

**UGANDA SUPPORT TO MUNICIPAL INFRASTRUCTURE
DEVELOPMENT PROJECT (USMID) AS A PROGRAM-FOR-
RESULTS (PFORR) OPERATION**

**ENVIRONMENTAL AND SOCIAL SYSTEM
ASSESSMENT (ESSA) REPORT**

DRAFT

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ACRONYMS

CAO	Chief Administrative Officer
CBG	Capacity Building Grant
CDO	Community Development Officer
DEO	District Environment Officer
DoOHS	Department of Operational Health and Safety, MoLGSD
DSC	District Service Commission
EIA	Environmental Impact Assessment
EIS	Environmental Impact Study
ESIA	Environmental and Social Impact Assessment
ESSF	Environmental and Social Screening Form
ESMP	Environmental and Social Management Plan
ESSA	Environmental And Social Systems Assessment
GOU	Government of Uganda
IDA	International Development Association
IGFT	Intergovernmental Fiscal Transfer
LDG	Local Development Grant
LG	Local Government
LGDP1	Local Government Development Program 1
LGDP2	Local Government Development Program 2
LGMSDP	Local Government Management and Service Delivery Program
LGPAC	Local Government Public Accounts Committee
LHUD-SWG	Lands, Housing and Urban Development Sector Work Group
LoGSIP	Local Government Sector Investment Plan
MCs	Municipal Councils
MDP	Municipal Development Plans
MEO	Municipal Environmental Officer
MGLSD	Ministry of Gender, Labor and Social Development
MoFPED	Ministry of Finance, Planning and Economic Development
MoLG	Ministry of Local Government
MoLG	Ministry of Local Governments
MoLHUD	Ministry of Lands Housing and Urban Development
MoLHUD	Ministry of Lands Housing and Urban Development
MoTWH	Ministry of Tourism, Wildlife and Heritage
MTEF	Medium Term Expenditure Framework
NEMA	National Environment Management Authority
NUDF	National Urban Development Forum
NWSC	National Water and Sewerage Corporation
OAG	Office of the Auditor General
OP/BP	Operational Policy/ Bank Procedures
PAP	Project Affected People/Person
PBG	Performance Based Grant
PforR	Program-for-Results
PPE	Personal Protective Equipment
PSC	Program Steering Committee
PST	Program Support Team
RAP	Resettlement Action Plan
RPF	Resettlement Policy Frameworks
SIL	Standard Investment Lending
TC	Town Clerks

TPC
UNRA
USMID
WB

Technical Planning Committee
Uganda National Roads Authority
Uganda Support for Municipal Infrastructure Development
World Bank

DRAFT

EXECUTIVE SUMMARY

The Uganda Support for Municipal Infrastructure (USMID) Program is designed as a Program-for-Results (PforR) program building on the Performance Based Grant (PBG) system piloted by the World Bank under the first Local Government Development Program (LGDP I) in selected Districts and later on scaled up nationally to cover the entire Local Government (LG) system in Uganda with funding from the World Bank and other development partners.

The USMID Program scope will be limited to 14 secondary cities of Uganda namely: Arua, Gulu, Lira (Northern Uganda); Mbale, Moroto, Jinja, Soroti, Tororo (Eastern Uganda); Entebbe, Masaka (Central); Fort Portal, Hoima, Kabale and Mbarara, (Western Uganda). Like the government PBG program, The USMID Program will have two elements namely (i) municipal Performance Base Grant (PBG) and (ii) an institutional support element which will support (a) the participating 14 municipalities and (b) the Ministry of Lands Housing and Urban Development (MoLHUD) which will be responsible for the oversight of Program implementation.

The USMID Program will finance two major sets of activities (i) municipal investment through the enhanced municipal local development grant (LDG) and (ii) urban capacity building for both the MoLHUD and the participating municipal LGs.

In order to achieve the intended Program impact, the activities to be undertaken in the municipalities have been selected from a limited menu¹ of urban infrastructure investments, consistent with a sub-set of municipal mandates under the Local Government Act.

The purpose of the Environmental and Social Systems Assessment (ESSA) is 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, organizational capacity and performance to date, in the context of Ugandan Laws and Regulations, to achieve the social and environmental objectives associated with the Program. The report describes the regulatory framework for both environmental and social assessment and the system for delivery both at National and municipal level. It analyses the degree to which the regulatory environment is adequate and whether the system allows key environmental and social impacts to be predicted accurately and adequately mitigated.

At the municipal level, the assessment considers human and financial resources, and the degree to which they are able to comply with regulations and implement environmental and social systems. The portfolio of projects to be undertaken is analysed to identify typical environmental and social effects in a municipal context, in order to ensure that no major negative impact is likely to occur that the municipalities will not be able to readily mitigate.

The assessment determines the areas of risk resulting from the analysis: risks of non-achievement of project objectives, and; risk of significant negative environmental and social effects. Recommendations are made that must be implemented in order to bring these risks to acceptable levels.

System Assessment

In general the assessment finds that the regulatory environment in Uganda is reasonably well developed and articulated with respect to environmental parameters. However in some cases important social regulations, laws and policies appear to have been neglected, including those related to land acquisition and its attendant measures like compensation and resettlement.

¹ Menu was agreed through consultative meetings with Government and the participating municipalities.

In most cases the regulatory environment exceeds the current practice, which is found not to be performing adequately, despite efforts at improvement under previous and current World Bank projects (LGDP 1, 2 and LGMSD) both at the parent Ministry level and at the municipal level. The scope of the improvements achieved in environmental and social planning are consistent with the type of pre-financing instrument, which has focused on improved and strengthened project planning. There is now a clear need to ensure that further support to the municipalities leads to the achievement of observable and measurable results by following through from the planning stage through project implementation to the delivery of significant improvements in the environmental and social benefits arising from municipal infrastructure projects.

The parent ministries do have the technical expertise necessary to run the program, but lack both human and financial resources. This leads to a lack of officers on the ground to undertake monitoring and evaluation tasks and an inability for them to travel outside of Kampala. The municipalities face even greater human and financial resource constraints, with a lack of trained officers, officers not having the required skill set to carry out environmental and social assessment, and no budget for assessment, consultation, monitoring and evaluation.

Recommendations

A substantial number of recommendations have been made to ensure that environmental and social performance of the USMID Program is adequate, that efficient systems are in place and that they are implemented in practice. Recommendations are made for a number of different interventions, which may be summarized as:

Resources

Human resources (staffing MCs, zonal land offices and NEMA)

Financial resources (primarily for transportation and documentation)

Capacity

Training requirements (primarily MEOs and CDOs but also wider at MC level and at NEMA)

System interventions

Updating of Ministry procedures or guidelines, or support to amend Laws and Regulations (where these are already in process)

Introducing, amending or ensuring implementation of systems in the municipalities (Land acquisition frameworks, compensation plans, grievance procedures, environmental and social screening forms, etc.)

Reporting requirements

Reporting for all required actions and additional parameters by the MEO and MC to the Program Technical or Steering Committees and to be included as part of annual performance assessments

Consultation

Minimum consultation expectations for environmental and social assessment, including land acquisition

Coordination

Coordination between MEOs and NEMA, MEOS and engineers, MCs and District Land Boards, and Nationally between MoLHUD and other important line Ministries (NEMA, MoLG, MoGLSD, MoTWH)

Transparency and accountability

Publication or display of documentation of public interest at MC and NEMA.

Display of procedures for grievances or comments by the public.

SECTION 1 INTRODUCTION

In recent years demographic and economic development factors have resulted in three main challenges with regard to urban sector performance: (i) the importance of the urban sector to the growth and structural transformation of the Ugandan economy, (ii) rapid growth of the Uganda's secondary cities (municipalities) and the need to strengthen their institutional systems of local governance and administration in order to properly plan and manage the increasingly complex human settlements and increasing level of infrastructure demand, and (iii) while the overall level of fiscal flows to local governments has remained fairly robust², urban local governments have attracted only about 6% of total LG grants while accounting for almost 15% of the population, with no specific or dedicated infrastructure development grant.

The Uganda Support for Municipal Infrastructure (USMID) Program is designed as a Program-for-Results (PforR) program building on the Performance Based Grant (PBG) system piloted by the World Bank under the first Local Government Development Program (LGDP I) in selected Districts and later on scaled up nationally to cover the entire Local Government (LG) system in Uganda with funding from the World Bank and other development partners.³ Since 2008 the Government of Uganda (GoU) has been fully financing the PBG program from its budget at the tune of UGX 64 billion (about US\$25.6 million) annually. The systems which were piloted under the World Bank project such as the LGs Performance Assessment Manual, the Program Operational Manual, the Program ESMF and the Program RPF have been taken up by the Government of Uganda for the implementation of the government funded PBG program.

