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## **APPENDIX A UGANDAN LEGAL, POLICY & INSTITUTIONAL FRAMEWORK**

## I. Legal Framework

The legal framework of relevance to this EACOP RAP are summarized below:

*The Constitution of the Republic of Uganda, 1995 (as amended):* The Constitution of the Republic of Uganda 1995 as amended is the supreme law of Uganda as spelt out under Article 2 and provides the framework for all other national legislation. The Constitution further provides government and local authorities power of compulsory acquisition of land in public interest, and makes provision, inter alia, for the “prompt payment of fair and adequate compensation” prior to the taking of possession of any privately-owned property. The Constitution also recognizes land tenure regimes and rights discussed below.

Article 237 of the Constitution, 1995, vests land ownership in citizens of Uganda and identifies four land tenure systems, namely: customary; freehold; mailo; and leasehold. These systems are detailed under Section 4 of the Land Act (Cap 227) and outlined below:

### a) Customary Tenure

- Land is owned in perpetuity.
- This tenure is governed by rules generally accepted as binding and authoritative by the class of persons to which it applies. In other words customary regime is not governed by written law.
- Customary occupants are occupants of former public land and occupy land by virtue of their customary rights; they have proprietary interest in the land and are entitled to certificates of customary ownership which may be acquired through application to the Parish Land Committee and eventual issuance by the District Land Board.

### b) Freehold Tenure

- This tenure derives its legality from the Constitution of Uganda and its incidents from the written law.
- It enables the holder to exercise, subject to the law, full powers of ownership.
- It involves the holding of land in perpetuity or for a period less than perpetuity fixed by a condition.

### c) Leasehold Tenure

This tenure system is:

- Created either by contract or by operation of the law;
- Where the tenant has security of tenure and a proprietary interest in the land.
- A form under which the landlord or lessor grants the tenant or lessee exclusive possession of the Land

### d) Mailo Tenure

The Mailo land tenure system is a feudal ownership introduced by the British in 1900 under the Buganda Agreement. "Mailo" is a Luganda word for “mile” as the original grants under the agreement were measured in square miles. Prior to the 1975 Land Reform Decree, Mailo land was owned in perpetuity by individuals and by the Kabaka (hereditary King of Buganda). All Mailo land parcels have title deeds. The Mailo tenure system:

- Derives its legality from the Constitution and its incidents from the written law;
- Involves holding of land in perpetuity.
- Permits separation of ownership of land from the ownership of development on land made by a lawful or bona fide occupant.
- Enables the holder to exercise all the powers of ownership, subject to the rights of those persons occupying the land at the time of the creation of the mailo title and their successors.

Although only these latter forms of tenure are legally defined under the Land Act, the context of common law also recognizes “Licensee” or “Sharecroppers”, these terms having similar meanings in practice. Licensees are persons granted authority to use land for agricultural production. Traditionally, such production would be limited to annual crops and not perennial types. Licensees have no legal security of tenure or any property right in the land and their tenure is purely contractual.

*Land Act Cap 227, 1998 (as amended):* The Act was enacted pursuant to the land reforms introduced by the 1995 Constitution of the Republic of Uganda, the primary objective of the Land Act is to operationalise the land reforms. The Land Act principally addresses four issues namely; holding, control, management and land disputes. As regards tenure, the Act repeats provisions of Article 237 of the Constitution which vests all land in the citizens of Uganda, to be held under customary, freehold, mailo or leasehold tenure systems (as discussed above). However, the Land Act provides for acquisition of land or rights to use land for execution of public works.

*Land Acquisition Act, Cap 226 of 1965:* This Act makes provision for the procedures and methods for compulsory acquisition of land for public purposes whether for temporary or permanent use. The Act supplements the Constitution of the Republic of Uganda and the Land Act in as far as compulsory acquisition of land is concerned.

*The Local Government Act, Cap 243 of 1997 as amended:* This Act provides the legal foundation of the Government Policy on decentralization of governance and devolution of central government functions, powers, and services to Local Governments. Under this Act, district and lower local councils are given the responsibility to plan and manage development activities, including natural resources, at the local government level. Thus, local governments are involved in issues of land acquisition, compensation and environmental monitoring and compliance for developments.

