of Land Interests

Land Interest Held	Valuation Methodology
Freehold	<ul style="list-style-type: none"> Titled land value based on Market Rate. In the absence of sales evidence for a freehold title in a given location, analysis of how much it costs to upgrade the lawful occupant was carried out and this took into consideration addition of the administrative and transaction costs (e.g. cost of titling and applicable stamp duty) to the market rate of the existing interest Unencumbered: The portions of freehold titled land which are not physically encumbered (e.g. with lawful/bonafide occupants) are valued at 100% of the titled land value. Encumbered: The portions of freehold titled land which are physically encumbered (e.g. with lawful/bonafide occupants) are valued at a percentage % of the titled land value depending on a number of factors. The percentage is presented in the Valuation Reports land rate analysis with variations merging from characteristics affecting the land market of each individual title in a specific location across the Districts. The physically encumbered portions for the freehold land titles arrived at landlord split range of 40% to 60% of the market rate varying from one title to another given unique characteristics pertaining to the location and density of the physical interests encumbering each title.
Leasehold	<ul style="list-style-type: none"> Titled land value based on Market Rate. In the absence of sales evidence for a leasehold title in a given location, analysis of how much it costs to upgrade the lawful occupant was carried out and this took into consideration addition of the

⁵ 1 acre is equivalent to 100 Decimals.

Land Interest Held	Valuation Methodology
	<p>administrative and transaction costs (e.g. cost of titling and applicable stamp duty) to the market rate of the existing interest.</p> <ul style="list-style-type: none"> • Unencumbered: The portions of leasehold titled land which are not physically encumbered are valued at 100% of the titled land value. • Encumbered: The portions of leasehold land which are physically encumbered are valued at a percentage % of the titled land value depending on a number of factors. The percentage is presented in the Valuation Reports land rate analysis with variations merging from characteristics affecting the land market of each individual title in a specific location across the Districts. The physically encumbered portions for the freehold land titles arrived at landlord split range of 40% to 60% of the market value varying from one title to another given unique characteristics pertaining to the location and density of the physical interests encumbering each title.
Mailo	<ul style="list-style-type: none"> • Mailo land was valued based on current Market Values as evidenced by the prevailing market rates in the area. In the absence of evidence of sales for a mailo land title, analysis of how much it costs to upgrade the Kibanja was carried out and this took into consideration addition of the administrative and transaction costs (e.g. cost of titling (Mailo titling's administrative procedures and costs are different and lower from those of attaining a freehold and leasehold title) and applicable stamp duty) to the market value of the existing interest. It should be noted that Kibanja interests frequently exchanges hands as a kibanja as compared to the encumbered mailo land title. • Unencumbered: The portions of mailo land which are not physically encumbered are valued at 100% of the market value. • Encumbered: The portions of mailo land which are physically encumbered are valued at a percentage % of the mailo land value depending on a number of factors. The percentage is presented in the Valuation Reports land rate analysis and the physically encumbered portions on mailo titles were valued at ranges of 30% to 60% of the market value depending on the location characteristics of area in which each unique title is situated, the density/extent of the Kibanja, among other factors with variations merging form these characteristics that affect the land market across the Districts.
Customary	<ul style="list-style-type: none"> • Customary land value was based on Market Value determined from market evidence (such as recent land sales agreements and land transfers that were collected from the project area) and relevant interviews (i.e. LC1 officials, ALC members and local landowners). • Customary land (with Certificate of Customary Ownership and unregistered customary interests) is valued at 100% of the land value due to the provision and definitions of this tenure from the Land Act, it cannot bear any other interests in land such as lawful or bonafide occupants as these interests are common to titled land only.
Lawful Occupants/Bonafide Occupants and Kibanja	<ul style="list-style-type: none"> • Valued on the basis of market value or the comparable/prevaling market rates of the area. Due to the fact that these equitable interests are situated in the existing tenure in a given location, they do not bear land titles as it is with the tenure unless subdivided and upgraded to the tenure to which it stands and thus ceasing to be an equitable interest but an outright interest by virtue of titling to a tenure. . Therefore the rate any of these equitable interests⁶ is lower than the titled land rate for the registered proprietor. • These interests are found on mailo, freehold and leasehold land and represent physical encumbrances to these tenures. Bonafide occupant interests can also be found on Public Land. • These interests were valued according to the accruing Market Value to which they command in given locations with defined characteristics.

⁶ This refers to an interest in land which has not been registered under the Registration of Titles Act.

The land rates are considered to represent replacement cost as they are based on market values and include, as appropriate for the type of land and interest held, transaction costs.

As land rates are determined at the village level with considerations of location and land use characteristics per tenure type and then apportioned between the various interests in the land there are different land rates used within the Project valuations. It is not therefore appropriate for these all to be included in the RAP and also the rates are apportioned, as described in the table above, depending on the land interests. During the disclosure and verification exercise, the land rates applicable to each area are disclosed to the Project-affected persons during the disclosure of their CGV approved compensation schedules.

As *Licensees* do not hold any legally recognizable interests in land they are not eligible for compensation for land. Licensees are eligible for the affected assets and improvements to land which they own, this includes structures, perennial crops, trees and graves. The majority of Licensees did not hold any type of formal written agreements with their landlords due to the socio-cultural setting. These were confirmed by the land owners, kibanja holders, lawful and bonafide occupants on which they have their affected assets. More assistance in confirming these licensees was by the LC1 chairpersons and the neighbours. The licensees that were confirmed with formal license agreement are three tree farmers confirmed by NFA in Taala Central Forest Reserve.

7.3.2 Unviable Orphaned/Residual Land

Unviable orphaned/residual land is the portion of a land parcel which remains unaffected by the Project footprint and is determined to be economically unviable. GIIP recommends that where acquisition renders the remaining landholding as no longer economically viable that the entire plot be acquired or compensation and other resettlement assistance are provided as if the entire asset/land parcel had been taken.

The Project does not require the acquisition of the unviable residual land. Therefore, the approach taken will be to compensate for unviable residual land pieces but **not to acquire these small pieces of unviable residual land** which can remain in the ownership and/or use of the existing PAPs.

The *Ugandan legal framework* in Section 12 of the LAA does provide in certain conditions for the acquisition of a severed piece of land (i.e. residual land) where a person having interest in the land makes a claim. The Guidelines for Compensation Assessment Under Land Acquisition (GCALA) (MLHUD) also advise on:

- Assessment of value lost due to injurious affection and severance.
- Compensation for payment for severance or injurious affection. *(This can leave the PAP with the land ownership. The PAP can use the residual land for his own purposes. The principle is that the land acquired from the PAP for the infrastructure purposes has severely limited the value, purpose and function of the remaining residual land).*

The common practice in Uganda has been that the projects identify and document all potential claims of orphaned/residual land and agree with the PAPs on the unviability of the land. Then wait for the PAPs to forward their claims. The claims are then handled on a case-by-case basis as they come as a supplementary valuation matter.

Compensation for severance takes into consideration the fact that some unviable residual land may have to be acquired if it is no longer of use to the PAP. The principles of severance point

to a diminution in value, i.e. loss in economic value of the land. Whilst the land can still be used, its value could have been reduced due to the project's land acquisition needs. It should be noted that compensation for severance is not for land but for the loss in economic value of the land, i.e. the residual land not being able to be put to its optimal use.

The Project has during the RAP planning stage surveyed the affected land parcels and prepared strip maps. From these strip maps the potential orphaned/residual land pieces can be identified. The proposed criteria is explained below. During the RAP implementation stage additional fieldwork and engagement with PAPs whose remaining land may be determined as uneconomic will be carried out and if they wish to make a claim for this to be compensated for then this will be reviewed and an analysis of compensation will be prepared. This would be submitted for approval by the CGV as a supplementary valuation and would apply the same methodology as used in the main valuation, as appropriate. The compensation arrangements for residual land and whether they are fully compensated and acquired or partially as they will remain with PAPs will be discussed and agreed with the Government. The approach will be communicated appropriately with eligible PAPs.

Compensation of any unviable orphaned/residual land will only occur where the holder of the land interest agrees to this. Orphaned/residual land which is unencumbered Public Land will not be considered for compensation.

Proposed Criteria for Orphaned/Residual Land

The LARF (2017) for the upstream development projects in the Albertine Graben does offer some guidance on what constitutes economically unviable land which has been considered. The Project did engage with the MLHUD regarding guidance and it was indicated the physical planning directorate was still to issue guidance and specifically on the land size that can be considered as un-viable, especially in rural areas. The upstream project have developed and applied orphaned/residual land criteria including for the linear Feeder Line component. Therefore, the Project has reviewed this and findings of the surveys and proposes to manage orphaned/residual land based on the following criteria. A case-by-case review of relevant land parcels using this criteria shall be undertaken by the Project. Pieces of land identified as unviable residual land under this criteria will be compensated for but not acquired:

- **Criteria 1:** With the exception of excessively large farms, where the remainder of the PAPs land parcel/interest is 20% or less (i.e. *the Project land take is more than 80% of the land parcel/land interest*) the PAP will be given the option to discuss whether remaining land is unviable and will be valued for compensation. (For freehold, mailo and leasehold whether the affected land is physically encumbered or unencumbered will be considered in the review).
- **Criteria 2:** For PAPs where the Project land take is less than 80% of the land parcel/land interest depending on the type of land affected the relevant following criteria shall be applied:
 - **Criteria 2A: All Land in Urban Areas:** Remaining land fragments less than 0.12 acres in urban areas (classified as those in Trading Centres or Municipalities) will be considered as economically unviable. This has been determined by consideration of a number of factors, including:
 - The GoU does not generally issue land titles to land parcels less than 0.12 acres.
 - The National Physical Planning Guidelines 2011 advise the standard

size for a low-density residential plot of 1,000 to 2,000 m² (0.25 to 0.5 acres), while a commercial plot should be 15 m wide by 30 m long (i.e. approximately 0.12 acres).

- *Criteria 2B : Agricultural Land in Rural Areas:* There is no legal definition of the size of residual land to be offered to be acquired as it is unviable economically, neither is the standard minimum land size suitable for farming available in national guidance documents. The Upstream Project in its land acquisition program and the related RAPs has applied the criteria that orphaned/residual land less than 0.3 acres in rural areas is considered to be economically unviable. This area, 0.3 acres, shall be also applied to the EACOP Project.
- *Criteria 2C: Residential Land in Rural Areas (i.e. with a Residential Dwelling Structure(s)):* In instances where a residential dwelling structure is affected a residual land area less than 0.3 acres is considered to be unviable. This is based on National Physical Planning Guidelines 2011 which advises the lower range of the standard size for a low-density residential plot of 1,000 to 2,000 m² (0.25 to 0.5 acres). The review of these cases will considered whether the PAPs are also using the land within the residential plot for farming.
- *Criteria 3: For remaining PAPs where the Project land take is less than 80% of the land parcel/land interest and residual land is more than 0.3 acres:* The criteria below will be applied on a case-by-case basis where viability issues are raised:
 - *Criteria 3A: Dimensions and shape of the residual part of the parcel:* The shape of the residual parcel of land determines the suitability of land for any use. An example is shapes which are rectangular, or which appear like roads or have totally irregular shapes. These are considered as less useful and thus potential orphaned lands. This criteria also refers to cases, where the pipeline corridor divides the land into two portions resulting into two residual land parcels.
 - *Criteria 3B: Possible access restrictions to the residual parcel:* The PAPs will during operation be able to cross the pipeline corridor as it will not be fenced. In circumstances where the residual land though has no access, and there is no alternative access that can be created for it, this may become orphaned land.
 - *Criteria 3C: Terrain of the residual parcel of land:* Where the terrain and nature of the residual land does not favor utilization of the land for the intended land use and the land cannot support or sustain the PAP's livelihood. Such land may be identified as orphaned land.

