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**Uganda Intergovernmental Fiscal Transfers Program**

**Environmental and Social Systems Assessment  
(ESSA)**

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## Executive Summary

### *Program-for-Results Financing*

1. Program-for-Results (PforR) is a World Bank lending instrument that provides support to the member countries to improve the design and implementation of their development programs in infrastructure, education, health, and other sectors, in local government (LG) and community development, and in cross-sectoral areas such as public sector management and private sector development. PforR places more direct emphasis on development results by linking disbursements to results or performance indicators that are tangible, transparent, and verifiable. PforR works directly with the Program's institutions and systems and, when appropriate, seeks to strengthen those institutions' governance and their capacities and systems over time.

### *The Uganda Inter-Governmental Fiscal Transfers Program for Results*

2. The Program Development Objective (PDO) is to improve the adequacy and equity of fiscal transfers and improve fiscal management of resources by LGs for health and education services. Addressing the amount and distribution of resources is necessary but not sufficient to significantly improve Education and Health sector outcomes. The same can be said of management of these resources to ensure the processes and systems governing their use are efficient. The overarching objective of this operation is to establish the preconditions for subsequent education and health reforms directly impacting sector outcomes.

3. **The first dimension of UgIFT will deliver results on *enhancing adequacy of fiscal transfers for education and health services from the Central Government*.** International Development Association (IDA) resources will help to secure the required annual increases in LG health expenditures:

- Annual increase in sector conditional grants (wage, non-wage recurrent, and development) to LGs for education (four-year moving average) will reach 7.5 percent by 2021/22.
- Annual increase in sector conditional grants (wage, non-wage recurrent, and development) to LGs for health (four-year moving average) will reach 13.25 percent by 2021/22.

4. **The second dimension of the Program will deliver results on *enhancing equity of fiscal transfers for education and health services*.** The additional funding will be targeted to the least funded LGs using objective and equitable allocation formulae. This will achieve the following results over the lifetime of the project (Figure 6):

- For the education non-wage recurrent conditional grant, which supports the running costs of schools, allocations per child of school-going age for the 20 least funded districts will increase from 33 percent to 46 percent of the levels allocated to the 20 best funded. For the education development grant, which funds the equipping, rehabilitation and construction of school infrastructure, 21 percent of development grant transfers will be provided to the 30 least funded districts.
- For health sector non-wage recurrent conditional grant which, among others, supports the running costs of health facilities, per capita allocations for the 20 least funded districts will increase from 22 percent to 38 percent of the levels allocated to the 20 best funded.

For health sector development grant, which funds the equipping, rehabilitation and construction of health infrastructure, 35 percent of development grant transfers will be provided to the 30 least funded districts.

5. The target ratios for reducing the horizontal inequities in allocations per beneficiary were chosen in a way consistent both with the new formulae for the grants and with the planned enhancement of their adequacy, which, in turn, is consistent with the Program's expenditure framework and with the GoU's plan for uplifting transfers. These ratios are more conservative compared to what the projected allocations according to the formulae would imply, to allow for an impact of unforeseen change in the variables affecting the allocations.
6. **The third dimension of the Program will deliver results in terms of *improvement in fiscal management of education and health services delivery by LGs as their resources are being increased*.** Enhanced fiscal management of resources is achieved through the introduction of an organizational performance assessment system; creating incentives through linking grant allocations to the results of the performance assessment; and targeted performance improvement programs.
7. The third dimension targets the procedures and systems used by LGs to efficiently manage education and health resources. It does not purport to directly change sector outcomes. Rather it should be viewed as necessary action which will focus specifically on outcomes. It establishes managerial preconditions for improving access to health and education services, quality service delivery and quality infrastructure. Significant improvements in education and health outcomes – among others, access to primary schools, reduced repetition and drop out, improved learning and pass through to higher levels and access to well-staffed and resourced clinics and hospitals which follow accepted medical protocols—will require additional Government programs
8. Beyond the development objectives of UgIFT, it is envisaged that more equitable, adequate and efficient financing of health and education services will ultimately lay the foundation for improved service delivery outcomes. In doing so it will complement other sectoral programs including World Bank operations in health and education and planned governance operations. The impact of UgIFT on service delivery outcomes will depend on these operations as well as other interventions. The final beneficiaries of UgIFT will be consumers of health and education services at the local level. Those who will benefit the most will be those living in the most underfunded districts and municipalities.
9. Results achieved by the Program are likely to be sustained after its completion. The results related to adequacy of financing are likely sustainable because increase in transfers to LGs will be financed primarily with the GoU own resources. The annual increase in government financing during the period covered by the Program will be approximately equal to the annual disbursement of IDA funds, and the share of IDA funding in program expenditures is expected to decline from 44.5 percent during the first year of Program implementation to 25.3 percent during the last year. The results related to equity of financing are likely to be sustained because by the end of the Program formulae for the grants will be fully phased in, so that they could be reasonably expected to be followed in the future. Similarly, the system for improving

institutional capacities and incentives of the LGs to manage their resources is expected to be fully operational and well tested by the end of the Program period.

**10.** Research shows that additional spending tends to have greater impact where existing levels of spending are low. The Program will take advantage of this opportunity by immediately increasing funding levels to underfunded LGs (especially through development grants), with the intended positive impact on these districts' social indicators. The Program also intends to ensure that real per capita funding levels steadily increase in the poorer LGs. Over the longer run, the Program will provide a steady stream of enhanced incentives and funding to support the roll-out of more efficient and equitable formulae for allocating fiscal transfers. These formulae will correct the chronic disparities in allocations between LGs and thereby enhance equity and efficiency of the financing of decentralized social services. The Program approach will also create incentives for LGs to perform better in service delivery because the allocation of resources will be based in part on an assessment of their performance. The Program also intends to make the selected fiscal transfers a "reform model," which will create a demonstration effect leading to spillovers of good practices in financing decentralized service delivery through other grants to LGs.

**11.** To address this serious issue impeding Uganda's long-term development, the proposed Program will partially fund implementation of the Intergovernmental Fiscal Transfer Reform Program (IFTRP). The IFTRP covers all fiscal transfers to LGs which together fund the bulk of local administrative costs and service delivery in six sectors. These sectors include agriculture and trade, works and transport, education, health, water and environment and social development. There are up to three conditional grants per sector. Within this, UgIFT will focus on health and education sector expenditures on conditional non-wage recurrent and development grants. While World Bank funding support will not go directly to infrastructure investments, these grants will lead to the rehabilitation and construction of primary schools and health clinics. These structures are small in footprint and potential environmental and social risk.

#### *Program-for-Results Environmental and Social Requirements*

**12.** For each proposed PforR operation, the World Bank requires a comprehensive assessment of the government systems in place for managing environmental and social effects (including benefits, impacts and risks) against the World Bank Policy, Program-for-Results Financing. This Policy sets out core principles and key planning elements intended to ensure that PforR operations are designed and implemented in a manner that maximizes potential environmental and social benefits while avoiding, minimizing or otherwise mitigating environmental and social harm.

#### *ESSA Methodology*

**13.** The Environmental and Social Systems Assessment (ESSA) is crucial to ensure that PforR operations are designed and implemented in a manner that maximizes potential environmental and social benefits. ESSA assesses the borrower's authority and organizational capacity and performance to date, to achieve the social and environmental objectives associated with the Program, and stipulates supplementary actions as necessary.

**14.** According to and as per the requirement of the Bank's Operational Policy/World Bank Procedure (OP/BP) 9.00 an Environmental and Social Systems Assessment (ESSA) was undertaken by the Bank team. The ESSA was prepared in collaboration with relevant officials and technical staff members of IFTP implementing agencies.

**15.** The preparation of the ESSA has been carried out in a participatory manner involving feedback and inputs from a number of key stakeholders, including national and county government.

**16.** The assessment was carried out through a comprehensive review of relevant government policies, legislations, institutional roles, program procedures and an analysis of the extent these are consistent with Bank's OP/ BP 9.00. Field reviews and consultations with key informants from relevant national and LG authorities (where visits were made to approximately one-quarter of all districts) formed a crucial part of the methodology for undertaking the assessment. These focused on the practical implementation of social and environmental safeguards in LG projects, and placed special emphasis on the education and health sectors that are central to the PforR support. A summary of the field assessments is included as an Annex.

**17.** The findings of the assessment were used to inform options for the overall Program Action Plan (PAP) with key measures to improve environmental and social management outcomes of the Program. The findings, conclusions, and opinions expressed in the ESSA are those of the World Bank. The recommendations contained in the analysis were discussed through public consultations, involving all stakeholders, held in Kampala during project appraisal.

## ***Findings***

### *Uganda's Environmental Systems*

#### Environmental Assessment and Management

- The ESSA documents that Uganda's legal, policy, and regulatory framework and existing national level systems for managing environmental impacts – both broadly and for the key sectors of education and health -- are relatively robust. Systems for screening projects, ensuring that adequate environmental and social assessment are conducted for projects, for holding public consultations on projects and their impacts, and gathering feedback and complaints are fairly well developed. As noted in the field assessments, the quality of policy implementation on environmental assessment does vary at the LG level, however, and will be strengthened in the Program Action Plan.
- Uganda also has established regulations, guidelines and standards for waste management including hazardous wastes where health care wastes are categorized under. Uganda also has a national policy for injection safety and health care waste management, Health Care Waste Plan (HCWP 2012) and national guidelines for management of health care wastes from safe male circumcision procedures.

- NEMA has developed sector guidelines for EIA development including sectors like health which is one of the two key sectors for focus under the Program.
- NEMA has developed a user manual to guide Sector Working Groups, Agencies and LGs to appropriately budget for mainstreaming environmental issues in their respective plans. Unless this is properly done, the issues integrated in the plans will remain unattended to during implementation. As will be noted in this ESSA, this is a relevant factor for the Program.

#### Conservation of Natural Habitats

- Uganda has established policies, legal and regulatory framework as well as institutions, which protect natural habitats from degradation and conversion including Uganda Wildlife Act; National Forestry and Tree Planting Act; Public Health Act; Local Government Act; and Land Act.

#### Workers and Public Health and Safety

- The Occupational Health and Safety Act protects workers and public to occupational related hazards by requiring developers to safeguard the health and safety of workers and the public in the places of work.

#### Resources and Capacity

- National Environment Management Authority (NEMA) is the principal institution which has a significant national mandate to ensure environmental protection. NEMA, already have significant capacity to manage risks appropriately with a robust system for environmental assessment and management which provides for screening of projects to determine the level of environmental analysis. Screening at the local level, however, is more significant for the IGFT program, and at least half of surveyed Districts do take on this key step.
- There is a specific department in NEMA dedicated to environmental assessment and management with a pool of limited technical experts. NEMA has also gazetted a total of **375** environmental inspectors who undertake environmental inspections and monitoring on behalf of NEMA. Given the local implementation nature of this Program, however, the capabilities of District-level environmental officials are especially relevant.

#### *Uganda's Social Systems*

#### Land Acquisition

- The policy, legal and institutional framework in Uganda governing land acquisition and resettlement is fairly strong and compares well with the World Bank ESSA core principles. The Land Act, Land Acquisition Act, Uganda Land Commission Act and Local Government Act all address impacts associated with involuntary resettlement and provide for compensation for loss of assets based on replacement cost approach.

- The Constitution of Uganda also protects the rights of individuals to property ownership and only advocates for land acquisition when projects are for the public good. Livelihood restoration as a result of land acquisition is addressed by the Land policy.

### Grievance Redress

- The Local Government Act and Local Council Courts Act establish Land Boards (LBs) and District Land Tribunals for grievance redress on land related issues at municipal and district levels.
- The Uganda Land Commission (ULC) mission is to effectively hold and manage all Government land and property thereon and resolve all historical land injustices as well as resettle persons displaced as a result of Government actions, natural disasters or any other cause through outright compensations or provision of alternative land.
- The Equal Opportunities Commission Act establishes the Equal Opportunity Commission (EOC) which plays a key role in grievance redress by providing an avenue and platform for Uganda citizens to do so. The EOC also has powers to hear and determine complaints by any person against any action, practice, usage, plan, policy programme, tradition, culture or custom which amounts to discrimination, marginalization or undermines equal opportunity. The EOC has developed rules and regulations for lodging complaints on a matter of discrimination, marginalization, inequality or any act which undermines or impairs equal opportunities against a person or a group of persons.
- The Uganda Human Rights Commission The UHRC is Uganda’s national human rights institution created by the Constitution, with mandate, amongst others, “to investigate violations of human rights and to monitor government compliance with its human rights obligations detailed in the Constitution.”

### Indigenous Peoples

- The Constitution of Uganda recognizes the presence of indigenous people in Uganda and refers to them as “ethnic minority”. The Constitution offers no express protection for indigenous peoples but Article 32 places a mandatory duty on the state to take affirmative action in favor of groups who have been historically disadvantaged and discriminated against.
- Equal Opportunities Commission Act duly protects the rights of indigenous peoples in Uganda through its recognition of “ethnic minority” groups in Uganda and being cognizant of their marginalized status, and fulfilling its mandate to address discrimination and promote equal opportunities for all persons in Uganda irrespective of gender, age, physical ability, health status or geographical location; and to promote affirmative action in favor of marginalized groups.
- It is important to note that the Ik people (one of IPs in Uganda) have their first Member of Parliament in the 10<sup>th</sup> Ugandan Parliament in 2016.

## Social Accountability and Transparency

- Uganda's decentralized system provides for social accountability and transparency. Participatory planning is the adopted approach by LGs where all stakeholders, beneficiaries, technical staff and donors come together to carry out analysis of the existing situation, determine the desired future, decide on appropriate action and implementation strategies, discuss and agree on roles and responsibilities and agree on appropriate time schedules and milestones. Planning begins at the community level through a bottom up approach.
- In Uganda's decentralized system, the planning process is at sub-county level where the sub-county development committees collect and prioritize all sub-counties plans. The priorities of all the sub-counties are thereafter presented to the county development committee, which in turn prioritize the draft plans for onward transmission to the district development committee for deliberations. All the approved proposed plans are then compiled into the draft district development plan for onward transmission to the Ministry of Finance, Planning and Economic Development (MoFPED) for preparation of the district development plan.

### *Public Participation*

**18.** To ensure that communities are empowered to take responsibility for their own health and well-being, and to participate actively in the management of their local services, the Government of Uganda has initiated a number of measures: (i) developed guidelines for community capacity building for effective participation in resource mobilization and in the monitoring of activities; (ii) promoted the establishment of sector committees (health, education etc.) with an appropriate gender balance at each of the different levels of the LG system. In addition, the Local Government Act provides has several structures for ensuring accountability to the public and to sector stakeholders. To the general public, the decentralized system provides space for the participation of all districts and local authorities in the Annual Sector Assemblies. At these assemblies, national- and district-level political leaders, national level CSOs working in the different sectors, the media, and development partners receive performance feedback about sector performance, and generate priorities for the district in the subsequent fiscal year.

### *Affirmative Action*

**19.** Uganda has different sets of laws, policies, guidelines, and administrative practices intended to end and correct the effects of discrimination on gender and marginalized groups. They include the National Gender Policy and Older People Policy, the National Youth Council Act, Vision 2025, the Poverty Eradication Action Plan (PEAP), the Social Development Sector Strategic Investment Plan, and the Equal Opportunities Commission.

### *Resources and Capacity*

**20.** Although the structures for environmental and social accountability are well-established at the national level, mostly we found weak or non-existent performance management systems at the local levels. The problem is somewhat more significant for social issues as contrasted with

environmental issues. For example, just over half (i.e. 15 of 26) of the visited Districts carry out screening of government-funded projects for environmental risks. The number of Districts that carry out screening for social risks is considerably less (i.e. 3 of 26); in fact, being by far the exception rather than the rule. Oversight or supervision of such projects is also proportionally weaker than screening, and typically consists of desk reviews given the lack of transportation and other resources for field assessment. Districts have few resources and have received little guidance on how to provide effective supervision and feedback downstream in such a constrained situation.

### ***Specific Environmental and Social Risks and Recommendations***

**21.** The ESSA concludes that the existing environmental and social management framework at the national level should, in theory, provide adequate means for reducing risks from program elements supported by the IFTP. Nevertheless, in actual practice, the ESSA identified potential issues related to the capacity of LGs to carry out nationally derived processes. These areas are summarized below, and considered in the options for inclusion under the Program Action Plan.

#### *Social Risks*

**22.** The ESSA concludes that the existing environmental and social management framework at the national level should, in theory, provide adequate means for reducing risks from program elements supported by the IFTP. Nevertheless, in actual practice, the ESSA identified potential issues related to the capacity of LGs to carry out nationally derived processes. These areas are summarized below, and considered in the options for inclusion under the Program Action Plan.

**23.** The investments supported by the PforR – including the rehabilitation and construction of additional primary/secondary schools and health clinics infrastructure – typically pose modest risk when screening and supervision is carried out correctly by national authorities.

#### *Social Risks*

**24.** Nevertheless, the actual experience in Uganda and observed deficiencies in LG capacity suggests a comparatively higher risk for social considerations. These risks particularly stem from the likelihood of influx of construction workers from larger urban centers into smaller subdivisions (Parishes and Sub counties) specifically targeted by the Program, and generally lacking local capacity to carry out construction of facilities such as maternity/general wards, operating theatres, and etc. – And to absorb and manage influx of workers. Concerns include: (i) the spread of HIV/AIDS, (ii) instances of Gender Based Violence (GBV) and Violence Against Children (VAC), and (iii) labor related issues, including Child Labor. Land acquisition and resettlement is not expected to pose significant risks given the small scale of investments and the likelihood of construction being carried out on existing facilities' footprints, though it is important that these processes are properly tracked.

**25.** A number of these civil works will also be implemented in areas where communities are not always duly consulted during project preparation or lack access to adequate grievance redress mechanisms. The World Bank is taking special precautions on current and proposed investments in Uganda where two World Bank projects have recently either been suspended or cancelled because of these types of violations being associated with contractors hired to perform civil

works in rural areas. While the scale of those investments (and consequent risks) is considerably greater than in the case of the IFTP, appropriate due diligence is needed and included. As the field exercises have revealed important deficiencies in terms of availability and capacity (technical and material) of relevant District social staff, the government has agreed to mitigation measures in the Program Action Plan.

### *Environmental Risks*

**26.** The assessment establishes that environmental risks associated with the construction and operation of education and health facilities as envisaged by this Program, are modest, and can be managed through adherence to established procedures for screening, contracting, and supervision during implementation. Unfortunately, in almost half of surveyed Districts, good screening is not carried out, and in the majority of Districts, staff and material shortages hamper both screening and especially supervision. There have been advances in health waste management in the country though again, adherence at the local level may be problematic.

### *Local Government Capacity*

**27.** The current framework accurately addresses the planning, budgeting and financial management. However, the questions of capacity of the LG to deliver efficient services to the communities with respect to environmental and social management still merit empirical evaluation. There exist several constraints arising from the LG capacity and the availability of infrastructure at the decentralized units. Recommendations for strengthening are highlighted below.

### *Recommendations*

**28.** Based on the findings of the ESSA, the Government will be including certain measures to mitigate critical environmental and social risks at the local implementation level in the Program Action Plan. These include:

- Revising environmental and social screening forms (developed for previous health and education projects supported by the Bank) for the specific types of investments supported by the PforR. Augment such forms with newly emerging concerns, such as recognizing and avoiding Gender-Based Violence, and further advancing good medical waste management. Provide training for responsible District officials, and technical assistance during Program implementation.
- Ensuring that key Districts reach their full complement of environmental and social safeguards staffing. Set up prioritization based on such factors as the scale of planned investments, overall District social risk, relative proportion of staffing gaps, etc.
- Seeking creative and cost-effective solutions in filling other gaps at the LG level, including the widespread lack of Grievance Redress Mechanisms and providing transport for conducting supervision missions; This could include the use and strengthening of existing structures such as Local Councils, School Management Committees, and Health Management Units

- Tasking national line ministry specialists to support local officials with targeted supervision of a select number of schools and clinics constructed under the Program.
- Augmenting the work program of current program implementation units in relevant sectors (for donor-supported projects) to conduct targeted supervision as a means for supporting mainstreaming of risk reduction.

## **I. Introduction**

### ***Program-For-Results as Financing Instrument***

1. “Program-For-Results Financing” (PforR) is a relatively new World Bank lending instrument that aims to support a borrower’s “programs” – a flexible term that encompasses a wide-range of potential government-led development initiatives with a national, subnational, multi-sectoral, or sectoral scope. PforR operations can be used to finance investment-lending types of activities that have notable risks, i.e., ‘Category B’ projects.
2. PforR is a “results-based” instrument: disbursements are largely tied to achievement of agreed “development linked indicators” rather than to preparation and expenditures for inputs, as is typically the case with more traditional project lending. Financing is provided to the borrower’s overall expenditure program budget rather than linked to individual transactions (such as scheduled purchases of goods and services required for the project). Development linked indicators are identified initially by the borrower, and approved by the Bank.
3. PforR lets the borrower determine what, if any, information related to activities funded through PforR operations is made publicly available or available directly to potentially-affected local communities. In other words, the public has assured access to information related only to ‘program level’ activities – not necessarily to activities funded through the Program. The World Bank considers P4R a third core component of its suite of lending instruments: Development Policy Lending (DPL) to finance government policy reforms and actions, PforR for program-level operations, and Investment Lending (IL) for projects.
4. P4R enables the World Bank to extend the reach of its advice and financial support to entire national programs despite providing a relatively small share of a Program’s operating budget. PforR also represents a further fragmentation of the Bank’s approach to ensuring that its financing does not contribute to environmental and social harm. Unlike project-based lending, PforR financing is not subject to the Bank’s environmental and social “safeguard” policies.
5. Instead, PforR operations rely on the borrower’s systems for avoiding and mitigating potential impacts, with potential capacity strengthening of the systems during the operation. World Bank staff are to utilize a set of PforR-specific environmental and social principles to guide an assessment of the “adequacy” of a borrower’s systems, and World Bank standards do not apply to activities funded through these systems – even when these are the same types of activities to which World Bank safeguards apply when funded through investment lending operations at the Bank. DPLs are also not subject to the Bank’s safeguard policies.
6. The key features of the new instrument are as follows:
  - Financing the expenditures of specific borrower development programs;
  - Disbursing on the basis of the achievement of key results (including prior results) under such programs;
  - Using and, as appropriate, strengthening the Program systems to provide assurance that Program funds are used appropriately and that environmental and social impacts are adequately addressed by such programs; and

- Strengthening, where appropriate, the institutional capacity necessary for such programs to achieve their intended results.

### *ESSA Core Principles*

7. To guide the ESSA analysis, there are six core principles that must be benchmarked in the preparation and utilization as required in the Program-for-Results financing guidelines. The ESSA six core principles are briefly described below:

- **Core Principle 1 - General Principle of Environmental and Social Management-** This core principle aims to promote environmental and social sustainability in Program design; avoid, minimize, or mitigate adverse impacts, and promote informed decision-making related to the Program’s environmental and social impacts.
- **Core Principle 2 - Natural Habitats and Physical Cultural Resources:** This core principle aims to avoid, minimize, or mitigate adverse impacts on natural habitats and physical cultural resources resulting from the Program.
- **Core Principle 3 - Public and Worker Safety:** This core principle aims to promote public and worker safety with respect to the potential risks associated with: (i) operation of facilities or other operational practices under the Program; and (ii) exposure to toxic chemicals, hazardous wastes, and other dangerous materials under the Program.
- **Core Principle 4 - Land Acquisition:** This core principle aims to manage land acquisition and loss of access to natural resources in a way that avoids or minimizes displacement, and assists affected people in improving, or at the minimum restoring, their livelihoods and living standards.
- **Core Principle 5 -Indigenous Peoples and Vulnerable Groups:** This core principle aims to give due consideration to the cultural appropriateness of, and equitable access to, Program benefits, giving special attention to the rights and interests of the Indigenous Peoples and to the needs or concerns of vulnerable groups.
- **Core Principle 6 -Social Conflict:** This core principle aims to avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.

### *ESSA Scope and Methodology*

#### *ESSA Scope*

8. This Environmental and Social Systems Assessment (ESSA) was undertaken by the World Bank team for the Program as per the requirement of the Bank's Operational Policy/World Bank Procedure (OP/BP) 9.00 PforR Financing. This ESSA was developed based on:

- (a) A review of existing policies, state development plans, acts, regulations, frameworks and guidelines;

- (b) Consultations, meetings and interviews with key relevant stakeholders at the National and LG level, particularly with those involved in the environmental and social assessment as well as planning, implementation and monitoring of projects in the health and education sector;
- (c) An assessment of relevant environmental and social management systems relative to the PforR principles;
- (d) An assessment of the capacity and performance of the environmental and social management procedures and processes relevant to IFTP;
- (e) Development of an action plan to enhance environmental and social management capacity and performance of the IFTP PforR; and
- (f) Development of performance monitoring and implementation support plan.

9. Environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in the Program design; (b) avoid, minimize, or mitigate against adverse impacts; and (c) promote informed decision-making relating to a program's environmental and social effects.

#### *ESSA Objectives*

10. The purpose of the Environmental and Social Systems Assessment (ESSA) is to: (i) document the environmental and social management rules and procedures and institutional responsibilities that are being used by the Government for the IFT Program (ii) to assess implementing entities' institutional capacity including performance to date to manage the likely environmental and social effects in accordance with Uganda's own requirements under the Program; and (iii) to recommend specific actions for improving counterpart capacity during implementation.

11. The PforR financing does not support programs or activities within programs that could cause significant harm to the environment or which would have significant adverse social consequences. Excluded from PforR financing would be investments in new or major expansion of large-scale infrastructure or other investment activities that would be considered Environmental Category A under conventional World Bank investment lending criteria. All PforR operation proposals will be screened for such effects at an early stage of preparation, and if such activities occur within a Program, they should be flagged and be subject to investment lending policies.

12. The PforR approach to environmental and social management uses a step-wise approach to adapt activity to the program context. The three steps are:

- **System assessment.** The World Bank task team prepares assessments of the proposed Program, including a system assessment of environmental and social management capacity and practice. The system assessment reviews existing regulations and policies, institutional capacity, and the effectiveness of implementation in practice. The World Bank together with the implementing agency identifies and considers the potential range of environmental and social effects that

may be relevant to the Program. The World Bank task team then assesses the capacity for effective environmental and social management, in light of performance to date (or proposed arrangements and resource availability for new Programs) and in light of potential effects. Findings of the system assessment are subsequently factored into the overall Program-for-Results Integrated Risk Assessment.

- **Agreement with the borrower on actions to enhance environmental and social management capacity and performance.** Based on assessment results, measures to strengthen institutional capacity, as well as any measures to generate the desired environmental and social effects if required, are then agreed between the World Bank and implementing agency. These actions are incorporated into the Program Action Plan, which is then discussed and agreed with the client. If the assessment concludes that the Program capacity is adequate given the risks to be managed, no actions are necessary. However, if strengthening measures are deemed necessary, they may include either specific actions to strengthen organizational performance or specific environmental or social mitigation measures consistent with Program-for-Results.
- **Performance monitoring and implementation support.** The borrower and the task team collaborate in monitoring Program performance, especially with regard to any specific organizational improvements, mitigation or enhancement measures agreed with the implementing agency. Program performance is monitored against a set of mutually agreed on quantitative or qualitative indicators devised for Program purposes, and against regular periodic review of complaints registered through established grievance procedures. The task team supplements monitoring information with periodic field visits to the Program activities and offers any further implementation support that may be agreed on between the borrower and the World Bank.

### *ESSA Process and Methodology*

13. The ESSA is a World Bank document prepared by World Bank staff and consultants through a combination of reviews of existing Program materials and available technical literature, interviews with government staff, and consultations with key stakeholders and experts. Findings of the assessment will be used for the formulation of an overall Program Action Plan with key measures to improve environmental and social management outcomes of the Program. The findings and conclusions and opinions expressed in the ESSA document are those of the World Bank.

