

TOTAL E&P Uganda & Tullow Uganda Limited

Tilenga Project

THIRD PARTY REVIEW OF RAP1 PERFORMANCE AND COMPLIANCE *Final Report*

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1

CONTENTS

1. INTRODUCTION	3
1.1 BACKGROUND AND SCOPE	3
1.2 UGANDA MISSION ITINERARY	3
1.3 REFERENCE FRAMEWORK	3
1.4 METHODS	3
2. FINDINGS	4
2.1 PROCESSES AND PROCEDURES	4
2.1.1 Inventories and Surveys	4
2.1.2 Cut-Off Date	4
2.1.3 Compensation Entitlements	5
2.1.3.1 <i>Land</i>	5
2.1.3.2 <i>Crops</i>	5
2.1.3.3 <i>Bush Trees</i>	5
2.1.4 Documentation and database	6
2.1.5 Hold-Outs	6
2.1.5.1 <i>Process and Risks</i>	6
2.1.5.2 <i>Potential Evictions</i>	7
2.1.6 Grievance Management	7
2.1.7 Relocation/Compensation of Cultural Heritage Features	9
2.1.8 Internal Monitoring and Reporting Process	9
2.1.8.1 <i>Periodic Reporting</i>	9
2.1.8.2 <i>Replicate Livelihood Surveys</i>	9
2.1.8.3 <i>Third Party Reviews</i>	9
2.2 KEY OUTCOMES	9
2.2.1 Resettlement Housing	9
2.2.1.1 <i>House Design</i>	9
2.2.1.2 <i>Construction Quality</i>	10
2.2.2 Replacement Residential Land Plot	10
2.2.3 Cash Compensation Delivery	10
2.2.4 Use of Cash Compensation	10
2.2.5 Dry Rations	11
2.2.6 Livelihood Restoration	11
2.2.6.1 <i>General</i>	11
2.2.6.2 <i>Agricultural Programme</i>	12
2.2.6.3 <i>General Livelihood Restoration Strategy</i>	12
2.2.7 Assistance to Vulnerable Individuals	13
2.2.8 Consideration of Gender	13
2.3 ORGANISATIONAL ARRANGEMENTS	13
2.3.1 Government Sign-Offs	13
2.3.2 Resource Availability and Adequacy	14
2.3.3 Procurement Issues	14
3. SUMMARY OF RECOMMENDATIONS AND ACTION PLAN	15
ANNEX 1 – ITINERARY	17
ANNEX 2 – INTERVIEW GUIDES	18
PHYSICALLY DISPLACED HOUSEHOLDS (PRIMARY RESIDENTS)	19
ECONOMICALLY DISPLACED HOUSEHOLDS	22

1. INTRODUCTION

1.1 BACKGROUND AND SCOPE

1. RAP1 for the Tilenga Project (“Project”) covers priority areas (Industrial area and N1 Access road) located in Kasenyi village, Ngwedo Subcounty (total affected area: 786 acres) of Buliisa District in the Republic of Uganda. This land is to be acquired from 152 landowners. There are 622 affected asset holders or PAPs, including 30 that are physically displaced in RAP1 (that is, they have to relocate as a result of the Project).
2. The planning phase was completed in 2017 and implementation started in April 2018. Both planning activities (which resulted in a RAP document) and the implementation itself have been outsourced by TEPU to a contractor (Ugandan consulting company Atacama).
3. TEPU were willing to commission an independent review of the implementation of RAP1 to provide concise and relevant information about whether compensation, resettlement and development initiatives are on track or whether corrective actions are required. This is part of on-going monitoring and will ultimately contribute to a completion audit when implementation is complete and affected livelihoods can be deemed restored.
4. Frederic Giovannetti, an independent resettlement specialist, was therefore hired by TEPU via Ugandan vendor NFT Consult to undertake this review, which involved a trip to Uganda in the first half of May 2019.

1.2 UGANDA MISSION ITINERARY

5. The itinerary of Frederic Giovannetti’s Uganda mission is shown in Annex 1.

1.3 REFERENCE FRAMEWORK

6. The work was conducted in reference to the following reference framework:
 - IFC performance standards (2012), namely PS5 pertaining to land acquisition and resettlement;
 - The RAP1 document (Atacama, Synergy, Nomad for TEPU, 2017);
 - Relevant good industry practice in Uganda and elsewhere.

1.4 METHODS

7. The following was undertaken:
 - A review of the abundant documentation generated by the Project at both planning and implementation stages (RAP1, monitoring reports, samples of compensation agreements, grievance records);
 - Interaction with Project staff in Kampala and at site (TEPU and Atacama);
 - Interaction with District administration officials and elected political representatives (deputy Chairman of the Buliisa District);
 - Guided interviews with 35 Project Affected People, including 12 physically displaced people (9 male, 3 female), and 23 economically displaced people (13 male, 10 female), with 18 landowners (9 male, 9 female) and 5 land users (4 male, 1 female). The interview guides for both categories are presented in Annex 2.