7.3.3 Crops & Trees

The valuation methodology for crops and economic trees is summarized below:

- *Perennial Crops & Economic Trees:*
 - All perennial crops and economic trees that were in the affected land at the individual PAP cut-off date were recorded during the survey in the presence of the respective PAP, LC1 representative and neighbours. In cases where the PAP was absent, individuals assigned to represent PAPs with/ pending powers of attorney, those who stood in for the deceased PAP's family but had not yet got letters of administration, and those that represented minors before guardianship letters, witnessed the survey which was still in the presence of LC1 representatives and neighbours. The enumeration/inventory was either by

- head count or by area measurement depending on the type and recorded the description and maturity (e.g. average, good, poor, fair, mature, young etc.).
- The assessment of value of perennial crops and economic trees used the respective approved District Compensation Rates. Where certain district rates did not contain a recorded perennial crop or tree then following consultation with the CGV the neighbouring districts' rates were adopted.
- Where there were instances of intercropping these were recorded as either a:
 - head count for each crop, with each crop then valued using the relevant rate; or
 - the plant ratio per acre for each crop was determined and for these instances the compensation assessment was as below:

Compensation = (Plant A ratio per acre (%) * Plant A compensation rate per acre) + (Plant B ratio per acre (%) * Plant B compensation rate per acre)

- **Seasonal Crops:**
 - Seasonal crops were not assessed for compensation as PAPs will be given ample time to harvest them during the planned 3 months' minimum notice to vacate period. Where sufficient time is not provided for harvesting compensation will be provided for lost seasonal crops.⁷

7.3.4 Building & Structures

The valuation of buildings and structures considered the categorization of them as *permanent*, *semi-permanent* or *temporary*. The construction details, accommodation, footprint area, occupancy status and GPS coordinates of affected structures were recorded during the asset inventory survey. This informed the categorization and valuation of these buildings and structures as summarized below. Marginally affected structures were assessed as if wholly affected. Any structures used as business/commercial premises were also recorded and valued, there are thought only very few such premises affected along the pipeline corridor as the main livelihoods along the route are agricultural. Depreciation is not included within the valuation for structures:

- **Permanent Structures:**
 - Permanent structures are those built with materials such as burnt clay bricks and iron sheets roof.
 - Permanent structures have been valued on the basis of replacement cost approach based on the comparable building costs currently in the market and materials used and bills of quantities and taking into account the level of completion. This assessment was done in conjunction with a registered quantity surveyor to provide guidance on rates that apply to permanent structures.
- **Semi-Permanent or Temporary Structures:**
 - Semi-permanent and temporary structures mostly use construction materials such as mud and wattle, grass thatch, and timber among others. Semi-permanent structures include: pit latrines, bath enclosures, residential dwelling structures etc. The areas affected by the Project land take are predominantly

⁷ Affected persons who are identified to lose only seasonal crops may be eligible for involvement in the relevant livelihood restoration program. See Section 7.5.

- in a rural setting with temporary and semi-permanent structures.
 - Semi-permanent and temporary structures are valued using the approved relevant District Compensation Rates.
- *Incomplete Buildings/Structures:*
 - For incomplete structures, the assessment was done taking into account the level of completion.
- *Fences, Hedges and Other Structures:*
 - Assessment of fences (such as barbed wire on poles), hedges, structures such as local poultry houses, cattle pens, cattle kraals, beehives were valued in accordance with the respective District Compensation Rates.
 - Fences built of permanent materials such as cement, burnt bricks were valued at replacement cost.

7.3.5 Graves & Shrines

Visible earth/built graves and built shrines were recorded during the surveys and have been valued in the submitted Valuation Reports using the respective District Compensation Rates.

The District Compensation Rates provide for replacement value of the graves 'structure'. Other relocation costs associated with reburial ceremonies (e.g. the spiritual and religious ceremonies or associated catering for family and community members in attendance) are not covered. The international financing standards (i.e. IFC PS5 and PS8) do require relocation support to be provided. Following agreement with the CGV, the Valuation Reports do contain an estimate of the relocation/financial assistance to be provided to PAPs for relocation of marked graves and shrine, as well as the procedure for relocation. This will be in addition to the compensation value. Further information on this is summarized in Section 7.4 and Chapter 11.

During the surveys the PAPs claimed the existence of 168 unmarked graves and a number of natural (unbuilt) shrines. These were also recorded and PAPs signed documentation to this effect. (i.e. 'unmarked') were identified where possible during the surveys also and recorded. However, these are not eligible for valuation for compensation without the presence of the grave being physically verified. If during the further Project development and construction these 'unmarked' graves are verified they will be covered by a supplementary valuation and compensated for. The Project Cultural Heritage Management Plan will also cover the treatment of all graves including attention to unmarked graves so they can be relocated appropriately if found.

7.3.6 Disturbance Allowance

As guided by S.77(2) of The Land Act, Cap.227 (Computation of Compensation), a disturbance allowance of 30% has been awarded on top of the assessed valued amount for land, structures, crops, trees, graves and other relevant assets. This is on the assumption that PAPs will be given notice of less than 6 months to give up vacant possession of their property.

7.3.7 Salvageable Materials

In addition to the compensation award (which includes salvageable materials), the PAP will be allowed and given sufficient time to take any salvageable materials after compensation. Where a structure is occupied by a tenant (different from the property owner and evidenced by a rental agreement/ rental payments), the property owner may be given the opportunity to

salvage only after expiration of the notice to vacate delivered to the tenants.

7.3.8 Wetlands & Riverbanks

The pipeline traverses a number of wetlands (gazetted and ungazetted), rivers and their banks as described in Chapter 6. Also, described in Chapter 4 is the process undertaken to demarcate/establish the land take within the pipeline corridor that is covered by wetlands and rivers (inclusive of their legal buffer zones), along with the engagement with NEMA⁸ and other relevant agencies. PAPs were recorded during the surveys as using the wetland and river bank areas:

- Some of these PAPs do hold some legally recognized rights, interests or claim in the land. Some PAPs hold titles which include some of the demarcated wetland and riverbank areas. The majority of the PAPs with a recognizable interest in a demarcated wetland and riverbank area hold customary tenure on these areas.
- Whereas there are PAPs who use the wetlands and riverbanks for livelihood activities (e.g. where this adjoins their other land that they use for agricultural crops and economic trees) but these PAPs do not hold any recognizable rights, interests or claim in the wetland and riverbank demarcated land.
- There are also users rights which may be affected, some of which are:
 - Permissible user rights (accepted by NEMA without having obtained a permit from NEMA), these include permissible uses within the wetland and riverbank areas. For example, harvesting of herbal medicines, reeds and grass for thatching and mulching, collection of firewood, collection of water for domestic use, fishing, hunting for wildlife meat, subsistence cultivation etc. The pipeline corridor is limited to 30m and will be unfenced. Such permissible user rights will therefore be able to continue outside the pipeline corridor with the Project having limited impacts only during the construction period for the specific section of the pipeline on these livelihood activities.
 - Permitted and informal businesses users (e.g. beekeeping, brick making, sand making etc.): There may be some regulated users who hold permits from NEMA for these types of business activities within the wetlands, rivers and riverbanks, along with some informal users undertaking these activities without permits from NEMA. The pipeline corridor is limited to 30m and will be unfenced. These users will therefore be able to continue outside the pipeline corridor with the Project having limited impacts only during the construction period for the specific section of the pipeline on these livelihood activities.
 - These users who have any physical assets affected (e.g. perennial crops or structures etc.) will be eligible for compensation.
 - Any specific persons whose permitted rights are curtailed and therefore may be subject to potential detrimental impacts during operations and are not covered by the Project valuation for compensation and livelihood restoration program (see Section 7.4) will be reviewed on a case-by-case basis.

The approach to the valuation for compensation and entitlements for loss of land and assets in the demarcated wetland and riverbank areas is summarized in the table below. Section 7.5 presents any additional entitlements under the international financing standards for PAPs with

⁸ At the time of drafting this RAP the Project had not received the report from NEMA regarding the demarcated wetlands and riverbanks. When this is received the Project shall review and undertake necessary actions to the valuation reports.

land and/or assets affected in the wetlands and riverbank areas:

Table 7-2 Entitlements for Loss of Land and/or Assets in Demarcated Wetlands & Riverbank Areas

Impact/Loss	Eligibility Criteria	Compensation & Entitlements
(1) Loss of Land	PAP holds a recognizable legal right/interest or claim to the affected wetland and/or riverbank areas. (For example, PAPs hold titles which include some of the demarcated wetland and riverbank areas.)	<ul style="list-style-type: none"> For land titles which were processed <u>before</u> the areas were legally demarcated PAP will be entitled to compensation for loss of land. For PAPs without land titles (i.e. customary tenure) or land titles obtained <u>after</u> the areas were legally demarcated PAPs will be not be entitled to compensation for loss of land unless <u>NEMA advises otherwise</u>. Compensation for loss of assets as noted below (line (2)). (For additional entitlements under IFS see Section 7.4 and Section 7.5, Entitlement Framework – will include access to relevant livelihood restoration program, and may be entitled to transitional support and resettlement assistance depending on vulnerability and significance of impact.)
	PAP does not hold a recognizable legal right/interest or claim to the affected wetland and/or riverbank areas.	<ul style="list-style-type: none"> PAP not entitled to compensation for loss of land, will be entitled to compensation for loss of assets (immovable) and other improvements on land they used at cut-off (e.g. perennial crops, economic trees, structures etc.). (For additional entitlements under IFS see Section 7.4 and Section 7.5, Entitlement Framework – will include access to relevant livelihood restoration program, depending on vulnerability and significance of impact).
(2) Loss of Assets: crops, economic trees and other assets.	Owner of affected assets (immovable).	<ul style="list-style-type: none"> PAP entitled to compensation for loss of affected assets (immovable) and other improvements present at cut-off (e.g. perennial crops, economic/commercial trees, structures etc.). Seasonal crops not eligible for compensation as PAPs will be given opportunity to harvest these prior to displacement. (For additional entitlements under IFS see Section 7.4 and Section 7.5, Entitlement Framework – will include access to relevant livelihood restoration program, depending on vulnerability and significance of impact).

The Project-affected land area within the demarcated wetlands and riverbanks, as well as the river, is already in the legal ownership of the GoU and it is not intended to be converted or form part of the Project lease. The Project will instead have a crossing agreement and obtain any required permits from the relevant authorities.

7.3.9 Forests & Woodlots

The pipeline corridor traverses a small section (approximately 4.5 km) of Taala Central Forest Reserve (CFR), as described in Chapter 6. The National Forestry Authority (NFA) only directly

manage 2.34 km (which includes the 0.409 km in the wetland/riverbank area). The other 2.149 km portion of Taala CFR is under license to private tree farmers. Two large private commercial plantations in Mubende District, as well as some other private forested land (i.e. woodlots, woodlands and agroforests) are also traversed by the pipeline corridor.

As described in Chapter 4, the NFA were hired to advise on the valuation of forests and woodlots affected by the pipeline corridor. Within the forested areas and woodlots along the route the NFA inventory identified 147,318 tree stems and samplings, belonging to 510 indigenous and artificial species.

The trees owned by the private tree farmers under licensee in the Taala CFR, the private commercial plantations and other private forested land are valued within the Valuation Reports.

The losses of biomass/natural forest resource (e.g. timber, poles, saplings, non-timber products etc etc.) (i.e. direct forest benefits) from the affected section of the Taala CFR under the direct management by NFA have been assessed. Approved NFA valuation rates were applied for valuation of the loss of these direct forest benefits. These are presented in the table below. The forest inventory for the loss of natural forest resource in the NFA managed areas of the Project-affected areas of Taala CFR recorded 315 indigenous trees for non-timber forest products.