The USMID Program scope will be limited to 14 municipal LGs of Uganda namely: Arua, Gulu, Lira (Northern Uganda); Mbale, Moroto, Jinja, Soroti, Tororo (Eastern Uganda); Entebbe, Masaka (Central); Fort Portal, Hoima, Kabale and Mbarara, (Western Uganda). Like the government PBG program, The USMID Program will have two elements namely (i) municipal Performance Base Grant (PBG) and (ii) an institutional support element which will support (a) the participating 14 municipalities and (b) the Ministry of Lands Housing and Urban Development (MoLHUD) which will be responsible for the oversight of Program implementation.

In order to achieve the desired Program outcome and address the municipal infrastructure gaps, the USMID Program will finance limited works, goods and services that will result in enhanced capacities at both the participating municipalities for urban management and the MoLHUD for urban development. The current inadequate funding for urban LGs of only US\$2 per capita for urban infrastructure development will be addressed under USMID Program by providing the 14 participating municipalities⁴ with US \$ 130 million for a performance based Municipal enhanced local development grant (LDG) to enhance their financial resources for provision of core municipal services which do not have conditional grants under the existing IGFT system. Simulations using the current national LDG allocation formula⁵ for districts with growth in annual grants at 10% to adjust for inflation and population growth show an average per capita allocation per year to each of the municipalities under USMID will increase from the current US\$2 per capita to US\$ 24.

This Environmental and Social Systems Assessment (ESSA) has been prepared for the proposed USMID Program for financing under the Program-for-Results (PforR) operation, in accordance with Operational

² Figures as % of public expenditure

³ DANIDA, Irish Aid, Netherlands Government, and Austria Government.

⁴ The fourteen municipal councils (MCs) are Arua, Gulu, Lira (Northern Uganda); Mbale, Moroto, Jinja, Soroti, Tororo (Eastern Uganda); Entebbe, Masaka (Central); Fort Portal, Hoima, Kabale and Mbarara, (Western Uganda)

⁵ Current allocation formula for LDGs: Population = 15%, Land area = 45%, Poverty head count = 40%

Policy/ Bank Procedures (OP/BP 9.00), Program-for-Results Financing. The report analyses the level of likely environmental and social effects arising from the implementation of the USMID Program, bearing in mind that this will be implemented through the GoU and Municipal Councils existing systems and structures, rather than by applying World Bank systems. Where necessary, risks which might affect the realization of expected Program outcomes, as well as social and environmental benefits, have been identified and actions recommended to bring these risks within acceptable levels, in accordance with OB/BP 9.0.

Systems for management of environmental effects are well developed and understood and in most municipalities trained staff are in place. However, there are still some significant gaps in the delivery of better environmental outcomes in practice. A number of recommended actions have been proposed to ensure that these deficiencies are improved to adequate levels to ensure that Program outcomes are realized and that positive environmental outcomes are ensured for all citizens within these municipalities as a result of USMID implementation. However, it has been ascertained during the assessment that there are significant risks attached to the adequacy of the existing systems in place for ensuring positive social outcomes and minimizing adverse social impacts and inadequate staff in place in the municipalities to take responsibility for identifying and managing these social effects, resulting in more substantial recommendations in order to ensure positive social outcomes.

While these improvements are necessary to ensure beneficial outcomes as predicted by the project, the scope of this Program has nevertheless been developed to include only projects which are not expected to give rise to a risk of significant environmental or social impacts, nor are categorized as Environmental Category A under conventional World Bank investment lending criteria.

1.1 Environmental and Social Context

The decentralization process instigated by the GoU has delivered a number of improvements to its citizens, offering increased levels of self-determination and governance. However the process has inevitably been beset by a number of challenges leading to sub-optimal environmental and social outcomes, particularly in relation to the adequacy of resources to provide sufficient funds to efficiently run the rapidly increasing number of districts (111 district governments, with 22 municipal governments). The lack of resources suffered by local government in general affects the environmental officers and their duties disproportionately, as their department heads and accounting officers have not always fully grasped the need to mainstream environmental and social issues⁶. Coupled with a lack of funding and resources in key technical line ministries and institutions, this results in severe challenges for environment and natural resource officers to fulfill their mandates. Whilst structures exist on paper, there has also been a failure in ensuring that these are implemented in order to enable efficient, effective, accountable and transparent service delivery and performance, largely due to constraints cited at all levels in funding and personnel. The situation with regard to municipal government can be even more critical than in district government, as in most instances they are not yet as well established or resourced as the parent districts and in some instances rely on district staff to fulfill certain technical functions.

At the same time the municipal councils face a unique set of problems, due to the relatively dense populations living in areas with inadequate or outdated facilities and services, planned during colonial administration for much lower population levels. This leads to potentially unhygienic living conditions for the urban populations, degradation of the natural resource base (through both overuse and contamination), and a tendency for more vulnerable groups to become further disadvantaged through a lack of access to facilities, services and resources. The lack of a stringent planning environment and recent escalating trends in these urban populations, leads to the growth of unplanned settlement on the

⁶ Source: Interview MinLG 27.03.12, Annex 6

periphery of the urban areas, further stressing the environment and putting pressure on already overloaded municipal services, resulting in a failure to provide citizens with a clean and safe environment.

In addition, daytime population in the municipalities almost doubles, meaning that many who work and do other errands in the municipalities reside outside them. This has put pressure on the public facilities and transportation system in the MCs during the day. While the urban areas have to meet the demands of the commuters, government financial transfers to urban authorities are only limited to the night population.

The expansion of these Municipalities is occurring at the expense of the environment in and around the urban centers. From the field surveys done, it was observed that the urban centers are surrounded by a ribbon of wide green valleys with swamps, wetlands and forest reserves extending into the rural hinterland. This undeveloped land with associated natural resource components is under threat from the fast expanding urban centers. Threat for the environment is manifest in destruction of vital environmental components such as wetlands, forests, water resources and the natural landscape. According to the MEOs, encroaching on the green areas/sensitive areas (wetlands, forests, swamps, and water resources) was one of their biggest environmental challenges.

It was observed that in all municipalities with exception of Fort Portal MC that slum dwellings were predominantly located in low lying areas and floodplains. These slums are rapidly expanding into protected areas particularly wetlands due to the increasing informal population in the municipalities.

Projects seeking to deliver improved services to municipal populations can inadvertently result in further environmental and social harm, through displacement of marginalized people, particularly squatters and informal traders.

Whilst USMID seeks to assist the Government of Uganda (GoU) in addressing the problems of performance in the municipalities by supporting the delivery of the Local Government Sector Investment Plan (LoGSIP), there is a need to ensure that positive environmental and social outcomes are maximized and further potential harm is avoided. In most cases there is in fact significant opportunity to deliver beneficial outcomes from rehabilitation of formerly unsatisfactory facilities, provided projects ensure that no individuals/groups are inadvertently left worse off as a result.

A number of positive conclusions were drawn during the assessment of how the existing system has been working and able to deliver improvements, summarized below:

- Support from the World Bank through the LGDP projects, as well as other sectoral support initiatives, has enabled an improved planning environment to develop, particularly with regard to environmental effects. With oversight from relevant parent Ministries (primarily MoLG) and government institutions (such as NEMA), systems have been put in place to screen projects for environmental (and to some extent social) impacts, and to ensure that environmental assessments are carried out for projects and mitigation actions are identified for environmental issues. Social assessment theoretically forms part of this process, although this is not yet so well advanced in implementation. Regular reporting requirements allow the MoLG to ensure that existing systems are implemented, although two overarching issues can be identified that still lead to underperformance: i) resource constraints at all levels; and ii) the lack of mainstreaming of environmental and social issues into all offices at both local and national level.
- The experience of applying the ESSF in the World Bank supported LGMSP, in place prior to USMID, has allowed the identification of some gaps in current practice by both MinLG and MoLHUD and they report that they are moving to address these gaps at the present time. This

demonstrates that the process in place does have the ability to be responsive provided that issues are included in the initial screenings and assessments and as long as resources allow.

- The scope of the improvements achieved in environmental and social planning are consistent with the type of pre-financing instrument, which has focused on improved and strengthened project planning. There is now a clear need to ensure that further support to the municipalities leads to the achievement of observable and measurable results by following through from the planning stage through project implementation to the delivery of significant improvements in the environmental and social benefits arising from municipal infrastructure projects.

1.2 Program-for-Results as Financing Instrument

Program-for-Results (PforR)⁷ is a new 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 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. Finally, PforR will be an instrument for strengthening partnerships with the Government of Uganda as well as other Development Partners and other stakeholders by allowing the World Bank to effectively support larger programs and co-finance in pooled funding arrangements.

The key features of the new instrument are as follows⁸:

- (a) financing the expenditures of specific borrower development programs;
- (b) disbursing on the basis of the achievement of key results (including prior results) under such programs;
- (c) 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
- (d) strengthening, where appropriate, the institutional capacity necessary for such programs to achieve their intended results.