2. FINDINGS

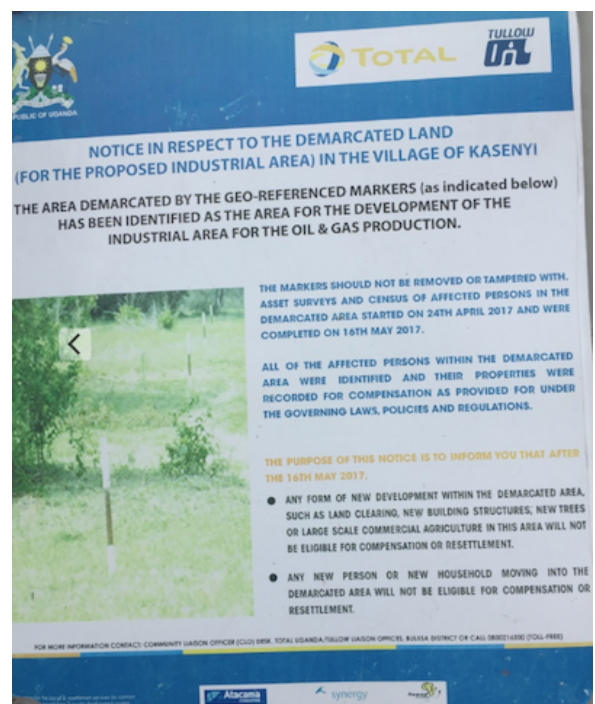
2.1 PROCESSES AND PROCEDURES

2.1.1 Inventories and Surveys

8. No significant issues with asset and socio-economic surveys were identified. Socio-economic questionnaires and survey data and forms are in line with good industry practice. It is also observed that resources dedicated to surveys are apparently sufficient and no significant delays were observed. Whilst there have been mistakes during the surveys (boundaries, missed or wrongly registered assets, particularly trees), which is unavoidable, interviews have clearly indicated that these errors were timely investigated and redressed such that the right amounts of compensation could be paid.
9. Of the 35 PAPs that were interviewed, 10 had lodged a grievance during the process and most (8 out of 10) of these grievances were associated to some inventory error. All eight such grievances were found to be closed to the satisfaction of the complainant at the time of the interviews. The grievance management system is discussed in more detail in section 2.1.6.
10. Most PAPs have stated in interviews that they understood the affected assets identification process well and that the process was proper and fair:
 - When asked to describe key steps in the process leading to compensation, only two PAPs (both male) failed to do so, while the other 33 were indeed able to list all main milestones and describe their purpose, in some cases displaying a very accurate recollection;
 - 5 PAPs out of 35 (1 male, 4 females) stated that they were dissatisfied with the asset identification process, usually because they found it too cumbersome and lengthy. None of these 5 PAPs had lodged a grievance, while in contrast all 10 that had a grievance expressed satisfaction with the process.
11. While these results show that surveys have been well designed, prepared and implemented, current provisions in regards of data management are not in line with good practice. It is understood, however, that this situation will soon be rectified when the Borealis system becomes operational. Data management is discussed in further detail in section 2.1.4.

2.1.2 Cut-Off Date

12. The process described in the RAP in regards of the cut-off date is comprehensive and fully meets both PS5 and good industry practice in an African context. PAP surveys indicate, however, that not all PAPs has a proper understanding of the implications of the cut-off date, in spite of these extensive information efforts. Several PAPs stated that they understood the cut-off as implying they were expected to vacate the land and stop cultivation, and that they experienced hardship as replacement land or compensation were delivered much later. The Project will have to better explain the difference between the cut-off and the notice to vacate, making it fully clear that PAPs are not expected to vacate the land until they are served a notice to vacate and can continue to farm, particularly annual crops. This should be included in all notices posted in the area (it was not in posters displayed in regards of RAP 1 – see photograph).



13. A sizable number of speculative structures have been erected in the RAP1 area between the first notifications of the affected area delineation and the cut-off date in order to seize compensation opportunistically. While they were meant to trigger resettlement eligibility, such structures are obviously uninhabitable. The Project policy in this respect appears adequate: by making a distinction between a ‘primary residence’ (which does trigger eligibility to a full resettlement package) and ‘other residences’, the Project has avoided to unduly provide physical resettlement packages to opportunistic builders, while these were still compensated in cash at replacement value. As a result, 30 PAPs that were verified as ‘primary residents’ have been considered as eligible to a full physical resettlement package. This policy is assessed as fair, it does not breach PS5 (since all assets inventoried at the cut-off date are compensated even if they are obviously speculative) and it is in line with good industry practice in terms of managing opportunistic occupation (Uganda, Ghana, DRC).

2.1.3 Compensation Entitlements

2.1.3.1 Land

14. It was observed in all interviews that the Project in-kind compensation strategy was well understood and not questioned by PAPs. Those who opted for cash compensation were able to use it wisely (often to purchase replacement land – see section 2.2.4).
15. Where land was compensated in cash, the land rate paid was UGX 3.5 Million per acre. Anecdotal evidence from PAPs suggests that this rate is generally higher than the current market price of agricultural land in both Buliisa and Hoima districts (with potential exceptions in areas very close to Hoima town). A number of PAPs have stated in interviews that they were able to purchase replacement agricultural land at prices in the range of UGX 1.6 to 2.8 Million per acre and no one complained about the land rate being too low.
16. However, land prices seem quite volatile in the area. Specifically, the arrival of Project workers could potentially trigger significant inflation of land prices. These prices should be monitored six-monthly per usual good practice in Africa. Given the difficulties that were experienced with compensation rate updates in early phases, it is suggested that a discussion should pro-actively take place with both the Buliisa District Land Board and the Chief Government Valuer’s office on systematic land rate updates.

2.1.3.2 Crops

17. Minor reservations have been expressed by a few PAPs in regards of certain crop rates (cassava and some trees). Again crop prices on local markets should be monitored at least six-monthly as experience indicates that they can also be quite volatile in Uganda, and the above-mentioned discussion with DLB and CGV about compensation rate updates should cover annual and perennial crops as well.

2.1.3.3 Bush Trees

18. The Project has elected not to compensate in cash for medicinal and other valuable bush trees. These are supposed to be compensated ‘like-for-like’ with provision of seedlings from one of the livelihood restoration implementation partners (CIDI), who themselves are expecting to source such seedlings from a few local commercial tree nurseries.
19. However, viable seedlings of bush trees are often difficult to reproduce in nurseries and it may be that not all species can be replaced in this manner. It is not uncommon in Africa that such trees are compensated in cash for this very reason.
20. Another issue is the ownership of such trees. Apparently in the Project area they are deemed community property rather than clan, family, or individual, which is another reason why the Project was reluctant to compensate them in cash. This difficulty can also be overcome by providing eligibility to compensation for such trees to communities in the form of a small community project benefitting all residents (for example: a well; a fence around a community facility; materials to repair a school or health post; latrines at the school; etc...).

21. The last issue is calculation and endorsement of a sensible compensation rate, which may be challenging as not all tree products are actually marketed, thereby making it difficult to estimate the replacement value of the tree. Indeed the District Land Board for Buliisa District does not keep rates for such trees at the moment. However, experience (notably in West Africa) shows that it is often possible to establish market rates for similar products of medicinal or other value and to derive reasonable replacement values for such trees. This consultant is prepared to provide further guidance if required.