*The Petroleum (Exploration, Development and Production) Act, No.3 of 2013:* This Act provides for the licensing, exploration and production of petroleum. The Act in accordance with article 244 of the Constitution, vests the entire property in, and the control of petroleum in its natural condition in, on or under any land or waters within Uganda, in the Government on behalf of the Republic of Uganda.

*The Petroleum (Refining, Conversion, Transmission and Midstream Storage) Act, 2013:* The Act provides for the regulation, management, and coordination and monitoring of midstream operations. This Act gives effect to Article 244 of the Constitution to enable the construction, placement and ownership of facilities among other midstream operation requirements.

The Act in Section 3 emphasizes the duty of a licensee and a person who exercises or performs functions, duties or powers under this Act in relation to midstream operations shall take into account, and comply with the environmental principles prescribed by the National Environment Act and other applicable laws.

*The Historical Monuments Act, Cap 46 of 1968:* The Act makes provision for the preservation and protection of historical monuments and objects of archaeological, paleontological, ethnographical and traditional interest. It prohibits any person from carrying out activities on or in relation to any object declared to be preserved or protected. The Act under Section 12 prohibits excavations without license of any object of archaeological, paleontological, ethnographical or traditional interest; or remove any object hitherto undiscovered from any site, place, monument, or collect or remove any object, which he or she knows or has reasonable cause to believe is an object of archaeological, ethnographical, historical or traditional interest.

*The Traditional Rulers Act (Restitution of Assets and Properties) Cap. 247 Of 1993:* Under the Constitution, the Restitution of Traditional Rulers statute of 1993 is recognized where kingdoms and chiefdoms were given right to own their cultural property. In the area of the project, Buganda and Bunyoro kingdoms, and some chiefdoms are recognized.

*The Public Health Act, Cap 281 of 1935:* The Act harmonises the law concerning the preservation of

public health. Part IX of the Act provides for sanitation and housing. With regard to grave relocation activities, the Public Health Act, Cap 281, under Section 109 states that it is unlawful to exhume anybody or the remains of anybody, which may have been interred in any authorized cemetery or in any other cemetery, burial ground or other place without a permit. This permit is only granted to the legal personal representative or next of kin of the person buried, or to his or her or their duly authorized agent.

*The Water Act, Cap 152, 1997:* The Water Act cap 152 is the principal law for the management of water resources in Uganda. The Act provides for the use, protection and management of water resources and supply; and, also provides for the constitution of water and sewerage authorities and facilitates the devolution of water and sewerage undertakings. The objective of the Act is to ensure equitable and sustainable management, use and protection of water resources through supervision and coordination of public and private activities which may have an impact on water quality and quantity.

*The National Forestry and Tree Planting Act, No. 8 of 2003:* The Act makes provision for the conservation, sustainable management and development of forests, declaration of forest reserves for protection purposes, enhancement of the productive capacity of forests, promotion of tree planting, and establishment of the National Forest Authority (NFA) among others. It repeals the Forests Acts Cap 246 and the Timber (Export) Act Cap 247.

*The Physical Planning Act, 2010:* The Act declares that the whole country is gazetted as a planning area and provides for the establishment of a National Physical Planning Board and district physical planning committees, with functions of overseeing by district planning committees whose role includes the monitoring and approving activities and or developments on land.

*The Survey Act, Cap 232, 1939 (as amended) :* This Act provides for and regulates the surveying of land. Section 19 provides for Right of Access to land for purposes of surveying. Section 22 covers the requirements for line or boundary clearance to aid in surveying work, whilst Section 23 provides for compensation to be given pursuant to any claims resulting from the clearance of vegetation for the purposes of surveying or as a result of survey activities. However, this provision does not extend to cases where a private individual has requested for the survey to be undertaken. Section 26 provides for the preservation or survey or boundary marks by the owner of the land on which they are located.

*The Roads Act, Cap 358, 1964:* This Act provides for the establishment of road reserves and for the maintenance of roads. Section 3 prohibits construction of any structures, or planting of any tree, plant or crop in a road reserve except upon written permission of road authority.