For financing the USMID Program, the PforR instrument is preferred to a standard investment lending instrument (SIL) because it (i) is building on the existing government PBG program which is covering all the 1445 LGs in the country (ii) has been designed with an in-built incentive structure to allow for rewards of good performance and sanctions mediocre/poor performance consistent with the government Performance Based Grant (PBG) program, (iii) is focusing on institutional strengthening of the participating municipalities by providing incentives for institutional strengthening for sustainability, (iv) provides experiential learning to better inform policy dialogue for Intergovernmental Fiscal Transfer (IGFT) architecture for Uganda urban Municipal Councils (MCs) since the current government PBG program is inappropriate (only US\$2 per capita compared with the Program US\$24 per capita) given the lumpy nature of urban infrastructure⁹, and (v) appropriately responds to the current SIL disbursement challenges for SOEs by end users as not appropriate given the many end users.

⁷ Program-for-Results Financing, The World Bank, 2012, <http://www.worldbank.org/PforR>

⁸ [OP 9.00 - Program-for-Results Financing](#), World Bank Operational Manual, 2012.

⁹ i.e. High financial cost of infrastructure projects, with large up-front investment required, which is a common characteristic of urban development.

1.3 ESSA Purpose and Methodology

1.3.1 ESSA and PforR

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.

The ESSA is a World Bank document prepared by Bank staff and consultants to inform the internal review and decision process associated with the new Program-for-Results lending instrument. The findings, conclusions and opinions expressed in this document are those of the World Bank. Any specific action plans which flow from this analysis will be discussed and agreed with the Government of Uganda counterparts and will become legally binding agreements under the conditions of the new loan.

The ESSA development process entails (a) the undertaking of a country system assessment against OP/BP 9.00 core principles and key elements and, if necessary, the formulation of actions for inclusion in the Program action plan to enhance environmental and social management and outcomes in a manner agreed on with the borrower; and (b) identification of any measures of support the World Bank will provide in the implementation phase.

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.

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.

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

1. **System assessment.** The 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 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 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.
2. **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 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.

3. **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.

1.3.2 ESSA Objectives

The objectives of this Environmental and Social Systems Assessment (ESSA) are:

- i. to document the environmental and social management procedures, standards and institutional responsibilities that will apply to the proposed USMID Program;
- ii. to evaluate the institutional capacity to manage the likely environmental and social effects in accordance with the country's own requirements under the proposed Program;
- iii. to assess the consistency of the borrower's systems with core principles and attributes defined in the Program-for-Results Guidance Note on Environmental and Social Assessment;
- iv. to establish the risks and potential negative environmental impacts of the Program and ensure that these will be subjected to an adequate initial screening so that relevant mitigation measures can be identified prepared and implemented;
- v. to recommend specific actions for improving counterpart capacity during implementation to ensure they are able to adequately perform their mandate. These measures will be agreed on between the Client/Borrower and the World Bank and will be included in the activities to be supported by the World Bank and the borrower during the life of the Program.

1.3.3 ESSA Process and Methodology

The process followed in carrying out the assessment and compiling and analyzing the results is in accordance with World Bank guidance for the PforR lending instrument, as contained in Chapter Four: Program Management Of Environmental And Social Effects Guidance Note. The environmental system assessment includes:

- i. A review of existing regulations, procedures and guidelines that apply to USMID;
- ii. Environmental effects, including residual impacts, systemic risks such as the risk of not identifying significant impacts, potential consequences from inadequate enforcement of mitigation measures, as well as the operational risks of unexpected impacts, accidents and natural hazard;
- iii. An assessment of the capacity to implement the environmental management system, including monitoring, supervision and reporting, at both local and national levels;

The social management system assessment includes:

- i. A review of existing regulations, procedures and guidelines that apply to USMID;
- ii. Social effects, including residual impacts and systemic risk, consultation mechanisms, grievance mechanisms, information dissemination and disclosure, participation and transparency;
- iii. An assessment of the capacity to implement the social management system including monitoring, supervision, and reporting.

The ESSA was prepared by a multidisciplinary team from the World Bank in collaboration with relevant officials and technical staff members of the counterpart implementing agencies. The methodology included:

- **Field visits.** Visits to 14 MCs to establish the status and standard of environmental and social safeguard systems at the municipal level and interviews with technical staff in relevant institutions within the Government and Development Partners. The field survey results are contained in Annex 4 (USMID Field Survey for Municipalities) and Annex 5 (Consultation Summary for Municipalities);
- **Desk review.** The review covered current environmental and social legislations and regulations, relevant environmental and social reports (e.g. ESMF and RPF), and district reports on the implementation of the previous and current World Bank projects (LGDP I and II and LGMSDP);
- **Initial Consultation meetings.** Meetings were held with environmental and social management counterparts in municipalities, MoLHUD and other ministries and government institutions, including MoLG, MGLSD, NEMA and National Water and Sewerage Corporation (NWSC) to develop understanding of procedures, standards, and approach. A list of personnel involved in this consultation is contained in Annex 6;
- **Recommendation of Actions.** Identification of gaps and measures to enhance the Program systems and their performance;
- **Validation workshop.** A workshop was held on the 8th May 2012 with technical staff from the Government (both national and municipal levels), Development Partners and Civil Society Organizations. The ESSA draft report was provided in advance of this meeting. Feedback from the workshop has been incorporated into the ESSA and a full list of participants and summary of their feedback is attached in Annex 7;
- **Document dissemination.** The ESSA report has been publically disclosed through the World Bank's InfoShop and advertised in the national press, public comments are solicited during a defined dissemination period;
- **Identification of potential scope and scale of associated environmental and social effects.** This process enables conclusions as to whether present systems utilized by the Program have the resources and authority necessary to mitigate unavoidable impacts and achieve maximal social and environmental benefits;
- **Implementation of Actions.** Work with the client on developing and agreeing to specific actions to improve system performance during implementation period.

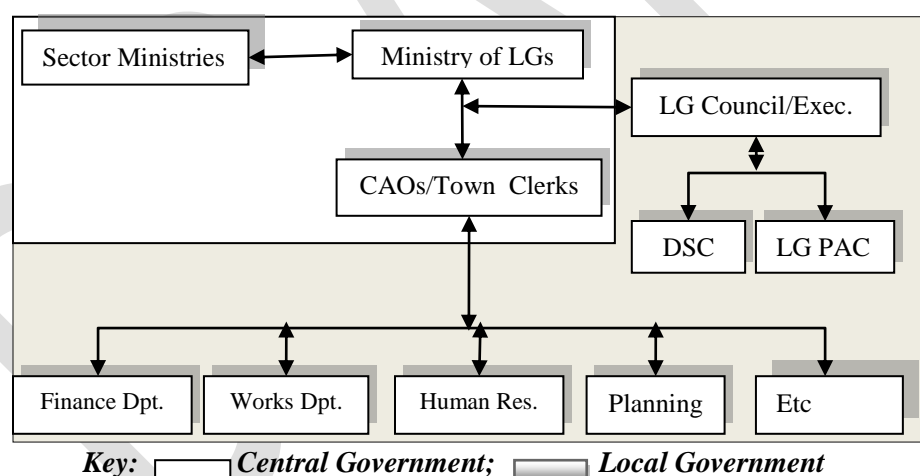
SECTION 2 PROGRAM CONTEXT AND MANAGEMENT SYSTEMS

2.1 Background

The Government of Uganda (GoU) first announced its decentralization policy in 1992, and has since incrementally devolved substantial powers, functions and resources to Local Governments (LGs)¹⁰. Today, LGs are run as fully-fledged elected governments with legislative and executive powers; they have extensive service delivery responsibilities, receive and raise significant fiscal resources, hire and fire staff¹¹ and prepare and execute five-year development plans and annual budgets.

As a consequent of the reforms, Uganda's decentralization has had impacts on the LGs institutional structure which is characterized by three features – (i) elected councilors as the legislative arm can make ordinances and bye-laws; approve LGs plans and appropriate annual budget, (ii) civil service headed by the Chief Administrative Officer (CAO)/Town Clerks (TC)¹² responsible for implementation of lawful council decision; and (iii) statutory bodies – the District Service Commission (DSC) and the LG Public Accounts Committee (LGPAC) – responsible for LG human resource matters and follow-up on audit queries respectively. The Ministry of Local Government (MoLG) retains responsibility for coordinating all issues related to LGs while line ministries retain the roles for setting national policies and standards, inspecting, monitoring, technical advice, support supervision and training LGs. The Ministry of Lands, Housing and Urban Development (MoLHUD) is responsible for urban policy and the development of the urban sector. Figure 1 below gives a schematic intergovernmental system and relationship.

Figure 1: Uganda intergovernmental relations



As part of overall fiscal decentralization policy, from 2000 – 2003, the World Bank supported the GoU to pilot a Performance Base Grant (PBG) known as the Local Government Development Program (LGDP). The core element of the program was the Local Development Grant (LDG) and Capacity Building Grant (CBG). The LGDP provided discretionary LDGs/CBGs to rural and urban LGs at per capita of US\$1 and US\$ 2 respectively. Being a PBG, LGs were required to meet certain minimum conditions consistent with the legal and statutory provisions governing their operations. Every year the performances of LGs were assessed and those which performed above average would be rewarded with an additional 20% in their

¹⁰ Municipalities are urban Local Governments.