2.1.4 Documentation and database

22. RAP1 compensation and grievances were largely managed using MS Excel files. TEPU rightly realised that this was inadequate in view of the magnitude of the overall data management exercise and procured the Borealis system. At this point in time this system is not operational and the migration from the multitude of Excel files to a unified management and storage system is currently in progress with support from Borealis IT specialists. TEPU should oversee this process with utmost attention. The Borealis system is fit to its purpose and amongst the best on the market currently. However, it is relatively complex and experience shows that it requires significant tailoring and training efforts. A project manager has been assigned by TEPU to interact with Borealis Ltée with support from Atacama (who will have to implement the system and are familiar with the deficiencies of the previous data management arrangements). The following practical recommendations should be considered:
- Make sure that the system can operate with limited internet connectivity (interim backups on local TEPU servers rather than on Borealis's servers in Canada);
 - Make sure that authorisation and sign-off procedures are clarified (data entry, data modification, generation of asset and compensation summaries, grievances);
 - Check the details of the migration (including the consistency of PAP and asset numbering with the requirements of the Borealis system) and make sure no fields or records are lost (experience of other projects shows that such migration is often challenging and a cause of significant loss of time and energy);
 - Run as many tests as required before the system is accepted and the provider is paid;
 - Make sure the system does not go online in a period when the generation of compensation documentation is urgently required but in a relatively quiet period rather;
 - Provide for contingency use of the Excel files for some time after the system goes online to cater for a temporary loss of system accessibility should such occur.
23. The introduction of the Borealis system offers an opportunity to review and possibly revisit organisational arrangements, processes, procedures and internal checks within the RAP teams (including both TEPU and Atacama). The experience in implementing a similar Borealis system in another project of one of the MFC project managers supporting Atacama should be used.
24. Also, TEPU Legal should review recently enacted Uganda data privacy requirements¹ and these should be integrated within Borealis operating procedures as warranted.

2.1.5 Hold-Outs

2.1.5.1 Process and Risks

25. 9 PAPs (8 primary residents and 1 land user) refused proposed compensation and compulsory acquisition procedures are being considered as a result. It is indeed advised that TEPU and Atacama should stop unnecessary engagement with these PAPs and let compulsory acquisition proceed. Experience suggests that PAPs are not unlikely to come forward and seek a resumption of negotiations when they are given less attention from the Project and start receiving compulsory acquisition notices from the Government.

¹ *Ugandan Data Protection and Privacy Act 2019 (DPPA), 25th of February 2019.*

26. The key challenge of compulsory acquisition is that the process is handled by the Government but most risks are to TEPU, particularly reputational and legal risks. Specific risks associated to the compulsory acquisition process include:
- Increased scrutiny by NGOs and CSOs, particularly those involved in Human Rights advocacy, and by private lawyers attracted by the perspective of profitable lawsuits. Experience of similar projects indicates that NGOs and CSOs are often keen to verify that (1) public interest is established in line with requirements of the law, and (2) information to PAPs is transparent, including on their rights of appeal. Such scrutiny will require TEPU to ensure that all legal steps are followed with utmost rigour, keeping in mind that the Constitution prevails over the Land Acquisition Act (1965) ².
 - The process of declaration of public purpose, which is a pre-requisite to any compulsory acquisition. It is currently TEPU's assumption that public purpose is warranted and that related legal steps have been followed (statutory instrument obtained), and a third party legal opinion confirmed that this process is sufficient.
 - Entry into land without compensation. The suggestion to pay compensation into escrow accounts opened in the name of PAPs addresses this potential issue.
 - Forced evictions (evictions without due process and with disproportionate use of public force) – see section 2.1.5.2.
 - Lack of transparency and deficient information to PAPs on the process and their rights; TEPU should discuss all steps with the Ministry of Lands and check that key provisions of PS5 are complied with (particularly in terms of information and right of appeal).
 - Use of bailiffs in the process, as they have a poor reputation in Uganda, where they tend to be perceived as rogue debt enforcers.
27. It is suggested to discuss conditions under which the compulsory acquisition process should be undertaken and to agree them in a MOU between the Ministry of Land and TEPU. This MOU should also address cost issues. The cost of the compulsory acquisition process will have to be borne by TEPU (albeit within the general framework of cost-recovery). This may include the following:
- Cost of serving notices to PAPs.
 - Cost of opening escrow accounts.

2.1.5.2 Potential Evictions

28. Although not likely, some of these hold-outs may result in the need for an eviction. The human rights and reputation risk of an eviction is significant, particularly if it were undertaken by the Government without Project involvement. It is necessary to avoid the *eviction* to turn into a *forced eviction*, which is a gross violation of human rights. Guidance is provided in the 2014 UN High Commissioner for Human Rights document entitled 'Forced Evictions' ³.
29. TEPU is encouraged to prepare for such a possibility by engaging the relevant Government agencies (Ministry of Land and possibly Ministry of Justice), and to involve local and national civil society organisations in this engagement process insofar as warranted/possible. Should an eviction become necessary, conditions described in the UN document mentioned above should be met.

2.1.6 Grievance Management

30. Atacama and TEPU maintain a number of compensation- and resettlement-related grievance logs, that is for each of RAP1 to 5:

² NGOs and CSOs have been advocating changes to the Land Acquisition Act (1965) for some time as they argue that it is not in line with the much more recent Constitution of Uganda. Article 26 of the Constitution, which is inspired by language in the Universal Declaration of Human Rights, requires prior compensation, whereas the Land Acquisition Act allows for immediate taking of possession of land by the expropriating agency, with compensation paid later.

³ <https://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf> - see page 26 and further.