Table 7-3 *Loss of Biomass/Natural Forest Resource in Taala CFR*

Direct Forest Benefit/Natural Forest Resource	Unit of Measure	Quantity	Unit Value (UGX) ⁹	Total Value (UGX)
Affected Natural Forest Resource in Taala CFR under NFA's Custody				
Timber (wood volume)	m ³	90.5087	100,000	UGX 9,050,870
Construction Poles	No.	-	28,000	-
Transmission Poles	No.	-	120,000	-
Eucalyptus Poles <10cm dbh	No.	-	10,000	-
Pine Poles <20cm dbh	No.	-	10,000	-
Non-timber forest products (Other wood <50cm dbh)	No.	315	5,000	UGX 1,575,000
Saplings	No.	-	5,000	-
Sub-total (Loss of Biomass/Natural Forest Resource – Direct benefits)				UGX 10,625,870

The Project-affected land area within the Taala CFR is already in the legal ownership of the GoU and it is not intended to be converted or form part of the Project lease. The Project will instead have an agreement and obtain any required permits from the relevant authorities to

⁹ Based on NFA approved price list July 2018.

cross the Taala CFR.

Additional to the costs contained in Table 7-3 may be any fees for crossing and operating the pipeline within Taala CFR (e.g. land occupation fees). However, such fees are subject to commercial agreement between the Project and the GoU and therefore outside the boundaries of this RAP. Assessment of indirect benefits and impacts on ecosystems services of the forestry resources along the route are also outside the boundaries of this RAP, rather are within the remit of the ESIA program.

7.3.10 Public Utilities & Community Facilities

Chapter 6 presents a summary of public utilities/infrastructure and community facilities affected.

Affected school/community structures have been valued in the Valuation Report. These will be eligible for monetary compensation. Also, such non-residential structures which serve the community (such as a school or place of worship) and were occupied and in-use at the cut-off will be eligible for in-kind replacement in lieu of monetary compensation. The Project will engage with eligible parties and consider the mode of compensation on a case-by-case basis.

The public utilities and infrastructure affected include distribution lines, transmission lines, national roads, district roads and community access road, as well as one railway line under Uganda Railways Cooperation, water supply and sewerage systems.

During the land and valuation surveys existing government land used by the various public utilities and infrastructure along the pipeline corridor was demarcated. This land generally belongs to Government and is managed by the relevant Government agencies. These public utilities and infrastructure will remain and the Project will have crossing agreements with the relevant authorities. Such Government land is usually vested in ULC and also the land which will be acquired under this Project is vested under ULC. Therefore, this land does generally not fall within the Valuation Reports.

The Project will establish crossing agreements of the pipeline corridor across existing public utilities/infrastructure facilities with the relevant Government Agencies/Authorities responsible for the utilities. Any diversion of utilities/services and infrastructure will be in conformity with national standards and works will be agreed by the Project and relevant authority (including responsibility for works).

There is land related to certain community level facilities and infrastructure (e.g. community water sources (dam), boreholes, footpaths and access roads) whose land has not been acquired by the Government entities, hence still belongs to the affected PAPs. This land will be acquired and compensated for. In addition, any such land where the Government acquisition/compensation process for public facilities/utilities is incomplete has been valued for compensation in the valuation reports.

7.3.11 Absent PAP & Absentee Landowners

During the surveys some PAPs were absent and there are parcels of affected-land which have absentee landowners/landlords, some of these maybe absentees, missing persons or unknown landowners. Such land and any assets present were recorded during the inventory survey and have been valued in the Valuation Reports. The RAP Contractor has during the RAP planning undertaken initiatives to locate and verify absent PAPs and absentee

landowners/landlords. The Project will continue with such initiatives.

Acquisition of land deemed owned by absentee/missing/unknown landlord/s can only be effected under compulsory land acquisition. Under the legal framework there are a number of options which shall be followed to acquire such land, these will require the Government to effect their compulsory powers. These options include:

- (Option 1) Applying to the High court under section 6(5) of the Land Acquisition Act to have the payments to be made in court.
- (Option 2) Deposit all money of absentee landowners into an Escrow account to be held in the Bank of Uganda.
- (Option 3) Application to the Administrator-General to Manage the Property under the Estates of Missing Persons (Management) Act (Cap 159).

The process to legally acquire land from absentee / missing / unknown landlord(s) and manage any escrow type arrangement for compensation awards will be discussed by the Project with the GoU. As a general principle compensation awards for absent PAPs and absentee landowners/landlords under GIIP involves the depositing of these awards into some type of escrow account until an absentee landowner/landlord appears and is verified. There is though sometimes a point in time when an absent/absentee PAP can be declared 'missing'.

7.4 ADDITIONAL ENTITLEMENTS UNDER INTERNATIONAL FINANCING STANDARDS

This Section describes the additional entitlements PAPs are eligible for under the international financing standards (i.e. IFC PS5) and will be applied within each PAPs compensation agreement. These additional entitlements to meet the international financing standards, namely IFC PS5, are Project specific in order to meet the agreed Project standards. The Project have developed compensation packages that include both monetary and in-kind compensation options, where appropriate, including other forms of assistance to improve, and as a minimum restore, livelihoods and living standards.

7.4.1 Replacement Cost

IFC PS5 requires loss of land and other assets to be compensated at replacement cost. PS5 defines replacement cost as the "Market Value of the assets plus transaction costs". Market value is the value required to allow affected communities and persons to replace lost assets with assets of similar value.

The rates used in the valuations were reviewed by the Project valuers to confirm they met the replacement rate requirements as set out in IFC PS5. This included for land whether relevant transaction costs had been applied to land rates (e.g. titling costs and stamp duty etc.) which they have been, as described above in Section 7.3.1. The rates used for perennial crops, trees and structures (temporary and semi-permanent) are recent annually approved District Compensation Rates and based on the RAP Contractors research are found to meet the provisions of replacement cost. Therefore, it has been determined that the additional entitlements for international financing standards does not require uplifts to rates.

The additional entitlements, described below, are related therefore to:

- Relocation costs for graves and shrines.
- In-kind compensation options and resettlement assistance for eligible PAPs for loss of shelter (i.e. physically displaced PAPs/PAHs) and for loss of land, including

replacement housing, livelihood restoration, transitional support (including for food security during and after displacement) and relocation/resettlement assistance.

- Additional and/or specific support for vulnerable PAPs, households and groups.
- Entitlements for informal land users (i.e. IFC PS5 Category (iii) persons who do not hold recognizable legal rights or claims to the land they occupy).

7.4.2 Relocation Costs for Graves & Shrines

The international financing standards (i.e. IFC PS5 and PS8) do require relocation support to be provided for cultural heritage resources, such as graves and shrines. In agreement with the CGV the Valuation Reports do contain an estimate of the financial assistance to be provided to PAPs for relocation of graves and shrines, as well as the procedure for relocation. This would be in addition to the compensation value based on the District Compensation Rates and contained within the Valuation Reports.

To comply with IFC PS5/PS8, the Project will provide financial assistance to cater for all the relocation items and procedures of grave relocation be provided to the PAPs/families in addition to the compensation value. The relocation procedure and estimate of relocation assistance for Project-affected graves and shrines in each District is contained in the appendices of the Valuation Reports. The proposed assistance and procedure is based on knowledge of cultural and traditional requirements within the respective local area and the PAPs/families own descriptions of the processes likely to be involved. This is mainly to promote culture and its continuity.

The proposed assistance includes for the following items/support: labour for exhumation and reburial, bark cloth/cloth, coffin, food, local brew, livestock (chicken, goat, sheep) and transport. Further details on the proposed relocation procedure and the Cultural Heritage Management Plan are presented in Chapter 11.

7.4.3 In-kind Compensation Options

IFC PS5 requires '*where livelihoods of displaced persons are land-based or where land is collectively owned, the client will, where feasible, offer land-based compensation*'. The standards note that payment of monetary compensation may be appropriate in a number of scenarios, including where livelihoods are not land-based (e.g. for example where the land is not used for livelihood based activities) and where livelihoods are land-based but the land taken for the Project is a small fraction of the affected asset and the residual land is economically viable.

7.4.3.1 In-kind Compensation for Loss of Agricultural Land

Good International Industry Guidance & Practice

The IFC PS5 Guidance Note 5 (GN5) provides that land-based compensation should be offered where livelihoods of PAPs are land-based and the proposed land take is '*significant enough to render a land holding economically unviable*'. GN5 refers to World Bank OP 4.12, Involuntary Resettlement which in summary notes if the land taken constitutes less than 20% of the total productive area the residual land will be considered as economically viable.

Guidance does acknowledge challenges with the provision of replacement land, including:

- GN5 does consider the scenario where it is not possible to offer replacement land and suggests Clients/Project Developers provide '*opportunities that enable affected*

persons to restore their livelihoods and standards of living to levels equivalent to, or better than, those' pre-displacement.

- The IFC Draft Good Practice Handbook: Land Acquisition & Resettlement (March 2019) acknowledges:
 - that in some areas unused agricultural land is increasingly rare and that alternative strategies may be required;
 - projects trying to secure replacement land can result in disruption to land markets and / or land allocation mechanisms. Specifically, referencing this can be the case where land allocations/markets are based on customary processes and administered by traditional land chiefs;
 - projects could screen out households who may not need land-for-land replacement (e.g. such as those whose incomes are not land-based or who can demonstrate their residual land is sufficient to support livelihoods and/or they have other livelihoods sources of income not affected by the project);
 - projects should during the RAP surveys and studies obtain information on preliminary preferences of displaced persons in terms of forms of compensation (in-kind, monetary etc.); and
 - the handbook notes land-for-land replacement can be achieved by two options, with the first being less disruptive in some cases:
 - *“by individual households securing their own replacement land, with the project and local authorities in a facilitating role rather than intervening directly; or*
 - *by the project securing replacement agricultural land sites or individual plots, which are then allocated to displaced households”.*

Eligibility Criteria – Compensation Options for Loss of Agricultural Land

The Project has developed the eligibility criteria and entitlements for compensation options related to the loss of agricultural/productive land. This has included:

- screening out PAPs who may not require land-for-land replacement to restore livelihoods: so will be offered monetary compensation and access to the relevant package of livelihood restoration support; and
- screening in PAPs who may need to secure replacement land possibly to restore livelihoods and where it is feasible for the Project to provide support; or the PAPs may require additional livelihood restoration support in order to restore livelihoods due to the loss of land and it is not feasible for the Project to offer to secure replacement land or support to secure replacement land.

A technical analysis to inform the eligibility criteria was undertaken. The table below presents the aspects considered in the technical analysis and a brief summary of the technical analysis with respect to loss of agricultural land. The technical analysis also covered the eligibility criteria for in-kind compensation for loss of residential land and dwellings/shelter (i.e. residential plot and residential housing), see Section 7.4.3.2 and Chapter 8.