### *Detailed and In-depth Literature Review*

14. In preparing this ESSA, a review of relevant literature material was undertaken and helped in gaining a deeper understanding of environmental and social management procedures, standards and institutional responsibilities that will apply to the proposed Program

15. The literature review covered existing regulations and policies and analyzed their legal and practical applicability at the Program level, and the effectiveness of implementation in practice.

### *Institutional Analysis*

16. An institutional analysis was carried out to identify the roles, responsibilities, structure and relations of the relevant institutions responsible for implementing the PforR funded activities, including coordination between different entities at the national, regional and local levels. Sources included: existing assessments of key institutions focusing on environmental and social assessment and management processes. Available literature and documents were also consulted to assess health care waste management system's capacity and performance and access to health care services in the country.

### *Key Informant Interviews*

17. Semi-structured interviews took place with GOU officials and technical experts involved in environmental and social management.

18. At the national level, the team interviewed staff of:

- Ministry of Local Government
- Ministry of Health
- Ministry of Education
- National Environment Management Authority
- Equal Opportunity Commission (EOC)

19. At the LG level, the team interviewed relevant staff of the district and municipal councils.

### *Field Visit*

20. Consultative field visits were conducted in the following Districts which were selected to include some that (i) hosted Vulnerable and Marginalized Groups (Batwa and Ik), (ii) were newly formed/older, and (iii) some that were historically well/underfunded. In addition, geographic location was considered to facilitate teams' travel logistics.

- |              |                 |             |               |
|--------------|-----------------|-------------|---------------|
| • Ntungamo   | • Kakumiro      | • Bukedea   | • Koboko      |
| • Nakaseke   | • Luwero        | • Pallisa   | • Nyadri      |
| • Isingiro   | • Kayunga       | • Namutumba | • Apac        |
| • Rakai      | • Kaabong       | • Mayuge    | • Kiryandongo |
| • Kanungu    | • Amuria        | • Adjumani  | • Nakasongola |
| • Rubanda    | • Nakapiripirit | • Amuru     |               |
| • Sembambule | • Manafwa       | • Pader     |               |

### *Stakeholder Consultations*

21. The ESSA process includes stakeholder consultations on the draft ESSA and disclosure of the ESSA Report following the World Bank's Access to Information Policy. Details on the consultation process are included in **Annex 3**.

## II. Program Description

### *Background and Context*

22. **The Intergovernmental Fiscal Transfer Reform Program (IFTRP) has been developed to address the challenges in the functioning of the national government’s financing of LG service delivery.** The IFTRP has five objectives:

- Restore *adequacy* and *equity* in allocation of funds for service delivery.
- Shift the focus away from fragmented input-based conditions toward accountability for budgetary allocation decisions, expenditures, and results.
- Increase discretion to enable LGs to deliver services in line with local needs while ensuring that national policies are implemented.
- Allow new national policies to be funded via the transfer system, at the same time avoiding future fragmentation of transfers and reduction in discretion.
- Use the transfer system to provide incentives to improve institutional and service delivery performance.

23. **The IFTRP furthers the implementation of the GoU’s Fiscal Decentralization Strategy (FDS) and Second National Development Plan 2015/16-2019/20 (NDP-II).** The FDS was adopted by Cabinet in 2002 to address concerns about increased fragmentation and reduced discretion in LG financing. The FDS seeks “to strengthen the process of decentralization in Uganda through increasing LGs’ autonomy, widening local participation in decision-making and streamlining fiscal transfer modalities to LGs in order to increase the efficiency and effectiveness of LGs in service delivery.” The implementation of the FDS required additional resources. However, the shift of budget priorities towards economic infrastructure since the mid-2000s meant that FDS was implemented only to a limited extent, which in turn made it more difficult for the LGs to fulfill their mandates. The IFTRP is under the purview of the Minister of Finance, Planning and Economic Development, anchored in the NDP-II and the FDS (approved by the Parliament and the Cabinet, respectively).

24. **The FDS agenda was given renewed impetus by Uganda’s Second National Development Plan (NDP-II) 2015/16-2019/20.** In response to the declining trends in LG financing, the NDP-II includes objectives to “increase financing and revenue mobilization of [LGs] to match the functions of [LGs]” which commits the Government to “redesign the fiscal decentralization architecture to provide for adequate and sustainable LG financing” and “review grants allocation formulae to promote adequacy in financing of decentralized service[s]” (NDP II, p. 235).

25. **An interim step prior to the development of the IFTRP, took place in 2015-16, with the consolidation of the earmarked transfers.** Under the consolidation, the number of earmarked transfers to LGs was reduced from 46 to 20. This consolidation was a necessary first step because it helped increase LGs’ flexibility in the use of their fiscal resources, and opened the way to developing rational formulae for the allocation of the grants. It was also intended to reduce transaction costs associated with the grants planning and monitoring. It has also made the reform process more transparent and understandable for the LGs.

26. **The IFTRP covers all fiscal transfers to LGs which together fund the bulk of local administrative costs and service delivery in six sectors.** These sectors include agriculture and trade, works and transport, education, health, water and environment and social development. There are up to three conditional grants per sector (Table 1). Within this, UgIFT will focus on health and education sector expenditures on conditional non-wage recurrent and development transfers.

**Table 1. The New Consolidated Grant Structure and the Grants Included in UgIFT Program Expenditure Framework**

Grants Supported by UgIFT			
Category / Sector	Grant		
	Recurrent	Development	
<b>Sector Conditional Grants</b>			
Health	Wage	Non-Wage	Development
Education	Wage	Non-Wage	Development
Production and Marketing	Wage	Non-Wage	Development
Water & Environment		Non-Wage	Development
Works & Transport		Non-Wage	Development
Social Development		Non-Wage	
<b>Ad Hoc Conditional Grants</b>			
Support Services		Non-Wage	
Transitional Development			Development
<b>Discretionary Grants</b>			
Unconditional	Wage	Non-Wage	
Discretionary Dev't Equalization			Development

27. **The IFTRP has three complementary dimensions to support the achievement of its objectives.** These are set out in Table 2.

**Table 2. Elements of the IFTRP and Related UgIFT Program Activities**

Elements of the IFTRP (Government's program)	Activities of UgIFT (the Program)
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Elements of the IFTRP (Government's program)	Activities of UgIFT (the Program)
<p><b>1. Redesigning sectoral and discretionary transfers within a consolidated grant framework.</b></p> <p>(a) The development of objective and equitable allocation formulae for all sector conditional grants and discretionary grants within a consolidated grant framework, following the rationalization of all sector conditional grants; and the merging of equalization and regional development grants.</p> <p>(b) The establishment of sectoral budget requirements instead of grant based input conditions.</p> <p>(c) The establishment of a transparent, rules based systems for management of LG transfers by central government.</p> <p>(d) The preparation of grant guidelines using a common approach for all grants</p>	<p>Finalization of design of conditional grants in the education and health sectors and associated revisions to guidelines for LGs and Facilities.</p> <p>Supporting implementation of redesigned conditional grants in the education and health sectors, including phasing in modifications of their allocation formulae.</p> <p>Strengthening of the management of fiscal transfers by MoFPED and the Ministries of Education and Health.</p>
<p><b>2. Reviewing the fiscal decentralization architecture and determining estimating the cost of adequately financing those mandates relative to the overall budget.</b></p> <p>(a) Reviewing LG mandates and estimating the cost of adequately financing those mandates relative to the overall budget.</p> <p>(b) Reviewing the overall legal and policy framework for LG revenues and expenditures and recommending changes</p>	<p>Supporting the adequacy of health and education financing through providing finance for the implementation of the medium-term plan for uplifting transfers in health and education.</p>
<p><b>3. Establish a framework of performance incentives in the grant system to lever improved institutional and service delivery performance and accountability.</b></p> <p>(a) Establishment of a 3 level performance assessment framework which assesses a) adherence to adequate core budgetary and accountability requirements b) core and sectoral institutional performance and c) facility performance.</p> <p>(b) Introducing performance incentives, including rewarding those LGs which plan for and implement programs well, in adherence to the legal and policy framework, and sanctioning those which do not.</p> <p>(c) Establishing a framework of "performance improvement programs" which target action to improve performance in LGs and areas which where performance is weak.</p>	<p>Implementation and refinement of the annual assessment process of LGs, linking of grant allocations to health and education to performance assessments, and varying out value for money audit for the LG expenditures financed through the grants.</p> <p>Development and implementation of the Performance Improvement Programming Framework for LGs.</p>

28. **The first dimension of the IFTRP involves consolidating and redesigning sectoral and discretionary transfers to LGs.** This includes developing more objective and equitable allocation formulae within agreed principles and guidelines which focus on the performance and accountability of LGs, rather than on input-based conditions. Formulae have been developed for non-wage and recurrent grants to reduce horizontal inequity (for example, seeking to reduce inequities in per capita funding in the health and education sectors whilst catering for other factors such as the variable costs of delivering services). New sector grant guidelines have also been developed. Grant input-based conditions have been replaced by sectoral performance budgeting and accountability requirements to promote a more efficient management of resources by LGs. Revisions to sector guidelines for facilities and for required infrastructure investments are also planned.

29. **The second dimension involves estimating the cost of adequately financing LG service delivery mandates relative to the overall budget and reviewing the fiscal**

**decentralization architecture.** This involves estimating the cost of fully funded capitation grant policies at the school level nationwide, and adequately funding health facilities for their operational costs, for example. This will be followed by a review of the fiscal architecture governing overall budget allocations to LG transfers and local revenue assignments.

30. **The third dimension involves introducing a framework of performance incentives in the grant system and targeted performance improvement to drive improved institutional and service delivery performance and accountability.** This involves assessing LG institutional and service delivery performance at three levels: (a) adherence to adequate budgeting and accountability requirements, (b) core and sectoral institutional performance, and (c) facility performance. An LG Performance Assessment Manual has been drafted and performance assessments have been piloted. The results of the performance assessments will help inform the appointment of accounting officers and be linked to the size of development grants. The reform will also involve the establishment of a mechanism of targeted support to poorly performing LGs through the agreement, validation, and implementation of performance improvement programs.

31. **IFTRP sets out institutional arrangements to manage the strengthened process and systems being established.** The approach involves consolidating and strengthening existing institutions and coordination mechanisms to deliver the reform, rather than the creation of parallel processes. This includes a high level IFT Steering Committee, an IFT technical committee, and a series of task forces dealing with grant management, assessment and targeted support.

32. **As part of the IFTRP, a medium-term plan for uplifting intergovernmental fiscal transfers is being developed, covering all grants to LGs.** Implementation of the plan over several years will enable the phased implementation of the new non-wage recurrent and development allocation formulae and the restoration of the adequacy of funding for service delivery. MoFPED has developed an Online Transfer Information Management System (OTIMS)<sup>1</sup> to ensure transparency and rules-based implementation of the new formulae. The additional administrative costs of managing the transfers, carrying out performance assessments and targeted performance improvement plans have also been costed as part of the IFTRP medium-term plan.

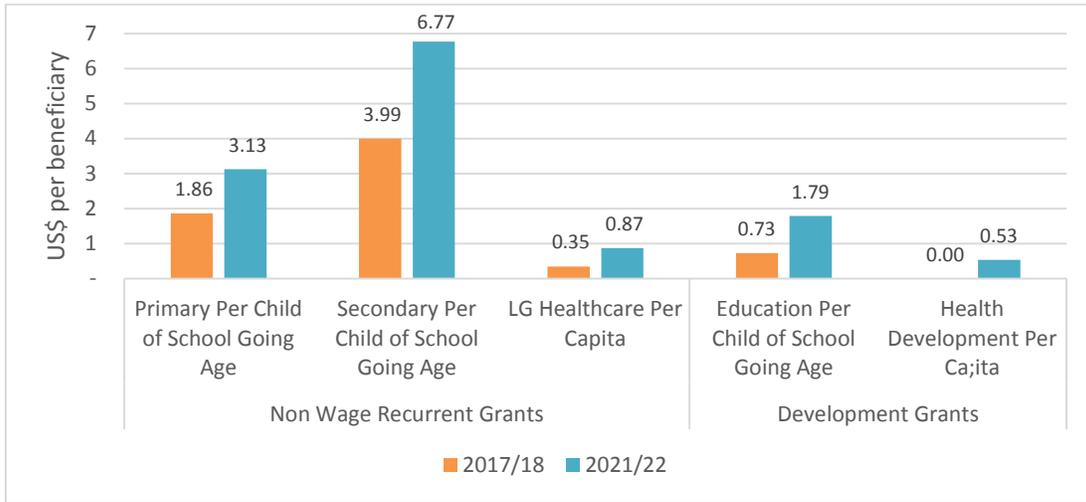
#### ***Program Development Objective/s (PDO) and Key Results***

33. **The Program Development Objective (PDO) is *To improve the adequacy and equity of fiscal transfers and improve fiscal management of resources by LGs for health and education services.*** Addressing the amount and distribution of resources is necessary but not sufficient to significantly improve Education and Health sector outcomes. The same can be said of management of these resources to ensure the processes and systems governing their use are efficient. The overarching objective of this Program is to establish the preconditions for subsequent education and health reforms directly impacting sector outcomes.

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<sup>1</sup> See [www.budget.go.ug/fiscal\\_transfers](http://www.budget.go.ug/fiscal_transfers).

**Figure 1. Improvements in Adequacy under UgIFT**



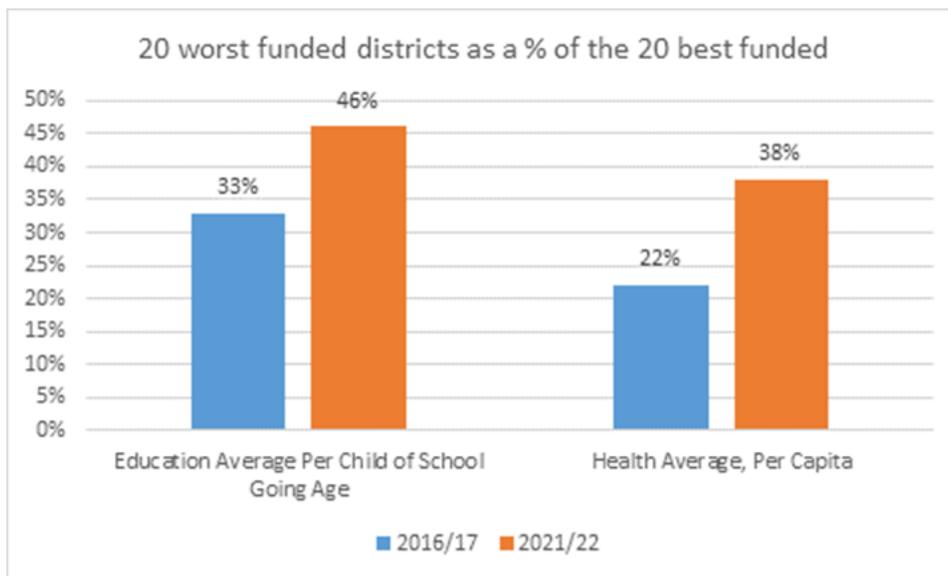
Source: MoFPED.

34. **The first dimension of UgIFT will deliver results on enhancing adequacy of fiscal transfers for education and health services from the Central Government.** International Development Association (IDA) resources will help to secure the required annual increases in LG health expenditures:

- Annual increase in sector conditional grants (wage, non-wage recurrent, and development) to LGs for education (four-year moving average) will reach 7.5 percent by 2021/22.
- Annual increase in sector conditional grants (wage, non-wage recurrent, and development) to LGs for health (four-year moving average) will reach 13.25 percent by 2021/22.

35. Figure 2 illustrates the projected impact of these increases on the Program expenditures per beneficiary.

**Figure 2. Reduced Disparities in Non-Wage Recurrent Grants**



Source: MoFPED.

36. **The second dimension of the Program will deliver results on *enhancing equity of fiscal transfers for education and health services*.** The additional funding will be targeted to the least funded LGs using objective and equitable allocation formulae. This will achieve the following results over the lifetime of the project (Figure 6):
- For the education non-wage recurrent conditional grant, which supports the running costs of schools, allocations per child of school-going age for the 20 least funded districts will increase from 33 percent to 46 percent of the levels allocated to the 20 best funded. For the education development grant, which funds the equipping, rehabilitation and construction of school infrastructure, 21 percent of development grant transfers will be provided to the 30 least funded districts.
  - For health sector non-wage recurrent conditional grant which, among others, supports the running costs of health facilities, per capita allocations for the 20 least funded districts will increase from 22 percent to 38 percent of the levels allocated to the 20 best funded. For health sector development grant, which funds the equipping, rehabilitation and construction of health infrastructure, 35 percent of development grant transfers will be provided to the 30 least funded districts.
37. The target ratios for reducing the horizontal inequities in allocations per beneficiary were chosen in a way consistent both with the new formulae for the grants and with the planned enhancement of their adequacy, which, in turn, is consistent with the Program's expenditure framework and with the GoU's plan for uplifting transfers. These ratios are more conservative compared to what the projected allocations according to the formulae would imply, to allow for an impact of unforeseen change in the variables affecting the allocations.
38. **The third dimension of the Program will deliver results in terms of *improvement in fiscal management of education and health services delivery by LGs as their resources are being increased*.** Enhanced fiscal management of resources is achieved through the introduction of an organizational performance assessment system; creating incentives through linking grant allocations to the results of the performance assessment; and targeted performance improvement programs.
39. **The third dimension targets the procedures and systems used by LGs to efficiently manage education and health resources.** It does not purport to directly change sector outcomes. Rather it should be viewed as necessary action which will focus specifically on outcomes. It establishes managerial preconditions for improving access to health and education services, quality service delivery and quality infrastructure. Significant improvements in education and health outcomes – among others, access to primary schools, reduced repetition and drop out, improved learning and pass through to higher levels and access to well-staffed and resourced clinics and hospitals which follow accepted medical protocols—will require additional Government programs.
40. **Beyond the development objectives of UgIFT, it is envisaged that more equitable, adequate and efficient financing of health and education services will ultimately lay the foundation for improved service delivery outcomes.** In doing so it will complement other sectoral programs including World Bank operations in health and education and planned governance operations. The impact of UgIFT on service delivery outcomes will depend on these

operations as well as other interventions. The final beneficiaries of UgIFT will be consumers of health and education services at the local level. Those who will benefit the most will be those living in the most underfunded districts and municipalities.

41. **Results achieved by the Program are likely to be sustained after its completion.** The results related to adequacy of financing are likely sustainable because increase in transfers to LGs will be financed primarily with the GoU own resources. The annual increase in government financing during the period covered by the Program will be approximately equal to the annual disbursement of IDA funds, and the share of IDA funding in the Program expenditures is expected to decline from 44.5 percent during the first year of Program implementation to 25.3 percent during the last year. The results related to equity of financing are likely to be sustained because by the end of the Program formulae for the grants will be fully phased in, so that they could be reasonably expected to be followed in the future. Similarly, the system for improving institutional capacities and incentives of the LGs to manage their resources is expected to be fully operational and well tested by the end of the Program period.

### **III. Uganda's Environmental Management Systems**

#### ***Constitution of Uganda and Environmental Management***

42. The Constitution of Uganda, 1995 (as amended) is the supreme law of Uganda. It imposes obligations on the Government of Uganda to promote sustainable development and environmental protection, and it obliges the state and citizens to endeavor to preserve and protect public property and Uganda's heritage. The Constitution of the Republic of Uganda of 1995 provides among its National Objectives, (Objective No. XXVII) that:

- (a) Utilization of natural resources shall be managed in such a way as to meet the development and environmental needs of the present and future generations of Uganda, particularly taking all measures to prevent or minimize damage and destruction to land, air, and water resources resulting from pollution or any other kind of natural resource degradation.
- (b) The state shall promote sustainable development and public awareness of the need to manage land, air and water resources in a balanced manner for present and future generations.

43. Article 39 provides that every Ugandan has a right to a clean and healthy environment. Article 237(b) in turn, provides that the government or LG as determined by Parliament by law shall hold in trust for the people and protect natural lakes, rivers, wetlands, forests, game and forest reserves, National Parks and any land to be reserved for ecological and to touristic purposes for the common good of all citizens. This right carries with it the duty of the citizen to protect the environment.

#### ***National Environment Management Policy, 1994***

44. The overall goal of this policy is the promotion of sustainable economic and social development mindful of the needs of future generations and the EIA is one of the vital tools it considers necessary to ensure environmental quality and resource productivity on a long-term basis. It calls for integration of environmental concerns into development policies, plans and projects at national, district and local levels. Hence, the policy requires that projects or policies likely to have significant adverse ecological or social impacts undertake an EIA before their implementation. This is also reaffirmed in the National Environment Act, Cap 153 which makes EIA a requirement for eligible projects (Third Schedule).

45. The NES provides for public in-input in EIA, and environmental audits through the rights to participate, to information and the general right to bring actions to prevent or discontinue an activity or project with effects that are harmful to the environment. It also empowers local environmental committees to take action to redress local environmental concerns. The Statute creates a duty on the developer to take all measures necessary to seek the views of the people in the communities, which may be affected by the project during the process of conducting the study.

46. Major provisions for the EIA process in the NES are contained under part V that defines and sets out the role and procedures of the EIA process for all activities likely to harm or have an impact on the environment.

### ***National Environment Management Policy (1994)***

47. Uganda has a well-developed legal and regulatory framework for environmental management. It flows from National Environment Management Policy (1994) that aims to promote sustainable economic and social development. Among the provisions of the policy is a requirement for an Environmental Impact Assessment (EIA) to be conducted for any policy or project that is likely to have adverse impacts on the environment.

### ***National Policy for Conservation and Management of Wetland Resources (1995)***

48. This policy establishes the principles by which wetland resources can be optimally used now and in future. It calls for the application of EIA to all activities to be carried out in a wetland, and aims at ensuring that the environmental goods and services provided by wetlands are safeguarded and integrated in development considerations.

### ***National Water Policy (1999)***

49. This policy's objective is the management and development of the water resources of Uganda in an integrated and sustainable manner. The policy requires EIA for all water related projects and integration of water and hydrological cycle concerns in all development programs. It covers water quality, water use, discharge of effluents and international cooperation on trans-boundary water resources.

### ***National Medical Equipment Policy, 2009***

50. The objective of the policy is to ensure equipment and furniture are managed economically, efficiently, effectively and sustainably through guided:

- Acquisition of medical equipment and furniture,
- Utilization, regulation and quality assurance of medical equipment and furniture,
- Maintenance of medical equipment and furniture,
- Monitoring and evaluation of performance of medical equipment and furniture and
- Proper disposal of medical equipment and furniture.

### ***National Health Policy, 1999***

51. The overall objective of health sector policy is to reduce mortality, morbidity and fertility, and the disparities therein. Ensuring access to the minimum health care package is a central strategy to this goal.

### ***National Policy on Injection Safety and Health Care Waste Management, 2004***

52. The policy aims at ensuring safe injection practices and proper management of healthcare waste through appropriate procurement, distribution and monitoring of equipment/ supplies and increased awareness.

### *National Environmental Act, Cap 153*

53. The most important of the Ugandan environmental laws relevant to development of urban infrastructure in Uganda is the National Environment Act, Cap 153. This law established the National Environmental Management Authority (NEMA) and provides tools for environmental management. It sets requirements for management of various aspects of the environment, including wetlands, waterways and shorelines, forests, and hillsides. It authorizes NEMA to set environmental standards in consultation with cognizant line ministries. It makes Environmental Impact Assessment (EIA) mandatory for certain types of projects.

54. The National Environment Act (Chapter 153 of Laws of Uganda) establishes and defines functions of NEMA as a body responsible for management, monitoring and supervision of all environmental conservation activities (Section 4). This act provides for various strategies and tools for environment management, which also includes the EIA (Section 19) for projects likely to have significant environmental impacts.

55. The Act also mandates NEMA with a leading role to review environmental impact statements. NEMA sets multimedia environmental standards (Sections 24-32) to prevent contamination of air, water and soil resources. The Act also mandates NEMA with responsibility for in-situ and ex-situ conservation of biological fauna and flora resources either on land or in water (Sections 42 and 43).

56. Section 48 empowers NEMA, district environment committees and local environment committees to be responsible for monitoring of local land-use plans, which should be in conformity with national land-use plan. Section 106 outlines provisions to enable compliance with obligations of international environmental conventions. Section 35 entrusts NEMA, lead agencies and LG environment committees with powers to protect the environment from human activities that could adversely affect it. Section 56 prohibits discharge of hazardous substances, chemicals, oil, etc. into the environment except in accordance with guidelines prescribed by NEMA.

57. The Act outlines principles of environmental management and rights to a decent environment and also sets out principles for:

- Institutional arrangements;
- Environmental planning;
- Environmental regulations;
- Environmental standards;
- Environmental restoration orders and easements;
- Records, inspection and analysis;
- Financial instruments;
- Offences;
- Judicial proceedings; and

- International obligations.

58. The Third Schedule of the National Environment Act (Cap 153) does not specifically list healthcare facilities under scheduled projects, nonetheless, two sections thereof related to function or waste management mean that these facilities are not exonerated from the general EIA process. Section 12 on the Schedule requires that projects related to: a) Sites solid waste disposal; b) Sites for hazardous waste disposal; c) Sewage disposal; d) Atmospheric emissions; e) Offensive odours; should undertake a full EIA. This Act also formed the basis for enactment of the Environmental Impact Assessment Guidelines, 1997 and Environmental Impact Assessment Regulations, 1998 which together prescribe the EIA process in Uganda.

59. A number of regulations have been issued to implement the National Environmental Act. Those most relevant for IFTP are described below.

*Environmental Impact Assessment Regulations, 1988*

60. National Environment (Environmental Impact Assessment) Regulations, 1998 define the role of EIA as a key tool in environmental management, especially in addressing potential environmental impacts at the pre-project stage. The regulations define the EIA preparation process, required contents of an EIA, and the review and approval process including provisions for public review and comment. EIAs and related documents such as project briefs, terms of reference, hearing reports and comments are defined as public documents. Regulation 31(2) requires that a developer carries out an environmental audit within a period of 12 months and not more than 36 months after the completion of a project or the commencement of its operations. The Third Schedule lists the types of projects for which EIA is mandatory and the circumstances under which EIA is mandatory for project types not listed. The regulations are interpreted for developers and practitioners through the Guidelines for Environmental Impact Assessment in Uganda (1997).

*The National Environment (Conduct and Certification of Environment Practitioners) Regulations 2003.*

61. Following concern about the quality of EIA s done by Practitioners, and in order to provide for a uniform system of certification and registration of EIA practitioners, the National Environment (Conduct and Certification of Environment Practitioners) Regulations, 2003 were gazetted and set minimum standards and criteria for qualification as an EIA Practitioner. The Regulations also establish an independent Committee of Environmental Practitioners whose roles include, among others, to regulate the certification, registration, practice and conduct of all environmental impact assessors and environmental auditors. The Committee also has powers to take disciplinary action as it finds necessary for ensuring the maintenance of high professional standards, ethics and integrity of environmental Practitioners in the conduct of EIA and Environmental Audits.

*National Environment (Noise Standards and Control) Regulations, 2003*

62. State the permissible noise levels for day/night in five types of area: institutional (45/35 dB(A)), residential (50-35 dB(A)), mixed residential and commercial (55/45 dB(A)), residential

with industry and commerce (60/50 dB(A)), and industrial (70/60 dB(A)). It is important that these standards are written into contract documents for construction and enforced, they should also be used to guide the location of potentially noisy developments, including taxi and bus parks and markets and as a basis for follow-up monitoring.