- A so-called “planning log”;
 - A so-called “implementation log”.
31. Separating planning and implementation-related grievances has historical reasons. However, all grievance logs appear to be consolidated for management reporting purposes on a weekly basis. In addition, Atacama also maintain grievance logs in respect of RAP1 and other RAPs. The way TEPU’s and Atacama’s grievance management systems interact is not fully clear.
32. Overall there are relatively few grievances: a total of 75 grievances were opened in the so-called ‘implementation’ log in 2018 for a land acquisition exercise that affects more than 600 people⁴. This could have been indicative of a lack of PAP awareness of the system, but it was checked in the interviews that PAPs are generally well aware of the system and of the avenues available to them to lodge a complaint. The surveys also confirm that grievances have usually been processed within a timeframe that PAPs consider acceptable and that the final outcome of the review was generally accepted by the PAPs (see also paragraph 9 above).
33. Grievances are not categorised in the logs that we reviewed (e.g. inventory, payment, housing, dispute, and whichever other categories may be relevant). This is not conducive to identifying generic grievances, which would help to identify potential systemic deficiencies requiring corrective actions. The newly introduced Borealis system should cater for such a categorisation. The inputs of the team are required to come up with a categorisation that makes sense for management and monitoring purposes. Typical categories in other projects include, for example:
- Inventory related grievance, which can be subdivided further (e.g.: perennial crop, annual crop, structure, cut-off issue, etc...);
 - Ownership dispute;
 - Succession, divorce, or other family issue;
 - Damage to property arising from construction (e.g. material spill-over, dust);
 - Accident involving animal;
 - Etc...
34. While there is no blatant non-compliance to international standards and the team can continue operating the grievance system as it currently does, we believe the following changes would be beneficial:
- Consolidating all grievance logs into one, and managing grievance dossier access and modification authorisations accordingly;
 - Categorising grievances per broad categories that make sense from a practical perspective (see above paragraph 33);
 - Generating and reviewing statistics of grievance by categories to be able to identify systemic deficiencies that require correction;
 - Generating and reviewing statistics of average time required to process and resolve a grievance;
 - Allocating more clearly the responsibility of grievance management to designated officers (they are not necessarily the ones that propose a resolution but they are the ones answerable and accountable, notably for time required to resolve).
35. These requirements should be communicated to Borealis so they can tailor the grievance management module in the Borealis system and train the grievance management and stakeholder engagement teams accordingly.

⁴ *It is no unheard of to have a grievance for every other plot in unregistered land in Africa (boundary disputes, inventory issues, inheritance, divorces, etc...).*

2.1.7 Relocation/Compensation of Cultural Heritage Features

36. PAP surveys did not reveal any issue in regard to grave relocation. The Project decision not to relocate unmarked graves appears to be well accepted and several respected elders met in the surveys confirmed that it was fine in their review not to relocate remains contained in unmarked graves as long as adequate rituals were carried out and paid for by the Project.

2.1.8 Internal Monitoring and Reporting Process

2.1.8.1 Periodic Reporting

37. The internal monitoring and supervision process involves a number of periodic coordination meetings both internal to Atacama and joint between Atacama and TEPU (daily, weekly), and reports (daily, weekly, monthly, quarterly). Whilst it is noted that Project management teams on both Atacama and TEPU sides believe all meetings and reports add value, this reviewer also observes that this process leads to the generation of a significant amount of written material, not all of which may be necessary. The teams are therefore advised to consider a potential simplification of this system, potentially streamlining some of the reports, to avoid dedicating too much time to monitoring tasks that may not be utterly necessary.
38. Also, the introduction of the Borealis system could provide an opportunity for such simplification with some of the indicators or even reports being generated automatically.

2.1.8.2 Replicate Livelihood Surveys

39. We understand that TEPU have requested Atacama to undertake a replication of the baseline livelihood and socio-economic survey and that this is largely complete as far as the field investigations are concerned, although processing has not started and results are not available yet. Notwithstanding associated commitments in the RAP, it is advised that such surveys are not necessary at a yearly frequency. Usual practice is to replicate these surveys once at mid-term of livelihood restoration activities (i.e. around 2021-2022) and once immediately prior to the completion audit (which in a case like RAP1 should probably take place about four to five years after the end of compensation delivery, i.e. around 2024-2025).

2.1.8.3 Third Party Reviews

40. The Project sponsor is encouraged to consider systematising 3rd party reviews like the one undertaken by this consultant at a yearly frequency. This is common practice for challenging resettlement projects. In addition to allowing for a 'fresh-eye' review, it also exposes the implementation team to different ideas and different experience. It may be a good idea to consider another consultant to bring a different perspective to the review. Supporting the review by a limited number of household interviews also proved very valuable and, although these have limited statistical significance it is advised to replicate this approach in a further 3rd party review.

2.2 KEY OUTCOMES

2.2.1 Resettlement Housing

2.2.1.1 House Design

41. All 30 resettlement houses have been designed and building permits are being obtained from the relevant District department. The Contractor (Pearl) are about to start mobilising. This reviewer was unable to make any meaningful observations on actual resettlement houses (whether finished or under construction) as a result. However, the design of houses was reviewed and was found adequate, with no unnecessary complications, for which TEPU and Atacama should be commended. The average cost per house (reportedly around USD 30,000) appears reasonable and in line with construction of houses of similar standards in East Africa in the context of resettlement projects.

2.2.1.2 Construction Quality

42. Construction quality will be of critical importance to the overall reputation of the TEPU resettlement project. Whilst it is noted that third party certification services for every construction step have been procured, TEPU and Atacama are also advised to allocate adequate resources to construction supervision, with presence on a daily basis at the work site. Adequate attention should also be brought to the supervision of latrines and kitchens, which experience shows are often neglected.
43. After house construction completion and during the guarantee period, resettlers' grievances will have to be addressed timely, keeping in mind that the rainy season often results in observations of defects (leaking roofs). A punch list system should be established to address and process grievances and defects. Experience suggests that this is often an onerous process and it should be adequately resourced.
44. It is noted that one individual in RAP2 owns an affected house (not visited), which is reportedly of a better standing than the proposed resettlement house. Said individual has not raised this discrepancy as a concern yet but it is expected that he will do so upon receiving the new house and may refuse to move. In line with normal practice in such cases, it is recommended to offset the potential difference in house finish levels by cash compensation based on the difference between the valuation of the affected structure 'as new' and the valuation of the resettlement house.

2.2.2 Replacement Residential Land Plot

45. Amongst physically displaced people, all people surveyed save one have identified their replacement residential land plot themselves (10 out of the 11 that were interviewed). Four of these 10 had a first choice that was refused, usually because it was out of the communities that were eligible and/or too far from community infrastructure. Nobody expressed dissatisfaction with this process and people reported that they understood the review process and the criteria.