¹¹ With the exception of the Chief Administrative Officer/Town Clerks and their deputies which have been recentralized and now being appointed by the National Public Service Commission, not the LG Service Commission.

¹² The CAO is for District (rural LG) while the TC is for Urban LG

grant allocation in the following year, while those which performed poorly would be sanctioned and lose 20% of their grant allocation. From 2003 – 2007, with support from the World Bank, DANIDA, Irish Aid, Netherlands Government, and the Austrian Government through joint financing, the program was scaled nationally to cover all the LGs in the country. From 2008 to date the program became known as the LG Management and Services Delivery (LGMSD) program and is being fully funded by GoU from its budget. Over the four years GoU has been providing UGX64 billion annually through the LGMSD to LGs. The government program – the LGMSD - is currently accounting for about 5% of total government transfers to LGs (See table 1 below).

Table 1 – Composition of grants (Discretionary, unconditional and conditional) – trends from central government to LGs (UGX millions).

Composition of grants – Trends¹³	2005/06	2006/07	2007/08	2008/09	2009/10	.2010/11
Total Grants	869	982	1,061	1,239	1,339	1,490
Development Discretionary (LDG)	64	64	64	64	63	64
Development Discretionary (LDG) in % of total	7%	7%	6%	5%	5%	4%
Unconditional Grants	97,	84	123	123	129	157
Unconditional in % of total grants (%)	11%	9%	12%	10%	10%	11%
Conditional grants	734	849	923	1,014	1,161	1,285
Condition in % of total grants (%)	84%	86%	87%	82%	87%	86%
Total grants to urban LGs	56	61	64	71	79	96
Urban grants as % of total grants to LGs	6%	6%	6%	6%	6%	6%

The focus of the government PBG Program was to leverage LG institutional performance by providing incentive-based development funding across all LGs; the Program had fairly low per capita funding levels (broad and shallow – US\$0.84 for rural LGs and US\$1.57 for urban LGs). The main achievements to date of the Program is that it has gone from 90% donor financed to 100% GoU financed (nominal and real numbers). Although its size and proportions relative to overall fiscal flows to LGs has remained modest, the importance of the grant is that it is being used to leverage LGs institutional performance improvements.

Following the success of the LGDP, a subsequent Program to support Local Governments, the Local Government Management and Services Delivery Program (LGMSDP), was developed. The objective of the LGMSD – the government program - is to enhance Local Governments’ ability to plan and manage human and financial resources for effective and sustainable delivery of local government services. The three main areas of the program are: (i) mainstreaming of the discretionary local development grant and its associated LG capacity building grant; (ii) ‘deepening’ decentralization such that communities at the parish level get more intensively involved in the operations of the lowest level of Local governments and (iii) institutional strengthening of LGs and organizations that play a role in supporting, monitoring and supervising LGs.

2.2 USMID Program Description

¹³ Figures provided rounded to nearest million Uganda shillings.

Under the government program, municipalities are eligible to fund all activities that they are mandated to provide under the law - Second Schedule of the LGs Act, (CAP243). However because of the small amount (US\$0.84 per capita for rural LGs and US\$1.57 per capita for urban LGs), LGs have generally been spending the LDG for provision of services that have low unit costs. Table 2 below provides a summary of the nature and unit costs under the current GoU program.

Table 2: Number of subprojects funded under Government of Uganda PBG program

Sector	FY2008/09		FY2009/10	
	No of Projects	Av. Unit cost (\$)	No of Projects	Av. Unit cost (\$)
Education	808	6,215	960	4,908
Health	1,303	3,958	1,098	4,390
Roads	802	6,536	843	7,893
Water	293	3,881	288	2,378
Production and Marketing	320	6,348	371	4,353
Other works	119	2,734	62	2,777
Natural Resources	56	744	32	1,631
Finance and Planning	14	1,471	10	2,042
Management/Support Services	202	2,097	298	2,680
Grand Total/Av. Unit cost	3,917	4,953	3,962	4,929

Source: MTR report of LGMSDP

The current inadequate funding for urban LGs of only US\$1.57 per capita for urban infrastructure development will be addressed under USMID Program by providing the 14 participating municipalities¹⁴ with US \$ 130 million for a performance based Municipal Infrastructure Grant (MIG) to enhance their financial resources for provision of core municipal services which do not have conditional grants under the existing IGFT system. Simulations using the current national LDG allocation formula¹⁵ for districts with growth in annual grants at 10% to adjust for inflation and population growth show an average per capita allocation per year to each of the municipalities under USMID will increase from the current US\$1.57 per capita to US\$ 24. The table 3 below gives a sample summary of the municipal infrastructure gap and their average unit cost.

Table 3: Sample municipal infrastructure gaps (total) and average unit cost

No	Infrastructure	Total needed	Total available	Gap	Unit cost (UGX mn)	% Gap
1	Bitumen roads (Kms)	1611.43	344.28	1266.15	1,200.00	78.57
2	Solid Waste transport	55	31	24	130.00	43.64
3	Garbage skips	401	275	126	6.50	31.42
4	Municipal Garbage (tons)	1297	668.75	628.25	0.15	48.44
5	Street lights	230	32	198	0.7	86.09

Source: Municipal Asset Inventory and Condition Assessment report – November 2011.

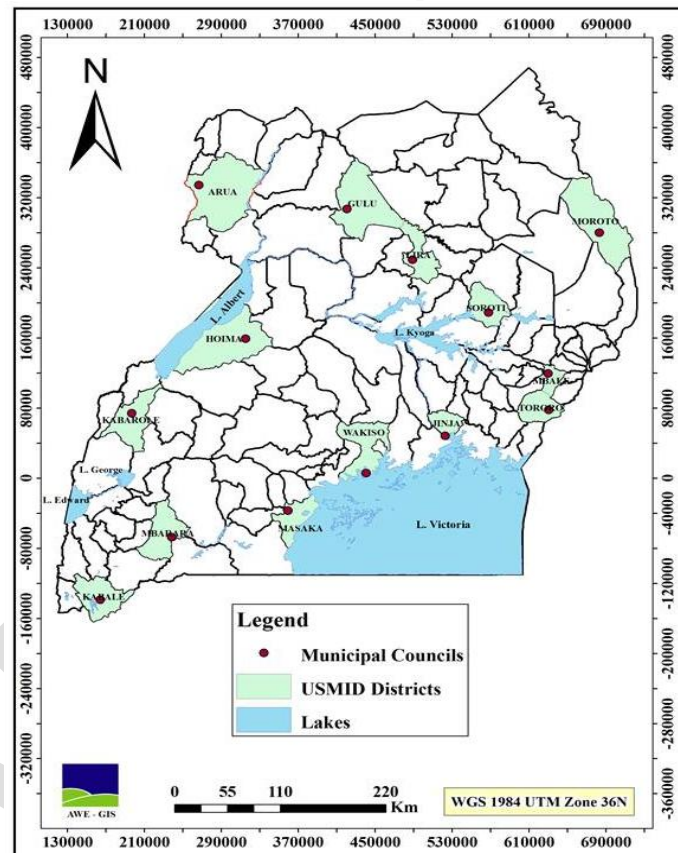
Although there are currently 22 municipal LGs, USMID Program will initially begin with 14 municipalities. This is because 13 of the 14 municipalities have been in existence since 1994 and are more

¹⁴ The fourteen municipal councils (MCs) are Arua, Gulu, Lira (Northern Uganda); Mbale, Moroto, Jinja, Soroti, Tororo (Eastern Uganda); Entebbe, Masaka (Central); Fort Portal, Hoima, Kabale and Mbarara, (Western Uganda)

¹⁵ Current allocation formula for LDGs: Population = 15%, Land area = 45%, Poverty head count = 40%