*The Uganda National Roads Authority Act, 2006:* This Act establishes the Uganda National Roads Authority (UNRA) as the responsible authority for the management, maintenance and development of the national roads network, with additional functions to advise and assist the government with regard to national policy, and to collaborate with third parties including NGOs and private sector in the maintenance and development of roads including those not part of the national road network.

*The Uganda Wildlife Act, Cap 200, 1996 :* This Act provides for sustainable management of wildlife and consolidates the laws relating to wildlife management. It establishes the Uganda Wildlife Authority (UWA) as the coordinating, monitoring and supervisory authority with the mandate to promote the conservation of wildlife throughout Uganda so that the abundance and diversity of their species is maintained at optimum levels commensurate with other forms of land use, in order to support sustainable utilisation of wildlife for the benefit of the people of Uganda;

*The Illiterates Protection Act, Cap 78, 1918 :* This Act ensures that the contents of a document are read over and explained to the person for whom it purports to have been written and fully and correctly represents his/her instructions. It also ensures that documents requiring the signature of an illiterate person are not erroneously signed by the person representing the literate and are only signed on the express instruction of the illiterate person and that the representative's name and address are recorded on the same document.

*The Workers Compensation Act, 2000:* This Act provides for compensation of workers for injuries suffered and scheduled diseases incurred in the course of their employment.

*The Occupational Health & Safety Act, 2006 :* This is a two-way Act that obliges employers to protect their workers and charges the employees to take responsibility of their safety while at work. The Act is concerned with not only the work area but also its immediate environment.

**Other Miscellaneous Legislation.**

[Appendix A Table 1 Miscellaneous Legislation.](#)

<i>The Administration of Estates (small Estates) (special Provisions) Act, CAP 156, 1972</i>	An Act to confer jurisdiction on magistrates' courts to grant probate or letters of administration in respect of small estates of deceased persons and for other matters connected therewith.
<i>The Administrator General's Act, CAP 157, 1933</i>	An Act relating to the administration by the Administrator General of estates of deceased persons. The Administrator General may, subject to any wishes which may be expressed by the next of kin of the deceased, dispose of the property of an estate under his or her administration either wholly or in part and either by public auction or private treaty etc.
<i>The Agricultural Seeds and Plant Act, CAP 28, 1994</i>	An Act to provide for the promotion, regulation and control of plant breeding and variety release, multiplication conditioning, marketing, importing and quality assurance of seeds and other planting materials.
<i>The Children's Act, CAP 59 of 1997(as amended in 2016)</i>	The Act under S.3 provides for the welfare of the child to be the paramount consideration in determining any question in respect of administration of a child's property or application of any income from that property.
<i>The Cooperative Societies Act, CAP 112, 1991</i>	An Act to amend and consolidate the law relating to the constitution and regulation of cooperative societies.
<i>The Education Act, CAP 127, 1970</i>	An Act to amend and consolidate law relating to the development of education and decentralization of responsibilities to District Education Committees for the establishment of advisory committees and education development plans, It also provides for the registration and operation of schools, and the registration of teachers.
<i>The Employment Act, 2006</i>	An Act to revise and consolidate the laws governing individual employment relationships and spells out the prohibition of forced labour, discrimination in employment, investigation of complaints and It also provides for both oral and written contracts, non-employment of children and entitlement to and payment of wages.
<i>The Estates of Missing Persons (Management) Act, CAP 159, 1973</i>	An Act to make provision for the management of estates of missing persons.
<i>The Forest Act, CAP 146, 1947</i>	An Act consolidating the law relating to forests and forest reserves, including provisions for the declaration of forest reserves Part II(3); local authorities to control local forest reserves and spells out prohibited activities in the reserves.
<i>The Institution of Traditional or Cultural Leaders Act, 2011</i>	An Act to operationalise Article 246 of the Constitution on the institution of traditional or cultural leaders, to provide for the existence of traditional or cultural leaders in any area of Uganda in accordance with the Constitution, to provide for the privileges and benefits of the traditional or cultural leaders, to provide for the resolution of issues relating to traditional