2.2.3 Cash Compensation Delivery

46. The payment process involved PAPs opening a bank account with the local branch of Ugandan bank Stanbic, with TEPU transferring compensation monies into PAPs' bank accounts. Only compensation amounts of less than UGX 500,000 (approximately USD 140) could be paid in cash. Opening bank accounts and receiving funds therein was heavily facilitated by the Project, with Stanbic officers travelling to the affected area to handle all paperwork with PAPs. None of the interviewed PAPs complained about this process.
47. However, it was also found that with a few exceptions most PAPs were not using their bank account any longer. All available monies have been withdrawn in cash within a few weeks or months of PAPs receiving the payment and most PAP bank accounts are now in disuse. The few exceptions that were still using the bank account mentioned that they thought the remainder of their compensation would thus be more secure.
48. The financial training provided at the time of payment was assessed as useful by all interviewed PAPs save one⁵.

2.2.4 Use of Cash Compensation

49. Interviewed people were asked to list the three main areas to which they had allocated compensation monies. Only seven households out of 34 (one answer is not usable) did not mention purchasing land as one of these three main areas. This means that most people (almost 80%) have been able to purchase replacement agricultural or residential land. Other areas where compensation has been used include:

⁵ *Elderly female, who also found the identification process cumbersome (see paragraph 10).*

- Paying school fees: 47% of interviewed households;
 - Purchasing, building or repairing a residential house (including for rental): 44% of interviewed households;
 - Purchasing a motorcycle: 18% of interviewed households;
 - Investing in business (typically buying stock for a shop): 12% of interviewed households;
 - Investing in livestock: 9% of interviewed households.
50. It is also significant that with only two exceptions, all interviewed people reported that the compensation money had been entirely spent (and, as mentioned in paragraph 47 above they were not using their bank accounts any longer).
51. Compensation utilisation trends will need to be confirmed by more detailed and more comprehensive in further monitoring. If confirmed, they denote a productive utilisation of compensation, in contrast with observations made in other regions of Uganda, where significant numbers of compensated people had misused their cash compensation in unsustainable investments (taxis) or 'luxury' expenditures.
52. While this is an encouraging finding, it should also be considered with caution, for the following reasons:
- As mentioned earlier in this report, 35 interviews have limited statistical significance;
 - Access to replacement land may reach limitations when more PAPs require replacement land as there will be cumulative impacts to the same PAPs, the same areas of agricultural land, and the same communities.
53. This is why it is suggested to continue monitoring compensation use (potentially using the same questionnaire as that used for this review) over limited numbers of PAPs and to check whether the encouraging trend observed in this review towards sustainable utilisation of compensation can be maintained for future rounds of compensation.

2.2.5 Dry Rations

54. Interviews indicate that PAPs generally have a proper understanding of what the dry rations were meant to achieve (i.e. support in the transition period). However, as mentioned above in paragraph 12, they tend to have perceived the cut-off date as implying they had to vacate the land, and this perception has been enhanced by the fact that the delivery of the dry rations was not necessarily linked to the notices to vacate by the Project.
55. Most PAPs have also indicated that they were aware the delivery was about to be discontinued (last delivery in May 2019), which is indicative of proper information on the programme. It is however, unfortunate, that the distribution will be discontinued at a time when food is needed (lean season before the harvest from June to September, which is exacerbated by relatively poor 2018 harvests). It is advised to consider an extension, particularly for vulnerable people until the next harvests are available.
56. It appears that problems were experienced in regards of the last delivery (Q2, 2019), which had to be delayed (and was eventually effective in end May, 2019). The contractor appears to have capability issues. Consideration should be given to a potential termination of this contractor. As an emergency measure, the delivery of the last batches of dry rations could be included in the scope of Atacama.

2.2.6 Livelihood Restoration

2.2.6.1 General

57. Some of the Project components that have been categorised as 'livelihood restoration' activities do not fall into what is usually understood as livelihood restoration:
- The dry rations are in effect meant as a transition allowance to offset a loss (the loss of the ability to farm during the transition period associated with loss of farming land), and

as a result it should qualified as compensation rather than a livelihood restoration activity;

- The water project is a community project not directly meant as a livelihood restoration project.
58. The agricultural programme implemented by NGO CIDI had just started at the time of the review, with farmers groups established and some training already delivered. The implementation partner was in the process of procuring tree seedlings and cassava cuts. None of the other components (business preparedness, water supply) had started. The relevance of the review is somewhat limited as a result.

2.2.6.2 *Agricultural Programme*

59. Interviews with staff and presentations from the agricultural programme implementation partner CIDI suggest that the programme is not adequately staffed (with a frequently absent project manager and relatively inexperienced field officers). The programme is meant, amongst others, to provide genetically improved cassava cuts (and the associated training), as well as tree seedlings, with a variety of species including alignment and shade trees, fruit trees, and a few bush trees.
60. It also appeared that nobody in the supervision team had checked that suppliers selected by CIDI to provide cassava cuts⁶ and tree seedlings⁷ were actually able to deliver in time the relatively significant quantities involved with an acceptable quality. Experience of other similar programmes in other countries and in Uganda suggests that this is sometimes problematic, while poor quality supplies or delays in delivery have the potential to jeopardise the farmers' trust in the implementation partner. In regards of this programme, the performance of the current implementation partner should be reviewed, and a change in implementing agency could be considered if said review indicates that the performance leaves to be desired.