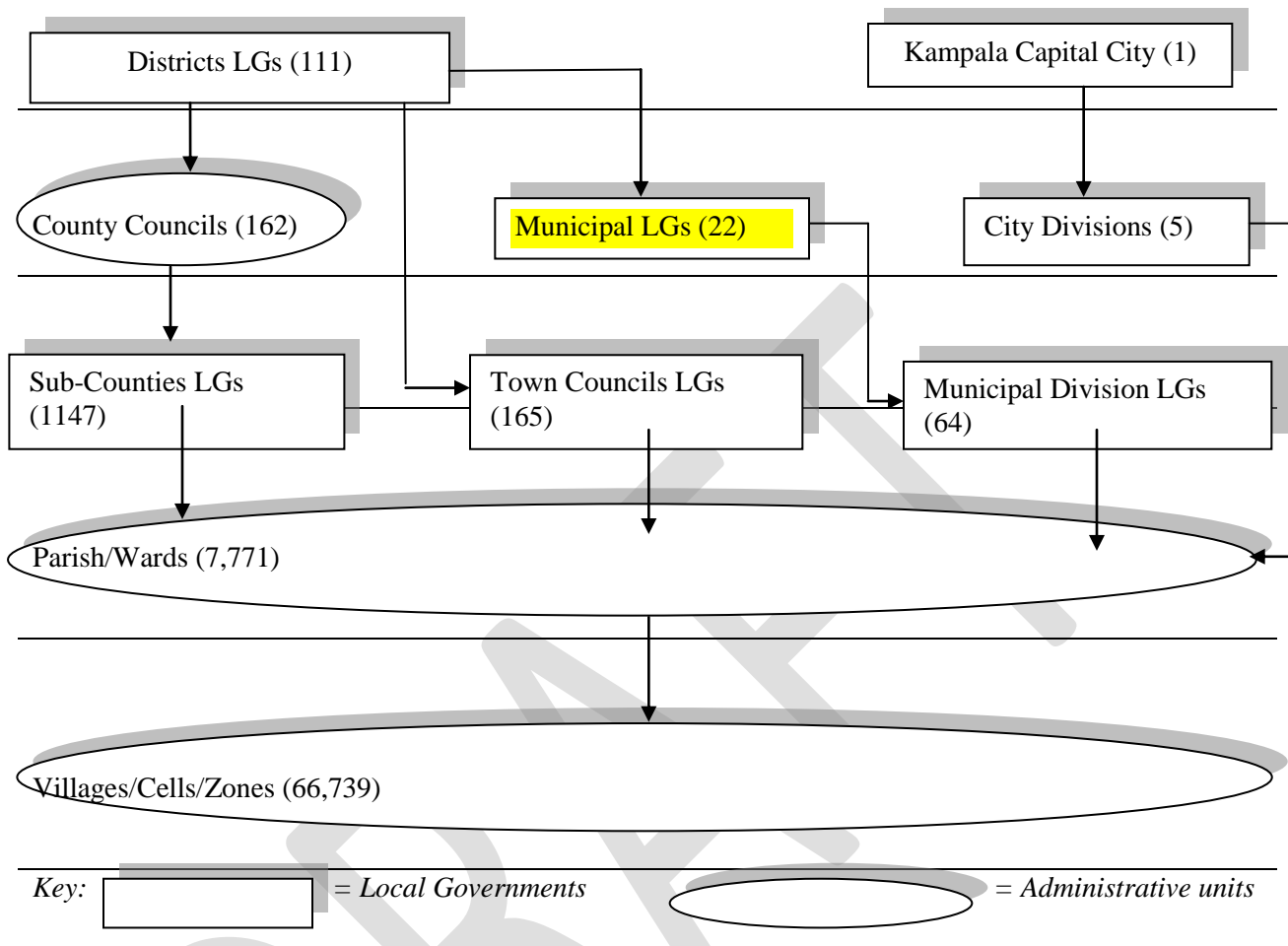
mature in terms of capacity to handle the increased investments under the Program. Hoima, which became a Municipality in July 2011, was included as one of the fourteen municipalities because of its potential of becoming an oil city due to the recent discovery of oil deposit in the Western region. In addition the 14 municipalities represent regional balance.

Figure 2: Location of Municipalities in USMID



The 8 newly created municipalities may join the Program later when additional resources become available. Figure 3 gives a schematic presentation of the classification of Uganda LGs and the coverage of the USMID Program within the context of the government program.

Figure 3: Uganda Government program scope and USMID Program in terms of coverage.



The program development objective (PDO) of the proposed USMID Program is to enhance the institutional capacity of the fourteen selected Municipalities to improve urban service delivery.

The PDO level results indicators will be (i) municipal LGs with enhanced institutional performance and (ii) improved urban service delivery.

1. The performance indicators, which are based on the LGMSD, have been refined and improved in consultation with the MoLHUD and the participating municipal LGs. The municipal LGs institutional improvement will be measured against the following seven thematic areas:

- i. Linkage between Municipal Physical Plan, Five year Development Plan and the Annual Budget
- ii. Own Source Revenue (OSR) mobilization
- iii. Procurement
- iv. Accounting and Financial Managements
- v. Program execution/implementation (budget execution)
- vi. Monitoring, Enhanced Accountability and Transparency and Communication
- vii. Environmental and Social Sustainability

Similarly the delivery of the various infrastructures by the municipal LGs to be funded under the Program for improved urban service delivery will include:

- i. Roads, street lights and drainage rehabilitated
- ii. Garbage collected and disposed
- iii. Bus parks, markets, parking lots etc established

The Program will be implemented over five (5) years (July 2013 – June 2018) at a cost of US\$160 million of which IDA funding will be US\$150 million and GoU will be US\$10 million. The Program will enhance the institutional capacity of selected Municipalities to enhance urban service delivery as detailed in the next section.

2.2.1 Program activities

The USMID Program will finance two major types of activities:

The enhanced Municipal Development Grant (MDG) – Municipal LGs will use this money for financing their core infrastructure investments. However, they will access this enhanced MDG under the Program based on them meeting the minimum access condition and will also be rewarded or sanctioned based on their performances as assessed by an independent firm every year using the assessment tool presented in annex 3. Since the Program is intended to leverage institutional strengthening of the municipal LGs for sustainable provision of urban services, the assessment tool is focusing on measuring municipal capacity improvements in fiduciary, safeguards, project implementation, and revenue generation. The current government assessment tool has been revised to take into consideration the increase in the per capita allocation under the Program and the revised tool will be used as the single tool for both the government program as well as the Bank Program for the MDG window.

Activities to be financed under the enhanced MDG window - from table 2 above, it is clear that most of the sub-projects funded under the government program are micro in nature and the unit cost are not adequate to finance the types of urban infrastructure intended to be funded under the USMID Program - most typical urban investments have unit costs in the range of UGX100 million - 1billion, compared to an average of about UGX10 million in rural areas. In order to achieve the intended Program impact, the activities to be financed out of the enhanced MDG window will be limited to a few sub-sets of infrastructure works which are not currently benefiting from any form of transfers from central government, consistent with municipal service delivery mandate¹⁶ as provided for under the LGs Act (CAP243) – Second Schedule. Provision of services such as education, health care, agriculture, recurrent expenditures and wages and salaries have been excluded from benefiting under the Program because they are currently being financed under sector conditional (tied) grants and they already account for over 85% of LGs funding. The table 3 below gives samples of the current gaps for some of the services which municipal LGs are mandated to provide under the law but are unable because of inadequate financing.

The works, goods and consultancy services to be funded under the Program by the municipalities are presented in Table 4 below.

¹⁶ Eligible infrastructure to be funded under the Program were agreed through consultative meetings with Government and the participating municipalities.

Table 4: Works, goods and consultancy services eligible for funding under the MDG window of the Program

Objective - Enhance the financial resources of the participating municipalities for improving development of municipal infrastructure	
<ol style="list-style-type: none"> 1. Urban Roads and associated infrastructure (rehabilitation and construction) <ul style="list-style-type: none"> • Tarmac roads • Gravel roads • Road side drains • Culverts, • Paving – for pedestrian walkway • Street lights • Street furniture (seating platforms at bus stops) • Street signage 2. Urban solid and liquid waste management <ul style="list-style-type: none"> • Land fill rehabilitation • Composting plant • Liquid/solid waste equipment • Public sanitation points • Waste collection points 3. Water and sewerage extension¹⁷; to peri-urban areas 4. Urban Local Economic Infrastructure <ul style="list-style-type: none"> • Markets • Slaughter houses 5. Urban Transport <ul style="list-style-type: none"> • Bus parks/stops • Taxi parks • Lorry parks • Public parks 6. Urban beautification <ul style="list-style-type: none"> • Public parks • Play grounds • Urban landscaping • Planting of tree on roads verges 7. Investment servicing cost <ul style="list-style-type: none"> • Consultants design and preparation of bidding document • Consultants supervision of works 	

The Program will also finance capacity building activities at both the MoLHUD and the 14 municipal LGs. The capacity building activities to be funded under the Program will be aligned to the Capacity Building Grant (CBG) under the government program. The capacity building activities under the Program will respond to two capacity building needs – part one will respond to the demand side of the capacity building needs of the municipal LGs consistent with the capacity gaps as will be revealed by the annual assessments under the Program. The second part of the capacity building activities will respond to the needs of the MoLHUD to (i) perform its overarching mandate for urban development and (ii) allow it provide supply driven institutional support to the municipalities for activities which can be pooled together for economies of scale and cuts across all municipalities including those activities associated

¹⁷ Water and sewerage being under the jurisdiction of National Water and Sewerage Corporation (NWSC), may be included on a case by case basis through partnership arrangements between the corporation and the municipalities that chose to prioritize it.

with overall Program implementation. The capacity building activities at the municipal LGs level will specifically support activities related to strengthening their capacities in: (i) urban planning; (ii) enhancement of municipal finances; (iii) improvement in the management of municipal services, and (iv) retooling. Since these activities are intended to strengthen the capacity of the participating municipal LGs in urban management and provision of basic urban services for the achievement of the Program results, they will be implemented within first three years of the Program. The grant will be shared equally amongst the participating municipalities since they have the same structure and similar capacity needs.