*National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations 1999*

63. Promulgate discharge standards for 54 chemical and physical constituents of waste water. These standards should be adhered to for discharge from liquid waste management plants and included in ESMPs and follow-up monitoring.

*National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, 2000*

64. Highlight the importance of wetlands and other water bodies in the maintenance of a healthy ecosystem and state that they should be protected from the negative effects of development projects. Under Regulation 5, EIA is mandatory for all activities in wetlands that could have an adverse impact. Regulation 8 provides for declaration of certain wetlands as fully protected wetlands because of national or international importance for biodiversity, ecology, natural heritage or tourism, and it prohibits all activities in such wetlands except for research, tourism, or restoration or enhancement. Various of the regulations require protection zones of between 30 and 200 meters along riverbanks and lake shores and state that no activity shall be permitted in the protection zones without the approval of the NEMA Executive Director. LG environmental officers have a duty to assist in implementation of the regulations.

*National Environment (Waste Management) Regulations, 1999*

65. Aim to prevent waste from being generated or minimize that fraction that is likely to be generated. They also address the issues of effective storage, transportation and general handling of waste once it has been generated. Regulation 15(1) states that an EIA is required before a license can be issued for operation of a waste treatment plant or disposal site.

***Water Act, Cap 152***

66. Provides for the management of water resources and the protection of the water supply. The act regulates public and private activities that may influence the quality and quantity of water available for use and establishes the Water Policy Committee to maintain an action plan for water management and administration. It gives general rights to use water for domestic purposes, fire-fighting or irrigating a subsistence garden. A permit is required to use water for constructing or operating any works or to discharge wastewater. Pertinent regulations issued to implement the Water Act include:

- The Water (Water Resources) Regulations (1998) that describe the water permit system; and
- The Water (Waste Discharge) Regulations (1998) that regulate effluent and waste water discharges, and require discharge permits to be acquired.

### ***National Forestry and Tree Planting Act (2003)***

67. Provides for the conservation, sustainable management and development of forests and establishes the National Forestry Authority (NFA). It defines forest reserves and specifies what actions can and cannot be carried out in them. The Act commits government to protect and sustainably manage the Permanent Forest Estate (PFE), set aside permanently for conservation of biodiversity and environmental services and sustainable production of forest produce.

### ***Uganda Wildlife Act (1996)***

68. In general, activities in national parks are limited to biodiversity conservation, recreation, scenic viewing, scientific research and other economic activities. Activities permitted in wildlife reserves include those for national parks plus “regulated extractive utilization of natural resources.” Wildlife sanctuaries are declared for the protection of a particular plant or animal species, and activities that will not be destructive to the species or its habitat are permitted. The Act states in Section 15 that: “Any developer desiring to undertake any project which may have a significant effect on any wildlife species or community shall undertake an environmental impact assessment.” Section 18 describes various types of wildlife conservation areas, including national parks, wildlife reserves, wildlife sanctuaries, and community wildlife areas, and defines permissible activities in each type.

### ***Historical Monuments Act Cap 46***

69. Allows a minister to declare any object of archaeological, ethnological, traditional or historical interest to be a preserved or historical object, and to acquire any land necessary for preserving it on behalf of the Uganda Land Commission. It also provides protection of historical sites in development.

70. This Act provides for the preservation and protection of historical monuments and objects of archaeological, paleontological, ethnographical and traditional interest. According to this Act, the responsible Minister may, by statutory instrument, declare any object of archeological, paleontological, ethnographical, traditional or historical interest to be a protected object.

71. Once thus declared, the Act adds, no person whether owner or not shall do any of the following:

- Cultivate or plough soil so as to affect to its detriment any object declared to be preserved or protected;
- Make alteration, addition to, or repair, destroy, deface or injure any object declared to be preserved or protected; Sub-section 12(1) requires that any portable object discovered in the course of an excavation shall be surrendered to the Minister who shall deposit it in the Museum.
- However, the Act adds that, notwithstanding provisions of the subsection, where any object is discovered in a protected site, place, or monument, the owner of the protected site, place, or monument shall be entitled to reasonable compensation.

### ***Occupational Safety and Health Act, 2006***

72. Addresses the duty of the employers to safeguard the health and safety of employees and the public in the workplace. Section 13 of the Act states that: “it is the duty of an employer to take, as far as is reasonably practicable, all measures for the protection of his or her workers and the general public from the dangerous aspects of the employer’s undertaking at his or her own cost.” Section 18 of the Act tries to safeguard the environment by requiring employers to monitor and control the release of dangerous substances into the environment when handling chemicals or any dangerous substance that is liable to be airborne or to be released into rivers, lakes or soil and that is are a danger to animal and plant life.

### ***Pest Control Products Act***

73. The Control of Agricultural Chemicals Statute 8/1989 was established to control the manufacture, storage, regulate the trade in use importation, exportation and distribution of agricultural chemicals through labelling, advertising, classification and licensing. The National Drug Authority (NDA) is the body responsible for registering all insecticides in Uganda. This involves ensuring the insecticide to be used complies with all safety requirements through appropriate transportation, labeling, packaging, use and disposal.

### ***Local Governments Act, Cap 243***

74. The Local Government Act (LGA) was enacted to give effect to the policy of decentralization and devolution of functions, powers and services; and to provide for decentralization at all levels of LG to ensure good governance and democratic participation in, and control of decision making by the people. The Local Government Act provides for the system of LGs, which is based on the district. Under the district there are lower LGs and administrative units. This system provides for elected Councils.

75. The chairman nominates the executive committee of each council. The functions of this committee include:

- Initiating and formulating policy for approval of council;
- Overseeing the implementation of the Government and Councils’ policies, and monitor and coordinate activities of Non-Government Organizations in the district; and
- Receiving and solving disputes forwarded to it from lower LGs

76. According to the second schedule to the LGA, the Central Government is responsible for water resources and the environment (Part I, Second Schedule of the Local Government Act). The Lower Local Government Councils (sub-county or division) are responsible for the protection and maintenance of local water resources (Part 4). It is the function of the various executive committees, including the parish or village executive committees, to generally monitor projects and other activities undertaken by government, LGs, and non-governmental organizations in their area (Section 50(8)).

### ***Public Health Act, Cap 281***

77. provides local authorities with administrative powers to take measures for preventing or dealing with any outbreak of infectious, communicable or preventable disease. It imposes a duty on the local authority regarding pollution of the drinking or domestic water supply, and directs where to locate waste disposal facilities in relation to settlements and food points.

78. The Public Health Act aims at avoiding pollution of environmental resources that support health and livelihoods of communities. It gives local authorities powers (Section 103) to prevent pollution of watercourses in interest of public good.

### ***Physical Planning Act, 2011***

79. This Act replaced the Town and Country Planning Act, Cap 246 which was enacted in 1951 and revised in 1964 but is now inconsistent with contemporary government system in Uganda. The 1951 Act was enacted to regulate and operate in a centralised system of governance where physical planning was carried out at national level through the Town and Country Planning Board. Implementation of the Act was supervised by LGs, especially the urban LGs. Uganda has since gone through many social, political and economic changes. For example, promulgation of the 1995 Constitution established a decentralised system of governance which divulged powers and functions including physical planning, finance and execution of projects from the central government to LGs. This therefore created a need to enact a physical planning legislation which is consistent with this Constitutional requirement.

80. The Physical Planning Act, 2011 establishes district and urban physical planning committees, provides for making and approval of physical development plans and applications for development. Section 37 of the Physical Planning Act, 2011 requires an EIA permit for developments before they are implemented, stating: “Where a development application related to matters that require an environmental impact assessment, the approving authority may grant preliminary approval subject to the applicant obtaining an EIA certificate in accordance with the National Environment Act”.

### ***Institutional Framework for Environmental Systems Management Relevant to Project***

#### ***Ministry of Environment and Natural Resources***

81. The Ministry of Water and Environment (MoWE) is the line ministry responsible for the formulation and implementation of water and environment-related policies, laws and regulations in Uganda. NEMA, NFA and DWRM all fall under the oversight of MoWE. Its main functions include:

- Mobilization of resources required to run and implement environmental related projects and related issues;
- Overall responsibility for environmental policy formulation and implementation; introduction of new draft laws and regulations to Parliament and draft amendments of existing laws and regulations; and
- Coordination with LGs on environment related issues.

*The Ministry of Tourism, Wildlife and Heritage (MoTWH)*

82. The Department of Wildlife liaises with the Uganda Wildlife Authority and the Department of Museums and Monuments has the responsibility of protecting physical cultural resources and is a line Ministry called in by NEMA when required.

*Ministry of Local Government*

83. The Ministry is mandated to carry out a number of responsibilities in the Local Government Act, including to inspect, monitor and offer technical advice, support supervision and training to all LGs, to coordinate and advise LGs for the purposes of harmonization and advocacy, to act as a liaison ministry with respect to other Central Government Ministries and other institutions and to research and develop national policies on all taxes, fees, etc., for LGs.

*Municipal and District Councils*

84. Municipalities and districts are responsible for development planning and for oversight of environmental impact management within their boundaries. The key person for environmental management is the Environmental Officer (MEO/DEO).

*The National Forest Authority*

85. Was established by the National Forestry and Tree Planting Act. It is mandated to ensure the conservation, sustainable management and development of the national forest estate. Under the 1993 Local Government (Resistance Councils) Statute, co-ordination of development programs, including forest management, were decentralized to the district level. The NFA is thus responsible for 506 central forest reserves (CFR), with District Forest Service (DFS) responsible for local forest reserves (LFRs) – although these amount to less than one per cent of the total forested areas.

86. EIAs are required for all developments within gazetted forests, which will be reviewed by NFA as a Lead Agency. Directorate of Water Resources Management (DWRM). Under the MOWE, it has the mandate to “promote and ensure rational and sustainable utilization, effective management and safeguard of water for social and economic welfare and development as well as for regional and international peace”. It is responsible for managing, monitoring and regulating water resources through issuing water use, water abstraction and wastewater discharge permits.

*National Water and Sewerage Corporation (NWSC)*

87. NWSC is state-owned utility within the Ministry of Water and Environment. It is responsible for construction and operation of water supply and sewerage facilities in much of Uganda, because these functions have not been decentralized to LGs.

*Uganda Wildlife Authority*

88. Was established by the Uganda Wildlife Act. It monitors regulatory compliance of activities in wildlife protected areas (national parks and reserves); harmonizes national and international performance standards on wildlife protected areas; monitors impact of development

activities on wildlife protected areas; and participates in evaluation of EIAs and environmental audits, mandatory where development takes place within a protected area, but also will be called in by NEMA for EIA review in cases where wildlife might be affected outside of protected areas.

#### *Wetlands Management Department*

89. Wetlands Management Department (WMD) is mandated to manage wetland resources and its goal is to sustain the biophysical and socio-economic values of the wetlands in Uganda for present and future generations. WMD has over the years built the capacity of LGs to assess wetland resources, plan and implement activities for their proper management.

#### *National Environment Management Authority*

90. The National Environment Management Authority, which became operational in 1996, was created as the principle agency responsible for oversight, co-ordination, supervision and monitoring implementation and compliance to the EIA requirements and also to champion EIA capacity building in Uganda. Section 6(1) (f) of the Environment Act provides that the Authority is charged with the function to review and approve environmental impact assessments submitted in accordance with the provisions in the Act or any other law.

91. The main functions of NEMA include the following, among others:

- To ensure the integration of environmental concerns in overall national planning through coordination with the relevant ministries, departments and agencies of government;
- To liaise with the private sector, government agencies and NGOS on issues relating to the environment;
- To propose environmental policies and strategies to the Policy Committee;
- To initiate legislative proposals, standards and guidelines on the environment in accordance with the National Environment Act;
- To review and approve Environmental Impact Assessments submitted in accordance with the National Environment Act or any other law;
- To promote public awareness through formal, non-formal and informal education about environmental issues;
- To undertake such studies and submit such reports and recommendations with respect to the environment as the government or the Policy Committee may consider necessary;
- To ensure observance of proper safeguards in the planning and execution of all development projects, including those already in existence that have or are likely to have significant impact on the environment;
- To undertake research, and disseminate information about the environment;
- Promote, encourage and ensure enforcement of environmental standards, regulations and the National Environment Statute, 1995.

92. Within NEMA is found the Department of Environment Monitoring and Compliance, which is responsible for environmental monitoring and ensuring compliance to environmental regulations and standards. The department also provides technical guidance on EIA matters and coordinates review of EIAs with other sectors/lead agencies, and provides advisory services to developers on EIA matters. The department is also responsible for preparation and issuance of EIA certificates and also implements a follow up program to ensure that mitigation measures as contained in the EIAs and approval conditions stated in the certificates of approval are implemented. The department also carries out training and capacity building on EIA.

### ***Environmental and Social Impact Assessment Process in Uganda***

93. The National Environment Management Authority (NEMA) is the central EIA authority in Uganda. NEMA is responsible for the review of all EIAs and the issuance of EIA guidelines.

#### ***Decentralization of EIA Mandates***

94. In Uganda, decision-making regarding EIA partly also takes place at the local level. In general, decision-making falls under the responsibility of the executive director of NEMA at national level. Nevertheless, before taking the decisions, local authorities are consulted for projects that fall within or across their boundaries. Moreover, screening decisions are taken by local authorities. The EIA process in Uganda is shown schematically in Figure 3 below.

#### ***Basic Steps in the Uganda EIA Process.***

95. The basic steps in the Ugandan EIA process include the following:

**Step I:** The developer submits a project brief to NEMA and to any other appropriate lead agency. The Project Brief outlines basic information on the proposed activity/project to establish whether or not the activity is likely to have significant impact on the environment.

**Step II:** Based on the contents of the Project Brief, the Authority (NEMA), in consultation with an appropriate lead agency (ies), carries out screening to determine adequacy of the Project Brief, in terms of the extent it addresses the environmental issues or level of EIA required if it has not been done.

96. The premise of the screening phase is that not all development projects may necessarily cause adverse effects on the environment due to differences in scale of the operation, nature of the proposed project and its location. Thus, not all proposed projects requiring EIA shall necessarily undergo the same level of assessment. The objective of the screening phase therefore is to determine the level of EIA required depending on whether the project has or does not have significant impacts.

97. Only projects listed in the third schedule of the National Environment Cap 153 are subject to EIA. The list contains no minimum thresholds or location criteria. NEMA may also screen projects that are not listed in the third schedule but are likely to be out of character with the surroundings, and conclude that these are subject to EIA. The process begins with the proponent submitting a Project Brief to the Executive Director of NEMA for review. If the brief meets the prescribed requirements set in the EIA regulation, it is sent to the lead agency and any

other relevant stakeholders for comments. The Executive Director, after review of the Project Brief and the comments from other stakeholders may issue a certificate of approval for the activity if:

- (a) No significant impacts are expected or;
- (b) Sufficient mitigation measures are proposed.

98. In case the review of the Project Brief reveals that the proposed project is likely to have significant negative impacts for which no adequate mitigation measures are prescribed, then a detailed EIA is requested.

**Step III:** The developer is informed of the findings and decision whether further assessment is necessary or not. If the Project Brief adequately addresses environmental concerns, approval can be issued without the need for further assessment.

**Step IV:** If the Project Brief is not adequate, a full Environmental Impact Study will be required and scoping to determine the likely significant environmental Impact is done and based on the scoping output, Terms of Reference (TORs) are prepared for approval by NEMA,

**Step V:** The **Environmental Impact Study** is then carried out based on approved TORs

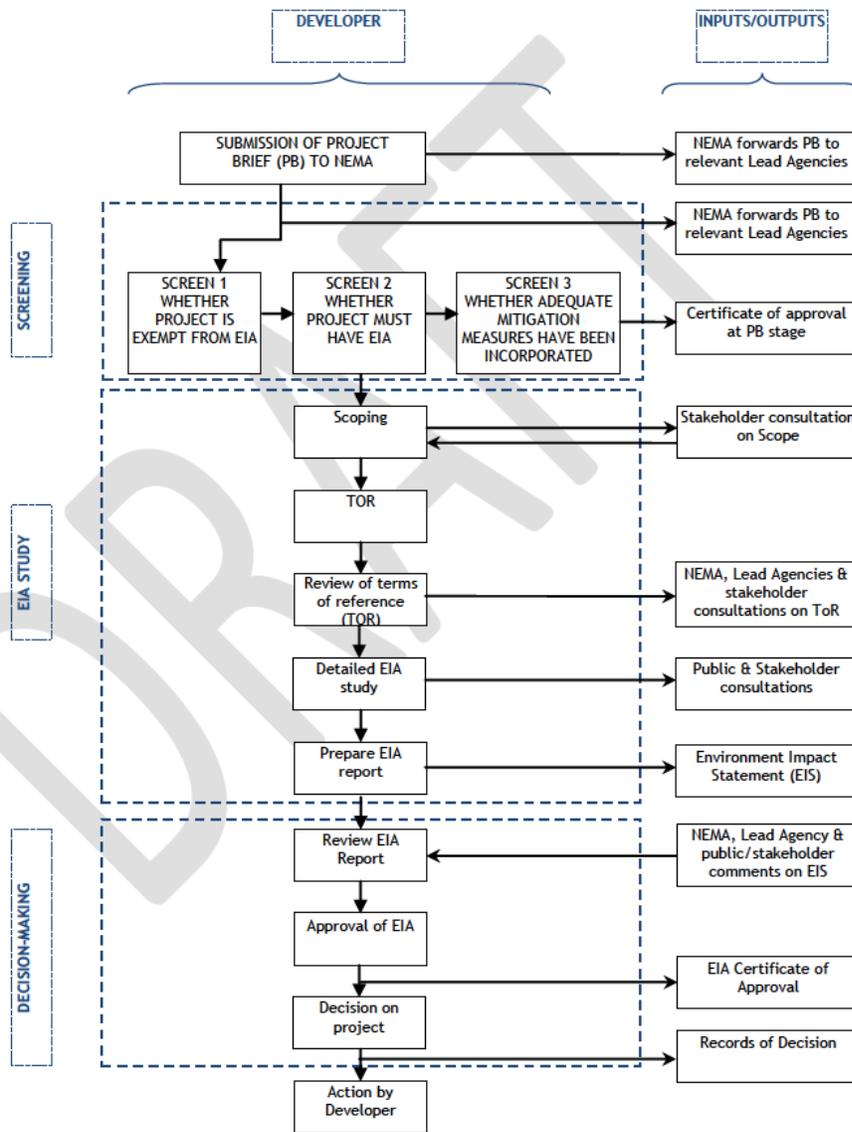
**Step VI:** After the assessment, the Environmental Impact Statement (EIS) is submitted to NEMA for **review** in consultation with other relevant lead agencies and stakeholders. Depending on the nature of environmental impacts at hand, the review process may include holding of a public hearing especially where there are controversial issues, impacts of a trans-boundary nature or very outstanding social concerns.

**Step VII:** Based on the review of the EIS, a **final decision** is then taken on the environmental aspects of the project. Such a decision shall be contained in a **Certificate of Approval of the Environmental Impact Assessment** issued by the Authority. The EIA process also provides for subsequent post EIA **monitoring** after approval has been granted. This provides for both self-monitoring by the developer.

#### *Stakeholder Consultation in EIA Process*

99. Stakeholder consultation is mandatory at scoping, Terms of Reference preparation, during the environmental study, and preparation of the draft Environmental Impact Statement (EIS).

**Figure 3. EIA Process in Uganda**



Source: Appendix C (EIA Process in Uganda) of EIA Reference Manual, NEMA, June 2002)

### *Monitoring, Compliance and Enforcement*

100. Monitoring is a requirement both for the state of the environment during the operation of the activity and for compliance with the conditions of approval. The proponent is required to undertake an initial environmental audit (by a specified date, which is between 12 to 36 months after commencement of the project) carried out by persons whose names and qualifications have been approved by the Executive Director of NEMA. Subsequently, the Executive Director may require other audits at any other time. After each audit, an environmental audit report shall be prepared by the developer and submitted to the Executive Director. The Environmental Audit Regulations (2006) specify the auditing requirements.

### *External Monitoring*

101. There are possibilities for external monitoring. Inspectors, "gazetted" by NEMA, may conduct inspections at any time. In addition, inspection can be undertaken by lead agencies for areas under their jurisdiction. The public may, after showing reasonable cause, request that an environmental audit be carried out.

### *Non-compliance Penalties*

102. The Executive Director may cancel the certificate of approval when: there is no compliance with the conditions of the certificate, there is a substantial modification of the activity during implementation, where there is a substantive undesirable effect not in the approval. Where the proponent fails to implement the mitigation measures, an inspector may issue a notice of improvement, to order a cessation of the activity unless improvement is realized. The Environmental Act of 1995 states that any person who fails to submit a project brief, or an EIA report or who gives a false statement in the EIA process is liable to an offence and if prosecuted may be imprisoned for 18 months and fined between 180,000 and 18,000,000 UGX or both (1USD=2000UGX).

### *Role of LGs in Environmental Assessment and Management*

103. Section 15 of part 2 of the second schedule of the 1997 Local Government Act, provides that municipal and district councils are responsible for, among other things, assisting "government to preserve the environment through protection of forests, wetlands, lake shores, streams and prevention of environmental degradation" (RoU 1997). Elsewhere in the schedule, it is stated that councils are responsible for vector control, environmental sanitation, entomological services and vermin control, and forests and wetlands. However, according to the same schedule, forests and game policy remain the preserve of the central government. Part 4 of the Local Government Act 1997, details functions and services that may be devolved by the district council to lower LG councils.

### *Executive Powers*

104. The District and Municipal Council's executive powers also include powers to raise taxes and approve annual budgets and estimates. These are important powers in terms of the environment because they give the council some autonomy in allocating resources for environmental management. Lower-level LGs also have executive committees.

105. Within the local council structures, there are elected representatives at all levels—LC1 to LC5—who serve as secretaries in charge of production and environment. These are supposed to: [be contact persons] on behalf of the community on environment issues, organize public meetings to educate and mobilize residents on proper environment management, e.g. good sanitation, good farming practices, tree planting and proper use of wetlands; collect and disseminate information on environment; link communities with extension staff, NGOs/CBOs and other support agencies; act as an overseer and inform relevant authorities on activities that may be destructive to the environment and well-being of the community and enforce government laws and bylaws to ensure that members of the community in his or her area follow such laws [e.g. cleaning wells or homesteads, and prevention of soil erosions]. (NEMA 1995: 22).

106. The law provides that councils, using guidelines provided by NEMA, appoint environmental officers (DEO/MEOs). The EOs have several functions; they are required to: [advise] the Environment Committee on matters relating to the environment; liaise with NEMA on matters relating to Environment, promote environmental awareness through public educational campaigns, assist Local Environmental Committees in the performance of their functions; gather and manage information on the environment and the utilization of natural resources in the jurisdiction; serve as secretary to the Environment Committee; assist the district to incorporate environmental and land-use concerns in district development plans; increase community participation in the design, implementation, monitoring and evaluation of environmental activities; and assist the district and NEMA in gathering environmental information (NEMA 1995: 18).

#### *Technical Planning Committees*

107. Technical Planning Committees are established at different levels in line with the Local Government Act and have environmental assessment and management related roles. District Technical Planning Committees (DTPC) and lower LG technical planning committees are responsible for the following actions:

**(a) District Technical Planning Committee (DTPC)**

- Initiate, implement and report on implementation of plans and budgets.
- Co-ordinate and integrate all Sectoral plans
- Co-ordinate and integrate plans for sectors within the area of lower local councils into the SDP
- Appraise individual investment projects before presentation to the council
- Appraise Parish Project
- Submit the integrated plan to the Council through the Executive committee for consideration
- Facilitate Parish level planning meetings
- Give technical support to PDC's on planning and budget issues

**(b) Lower LG Technical Planning Committees**

- Responsible for coordinating the planning process in their areas of jurisdiction (LGA).

#### *Use of Screening Forms*

108. Where an EIA is not required, the DTTPC with the assistance of the MEO review the Environmental Social and Screening Form (ESSF) and make a decision on whether the results of the screening process reports are acceptable and then recommend for approval to the local council if sub project complies with all requirements.

## Environmental Committees

109. The Local Government Act requires establishment of environmental committees at the following levels; -

- (a) District Environmental Committees
- (b) Municipal Environmental Committees
- (c) Divisional Environmental Committees
- (d) Village Environmental Committees
- (e) Cell Environmental Committees

110. The table below shows the roles and services expected from the central, local and village and community levels.

**Table 3. Roles and services expected from the central, local and village and community levels of government**

Service	Delivering authority			Remarks
	Central	Local Government Districts	Village & Community Sub-counties	
<b>GENERAL ADMINISTRATION</b>				
Police	■	■		Urban only
Fire protection	■	■		
Civil protection		■		
Criminal justice		■		
Civil justice		■		
Civil status register		■		
Statistical office		■		
Electoral register	■			
<b>EDUCATION</b>				
Pre-school		■	■	
Primary		■	■	
Secondary		■		
Vocational and technical		■		
Higher education		■		
Adult education			■	
<b>SOCIAL WELFARE</b>				
Kindergarten and nursery		■		
Family welfare services		■	■	
Welfare homes		■		
Social security				
<b>PUBLIC HEALTH</b>				
Primary care		■	■	
Hospitals		■	■	
Health Protection		■	■	
<b>HOUSING AND TOWN PLANNING</b>				
Housing			■	
Town planning		■		
Regional planning		■		
<b>TRANSPORT</b>				
Roads	■	■		
Transport		■		
Urban roads		■		
Urban rail				
Ports	■			
Airports	■			
<b>ENVIRONMENT AND PUBLIC SANITATION</b>				
Water and sanitation		■		
Refuse collection and disposal		■		
Cemeteries and crematoria		■		
Slaughterhouses		■		
Environmental protection		■	■	Urban councils Urban councils
Consumer protection	■	■		
<b>CULTURE, LEISURE AND SPORTS</b>				
Theatre and concerts		■		
Museums and libraries		■		
Parks and open spaces		■	■	
Sports and leisure		■		
Religious facilities				
<b>UTILITIES</b>				
Gas services				
District heating				
Water supply	■	■		
Electricity	■			
<b>ECONOMIC</b>				
Agriculture, forests and fisheries		■	■	
Economic planning	■			
Trade and industry	■			
Tourism		■		
Other economic services			■	

■ = Establishment of markets & poverty alleviation

## Resources and Capacity

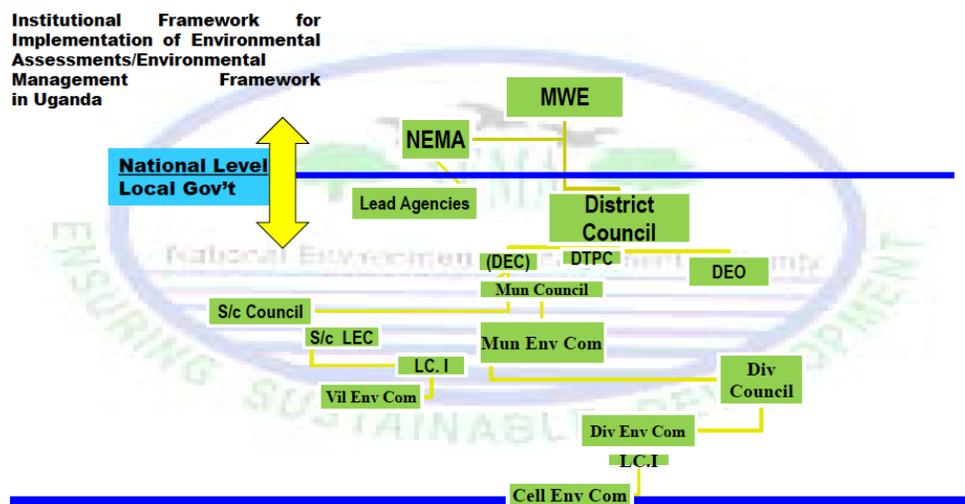
### LG Environmental Staffing

111. The National Environment Management Authority was established under the National Environment Act, as the principal agency responsible for monitoring, supervising and

coordinating all activities in the field of environmental management in Uganda. In order to improve the capacity of Government in ensuring sustainable use of natural resources, Government through NEMA put in place a number of environmental regulations.