2.2.6.3 *General Livelihood Restoration Strategy*

61. At the time of the review, livelihood restoration for RAP1 appeared to be relatively poorly resources both from an implementation staff and a supervision standpoint. It is understood that Atacama have been given no livelihood restoration supervision mandate, although their substantial field presence puts them in a good position to supervise these activities under TEPU's general guidance. This should be clarified.
62. Agricultural activities are essentially focussing on trees, that is crops that will take quite some time to produce, and cassava/maize, that is rain-fed crops with relatively limited gains in productivity attainable against traditional farming methods. While this is certainly positive in the long term and provides opportunities to the less able, it should be complemented with other activities yielding visible results within shorter cycles ('quick-wins').
63. Accordingly, a change in strategy should be considered with more focus and more resources allocated to such quick-wins, for example in the following directions:
- Market gardening, involving the production of fruit and vegetables, is usually an effective manner to enhance livelihoods, particularly for women, wherever water is easily available. Small motor pumps are cheap and easy to maintain. This could make a significant difference.
 - Introducing more intensive livestock breeding methods, including zero-grazing (or quasi zero-grazing – intensive fattening)⁸ for small numbers of selected animals (cattle, small ruminants, pigs), better animal feed, forage crops, and genetic improvement of stock⁹.

⁶ NARO, the national agronomic research institute of Uganda, from a farm in Hoima.

⁷ A number of privately run nurseries in Hoima and Masindi districts.

⁸ There is valuable experience in this regard in Rwanda and possibly in other areas of Uganda. The TEPU livelihood restoration specialist is advised to enquire with local research institutes, governmental animal husbandry programmes, and NGOs.

- Introducing more intensive poultry breeding, including better feed and importantly providing the sanitary environment that these disease-sensitive animals require.
64. With livelihood restoration even more than in ‘normal’ developmental activities, it is essential not to “reinvent the wheel”, to use technology and methods that are proven in the local context, and to introduce only modest improvements that can become self-sustained shortly after having been introduced. Untested innovations should be ruled out, however attractive they may appear at first glance. The TEPU livelihood restoration specialists should review any proposed programme in this perspective, and seek first-hand information on outcomes reached in other programmes in Uganda or neighbouring countries.

2.2.7 Assistance to Vulnerable Individuals

65. A vulnerability action plan has been prepared by Atacama. It is generally adequate but its implementation has not started and as a result no specific activities could be reviewed. At this point, the vulnerability plan is based on people being deemed vulnerable based on single criteria taken in isolation and not combined with each other. This may need some refinement as an example, an elderly individual could be vulnerable or not depending on the level of family support he or she receives. Similarly, the presence in a household of a mentally handicapped child does not necessarily imply that this household is automatically vulnerable if the family has the financial and material ability to cater to the child with special needs.
66. In line with current good practice in this regard, it is advised to allocate scores to certain potential vulnerability criteria and to sum these scores. An example of such an approach and associated scoring matrix has been shared with TEPU and Atacama.
67. Another issue with vulnerability assessment is the envy that qualifying certain persons as vulnerable may trigger in an environment where many people think of themselves as poor and potentially vulnerable as a result. It is therefore advised to seek some form of community validation of vulnerability assessments. This could be done by ways of a specific committee formed to validate vulnerability assessments proposed by the Project.

2.2.8 Consideration of Gender

68. The interviews allowed investigating on a preliminary basis some gender aspects, particularly the participation of wives in the process leading to the compensation agreement, and the specific situations of women-headed households.
69. All male heads of household for whom the question was relevant (i.e. married) have declared that their wife had been informed of the process and had participated in the proceedings. They also stated that Project staff had insisted on their spouse being present and signing the documents. There may have been issues with some polygamic families, where only the first wife participated but not the younger one(s). It is also important to note that, in contrast with other projects in Uganda, there has been no report of women or children left destitute after the husband left with the compensation money.

2.3 ORGANISATIONAL ARRANGEMENTS

2.3.1 Government Sign-Offs

70. Government sign-offs have sometimes been difficult to obtain. This is particularly relevant to compensation rates. More effort from TEPU at senior level should be put into obtaining timely approvals. Compensation rates have to be updated on a regular basis (normal practice: yearly) and this update process should be expedited (see also paragraph 13).

⁹ Although radical changes in breeds should be ruled out (such as the introduction of Friesian or similar cattle breeds, which has consistently failed in East Africa. Priority should be given to cross-breeding with local stock.

2.3.2 Resource Availability and Adequacy

71. Both TEPU and Atacama have adequately resourced the implementation of RAP1 with dedicated and experienced teams. However, this reviewer would suggest to review the allocation of human resources and check whether they are actually allocated to areas where they are most needed. More fluidity between the different clusters within Atacama's teams could be beneficial, with some staff "pooled" between several clusters rather than being allocated once and for all. Specifically:
- Livelihood restoration requires more effort and more resources at all levels (TEPU, Atacama, Contractors);
 - The effort required to operationalise the Borealis system should not be underestimated;
 - Technical supervision of the resettlement housing construction works should be adequately staffed, with everyday presence at the different work sites.
72. With regards to livelihood restoration activities, there may be some lack of clarity in the allocation of supervision responsibilities between TEPU and Atacama. Beyond the fact (see paragraph 71) that generally more resource is needed in this area, it is suggested to task Atacama more clearly with field supervision responsibilities as their team is in the field, and possibly to go further by giving Atacama the responsibility for delivery of certain components (particularly the agricultural programme), which would simplify the chain of command.

2.3.3 Procurement Issues

73. It appears that in some areas the selection of contractors was driven by unrealistic procurement requirements rather than quality. The Project has to work as a result with contractors of substandard experience and capabilities (livelihood restoration). The logic of procurement must be changed, with technical not administrative requirements driving the selection and contracting process. There needs to be a realisation that recruiting an NGO to manage a small irrigation programme requires simplified procedures and requirements. This applies to payment conditions, amongst others. No Ugandan NGO potentially involved in a livelihood restoration activity is likely to have cash flow to sustain a 90-day payment period. Such rules make no sense in the Ugandan context and they have of themselves the potential to jeopardise all good efforts of the teams. They should be changed or derogations should be warranted.