The overarching capacity building activities to the MoLHUD – the Program will support the MoLHUD in: (i) systems development for urban management and development; (ii) tooling; and (iii) training of the MoLHUD. Like the capacity building activities for the municipal LGs, the capacity building activities to be funded under the Program for the MoLHUD will also be implemented within the first three years of the Program. In addition to the general institutional support to the MoLHUD for its overarching mandate, the Program will also provide targeted support to the MoLHUD for Program implementation support to ensure the achievement of Program results. This is because the MoLHUD will take over the Program oversight as the ministry responsible for urban development. The activities to be financed under the Program implementation support under the MoLHUD will be those associated with the overall coordination, implementation, monitoring and evaluation of the Program. This will encompass supply capacity building support to municipalities, reporting, fiduciary and safeguards; outcome and impact evaluation (VFM audits to inform MTR, and ICR); program audits, qualitative enquiries to inform government policies, program implementation support team and the design of the subsequent phase of the Program for national scale-up. The capacity building activities to be funded under the Program are presented in table 5 below and are linked to the achievements of the Program results. They were also discussed and agreed upon by the participating municipalities and the MoLHUD during the Program design.

The capacity building activities to be funded under the Program will cover procurement of consultancies and goods in the areas as presented in the ISG table 5.

Table 5: Municipal Capacity Building Grant (MCBG) funded activities both at MoLHUD and Municipalities

<i>CBG activities at municipal LGs level - Strengthen the capacity of participating fourteen municipalities for urban management and investment and operations and maintenance (O&M) of urban infrastructure services</i>	
<i>1. Urban planning through development of and linking:</i>	<i>• Municipal Development Strategy</i>
	<i>• Physical development plan</i>
<i>2. Enhancement of municipal finances</i>	<i>• Surveying and mapping</i>
	<i>• Municipal data base (socio, economic and services)</i>
<i>3. Improvement of municipal services management covering</i>	<i>• OSR revenue mobilization¹⁸</i>
	<i>• Expenditure management (budget controls, and municipal debt management)</i>
<i>4. Targeted capacity support and tooling</i>	<i>• Project management (design, procurement, implementation and supervisions of projects)</i>
	<i>• O&M of infrastructure investments (both existing and new ones),</i>
	<i>• Environmental and social safeguard management.</i>
	<i>• Tooling,</i>

¹⁸ Covering, but not limited to, property tax, local service tax and hotel tax

- Formal/informal training,
- Mentoring and on-job training.

CBG activities at MoLHUD - Strengthen the capacity of the MoLHUD to better execute its overarching mandate with regard to urban development and management and Program implementation support specifically

- A. Systems development and roll-out for urban management**
 - Physical Planning Regulations¹⁹, Standards and Guidelines
 - Building regulations, and
 - Urban data base indicators²⁰
- B. Tooling of the MoLHUD²¹**
 - Purchase of equipment and tools²²
- C. Strengthening the capacity of the National Physical Planning Institute²³**
 - Develop the law and establish the Registration Board for the new institute
- D. Program Implementation Support**
 - Supply driven capacity building to municipalities related to Program implementation
 - Overall Program coordination, implementation, monitoring and evaluation including reporting, fiduciary and environmental and social due diligence;
 - Outcome and impact evaluation (VFM audits, procurement audits, MTR, ICR);
 - Program audits,
 - Qualitative enquiries to inform government policies,
 - Program implementation support team and
 - Design of the subsequent phase of the Program for national scale-up

2.2.2 Institutional Arrangements

The institutional arrangement for Program implementation will be as per the Government of Uganda structure and consistent with existing legal provisions. At the National level, the Ministry of Lands Housing and Urban Development (MoLHUD), Ministry of Local Governments (MoLG), Ministry of Finance, Planning and Economic Development (MoFPED) and the Office of the Auditor General (OAG) shall ensure that Program resources are budgeted for and disbursed within the national Medium Term Expenditure Framework (MTEF), and that Program accounts are audited as per statutory requirements. The MoLHUD will be the executing ministry and shall have the overall responsibility for implementation and accounting for USMID funds to the National Parliament.

At the municipal level - the Town Clerks, as Municipal Accounting Officers, will be responsible for overall USMID Program implementation and management, with support from the municipal technical planning committee (heads of departments). Responsibility for monitoring environmental and social compliance of the projects funded through the USMID Program lies with the LGs. Most of the 14 selected municipalities have trained staff directly tasked with screening and monitoring the implementation of projects' environment mitigation measures defined for each project within the LG through the MEO's but these staff are under-resourced for monitoring activities and are not trained for

¹⁹ To operationalized the newly passed a Physical Planning Act, 2010

²⁰ The urban data base indicators will be developed with support from Uganda Bureau of Statistics (UBoS).

²¹ to improve the working environment of the ministry and to facilitate it to provide timely monitoring and technical back-up support to municipalities

²² such as GIS computer equipment, office related furniture, transportation facilitation for project M&E and technical buck-up support to municipalities.

²³ the new institute - responsible for the registration and ensuring the necessary ethical code of conducts of its members

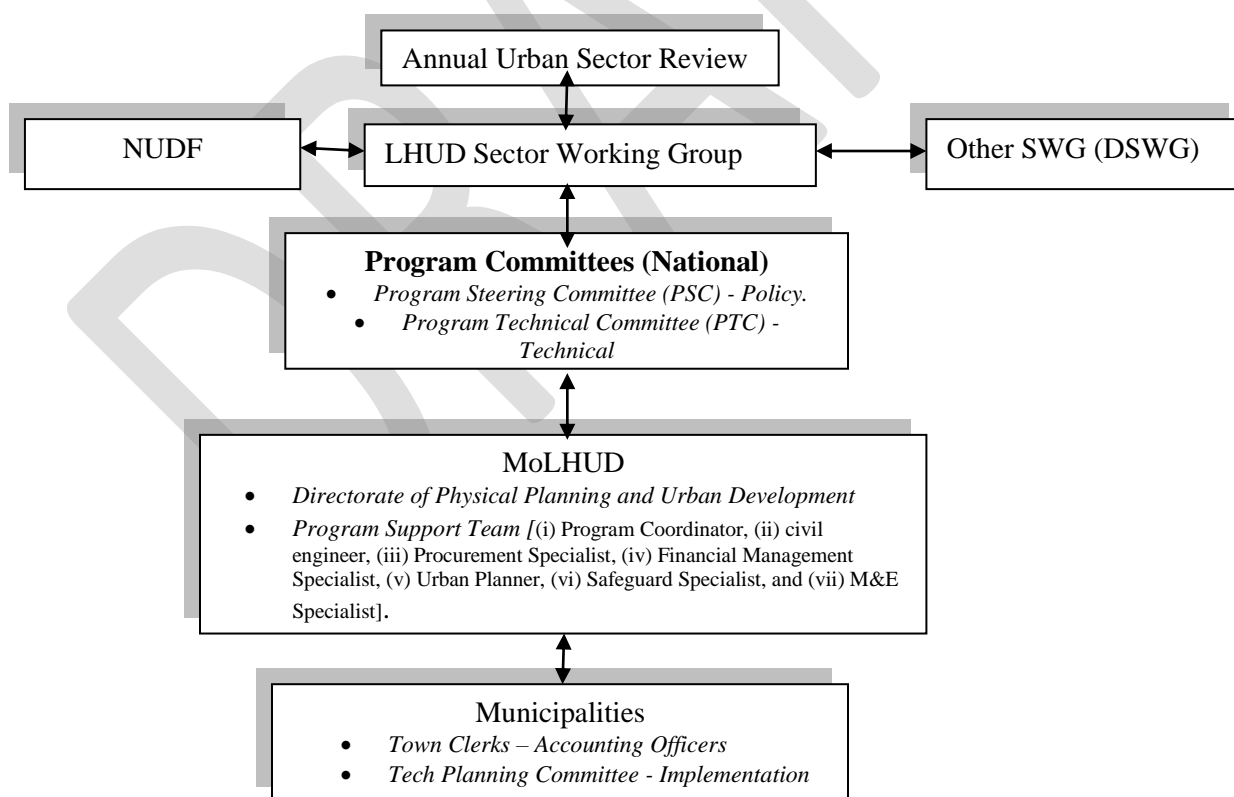
social screening and monitoring. Very few municipalities have social officers to undertake adequate screening and monitoring.

The MoLHUD is a new Ministry with inadequate capacity to coordinate urban development and management. It will therefore be supported by focused technical Program Support Team (PST)²⁴ attached to the relevant departments of the Ministry to ensure that USMID is implemented as per IDA/GoU protocol agreement.

An annual assessment of the USMID Program will take place in accordance with the Assessment Manual, in collaboration with the MoLHUD. Performance will be monitored against the mutually agreed quantitative and qualitative indicators and through periodic review of complaints registered through a grievance mechanism. This grievance mechanism is not yet in place (see section 4.4.7)

Policy issues arising during the implementation of the USMID Program will be coordinated at the national level through the already existing institutional arrangements. These include the Annual Urban Sector Review; the Lands, Housing and Urban Development Sector Work Group (LHUD-SWG); the National Urban Development Forum (NUDF) and other relevant Sector Working Groups. There will be a Program Steering Committee (PSC) comprising Permanent Secretaries of the relevant sector ministries²⁵. The PST will be responsible for making policy decisions regarding emerging policy issues which impact on the Program. Figure 4 below gives a schematic institutional arrangement for Program implementation.