112. The implementation of the regulations including monitoring and enforcement, is the responsibility of the District Authorities and relevant Lead Agencies while NEMA's role is to provide oversight on enforcement of the regulations. Local communities and resource users have a key role to play in the protection and sustainable use of natural resources. Figure 4 shows the institutional framework for environmental assessment and management implementation.

**Figure 4. Institutional framework for environmental assessment and management implementation.**



Staffing and qualifications (District/Municipal Environmental Officers)

113. Details of the field assessment are summarized in annex 1 - The Environment Officer is the key local officer in charge of a large number of tasks in natural resource and environmental management at the district or municipal level. Generally, this one administrative officer alone is responsible for fulfilling these tasks, although he or she is expected to collaborate with other technical staff at the district level and with the Local Environmental Committee.

114. However, qualified and motivated staff are hard to find, especially for the more remote districts. This search is even further complicated by the high turnover among DEOs. This problem seriously hampers effective local environmental policy.

115. Even though there is supposed to be an environmental officer at the level of the district or municipal councils but given the size and sheer volume of sub-projects being planned and implemented at lower level, the technical back up to lower LGs is generally unavailable. According to NEMA, districts and municipal councils are under staffed and require at least 8 officers to effectively implement required tasks and functions.

116. The Department of Natural Resources at district and municipal council which is responsible for environmental protection is required to have other technical officers who handle other related aspects of the environment. These complimenting positions to that of the DEO are rarely fully staffed as with the case of Ntungamo District where critical posts including District

Natural Resource Officer; Environment Officer; Forestry Officer, and Senior Land Management Officer remain vacant. The department has only seven officers (Senior Environment Officer, Physical Planner, Staff Surveyor, Office Typist, Assistant Records Officer, Forest Guard and Cartographer).

117. In Kabale Municipality, in the Natural Resource Department, out of 17 required staff, there only 9 post that have been filled including; -Municipal Engineer, Superintendent of Works, Water Officer, Physical Planner, Environment officer, Assistant Engineer Officer (Mechanical), Office Attendant, driver, Plant Operators and Porters. The following posts (8) remain vacant to date namely: - Senior Assistant Engineer Officer (Civil), Senior Assistant Engineer Officer (Building), Land supervisor, 2 Assistant Engineer Officer (Electrical), Pool stenographer, Foreman of works, plumber and Land Patrol man driver.

118. Some Municipal Councils are too huge for instance Kabale Municipality (visited during the study) and thus the need to have Environment Officers at divisional level as well but have none with only an MEO at the municipal level which as a matter of fact is in need for an additional staff to work hand in hand with the current environment Officer

#### Tensions Within LGs

119. Tensions between administrative staff and politicians in the district are the consequence of the different kinds of legitimacy they invoke for their choices and decisions. Nominated technocratic and administrative personnel such as the Resident District Commissioner (RDC), the Chief Administrative Officer (CAO), and the DEO generally base their decisions on national laws and guidelines as well as on professional information, whereas local politicians (notably the District Chairperson [DCP]) are elected officials and have legitimate claims to represent their constituencies (Kabumba 2007).

120. Unsurprisingly, elected (local) leaders are often not very inclined to enforce environmental laws when they are (expected to be) inconvenient to their voters; to do so is to risk not being re-elected. These constituencies are, for instance, not always supportive of the introduction and implementation of local environmental protection measures (Caulfield 2006) such as prohibitions on the use of wetlands or forests. Bazaara (2003) found that councilors have difficulty enacting environmental legislation or enforcing laws that would create electoral difficulties or that are not in their personal interests. In other cases, however, local councilors may receive support from their electorate to make decisions that are beneficial to the environment.

#### *Budget Resources/Financial Capacity*

121. The budgetary allocation for environmental management by the Ministry of LG to local and municipal councils is very little compared to what would be required to ensure environmental management. Different policy goals compete heavily for resources available in the district's general budget, and the environmental sector is relatively weak in this competition. While some areas secure resources through dedicated funding from the central government, this is not the case for environmental protection.

122. For example, Ntungamo district (one of the districts visited during the ESSA field study) budgetary provision is below average as per the department plan. The department requested for UGX 45,430,000 in the financial year (FY) 2016/2017. This is distributed quarterly via disbursement of 11,357,500 UGX. However, in the first and second quarter the disbursements were UGX 4,375,000 and 4,378,064 respectively accounting for 38.5% of the required disbursement by December 31, 2016.

123. In Kabale Municipal Council, there is budgetary provision for the planned departmental activities but is insufficient. In the previous financial year (FY) 2015/2016, the department had planned to use 70,543,000 UGX for the compliance monitoring but the department was given 50,167,920 UGX; this accounted for 70.11%. Effective implementation is hampered by the lack of financial and human resources at the local level.

#### *National Environment Management Authority*

124. Uganda has a fairly robust legal framework for environmental management, known as the Environmental Management Act which provided for the establishment of NEMA as well as other institutions responsible for the protection and management of the environment. NEMA is mandated as the principal agency in Uganda for the management of the environment. It coordinates, monitors and supervises all activities in the field of the environment. In carrying out its mandate, it regulates and is expected to ensure that the principles of environment management stipulated in the Act are observed. NEMA is organized into five Departments, each headed by a Director.

125. **Environment Monitoring and Compliance Department:** The department is responsible for environmental monitoring and ensuring compliance by the regulated community. It ensures development and effective implementation of procedures and guidelines and provides technical guidance in the area of Environment Impact Assessment (EIA). It coordinates issuance of EIA Certificates and Permits on protected/regulated areas to developers. It implements a follow up program to ensure that mitigation measures are put in place as well as training and capacity building for EIAs. The department also carries out environmental audits and inspections to ensure compliance with environmental standards and regulations, and provides technical guidance in ecosystems and natural resource management.

126. **District Support Coordination and Public Education Department:** The department is responsible for initiating and coordinating activities and initiatives that support districts, communities and the public to address environmental issues. The major objective is to ensure integrated and multi-sectoral environmental planning at the district and community levels. The department also promotes the integration of environmental issues in the formal and non-formal education sectors and the production and dissemination of environmental education materials. The department is further responsible for promoting the development of adequate environmental management skills and awareness to ensure sustainable utilization of the country's environment and natural resources.

## Environmental Monitoring and Impact Assessment

127. Under the Environmental Impact Assessment Guidelines two systems of monitoring are specified as:- self-monitoring whereby the developers themselves are encouraged to monitor the impact of their activities and; enforcement monitoring done by government agencies such as NEMA through environmental inspectors (S. 23(2))

## Public Awareness and Participation

128. The need for popular awareness is a key requirement for enforcement of legislation. NEMA is given the mandate to carry out education and awareness campaigns to ensure that the public participates in environmental decision making and enforcement.

## Staffing

129. NEMA Uganda has less than 50 technical staff and this fact makes it very challenging for the institution to monitor and enforce as well as conduct public awareness campaigns. In an effort to address the staffing gap, NEMA has gazetted Environmental Inspectors to help in monitoring. Presently, 334 environmental inspectors are gazetted by NEMA but that is still considered inadequate.

## Budget Resources/Financial Capacity

130. NEMA has faced a challenge of underfunding. There has also been delayed and inadequate funding for timely activity implementation especially compliance and enforcement of environmental law, regulations and projects.

131. Inadequate finance for managing the increasing demands for environment management from the increasing number of LGs, Central government/Lead Agencies, Civil Society and the Private Sector is a perennial problem and concern for NEMA. The absence of adequate funding is interfering with the mandate of NEMA to provide: Support to LGs to establish effective systems and build capacity to coordinate environment management via functioning District Environment Committees.

132. The inadequate funds curbs NEMA's mandate to among others;

1. Assist new districts to designate and to operationalize District Environmental Committees of the District Councils.
2. Conduct national workshops to sensitize all District political and technical leadership
3. Train District Technical Planning Committees (DTPCs), DEC's and selected NGOs on roles of various LG officials/organs in decentralized environment management and development of action plans.
4. Arrange and put in place to provide financial resources to each focal district DEC to facilitate its activities.

5. Undertake ecosystems management planning sessions (barazas) held in the selected priority sites.
6. Sensitization and awareness raising in lead agencies.
7. Building enforcement capacity within the Lead Agencies and assisting them to use economic instruments in environment management.
8. Integrating environmental concerns in the policies, plans, programs, projects and budgets of Lead Agencies.

#### Insufficient Role in Land Boards

133. According to NEMA, the absence of environmental officers as full members of the district land boards is a significant contributor to environmental degradation especially of wetlands where LGs have been issuing land titles in designated wetlands in total contravention of existing laws on environment conservation.

#### ***Summary of Environmental System Performance***

134. This assessment establishes that environmental risks associated with the construction and operation of education and health facilities as envisaged by this Program, are modest, and can be managed through adherence to established procedures for screening, contracting, and supervision during implementation. Nevertheless, in almost half of surveyed Districts, good screening is not carried out, and in the majority of Districts, staff and material shortages hamper both screening and especially supervision. There have been advances in health waste management in the country though again, adherence at the local level may be problematic.

## **IV. Uganda's Social Management Systems**

### ***The Constitution of Uganda and Involuntary Resettlement***

135. The Constitution of the Republic of Uganda (1995) provides government and local authorities a statutory 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. Such compensation is assessed in accordance with the valuation principles laid out in Section 78 of the Land Act (Cap 227), briefly outlined below:

- The value for customary land is the open market value of unimproved land;
- The value of buildings on the land is taken at open market value for urban areas, and depreciated replacement cost for rural areas;
- The value of standing crops on the land is determined in accordance with the district compensation rates established by the respective District Land Board. Annual crops which could be harvested during the period of notice to vacate given to the landowner/ occupier of the land are excluded in determining compensation values;
- In addition to the total compensation assessed, there is a disturbance allowance paid of 15% or, if less than six months' notice to vacate is given, 30% of the total sum assessed.

### ***Constitution of Uganda and Indigenous Peoples***

136. The overall legal framework for ethnic minorities (also known as indigenous peoples) is derived from the Constitution of the Republic Uganda 1995 (as amended), the Equal Opportunities Commission Act 2007, international and regional conventions, treaties, protocols and declarations to which Uganda is party that relate to or are relevant to the protection of ethnic minorities socially, politically, economically and environmentally.

137. The Constitution offers no express protection for indigenous peoples but Article 32 places a mandatory duty on the state to take affirmative action in favor of groups who have been historically disadvantaged and discriminated against. The Constitution also mandated Parliament to enact appropriate laws, including laws for the establishment of an Equal Opportunities Commission (EOC), for the purpose of giving full effect to Article 32.

138. According to the Uganda National Housing and Population Census 2014, conducted by the Uganda Bureau of Statistics, there are 75 ethnic groups in Uganda that make a total population of 34,142,417 (male 16,595,014; female 17,547,403). Of the total ethnic groups, 25 registered a population below 47,700 (1.4% of the total population). These include the Vonoma, Mening, Mvuba, Bahehe, Ngikutio, Batwa, Leri, Nyangia, Banyabutumbi, Shana, Gimara, Ik (Teuso), Basongora, Banyabindi, Aliba, Lendu, So (Tepeth), Napore, Nubi, Chope, Batuku, Babukusu, Baamba, Kuku and Banyala.

139. It is important to note that the Ik people have their first Member of Parliament in the 10<sup>th</sup> Ugandan Parliament in 2016. The Ik people live in the mountains that make up Morungole, which is on the border with Kenya and in the Kidepo Valley Park region of northeastern Uganda. The Ik people are a small tribe in number.

### *Ugandan Vision 2025*

140. The long term national development framework is the Uganda Vision 2025. Pertinent aspirations of this Vision include harmonizing co-existence that promote social inclusion among the people of Uganda; effective governance through a democratic process; a healthy well educated society with a high quality of life and equal opportunities, empowerment and economic prosperity for all. This Policy therefore helps promote these aspirations.

### *National Land Policy 2013*

141. This new land policy addresses the contemporary land issues and conflicts facing the Country. The vision of the policy is: “Sustainable and optimal use of land and land-based resources for transformation of Ugandan society and the economy” while the goal of the policy is: “to ensure efficient, equitable and sustainable utilization and management of Uganda’s land and land-based resources for poverty reduction, wealth creation and overall socio-economic development”.

142. **Access to Land for Investment:** Section 4.16 of the Policy (86) states that government shall put in place measures to mitigate the negative impacts of investment on land so as to deliver equitable and sustainable development. While part 90 of the same section positions government to protect land rights, including rights of citizens in the face of investments with measures for clear procedures and standards for local consultation; mechanisms for appeal and arbitration; and facilitate access to land by vulnerable groups in the face of investments.

143. **Measures for Protection of Land Rights:** Section 4.18 (93) of the Policy recognizes the inability of the majority of Ugandan to afford the cost of formally securing land rights and therefore government will put in place a framework that would ensure that land rights held by all Ugandans are fully and effectively enjoyed.

144. **Rights for Minorities:** As regards land rights of ethnic minorities, the Policy states that:

- (a) Government shall, in its use and management of natural resources, recognize and protect the right to ancestral lands of ethnic minority groups;
- (b) Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action.

145. To redress the rights of ethnic minorities in natural habitats, Government will take measures to:

- (a) establish regulations by Statutory Instrument to:
  - recognize land tenure rights of minorities in ancestral lands;

- document and protect such de facto occupation rights against illegal evictions or displacements;
  - consider land swapping or compensation or resettlement in the event of expropriation of ancestral land of minorities for preservation or conservation purposes;
  - detail terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources extraction;
- (b) pay compensation to those ethnic minorities that have in the past been driven off their ancestral lands for preservation or conservation purposes;
- (c) deliberate and specify benefit-sharing measures to ensure that minority groups benefit from resources on their ancestral lands rendered to extractive or other industry;
- (d) recognize the vital role of natural resources and habitats in the livelihood of minority groups in the gazettement or degazettement of conservation and protected areas.

#### ***National Gender Policy, 1997***

146. The government adopted a National Gender Policy of 1997, a tool to guide and direct the planning, resource allocation and implementation of development programs with a gender perspective. The adoption of the gender policy has facilitated Uganda's gender mainstreaming programs in all sectors of the economy (implying, the planned works project should equally integrate gender into the implementation of works.

#### ***National Policy For Older Persons 2009***

147. This policy is clearly set within the framework of the Constitution of the Republic of Uganda and other laws that promote the rights of older persons among other vulnerable groups. It provides a framework for enhancing the recognition of the roles, contributions and potentials of older persons in the development process among others. The policy targets older persons aged 60 years and above with special emphasis on the vulnerable. Section 3.4 states that, "All stakeholders will ensure that issues of older women and men are included in planning and implementation of programs."

#### ***National Disaster Preparedness and Management Policy (2010)***

148. The policy provides a framework that details mechanisms and structures for the effective and practical management of disasters. The policy covers the broad subjects of vulnerability assessment, mitigation, preparedness, response and recovery, which constitute "comprehensive disaster management". It networks all the lead sectors, LGs, international development and humanitarian partners, the private sector and the NGOs under the principle of a multi-disciplinary and multi-skilled consultative approach. It also presents an institutional framework under which the partners coordinate their operations. It further recognizes the need to place emphasis on the vulnerable groups in drought-prone areas.

## *Land Act Cap 227*

149. Land Act, Cap 227 The Land Act principally addresses four issues namely; holding, control, management and land disputes. As regards tenure, the Act repeats, in Section 3, 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. However, the Land Act provides for acquisition of land or rights to use land for execution of public works. Regarding control of land use, the Act reaffirms the statutory power of compulsory acquisition conferred on the government and local authorities under articles 26 (2) and 237(2) (a) of the Constitution (Section 43). Since the Act does not repeal the Land Acquisition Act No. 14 of 1965, it is assumed that this legislation, meets requirements of Article 26(2) of the Constitution that requires a law to be in place for the payment of compensation and access to the courts. The Act also requires that landowners manage and utilize land in accordance with regulatory land use planning (Sections 44 and 46). Section 77(2) of the revised edition (2000) of the Land Act 1998 provides for a disturbance allowance on top of the computed compensation amount as follows:

- 30% of compensation amount if quit notice is given within 3 months.
- 15% of compensation amount if quit notice is given after 6 months.

150. The Land Act will govern all aspects related to land taken by the project and its compensation either by replacement with physical land parcels or cash payments.

151. The rights of spouse and children are protected under the Constitution of Uganda and the Land Act (Cap 227). The consent of spouse and children must be acquired prior to any transaction by the head of household on land on which the family ordinarily resides. Section 40 of the Land Act, 1998 requires that no person shall:

- (a) Sell, exchange, transfer, pledge, mortgage or lease any land; or enter into any contract for the sale, exchange, transfer, pledge, mortgage or lease of any land;
- (b) Give away any land inter vivos, or enter into any transaction in respect of land:
  - In the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;
  - In the case of land on which the person ordinarily resides with his or her dependent children of majority age, except with the prior written consent of the dependent children of majority age;
  - In the case of land on which the person ordinarily resides with his or her dependent children below the majority age, except with the prior written consent of the Committee;
  - In the case of land on which ordinarily reside orphans below majority age with interest in inheritance of the land, except with prior written consent of the Committee.

152. Section 27 thereof provides a basis for the nullification of all customary practices that undermine the rights of women, children and persons with disability on land. The Act creates

equitable distribution of land as a resource and nullifies all those land transactions, which are discriminatory against marginalized groups and violate articles 33, 34 and 35 of the Constitution of the Republic of Uganda 1995. Section 39 thereof provides for protection of rights of family members on family land. The Act further provides for representation of women on the Uganda Land Commission and District Land Boards.

### ***The Land Regulations, 2004***

153. Section 24(1) of the Land Regulations, 2004 states that the District Land Board shall, when compiling and maintaining a list of rates of compensation, take into consideration the following: a) Compensation shall not be payable in respect of any crop which is illegally grown; b) As much time as possible shall be allowed for harvest of seasonal crops; c) The current market value of the crop and trees in their locality will form the basis of determining compensation; d) For buildings of non-permanent nature, replacement cost less depreciation will form the basis of compensation.

### ***The Land (Amendment) Act 2010***

154. Section 76(1) (a) of the Land (Amendment) Act 2010 states that the jurisdiction of the District Land Tribunal shall be to determine dispute relating to the grant, lease, repossession, transfer or acquisition of land by individuals, the commission or other authority with responsibility relating to land.

### ***Land Acquisition Act (1965)***

155. This Act makes provision for the procedures and method of compulsory acquisition of land for public purposes whether for temporary or permanent use. The Minister responsible for land may authorize any person to enter upon the land and survey the land, dig or bore the subsoil or any other thing necessary for ascertaining whether the land is suitable for a public purpose. The Government of Uganda is supposed to pay compensation to any person who suffers damage as a result of any action. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision. The Land Acquisition Act stops at payment of compensation. It is not a legal requirement to purchase alternative land for the affected people by the project. Once they are promptly and adequately compensated, then the obligations stop there. The Government through the Ministry of Lands, Housing and Urban development will pay the compensation to the affected persons.

### ***Local Government Act (1997)***

156. Local Government Act 1997 provides for the system of LGs, which is based on the District. Under the District there are lower LGs and administrative units. This system provides for elected councils that have both legislative and executive powers. Thus the district councils play an important role in land administration; land surveying, physical planning, and management of municipal resources that are not the responsibility of the central government.

157. This act provides for a district based system of LGs. They are therefore charged with the crucial role of acquisition of land for development/construction purposes and in the sensitization and mobilization of the local communities. This system also provides for elected Councils

whereby chairmen nominate the executive committee of each council, functions of which include: i) Initiating and formulating policy for approval by council; ii) Overseeing the implementation of Government and Council policies, and monitor and coordinate activities of Non-Government Organizations in the district; and iii) Receiving and solving disputes forwarded to it from lower LGs. The Act empowers districts administrations to develop and implement district rates upon which compensation for crops and non-permanent structures is based.

### ***The Town and Country Planning Act (1964)***

158. The Town and Country Planning Act of 1964 gives broad powers to planning authorities at the national and local level to take land, against compensation, for public purposes within an approved planning area. Further, such authorities can determine set back lines “beyond which no building may project” into a roadway including the road reserve area.

### ***Local Council Courts Act***

159. The Local Council Courts Act establishes Local Council Courts for the administration of justice at the local level, defines the jurisdiction, powers and procedures of the established courts and for other related matters. The legal jurisdiction of Local Council Courts includes matters related to; land disputes, domestic violence, children related cases, assaults and battery, conversion, damage to property, trespass and adultery.

### ***Land Tenure System***

160. 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:

#### ***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.

#### ***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.

### *Leasehold Tenure*

- This tenure system is created either by contract or by operation of the law;
- 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, usually for a period defined and in return for a rent;

### *Mailo Tenure*

161. 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. Persons who buy portions (kibanja) on Mailo land are protected by Ugandan law to live on and use the land, but they are obliged to pay certain annual royalties to the Mailo owner (currently UgShs 1000 about US 60 cents per household per year according to land law).

162. No title deed is associated with kibanja purchase: the Mailo owner would simply write a sale (purchase) agreement witnessed by village local leaders (LCs), giving the kibanja buyer full rights to own and use the purchased portion of Mailo land. Such a buyer can sell his/her kibanja to a new owner but notify Mailo owner and local leaders about the changed ownership. In cases of compensation, an apportionment of land value of 60% and 40% share of the market value is given to the landlord and kibanja owners respectively, depending on developments invested on the affected land. For example, a kibanja owner who has a permanent structures or perennial crops is entitled to a 60% share of the compensation value while one with only temporary structures or annual (seasonal) crops is entitled to only 40%. 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.

163. 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.

164. In compensation and resettlement, rights of spouses and children are protected under the Constitution of Uganda and the Land Act (Cap 227). The consent of spouse and children must be acquired prior to any transaction by head of households on land on which the family lives.

165. Section 40 of the Land Act, 1998 requires that no person shall: a). Sell, exchange, transfer, pledge, mortgage or lease any land; or enter into any contract for the sale, exchange, transfer, pledge, mortgage or lease of any land; b). Give away any land or enter into any transaction in respect of land:

- In the case of land on which ordinarily reside orphans, whom are still minors, with interest in inheritance of the land, except with prior written consent of the Committee.
- In the case of land on which the person ordinarily resides with his or her spouse, and from which they derive their sustenance, except with the prior written consent of the spouse;
- In the case of land on which the person ordinarily resides with his or her dependent children (minors) except with the prior written consent of the Committee<sup>11</sup>; (11“Committees “are defined under Section 65 of the Land Act; they are Parish Land Committees)
- In the case of land on which the person ordinarily resides with his or her dependent children (minors) of majority age, except with the prior written consent of the dependent children (minors).

### *Land Acquisition Process in Uganda*

166. Both The Constitution, 1995 and The Land Act, Cap 227 gives the government and LGs’ power to compulsorily acquire land. The Constitution states that “no person shall be compulsorily deprived of property or any interests in or any right over property of any description except” if the taking of the land necessary “for public use or in the interest of defense, public safety, public order, public morality or public health.”

167. The Land Acquisition Act, 1965 makes provision for the procedures and method of compulsory acquisition of land for public purposes. The Land Acquisition Act, 1965 states that the minister responsible for land may authorize any person to enter said land to survey the land, bore the subsoil, or any other examination necessary for determining whether the land is suitable for a public purpose. Additionally, once the assessment officer takes possession, the land immediately becomes vested in the land commission. Any dispute as to the compensation payable is to be referred to the Attorney General or court for decision.

### *Valuation*

168. Section 77 of the Land Act gives valuation principles for compensation; i.e. crops are compensated at rates set by the District Land Boards; the basis of compensation for land is open market value. The value of buildings is to be taken at open market value for urban areas and depreciated replacement cost in the rural areas. In addition, a 15% or 30% disturbance allowance must be paid if six months or less notice is given to the owner. The Land Act gives powers to

District Land Tribunals to determine any dispute relating to the amount of compensation to be paid for land acquired compulsorily.

### *Principles and Policies for Land Acquisition*

169. Compensation shall aim to enable PAPs to restore their pre-project incomes and standard of living by the end of the project.

#### Principle of Severance

170. Used when the government exercises its power to take private property for public use through the right of Eminent Domain. If only part of the property is taken and the value of the remaining property depreciates because of the government's proposed use of the taken share, the owner is entitled to compensation called severance damage.

#### Principle of Injurious Affection

171. Loss or damage to non-physical nature to land remaining with a dispossessed owner after a partial compulsory acquisition. Excludes any sentimental value; e.g. (i) Direct, physical interference or obstruction; (ii) loss of view or loss of privacy

### *Human Rights and Compensation*

172. Ugandan land laws make provision for compensation when development projects affect people's land, property, or livelihoods. It also details the rights and privileges of citizens in dealing with the government and the compulsory acquisition of property.

(a) **Economic Well-being and Social and Cultural Values**

The Constitution states that, where the government compulsorily acquires land, and where the government will resettle PAPs, it will fairly and promptly compensate displaced PAPs or resettle them on suitable alternative land with due regard for their economic well-being and social and cultural values.

(b) **Prompt and Adequate Compensation**

The Constitution states that the government may only compulsorily acquire property if a law exists that provides for the prompt payment of fair and adequate compensation (Constitution, Article 20). The Lands Act emphasizes the payment of compensation to the victims of acquisition made under the Act. The basis of the compensation should be either the market value or replacement value. Additionally, compensation amounts must take into account the cost of disturbance and incidental expenses or other damage suffered because of the resettlement.

(c) **Damage or Loss**

The government Lands Act also makes provision for compensation for any person who suffers any loss or damage due to "the carrying out of any survey, as a result of installation, construction, inspection, maintenance, replacement, or removal of any specified work." The DLB will base the amount of compensation on any loss or damage, and may take into account how much the person's land has increased in value as a result of the installation or construction of the works.

***Equal Opportunities Commission Act, 2007***

173. The Act makes provision in relation to the Equal Opportunities Commission pursuant to articles 32 (3) and 32 (4) and other relevant provisions of the Constitution; to provide for the composition and functions of the Commission; to give effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, color, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favor of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters. Regulation 14 2(a) states on the functions of the commission being to investigate or inquire into, on its own initiative or on a complaint made by any person or group of persons, any act, circumstance, conduct, omission, program, activity or practice which seems to amount to or constitute discrimination, marginalization or to otherwise undermine equal opportunities. While all matters relating to land acquisition, compensation and resettlement are managed within the provisions of the above legislation, the most decisive document in this regard is the Land Act of 1998, as amended.

***National Youth Council Act Cap 319 Laws 2000***

174. This establishes the National Youth Council, the object of which is to organize the youth of Uganda in a unified body, engage the youth in activities that are of benefit to them and the nation and protect the youth against any kind of manipulation.

***National Women's Council Act Cap 318 Laws 2000***

175. This establishes the National Women Council whose object is to organize women of Uganda in a unified body and engage the women in activities that are of benefit to them and the nation.

***Children Act Cap 59 Laws 2000***

176. Section 5(2) thereof provides for a duty of a person having custody of a child to protect the child from discrimination, violence, abuse and neglect. Section 10 thereof provides for protection of children with disabilities. It is the duty of the parents of the child with disability and the state to take appropriate steps to see that children with disabilities are assessed as early as possible, offered appropriate treatment and afforded facilities for rehabilitation and equal opportunities to education.