3. SUMMARY OF RECOMMENDATIONS AND ACTION PLAN

74. The following table summarises the recommended action plan arising from findings of this review.

#	Finding	Recommendation	Responsibility	Deadline
1	There is confusion between cut-off and notice to vacate	Make it clear that the cut-off does not require to stop farming	TEPU with Atacama	Q3, 19
2	Land and crop prices are likely to become volatile and should be monitored	Engage DLB and CGV around the need to update rates on a regular basis and agree a process	TEPU with Atacama	Q3, 19
3	Medicinal trees are compensated in kind and not all species can be replaced	Review compensation strategy for bush and medicinal trees and consider compensation to communities in the form of community projects	TEPU with Atacama	Q3, 19
4	The introduction of the Borealis data management system is a much needed initiative. Experience shows that the change to such systems is resource intensive	Allocate sufficient resource from both TEPU and Atacama to make sure that the introduction of the Borealis system takes place timely and seamlessly	TEPU with Atacama	Q3, 19
5	Engagement with 'hold-outs' has yielded no significant results in the last year or so	Stop engagement and proceed to compulsory acquisition	TEPU	Q3, 19
6	Compulsory acquisition entails a number of legal and reputational risks to TEPU that need to be addressed and mitigated	Engage relevant Government agencies to discuss conditions under which the compulsory acquisition process should be undertaken and agree these conditions in a MOU between the Ministry of Land and TEPU	TEPU	Q3, 19
7	Should evictions become necessary, the Project should avoid forced evictions at all cost as these would entail significant human rights and reputational risks	Prepare for the possibility of evictions through engagement of relevant Government agencies, using UN guidance on evictions	TEPU	Q3, 19
8	Grievance management currently meets key relevant objectives and requirements and outcomes are satisfactory. However, the documentation, management and reporting system is inadequate	Take the opportunity of the introduction of the Borealis system to revisit grievance management and documentation procedures, including introducing a categorisation of grievances and the ability to automatically periodic generate grievance reports on key indicators	TEPU with Atacama	Q3, 19
9	Current internal monitoring and reporting procedures are particularly onerous	Consider simplifying procedures and eliminating the requirement for some documents	TEPU with Atacama	Q3, 19
10	Replicate livelihood and socio-economic surveys are planned to take place every year, which may not be necessary and meaningful	Simplify the requirement. Replicate surveys every three years should be sufficient.	TEPU	Q3, 19
11	This review has been useful to the teams	Consider systematising similar yearly reviews, potentially using different consultants to bring different perspectives	TEPU	Q3, 19
12	Resettlement house reconstruction requires proper supervision on a daily basis	Ensure that supervision of resettlement housing construction is adequately resourced	TEPU	Q3, 19 to Q2, 20
13	Technical defects upon commissioning of resettlement houses have the potential to jeopardise the Project license to operate	Make sure that a punch list process is put in place such that the resettlement housing Contractor is timely advised of repairs required under the guarantee	TEPU with Atacama	Q1, 20 to Q4, 20

#	Finding	Recommendation	Responsibility	Deadline
14	PAPs appear to have used their cash compensation wisely for productive purposes	In a further review such as this one (see recommendation 11 above), consider replicating the semi-quantitative interviews carried out in this review to confirm tentative results on compensation utilisation	TEPU with Atacama	Q2, 20
15	Dry rations are meant as a transition allowance but they may be perceived otherwise	Make sure in further RAPs that there is a clear and transparently explained linkage between the notices to vacate and the delivery of dry rations	TEPU	Q3, 19
16	Dry rations will be discontinued in 2019 at the time when people in the area need food most (lean period)	Consider an expansion until the 2019 harvests, at least for vulnerable households	TEPU	Q3, 19
17	Livelihood restoration activities are not broad enough and other components should be added	Broaden the scope of livelihood restoration activities, considering for example the development of market gardening and intensification of animal husbandry, based on a review of successful initiatives in Uganda and neighbouring countries. Enhance the budget dedicated to livelihood restoration activities, even if some cost items turn out not to be cost-recoverable	TEPU with Atacama	Q3, 2019
18	Livelihood restoration activities are insufficiently resourced and supervised	Consider replacing the agricultural implementation partner by a more able one. Clarify the respective roles of the TEPU and Atacama teams in the supervision of livelihood restoration activities	TEPU with Atacama	Q3, 19
19	The vulnerability criteria are somewhat simplistic and do not properly reflect the complexities of vulnerability	Refine the vulnerability assessments based on a scoring system and consider a community validation	TEPU with Atacama	Q3, 19
20	It has been historically problematic to obtain Government approval of compensation rates, while regular updates are necessary	Envision involvement of TEPU senior management in critical Government sign-offs (at this point sign-off on compensation rates and rate update procedures are particularly critical)	TEPU	Q3, 19
21	The “clustering” of staff within the Atacama team may lead to inadequate allocation of resources at certain periods	Review staff allocation and consider more fluidity between clusters	Atacama	Q3, 19
22	With regards to livelihood restoration activities, there may be some lack of clarity in the allocation of supervision responsibilities between TEPU and Atacama.	Consider tasking Atacama more clearly with field supervision responsibilities and possibly giving them the responsibility for delivery of certain components (particularly the agricultural programme)	TEPU with Atacama	Q3, 19
23	Some procurement rules do not work in the context of livelihood restoration activities in Uganda	Adapt some procurement rules to the conditions of livelihood restoration programmes in Uganda	TEPU	Q3, 19

ANNEX 1 – ITINERARY

Day	Activity
06/05/19	Departure from home base in Lyon, France at 8:30am. Travel to Entebbe by air via Istanbul. Arrival Kampala 07/05/2019 4:30am
07/05/19	Medical check-up in Kampala. Introduction meetings with TEPU team and scheduling at TEPU HQs in Kampala
08/05/19	Travel Kampala - Buliisa. Introductory meeting with TEPU and Atacama staff
09/05/19	Safety induction at the Bugungu camp. Meeting with Atacama. Visit to LC5 administration in Buliisa and meeting with all department heads of the District with CAO and Vice Chairperson in attendance. Continuation of meeting with Atacama. Discussion of questionnaires with TEPU and Atacama CLOs
10/05/19	3 PAP surveys with TEPU and Atacama staff. Work on documents. Meeting with Atacama staff (project management and resources)
11/05/19	4 PAP surveys with TEPU and Atacama staff. Work on documents. Meeting with CIDI staff (livelihood restoration). Meeting with Atacama staff (monitoring)
12/05/19	Meeting with Atacama staff (orphan land). Data entry for PAP surveys.
13/05/19	Travel Buliisa - Kampala.
14/05/19	Meetings in Kampala (information system, compensation process, grievances, livelihood restoration). Wrap-up meeting and discussion of findings and recommendations with team
15/05/19	Wrap-up meeting with Project Representative. Travel to Addis Ababa by air, departure from Kampala at 3pm.