Figure 4: *Institutional arrangement for Program implementation.*



²⁵ PS/ST- MoFPED; PS/Ministry of Water and Environment, PS/MoLHUD, PS/MoLG, and PS/Ministry of Works.

2.2.3 Description of Civil Works

The specific investments under USMID Program were expected to be determined, as under the LGDP, through a participatory bottom-up planning process in the municipalities, with involvement of the divisions as well as the Municipal Development Forum. However, the limited time MoLHUD allowed municipalities to submit proposals is cited as the reason why this did not occur, and instead municipalities adopted projects in their Five-Year Development Plans as proposals for USMID submissions.

In order to achieve the intended Program impact, the activities were selected from a limited menu²⁶ of urban infrastructure investments, consistent with a sub-set of municipal mandates under the LGs Act CAP 243. The activities eligible for funding under the MIG are detailed in Section 2.2.1.

Since municipalities have great funding gaps in core infrastructure areas; it is the intention that the MDG will be used by municipalities to finance a few larger tangible sub-projects per financial year, to ensure that funds are not fragmented in a large number of (often) non-completed projects.

To address the technical capacity constraint, municipalities can use up to 10% of the MDG to finance associated investment servicing costs such as engineering designs and technical supervisions of civil works by consultants.

A rapid analysis of the Municipal Development Plans (MDPs) from the 14 municipalities participating in USMID provides interesting insight into the type of investments that are planned and to which USMID financing may contribute (summary table below). Infrastructure investment with higher potential environmental and social risks were relatively infrequent. Of the eight MDPs, only two (Fort Portal and Lira) include municipal solid waste composting plants - and both already have them, and one (Kabale) includes landfill rehabilitation, but again, it already has an operating composting plant. Only two MDPs (Fort Portal and Mbale) include water and sewerage extensions and all but one include liquid / solid waste equipment. The most frequent infrastructure projects are those with lower potential risks such as road upgrades and construction, street lights, and markets. The proposed spending matches the frequency of investment with roughly 58% of spending on road upgrades and construction, 23% on street lighting, and 13% on market upgrades and construction.

Table 6: Summary of infrastructure investment in sample of Municipal Development Plans

USMID Project Municipal Infrastructure menu		Municipality							
Sector	Activity	Entebbe	Fort	Hoima	Kabale	Lira	Masaka	Mbale	Mbarara
Urban Roads and associated infrastructure (rehabilitation and construction)	Tarmac roads	✓	✓	✓	✓	✓	✓	✓	✓
	Gravel roads	✓	✓	✓	✓	✓	✓	✓	
	Road side drains	✓	✓	✓			✓	✓	✓
	Culverts	✓	✓	✓					
	Paving for pedestrian walkway								
	Street lights		✓	✓	✓	✓	✓	✓	✓
	Street furniture (seating)		✓						

²⁶ Menu was agreed through consultative meetings with Government and the participating municipalities.

n)	platforms at bus stops)								
	Street signage								
Urban solid and liquid waste management	Land fill rehabilitation				✓				
	Composting plant		✓			✓			
	Liquid/solid waste equipment		✓	✓	✓	✓	✓	✓	✓
	Public sanitation points		✓				✓		
	Waste collection points								
Water and sewerage extension to peri-urban areas			✓					✓	
Urban Local Economic Infrastructure	Markets	✓	✓	✓	✓	✓	✓	✓	
Urban Transport	Slaughter houses		✓	✓	✓				
	Bus parks/stops								
	Taxi parks		✓	✓					
	Lorry parks		✓						
Urban beatification	Public parks								
	Play grounds		✓						
	Urban landscaping		✓			✓		✓	
Investment servicing cost	Planting of tree on roads verges					✓	✓	✓	✓
	Consultants design and preparation of bidding documents						✓		
	Consultants supervision of works						✓		

SECTION 3 PROGRAM ENVIRONMENTAL MANAGEMENT SYSTEMS

The environmental management system for USMID will be based on the Ugandan institutional legal and regulatory framework.

An environmental management system is already established in the USMID municipalities as a result of past World Bank support to local governments in Uganda, to which many aspects of environmental management have been decentralized. The system in place is comprehensively designed and broadly adequate, however, there are gaps in its application particularly a lack of follow-up on the planned mitigation measures, limited compliance and constrained availability of human resources and operating funds.

3.1 Legal framework

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 gives every Ugandan a right to a clean and healthy environment. Parliament must provide measures intended to protect and preserve the environment from abuse, pollution and degradation and to manage the environment for sustainable development. Parliament holds natural lakes, rivers, wetlands, forest reserves, game reserves, national parks and any land to be reserved for ecological and tourism purposes in trust for the people, and must protect them for the common good of all citizens.

Uganda has a well-developed legal and regulatory framework for environmental management. It flows from *The 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. There are several other Ugandan policies for environment and natural resource management relevant to USMID including:

- *The National Policy for the Conservation and Management of Wetland Resources (1995)*. 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.
- *The National Water Policy (1999)*. 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.
- *Disaster Management and Preparedness Policy*. This policy aims to promote the implementation of prevention, preparedness, mitigation and response measures for disasters, in a manner that integrates disaster management with development planning.

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 EIA mandatory for certain types of projects.

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

- *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 (see Annex 2). The regulations are interpreted for developers and practitioners through the *Guidelines for Environmental Impact Assessment in Uganda (1997)*. The process is described in section 3.3.
- *The National Environment (Conduct and Certification of Environment Practitioners) Regulations 2001*. The regulations provide for a uniform system of certification and registration of EIA practitioners 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 National Environment (Noise Standards and Control) Regulations, 2003* 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.
- *The National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations 1999* promulgate discharge standards for 54 chemical and physical constituents of wastewater. These standards should be adhered to for discharge from liquid waste management plants and included in ESMPs and follow-up monitoring.
- *The National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, 2000* 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. Local government

environmental officers have a duty to assist in implementation of the regulations. It should be noted that many of the wetland areas within municipalities are said to be in a degraded state and may need provision for restoration to be included in plans, not just protection, in order to comply with these regulations²⁷.

- *National Environment (Waste Management) Regulations, 1999* 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. As no new sites are envisaged, it is unlikely that any of the planned sub-projects will need an EIA, but the MEO should ensure that the regulations are adhered to in project contracts for the rehabilitation of existing sites and compliance is monitored on an ongoing basis.

The Water Act, Cap 152 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.

The National Forestry and Tree Planting Act (2003) 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. The Land Act of 1998 recognizes Central Forest Reserves (CFRs) as it prohibits their leasing or alienation and requires all landowners to manage and utilize their land in accordance with the Forests Act and other relevant laws. The PFE lands are set aside permanently for the conservation of biodiversity, the protection of environmental services, and the sustainable production of domestic and commercial forest produce. The CFRs are held in trust for the people of Uganda and managed by the National Forestry Authority (NFA). EIA is required for projects that may have a significant impact on any forest. This Act has not been enforced adequately with regard to municipal peri-urban forests which are heavily encroached or degazetted (see section 5.2 for detail).

The Uganda Wildlife Act (1996). 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. No designated

²⁷Paul Omoka, Mbarara Town Clerk, 2011;
Socio-economic benefits and pollution levels of water resources, Gulu Municipality, 2011

wildlife conservation areas occur in the 14 municipalities but there may be cases of wildlife species occurring on natural habitat such as wetlands, water bodies and forests, or other open ground, which may be affected by USMID sub-project development and would need to be identified in the screening process.

The Historical Monuments Act Cap 46 law 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. The Department Of Monuments And Museums in the Ministry of Tourism, Wildlife and Heritage (MoTWH) states that physical cultural heritage in Uganda has not been surveyed adequately and that potential monuments and other cultural resources may exist which are not known, implying that this is an area requiring further consideration in the USMID sub-project screening process to assist MEOs in recognizing potential resources.

The Occupational Safety and Health Act, 2006 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. However, at the moment very few LG’s nationwide refer developers plans to the MoGLSD to ensure compliance with this Law and no enforcement of recommendations is possible as action can only be taken retrospectively in case of accident.

The Workers Compensation Act, 2000. 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. Of particular interest to USMID is a requirement for employers to provide Personal Protective Equipment (PPE) to employees.

The Employment Act 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.

Local Governments Act, Cap 243. This law devolves functions, powers and services to local governments and provides for the election of local councils and the system of local governance. The District or Municipal Council is the highest political authority within its area of jurisdiction and has power to enact district ordinances and by-laws. It may use the ordinances to protect and preserve the natural resources within the district, or municipality, from abuse, pollution and degradation and to manage them sustainably.

The Public Health Act, Cap 281 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. MCs should ensure that in USMID sub-projects involving rehabilitation of landfill or installation of compost plants, the original landfill complies with the recommendations for location.