***National Council on Disability Act, 2003***

177. This establishes the National Council for Disability. The objective of the National Council for Disability among others is; to promote the implementation and equalization of opportunities for persons with disability, monitor and evaluate the impact of policies and programs designed for equality and full participation of persons with disability.

### ***Access to Information***

178. The Constitution of the Republic of Uganda provides for the right of access to information in Article 41 and states: ‘Every citizen has a right of access to information in the possession of the state or any other organ or agency of the state except where the release of the information is likely to prejudice the security or sovereignty of the state or interfere with the right to the privacy of any other person.’

179. The Access to Information Act, 2005 provides for the right of access to information pursuant to article 41 of the Constitution; prescribes the classes of information referred to in that article; the procedure for obtaining access to that information, and other related matters. Article 5, Right of access indicates that - Every citizen has a right of access to information and records in the possession of the State or any public body, except where the release of the information is likely to prejudice the security or sovereignty of the State or interfere with the right to the privacy of any other person. Further, Article 29, Protection of safety of persons and property provides that: An information officer –

- (a) shall refuse a request for access if the disclosure of the record could reasonably be expected to endanger the life or physical safety of a person; or
- (b) may refuse a request for access to a record of the body if the disclosure of the record is likely to prejudice or impair the security of -
  - a building, structure or system, including, but not limited to a computer or communication system;
  - a means of transport; or
  - any other property.

180. However, the Access to Information Act exists on paper and has not been implemented due to undefined responsibility centers and therefore no financial and human resources available for its operationalization.

181. If implemented, this policy would help in clarifying on information related to land to be acquired for public use and the procedures to be followed including the responsible agencies.

### ***Workers Compensation Act, 2000.***

182. This law provides for compensation to be paid to workers (or their dependents) for injuries suffered and scheduled diseases incurred in the course of their employment.

### ***Employment Act***

183. Gives authority to labor officers to engage in inspections and enforce legal provisions relating to conditions of work and the protection of workers. Labor officers, either at Ministry or at LG level are also empowered to issue improvement orders or to close down a work place or discontinue any work if he or she is of the opinion that there is imminent danger to the health or safety of workers. However, there are only 35 officers at District LG, with none in the

municipalities, and severe resource constraints in the parent Ministry, so there is little chance of this Act being enforced at present.

### ***Poverty Eradication Action Plan***

184. This is a framework to guide public action to eradicate poverty. Under the Pillar on human development, the PEAP spells out priority action areas to support, mobilize and empower marginalized groups to participate in the economic growth and social development process. This policy ensures that marginalized groups fully participate and benefit from the PEAP initiatives.

### ***Social Development Sector Strategic Investment Plan***

185. This addresses inequalities, inequity, exclusion, unemployment and low productivity among the population with emphasis on the marginalized groups. It articulates interventions for promoting participation, access and utilization of basic services by the different groups. The Plan focuses on strengthening coordination mechanisms and inter-linkages among relevant stakeholders at all levels.

### ***Peace, Recovery, and Development Plan (PRDP2)***

186. The development interventions in Northern and North Eastern Uganda are aligned to the Peace, Recovery, and Development Plan (PRDP2) that provides strategic planning framework at the regional level. The PRDP2 will be succeeded by PRDP3 expected effectively in the FY 2015/2016. The PRDP3 prioritizes improvement of household income in line with the NDP2 to address the socio-economic imbalances. In the same vein, Government provided guidance to the proposed successor project that will be implemented under the PRDP3 framework to focus on improving incomes and livelihoods of the poor and vulnerable communities and contribute to the revitalization of the local economy.

### ***Institutional Framework for Social Systems Management Relevant to Project***

#### ***Equal Opportunities Commission***

187. The Act makes provision in relation to the Equal Opportunities Commission pursuant to articles 32 (3) and 32 (4) and other relevant provisions of the Constitution; to provide for the composition and functions of the Commission; to give effect to the State's constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, color, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favor of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters. Regulation 14 2(a) states on the functions of the commission being to investigate or inquire into, on its own initiative or on a complaint made by any person or group of persons, any act, circumstance, conduct, omission, program, activity or practice which seems to amount to or constitute discrimination, marginalization or to otherwise undermine equal opportunities. While all matters relating to land acquisition, compensation and resettlement are managed within the provisions of the above legislation, the most decisive document in this regard is the Land Act of 1998, as amended.

### *Ministry of Gender, Labor & Social Development*

188. The Ministry's mandate is to empower communities to harness their potential through cultural growth, skills development and labor productivity for sustainable and gender responsive development. The vision of the Ministry is "a better standard of living, equity and social cohesion, especially for poor and vulnerable groups in Uganda." The mission of the ministry is "promotion of gender equality, labor administration, social protection and transformation of communities."

189. This ministry also sets policy direction and monitoring functions related to labor, gender and general social development. Its Occupational Health and Safety (OH&S) unit in the ministry is responsible for inspection and mentoring of occupational safety in workplaces and should be involved during project construction and operation of the facilities.

### *Uganda Human Rights Commission*

190. The Uganda Human Rights Commission is Uganda's national human rights institution created by the Constitution, with mandate, amongst others, "to investigate violations of human rights and to monitor government compliance with its human rights obligations detailed in the Constitution." This is in addition to making recommendations to Parliament on measures to promote human rights. The Commission has since its establishment played a very important role in highlighting human rights violations in the country and making recommendations for rectification. The Commission has on several occasions investigated and published its findings with regard to the human rights problems of marginalized groups and made recommendations on how these could be rectified. A good example is the intervention during the Karimojong disarmament exercise in 2005.

### *District Land Tribunals*

191. The Land Act, Cap 227 states that land tribunals must be established at district level. It empowers the District Land Tribunals to determine disputes relating to amount of compensation to be paid for land acquired compulsorily. The affected person may appeal to a higher ordinary court. The Land Acquisition Act allows for any person to appeal to the High Court within 60 days of the award being made. All land disputes must be processed by the tribunals, before the case can be taken to the ordinary courts. The act also states that traditional authority mediators must retain their jurisdiction to deal with, and settle, land disputes.

### *Local Council Courts*

192. The Local Council Courts Act establishes Local Council Courts for the administration of justice at the local level, defines the jurisdiction, powers and procedures of the established courts and for other related matters. The legal jurisdiction of Local Council Courts includes matters related to; land disputes, domestic violence, children related cases, assaults and battery, conversion, damage to property, trespass and adultery.

193. There are three levels of the Courts – LCC III at the sub county/Town/Division Council (level 3); LCC II at the parish/ward (level 2) and LCC I at the village. Appeals from the highest of the Committees, (Sub-county executive) lie to the Chief Magistrate.

194. If the appeal involves a substantial question of law or appears to have caused a substantial miscarriage of justice, then appeals would go to the High Court.

195. The LCCs being part of the elaborate court system are to exercise judicial power in Uganda in the name of the people and in conformity with the values, norms and aspirations of the people. Therefore, performance of LCCs in the administration of local justice is a major factor for legitimacy of the lower LG system and promotion of good governance.

#### *Parish and Village Councils*

196. Are required (Rural Councils) to have executive committees comprising a chairperson, a vice-chairperson, a general secretary and secretaries for information, education, security, finance, production and environmental protection. There is also a disabled persons' council, a youth council and a women's council whose respective chairs are appointed as secretaries for their representative group to the main council. Parishes are responsible for monitoring service delivery at that level.

#### *Ward and Cell Councils*

197. Are required to have executive committees comprising a chairperson, a vice-chairperson, a general secretary and secretaries for information, education, security, finance, production, and environment protection. There is also a disabled persons' council, a youth council and a women's council whose respective chairs are appointed as secretaries for their representative group to the main council. Parishes are responsible for monitoring service delivery at that level.

#### *LG Participatory Planning Process*

198. This is a planning process where all stakeholders, beneficiaries, technical staff and donors come together to carry out analysis of the existing situation, determine the desired future, decide on appropriate action and implementation strategies, discuss and agree on roles and responsibilities and agree on appropriate time schedules and milestones.

#### Phase 1: Situation Analysis

199. This is the first stage of the LG development planning cycle. During this stage, districts and Sub-Counties review the existing situation and review previous strategies and activities to determine what worked or did not work and to identify better ones for the following year. Participants in this process include relevant district staff or Sub-County staff.

#### Phase 2: Strategic Planning

200. **Step 1: Community Participatory Planning.** The process of planning starts at the community level, and is participatory, involving community members in order to ensure that the activities undertaken are demand responsive, and to provide a basis for sustainability of facilities.

#### Phase 3: Formulation of the Budget Framework Paper

201. **Step 1: Local Government Budget Call.** Between October and November of each year, the Ministry of Finance, Planning and Economic Development (MOFED), in preparation for the budget process sends out “budget call circulars to all Ministries. The call is disseminated to the district LGs, who ensure these reach the lower LGs. This call kick starts the budget preparation process for the subsequent year.

202. **Step 2: Regional LG Budget Framework Paper Conference:** The Local Government Budget Framework Paper (LGBFP) conference (sometimes referred to as the LGBFP workshop) is held in October/November. This comprises several regional workshops attended by representatives from District LGs, central Government, line ministries, Civil Society and development partners. At the workshops, the following is done:

- Review sector performance
- Specify medium-term objectives and outputs for the sectors in view of the available resources
- Identify funding sources

203. Once District LGs have been made aware of the medium term objectives and outputs, they start the process of prioritizing what they plan to achieve in all sectors given the indicative resource envelope for their Districts. The sector Budget Framework Papers (BFPs) provide detailed sector priorities and activities geared towards achieving sector objectives in line with the National Development Plan and sector Strategic Investment Plans.

204. **Step 3: District Budget Conference/Consultations and Drafting of the District LGBFP:** Immediately after the regional workshops, each DLG holds its own Budget Conference. The Districts/Municipalities organize their budget conferences bringing together stakeholders from the different levels of LG and civil society. Key activities during this conference include:

- Explaining and discussing the implications of the policy guidelines from the MoFPED in relation to local needs and priorities
- Dissemination of indicative planning figures to the sub counties

205. At this level also, District/Municipality level meetings are held with the various Sectoral Committees of the Council, for the purpose of both preparing of the sector components of the Local Government Budget Framework Paper, and updating the District Development Plan (DDP). It is important to emphasize that the DDP is prepared taking into account the resources available over the medium term. The Planning units and the District Technical Planning Committees play a crucial role in coordinating this process.

206. **Step 4: Community Level Consultations and Prioritization of Plans:** After the district Budget Conference, lower LGs hold planning meetings and their own budget conference to discuss their priorities in the different sectors for both recurrent and development activities, taking into consideration community requests. Key activities during these processes include:

- Parishes and Sub-Counties identifying investment activities to be carried out in the next financial year and in the medium term, taking into account the resources

available and the medium term indicative planning figures. On the basis of these discussions the parishes and sub counties should update their Development Plans and forward them to the Districts/Municipalities, along with any sector issues relating to recurrent expenditures

- Sub-Counties should review the plans submitted by the Parish Development Committees (PDCs) against the budget allocated to them
- Sub-Counties select the communities in which they will undertake water source improvements
- After the Sub-County council has debated its budget (revenue and expenditure, recurrent and development) estimates, they should be submitted to the DTPC to be integrated into the district development plan and budget.
- The budget estimates debated and approved by the Sub County councils and with guidance from the DTPC are included in the DLG annual work plan and budget.

207. The planning schedule, as outlined above, allows Sub-County governments to incorporate the plans of parishes, and for the Sub-County plans to be integrated into district plans. Planning activities take place throughout the FY.

### ***Resources and Capacity***

#### *Management of Social Safeguards at LG Level*

208. At District level, the Department of Community Development Services (CDS) is mandated to handle social safeguards issues. Currently their roles include:

- (a) Mobilizing communities for government development programs,
- (b) Gender mainstreaming through sensitization to mitigate gender inequalities and improve relations,
- (c) Empowering communities to form groups and start income generating activities from grants provided by Government- Youth Livelihood Program and the Women Entrepreneurship Program,
- (d) Empowering women to develop skills and do business from funds provided by Ministry of Gender Labour and Social Development, and
- (e) Providing child protection services by handling cases of domestic violence against children, child neglect, early marriages and school drop outs.

209. Normal staffing levels for CDS include the following seven (7) Officers;

- (a) District Community Development Officer,
- (b) Senior Community Development Officer,
- (c) Senior Probation Officer,
- (d) Senior Labor Officer,

- (e) Probation Officer,
- (f) Labor Officer and
- (g) Community Development Officer (CDO)

#### *Inadequate Staffing Issue*

210. LGs are understaffed with respect to social development technical capacity. A case example is Ntungamo District which was visited during the ESSA study and is currently covered by only two (2) Officers; (i) a Senior Community Development Officer who is acting as the department head, and (ii) a Senior Probation Officer also acting as Gender, Labor, OVC and Human Rights Officer.

#### *Use of Environmental Social Screening Form*

211. District level staff lack adequate knowledge in using the ESSF. They are generally not involved in project preparation and only tend to be called upon when social issues arise during project implementation or when project affected persons have grievances; And in those cases, they often lack the capacity to properly respond due to lack of knowledge on what actions to take and lack of funds. In addition, there are no clear guidelines on involvement/inclusion of Indigenous People or members of vulnerable Groups into projects.

#### *Budgetary Allocation*

212. Community Development Departments in most of the districts and municipalities are under resourced thereby hampering their ability to implement projects, as well as supervise and monitor social aspects of on-going projects. Social impact assessments are generally not budgeted for as the bulk of funds in the districts are allocated for the support of the office of Chief Administrative Officer (CAO), Chairperson, and Council sittings. Overall, the Departments at District and Sub-county levels are inadequately resourced in terms of supplies and equipment.

213. In Kabale, the study found that the Community Development Department is the least funded of the District with less than 2% of the total district's budget. Budgets for Youth and women activities can be as low as 100,000 UG Shillings (+/- US \$30.00) for a whole fiscal year. A CDO at sub/county level is allocated a total budget of 957,000 UG Shillings (+/- US \$ 275.00) for a whole fiscal year to monitor and supervise activities.

214. For instance, in Kabale, the CDS department has activity plans that include mitigation of social risks for government funded projects but they are generally constrained by limited budgetary allocations. Currently their planned budget is 138,436,000 UG Shillings (+/- US \$ 40,000) for non-wage activities including Youth Livelihood Program and 46,493,000 UG Shillings (US \$ 3,300) for wages.

215. Women activities have a 1,200,000 UG Shillings (+/- US \$ 350) annual budget. In addition, the Municipality receives the following from central government: 820,000 UG Shillings (+/- US \$240) for the Women Council, 820,000 UG Shillings (=/- US \$ 240) for the Youth Council and 2,100,000 UG Shillings (+/- US \$ 600) for Persons With Disabilities (PWD).

These funds are disbursed quarterly and make it difficult to plan and fund activities such as supervision and monitoring in a consistent manner. The department receives no further assistance from local revenue and is expected to fund all activities from the above budget.

216. Currently department staff lacks transportation means to carry out various activities, computers, and basic office furniture.

#### Supervision/Monitoring

217. In Kabale, the department's biggest constraint was reported to be lack of transportation means to carry out supervision during project implementation since most of these projects are implemented in remote areas. Currently, the District heavily relies on the Health Management Committees and the School Management Committees to carry out monitoring and supervision but these tend to focus on quality of works, rather than the identification of environmental and social risks for which they lack capacity.

#### Land Acquisition

218. Land acquisition and resettlement is not expected to pose significant risks given the small scale of investments and the likelihood of construction being carried out on existing facilities' footprints, though it is important that these processes are properly tracked. Moreover, because of limited financial resources at District level, authorities generally avoid implementing projects that require land acquisition; when unavoidable, they rely on local communities to voluntarily donate land. Titling of these donated plots however is often problematic, as District staff has generally limited influence on processes at central level.

## V. Determination of Potential Environment and Social Impacts

### *Beneficial Impacts*

219. **Districts cover mostly rural areas and are responsible for delivery of a broad range of services.** These include education, healthcare, infrastructure (roads, water supply), natural resources, and agricultural extension. Grants from the central government finance services in all these sectors as well as local public administration and community services but the PforR is specifically targeted to the health and education sectors.

220. **The Program will support two CPF objectives.** These are “Enhancing Economic Governance and Fiscal Management” and “Improving Social Service Delivery”. Reduction in horizontal inequities in per beneficiary spending on social services across districts will directly contribute to achieving one of the CPF objective indicators. The Program’s focus on improving service delivery, enhancing value for money, and reducing inequities in public spending on social services will help to achieve the twin goals of ending extreme poverty and promoting shared prosperity in a sustainable manner.

221. **This project** will involve helping to achieve in a course of several years (i) more equitable allocation of resources through transfers from central to LGs, particularly in the social sectors; (ii) more efficient functioning of the transfers system, and (iii) increased capacity and accountability of LGs for managing public funds.

222. **Adoption of the Program for Results instrument will help to achieve lasting results by leveraging finance to strengthen institutions and to build capacity.** Implementation of effective fiscal decentralization reforms will result in fiscal savings and improvements in value-for-money that could be quite substantial.

### *Adverse Environmental Impacts*

223. Enhancing Economic Governance and Fiscal Management and Improving Social Service Delivery in the health and education sector at the LG level in Uganda is likely to lead to adverse environmental and social impacts. Improvement of service delivery in the health sector could entail;

- (a) Implementation of the National Health Policy;
- (b) Planning and management of district health services;
- (c) (Provision of disease prevention, health promotion, curative and rehabilitative services;
- (d) Control of other communicable diseases of public health importance to the district;
- (e) Vector control;
- (f) Health education;
- (g) Ensuring provision of safe water and environmental sanitation; and
- (h) Health data collection, management, interpretation, dissemination and utilization.

224. In the education sector, under the local Government Act of 1997, nursery, primary schools, special schools and technical schools fall under the administration and management of District Councils. Each district has the authority to formulate, approve, and execute its own development plan. Activities and strategies could include expansion of classrooms, houses, and other facilities, including what is needed to improve hygiene and safety.

225. The activities and strategies in both sectors are likely to adversely affect the environment (biophysical and socio-economic) as a result of construction/civil works as well operation and decommissioning of related services.

### *Construction Impacts*

226. The construction of new facilities, rehabilitation or improvement is likely to adversely affect different aspects of the environment. These types of impacts, however, are generally site-specific, reversible, limited in scope and magnitude and in most instances temporary in nature. These impacts are and can be for the most part can be prevented or mitigated with standard operational procedures and good construction management practices. These procedures will be included in the Program Operation Manual, and be a standard part of environmental management plans included in bidding documents for contractors.

### Water Pollution

227. The project civil works are likely to alter the water quality in the local water mainly due to site clearing and the disruption of the natural drainage patterns. Impacts on water resources during the construction; operation and decommissioning of the Project will arise in two main ways:

- Exploitation of local water resources to provide water during construction and operation; and
- Contamination of water resources from construction, operation and decommissioning activities.

228. During construction, the runoff from the construction site is a source of water pollution. Such pollution may persist entirely during the initial phase of construction when site grading and excavation for foundation and back filling would be in progress. During this stage the rainwater runoff would carry more soil/silt than normal and this would cause silting problem in the receiving water bodies. The other source of water pollution is expected from the sanitary waste coming from the temporary accommodation of the construction workers if envisaged.

### Natural Resources Degradation

229. Natural habitats could be altered as a result of borrow pits for aggregate materials. Land clearance for works could result in clearance of grass and trees, and road widening works could have similar impacts as well as displacing substantial amounts of soils. If not properly managed, borrow pits for construction materials pose perhaps the greatest potential negative impacts on natural habitats and land degradation if abandoned without proper reclamation.

230. Construction of public facilities could entail clearing vegetated areas and tree felling. Mitigation measures would consist of re-vegetation and tree planting after construction. Reforestation, afforestation and grass replanting in project areas and at time tree nurseries are some of the proposed mitigation measures.

#### Soil Pollution

231. Construction activities are anticipated to impact on soil and geology of the project site in several ways including: disturbances to soil subsequently resulting in erosion, soil contamination by oil leaks from vehicles.

#### Noise Pollution

232. The major sources of the noise pollution due to construction activity is from the earth moving, levelling and compacting, trucks for transportation of construction materials, concrete mixers, asphalt mixing and laying equipment all add to the general noise level.

233. The source of noise impacts during construction is likely to include local temporary noise from construction plant activities, including ground clearance, piling, and concreting and equipment installation.

#### Air Quality

234. The construction activities are likely to generate short-term increases in fugitive dust and combustion emissions. The primary sources of fugitive dust emissions include increased vehicle traffic and excavation activities.

235. The main sources of emissions during construction include dust related to site clearing, earthworks, traffic movements, loading and unloading of materials, stock piling of spoil. Dusts emissions may also be generated at material borrow pits and the concrete processing plant. In addition, exhaust emissions from the contractor's machinery and vehicles could contribute to air pollution. The sources of combustion emissions (e.g., SO<sub>2</sub>, NO<sub>x</sub>, CO, and particulates) will be mainly operations of diesel powered survey equipment and vehicles. The changes to air quality may affect the residents, agricultural crops as well as the natural flora

#### Waste Impacts

236. Waste streams generated during construction of the Project are likely to consist of the following:

- Excavation spoil;
- Construction waste;
- General waste; and
- Sewage and wastewater.

### Excavation Spoil

237. By far the largest quantity of waste arising from the Project will be spoil generated from the excavation of the terraces to create level platforms for the installation of infrastructure and other items and equipment.

### Construction Waste

238. This will comprise a variety of non-hazardous materials including wood (used timber), excess concrete, vehicle tires and packaging materials (plastic, card, etc), together with a small amount of hazardous wastes such as used oils (from vehicles and machinery), paints, vehicle batteries, fluorescent light bulbs and contaminated containers (paint tins, etc.). There will also be packaging waste such as wooden pallets, plastic, paper, and cardboard from the delivery of the equipment and machinery to be used by the Project. In addition, there will be empty tins and other containers from lubricating oils and hydraulic oils.

239. Maintenance of the plant and machinery used during construction is likely to also give rise to a range of potentially hazardous wastes including:

- Used oils - lubricating and hydraulic oils;
- Filters – air and oil filters;
- Batteries – mainly lead-acid batteries used in vehicles and other machinery; and
- Washout water from concrete mixing plant
- General Refuse General refuse, similar in nature to domestic waste, will be generated by the construction workforce at the work site. This will comprise a range of mainly non-hazardous materials including food residues, paper, used containers (bottles, cans, etc.), packaging and broken furniture.

### Sewage/Wastewater

240. Again, this will be generated by the welfare facilities provided for the construction workforce. Septic tanks will be installed and used for the treatment of sewage generated at the construction site.

### Physical Cultural Resources

241. Construction activities related to rehabilitation, expansion or establishment of new infrastructure could adversely affect physical cultural resources.

### Occupational Health and Safety

242. Construction activities involve some inherent dangers related to exposure to hazardous materials, noise and operation of equipment among others. In the absence of sufficient management of health and safety issues, the workforce may suffer injury or death. The general public is also exposed to construction related hazards of projects if adequate measures to protect them are not put into place.

## *Operational Impacts*

### Pesticide/Chemical Waste Management

243. Integrated Vector Management (IVM) for the control of the malaria vector population involves the use of four primary interventions, insecticide-treated nets, indoor residual spray, artemisinin-based combination therapies (ACT), and intermittent preventive treatment for pregnant women (IPTp).

244. The Government of Uganda's Ministry of Health has been implementing Indoor Residual Spraying (IRS) as one of the interventions in Malaria Control through its National Malaria Control Program (NMCP).

245. Indoor Residual Spraying (IRS) is being implemented in the target districts of Agago, Amuru, Apac, Gulu, Kitgum, Kole, Lamwo, Nwoya, Oyam, Pader, Alebtong, Amolatar, Budaka, Bugiri, Butaleja, Dokolo, Kaberamaido, Kibuku, Lira, Namutumba, Otuke, Pallisa, Serere, and Tororo.

246. Indoor Residual Spraying involves spraying a liquid insecticide with long lasting residual activity on indoor wall surfaces where mosquitoes usually rest. The pesticide then dries up and leaves a crystalline deposit on the sprayed surface. A lethal dose of the insecticide is absorbed when the mosquito rests on the surface for a sufficient length of time.

247. The broad categories of pesticide hazard are release and exposure to humans and domestic animals, and releases causing environmental damage. Release and exposure may occur at any point from the production or importation of the pesticide through transportation, storage, distribution, pesticide make-up, spray application, clean-up, and final disposal, as well as post-spray due to improper spray deposition on household articles, or improper behavior of beneficiaries regarding sprayed surfaces.

248. In humans, pesticides used in IRS can produce cholinesterase depression if the proper protective measures are not utilized, and exposure results. Cholinesterase inhibition results in overstimulation of the nervous system, with symptoms that include nausea, dizziness, confusion, respiratory paralysis, and even death at very high exposures (U.S. EPA, 2000b).

249. In the environment, most of the WHO-recommended insecticides are highly toxic to fish and other aquatic organisms. Similarly, apart from DDT, all the approved insecticides are highly toxic to bees. In mammals, all the insecticides approved by WHO for IRS carry low-to medium toxicity. In avi-fauna, IRS insecticides are categorized as highly toxic.

250. Specific hazards include exposure during handling (transporting or spraying), environmental release through vehicular accidents during transportation, and the possibility of fire causing combustion of pesticides, in storage or in transportation.

## Health Care Waste Management

251. Health care waste is defined as all waste generated during medical activities. It includes two major categories of waste: hazardous (with potential to cause harm) and non-hazardous (with less potential to cause harm).

252. There are several types of hazardous waste that need to be managed appropriately to avoid risks of endangering health workers, patients, communities, and the environment. These include:

- **Sharps waste:** materials that can puncture skin, such as needles, blades, and broken glass.
- **Infectious waste:** contains agents that are infectious to humans and animals.
- **Highly infectious waste:** contains significantly high numbers of infectious agents.
- **Pathological waste:** includes body organs that are removed from the body because they are diseased, and tissue as well as blood and other body fluids that are removed from the body for lab tests to determine the underlying cause of disease.
- **Anatomical waste:** comprises recognizable body parts such as limbs (e.g., legs, fingers) that have been cut off for a medical reason.
- **Pharmaceutical waste:** includes all active agents and chemicals meant for prevention, treatment, and diagnosis of diseases among humans and other animals. Examples include expired medicines, condoms, lab reagents, and banned medicines.
- **Radioactive waste:** includes all liquids, gases, and solids contaminated with ionizing radiations, which can affect human genes.
- **Effluents:** fluids generated from medical services, such as washing equipment used on patients, or waste water from washing linens used during labor.
- **Heavy metals:** mercury, silver, and other metals used in the health sector; these metals can be toxic, corrosive, flammable, reactive, explosive, shock sensitive, or even damaging to human genes.
- **Metal scrap:** includes all metals that are deemed to be of no further use to the health facility, such as surgical forceps, scissors, needle holders, and scalpels.

253. Unsafe health care waste management poses risks to health workers, patients, communities, and the environment. Transmission of HIV and hepatitis B in the health care setting can occur through unsafe handling of sharps, including needle stick injuries, and health care waste-related exposure to blood.

254. Patients, health workers, and the surrounding community are all at risk of infection from unsafe injections and improper health care waste management (HCWM) practices. As a result of improper management of medical waste the following negative impacts could also result:

- **Soil Pollution:** There is a high potential for infection and contamination of soil, particularly from liquid wastes flowing into the soil. The potential of contamination

from untreated sharps, anatomical and infectious wastes buried or dumped indiscriminately may lead to the entry of pathogens and chemicals into the food chain.