	or cultural leaders etc.
<i>The Local Council Courts Act, 2006</i>	An Act to establish local council courts for the administration of justice at the local level, to define the jurisdiction, powers and procedure of the established courts etc.
<i>The Magistrates Court Act, CAP 16, 1971</i>	An Act to amend and consolidate the law relating to the establishment and jurisdiction of, and the practice and the procedure before, magistrates' courts since these are majorly the courts of first instance for a number of cases.
<i>The National Agricultural Advisory Services Act, 2001</i>	An Act to provide for the establishment of the National Agricultural Services (NAADS) for the promotion of market oriented agriculture.
<i>The Preservation of Amenities Act, CAP 244, 1950</i>	An Act to provide for the preservation of the amenities of municipalities and towns, including primarily the provision for the power of local authorities to remedy unsightly premises.
<i>The Succession Act, CAP 162, 1906</i>	An Act relating to succession issues making specific provision for interests and powers not acquired nor lost by marriage, succession to a deceased person's immovable and movable property, distribution of an intestate's property, effect of marriage and marriage settlements on property, wills and codicils and execution of wills.
<i>The Uganda AIDS Commission Act, CAP 208, 1992</i>	An Act to provide for the establishment of Uganda AIDS Commission for the prevention and control of the AIDS epidemic, including provisions for mobilizing, expediting and monitoring resources for the AIDS control programme and activities and dissemination of information on the AIDS epidemic and its consequences in Uganda.
<i>The Uganda Human Rights Commission Act, CAP 24, 1997</i>	An Act establishing the Uganda Human Rights Commission with functions including creation and sustenance within society the awareness of the human rights provisions in the Constitution as the fundamental law of the people of Uganda etc.

## II. Policy Framework

The following policies, visions, strategic plans and guidelines are relevant for EACOP RAP.

*National Vision 2040* : The 30-year Vision 2040 addresses the strategic bottlenecks that have constrained Uganda's socio-economic development to date, including ideological disorientation, weak private sector, underdeveloped human resources, inadequate infrastructure, small market, lack of industrialisation, underdeveloped services sector, underdevelopment of agriculture, and poor democracy.

*The Uganda National Land Policy, 2013*: Uganda's land distribution is characterized by a multiplicity of tenure regimes, numerous rights and interests overlapping on the same piece of land, evictions, land disputes and conflicts. The Uganda National Land Policy provides a systematic framework for articulating the role of land in national development, land ownership, distribution, utilization, alienability, management and control. The primary goal of the policy is 'to ensure efficient, equitable and sustainable utilisation and management of Uganda's land and land-based resources for poverty reduction, wealth creation and overall socio-economic development'.

*The National Land Use Policy, 2006* : The overall goal of the Policy is to counteract pressures arising out of the country's quest for economic development, high rate of population growth and poor land use planning practices which are putting serious strain on land and its resources. The Policy, therefore, aims to achieve sustainable and equitable socio-economic development through optimal land management and utilisation in Uganda. The Policy provides guidelines for effective socio-economic development and on minimising land degradation.

*National Social Protection Policy (NSSP) 2015* : Uganda has a National Social Protection Policy (NSPP)



that was passed in November 2015 by the Ministry of Gender, Labour and Social Development. The driving factor of this policy is based on the notion that social protection is a critical pre-requisite for achieving national development goals. Government recognized the need to guarantee social security to the population and to provide assistance to people who are vulnerable either by age, social class, location, disability, gender, disaster or who do not earn any income in order to promote equity.

*Uganda Gender Policy, 2007* : Uganda adopts affirmative action in favour of marginalized groups including those based on gender. The main goal of the Uganda Gender Policy is to achieve gender equality and women's empowerment as an integral part of Uganda's socio-economic development and reinforces the overall development objectives in the country.

*National Policy for Older Persons, 2009* : The Policy recognizes that all older persons are equal before the law and are entitled to equal treatment and benefits from the laws. In addition, older persons will be provided with an opportunity to take appropriate decisions on matters affecting their lives and families.

*National Policy on person with Disability in Uganda* : The policy on disability recognises and contributes to the improvement of the quality of life of People with Disabilities (PwDs) through expanding the scope of Government interventions. These interventions necessitate PwDs themselves to participate in designing, managing, monitoring and evaluating initiatives that are meant to improve their well-being. It also ensures that the central government, local authorities, CSOs, parents and caregivers involve PwDs.