Table 7-4 Summary of Technical Analysis Findings of Compensation Strategy for Loss of Agricultural Land

Aspect	Summary of Technical Analysis:
<p>Feasibility of agricultural land-for-land replacement for the different land tenure, ownership and interests along the route.</p>	<p>The pipeline crosses Districts with variations in land tenure, ownership rights and interests with some land parcels having multiple interests in them. The valuations have apportioned the monetary compensation according to the land rights and interests held on encumbered land between the registered proprietor (i.e. Freehold, Leasehold & Mailo title holders) and the kibanja holders/bonafide occupants/lawful occupants. This though makes the provision of in-kind compensation 'land-for-land' very complex, in places not feasible realistically for the Project to provide and could be disruptive in many places to land markets and the historical and customary allocations processes along the pipeline. Specifically the following land rights/interests are challenging to replace:</p> <ul style="list-style-type: none"> • <i>Mailo</i>: Most mailo land is already encumbered with kibanja and it is very difficult to obtain unencumbered mailo land. As an example of the practical challenge of securing unencumbered mailo land near the corridor is approximately 75% of the mailo land affected by the Project is encumbered. • <i>Lawful/Bonafide Occupants</i>: PAP would have to secure a freehold title or leasehold title and this would be more expensive than the monetary compensation available to the PAP for a lawful/bonafide interest. Offering PAPs who lose lawful/bonafide occupancy land interest titles is probably unfeasible and likely to be very disruptive to land markets in the Project-affected Districts and could result in additional speculative activities. • <i>Kibanja</i>: As this would be probably require a mailo title to be secured this may be difficult to find and more expensive than the monetary compensation available to the PAPs who held a kibanja interest. Finding mailo titles which are not already encumbered is very difficult. Offering PAPs who lose kibanja land interest titles is probably unfeasible and likely to be very disruptive to land markets in the Project affected Districts and could result in additional speculative activities. • <i>Customary</i>: The challenge of securing customary land, is that it is communal and, in most cases, the family or clan has to agree before a piece of land is offered to a family member or sold. This can take a long time before all family members agree. Families rarely offer land to women, and so it's a challenge for women to get customary land from the clan. <i>So whilst it is possible for the Project to provide support for a PAP to secure customary land this does have challenges associated with it.</i> <p>Findings : Due to the complex land tenure and interests within certain Project-affected Districts the provision of replacement land (or support to the PAP to secure replacement land) for certain land interests is either not feasible or will be disruptive, results in delays to compensation and possibly not represent the lowest risk option for certain PAPs.</p>
<p>Preliminary preferences of PAPs for in-kind replacement land verses monetary compensation, along with wider Uganda context on general preferences for the mode of compensation.</p>	<p>Information was gathered during the RAP planning on preliminary preferences of PAPs for in-kind (replacement land) verses monetary compensation and on the wider context in Uganda regarding likely preferences. The information on preferences suggests an environment and culture which may result in the majority of PAPs preferring monetary compensation. Therefore, it is important that the Project consider a strategy which: (i) is realistic about the context that PAPs preferences may generally be for monetary compensation; and(ii) considers the least risk option for some PAPs rather than simply land-for-land which could focus on :</p> <ul style="list-style-type: none"> • additional livelihoods restoration support (where required) ; and • in entitlement briefings and engagement with PAPs highlighting the benefits of in-kind compensation, especially where PAPs are physically displaced and/or potentially vulnerable; and • encourages PAPs (and their households, as relevant) to participate in the livelihood restoration programs.
<p>Availability of unused agricultural land and distribution of land in Uganda and Project-affected Districts.</p>	<p>A key factor in the feasibility of offering replacement land/support to secure replacement land is whether there is unused agricultural land available within a project area and any distribution issues with land. This is also important for the approach to livelihood restoration for the compensation strategy. Whilst the data about availability of agricultural land per Project-affected District is not readily available according to UBOS (2010) more than 75% of land is agricultural and was in the 2010 data under-utilized by 40%.</p> <p>The Uganda Annual Agricultural Survey (AAS 2018) refers to the uneven distribution of land with households (e.g. small-scale farmers) predominantly operating on less than 1 ha (2.47 acres) of agricultural land (crop land, permanent meadows and pastures/grazing land) and on average households using two parcels of land per season. The average sizes need to be taken in the context when considering small-scale farmers as they can be significantly skewed by some land titles being very large.</p>

Aspect	Summary of Technical Analysis:
	<p>Whilst agricultural land is available perhaps across the Project-affected Districts land distribution is uneven. There are also complexities regarding the different types of tenure and encumbrances on land in some Districts which make securing rights and interests in land very challenging, especially for kibanja, bonafide/lawful interests and mailo.</p>
<p>Average area of arable/crop land that small-scale farmers operate on and the median size of land holdings along the pipeline to inform the area that should be considered reasonably sufficient to support livelihood activities.</p>	<p>The 1 ha (2.471 acres) which households (e.g. small scale farmers) predominantly operate on (AAS 2018) refers to agricultural land which includes land used for grazing and not just arable/crop land. The average size of arable/crop land held it can be assumed would be much lower. In Uganda approximately 72% of land is identified as 'agricultural land' of this approximately 34 % is identified as 'arable' with another 11 % as 'permanent crop land'. So if grazing land is removed it can be extrapolated predominately households (i.e. the small-scale farmers) operate on approximately 1.5 acres of arable/crop land.</p> <p>From analyzing the survey data on the affected land parcels along the pipeline the Median size of the total existing land parcels/interest affected is approximately 1.5 acres. There are many parcels, generally the kibanjas and bonafide/lawful occupants, though significantly smaller than this. The Median size of the land parcels/interests affected may be better to consider than the overall average size as there are some significantly large land parcels associated with the titled land which skew the average.</p> <p>So, it is assumed for the criteria where a PAP has more than 1.5 acres (i.e. the Median) remaining this should be sufficient in order to support livelihood activities for a household and not risk pushing them into additional food security issues.</p>
<p>Minimum area of land required for crop production/ subsistence livelihood activities to support a household before they may become disproportionately vulnerable to displacement impacts.</p>	<p>It is difficult to determine the minimum area of land required for crop production/subsistence livelihood activities to support an average sized household before they may be disproportionately vulnerable to displacement impacts. From review of publicly available technical sources and Project data it can be observed that PAPs engaged in any crop production/subsistence livelihood activities along the corridor are using a minimum of 0.174 ha / 0.43 acres, while PAPs engaged in animal husbandry can use an average of 2.5 ha.</p> <p>Many PAPs do currently hold kibanja, bonafide/lawful interests and customary rights to land parcels less than 0.5 acres. Depending on the other land holdings of these PAPs they may be more susceptible to disproportionate impacts from the Project land take if they lose more than a small fraction of their affected land parcel (i.e. more than 20%).</p> <p>If PAPs are not already identified as potentially vulnerable, due to pre-existing contributing factors, they could be pushed into becoming potentially vulnerable due to the Project displacement impacts or less able to restore their livelihoods. It is assumed for the criteria where PAPs have less than 0.5 acres remaining or PAPs Project-affected land parcel is affected by more than 80% they may become potentially vulnerable depending on land holding outside the Project land take. Furthermore, for some of these PAPs the very small areas of land affected by the pipeline to these parcels it may not be feasible to offer in-kind land-for-land compensation or even support to the PAP to secure replacement land themselves with monetary compensation. Therefore, additional livelihood restoration options, including ones focused on developing alternative income earning opportunities not dependent on additional land, may be more appropriate to support longer-term resilience of households.</p>
<p>Scenarios where monetary compensation considered appropriate:</p>	
<ul style="list-style-type: none"> Instances where livelihoods are not dependent on Project-affected land. 	<p>Some of the land titles/interests along the route are not used by certain PAPs for land-based livelihoods activities, these include: the encumbered part of a freehold, mailo and leasehold are not used by the title holder for land-based activities, generally the kibanja or lawful/bonafide occupants (as well as licencees and other land users) are the ones undertaking livelihood activities on these parcels; and there are some unencumbered land parcels which are under-utilized and they are not being used by landowner for activities on which their households / families livelihoods are dependent.</p>
<ul style="list-style-type: none"> Remaining land economically viable to support livelihoods. 	<p>GIIP suggests that where land taken constitutes less than 20% of the total productive area the residual land may be considered as economically viable. Furthermore, as mentioned above in the orphaned/residual land criteria it is considered that land areas less than 0.12 acres, in some instances 0.3 acres may not be economically viable and therefore unfeasible to replace. Due to the linear nature of the pipeline corridor the majority of PAPs will only lose a small fraction of their overall land holdings and they can continue livelihood activities on their remaining land. A summary of the initial analysis of the data on affected land parcels and from the socio-economic survey shows :</p>

Aspect	Summary of Technical Analysis:
	<ul style="list-style-type: none"> 55% of PAPs have less than 20% of their land parcels/interests recorded during the RAP surveys affected. Only 15% of PAPs have more than 50% of their land parcels/interests recorded during the RAP surveys affected. Only 6 % of PAPs have over 80% of their land parcels/interests recorded during the RAP surveys affected. 41% of PAPs land parcels/interests recorded during the RAP surveys are affected by ≤ 0.25 acres. 59% of PAPs land parcels/interests recorded during the RAP surveys are affected by ≤ 0.5 acres. 78% of PAPs land parcels/interests recorded during the RAP surveys are affected by ≤ 1 acre. Only 7% of PAPs land parcels/interests recorded during the RAP surveys are affected by > 3 acres. These are generally along the pipeline corridor from the relatively large freehold, leasehold and mailo titles, many of which are encumbered by lawful/bonafide occupants or kibanja. During the socio-economic surveys it was observed that 93% of PAPs referred to their land outside the pipeline corridor. It may therefore be entirely possible for some PAPs their land outside the Project land take is sufficient to support and restore to pre-displacement levels their households / families livelihoods. <p>From analysis of the survey and land data the following key observations were made which have informed the eligibility criteria and compensation strategy:</p> <ul style="list-style-type: none"> 55% of PAPs lose less than 20% of their land parcel and therefore their residual land will be considered as economically viable. The majority of PAPs who lose more than 20% of their Project-affected land rights or interests hold customary, kibanja, bonafide occupant or lawful occupant land rights/interests. Only 6%, approximately, of the mailo titles would be affected more than 20% with some of these being encumbered by other land interests, such as kibanja. Of these only 7 (less than 2% of mailo titles) would have less than 1.5 acres remaining. Only 1 freehold title and 1 leasehold title are affected by more than 20%. These both have > 1.5 acres remaining with the freehold landowner having significant land remaining and these titles are in part encumbered.
<ul style="list-style-type: none"> Land affected by the pipeline corridor used for grazing predominantly. 	<p>Some of the land affected by the pipeline is used predominantly for grazing as opposed as productive crop/arable land. Two of the Project-affected Districts specifically where land affected is used for grazing are Gomba and Sembabule. The pipeline corridor during operation will be unfenced, whilst no development of structures, planting of deep-rooted trees/vegetation or agricultural activities (e.g. crop production) will be allowed within the 30 m wide pipeline corridor, people will be able to cross the corridor and graze livestock across the corridor. There should be minimal impact on grazing activities. Therefore, monetary compensation would be appropriate to be offered only for land predominantly used for grazing.</p>
<ul style="list-style-type: none"> Other scenarios : Public Land ; Unknown/Absentee Landowners ; Deceased Landowners. 	<p>There are a few other scenarios where land-for-land in-kind compensation may not be appropriate and the <u>land owners</u> may not be eligible generally for a livelihood restoration package:</p> <ul style="list-style-type: none"> Public land. Land where the owners/landlords are 'Unknown' / 'Absentee' so they are not using the land for livelihood activities. <p>Where a land owner is deceased and either the land is in administration: generally it would be appropriate to offer monetary compensation to the estate/beneficiaries of the estate. It often is too complex to offer the option of land-for-land compensation for this land, however in certain instances this may be looked at within the eligibility criteria on a case-by-case basis. For example. for family members/beneficiaries of the estate who are undertaking livelihood activities on this land; or other users with a valid claim prior to cut-off who are using this land may be eligible for the relevant livelihood restoration package; or households (e.g. families of deceased PAP) who have dwellings on this land, have either legal rights or a claim.</p>
<p>Vulnerable households :</p>	<p>In developing the eligibility criteria and compensation strategy attention has been made to PAPs and their households who are vulnerable due to pre-existing characteristics or due to displacement impacts may potentially become vulnerable. The analysis and proposed approach with respect to vulnerable PAPs, households and groups is presented in Section 7.4.6 below and included within the Entitlements Framework (Table 7-7).</p>

Compensation Strategy for Loss of Agricultural Land

The compensation strategy for loss of agricultural land is summarized below. The Entitlement Framework (Table 7-7) presents the entitlement for all the PAPs affected by loss of land. The PAPs are grouped according to type of loss/impact and eligibility. Livelihood restoration, resettlement assistance and transitional support entitlements will have a cumulative value for PAPs with multiple affected land parcels and a PAP will only be placed in one eligibility group for these. However, a PAP can be affected by a number of impacts / losses from the land acquisition program and therefore can be eligible for a number of entitlements (e.g. a PAP who loses land may also lose perennial crops and trees).