- **Surface and Groundwater Contamination:** There is a high potential for infection and contamination of streams and rivers from effluents from healthcare facilities flowing into drains and run-off from soil during rains following dumping of infectious and chemical wastes. The potential for groundwater contamination from buried infectious wastes, sharps and body parts is also significant.
- **Occupational Health and Safety Hazards:** Most waste handlers are unaware of the potential risks involved in handling medical waste; in most cases they do not have adequate protective clothing and disinfectants. They are exposed to a high potential infection following injuries from sharps, handling of infectious materials and human parts.
- **Air Pollution and Groundwater Contamination Due to Open Burning:** Open burning poses significant environmental pollution concerns due to the emission of nitrogen oxides, sulphur oxides, carbon monoxides and suspended particulates matters. Smoke and dioxin inhalations can pose occupational health hazards. There is the possibility of soil and groundwater contamination from the ash and leachates from open burning when combustion is incomplete and also from burial. Groundwater contamination could result in high levels of ammonia, total dissolved solids (TDS), chloride and biological oxygen demand (BOD), and possibly pathogens.

#### Status of Health Care Waste in Uganda

255. The following major problems have been identified with health care waste in Uganda:

- **Technical problems:** lack of equipment for proper handling, transportation, and treatment of waste; and poor infrastructure and inadequate procurement procedures for waste handling services.
- **Environmental and public health problems:** most health care waste is disposed of in waste dumps which represents risks to the environment (contamination of land and groundwater as well as risk to public health).
- **Occupational health problems:** when health staff and waste handlers lack adequate equipment, education, training, and awareness.
- **Institutional and legislative problems:** inadequate funding due to the lack of detailed legislation and an institutional framework for management of health care waste.

## *Adverse Social Impacts*

### *Resettlement Impacts*

256. Construction of and rehabilitation of or expansion of educational and health facilities and related infrastructure could require land hence leading to resettlement related impacts including loss of assets and livelihoods due to physical and or economic displacement.

### *Indigenous Peoples*

257. Resettlement and environmental degradation tend to disproportionately impact the vulnerable and marginalized groups. It is possible that the program activities could adversely affect vulnerable and marginalized groups specifically the ethnic minority as they are referred in Uganda through degradation of their natural environment or displacement.

### *Child Abuse and Gender Based Violence*

258. Construction activities and establishment of construction camps are likely to lead to sexual abuse in certain cases on children by construction employees. It has been noted that construction projects funded by multilateral institutions can expose children and communities living around the construction sites to many negative impacts associated with displacement, including loss of livelihoods, school dropouts, sexual exploitation, abuse, early marriage, and child labour.

259. The influx of workers employed by the construction company, along with those looking for jobs with the construction company, is widely associated with an increase in sexual abuse and assault of girls in the area.

### *Labour Issues*

260. Labour related concerns and violation of workers' rights is a potential likely and adverse impact in construction sites. The main issues could include; -low pay; lack of adequate housing; health and safety issues, in particular with regard to pesticide spraying; sexual harassment, in particular by supervisors; lack of severance pay; short-term contracts; lack of maternity leave; unfair dismissal; excessive overtime; deductions from pay; lack of freedom of association; lack of contracts; social security payments not met and abusive supervisors among others.

## VI. Assessment of Program System Consistency with Core Principles

261. This section provides an assessment of the extent to which the applicable systems are consistent with the core principles of World Bank Policy, Program-for-Results Financing and key planning elements. This section provides an assessment of where the Program system is inconsistent with relevant core principles and the significance of these gaps.

262. Overall, the existing system in Uganda is consistent with the core principles of World Bank Policy. This section presents the environmental and social benefits, risks and impacts of the Program.

**Table 4. Country Systems and OP/BP 9.00 Core Principles Comparison**

<b>Core Principle 1: General Principle of Environmental and Social Management</b>	
OP 9.00: Environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in Program design; (b) avoid, minimize, or mitigate adverse impacts; and (c) promote informed decision-making relating to the Program’s environmental and social effects.	
BP 9.00: Program procedures will: <ul style="list-style-type: none"> <li>• Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments at the program level.</li> <li>• Incorporate recognized elements of environmental and social assessment good practice, including (a) early screening of potential effects; (b) consideration of strategic, technical, and site alternatives (including the “no action” alternative); (c) explicit assessment of potential induced, cumulative, and trans-boundary impacts; (d) identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized; (e) clear articulation of institutional responsibilities and resources to support implementation of plans; and (f) responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures.</li> </ul>	
<b>Applicability: Applicable by the fact that funds channeled to Ministry of Health and Education when disbursed to the LGs (municipal and district councils) are likely to be used to among others;-construction, rehabilitation or expansion of health facilities; construction, rehabilitation or expansion of educational facilities; management of health care wastes;</b>	
<b>Current System and Practice</b>	<b>Risks</b>
<b>a) Early screening of potential effects;</b>	
<p>The EIA regulations provide for screening of all projects. This is via a project brief submitted to NEMA. NEMA process screens proposed projects into 3 screening categories (1, 2 and 3) and during screening exempts projects from EIS; requires EIS or determine whether adequate measures have been incorporated.</p> <p>Only projects listed in the third schedule of the National Environment Cap 153 are subject to EIS. The list contains no minimum thresholds or location criteria. NEMA may also screen projects that are not listed in the third schedule but are likely to be out of character with the surroundings, and conclude that these are subject to EIS.</p> <p>At the LG level, screening of projects is provided for using an existing Environmental and Social Screening Form (ESSF) and is a key task of the Environmental Officers (EO) and District Technical Planning Committees (DTPC).</p> <p>The municipal government screening and ESMP development procedures and associated screening form</p>	<p>Projects that require EIA undergo screening by NEMA via the submission of a Project Brief by the developer. Such projects do not present any risk as a result of the experience and capacity of NEMA in screening.</p> <p>Screening by LGs is compromised by among others;</p> <ul style="list-style-type: none"> <li>• Lack of environmental officers in certain districts to undertake screening</li> <li>• Inadequate capacity to undertake screening (environmental officers not familiar with the screening form)</li> <li>• Lack of screening by social development officers (xxx) especially on social aspects with tasks left to the EOs.</li> </ul>

<p>incorporate the same concepts to an extent that is appropriate for the scale and riskiness of projects for which EA is handled locally.</p>	
<p><b>b) Consideration of strategic, technical, and site alternatives (including the “no action” alternative);</b></p>	
<p>NEMA’s EIA regulation explicitly outline the contents of an EIS report. A key chapter in the EIS content is <b>“Project Alternatives”</b> which require that proponent of a project considers alternatives including (site, technology, no project alternative) etc.</p> <p>NEMA is also engaged in preparation and review of Terms of Reference (ToR) for all projects that have been determined to require EIS. As part of EIS review and approval, they seek to ensure that alternatives to proposed projects are analyzed.</p> <p>The ESSF51 in use by the municipalities and district councils explicitly asks for consideration of alternatives whenever impacts are predicted.</p>	<p>Projects that undergo full EIA studies adequately address issue of alternatives to projects. NEMA jointly with the Lead Agencies and developer undertakes development and review of ToR to ascertain that alternatives are included as key tasks during the EIA study.</p> <p>There is adequate staffing and experience within NEMA to develop and review ToR.</p> <p>Capacity at district and municipal councils (LG) to use screening form is inadequate in spite of the fact that ESSF explicitly asks for consideration of alternatives whenever impacts are predicted. The Environmental Officer (at the district or municipal levels) rarely propose alternatives even when impacts are predicted.</p>
<p><b>(c) Explicit assessment of potential induced, cumulative, and trans-boundary impacts;</b></p>	
<p>NEMA’s EIA regulation explicitly outline the contents of an EIS report. A key chapter in the EIA content is <b>“Determination and Assessment of Potential Project Impacts”</b> which require that proponent of a project to identify the environmental effects of the project including the direct, indirect, cumulative, short-term and long-term effects and possible alternatives;</p> <p>NEMA is engaged jointly with the developer and lead agency in preparation and review of Terms of Reference (ToR) for all projects that have been determined to require EIA.</p> <p>As part of EIA report review and approval, NEMA and lead agencies will seek to ensure that identification of the environmental effects of the project including the direct, indirect, cumulative, short-term and long-term effects and possible alternatives is clearly elaborated in EIA report.</p>	<p>Projects that undergo full EIA studies adequately address issue of potential adverse impacts (including induced, cumulative and transboundary). NEMA jointly with the Lead Agencies and developer undertakes development and review of ToR to ascertain that impact prediction are included as key tasks during the EIA study.</p>
<p><b>d) Identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized;</b></p>	
<p>NEMA’s EIA regulation explicitly outline the contents of an EIS report. A key chapter in the EIS content is <b>“the measures proposed for eliminating, minimizing, or mitigating adverse impacts”</b> which require that proponent of a project to identify the environmental effects of the project including the direct, indirect, cumulative, short-term and long-term effects and possible alternatives and detail adequate measures for eliminating minimizing or mitigating adverse impacts;</p> <p>NEMA is engaged jointly with the developer and lead agency in preparation and review of Terms of Reference (ToR) for all projects that have been determined to</p>	<p>Projects that undergo full EIA studies adequately address issue of potential adverse impacts mitigation measures. NEMA jointly with the Lead Agencies and developer undertakes development and review of ToR to ascertain that impact mitigation measures are included as key tasks during the EIA study.</p>

<p>require EIS hence ensuring that tasks of proposing measures to mitigate adverse impacts where avoidance is impossible.</p> <p>As part of EIA report review and approval, NEMA and lead agencies will seek to ensure that adequate impact mitigation and monitoring measures are clearly elaborated in EIA report.</p> <p>During project implementation, NEMA has a mandate of monitoring projects to determine adherence to Environmental and Social Management and Mitigation Plan (ESMP).</p>	
<b>e) Clear articulation of institutional responsibilities and resources to support implementation of plans;</b>	
<p>Uganda has solid legal frameworks which clearly articulate the institutional responsibilities for environmental and social assessment and management. The <b><u>Environmental Management Act</u></b> establishes NEMA and spells out functions and staffing requirements.</p> <p>The Local Government Act creates municipal and district councils and spells out the roles and functions of these institutions with respect to environmental and social assessment and management as well as staffing. The Local Government Act also calls for establishment of <b><u>Environmental Committees</u></b> at different levels of governance and <b><u>Technical Planning Committees</u></b>.</p> <p>The Land Act and Local Council Courts Act establishes <b><u>District Land Boards</u></b> and <b><u>Local Council Courts</u></b> who are responsible for land acquisition and resettlement as well as grievance handling on land related issues, domestic violence, children related cases, assaults and battery, conversion, damage to property, trespass and adultery.</p> <p>The Equal Opportunities Commission Act establishes the <b><u>Equal Opportunities Commission</u></b> whose mandate is to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, colour, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters. This commission also takes up handling of grievances and hence is a grievance handling institution.</p>	<p>The institutions established and responsible for ensuring environmental and social assessment at national level (NEMA) and at LG Level (district and municipal councils) are <b><u>understaffed</u></b> and <b><u>lack adequate financial resources</u></b> for implementation of respective plans and functions.</p> <p>Staffing in municipal and district councils for officers responsible for environment and social assessment and management is inadequate with environmental officer positions especially in district and town councils in some cases remaining vacant.</p> <p>Financial resources and allocation for environmental and social monitoring and enforcement is limited for NEMA and LGs. Resources are inadequate at Ministry and LG level to ensure implementation of plans. Budgets requested are not received and the environmental and community development officers does not set his own budget.</p> <p>Financial resources to compensate Project Affected Persons for loss of assets when land acquisition is encountered is in many cases inadequate. This hinders the LG to acquire land for projects.</p>
<b>f) Responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures.</b>	
<p>The EIA regulations require stakeholder engagement during the different phases of EIS preparation. Stakeholder input is mandatory during (a) Scoping- where the regulations require that as much as possible</p>	<p>Projects that undergo full EIA studies adequately address issue of consultation and timely disclosure. NEMA jointly with the Lead Agencies and developer undertakes development and review of ToR to ascertain</p>

<p>scoping should involve consultation with the potentially affected communities as well as Non-Governmental Organizations, the private sector and other interested parties. Meetings should be arranged to obtain their comments on what to include in the study and what alternatives to be considered.</p> <p>Stakeholder consultation is also required as per the EIA regulations to occur during the stage of preparing Terms of Reference; during the detailed EIA study and finally during review of the EIA report. Where EIA regulations require NEMA’s Executive Director to invite general public to submit written comments on the environmental impact statement. The invitation of the general public to make written comments is published in a newspaper having national and/or local circulation.</p> <p>The EIS process provides for public hearing into the environmental impact statement if the Lead Agency recognizes a need to hear opinions of the public in concerned areas hence this is an existing mechanism for grievance redress. However, the determination of the hearing is made by the Executive Director which is a gap.</p>	<p>that stakeholder consultation are included as key tasks during the EIA study.</p> <p>During review of EIA study reports, NEMA and lead agencies pay specific attention on whether public consultation was key part of the EIA study and demand demonstrable evidence of the same in the report (photos, minutes of meetings, names and address of participants) etc.</p> <p>NEMA EIA approval process provide for disclosure of the EIA study report to public for comment.</p> <p>Projects implemented at the LG level and determined via screening not to require EIA studies (but are instead subjected to ESSF) are rarely subjected to stakeholder consultation beyond the involvement of DTTC. However, project identification and selection is consultative due to the participatory nature of planning for projects by LGs from the village to district/municipal levels.</p>
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<b>Core Principle 2: Environmental Considerations – Natural Habitats and Physical Cultural Resources</b>	
OP: Environmental and social management procedures and processes are designed to avoid, minimize and mitigate against adverse effects on natural habitats and physical cultural resources resulting from Program.	
BP 9.00: Program procedures will: <ul style="list-style-type: none"> <li>• Includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas.</li> <li>• Supports and promotes the conservation, maintenance, and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats, and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or Program activities.</li> <li>• Takes into account potential adverse impacts on physical cultural property and, as warranted, provides adequate measures to avoid, minimize, or mitigate such effects.</li> </ul>	
<b>Applicability: Applicable due to the fact that potential activities by LGs in the health and education sector especially construction, rehabilitation and expansions may adversely affect natural habitats and physical cultural resources.</b>	
<b>Current System and Practice</b>	<b>Risks</b>
<b>a) Appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas;</b>	
<p>The EIA regulations provide for screening of all projects. This is via a project brief submitted to NEMA. NEMA process screens proposed projects into 3 screening categories (1, 2 and 3) and during screening exempts projects from EIS; requires EIS or determine whether adequate measures have been incorporated.</p> <p>Only projects listed in the third schedule of the National Environment Cap 153 are subject to EIS. The list contains no minimum thresholds or location criteria. NEMA may also screen projects that are not listed in the third schedule but are likely to be out of character with the surroundings, and conclude that these are subject to EIS.</p> <p>At the LG level, screening of projects is provided for and is a key task of the Environmental Officers and DTPC.</p> <p>The municipal government screening and ESMP development procedures and associated screening form incorporate the same concepts to an extent that is appropriate for the scale and riskiness of projects for which EA is handled locally.</p>	<p>Even though screening of projects is undertaken by NEMA at an early stage to identify potential biodiverse areas, political interference puts certain natural habitats at risk especially wetlands and forests.</p> <p>According to NEMA, members of the district land boards are a significant contributor to environmental degradation especially of wetlands where LGs have been issuing land titles in designated wetlands in total contravention of existing laws on environment conservation.</p> <p>The absence of EO as full members of LBs leads to lack of guidance to LBs when issuing titles to avoid natural habitats.</p> <p>The Department of Museums and Monuments is contacted in case of ESIA's identifying a risk to physical cultural resources, however, this relies on the environmental practitioner identifying the presence of PCR.</p> <p>In practice there is little knowledge beyond a few known historical sites and monuments unless communities give information during consultations.</p> <p>For LG screening, the ESSF covers PCR, but again this is reliant on the MEO identifying their presence (and consultation is rare).</p>
<b>b) Support and promotion of conservation, maintenance, and rehabilitation of natural habitats; avoids the significant conversion or degradation of critical natural habitats, and if avoiding the significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or program activities.</b>	
<p>Uganda has numerous legal, policy and administrative frameworks for protection of natural habitats.</p> <p>Institutions include Uganda Wildlife Authority (UWA), National Forest Authority (NFA) and National Environment Management Authority (NEMA). These institutions have a mandate of conserving natural</p>	<p>Even though screening of projects is undertaken by NEMA at an early stage to identify potential biodiverse areas, political interference puts certain natural habitats at risk especially wetlands and forests.</p> <p>According to NEMA, members of the district land boards are a significant contributor to environmental</p>

<p>habitats, and ensuring that natural habitats are not degraded or significantly converted.</p> <p>Legal statutes include Uganda Wildlife Authority Act; National Forest Authority Act; Forestry and Tree Planting Act and Environmental Management Act.</p> <p>The EIA regulations require EIS for all projects to predict impacts on biophysical environment. Under Regulation 5, EIA is mandatory for all activities in wetlands that could have an adverse impact.</p> <p>The National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, 2000 which declaration of certain wetlands as fully protected wetlands because of national or international importance for biodiversity, ecology, natural heritage or tourism, and it prohibits all activities in such wetlands except for research, tourism, or restoration or enhancement.</p>	<p>degradation especially of wetlands where LGs have been issuing land titles in designated wetlands in total contravention of existing laws on environment conservation.</p> <p>The absence of EO as full members of LBs leads to lack of guidance to LBs when issuing titles to avoid natural habitats.</p> <p>Municipal and district councils themselves reacting to land pressures have also requested degazettment of forest reserves for development and proposed infrastructure development in wetland areas.</p>
<p><b>(c) Accounting for potential adverse impacts on physical cultural property and, as warranted, provide adequate measures to avoid, minimize, or mitigate such effects;</b></p>	
<p>Uganda’s Historical and Monuments Act provides for the preservation and protection of historical monuments and objects of archaeological, paleontological, ethnographical and traditional interest. The Act also provides for compensation in the event that objects are discovered in non-protected sites. Chance Find Procedures provided by this Act.</p> <p>NEMA’s EIA regulation explicitly outline the contents of an EIS report. A key chapter in the EIA content is <b><u>“Determination and Assessment of Potential Project Impacts (biophysical and socio-economic)”</u></b> which require that proponent of a project to identify the environmental effects of the project including the direct, indirect, cumulative, short-term and long-term effects and possible alternatives.</p> <p>NEMA is also engaged jointly with the developer and lead agency in preparation and review of Terms of Reference (ToR) for all projects that have been determined to require EIA. As part of EIA review and approval, they seek to ensure that identification of the environmental effects of the project including the direct, indirect, cumulative, short-term and long-term effects and possible alternatives is part of the EIA study.</p> <p>The ESSF requires information on PCR, and the ESMP will include mitigation measures when any PCR could be affected.</p>	<p>All known historical monuments, archeological sites, objects of archaeological, paleontological, ethnographical and traditional interest are under the protection of Department of Museums and Monuments.</p> <p>The Department of Museums and Monuments have adequate procedures (Chance Find Procedures) for handling objects of archaeological, paleontological, ethnographical and traditional interest discovered during project implementation.</p>

<b>Core Principle 3: Environmental Considerations – Public and Worker Safety</b>	
Environmental and social management procedures and processes are designed to protect public and worker safety against the potential risks associated with (a) construction and/or operations of facilities or other operational practices developed or promoted under the program; (b) exposure to toxic chemicals, hazardous wastes, and otherwise dangerous materials; and (c) reconstruction or rehabilitation of infrastructure located in areas prone to natural hazards.	
Promotes community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure, or in carrying out activities that may be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as needed. <ul style="list-style-type: none"> <li>• Promotes the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or operations; and promotes the use of integrated pest management practices to manage or reduce pests or disease vectors; and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions.</li> <li>• Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when Program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events.</li> </ul>	
<b>Applicability: Applicable by the fact that activities by the LG in the health and education sector may include construction, rehabilitation and expansion of infrastructure which would expose workers and public to construction health and safety hazards; health facilities are likely to generate health care wastes which are categorized as hazardous; implementation of vector control measures (malaria program) including Indoor Residual Spraying (IRS) and use of Insecticide Treated Nets (ITNs) will not only expose workers and public to potential hazards during application but also generate hazardous wastes. Pesticides used in vector control are categorized as toxic chemicals.</b>	
<b>Current System and Practice</b>	<b>Risks</b>
<b>a) Promote the use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or operations; and promote the use of integrated pest management practices to manage or reduce pests or disease vectors; and provides training for workers involved in the production, procurement, storage, transport, use, and disposal of hazardous chemicals in accordance with international guidelines and conventions.</b>	
<p>Article 39 of Uganda’s Constitution provides the right to a clean and healthy environment.</p> <p>The EIA regulations require identification of impacts of projects on social environment (includes humans) and establish mitigation and monitoring measures during construction, operation and decommissioning phases of the project.</p> <p>NEMA’s EIA regulations include waste management regulations which cover all forms of hazardous wastes including chemicals and health care waste.</p> <p>Uganda has Health and Safety Act (2006) mandates developers to as far as is reasonably practicable, take all measures for the protection workers and the general public from the dangerous aspects of developers undertaking as well as safeguard the environment by requiring developers to monitor and control the release of dangerous substances into the environment when handling chemicals or any dangerous substance that is liable to be airborne or to be released into rivers, lakes or soil and that is are a danger to animal and plant life.</p> <p>The Act further provide for the safety and health of persons at work such as in factories, plantations and other work places where hazardous work may be found.</p>	<p>Enforcement of proper HCWM by regulatory bodies therefore remains a challenge.</p> <p>Current HCWM practices include poor segregation, handling and disposal practices of many health facilities and these are representative practices throughout Uganda and pose serious health hazards to people living in the vicinity of healthcare institutions.</p> <p>The institutional capacity to handle HCW is currently inadequate. The weaknesses include inadequate legislative and enforcement tools, poor financial base of most health facilities, inadequate human resource base especially in key technical areas, poor maintenance habits and poor administrative and management capabilities among others.</p> <p>Majority of hospitals in Uganda (regional and general) lack incinerators necessary for disposal of health care wastes. According to a report (national Guidelines for Managing Healthcare Waste Generated from Safe Male Circumcision Procedures, by March 2013), only a limited number of facilities had incinerators.</p> <p>The recommendations for improving HCWM are covered under five main objectives as follows:</p> <p>(a) Develop the legal and regulatory framework for</p>

<p>It spells out what should be done before anyone operates a factory. The Act spells out the duties and obligations of both employers and the employees in ensuring safety and health for all persons at work places. It points out the methods and measures that should be put in place to ensure safety and health at work.</p> <p>The water Act, Cap 52 provides for and regulates supply of water to the public. Under Section 34, any person who pollutes or causes risk of pollution by any foul liquid gas or other noxious matter to enter into a waterworks shall be liable on conviction.</p> <p>The Land Act provides for prevention of pollution of public land including water bodies in it with dangerous materials.</p> <p>The Public Health Act 2000 prohibits the existence of a nuisance on any premises and stipulates the penalties to defaulters.</p> <p>Uganda has in place National Guidelines for Managing Healthcare Waste generated from Safe Male Circumcision Procedures</p> <p>The Local Government Act and the Urban Authorities Acts 1997:</p> <ul style="list-style-type: none"> <li>• Authorizes the local authorities to remove all waste from towns and municipal councils.</li> </ul> <p>Uganda has a Pest Control Act 8/1989 ensures the control manufacture, storage, regulate the trade in use importation, exportation and distribution of chemicals. The NDA is the body responsible for registering all insecticides in Uganda. This involves ensuring the insecticide to be used complies with all safety requirements through appropriate transportation, labeling, packaging, use and disposal.</p>	<p>HCWM</p> <ul style="list-style-type: none"> <li>(b) Rationalize the HCWM practices within healthcare facilities.</li> <li>(c) Launch capacity building and training measures</li> <li>(d) Develop specific financial resources dedicated to HCWM</li> <li>(e) Set up a monitoring plan for HCWM</li> <li>(f) Reduce the pollution associated with HCWM.</li> </ul> <p>NEMA has licensed several waste handlers (hazardous wastes) including transportation, storage and treatment.</p>
<p><b>b) Includes measures to avoid, minimize, or mitigate community, individual, and worker risks when program activities are located within areas prone to natural hazards such as floods, hurricanes, earthquakes, or other severe weather or climate events.</b></p>	
<p>Uganda has a National Policy For Disaster Preparedness and Management and makes disaster preparedness and management an integral part of the development planning process. The policy calls for community participation, public awareness and education, institutional capacity building, adequate expertise and technology, vulnerability analysis, human rights observance, social, environment and economic costs, climate change, partnership and coordination and regional and international partnerships.</p>	<p>The implementation of the National Disaster Preparedness and Management Policy is a multi-sectoral and multidisciplinary process.</p>

<b>Core Principle 4: Social Considerations – Land Acquisition</b>	
OP: Land acquisition and loss of access to natural resources are managed in a way that avoids or minimizes displacement, and affected people are assisted in improving, or at least restoring, their livelihoods and living standards.	
As relevant, the Program to be supported: <ul style="list-style-type: none"> <li>• Avoids or minimizes land acquisition and related adverse impacts;</li> <li>• Identifies and addresses economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to assets or resources they use or occupy;</li> <li>• Provides compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid prior to taking of land or restricting access;</li> <li>• Provides supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment); and</li> <li>• Restores or replaces public infrastructure and community services that may be adversely affected.</li> </ul>	
<b>Applicability: Applicable</b>	
<b>Current System and Practice</b>	<b>Risks</b>
<b>a) Avoid or minimize land acquisition and related adverse impacts;</b>	
The Constitution states that “no person shall be compulsorily deprived of property or any interests in or any right over property of any description except” if the taking of the land necessary “for public use or in the interest of defense, public safety, public order, public morality or public health.” Part 90 of the Land Policy positions government to protect land rights, including rights of citizens in the face of investments with measures for clear procedures and standards for local consultation;	There are no risks by virtue of robust legal framework and constitution which protects individual property rights and only encourage land acquisition for public good projects.
<b>b) Identify and address economic and social impacts caused by land acquisition or loss of access to natural resources, including those affecting people who may lack full legal rights to assets or resources they use or occupy;</b>	
<p>The Constitution of the Republic of Uganda (1995) provides government and local authorities a statutory 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.</p> <p><b>Access to Land for Investment:</b> Section 4.16 of the Land Policy (86) states that government shall put in place measures to mitigate the negative impacts of investment on land so as to deliver equitable and sustainable development.</p> <p><b>Rights for Minorities:</b> As regards land rights of ethnic minorities, the Policy states that:</p> <ul style="list-style-type: none"> <li>(a) Government shall, in its use and management of natural resources, recognize and protect the right to ancestral lands of ethnic minority groups;</li> <li>(b) Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action.</li> </ul> <p>To redress the rights of ethnic minorities in natural</p>	<p>Legal and institutional framework exist in Uganda and provides for identification and redress of socio-economic impacts as a result of land acquisition or denial of access to natural resources. The legal and institutional framework provides for compensation for losses associated with land acquisition.</p> <p>The legal framework also provides for entitlement of project affected persons without full legal rights to assets or resources. Land policy principles include rights of minorities.</p> <p>The Land Act allows for different land tenure rights including customary and mailo tenure.</p>

habitats, Government will take measures to:

(a) establish regulations by Statutory Instrument to:

- recognize land tenure rights of minorities in ancestral lands;
- document and protect such de facto occupation rights against illegal evictions or displacements;
- consider land swapping or compensation or resettlement in the event of expropriation of ancestral land of minorities for preservation or conservation purposes;
- detail terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources extraction;

(b) pay compensation to those ethnic minorities that have in the past been driven off their ancestral lands for preservation or conservation purposes;

(c) deliberate and specify benefit-sharing measures to ensure that minority groups benefit from resources on their ancestral lands rendered to extractive or other industry;

(d) recognize the vital role of natural resources and habitats in the livelihood of minority groups in the gazettement or degazettement of conservation and protected areas.