*National Oil and Gas Policy for Uganda, 2008* : The National Oil and Gas Policy articulates the policy and operational framework for management of oil and gas resources, with the overall objective being to contribute to early achievement of poverty eradication and create lasting value to society. The Policy addresses areas of national interest including conservation of natural resources like forests, lakes, river banks and wetlands, while improving infrastructure, and access to energy in the neighbouring mineral exploration communities.

*Wetlands Policy, 1995* : The policy aims to ensure the continued sustenance of wetlands through conservation of wetland resources for present and future generations. The policy further aims at integration of wetland concerns into the planning and decision making of other sectors.

*The Energy Policy, 2002* : The policy goal is to meet energy needs of Uganda's population for social and economic development in an environmentally sustainable manner. The policy recognises linkages between the energy sector and other sectors such as economy, environment, water resources, agriculture, forestry, industry, health, transport, education, decentralization and land use.

*The National Culture Policy, 2006* : Provides for strategies to enhance the integration of culture into development in line with the Poverty Eradication Action Plan (PEAP, 2004). These strategies include advocating for culture, ensuring capacity building, ensuring research and documentation, promoting collaboration with stakeholders and mobilising resources for culture. It also promotes culture as a form of capital with the potential to move people out of income poverty.

*Museums and Monuments Policy (2015)* : The main aim of the policy is to "create a frame work for preservation and sustainable development of Uganda's Museums and Monuments for the benefit of the people of Uganda and posterity" The policy further provides guidance on collection, research and museum services.

*National Content Policy, 2017* : The policy goal is to promote the competitiveness of Ugandan labour and enterprises in the oil and gas industry and associated sectors of the economy. The Government of Uganda aims to ensure direct and indirect participation of Ugandan citizens and enterprises in the oil and gas subsector so as to contribute to achieving lasting benefits for the country. This participation will be achieved through capacity building and employment of Ugandan citizens, enterprise development, the use of locally produced goods and services, and transfer of knowledge and technology.

*Land Sector Strategic Plan 2013-2023* : The Ministry of Lands, Housing and Urban Development

formulated the Land Sector Strategic Plan 2013-2023, which is intended to provide the operational framework for advancing land sector reforms necessary to frame and safeguard Uganda's land tenure system and rights for land users; streamline and modernise land delivery; encourage optimal use of land and natural resources; and facilitate broad-based socio-economic advancement without overburdening and threatening the national ecological balance.

*Guidelines for Compensation Assessment Under Land Acquisition (GCALA), 2017* : The GCALA (2017) is intended to harmonise and improve the overall practice of valuation assessment to achieve fair and adequate compensation to project affected persons in accordance with the Constitution of the Republic of Uganda. It also aims to support the Chief Government Valuer to standardise proposed annual district compensation rates for approval by district land boards across Uganda.

*Environmental Impact Assessment (EIA) Guidelines for the Energy Sector, 2004* : Developed by NEMA, the EIA Guidelines (2014) cover aspects of public consultation, census, resettlement and compensation for loss of assets. Public consultation and involvement will vary according to the nature and characteristics of the project, and will be required in any energy project involving substantial land-take, displacement of families or communities, disruption of the means of livelihood of families and communities, destruction of communal assets and property, and need for resettlement and compensation.

*National Physical Planning Standards & Guidelines, 2011* : These guidelines are a consolidation of existing standards relating to social, economic and physical infrastructure provisions and serve as a government manual of criteria for determining the scale, location and site requirement of various land uses and facilities. The standards should be applied with a degree of flexibility with the aim of ensuring that the community at large benefits most from developments.

*The National Environment (Wetlands, River Bank and Lake Shores Management) Regulations, No. 3 of 2000*: The 2nd Schedule to the Regulations provides a list of regulated activities which prior to being carried out in wetlands is subject to issuance of a permit granted by NEMA in consultation with the Lead Agencies.

*The Land Acquisition & Resettlement Framework (LARF)* : The Ministry of Lands, Housing and Urban Development (MLHUD), as well as representatives of the Ministry of Local Government and the National Environment Management Authority (NEMA) with support from the oil companies, developed the Land Acquisition & Resettlement Framework (LARF). The LARF was prepared to guide and govern the land acquisition process of upstream projects, with the key objective of systematically detailing and consolidating the resettlement and compensation principles, organisational arrangement and design criteria to be applied to meet the needs of people affected by upstream petroleum projects.