As the Project is largely a linear land take the majority of PAPs either lose a small fraction of land ($\leq 20\%$) and have remaining land on which to continue livelihood activities, monetary compensation only will be offered to these PAPs, along with relevant livelihood restoration package.

Due to the complex nature of the land tenure in many of the Districts which results in multiple interests in the same piece of land, it is not considered feasible to offer to replace certain agricultural land interests. Securing alternative land for PAPs could result in disruption to customary, traditional and local land markets and allocations, plus risk propagating additional detrimental speculation activities.

The least risk option has been determined to be provision of additional livelihood restoration support, including options for enterprise development and vocational training for alternative income opportunities. Therefore, the Project will offer monetary compensation at full replacement value for loss of agricultural land and the relevant livelihood restoration, resettlement assistance and transitional support package depending on significance of impact and vulnerability and **not** replacement land. Potential vulnerable PAPs and those with limited remaining land will be eligible for additional livelihoods restoration and transitional support.

Support for securing replacement agricultural land would be offered to potentially vulnerable PAPs with customary land tenure only.

- *Freehold & Leasehold title holder PAPs:* There is no need to offer freehold and leasehold title holders an in-kind replacement land option for agricultural land as they all lose $\leq 20\%$ of their land (except for two (2) who have sufficient remaining land), in addition a significant proportion of such land is physically encumbered by other land interests. These PAPs would be offered monetary compensation for land and other assets. Only freehold and leasehold PAPs who use their unencumbered land for livelihood activities will be eligible for in-kind livelihood restoration support.
- *Mailo, Kibanja, Bonafide Occupant and Lawful Occupant PAPs:* It would be very challenging and probably not feasible to offer support to secure agricultural replacement land for mailo, kibanja, bonafide occupant and lawful occupant land interests.
 - These PAPs will be offered monetary compensation for land and other assets plus in-kind livelihood restoration, transitional support and relocation assistance depending on their potential vulnerability and remaining land.
 - Potentially vulnerable PAPs (Category 1 and 2), PAPs with ≤ 0.5 acres of land remaining or lose $\geq 80\%$ of their land will be eligible for **two** (2) additional livelihood restoration options.

- PAPs who lose more than 20% of their land and have ≤ 1.5 acres remaining will be eligible for one (1) additional livelihood restoration option.
- **Customary Landholder PAPs:**
 - These PAPs would be offered monetary compensation for land and other assets plus in-kind livelihood restoration, transitional support and relocation/resettlement assistance depending on their potential vulnerability and remaining land.
 - The Project feasibly could offer support to PAPs secure agricultural replacement land for customary land with the PAP monetary compensation. This support will be offered only to potentially vulnerable PAPs with customary land (but only where land affected is ≥ 0.12 acres). As the challenge with customary land generally involves agreement from a family/clan for such a sale. This can be a drawn out process and would need though to be a PAP-led process with Project support.
 - Potentially vulnerable PAPs, those with ≤ 0.5 acres remaining or lose $\geq 80\%$ of their land will be offered support to secure alternative land. For this they will be required to identify land (i.e. within 6 month of displacement) with agreement from the family/clan. The Project will provide on request assistance to formalize the appropriate tenure to the alternative land. The PAP will need to use their own monetary compensation to pay for the alternative land.
- **Vulnerability:**
 - The criteria considers PAPs who are less able to cope with displacement impacts and therefore may be disproportionately impacted by the Project land acquisition impacts. This includes PAPs identified as potentially vulnerable due to pre-existing factors (see Section 7.4.6 below) and PAPs becoming potentially vulnerable due to Project-displacement impacts (i.e. those that have ≤ 0.5 acres of land remaining or lose $\geq 80\%$ of the Project-affected land parcel).
 - Approximately 6% of PAPs lose $\geq 80\%$ of their Project affected land parcel, this being specifically related to the block land take for the MCPYs and Pump Station 2. Engagement as part of the Vulnerable Persons Plan (VPP) will be undertaken with them on any land they have outside the Project land take and their livelihood strategies in order to help tailor their livelihoods support, resettlement assistance and transitional support carefully.

7.4.3.2 *In-kind Compensation for Physically Displaced PAPs*

Physically Displaced PAPs who hold a recognizable legal right or claim to the land they occupy

In line with IFC PS5 it is proposed that households that will permanently lose their residential and associated dwellings (or access to them), are eligible to choose from either monetary compensation or replacement housing. To be eligible for a replacement housing option:

- Dwellings must have been continuously occupied and in regular use by the PAP (or their family) as their primary residence at the time of the cut-off date. They must not be abandoned by the PAP.
- The PAP have a recognizable legal right or claim to the land they occupy (i.e. Category (i) and (ii) PAPs under IFC PS5).
- The PAP must be the verified and bonafide owner of the affected dwelling structure(s).

Chapter 8 below provides more detail on the eligibility criteria on the type of replacement house an eligible PAP is entitled to be offered.

For each eligible physically displaced household who selects the replacement house compensation option, a residential plot (as a minimum) will be required on which to construct their replacement house structure(s) and ancillary structures (i.e. Ventilated Improved Pit Latrine/Bathroom and Kitchen Structure).

The land (residential plot) associated with the replacement of residential dwellings proposed for the Project is defined based on the National Physical Planning Standards & Guidelines (2011). The affected housing is generally low-density and the standard size for a low-density residential plot of 1,000 to 2,000 m² (0.25 to 0.5 acres). The standard plot size within this range that the Project will apply is proposed to be 0.3 acres ~ 1,215 m². The final plot size will be determined by the context of the area where the replacement housing will be constructed (for example may be in higher-density area). Plot sizes will be finalized when locations have been discussed and confirmed.

It is important to minimize disturbance to households that relocation of their housing structures is where possible as close to their existing homesteads as possible. For replacement housing residential plots will need to be available. There are two options available:

- Option A: Construct on PAPs Remaining/Existing Land (Preferred Option)
 - The replacement houses (and ancillary structures) can be constructed on the PAPs remaining land or alternative land they own in the vicinity (i.e. generally within the same village for example or within 5 km). The pipeline corridor does affect for many physically displaced households a fraction of their land, so some of the PAPs have remaining residual land larger than the 0.3 acres required. This, where technically acceptable, would be the Project's preference.
 - PAPs will be encouraged to offer existing remaining or alternative land they have available for the construction of their replacement dwelling. Where PAPs do not offer their existing remaining land or alternative land on which to construct their replacement housing, or have a good reason to not offer it (e.g. required for livelihood activities to sustain households), they may therefore only be eligible for monetary compensation for the land and dwellings affected by the Project and not replacement.
 - For Option A some PAPs who do not have full tenure rights (or legally verified tenure) may need to seek certain permissions in order to have a replacement house constructed on their remaining land or alternative existing land. These permissions and the challenges with securing them do depend on the type of land tenure and land rights or interest in land they hold. The Project will provide the necessary support to secure these permissions.
- Option B: Construct on a New Residential Plot (Least Preferred Option – only offered if Option A not available to PAP)
 - The PAP does not have alternative or sufficient remaining land on which a replacement house (and ancillary structures) can be constructed (or there is a reason existing other land cannot be used). In this case the Project would need to work with the PAP to secure a residential plot.

- PAPs who hold kibanja or bonafide/lawful occupancy interests who do not have sufficient remaining or existing alternative land will have to secure a residential plot (minimum 0.3 acres). This will probably have to be freehold, leasehold or mailo title and therefore may involve additional costs beyond a PAP's monetary compensation for their Project-affected land interest (i.e. titled land is more expensive per acre than kibanja, lawful/bonafide interests due to the titling costs and stamp duty payable for a title). Except for PAPs who can secure legal permission from landlords to setup in another part of the same land/ title. The Project will provide on a case-by-case basis in these instances the additional financial assistance necessary to secure a residential plot for these eligible physically displaced PAPs.

Physically Displaced PAPs who do not hold a recognizable legal right or claim to the land they occupy

There are also a few Category (iii) physically displaced PAPs who have no recognizable legal right or claim to the land they occupy. This includes PAPs located within the Taala Central Forest Reserve (CFR) protected area. These PAPs will not be eligible for the replacement housing option, but will be eligible for monetary compensation (plus Livelihood Restoration and resettlement assistance). The Project will work with the District and other relevant authorities to identify locations outside of forest reserves and other protected areas where these PAPs could self-relocate and obtain the necessary authorizations. The Project will support these PAPs to relocate so that they can resettle without facing the risk of forced eviction.

There are a few other physically displaced PAPs who are licensees. It is understood these PAPs do not own the land or hold any interest in the land on which they reside. The eligibility of these PAPs will be reviewed on a case-by-case basis to determine if they have any claim to the land for their dwelling being present on the land. The following approach will be applied:

- If they are found to have a claim to the land they will be treated as Category (ii) PAPs under IFC PS5 and therefore may be eligible for being offered the in-kind replacement housing and monetary compensation option to select from.
- If they do not have a claim (i.e. are Category (iii) PAPs) they may be offered only the monetary compensation at full replacement value for any of the structures, assets and other improvements on the land they occupy.
- In both scenarios these PAPs will be offered assistance (e.g. moving support) and transitional support for a period after displacement to ensure food security. Along with access to tailored livelihood restoration programs which may be focused on alternative livelihood activities.

Chapter 8 contains further details with regard to these PAPs and the compensation and relocation assistance the Project will offer to these PAPs.

Compensation Strategy for Physically Displaced PAPs

The compensation strategy for physically displaced PAPs is summarized below. The Entitlement Framework (Table 7-7) presents the entitlements for all these PAPs. Chapter 8 presents the eligibility criteria for the type of replacement house an eligible physically displaced

PAP is entitled to. Physically displaced PAPs are grouped according to whether they hold a recognizable land right or claim.

Physically Displaced PAPs who hold a recognizable legal right or claim to the land they occupy:

- The Project will offer replacement housing to eligible PAPs who hold a recognizable legal right or claim to land. The Project preference will be where possible to construct the replacement house (and ancillary structures) on the PAP's remaining or existing alternative land (Option A). Where PAPs do not have sufficient remaining or alternative land the Project will have to work with each of these PAPs to identify and secure a residential plot (minimum 0.3 acres) if the PAP selects the replacement housing option (Option B). This will include the Project supporting PAPs (on a case-by-case basis) who hold kibanja or bonafide/lawful occupancy interests who do not have sufficient remaining or existing alternative land to secure a residential plot (minimum 0.3 acres) as probably a freehold, leasehold or mailo title.
- The Project during the final stages of RAP planning and initial RAP implementation will need to undertake additional individual engagement with physically displaced households (as a minimum PAP and spouse) to discuss their compensation options (i.e. in-kind or monetary compensation), understand their preference and determine which Option, A or B, for securing a residential plot will be applicable. This will also prioritize ensuring households as far as possible remain within the local area and their existing community.
- Physically displaced PAPs will be eligible for access to additional livelihood restoration programs and transitional support post-displacement to ensure food security until livelihoods are sufficiently restored. Potentially vulnerable PAPs/households will be given more targeted support during relocation and to help them to access livelihood restoration programs.
- In relocating these PAPs consideration will be made to the location of their existing/remaining farm land.

*Physically Displaced PAPs who do **not** hold a recognizable legal right or claim to the land they occupy:*

- The Project will offer monetary compensation at full replacement value for any of the structures, assets and other improvements on the land they occupy; no compensation for land. These assets have been valued in the main Valuation Reports.
- Relocation assistance (e.g. moving support) and transitional support for a period after displacement to ensure food security.
- Access to tailored livelihood restoration programs which may be focused on alternative livelihood activities. (With regard to PAPs within the Taala CFR, livelihood restoration activities supported by the Project will though be carefully tailored so as to not encroach or result in degradation of protected areas and the protected natural resources within them, as set out within the Ugandan legal framework).
- The Project will as a priority engage with the District and other relevant authorities (i.e. NFA for Taala CFR) to help the PAPs to identify locations outside of forest reserves and other protected areas where they could self-relocate (with some support) so that they can resettle without having to face the risk of forced eviction.