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.

The amendment (2009) to the Land Act included clauses to protect the poor land tenants who do not own the land from which they derive their livelihoods.

The Land Act seeks to protect the rights of tenants, squatters, refugees and women, making it easier for them to register land and hence use it as collateral to secure loans.

Measures for Protection of Land Rights: Section 4.18 (93) of the Policy recognizes the inability of the majority of Ugandan to afford the cost of formally securing land rights and therefore government will put in place a framework that would ensure that land rights held by all Ugandans are fully and effectively enjoyed.

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

**c) Provides compensation sufficient to purchase replacement assets of equivalent value and to meet any necessary transitional expenses, paid prior to taking of land or restricting access;**

<p>Such compensation is assessed in accordance with the valuation principles laid out in Section 78 of the Land Act (Cap 227),</p> <p>In addition to the total compensation assessed, there is a disturbance allowance paid of 15% or, if less than six months' notice to vacate is given, 30% of the total sum assessed.</p> <p>The value of standing crops on the land is determined in accordance with the district compensation rates established by the respective District Land Board. Annual crops which could be harvested during the period of notice to vacate given to the landowner/ occupier of the land are excluded in determining compensation values;</p> <p>Land Regulation 2004, c) The current market value of the crop and trees in their locality will form the basis of determining compensation; d) For buildings of non-permanent nature, replacement cost less depreciation will form the basis of compensation.</p>	<p>Legal and institutional framework on land and land acquisition adequately provides for compensation for loss of assets. Valuation principles are based on replacement cost and include disturbance allowance.</p> <p>LGs are required to compensate for land acquired for public good but in most cases lack adequate financial resources to compensate. LGs therefore avoid private land or request for communities to donate land for public projects.</p>
<p><b>d) Provides supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or employment);</b></p>	
<p>The Constitution states that, where the government compulsorily acquires land, and where the government will resettle PAPs, it will fairly and promptly compensate displaced PAPs or resettle them on suitable alternative land with due regard for their economic well-being and social and cultural values.</p> <p>Section 77 of the Land Act gives valuation principles for compensation; In addition, a 15% or 30% disturbance allowance must be paid if six months or less notice is given to the owner.</p>	<p>Uganda's principles and policies of land acquisition as per the land policy demand that compensation shall aim to enable PAPs to restore their pre-project incomes and standard of living by the end of the project. Additionally, compensation amounts must take into account the cost of disturbance and incidental expenses or other damage suffered because of the resettlement.</p>

<b>Core Principle 5: Social Considerations – Indigenous Peoples and Vulnerable Groups</b>	
Due consideration is given to cultural appropriateness of, and equitable access to, Program benefits giving special attention to rights and interests of Indigenous Peoples and to the needs or concerns of vulnerable groups.	
As relevant, the Program to be supported: <ul style="list-style-type: none"> <li>• Undertakes free, prior, and informed consultations if Indigenous Peoples are potentially affected (positively or negatively) to determine whether there is broad community support for the Program.</li> <li>• Ensures that Indigenous Peoples can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples.</li> <li>• Gives attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups. If necessary, special measures are taken to promote equitable</li> <li>• Access to Program benefits.</li> </ul>	
<b>Applicability: Applicable by the fact that Uganda acknowledges the presence of Indigenous Peoples who are referred to as “ethnic minority”.</b>	
<b>Current System and Practice</b>	<b>Risks</b>
<b>a) Undertakes free, prior, and informed consultations if Indigenous Peoples are potentially affected (positively or negatively) to determine whether there is broad community support for the program;</b>	
<p>The National Equal Opportunities Policy guides the establishment and promotion of a just, free and fair society, where all citizens participate in and benefit from the development process. It promotes the fulfilment of the fundamental rights of all Ugandans to social justice and economic development.</p> <p>The policy is guided by the <b><u>Rights Based Approach Principle</u></b> which ensures that development policies and activities in the household structure, institutions, organizations and State enhance the rights of marginalized groups.</p> <p>The policy is guided by the <b><u>Participation Principle</u></b> which provide a yardstick in which all policies and programs provide for the involvement of marginalized groups in all spheres of social and economic life and make them joint partners in the decision-making process.</p> <p>The policy is guided by the <b><u>Accountability and transparency Principle</u></b> which ensures systematic evaluation of all policies and measures from household to state level to ensure that they are accountable to the beneficiaries in a transparent manner resulting into value for services and resources. It will ensure matching of resources to outputs and outcomes, allocation of roles in the home, how they affect children’s access to resources, distribution of resources through inheritance, work place environment.</p> <p>The policy is guided by <b><u>Equity Principle</u></b> will promote equity among all stakeholders in all activities and policies at all levels. This will entail taking into account and examining the relationship across regions and socio-economic groups such as women and men, girls and boys. These relationships will be examined during planning, programming, monitoring and evaluation with special focus.</p>	<p>Uganda has in place legal and institutional framework that recognizes Indigenous Peoples (IP). The Equal Opportunity Act, Policy and Commission have been established to ensure that minority rights are recognized and their participation and engagement in projects is assured.</p> <p>It is important to note that the Ik people (minority or vulnerable group) have their first Member of Parliament in the 10<sup>th</sup> Ugandan Parliament in 2016.</p> <p>The Local Government’s Act Cap 243 Laws of Uganda 2000 provides for representation of marginalized groups at all LG levels. Section 10 specifically provides for 2 youth councilors one male and one female, 2 councilors with disability one male and one female and 2 women councilors.</p>

<p>The policy is guided by the <b><u>decentralization principle</u></b> which entails that LGs should ensure quality and sustainable delivery of services to marginalized groups in an equitable way. The Policy will ensure that equal opportunities and affirmative action are mainstreamed in all LG funding and activities in line with Article 180 (c) of the Constitution.</p>	
<p><b>b) Ensures that Indigenous Peoples can participate in devising opportunities to benefit from exploitation of customary resources or indigenous knowledge, the latter (indigenous knowledge) to include the consent of the Indigenous Peoples;</b></p>	
<p>Equal Opportunities Commission Act</p> <p>The National Equal Opportunities Policy guides the establishment and promotion of a just, free and fair society, where all citizens participate in and benefit from the development process. It promotes the fulfilment of the fundamental rights of all Ugandans to social justice and economic development.</p> <p>The policy is guided by the <b><u>Rights Based Approach Principle</u></b> which ensures that development policies and activities in the household structure, institutions, organizations and State enhance the rights of marginalized groups.</p> <p>The policy is guided by the <b><u>Participation Principle</u></b> which provide a yardstick in which all policies and programs provide for the involvement of marginalized groups in all spheres of social and economic life and make them joint partners in the decision-making process.</p> <p>The policy is guided by the <b><u>Accountability and transparency Principle</u></b> which ensures systematic evaluation of all policies and measures from household to state level to ensure that they are accountable to the beneficiaries in a transparent manner resulting into value for services and resources. It will ensure matching of resources to outputs and outcomes, allocation of roles in the home, how they affect children’s access to resources, distribution of resources through inheritance, work place environment.</p> <p>The policy is guided by <b><u>Equity Principle</u></b> will promote equity among all stakeholders in all activities and policies at all levels. This will entail taking into account and examining the relationship across regions and socio-economic groups such as women and men, girls and boys. These relationships will be examined during planning, programming, monitoring and evaluation with special focus.</p> <p>The policy is guided by the <b><u>decentralization principle</u></b> which entails that LGs should ensure quality and sustainable delivery of services to marginalized groups in an equitable way. The Policy will ensure that equal opportunities and affirmative action are mainstreamed in all LG funding and activities in line with Article 180 (c)</p>	

<p>of the Constitution.</p> <p>The Local Government's Act Cap 243 Laws of Uganda 2000 provides for representation of marginalized groups at all LG levels. Section 10 specifically provides for 2 youth councilors one male and one female, 2 councilors with disability one male and one female and 2 women councilors.</p>	
<p><b>c) Gives attention to groups vulnerable to hardship or disadvantage, including as relevant the poor, the disabled, women and children, the elderly, or marginalized ethnic groups. If necessary, special measures are taken to promote equitable;</b></p>	
<p>The Constitution offers no express protection for indigenous peoples but Article 32 places a mandatory duty on the state to take affirmative action in favor of groups who have been historically disadvantaged and discriminated against.</p> <p>Article 180 (2) c of the 1995 Constitution provides for the LG to enact laws to provide for affirmative action for all marginalized groups referred to in article 32 of the same constitution.</p> <p>The Constitution of the Republic of Uganda stipulates that certain groups in the society are marginalized and discriminated against on the basis of gender, age, disability or other reasons created by history, tradition, custom or any attribute.</p> <p>Equal Opportunities Commission Act constitutional mandate to eliminate discrimination and inequalities against any individual or group of persons on the ground of sex, age, race, color, ethnic origin, tribe, birth, creed or religion, health status, social or economic standing, political opinion or disability, and take affirmative action in favor of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for the purpose of redressing imbalances which exist against them; and to provide for other related matters.</p> <p>The National Equal Opportunities Policy aims at promoting equality of opportunities for all persons in Uganda, irrespective of gender, age, physical ability, health status or geographical location, in all activities, programs, plans and policies of Government, private sector and Non-Governmental Organizations in all spheres of social, economic, political and civil life.</p> <p>National Gender Policy 1997- to guide and direct the planning, resource allocation and implementation of development programs with a gender perspective. Recognizes that the lower status of women, in comparison to men is due to gender imbalance that arises from unequal opportunities and access to and control over productive resources and benefits.</p> <p>National Policy For Older Persons (2009). This policy is clearly set within the framework of the Constitution of the Republic of Uganda and other laws that promote the</p>	

rights of older persons among other vulnerable groups. It provides a framework for enhancing the recognition of the roles, contributions and potentials of older persons in the development process among others. The policy targets older persons aged 60 years and above with special emphasis on the vulnerable. Section 3.4 states that, “All stakeholders will ensure that issues of older women and men are included in planning and implementation of programs.”

National Youth Policy-2004. Its goal is to provide an appropriate framework for enabling youth to develop social, economic, cultural, and political skills so as to enhance their participation in the development process. It therefore forms the framework for all stakeholders to address issues of youth empowerment.

National Orphan and other Vulnerable Children’s Policy-2004 The mission of the policy is to provide a framework for the enjoyment of rights and responsibilities of the orphans and other vulnerable children.

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

Land Policy and Rights for Minorities: As regards land rights of ethnic minorities, the Policy states that:

- (a) Government shall, in its use and management of natural resources, recognize and protect the right to ancestral lands of ethnic minority groups;
- (b) Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action.

To redress the rights of ethnic minorities in natural habitats, Government will take measures to:

- (a) establish regulations by Statutory Instrument to:
  - recognize land tenure rights of minorities in ancestral lands;
  - document and protect such de facto occupation rights against illegal evictions or displacements;
  - consider land swapping or compensation or resettlement in the event of expropriation of ancestral land of minorities for preservation or conservation purposes;
  - detail terms and conditions for displacement of minorities from their ancestral lands in the interest of conservation or natural resources

<p>extraction;</p> <ul style="list-style-type: none"> <li>(b) pay compensation to those ethnic minorities that have in the past been driven off their ancestral lands for preservation or conservation purposes;</li> <li>(c) deliberate and specify benefit-sharing measures to ensure that minority groups benefit from resources on their ancestral lands rendered to extractive or other industry;</li> <li>(d) recognize the vital role of natural resources and habitats in the livelihood of minority groups in the gazettement or degazettement of conservation and protected areas.</li> </ul>	
<p><b>d) Access to program benefits</b></p>	
<p>National Policy For Older Persons (2009). This policy is clearly set within the framework of the Constitution of the Republic of Uganda and other laws that promote the rights of older persons among other vulnerable groups. It provides a framework for enhancing the recognition of the roles, contributions and potentials of older persons in the development process among others. The policy targets older persons aged 60 years and above with special emphasis on the vulnerable. Section 3.4 states that, “All stakeholders will ensure that issues of older women and men are included in planning and implementation of programs.”</p>	

<b>Core Principle 6: Social Considerations – Social Conflict</b>	
OP: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.	
<b>Applicability: Not Applicable</b>	
<b>Current System and Practice</b>	<b>Risks</b>
a) Considers conflict risks, including distributional equity and cultural sensitivities.;	
ESSA did not consider the Program with regards to Core Principle 6 beyond the initial risk screening exercise that confirmed that this Core principle and key element are not applicable to the operation.	<p>There are no conflicts or territorial disputes in the Uganda. The IFTP will not cause social conflict in fragile states, post-conflict areas, or areas subject to territorial disputes, or impact distributional equity or associated cultural sensitivities.</p> <p>Distributional equity and cultural sensitivities are covered under the analysis of system with respect to the main considerations of Core Principle 5.</p> <p>In addition, the envisaged program’s investments in communities/areas where refugees are present, would ease the pressure on existing facilities and decrease the likelihood of social conflicts between themselves and host communities.</p>

## **VII. Environmental and Social Risks and Recommendations to Program Action Plan**

263. Based on the findings of the ESSA, the Government will be including certain measures to mitigate critical environmental and social risks at the local implementation level in the Program Action Plan. These include:

- Revising environmental and social screening forms (developed for previous health and education projects supported by the Bank) for the specific types of investments supported by the PforR. Augment such forms with newly emerging concerns, such as recognizing and avoiding Gender-Based Violence, and further advancing good medical waste management. Provide training for responsible District officials, and technical assistance during Program implementation.
- Ensuring that key Districts reach their full complement of environmental and social safeguards staffing. Set up prioritization based on such factors as the scale of planned investments, overall District social risk, relative proportion of staffing gaps, etc.
- Seeking creative and cost-effective solutions in filling other gaps at the LG level, including the widespread lack of Grievance Redress Mechanisms and providing transport for conducting supervision missions.
- Tasking national line ministry specialists to support local officials with targeted supervision of a select number of schools and clinics constructed under the Program.
- Augmenting the work program of current program implementation units in relevant sectors (for donor-supported projects) to conduct targeted supervision as a means for supporting mainstreaming of risk reduction.

## VIII. Annexes

### Annex 1. Summary of Field Visit to Districts

District	Pop. <sup>2</sup>	Available Personnel		Monthly Budgetary Allocations (UGX)		Screening of Gov't funded projects		Monitoring of Gov't funded projects		Gov't funded Project related Grievance Redress Mechanism	Stakeholder consultations	Comments
		Env.	Soc.	Env.	Soc.	Env.	Soc.	Env.	Soc.			
Isingiro	486,360	- NRO <sup>3</sup> - aEO	- SPO <sup>4</sup> - SCDO - DCDO	4.0M	N/A <i>but reported as inadequate</i>	Yes	No	No	No	None <i>Education or Health project grievances handled by project management committees</i>	Not carried out	ESMPs are generally drafted but not implemented due to lack of budgeting and inadequate staffing
Rakai	516,309	- DNRO - PP - FO - SS	- DCDO - SPO - SCDO	3.40M	3.50 M	Yes	No	No	No	None	Carried out but Communities views not taken into account	ESMPs are generally drafted but not implemented due to lack of budgeting and inadequate staffing
Kanungu	252,144	* None available during mission	- CDO		750,000	No	No	No	No	None <i>General grievances referred to local authorities</i>	Not carried out for Gov't funded projects	
Rubanda	N/A	- DEO + Intern	- DCDO - PO/WO - CDO	2.00M	3.45M	Yes	No	No	No	None <i>General grievances referred to local authorities</i>	Normally carried out during project preparation	ESMPs are generally drafted but not implemented due to lack of budgeting and inadequate staffing
Sembabule	252,597	- SEO - EO	- DCDO	6.50M	N/A <i>but reported as inadequate</i>	Yes	No	No	No	None <i>General grievances referred to local authorities</i>	Not carried out for Gov't funded projects	ESMPs are generally drafted but not implemented due to lack of budgeting and

<sup>2</sup> National Population and Housing Census 2014 – Main Report, March 2016, The Republic of Uganda

<sup>3</sup> Key: **NRO**= Natural Resources Officer; **SEO**=Senior Environmental Officer; **EO**=Environmental Officer; **aEO**=Assistant Environmental Officer; **aDNRO**=Assistant District Natural Resources Officer; **DRNO**=District Natural Resources Officer; **PP**=Physical Planner; **FO**=Forest officer; **aFO**=Assistant Forest Officer; **SS**=Staff Surveyor; **DEO**=District Environmental Officer; **FG**=Forest Guard; **FR**=Forest Ranger; **DLO**=District Lands Officer; **LO**=Lands Officer; **SLO**=Senior Lands Officer; **OT**=Office Typist; **DFO**=District Forest Officer

<sup>4</sup> **SPO**=Senior Probation Officer; **SCDO**=Senior Community Development Officer; **DCDO**=District Community Development Officer; **CDO**=Community Development Officer; **PO**=Probation Officer; **SPO**=Senior Probation Officer; **WO**=Welfare Officer; **G&CO**=Gender and Community Officer; **LO**=Labor Officer; **SLO**=Senior Labor Officer

District	Pop. <sup>2</sup>	Available Personnel		Monthly Budgetary Allocations (UGX)		Screening of Gov't funded projects		Monitoring of Gov't funded projects		Gov't funded Project related Grievance Redress Mechanism	Stakeholder consultations	Comments
		Env.	Soc.	Env.	Soc.	Env.	Soc.	Env.	Soc.			
												inadequate staffing
<b>Kakumiro</b>	N/A	- aDNRO - EO	- DCDO	N/A <i>but reported as inadequate</i>	834,000	Yes	Yes	No	No	<b>None</b> <i>Education or Health project grievances handled by project management committees</i>	Not carried out for Gov't funded projects	CDS Staff has recently received GBV training from World Vision
<b>Luwero</b>	456,958	- SEO - EO	- PO - CDO - SPO	2.50M	N/A <i>but reported as inadequate</i>	Yes	No	No	No	<b>None</b> Grievances handled on a case by case basis	Not carried out for Gov't funded projects	
<b>Kayunga</b>	368,062	- SEO - aEO	- G&CO - DCDO	6.40M	N/A <i>but reported as inadequate</i>	Yes	Yes	No	No	<b>Yes</b> New initiative by CDS	Not carried out for Gov't funded projects	CDS Staff has recently received GBV and child protection training
<b>Kaabong</b>	167,879	2 out of 11	3 out of 5	< 2% of District Budget	< 2% of District Budget	Yes	No	Yes	No	<b>None</b> Grievances handled on a case by case basis	Some Stakeholder consultations are carried out	
<b>Amuria</b>	270,928	6 out of 11	3 out of 5	2.80M	667,000	Yes	Yes	No	No	<b>None</b> Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	
<b>Nakapiripirit</b>	156,690	-3 out of 11	3 out of 5	6.70M	2.30M	No	No	No	No	<b>None</b> Grievances handled by LC1-5 and Police	Limited Stakeholder consultations	
<b>Manafwa</b>	353,825	6 out of 11	4 out of 5	2-10% of District Budget	2.10M	No	No	No	No	<b>None</b> Grievances handled by LC1-5 and Police	Limited Stakeholder consultations	Environment staff trained in screening and monitoring but has no means to carry them out
<b>Bukedea</b>	203,600	1 out of 11	3 out of 5	N/A <i>but reported as inadequate</i>	N/A <i>but reported as inadequate</i>	Yes	No	Yes	No	<b>None</b> Grievances handled by LC1-5 and Police	Stakeholders generally consulted	
<b>Pallisa</b>	386,890	4 out of 11	4 out of 5	.01% of District Budget	12.20M	yes	No	No	No	<b>Yes</b> ( <i>Made of officers from Diff. Depts.</i> )	Limited Stakeholder consultations	

District	Pop. <sup>2</sup>	Available Personnel		Monthly Budgetary Allocations (UGX)		Screening of Gov't funded projects		Monitoring of Gov't funded projects		Gov't funded Project related Grievance Redress Mechanism	Stakeholder consultations	Comments
		Env.	Soc.	Env.	Soc.	Env.	Soc.	Env.	Soc.			
Namutumba	252,562	5 out of 11	4 out of 5	<5% of District Budget	<5% of District Budget	Yes	No	Yes	No	None Grievances handled by LC1-5 and Police	Limited Stakeholder consultations	
Mayuge	473,239	6 out of 11	4 out of 5	N/A <i>but reported as inadequate</i>	N/A <i>but reported as inadequate</i>	Yes	No	Yes	No	None Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	
Adjumani	225,251	- SEO - FO - FG - FR	- PO - SCDO	Inadequate +/- 500,000	N/A <i>but reported as inadequate</i>	No	No	No	No	None Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	ESMP drafted but rarely implemented
Amuru	186,696	-SLMO -EO -PP -SS -aFO -FR -FG	-SCDO -SPO -LO	Inadequate +/- 500,000	N/A <i>but reported as inadequate</i>	No	No	No	No	None Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	ESMP drafted but rarely implemented
Pader	178,004	-EO -PP -FO	-DCDO -PO	Inadequate +/- 500,000	N/A <i>but reported as inadequate</i>	No	No	No	No	None Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	ESMP drafted but rarely implemented
Koboko	206,495	-EO -PP -FO -FG	-SCDO -SPO -LO	Inadequate +/- 500,000	N/A <i>but reported as inadequate</i>	No	No	No	No	None Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	ESMP drafted but rarely implemented
Maracha		-SEO -FO -LO -FR	-SCDO -SP/WO	Inadequate +/- 500,000	N/A <i>but reported as inadequate</i>	No	No	No	No	None Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	ESMP drafted but rarely implemented
Apac	368,626	-DNRO -EO -PP -FO	-SCDO -SPO -LO	Inadequate +/- 500,000	N/A <i>but reported as inadequate</i>	No	No	No	No	None Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	ESMP drafted but rarely implemented

District	Pop. <sup>2</sup>	Available Personnel		Monthly Budgetary Allocations (UGX)		Screening of Gov't funded projects		Monitoring of Gov't funded projects		Gov't funded Project related Grievance Redress Mechanism	Stakeholder consultations	Comments
		Env.	Soc.	Env.	Soc.	Env.	Soc.	Env.	Soc.			
<b>Kiryandongo</b>	266,197	- SLO - EO - PP - SS - aFO - FR - FO	- SCDO - SPO - LO	<b>Inadequate</b> +/- 500,000	<b>N/A</b> <i>but reported as inadequate</i>	No	No	No	No	<b>None</b> Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	<b>ESMP</b> drafted but rarely implemented
<b>Nakasongola</b>	181,799	All key personnel in place	All key personnel in place	<b>Inadequate</b> +/- 500,000	<b>N/A</b> <i>but reported as inadequate</i>	No	No	No	No	<b>None</b> Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	<b>ESMP</b> drafted but rarely implemented
<b>Ntungamo</b>	328,964	- SEO - PP - SS - OT - FG	- SCDO - SPO	367,000	< 2% of District Budget	Yes	No	Yes	No	<b>None</b> Grievances handled by LC1-5 and Police	Some Stakeholder consultations are carried out before project implementation	
<b>Nakaseke</b>	197,369	- DFO - DLO - DEO	- CDO	500,000	<b>N/A</b> <i>but reported as inadequate</i>	Yes	No	<b>Yes</b> <i>(Large Projects only)</i>	No	<b>None</b> Grievances handled by LC1-5 and Police	<b>Limited</b> for District led projects and <b>None</b> for Center led Projects	

**Annex 2. List of People met during Field Visits to Districts**

No	Name	Designation	Contact
<b><i>Nakaseke District</i></b>			
1.	Moses Ssekagya	District Environment Officer	0782921909
2.	R. Wabwire	Ag. Natural Resources Officer	0772936243
3.	Nakaye Aidah	Ag. District Health Officer	0775499859/0701499859
4.	Stephen Batanudde	District Education Officer	0772642606
<b><i>Mityana Municipality</i></b>			
1.	Mukalazi Tadeo Lusaalu	Physical Planner	0783104057/ 0706242669
2.	Isaiah Wadriboh	Health Inspector	0772672694
<b><i>Kaabong District</i></b>			
1.	Otai Charles	CAO	0772640638
2.	Dr. Echadu Fredrick	DPO	0772647276
3.	Baatom Ben Koryang	DCDO	0772472609
4.	Negaga Irene	CDO KTC	0774304216
5.	Eroot Simon Peter	Office sup.	0777181430
<b><i>Amuria District</i></b>			
1.	Ewayu David	LC V Vice C/Person	0773411505
2.	Ssenyonga John	DISO for RDC	0772331188
3.	Edotu Paul	A/CAO	0782191141
4.	Amoding Racheal	HRO	0782951666
5.	Walakira Margaret	ADHO	0784905657
6.	Ibwala Moses	P.O DSW	0784410779
7.	Akiror Stella	DHE	0782908498
8.	Okodan Thomas william	DHI	0756217160
9.	Erongu Alexes	Vector Control Off.	0777598892
10.	Ekosile Deo	DEO	0772907760
11.	Acomit Etonu Bessy	Sen. Land Mgt Officer	0785329988
12.	Dr. Okwi Wick	DHO	0782143032
13.	Omaido Paul	Health Inspector	0772834417
14.	Eurien Daniel	Asst. Health Educator	0778676589
15.	Alungat Petwa	CFO	0772988996
16.	Apolot Vicky	HIA	0782142223
17.	Aucha Flavia	Physical Planner	0772350090
<b><i>Bukedea District</i></b>			
1.	Olila Patrick	CAO	0774162883
2.	Amuge Elizabeth	D.Vice C/Person	0772421171
3.	Haji Walugembe	RDC	0772643734
4.	Malinga Peter James	D Environ. Officer	0772392187
5.	Elimu Emmanuel	Probation & Welfare Off	0772323651
<b><i>Nakapiripirit District</i></b>			
1.	Mado David Lomot	RDC	0772651519
2.	Aarom Yoyo Joseph	D,Vice Chairperson	0785613335
3.	Lochoto Rischard	District Speaker	0777042636
4.	Jlulog	Prin. Asst Secretary	0774206166
5.	Denis Athiyo	DCDO	0772578462
6.	Bako Florence	Acting Dist. Environ. Off.	1782427868
<b><i>Manafwa District</i></b>			
1.	P.Mike Yoga	D/CAO	0702589903
2.	Bisikwa Sarah	Dist. Environ. Officer	0779665033
3.	Weyasya Joseph	DCDO	0789002087
4.	Musila John	LC V Chairperson	0772458556