### **III. Institutional Framework**

This section presents the key institutional framework for the EACOP RAP:

*The Ministry of Energy and Mineral Development (MEMD)*: The MEMD is responsible for setting policies, regulations and strategies in the energy sector. Amongst the Ministry's major strategies are the promotion and monitoring of mineral exploration, development, production and value addition by the private sector for local consumption and export, and the establishment of standards and promotion of product quality, industrial safety, environmental protection and code of practice in petroleum supply operations.

*Ministry of Finance, Planning and Economic Development (MFPED)* : The Ministry oversees national planning and strategic development initiatives for economic growth and through its auditing of public sector agencies promotes transparency and a culture of accountability for all public resources in Uganda.

*Ministry of Lands, Housing and Urban Development (MLHUD)*: The Ministry of Lands, Housing and Urban Development (MLHUD) is responsible for providing policy direction, national standards and



coordination of all matters concerning land, housing and urban development. It is primarily tasked with providing policies and initiating laws guiding sustainable land management and aimed at ensuring sustainable and effective land use, sustainable and affordable housing for all, land tenure security and fostering orderly urban and rural socio economic development.

MLHUD registers land transactions, gazettes identified project land, endorses compensation rates, approves valuation reports and land surveys, and determines disputes between licensees and land owners regarding compensation schemes. The compensation rates for crops, trees and other non-permanent property are determined by the District Land Board and will be approved by the Chief Government Valuer under the Valuation Division of this Ministry.

The Chief Government Valuer will be responsible for approving the Valuation Reports.

*Ministry of Agriculture, Animal Industry and Fisheries (MAAIF):* The mandate of the ministry is to "formulate, review and implement national policies, plans, strategies, regulations and standards and enforce laws, regulations and standards along the value chain of crops, livestock and fisheries". The ministry is also responsible for the "enhancement of crop production and productivity, in a sustainable and environmentally safe manner, for improved food and nutrition security, employment, widened export base and improved incomes of the farmers".

*Ministry of Gender, Labour and Social Development (MGLSD) :* The MGLSD guides all actors in the social development sector and creates an enabling environment for social transformation, leading to improved standards of living for all and increased equity and social cohesion. It is responsible for transformation of communities through the promotion of cultural growth, skills development and labour productivity for sustainable and gender responsive development.

*Ministry of Water and Environment, Directorate of Water Resource Management and Directorate of Water Development :* The Ministry of Water and Environment (MWE) is responsible for ensuring sound environmental management that in turn ensures that there is sufficient water for domestic, agricultural and industrial uses. The Directorate of Water Resource Management (DWRM) is responsible for water resources planning and regulation; monitoring and assessment and water quality management.

*Ministry of Justice and Constitutional Affairs: Office of the Administrator General and Office of the Solicitor General :* The Ministry is mandated to ensure that Uganda as a country upholds the rule of law, good governance take charge of the legal due process for all citizens and residents. The two offices that will play an important role in the implementation of this RAP are: The Administrator General's Office and the Office of the Solicitor General.

*Petroleum Authority of Uganda (PAU) :* The Petroleum Authority (PAU) is a statutory body established under the Ministry of Energy and Mineral Development as the leading Petroleum Regulatory Agency in Uganda. It was established under Section 9 of the Petroleum (Exploration, Development and Production) Act 2013, and in line with the National Oil and Gas Policy approved in 2008.

*Uganda Land Commission (ULC):* The Uganda Land Commission (ULC) is an institution under the Ministry of Lands, Housing and Urban Development and which was established by the Constitution of the Republic of Uganda, 1995. Its mandate as laid out in the Constitution Article 239 is to hold and manage any land in Uganda vested in or acquired by the government in accordance with the provisions of the Constitution.

*National Environment Management Authority (NEMA):* is an autonomous institution established by the National Environment Act (NEA) Cap 153 in 1995 to coordinate, monitor, regulate and supervise all matters relating to the environment in Uganda. NEMA promotes and ensures sound environmental management practices with the overarching aim of sustainable development in Uganda at national, district and community levels. In consultation with other lead agencies, the Authority issues guidelines and prescribes measures and standards for the management and conservation of natural resources and the environment. NEMA has issued Environment Impact Assessment (EIA) regulations for the

energy sector, including the petroleum industry.