7.4.4 Livelihood Restoration

The Project will offer livelihood restoration assistance, depending on the significance of impacts experienced by PAPs / PAHs, as per the requirements of IFS. The livelihood restoration entitlement packages and options are indicated in Table 7-5. The PAPs are grouped according to type of loss/impact and eligibility. The Entitlement Framework (Table 7-7) contains further details on the grouping of PAPs /PAHs.

These livelihood restoration entitlements are linked to PAPs and will have a cumulative value for PAPs / PAHs with multiple affected land parcels/valuations and PAPs/households will only be eligible for one livelihoods package per household.

Licensee PAPs who do not lose land and only their assets on land (e.g. structures, eligible crops and trees) will be entitled to monetary compensation for the lost assets (but not land). They will be eligible for a livelihoods package but this will be different to PAPs who lose land or dwellings.

Further information on the Livelihood Restoration Plan is contained in Chapter 9.

Table 7-5 Livelihood Restoration Entitlement Packages & Options

PAP/PAH Group	Livelihood Restoration Programs / Options:
PAHs/PAPs WHO LOSE LAND	
Standard Livelihood Package: PAPs/PAHs who <u>lose land</u> (which they use for livelihood activities).	
Groups 1A, 2A, 2B, 2C, 2D, 2E, 3B, 4 & 6A Each eligible PAP/household entitled to:	One (1) Core Agricultural Improvement Program (Options below) and One (1) Food Security Program (FSP): Development and planting of vegetable gardens.
	Financial Literacy and money management training.
	Enterprise Development and vocational training: (Each eligible household eligible to access one (1) support package).
Additional Optional Programs Depending on PAP/PAH Group and preference:	
Groups 1A & 2C: Each eligible PAP/household entitled to two (2) additional options (i.e. one (1) Additional Agricultural Improvement Option and one (1) Additional Enterprise Development and vocational training package). Groups 2A & 2D Each eligible PAP/household entitled to one (1) additional option (i.e. one (1) Additional Agricultural Improvement Option or one (1) Additional Enterprise Development and vocational training package). (Group 6A – relevant Group 2 package)	Agricultural Improvement Programs (AIPs): will be likely 5 options, these will be confirmed during final development of detailed operational plan per District. Likely to comprise for example: <ul style="list-style-type: none"> Option A: - Improved cassava production or improved maize production (crops will be confirmed at a District level). Option B: - Improved agricultural production (including diversification) Option C: – Improved livestock (cattle/goats/small ruminants) program Option D: – Small-scale poultry <u>or</u> piggery program (will be confirmed at a District level). Option E: - Improved beekeeping practices
	Additional Enterprise Development and vocational training.
PAPs/PAHs WHO DO NOT LOSE LAND	
Standard Livelihood Package: PAPs/PAHs who do not <u>lose land</u> (e.g. who are licensees only).	
Groups 1B, 5, 6B & 7 Each eligible PAP/household entitled to:	Financial Literacy and money management training.
	Enterprise Development and vocational training: (Each eligible household eligible to access one (1) support package).
Additional Optional Programs Depending on PAP/PAH Group and preference:	
Groups 1B, 5, 6B & 7 Each eligible PAP/household entitled to one (1) additional option (i.e. one (1) Additional Agricultural Improvement Option <u>or</u> one (1) Additional Enterprise Development and vocational training package).	Agricultural Improvement Program: will likely be 2 options, these will be confirmed during final development of detailed LRP per District. Likely to comprise ones which are not solely dependent on access to land, for example: <ul style="list-style-type: none"> Option D : – Small-scale poultry <u>or</u> piggery program (will be confirmed at a District level depending of PAHs preferences) Option E: - Improved beekeeping practices
	PAPs who have other land available may instead opt for a land-based program (e.g. Improved cassava program or Improved agricultural production (including diversification)) if available in their area.
	Additional Enterprise Development and vocational training.

7.4.5 Transitional Support

Transitional support is provided to complement compensation payments to ensure that households can meet their basic needs and maintain their standard of living once access to their land has been lost and until they have had opportunity to restore their livelihood to pre-project levels. These early support components incorporate:

- Transitional support in the form of food rations/baskets and other provisions to ensure

households are food secure during the transitional period; and

- Financial management training for all households receiving cash compensation to provide households with the tools and skills to manage the cash they received. This is covered within the livelihoods restoration program (see Table 7-5).

Transitional support entitlements are outlined in the Entitlement Framework (Table 7-7) per Group of PAPs with additional details in Chapter 9. To benefit from transitional support, households will be required to register with (and participate in) the Project's livelihood restoration program.

7.4.6 Vulnerable Persons/Groups Assistance

The eligibility for compensation and in-kind livelihood restoration, resettlement assistance/support and transitional support has considered the category of vulnerability based on pre-existing conditions (below) and the significance of the Project displacement impacts on them.

The proposed process for the identification of potentially vulnerable individuals and households is summarized below. The vulnerability analysis recognises that vulnerability is not absolute but rather a graded scale between destitute and varying degrees of "at-risk". The vulnerable groups have been categorized into 3 categories as shown below. These are then further classified under different scenarios that will be considered in determining the nature of support to be given.

- **Category 1:** (Vulnerable) PAPs/PAHs will immediately be placed on the Vulnerable Households Register (VHR). They qualify for in-kind assistance (eligibility though depends on impacts/loss): comprising additional livelihoods restoration support, relocation/resettlement assistance and any other necessary support, including transitional food support.
- **Category 2:** (Potentially Vulnerable) These PAPs/PAHs will qualify for in-kind assistance (eligibility though depends on impacts/loss): comprising additional livelihoods restoration support, relocation/resettlement assistance and any other necessary support, including transitional food support, but will need be subject to further verification before being placed permanently on the VHR.
- **Category 3:** (At-Risk) This group is of household members who will be identified during the disclosure and further engagement process related to the land acquisition program. These PAPs will be placed on a "watch list" and be subject to further monitoring during and after relocation.

Categorization of vulnerability is summarized below, further details are provided in Chapter 10.

Table 7-6 Categories of Vulnerability

Category	Description:
Category 1 'Vulnerable'	Household is headed by either a <ul style="list-style-type: none"> • a person below 18 years • 65 years and above • Female • Chronically sick • Disabled person (physical, mental, blind, deaf, hearing impaired)

Category	Description:
	<p>And have least one of the following contributing factors:</p> <ul style="list-style-type: none"> Household head is living alone without family support Household head has no cash income PAP is heading a large household (more than 5 persons) comprising of mainly, persons below 18 years (>3 No) None or only 1 member of the household is earning an income <p>PAPs will be reviewed during further validation to confirm whether: they have significant land holdings; and/or significant alternative income; and/or support so as to not render them vulnerable due to their pre-existing conditions from displacement impacts. These PAPs will then be removed from the VHR.</p>
Category 2 'Potentially Vulnerable'	<p>Household is headed by:</p> <ul style="list-style-type: none"> a person below 18 years, 65 years and above, Female Chronically sick people Disabled person (physical, mental, blind, deaf, hearing impaired) <p>PAPs will be reviewed during further validation to confirm whether: they have significant land holdings; and/or significant alternative income; and/or support so as to not render them vulnerable due to their pre-existing conditions from displacement impacts. These PAPs will then be removed from the VHR.</p> <p><i>The following additional criteria for those PAPs/households who may be potentially vulnerable due to <u>Project-displacement impacts</u> (subject to further validation by confirming land unaffected outside Project land take):</i></p> <ul style="list-style-type: none"> <i>PAPs who have not been categorized as Category 1 or 2 Vulnerable PAPs and have ≤ 0.5 acres of land remaining <u>or lose</u> $\geq 80\%$ of the Project affected land parcel. During the further validation of these PAPs whether they have other land holdings outside the Project land take will be considered, where feasible.</i> <i>Approximately 6% of PAPs lose $\geq 80\%$ of their Project affected land parcels. Engagement as part of the Vulnerable Persons Plan (VPP) will be undertaken with them on any land they have outside the Project land take and their livelihood strategies so as to tailor their livelihoods support and transitional support carefully.</i>
Category 3 'At Risk' (Watch List)¹⁰	<ul style="list-style-type: none"> Married women affected by the displacement and likely to be abandoned by the husbands, threatened with divorce or separation after compensation, women in polygamous marriages who may not receive an equitable share of the compensation; and women who may be excluded from benefiting from the compensation because they are not legally married and due to cultural practices such as inheritance. These Category 3 individuals comprise a number of household members as opposed to number of PAPs. During disclosure, entitlement briefings and other engagements with households, attention shall be given to identifying such household members who may be at risk. (e.g. where a household head refuses for their spouse to be party to the entitlements briefing and/or compensation agreement signing etc.). Where a household member is identified that have vulnerable factors (i.e. disabled, chronically sick, dependency on other household members etc.) during the ongoing work these household members may be categorized as Category 3 'At-Risk' and more focus would be given to structuring the PAHs livelihood restoration package appropriately. Additional focus on these individuals during engagements and monitoring will be made. The Project may also offer specific household individuals who are 'At-Risk' during the displacement direct access to one of the livelihood programs. (Household members may be categorized as Category 3 'At-risk' regardless of the vulnerability of the PAP/head of household).

7.4.7 Informal Land Users

The main groups of informal land users include:

- During the surveys there were people identified who only grow seasonal crops on the Project-affected land (291 such PAPs were recorded), some of these may have

¹⁰ The identification of Category 3 PAPs will be ongoing during the RAP process. PAPs may be placed on the 'watch list' if the level of impact on them is significant enough to risk them being pushed into vulnerability as a result of the impacts on them due to the Project land acquisition program.

informal tenancy arrangements. There may be additional PAPs only growing seasonal crops not picked up during the surveys, therefore during the RAP implementation the Project may identify other such PAPs. Seasonal crops are not eligible for compensation as they will be given time to harvest them. The Project though will monitor impacts on growers of seasonal crops on Project required land during RAP implementation and may on a case-by-case basis provide access to some of these PAPs, as appropriate, to relevant livelihood restoration programs.

- Fifty (50) PAPs were recorded during the surveys as using the NFA managed land within Taala CFR (plus 3 tree farmers with Licences from NFA), with seven (7) having part of their homesteads and dwelling structures within the pipeline corridor area.
- There are an estimated 589 PAPs who have (immoveable) assets and/or are undertaking livelihood activities within the demarcated wetland and riverbank areas. Many of these PAPs have land interests which run into or up to the demarcated wetland and riverbank areas. Some of these PAPs have 'formal' recognizable legal land rights, interests or claims within the demarcated wetland and riverbank areas (see Section 7.3.8). Some PAPs may be using the land informally though, including those whose land parcels run up to the demarcated wetlands and riverbank areas.

Informal land users who had compensable assets at the cut-off date affected were recorded during the surveys and are eligible for compensation for certain assets (e.g. perennial crops, economic trees, structures etc.) as described in Section 7.3 and the Entitlements Framework.

7.5 ENTITLEMENT FRAMEWORK

The findings of the socio-economic and asset valuation surveys together with the eligibility criteria presented in Section 7.3 and 7.4 have been used to develop an Entitlement Framework (Table 7-7). The framework defines the compensation principles and approach by associating compensation entitlements to the type and extent of the impact/loss from the Project land acquisition and the category of the affected person. The objectives of the Entitlement Framework are to identify:

- All groups of affected people, including land right/interest owners, licensees, informal users, grazers/pastoralists and other natural resource users, communities, and vulnerable PAPs/groups;
- All types of loss/impact associated with each group, including loss of land; loss of dwellings/shelter; loss of assets (immoveable); loss of livelihoods; loss/ impacts on public utilities & community facilities, and cultural heritage resources; and
- All types of compensation and assistance to which each group is entitled.