<b><i>Pallisa District</i></b>			
1.	Mugabe Fredrick	DCAO	0772338970
2.	Galya Muhammad	Sn. Enviro. Officer	0772554612
3.	Wamire Dawson	DCDO	0782556952
4.	Samuka Muhammad	DNRO	0782844391
5.	Okurut John Michael	Dist. Chairperson	0772472267
6.	Amulen Esther	Sec. Prod/CBS	0778062108
7.	Okasio Andrew	Farmer	0772963331
8.	Katapan Robert	LC III C/person	077980976
9.	Bategana Bakale Sadiq	DRDC	0777071229
<b><i>Namutumba District</i></b>			
1.	Madoi Elijah	RDC	0776960634
2.	Kanyawtokye Moses	CAO	0772658275
3.	Maguri Joseph	PAS	0772681283
4.	Samanya Paul	Physical Planner	0756478391
5.	Lwanga Samuel	DCDO	0752658103
6.	Hajji Kumbuga Saleh	District C/person	0702883715
<b><i>Mayuge District</i></b>			
1.	Nambozo Loyce Joyce	CAO	0772524517
2.	Muzige Paul	ACAO	0776535483
3.	Aramu Thomas	Sn. Environ. Officer	0752551763
<b><i>Koboko District</i></b>			
1.	Alenga Simon Loyuma	Ag CAO	0779819570
2.	Akandru Mariam	Ag. Natural Resources Officer	0772573262
3.	Kenyi Desmond	District Environment Officer	0782906566
4.	Bayo James	Procurement Officer	0771091824
5.	Engabua Simon	SDCO	0775545732
<b><i>Maracha District</i></b>			
1.	Unzia Martine	CAO Maracha	0783342249
2.	Anguza Eric	Procurement Officer	0782789522
3.	Inziku Collins	Environment Officer	0775114965
4.	Draman Sam	Ag DCDO	0772862773
5.	Akuma Emmy Sidney	DIO	0782740901
6.	Avako Nora	Ag. Natural Resources Officer	0772666158
<b><i>Amuru District</i></b>			
1.	Oola Donato Ocam	Principle Ass Secretary	0772309608
2.	Ajok Doreen Lanyero	Ag. DNR	0775721314
3.	Achillo Stella	SCDO	0772821502
4.	Lukomoi Richard	SPWO	0782509646
<b><i>Adjumani District</i></b>			
1.	Dalili R.K. Moses	D-CAO	0772699004
2.	Eberu James	Environment Officer	0784698099
3.	Mawadri Ramadhan	Ag. DCDO	0772841354
4.	Leku Deogracious	Senior Procurement officer	0782686113
5.	Dipio Josephine	CDO	0775632628
6.	Giyaya Charles	HNRO	0772543284
<b><i>Pader District</i></b>			
1.	Canon George Adiko	CAO	0772586244
2.	Michael Omwny	SDEO	0779939003
3.	Onekaut Bosco	Procurement Officer	0772904018
4.	Ochen Morish	Planner	0772578725
<b><i>Apac District</i></b>			
1.	Alia Seraphine	CAO	0774490633

2.	Aboke Milton	Ag. SHRO	0774438502
3.	Aeor Lydia	CDO	0782788933
4.	Okello tom	SCDO	0772660023
5.	Opeto david	Senior Procurement Officer	0772671090
6.	Otimoi Jasper	Environment Officer	0772469764
7.	Odongo John	NRO	0772267217
<b><i>Kiryandongo District</i></b>			
1.	Dacan Denis	ACAO	0782339114
2.	Busingye Zalfa	District Environment Officer	0782180555
3.	Kasangali Fred	Ag. Head Forestry Sector	0782577238
4.	Dabanja Geofrey	Ag. DCDO	0772355182
5.	Chandia Doreen	Physical Planner	0782926791
6.	Yasin Kigoye	Ag. DNRO	0777506471
7.	Otilia Joseph	CDO	0774110549
8.	Murungi Violet	AG. PHRO	0779360034
9.	Atuha Ndaaga Moses	District Planner	0792823755
10.	Matovu Muhammed	APO	0775239661
<b><i>Nakasongola District</i></b>			
1.	Frida nambuye K	CAO	0772635360/0752393896
2.	Buyinza Simon	DCDO	0772590712
3.	Driu Charles	PHRO	0772424070
4.	Arinaitwe Joseph	DWO / Ag. DEO	0772576570
5.	Kunobere James	Senior Environment Officer	0772576570
6.	Mbaziira Josephat	Senior DNRO	0782668024
<b><i>Kanungu District</i></b>			
1.	Karuhanga Pascal	Head of Finance	0772460067
<b><i>Rubanda District</i></b>			
1.	Magezi Caestine	DEO/CP contracts	0772684312
2.	Kyomuhendo Rosemary	Chief Finance Officer (CFO)	0772442116
3.	Zungu Norbert Nshuti	District Engineer	0776919153
4.	Kasangamu Benard	PAS (DCAO)	0784870511
5.	Kengazi Joyce	SPWO	0782322249
6.	Asiimwe Evas	Environmental Officer	0772731822
<b><i>Isingiro District</i></b>			
1.	Byaruhanga Arthur	Senior Community Development Officer (SCDO)	0704437979
2.	Mugarura Edward	District Community Development Officer (DCDO)	0772619444
3.	Eswilu Donatia	CAO	0772440682
4.	Kamoga Abdu	Acting Environmental Officer	0752581409
<b><i>Rakai District</i></b>			
1.	Ssonko Solomon	Chief Administrative Officer (CAO)	0774083148
2.	Kalungi Richard Bikande	District Environment Officer (DEO)	0759719475
3.	Namayanja Ruthie	Senior Community Development Officer (SCDO)	0782380669
<b><i>Sembabule District</i></b>			
1.	Bataringaya .W	Chief Administrative Officer (CAO)	0772606997
2.	Byarugaba Francis	Senior Environment Officer (SEO)	0756565445
3.	Namayanja Ruthie	District Community Development Officer (DCDO)	0772639805
<b><i>Kakumiro District</i></b>			
1.	Sanyu Christopher	Acting Administrative Officer (ACAO)	0772564869
2.	Kyesa Benard	Acting District Community Development Officer (ADCDO)	0772563265
3.	Baguma Christopher	Acting District Natural Resources Officer (ADNRO)	0774080743
<b><i>Luwero District</i></b>			
1.	Gareese Teopista	Senior Environmental Officer	0772605165

2.	Mpindi Richard	Community Development Officer -Probation	0772979116
<b><i>Kayunga District</i></b>			
1.	Robby Ocheny- Ocen	Acting Administrative Officer (CAAO)	0772656257
2.	Kafeero K. Collins	Gender and Community	0772438132/0702438132
3.	Basaliza Edgar	Environment and Natural Resources	0777425372/0700392429

### ***Annex 3. Summary of April 27, 2017 National Stakeholder Consultation***

#### *Background:*

1. The consultation workshop on project design, environmental and social issues for the proposed Program was held on 27 April 2017 from 9:30 AM to 2:00 PM at The Golf Course Hotel Park, in Kampala, Uganda. The objective of the consultation workshop was to discuss the findings of the Environmental and Social System Assessment (ESSA) with the stakeholders in order to obtain their views and suggestions as per the requirement of the World Bank's policy of Program for Results financing.

#### *Participants:*

2. Seventeen individuals representing various Government departments/agencies attended, including The Ministry of Finance, Planning and Economic Development (MoFPED), Ministry of Local Government (MoLG), Ministry of Health (MoH), Ministry of Education and Sciences, Ministry of Gender, Labor, and Social Development (MoGLSD), National Environment Management Agency (NEMA), Local Government Finance Commission (LGFC), Urban Authorities Association Uganda (UAAU), and the Overseas Development Institute. A number of other government agencies and Non-Governmental Organizations (NGO) were invited but did not attend. The list of participants is attached as (**Appendix 1**).

#### *Proceedings:*

3. Franklin Mutahakana (Senior Operations Officer – World Bank) welcomed the participants on behalf of the Uganda World Bank Country Office, and briefly explained the importance of establishing an efficient environmental and social impact management systems in PforR programs. He also urged them to actively participate and contribute to the consultations.

4. The Task Team Leaders (Anton Dobronogov, Senior Economist and Tim Williamson, Senior Public Sector Specialist), further explained the purpose of the workshop and requested the various stakeholders provide feedback on the ESSA findings and recommendations. They also provided an overview of Program's development objectives, implementing arrangements and other supporting information.

5. The presentation on the overall ESSA approach, and the environment and social system assessment findings and recommendations were made by the World Bank's Senior Social Development Specialist (Boyenge Dieng). The presentation covered the social context and issues, the stakeholder analysis, potential social impacts, risk/assumptions, various acts and regulations which govern social issues, and current practices of the Government of Uganda in handling the social issues and management of identified social issues. Additional comments on environment systems were provided by the Bank's Environment Consultant (Ron Hoffer).

6. Following the presentation, the participants contributed significantly during discussions. In general, they were of the opinion that the ESSA study had correctly identified existing issues and potential risks faced by agencies responsible for the Program, and also that it outlined practical approaches to address these impacts and mitigate risks.

7. Some of the key feedback points from the participants were:

- Processes
  - There is need to strengthen institutional collaboration across NEMA, MoES, MoH, MoLG, MoGLSD among others, with emphasis in coordinating policy, legal and institutional factors.
  - Implementation issues need to be clarified, including how subprojects will be identified, since LGs are currently supposed to take a bottom up approach in prioritizing projects. There is need to confirm this because it is better to involve communities right at the beginning.
  - The program should include a social mitigation component to address risks, including gender-based violence, and other vulnerable group issues.
  - There is need for multi-sector collaboration during project planning to avoid duplication of roles. Both the Ministry of Education and Ministry of Health have construction departments, and how the project envisages involving these should be clarified.
  - There is a need to ensure specific environment and social parameters are included in the Program Operation Manual to ensure that at the time of monitoring, all parameters are considered.
  - Environment and social performance guidelines should be provided so that all districts follow uniformly including standardized environment and social screening checklist.
  - The suggested inclusion of environmental and social issues in the overall LG performance tracking and improvement approach is interesting though somewhat unclear at this point (i.e. until the Program Operations Manual is produced).
- Staffing at Local level
  - Filling the large number of staff vacancies for environmental and social compliance at the LG level is a key priority area and is being looked at by the Ministry of Finance Planning and Economic Development together with Ministry of Public Service. The government is taking the necessary steps to address the observed gaps but recognizes a number of challenges remain; for example the long lead time to hire staff, and challenges in maintaining staff in rural areas.
  - Recruitment of dedicated staff (environmentalists and Community Development Officers) remains problematic mostly due to long procurement processes - and this is particularly true for those at government level. NEMA and MGLSD should be used effectively but will the Program enable the entities to adequately perform their roles?
  - There is a need for the bring on board key ministries specifically Ministry of Works and Ministry of Local Government to ensure that staffing gap is filled at different District Local Governments.

- Budgeting for activities
  - As noted in the ESSA, additional funds to LGs for supervision of environmental and social compliance is clearly required; why not use existing guidelines to try and provide those.
  - The Program should set funds aside for environmental and social monitoring logistics, as Districts have a supervisory role during implementation.
- Other Issues
  - The suggested approach to use the existing school committees to monitor the projects and enhance their capacity to address a wider range of issues. Senior school teachers (woman and man), for example, can be helpful in the identification and prevention of gender based violence, child labour, and other issues.
  - Health Unit Management Committees are currently use to monitor projects. But do these committees have the capacity to monitor environment and social impacts?

*Next Steps*

8. The ESSA will remain posted on the World Bank website for a period of two weeks after the consultations to allow for any additional comments/inputs from stakeholders. A final version of the report will be reposted a month after the initial consultations which will take into account to the extent possible, comments raised at the meeting and in the review period that follows initial posting.

*Annex 4. Environmental and Social Screening Form (ESSF)*

Please type or print clearly, completing this form in its entirety. You may provide additional information on a separate sheet of paper if necessary. Kindly note that the information you are to provide is required by Section 22 of the National Environment Management Act of 1994 and it is an offence to give inaccurate information under Section 53 (C) of the same Act.

**SECTION 1: INFORMATION ON THE CONTACT PERSON**

Name: -----  
Institutional Affiliation -----  
Business Title / position -----  
Business Address -----  
Telephone -----

**SECTION 2: DESCRIPTION OF THE PROPOSED PROGRAM**

- 1) Name of Proposed Program -----
- 2) Date expected to start construction -----
- 3) Proposed location of program -----
- 4) (Attach a map or maps, covering the proposed site and Surrounding 5 km radius)
- 5) Land Area -----
- 6) (Approximate land area and of proposed location)
- 7) Current Land use (Describe how the land is being used at present) -----  
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- 8) Indicate current land ownership and provide evidence -----  
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- 9) Describe any Possible Alternative Site(s) -----  
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- 10) Describe other types of facilities (including health centers and schools) which are located within 100 meters of the site, or are
- 11) Proposed to be located near the proposed facility. Indicate the proximity of the proposed site to residential areas, national parks
- 12) Or areas of ecological, historical or cultural importance. -----  
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- 13) Indicate whether adequate infrastructure exists at the proposed location, or whether new building, roads, electricity and
- 14) water lines, or drainage systems will need to be constructed as a part of the proposed program. -----  
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### SECTION 3: EMPLOYEES AND LABOURERS

1) Number of people to be employed:

Employees and labourers	Construction	During Routine operations
Full-time		
Part time		

- 2) Indicate whether you plan to construct housing / sanitation facilities for temporary or permanent Workers.
- 3) If there are no plans, indicate how they will be housed or the necessary facilities will be provided.

### SECTION 4: PRODUCTS

Briefly state the nature of the product(s) or output of the proposed sub-program and the expected quantities on a quarterly or annual basis. Indicate the intended uses of the product(s).

Name of product	Description of uses	Anticipated output per Qtr/Yr

### SECTION 5: BY-PRODUCTS, WASTE MANAGEMENT AND DISPOSAL

1) Specify the nature of each waste or by-product and the quantity to be generated

Type	Description	Quantity in Kg per wk/mo	Proposed disposal method
Solid (Bulk)			
Solid (particulate)			
Liquid			
Gaseous			
Medical Waste			
Asbestos			
PCB			
Other			

- 2) Proposed methods of disposal or management of waste (e.g. Burning, burying, landfills etc.) and capacity needed to safely implement the proposed disposal method.

Type(s) and source	Method of Disposal / Management	Capacity Needs

- 3) Indicate sources of noise pollution, the type / quality of noise (i.e. machinery / repetitive pounding, etc.)

Source of Noise	Type of Noise

## SECTION 6: ENVIRONMENTAL IMPACTS

Please indicate environmental impacts that may occur as a result of the proposed program.

### The Biological Environment

#### a. The Natural Environment

- 1) Describe the habitats and flora and fauna in the sub-program area and in the entire area expected to be affected by the sub-program (e.g., downstream areas, access roads):
- 2) Will the sub-program directly or indirectly affect:
  - Natural forest types?
  - Swamps?
  - Wetlands (i.e., lakes, rivers, swamps, seasonally inundated areas)?
  - Natural critical habitats (parks, protected areas)?
  - Other habitats of threatened species that require protection under Mozambican laws and/or international agreements?

YES ----- NO -----

- 3) Are there according to background research / observations any threatened / endemic species in the program area that could be affected by the program?

YES ----- NO -----

- 4) Will vegetation be cleared?

5)

YES ----- NO -----

- 6) Will there be any potential risk of habitat fragmentation due to the clearing activities?

YES ----- NO -----

7) Will the program lead to a change in access, leading to an increase in the risk of depleting biodiversity resources?

YES ----- NO -----

**Note:** Provide an additional description for “yes” answers:

b. Protected Areas

Does the sub-program area or do sub-program activities:

1) Occur within or adjacent to any designated protected areas?

YES ----- NO -----

2) Affect any protected area downstream of the program?

YES ----- NO -----

3) Affect any ecological corridors used by migratory or nomadic species located between any protected areas or between important natural habitats (protected or not) (e.g. mammals or birds)?

YES ----- NO -----

**Note:** Provide an additional description for “yes” answers:

c) Invasive Species

1) Is the sub-program likely to result in the dispersion of or increase in the population of invasive plants or animals (e.g. along distribution lines or as a result of a dam)?

YES ----- NO -----

Provide an additional description for a “yes” answer: \_\_\_\_\_

**B. The Physical Environment**

a) Geology / Soils

1) Will vegetation be removed and any surface left bare? YES ----- NO -----

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2) Will slope or soil stability be affected by the program? YES ----- NO -----

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3) Will the sub-program cause physical changes in the program area (e.g., changes to the topography)?

YES ----- NO -----

4) Will local resources, such as rocks, wood, sand, gravel, or groundwater be used?

YES ----- NO -----

5) Could the sub-program potentially cause an increase in soil salinity in or downstream the program area? YES ----- NO -----

6) Could the soil exposed due to the program potentially lead to an increase in lixiviation of metals, clay sediments, or organic materials? YES ----- NO -----

C) Landscape / Aesthetics

1) Is there a possibility that the sub-program will adversely affect the aesthetics of the landscape?

YES ----- NO -----

D) Pollution

1) Will the sub-program use or store dangerous substances (e.g., large quantities of hydrocarbons)?

YES ----- NO ----- 13.2 Will the sub-program produce harmful substances? YES NO

2) Will the sub-program produce solid or liquid wastes? YES ----- NO -----

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3) Will the sub-program cause air pollution? YES ----- NO -----

4) Will the sub-program generate noise? YES ----- NO -----

5) Will the sub-program generate electromagnetic emissions? YES ----- NO -----

6) Will the sub-program release pollutants into the environment? YES ----- NO -----

7) Will the sub-program generate medical waste? YES ----- NO -----

8) Will the sub-program generate asbestos? YES ----- NO -----

9) Will the sub-program generate PCB? YES ----- NO -----

**7. SOCIAL ENVIRONMENT**

A) Land use, Resettlement, and/or Land Acquisition

1) Describe existing land uses on and around the sub-program area (e.g., community facilities, agriculture, tourism, private property, or hunting areas): -----  
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2) Are there any land use plans on or near the sub-program location, which will be negatively affected by sub-program implementation? YES ----- NO -----

3) Are there any areas on or near the sub-program location, which are densely populated which could be affected by the sub-program? YES ----- NO -----

4) Are there sensitive land uses near the program area (e.g., hospitals, schools)? YES ----- NO -----

Resettlement and Loss of livelihood

5) Will there be a loss of livelihoods among the population? YES ----- NO -----

6) Will the sub-program affect any resources that local people take from the natural environment?

YES ----- NO -----

7) Will there be additional demands on local water supplies or other local resources? YES -----  
----- NO -----

8) Will the sub-program restrict people's access to land or natural resources? YES -----  
----- NO -----

9) Will the program require resettlement and/or compensation of any residents, including squatters?  
YES ----- NO -----

10) Will the sub-program result in the permanent or temporary loss of the following:

- Crops?
- Fruit trees / coconut palms?
- Infrastructure?
- Business
- Any other assets/resources?
- Or any other source of livelihood?

Note: Provide YES ----- NO ----- response

In-migration concerns

11) Will the sub-program result in construction workers or other people moving into or having access to the area (for a long time period and in large numbers compared to permanent residents)? YES ----- NO -----

- If yes, indicate any potential impacts of the in-migration of external population to the sub-project area. -----  
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- Are there any mitigation measures to address this risk if it occurs? -----  
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12) Who is/are the present owner(s)/users of resources/infrastructures on the sub-program area?

- Does the owner have evidence of ownership of the property/Land?
- Are there any conflicts on the property/land ownership

**7. OCCUPATIONAL HEALTH AND SAFETY, HEALTH, WELFARE, EMPLOYMENT, AND GENDER**

13) Is the sub-program likely to affect workers and public health and safety (e.g., occupational health and safety issues for workers, potential sanitation impacts, communicable diseases etc, )?  
YES ----- NO -----.

- If YES, state how-----  
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14) If yes, state any planned minimization or mitigation measures of the risks

15) How will the sub-program minimize the risk of accidents? How will accidents be managed, when they do occur?

16) Is the program likely to provide local employment opportunities, including employment opportunities for women? YES ----- NO -----

- Provide an additional description for “yes” answers:

17) Will there be any other risks social impacts that may result from the implementation of this project/sub-project – in the area of its location and it neighborhoods. State the risks/impacts and potential mitigation measures for each.

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### 9. HISTORICAL, ARCHAEOLOGICAL, OR CULTURAL HERITAGE SITES

Based on available sources, consultation with local authorities, local knowledge and/or observations, could the subprogram alter:

1) Historical heritage site(s) or require excavation near the same? YES ----- NO -----

-----2) Archaeological heritage site(s) or require excavation near the same? YES -----  
NO -----

3) Cultural heritage site(s) or require excavation near the same? YES ----- NO -----

4) Graves, or sacred locations (e.g., fetish trees or stones) or require excavations near the same?

YES ----- NO -----

**Note:** For all affirmative answers (YES) Provide description, possible alternatives reviewed and/or appropriate mitigating measures.

### D. RECOMMENDATIONS:

Based on the above screening results, the following recommendations are made:

1) The sub-program has been assigned the environmental category A: Since the parent program has been

categorized as a B, this sub-program cannot be funded.

2) The sub-program has been assigned the environmental category: B1: Implementation of the environmental mitigation measures as proposed in the Environmental and Social Checklist (with amendments as appropriate) and as per Environmental Guidelines for Contractors and Clause 8 contained in the Bidding Documents will suffice.

3) The sub-program has been assigned the environmental category B2: The sub- program will require a separate Environmental Impact Assessment to be reviewed and approved by NEMA.

4) The sub-program has been assigned the environmental category C: The sub-program does not require any additional environmental work and therefore can be implemented immediately.

In the event that a sub-program requires land acquisition, please prepare and implement a Resettlement Action Plan (RAP) consistent with SDP Resettlement Policy Framework.

Please note, that land acquisition and land use impacts have been identified, civil works cannot commence until appropriate actions through preparation and implementation of a RAP have been completed to the satisfaction of the World Bank and the affected persons. MoES and its partner implementing agencies are required to provide evidence of the land ownership.

#### **SECTION 8: AUTHENTICATION**

a) I confirm that the information provided herein is accurate to the best of my knowledge

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**District Environment Officer**

b) I confirm that the information provided herein is accurate to the best of my knowledge

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**District Community Development Officer**

## ***Annex 5. Example of Guidelines for Social Impacts Mitigation***

### **I. Risk of GBV**

1. The Team recommends the following mitigations to the risk of GBV: Making sure that any physical infrastructure upgrading provides safe access for girls.

- Separate latrines for girls and boys, make sure they are built in physically different locations of the school, build latrines with locks on the doors, and limit spaces that are dark and hidden away in order to enhance child protection.
- Make sure that school staff, parents and teachers have access to and know of and report abuse using the national child abuse hotline 611. The existence of the hotline can be displayed throughout the school, community and construction site
- Work with construction companies on establishing zero tolerance policies and codes of conduct related to violence against women and girls (VAWG). Make construction sites areas free of violence against women and girls. All employees must be made aware of the zero tolerance policy and codes of conduct for employees. In addition, display signs throughout the site making it clear that the work site is a violence free zone and VAWG will not be tolerated. Codes of conduct should be linked to national laws on VAWG.
- All workers should receive adequate briefing and education on the laws against defilement and other sexual offences.

*Note:* In the regulatory framework, the client should cite/include the policies on ending violence against children policy and the GBV, how they could be upheld and potentially implemented by this project. Ministry policies in respect to these issues should also be cited.

### **II. Child Protection:**

2. For each Lot, it is necessary to provide a stronger context on child rights violations in the areas of coverage i.e. Location specific or district data on child abuse including rates of defilement in the area, teenage pregnancy rates, early marriages, forms and rates of child labor and factors affecting school completion and transition rates for both boys and girls (this is usually available in the district probation and welfare office or with the MGLSD). If there are any key interventions in the project area, they can be stated as well.

*On the contractors' side:*

- Planning of civil works: To the extent possible, works that require high numbers of casual laborers (>20) should take place during the long holidays. Use of mechanized equipment such as large motorized mixers etc. should be adopted to expedite works within the schools, guarantee quality and to minimize large labor force requirements.
- Securing the work site: The work site should be safely closed off by fencing (which is standard good practice) to ensure controlled interaction between children and workers, with a well manned common access to monitor movements of both

children and workers. The aim here is to minimize disruption of school activities and prevent children from trespassing into the work site and vice versa. Workers movements should also be restricted within the work site.

- Screening of workers: Priority for employment on the work sites should be given to local laborers who are known within the school catchment area/community. Each worker should present a national ID (a copy to be kept by the school board/PTA and the contractor). A national ID should be a requirement for recruitment into the labor force. The contractor should in addition ensure that adequate background checks are done by the police within reach of the school for each worker recruited. This will help weed out workers with a criminal background, send a signal on discipline requirements to those who pass the screening process and enhance traceability of workers who commit any crimes within the school and catchment area, thus contributing to averting crime.
- Code of conduct: As recommended above, the code of conduct of workers is key and should in no unclear terms indicate zero tolerance of any forms of child abuse including sexual abuse of women and girls. This should be read out to each worker at recruitment, explained and signed by the workers as part of their contract. In addition, zero tolerance for child abuse public messages should be visible for the duration of the works. These messages should be visible enough for the workers and the children/teachers with examples of common forms of abuse and what actions should be taken in case of suspected or actual abuse. With the help of the District Labor officers, messaging on zero tolerance for child labor should be displayed.
- Close surveillance of workers conducts: Contractor should ensure that mechanisms for close monitoring of worker's behavior/conduct are in place e.g. contractor/schools could discreetly engage the police to identify anonymous informers from among the workers to monitor and report any negative behavior by the workers including child abuse related misconduct, display a call line or suggestion box where the school community can provide feedback on workers behavior.
- Tool Box Talks: Regardless of number of workers, weekly tool box talks are strongly recommended. The Child and Family Protection unit of the local Police and the District Labor officer and Probation and welfare officers invited at least once a month or more to address the workers.

*On the school side:*

- Already designed and approved school based life skills interventions should be implemented and supervised
- Orientation of CCTs (center coordinating tutors), head teachers, senior women and senior men teachers: The client through the Primary Teacher's Colleges (PTCs) - Deputies in charge of Outreach, should ensure that all center coordinating tutors (CCTs) are fully oriented to the labour force related risks for children and female teachers in all the 55 schools under the project.

- Activating the school based PIASCY program: All CCTs mapped to the schools should in turn strengthen and intensify the already existing and tested “whole school approach model” for safety of children under the PIASCY program. This will include reactivating weekly assembly briefs, updating and reviving talking compound messages, Life skills clubs, skits and activities, edutainment around potential child abuse risks, peer support groups, suggestion/information boxes, encouraging children to walk in groups to and from school, identifying support community volunteers who can enhance protection of children on their way to and from school etc
- School talks on child protection: talks by relevant guests (including the police) on child protection should be encouraged and appropriately scheduled, including continuous popularization of the child help line 116. Parents/guardians should be sensitized to strictly follow the school routine and held accountable for children leaving and arriving home before dark.
- Curriculum and co-curricular interventions: Teachers should be encouraged to utilize both curriculum and co-curricular entry points for life skills education. These opportunities include essay writing competitions, storytelling, messaging through Art, poetry, music dance and drama, assembly skits etc. These have been identified by the CCTs across the country. They just need to be implemented with intensity and continued even after construction works are completed given the high risks around children.

### **III. HIV/AIDS:**

#### *On the Ministry’s side*

- As part of the project brief under the social baseline context data on the prevalence and incidence of HIV and AIDS in the project area would be helpful. This should include the known risk factors and drivers of the epidemic in the area. The aim should be to inform the response to the existing epidemic and for the contractor to build an HIV/AIDS work programme informed by behavioral factors, structural drivers and biomedical interventions.
- The Ministry should ensure that the contractor’s contract specifications include an HIV/AIDS workplace program (WPP) commensurate to the number of employees with requisite capacity to support the program.

#### *On the contractors’ side:*

- Access to counselling and testing: Through the HIV/AIDS work place program, all the workers should be reached with knowledge on the importance of knowing their HIV status and that of their sexual partners as well as where they can seek the necessary testing and counseling services. The contractor should ensure that workers have paid time off for HIV related activities including accessing biomedical services.
- Sensitization and education on HIV transmission: Education on HIV transmission should include improving the understanding of workers on existing risks and drivers

of HIV transmission in the area including the links between sex work, and existence of construction workers (mobile men with money) in an area. The zero tolerance message on sexual harassment and abuse of children and women should be reinforced through the HIV and AIDS sensitization program.

- Efforts by the contractor to establish a peer education program are encouraged, including support for adherence to treatment for workers living with HIV. This should include flexible work hours for those living openly with HIV/AIDS. Mechanisms to periodically assess effectiveness of the program should be inbuilt in the program.
- The contractor is encouraged to collaborate with the respective District Health Officers for each District and District HIV Focal Point Officers as well as seek necessary support from the Uganda AIDS Commission (UAC) and Ministry of Health AIDS Control program (MOH/ACP) for minimum standards and guidance that ensures a well-structured and supported program.