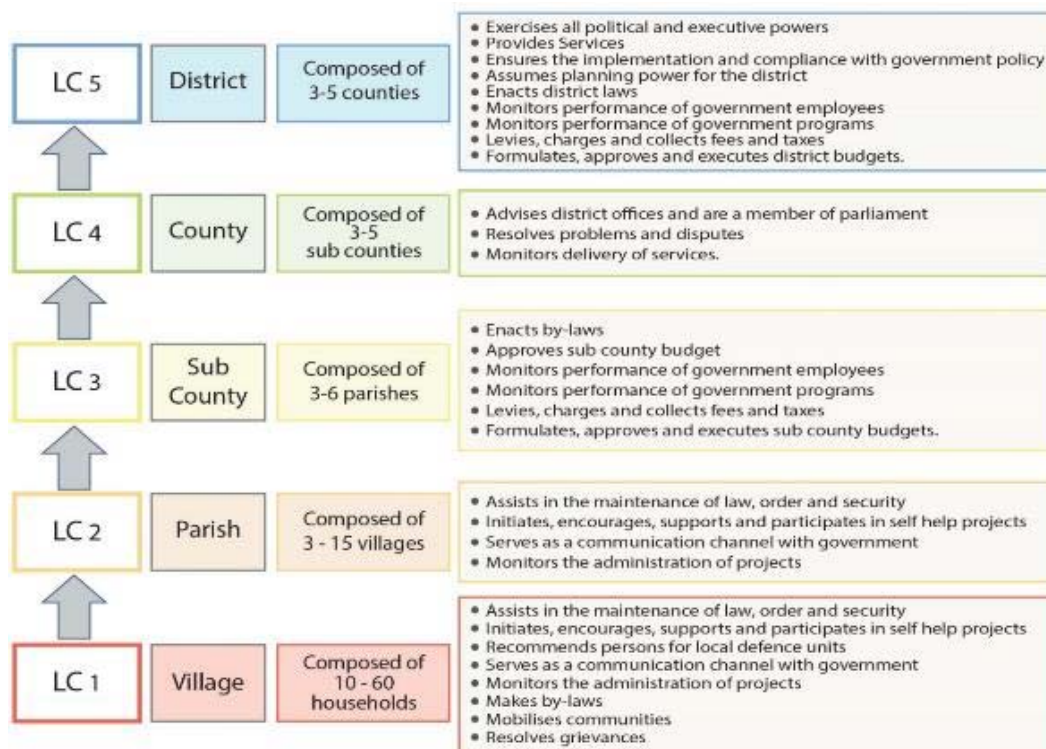
*National Forestry Authority (NFA)* : NFA is mandated to; “Manage Central Forest Reserves on a sustainable basis and to supply high quality forestry-related products and services to government, local communities and the private sector”.

*Uganda National Roads Authority (UNRA)* : Uganda National Roads Authority (UNRA) was established by an Act of Parliament. The mandate of UNRA is to develop and maintain national roads network, advise Government on general roads policy and contribute to addressing transport constraints to development.

*District Local Governments:*

Established under the Ministry of Local Government, the system of Local Government in Uganda is based on the District as a unit under which there are Lower Local Governments and Administrative Units. In each Local Government there is a Section of political (composed of elected leaders) and technical (composed of civil servants) leaders. Each Local Government is, by law, assigned powers of making local policy and regulating for the delivery of services; formulation of development plans based on locally determined priorities; receive, raise, manage and allocate revenue through approval and execution of own budgets; alter or create new boundaries; appoint statutory commissions, boards and committees for personnel, land, procurement and accountability; as well as establish or abolish offices in Public Service of a District or Urban Council.

There are five levels of administration (Local Councils) under the District Local Government – LC-5 down to LC-1 (see figure below). As provided by the Local Government Act, local governments are mandated to set compensation rates for crops and non-permanent structures through their District Land Boards. They also participate in the resolution of grievances. LC-1 & LC-3 (village and Sub County) directly interact with the project affected persons and therefore are critical in assisting identification of the property owners, assisting in resettlement activities and in the resolution of grievances.