The PAPs are grouped according to type of loss/impact and eligibility. The grouping also distinguishes whether they are physically displaced or only economically displaced. Livelihood restoration, resettlement assistance and transitional support entitlements will have a cumulative value for PAPs with multiple affected land parcels (or those with multiple valuations) and a PAP will only be placed in one eligibility group for these. A PAP can be affected by a number of impacts / losses from the land acquisition program and therefore can be eligible for a number of entitlements (e.g. a PAP who loses land may also lose crops and trees).

The compensation strategy for loss of land, shelter (and other assets) and entitlements for in-kind livelihood restoration, relocation/resettlement assistance and transitional support is based on consideration of feasibility of compensation mode, significance of impact on the PAP (i.e. how much land they lose and have remaining) and vulnerability of the PAP (pre-existing and

project-induced from displacement impacts).

Generally, the Project will offer monetary compensation at full replacement value for loss of agricultural land and the relevant livelihood restoration, resettlement assistance and transitional support package depending on significance of impact and vulnerability. Potential vulnerable PAPs and those with limited remaining land will be eligible for additional livelihoods restoration and transitional support. Support for securing agricultural replacement land would be offered to potentially vulnerable PAPs with customary land only.

The table below presents the Project Entitlement Framework, including entitlements for livelihood restoration, relocation/resettlement assistance and transitional support for food security. PAPs are grouped according to type of loss/impact and eligibility.

Physically displaced PAP entitlements related to loss of land and shelter are outlined. Physically displaced PAPs will generally be eligible for being offered the monetary compensation option and in-kind compensation option for residential land and dwellings, unless they do not hold the recognizable rights or claim to the land they occupy. PAPs will be required to choose between these options following entitlements briefings by the Project on their options. Chapter 8 provides the eligibility criteria for the type of replacement house an eligible Group 1A PAP is entitled to.

Entitlements for PAPs who do not lose land but lose crops, trees, structures and other assets (e.g. Licensees) are included.

There will be Project assistance in maintaining some access or alternative arrangements to cross the pipeline corridor during the construction period for communities, farmers and pastoralists. The corridor will not be fenced during operations, with possible some short sections of temporary fencing during construction for safety and security. AGIs and MCPYs will be fenced and access controlled by the Project.

Table 7-5 presents the livelihood restoration packages for the various Groups of PAPs identified in the Entitlement Framework (Table 7-7).

Table 7-7 Entitlement Framework

PAP/PAH Group	Land Tenure/Interest	Type of Loss/Impact and Eligibility Criteria ¹¹¹²¹³	Compensation Package/Entitlements ¹⁴	Livelihood Restoration ¹⁵ , Relocation/Resettlement Assistance & Transitional Support ¹⁶ Entitlements ¹⁷
<i>Group 1: Physically (& Economically) Displaced PAPs/PAHs:</i>				
1A	Freehold, Customary, Leasehold, Kibanja, Bonafide/Lawful Occupant	Physically displaced PAP/PAH whose dwelling affected and PAPs/PAHs hold a recognizable legal right or claim to the land they occupy (i.e. Cat. (i) and (ii) PAPs under IFC PS5).	<ul style="list-style-type: none"> PAP will be offered a choice of In-kind Compensation of Replacement Housing with as a minimum a Residential Plot only¹⁸ or Monetary Compensation at full replacement value. Where a PAP <u>selects the replacement house option</u>, preference for PAP to be relocated within remaining or existing alternative land. Where this is not possible, Project provide support to PAP to secure a residential plot (either customary, freehold, leasehold or mailo title). (To be offered for land not replaced monetary compensation. Where <u>customary land</u> and PAP vulnerable (see Group 2A & 2C below) will be offered support to secure alternative agricultural land with their monetary compensation on request.) Monetary compensation at full replacement value for any structures (not replaced), assets (e.g. eligible crops and trees) and other improvements affected by the land acquisition program. 	<ul style="list-style-type: none"> Standard Livelihood Restoration Package (for PAPs that <u>lose land</u>). Plus two (2) additional livelihood restoration options (i.e. <i>one (1) additional agricultural livelihood restoration (LR) option and one (1) additional enterprise development/vocational training option</i>). Relocation assistance (e.g. moving support) and transitional support for a period (up to 12 months, reviewed at end of first harvest) after displacement to ensure food security. If potentially vulnerable relocation assistance as appropriate to the vulnerability factors of the PAP.
1B	Licensee ¹⁹ / Informal Occupant	Physically displaced PAP/PAH whose dwelling affected and PAP/PAH does	<ul style="list-style-type: none"> Monetary compensation at full replacement value for any structures, assets (e.g. eligible crops and trees) and other improvements affected by the 	<ul style="list-style-type: none"> Standard Livelihood Restoration Package (for PAPs that <u>do not lose land</u>) comprising: Financial Literacy and money management training;

¹¹ ≥ means 'greater than or equal to'. ≤ means 'less than or equal to'.

¹² Potentially vulnerable refers to PAPs who are either Vulnerable Category 1 or 2, or have ≤ 0.5 acres land remaining, or loses ≥ 80% of land parcel.

¹³ 'Assets' refers to immovable assets.

¹⁴ Monetary compensation includes Statutory Disturbance Allowance of 30% and is based on that contained in the approved Valuation Reports. A PAPs/PAHs monetary compensation for land is based on the land tenure and interest held by the PAP/PAH. For encumbered land there is an apportionment of the value between the registered proprietor (i.e. freehold, leasehold & mailo title holders) and the kibanja holders/bonafide occupants/lawful occupants. Relates to a PAP / their households (i.e. PAH) entitlements for relevant losses.

¹⁵ Table 7-5 above describes the Livelihood Restoration Entitlements and Options, with additional details provided in Chapter 9.

¹⁶ Transitional support will be structured to discourage food dependency.

¹⁷ Relates to a PAP / their households (i.e. PAH) entitlements for relevant losses.

PAP/PAH Group	Land Tenure/Interest	Type of Loss/Impact and Eligibility Criteria ¹¹¹²¹³	Compensation Package/Entitlements ¹⁴	Livelihood Restoration ¹⁵ , Relocation/Resettlement Assistance & Transitional Support ¹⁶ Entitlements ¹⁷
		not hold a recognizable legal right or claim to the land they occupy (i.e. Cat.(iii) under IFC PS5).	land acquisition program; no compensation for land.	and One (1) Enterprise Development & Vocational Training Option or one (1) Agricultural Improvement Option. <ul style="list-style-type: none"> Relocation assistance (e.g. moving support) and transitional support for a period (up to 12 months, reviewed at end of first harvest) after displacement to ensure food security.
Economically Displaced PAPs / PAHs who Lose Land (for which they hold a recognizable legal right or claim) (<i>Not Grazing Land – see Group 4</i>):				
<i>Group 2: Customary, Mailo, Kibanja, Bonafide Occupants and Lawful Occupants</i>				
2A		PAP/PAH loses ≤ 20% of land and is potentially vulnerable (Cat. 1 or 2, or has ≤ 0.5 acres remaining).	<ul style="list-style-type: none"> Monetary compensation at full replacement value for land and any structures, assets (eligible crops & trees) and other improvements on the land they own. Where <u>customary land</u> PAP will be offered support to secure alternative agricultural land with their monetary compensation (<u>only where land >0.12 acres and land being self-identified by PAP</u>). 	<ul style="list-style-type: none"> Standard Livelihood Restoration Package (for PAPs that <u>lose land</u>). Plus one (1) additional livelihood restoration option (<i>either an additional agricultural improvement LR option OR an additional enterprise development/vocational training option</i>). Transitional support for a period (up to 6 months or to end of first harvest) after displacement to ensure food security. Resettlement assistance as appropriate to the vulnerability factors of the PAP.
2B	Customary, Mailo, Kibanja, Bonafide/Lawful Occupant	PAP/PAH loses ≤ 20% of land and is not potentially vulnerable.	<ul style="list-style-type: none"> Monetary compensation at full replacement value for land and any structures, assets (eligible crops & trees) and other improvements on the land they own. 	<ul style="list-style-type: none"> Standard Livelihood Restoration Package (for PAPs that <u>lose land</u>).
2C		PAP/PAH loses > 20% of land and is potentially vulnerable (Cat. 1 or 2, or has ≤ 0.5 acres remaining) or loses ≥ 80% of land.	<ul style="list-style-type: none"> Monetary compensation at full replacement value for land and any structures, assets (eligible crops & trees) and other improvements on the land they own. Where <u>customary land</u> PAP and PAP loses ≥ 80% of land they will be offered support to secure alternative agricultural land with their monetary compensation (<u>only where land >0.12 acres and land being self-identified by PAP</u>). 	<ul style="list-style-type: none"> Standard Livelihood Restoration Package (for PAPs that <u>lose land</u>). Plus two (2) additional livelihood restoration options (<i>i.e. one (1) additional agricultural livelihood restoration (LR) option and one (1) additional enterprise development/vocational training option</i>). Transitional support for a period (up to 12 months or to end of first harvest) after displacement to ensure food security. Resettlement assistance as appropriate to the vulnerability factors of the PAP.

¹⁸ The eligibility criteria for the type of replacement house and ancillary structures is presented in Chapter 8.

¹⁹ Licensees who hold a recognized legal right/claim to other land affected by the Project, which may have been valued in a separate valuation and do lose land due to the Project, or are part of the immediate family of the land owner on which their homestead is located (i.e. this may be particularly relevant in the three Districts with customary land), may be eligible though as Group 1A. This will be reviewed on a case-by-case basis. See Section 7.4.3.2 and Chapter 8 for further details.

PAP/PAH Group	Land Tenure/Interest	Type of Loss/Impact and Eligibility Criteria ¹¹¹²¹³	Compensation Package/Entitlements ¹⁴	Livelihood Restoration ¹⁵ , Relocation/Resettlement Assistance & Transitional Support ¹⁶ Entitlements ¹⁷
2D		PAP/PAH loses >20% of land and is not potentially vulnerable <u>but</u> has ≤ 1.5 acres remaining.	<ul style="list-style-type: none">Monetary compensation at full replacement value for land and any structures, assets (eligible crops & trees) and other improvements on the land they own.	<ul style="list-style-type: none">Standard Livelihood Restoration Package (for PAPs that <u>lose land</u>).Plus one (1) additional livelihood restoration option (<i>either an additional agricultural improvement LR option OR an additional enterprise development/vocational training option</i>).Transitional support for a period (up to 6 months or to end of first harvest) after displacement to ensure food security.
2E		PAP/PAH loses >20% of land and is not potentially vulnerable and has > 1.5 acres remaining.	<ul style="list-style-type: none">Monetary compensation at full replacement value for land and any structures, assets (eligible crops & trees) and other improvements on the land they own.	<ul style="list-style-type: none">Standard Livelihood Restoration Package (for PAPs that <u>lose land</u>).
<u>Group 3: Freehold & Leasehold (All Land Types – including Grazing)</u>				
3A	Freehold, Leasehold	PAP/PAH lose land. Land is encumbered <u>or</u> unencumbered land not used for livelihood activities by PAP (or their household).	<ul style="list-style-type: none">Monetary compensation at full replacement value for land and any structures, assets (eligible crops & trees) and other improvements on the land they own.	<ul style="list-style-type: none">Not eligible for livelihood restoration program.
3B		PAP/PAH lose land. Parts of the affected land is unencumbered <u>and</u> used for livelihood activities by PAP (or their household).	<ul style="list-style-type: none">Monetary compensation at full replacement value for land and any structures, assets (eligible crops & trees) and other improvements on the land they own.	<ul style="list-style-type: none">Standard Livelihood Restoration Package (for PAPs that <u>lose land</u>).
<u>Group 4: Economically Displaced PAPs / PAHs who lose Grazing Land</u>				
4	Customary, Mailo, Kibanja, Bonafide/Lawful Occupant	PAP/PAH who loses land predominantly used for grazing.	<ul style="list-style-type: none">Monetary compensation at full replacement value for land and any structures, assets (eligible crops & trees) and other improvements on the land they own.(Project assistance in maintaining some access or alternative arrangements during the construction period. Corridor not fenced except short sections during construction.)	<ul style="list-style-type: none">Standard Livelihood Restoration Package (for PAPs that <u>lose land</u>). (<i>Will be tailored for PAPs dependent on grazing livelihoods</i>).
<u>Group 5: Economically Displaced PAPs / PAHs who lose eligible crops (i.e. perennial)²⁰, trees, structures or other assets only, but do not lose land (for which they hold a recognizable legal right or claim) or residential dwellings. (Physically displaced PAPs / PAHs would be included in Group 1B above).</u>				
5	PAP/PAH will lose eligible crops (i.e. perennial), trees or other assets, but not land or residential dwellings.		<ul style="list-style-type: none">Monetary compensation at full replacement value for any structures, assets and other	<ul style="list-style-type: none">Standard Livelihood Restoration Package (for PAPs that <u>do not lose land</u>) comprising: Financial Literacy and money management training;