ANNEX 2 – INTERVIEW GUIDES

PHYSICALLY DISPLACED HOUSEHOLDS (PRIMARY RESIDENTS)

Date of interview ____ / ____ / _____ Interviewer: _____

GENERAL INFORMATION

Name: _____

Location of residence (Village): _____ / _____ / _____

Age : _____ Gender M / F Marital status: Married / Divorced / Widow / Single

Can read and write in English YES / NO Can read and write in local language YES / NO

Since when living in affected residence: 5 years or less 5 to 10 years 10 to 20 years more than 20 years

Composition of household: Male adults (> 18) ____ Female adults (> 18) ____ Male children ____ Female children ____

PROJECT IMPACTS

Affected house characteristics (ask head of household): Size: _____ m2 Number of rooms: _____

Wall material _____ Roof material _____ Floor material _____

Size of residential plot _____ m2

Any affected agricultural land Yes No Affected agricultural land plot size _____ musiri

Used for: farming / grazing / unused If farming, type of crop grown _____

Regime of tenure (agricultural land): Clan ownership /Family ownership / Individual ownership /User

IDENTIFICATION AND NEGOTIATION PROCESS

When were you informed for the first time that your property would be affected (month / year) ____ / _____

Who informed you? _____

Describe the process that followed this initial information until the final signature of your compensation agreement:

What did you think of this process?

During this process do you assess the information delivered to you as generally adequate Yes / No

If NO, what were the main gaps in information?

Was your spouse(s) also informed? Yes / No Did she/he/they systematically attend all information and meetings? Yes / No

Did you ever lodge a grievance or concern? Yes / No If yes, to whom? _____ When? _____

If you did not address your grievance to the Project, why? _____

What was the grievance or concern about (brief description)?

What is the current status of that grievance or concern?

How was it resolved?

Did you accept the proposed resolution? Yes / No

If no, why?

RELOCATION

Where is your relocation site (Village)? _____

Was your first choice of relocation site accepted? Yes No

If rejected, were you explained why it was rejected? Yes No

Why do you think it was rejected? _____

Would you have preferred to relocate outside of the designated 4 villages? Yes / No Where? _____

What are the three key advantages of your final relocation site?

1- _____

2- _____

3- _____

Is there any major issues that you see with your future site?

if you were to do this again, would you pick your own site or go for the Total sponsored relocation site?

What house type are you eligible to (number of rooms)? 2 rooms 3 rooms 4 rooms 5 rooms

Were you consulted on the house design? YES / NO

CASH COMPENSATION

Did you receive cash compensation for land? YES / NO

Were you offered the option of in-kind rather than cash? YES / NO

Why did you opt for cash rather than in-kind?

How did you receive cash compensation? BY CASH / BY BANK

How did you spend it?

Is there any left? YES / NO What did you think about the payment process?

Did you participate in the financial literacy training? YES / NO

Do you assess it as useful? YES / NO

Give one example of useful take away from that course?

LIVELIHOOD RESTORATION

Has your household been selected for any livelihood restoration activities? YES / NO If so which ones?

Are there other options that you would have liked to see offered? YES / NO Which ones?

Are you benefitting from the dry ration programme? YES / NO Have you been informed of its purpose? YES / NO

What do you think its purpose is?

Are you currently farming on the affected land plot? YES / NO

Did you acquire another plot to replace the affected one? YES / NO

Do you have other gardens that you can rely on? YES / NO

Are you already able to farm on the replacement land? YES / NO

Do you have any suggestions on the dry ration programme?

ECONOMICALLY DISPLACED HOUSEHOLDS

Date of interview ____ / ____ / _____ Interviewer: _____

GENERAL INFORMATION

Name: _____

Location of residence (Village): _____ / _____ / _____

Age : _____ Gender M / F Marital status: Married / Divorced / Widow / Single

Can read and write in English YES / NO Can read and write in local language YES / NO

Composition of household: Male adults (> 18) ____ Female adults (> 18) ____ Male children ____ Female children ____

PROJECT IMPACTS

Affected agricultural land plot size _____ musiri

Used for: farming / grazing / unused – If farming, type of crop grown _____

Regime of tenure (agricultural land): Clan ownership / Family ownership / Individual ownership / User

IDENTIFICATION AND NEGOTIATION PROCESS

When were you informed for the first time that your property would be affected (month / year) ____ / _____

Who informed you? _____

Describe the process that followed this initial information until the final signature of your compensation agreement:

What did you think of this process?

During this process do you assess the information delivered to you as generally adequate Yes / No

If NO, what were the main gaps in information?

Was your spouse(s) also informed? Yes / No Did she/he/they systematically attend all information and meetings? Yes / No

Did you ever lodge a grievance or concern? Yes / No If yes, to whom? _____ When? _____

If you did not address your grievance to the Project, why? _____

What was the grievance or concern about (brief description)?

What is the current status of that grievance or concern?

How was it resolved?

Did you accept the proposed resolution? Yes / No

If no, why?

CASH COMPENSATION

Did you receive cash compensation for land? YES / NO

Were you offered the option of in-kind rather than cash? YES / NO

Why did you opt for cash rather than in-kind?

How did you receive cash compensation? BY CASH / BY BANK

How did you spend it?

Is there any left? YES / NO What did you think about the payment process?

Did you participate in the financial literacy training? YES / NO

Do you assess it as useful? YES / NO

Give one example of useful take away from that course?

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Has your household been selected for any livelihood restoration activities? YES / NO If so which ones?

Are there other options that you would have liked to see offered? YES / NO Which ones?

Are you benefitting from the dry ration programme? YES / NO Have you been informed of its purpose? YES / NO

What do you think its purpose is?

Are you currently farming on the affected land plot? YES / NO Did you acquire another plot to replace the affected one? YES / NO

Do you have other gardens that you can rely on? YES / NO Are you already able to farm on the replacement land? YES / NO

Do you have any suggestions on the dry ration programme?