Appendix A Figure 1 Levels of Administration under Local Government

The following units will be very key in the compensation and land acquisition activities:

- District Land Offices : The District Land Offices (DLO) provide technical services during the resettlement processes to the District Land Boards (DLB). The DLO normally comprises of a District Physical Planner, District Land Officer, District Valuer, District Surveyor, District Registrar of Titles and District Cartographer.
- District Land Boards : District Land Boards hold and allocate land in the district that does not belong to any person or authority. In addition, they are mandated to compile and maintained lists of compensation rates payable in respect of crops, buildings of a non-permanent nature and any other thing prescribed and review such list every year. Furthermore, DLBs also: facilitate the registration and transfer of interests in land; and cause surveys, plans, maps, drawings and estimates to be made.
- Area Land Committees : The Area Land Committees (ALC) assist and advise the District Land Board on matters relating to land, including inspection for registration or allocation purposes and ascertaining rights in land boundaries. They determine, verify and mark the boundaries of all interests in land that are subject to an application for certificate of customary ownership or in rant of freehold title. In addition, the Area Land Committees mediate land disputes referred to it by the parties.
- District Natural Resources Department : NEMA decentralised environmental management activities to district and sub County level through the District Natural Resources Department.
- District Physical Planning Department
- Resettlement Committees : The Resettlement Committees established at village level and sub-county level.

#### *Traditional Authorities in Uganda :*

Uganda is an ethnically diverse nation. Almost all Ugandans subscribe to the 56 different groups. Pursuant to the promulgation of the Constitution of the Republic of Uganda, 1995, traditional leaders were reinstated in Uganda. A traditional leader or cultural leader is defined as a king or similar leader, who derives allegiance from birth or descent in accordance with the customs, traditions, usage or consent of the people led by that traditional leader.

The Institution of Traditional or Cultural Leaders Act, 2011 which seeks to operationalise the provisions of the Constitution, provides for the privileges and benefits of Traditional Leaders. It also provides for the resolution of issues relating to traditional or cultural leaders and other related matters.

Traditional Authorities within the general EACOP Project Area include Buganda Kingdom, Bunyoro Kingdom and Kooki Kingdom. These kingdoms have vast lands within their areas of jurisdiction which are under the management of either the kingdoms' land boards and or the kingdoms' administration. Under Buganda Kingdom, there is Buganda Land Board (BLB) which was set up by the Kabaka of Buganda to manage land and properties returned under the Restitution of Assets and Properties Act of 1993 and to manage former estates of Buganda Kingdom. Kooki Kingdom has a similar arrangement where Kooki Land Board manages all land under this kingdom.

*Civil Society Organisations :* Civil society organizations engage in advocating the public's rights and wishes of the people, including but not limited to health, environment and economic rights.

*The Judiciary :* The Judiciary is the third arm of Government, under the doctrine of separation of separation of powers. Through its constitutional mandate, the Judiciary will contribute to the RAP implementation by administering justice through resolving disputes as and when they arise, granting letters of administration for individuals to administer estates of deceased persons among other things.

*Uganda Railways Corporation (URC) :* The Uganda Railways Corporation (URC) is a corporate organization reporting to Ministry of Works and Transport and established under the mandate of the

Uganda Railways Corporation Act, cap 331 to carry out construction, operation and maintenance of railway, marine and road services both in and outside Uganda for the carriage of Goods and Passengers.

*Office of the Prime Minister (OPM)* : The Ministry of State for Disaster Preparedness, under the Office of the Prime Minister is responsible for re-settlement of refugees and persons displaced by disasters. Although there has not been any identified refugee resettlement camp that will be affected by the Project, there may be individuals that have taken refuge in areas that will be affected by the Project and in such cases EACOP will have to work closely with the OPM.

*Ministry of Health (MoH)* : The Ministry of Health is a government body set up with the mandate of policy formulation and policy dialogue with Health Development Partners, strategic planning, regulation, advising other ministries on health matters, setting standards and quality assurance, capacity development and technical support, and provision of nationally coordinated services such as epidemic control, coordination of health research and monitoring and evaluation of the overall sector performance. The Ministry is one of the key implementing stakeholders, responsible for issuing licenses for graves relocation (exhumation licenses, under the Public Health Act).