²⁰ PAPs who lose seasonal crops will be given the opportunity to harvest these. The Project will monitor impacts on PAPs who only lose seasonal crops during RAP implementation and

PAP/PAH Group	Land Tenure/Interest	Type of Loss/Impact and Eligibility Criteria ¹¹¹²¹³	Compensation Package/Entitlements ¹⁴	Livelihood Restoration ¹⁵ , Relocation/Resettlement Assistance & Transitional Support ¹⁶ Entitlements ¹⁷
			improvements affected by the land acquisition program; no compensation for land.	and One (1) Enterprise Development & Vocational Training Option or one (1) Agricultural Improvement Option. <ul style="list-style-type: none">At the discretion of the Project, Group 5 PAPs who are considered very vulnerable, may be eligible for transitional support for a period (up to 6 months or to end of first harvest) after displacement to ensure food security.
Group 6: Economically Displaced PAPs who lose access to land and assets in wetland and/or riverbank areas²¹				
6A	PAPs/PAHs lose land and other assets. PAPs/PAHs hold a recognizable legal right or claim to the land they occupy/use in the wetland and/or riverbank areas (including those whose land interest/claim is recognized by NEMA).	<ul style="list-style-type: none">Monetary compensation at full replacement value <u>for land</u> and any structures, assets (eligible crops & trees) and other improvements on the land they own.	<ul style="list-style-type: none">Same as Group 2 PAPs depending on loss and vulnerability. <i>(Some of the PAPs who lose land or assets in the wetland/riverbanks areas have land affected by the Project outside these areas so will be part of the relevant Group above).</i>	
6B	PAPs/PAHs lose access to land and/or only lose other assets. PAPs do not hold a recognizable legal right or claim to the land they occupy/use in the wetland and/or riverbank areas (including those whose land interest/claim is not recognized by NEMA).	<ul style="list-style-type: none">Monetary compensation at full replacement value for any structures, assets and other improvements affected by the land acquisition program; no compensation for land.	<ul style="list-style-type: none">Standard Livelihood Restoration Package (for PAPs that <u>do not lose land</u>) comprising: Financial Literacy and money management training; and One (1) Enterprise Development & Vocational Training Option or one (1) Agricultural Improvement Option.	
Group 7: Economically Displaced PAPs / PAHs who lose access to land and assets in Central Forest Reserve (CFR) (i.e. Taala CFR) (Physically displaced PAPs would be included in Group 1B above).				
7	PAPs/PAHs will lose crops, trees or other assets, but not land or residential dwellings. <i>(PAPs/PAHs do not hold a recognizable legal right or claim to the land they occupy/use in the CFR)</i>	<ul style="list-style-type: none">Monetary compensation at full replacement value for any structures, assets and other improvements affected by the land acquisition program; no compensation for land.	<ul style="list-style-type: none">Standard Livelihood Restoration Package (for PAPs that <u>do not lose land</u>) comprising: Financial Literacy and money management training; and One (1) Enterprise Development & Vocational Training Option or one (1) Agricultural Improvement Option.	

may on a case-by-case basis provide access to some of these PAPs to the relevant livelihoods programmes.

²¹ Group 6A PAPs likely to be included in relevant Group 2 as majority of PAPs have land also outside wetland and riverbank areas. Some Group 6B PAPs may also be included in Group 5, and they may also hold assets or be undertaking livelihood activities outside the wetland and riverbank areas.

PAP/PAH Group	Land Tenure/Interest	Type of Loss/Impact and Eligibility Criteria ¹¹¹²¹³	Compensation Package/Entitlements ¹⁴	Livelihood Restoration ¹⁵ , Relocation/Resettlement Assistance & Transitional Support ¹⁶ Entitlements ¹⁷
Other Types of Loss/Impact – (Groups of PAPs / PAHs above may be subject to these impacts and eligible for compensation accordingly)				
Loss of Structures ²²				
-	Residential Dwelling Structure (must be complete, occupied/regular use and not abandoned). Verified and bonafide owner of structure. PAP/PAH holds a recognizable legal right or claim to the land they occupy (i.e. Cat. (i) and (ii) PAPs under IFC PS5).	<ul style="list-style-type: none">PAP will be offered a choice of In-kind Compensation of Replacement Housing with as a minimum a Residential Plot only²³ or Monetary Compensation for structure at full replacement value.PAP can salvage building materials.	<ul style="list-style-type: none">(Group 1A entitlement.)	
-	Residential Dwelling Structure (must be complete, occupied/regular use and not abandoned). Verified and bonafide owner of structure. PAP does not hold a recognizable legal right or claim to the land they occupy (i.e. Cat. (iii) under IFC PS5).	<ul style="list-style-type: none">Monetary Compensation for structure at full replacement value.PAP can salvage building materials.	<ul style="list-style-type: none">(Group 1B entitlement.)	
-	Other structures (including commercial/business structures ²⁴ , ancillary structures (e.g. pit latrines, bath enclosures, fences, poultry houses, cattle pens, cattle kraals, bee hives etc.).	<ul style="list-style-type: none">Monetary Compensation for structure at full replacement value.PAP can salvage building materials.	<ul style="list-style-type: none">(Determined by PAP Group above).	
Loss of Crops & Trees:				
-	Seasonal Crops	<ul style="list-style-type: none">Not eligible for compensation as PAPs will be given opportunity to harvest.	<ul style="list-style-type: none">(Determined by PAP Group above).The Project will monitor impacts on PAPs who lose <u>only</u> seasonal crops and may on a case-by-case basis provide access to some of these PAPs to the relevant livelihoods programmes.	
-	Perennial Crops	<ul style="list-style-type: none">Monetary compensation based on relevant District Compensation Rates for crops recorded during valuation (present at individual PAP cut-off date).PAP at liberty to harvest.	<ul style="list-style-type: none">(Determined by PAP Group above).	
-	Economic Trees	<ul style="list-style-type: none">Monetary compensation based on relevant District Compensation Rates for crops recorded	<ul style="list-style-type: none">(Determined by PAP Group above).	

²² Permanent structures valued on basis of replacement cost approach (see Section 7.3.4). Semi-permanent and temporary structures valued using District Compensation rates.

²³ The eligibility criteria for the type of replacement house and ancillary structures is presented in Chapter 8. Where a PAP selects the replacement housing option this will be in-lieu of the monetary compensation for the replaced structure.

²⁴ For business/commercial premises the Project will, if necessary, provide transport assistance for removal of goods and reusable construction materials to new location (within District limits).

PAP/PAH Group	Land Tenure/Interest	Type of Loss/Impact and Eligibility Criteria ¹¹¹²¹³	Compensation Package/Entitlements ¹⁴	Livelihood Restoration ¹⁵ , Relocation/Resettlement Assistance & Transitional Support ¹⁶ Entitlements ¹⁷
			during valuation (present at individual PAP cut-off date). <ul style="list-style-type: none"> PAP at liberty to cut and salvage the wood/timber. 	
<i>Loss of Cultural Assets</i>				
-	Marked Graves		<ul style="list-style-type: none"> Monetary compensation based on relevant District Compensation Rate for graves. 	<ul style="list-style-type: none"> Relocation/financial assistance to cater for all the relocation items and procedures of grave relocation be provided to the PAPs/families/groups laying claim to grave. The proposed assistance includes for the following items/support: labour for exhumation and reburial, bark cloth/cloth, coffin, food, local brew, livestock (chicken, goat, sheep) and transport.
-	Unmarked/unverified graves/shrines		<ul style="list-style-type: none"> Invisible graves and unbuilt shrines (i.e. 'unmarked') are not eligible for valuation for compensation without the presence of the grave being physically verified. If during the further Project development and construction these 'unmarked' graves are verified they will be covered by a supplementary valuation and compensated for. 	<ul style="list-style-type: none"> The Project Cultural Heritage Management Plan will cover the treatment of all graves including attention to unmarked graves so they can be relocated appropriately if found.
-	(Built) Shrines (& other cultural sites)		<ul style="list-style-type: none"> Monetary compensation based on relevant District Compensation Rate. 	<ul style="list-style-type: none"> Relocation/financial assistance for relation or shrine.
<i>Loss of Community Facilities (land and/or assets) (including non-residential structures which serve the community, such as schools or places of worship):</i>				
-	Non-residential facilities/structures which serve the Community, such as schools or places of worship.		<ul style="list-style-type: none"> Monetary compensation for structure at full replacement value; or For non-residential structures which serve the community (such as a school or place of worship) and occupied and in use will be eligible for in-kind replacement in lieu of monetary compensation. The Project will engage with eligible parties and consider the mode of compensation on a case-by-case basis. PAP/institution can salvage materials. 	-
-	Other community facilities/structures (e.g. wells, boreholes, springs etc).			-

PAP/PAH Group	Land Tenure/Interest	Type of Loss/Impact and Eligibility Criteria ¹¹¹²¹³	Compensation Package/Entitlements ¹⁴	Livelihood Restoration ¹⁵ , Relocation/Resettlement Assistance & Transitional Support ¹⁶ Entitlements ¹⁷
Impacts on Public Utilities & Infrastructure (land and/assets)				
	Pipeline crossing of Public Utilities/Infrastructure (e.g. power distribution lines, transmission lines, national roads, district roads and community access roads, as well as a railway lines, water supply and sewerage systems). Utilities located on government land. ²⁵	<ul style="list-style-type: none">Project will have crossing agreements for the pipeline corridor with relevant authorities for public utilities/infrastructure (to enable appropriate co-existence).Any diversion of utilities/services and infrastructure will be in conformity with national standards and works will be agreed by Project and relevant public authority (including responsibility for works).Any Project required works to utilities/infrastructure within communities will be discussed and agreed with the relevant authorities and done to national standards.	-	
	Pipeline crossing of community level infrastructure (e.g. footpaths, cattle tracks and community access roads) whose land has not been acquired by the Government entities, hence still belongs to the affected PAPs. This land will be acquired and compensated for.	<ul style="list-style-type: none">Monetary compensation based on full replacement value for land.Rerouting of any community accesses (including footpaths, cattle tracks etc.) around project infrastructure based on assessment of loss of access.	-	
Vulnerable Persons & Groups				
-	Additional support for vulnerable people subject to any losses above.	<ul style="list-style-type: none">PAPs/PAHs who are categorized as potentially vulnerable (Cat.1 & Cat.2) under the Project criteria (see Section 7.4.6) will be provided with additional support depending on pre-existing vulnerability factors and significance of displacement impacts.	<ul style="list-style-type: none">Participation in livelihood restoration programs (as explained in Section 7.4.4 and Chapter 9) depending of PAP Group.Resettlement assistance as appropriate to the vulnerability factors of the PAP.	
Financial Transition:				
-	Monetary compensation windfalls – impacts on households to manage sudden windfall of compensation and risks of mismanagement of compensation.	<ul style="list-style-type: none">Assistance with opening bank accounts.	<ul style="list-style-type: none">Financial Literacy and money management training.	

²⁵ Any such land where the Government acquisition/compensation process for these public facilities/utilities is incomplete has been valued for monetary compensation in the valuation reports.