In addition to the national legislation governing management of environmental resources, Uganda has signed and ratified a large number of international treaties and conventions. The ones potentially relevant to USMID are listed below.

- The RAMSAR Convention on Wetlands of International Importance
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- Convention Concerning the Protection of the World Cultural and Natural Heritage
- Convention on the Conservation of Migratory Species of Wild Animals
- The United Nations Framework Convention on Climate Change
- The Kyoto Protocol
- The Convention on Biological Diversity
- EAC Protocol on Environment and Natural Resources Management 2006
- The Stockholm Declaration 1972
- The Rio Declaration (1992) and Agenda

3.2 Institutions, roles, responsibilities and coordination

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 local governments on environment related issues.

The National Environment Management Authority (NEMA). NEMA is established under Section 4 of the National Environment Act as the principal agency in Uganda for the management of the environment to coordinate, monitor and supervise all activities in the field of the environment and many elements of natural resource protection. NEMA has promulgated general guidelines for EIA as well as EIA guidelines for specific economic sectors and is currently in the process of updating them. NEMA also plans to issue guidelines for strategic environmental assessment (SEA), currently in draft. It has among its many functions the following that are relevant to USMID:

- co-ordination of the processes of environmental impact assessments (EIAs),
- review of EIAs and issuing of certificates of approval;
- implementation of environmental monitoring and audits;
- issuing environmental standards and guidelines;
- monitoring and enforcement of compliance with environmental standards and with the conditions contained in certificates of approval for EIAs.

The National Forest Authority (NFA) 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 areas²⁸. 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 utilisation, 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) is a 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 local governments. If any of the USMID participating municipalities chooses to invest in extension of water or sewer systems, they will do so in collaboration with NWSC.

The Ministry of Tourism, Wildlife and Heritage (MoTWH) is a new Ministry formed by splitting the former Ministry of Tourism, Trade and Industry. 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.

The Uganda Wildlife Authority (UWA) 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.

Ministry of Local Government. 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 Local Governments, to coordinate and advise Local Governments 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 Local Governments. The Ministry was the client for the LGDP/LGMSDP Projects and thus has experience of working with the World Bank. Environmental support staff for the LGMSD Project are still in place and could provide valuable advice to the MoLHUD as part of the Program Steering Committee.

Ministry of Lands Housing and Urban Development (MoLHUD). This project will be executed by MoLHUD which is to undertake policy formulation, quality assurance, coordination, monitoring and evaluation of infrastructure development in the municipalities.

Ministry of Gender, Labor & Social Development. This ministry sets policy direction and monitoring functions related to labor, gender and general social development. Its OHS 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. Unfortunately the Ministry are under-resourced and with few staff in place in districts and none in Municipal government and state they have little capacity to carry out inspections, unless there is cause for concern, or with regard to a major project.

²⁸ Social Control and Decentralized Forestry: ‘Good’ Governance and Participation in Uganda, 2011, Graeme Reniers International Development Studies Saint Mary’s University Halifax, Canada

Municipal Local Governments. In addition to being the implementers of the investments that USMID will support, the municipalities are responsible for development planning and for oversight of environmental impact management within their boundaries. The key person for environmental management is the Municipal Environmental Officer (MEO), whose functions are described in detail in the discussion of the Program framework

3.3 Program Environmental Management Framework

Based on the review of infrastructure investments proposed under USMID in section 2, most of the USMID subprojects will be of type, scale and location such that they will not require full EIAs. The responsibility for management of their impacts will fall to the MC. The key actor in this part of the environmental management system is the Municipal Environmental Officer (MEO), who is employed by the Municipal Council and reports to the Director of Works. The MEO has the primary responsibility for carrying out the environmental management procedure at the municipal level. Performance is primarily assessed through the Annual Local Government Performance Assessment (LGPA), which is carried out by the Ministry of Local Government.

3.3.1 The Environmental Management Process

Previous World Bank projects (LGDP and LGMSDP) have led to the adoption of Bank systems and screening procedures by the MoLG and the municipalities, as no national system existed at the time for environmental and social screening and mitigation of projects outside of the EIA structure. The World Bank Operational Policy OP4.01 is reported to have now been mainstreamed into common usage. The result is a seven-step process, which the MoLHUD have also proposed to be used for USMID that leads to the preparation of an environmental and social management plan (ESMP). Its objectives are:

1. To determine which activities are likely to have negative environmental and social impacts;
2. To determine the magnitude of environment impact and assign the environmental category;
3. To recommend a full Environment Impact Assessment (EIA) where necessary;
4. To determine appropriate mitigation measures for activities with adverse impacts;
5. To incorporate mitigation measures into the project budget and implementation;
6. To review and approve the project;
7. To monitor environmental parameters during the implementation of USMID activities.

Step 1: Screening of the USMID Sub-Project Activities. The project proponent (engineers department) submits information on the proposed subproject using an Environmental and Social Screening Form (ESSF) that is already in use by all municipalities, informed by previous World Bank projects²⁹. The ESSF requires information that will allow reviewers to determine the characteristics of the prevailing local bio-physical and social environment with the aim of assessing the potential project impacts on it. The ESSF should also identify potential socio-economic impacts that will require mitigation measures and or resettlement and compensation.

Step 2: Assigning Environmental Categories. The MEO will assign the appropriate environmental category to a subproject based on the information contained in the ESSF. The potential categories, in line with the National Environment Act and EIA Guidelines are:

²⁹ See Annex 1 for a copy of the ESSF, taken from the MoLG Participant's Handbook on Environment and Natural Resources Management for use by Higher Local Governments.

1. Activities that require a full Environmental Impact Study (EIS), either because (i) they meet the general criteria in the Third Schedule of the National Environment Act (see annex 2), i.e. are out of character with their surroundings, are of a scale not in keeping with surroundings, or involve major changes in land use; (ii) are types of projects listed in the Third Schedule³⁰; (iii) are located in a nature conservation area; or (iv) are identified in other laws or regulations as requiring EIA because of their location³¹.
2. Activities for which additional information is needed to determine what level of environmental analysis and/or management is appropriate and for which mitigation is easily identifiable. Described in step 3.
3. Activities that are determined to have no significant or adverse potential impact on the environment (List A, annex 2 of the 1998 EIA guidelines, see annex 3 herein). Projects defined as List A will not need any further work as they are predicted to have little or no impact

The MEO makes a recommendation to the Municipal Technical Planning Committee (TPC) on the environmental work to be carried out, based on the environmental category.

Step 3: Carrying out Environmental Work. Third Schedule subprojects will require an EIA, described in 3.3.2, without further preliminary work. For all other projects, the MEO is reported to use a standardized Environmental and Social Checklist³² to obtain and present additional information on potential environmental and social impacts and to recommend mitigation measures (this checklist was not availed to the assessment team). Mitigation measures are incorporated into an Environmental and Social Management Plan (ESMP), for which a standard format is available. The ESMP includes for each potential impact: mitigation measures, monitoring indicators, implementing and monitoring agencies, frequency of monitoring, cost of implementation, and necessary capacity-building. It is possible (but unlikely for the majority of USMID sub-projects given the menu of eligible sub-projects) that after completing the Checklist, the MEO will recommend that the subproject concerned should be subjected to a full EIA, and submitted to NEMA for review and decision making.

Step 4: Review and Approval. Where an EIA is not required, the Technical Planning Committee (TPC) with the assistance of the MEO, should review the ESSF and the Checklist (if required) and decide whether the results of the screening process reports are acceptable – i.e., whether all environmental and social impacts have been identified and the ESMP contains effective mitigation measures for them. Approved ESMPs are incorporated in the project profiles³³ in the Municipal Council Development Plan.

Step 5: Public Consultations and Disclosure. Public consultations are expected to take place during the screening process, and the screening report (including consultation summary) to be communicated to the public by the MEO.

Step 6: Environmental Monitoring and Follow-up. The MEO must undertake the monitoring exercises in sequences and frequencies stipulated in the ESMP (including where appropriate, a Maintenance Schedule), either prepared by the municipality or by the EIA consultant.

³⁰ Abbatoirs and sites for solid waste disposal are the only ones of the types of subprojects that USMID may support that are listed in the Third Schedule. NEMA considers composting facilities to be sites for solid waste disposal.

³¹ As described in 4.5.1, *The National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, The National Forestry and Tree-Planting Act, and The Uganda Wildlife Act* all define circumstances under which EIA is required as well as prohibitions on development in protected areas.

³² Developed by the MoLG, in conjunction with NEMA.

³³ Project profiles are developed for every infrastructure project and include information on costs and budgets, technical descriptions, M&E, certification (environmental and sector heads),

Step 7: Monitoring indicators. The monitoring indicators will be developed by the MEO based on the mitigation measures and the ESMP.

At the end of project construction, a Certification for Compliance for the completion of works must be completed. Environmental issues are integrated into this, signed off by the MEO through the Engineer.

3.3.2 The NEMA Environmental Assessment Process

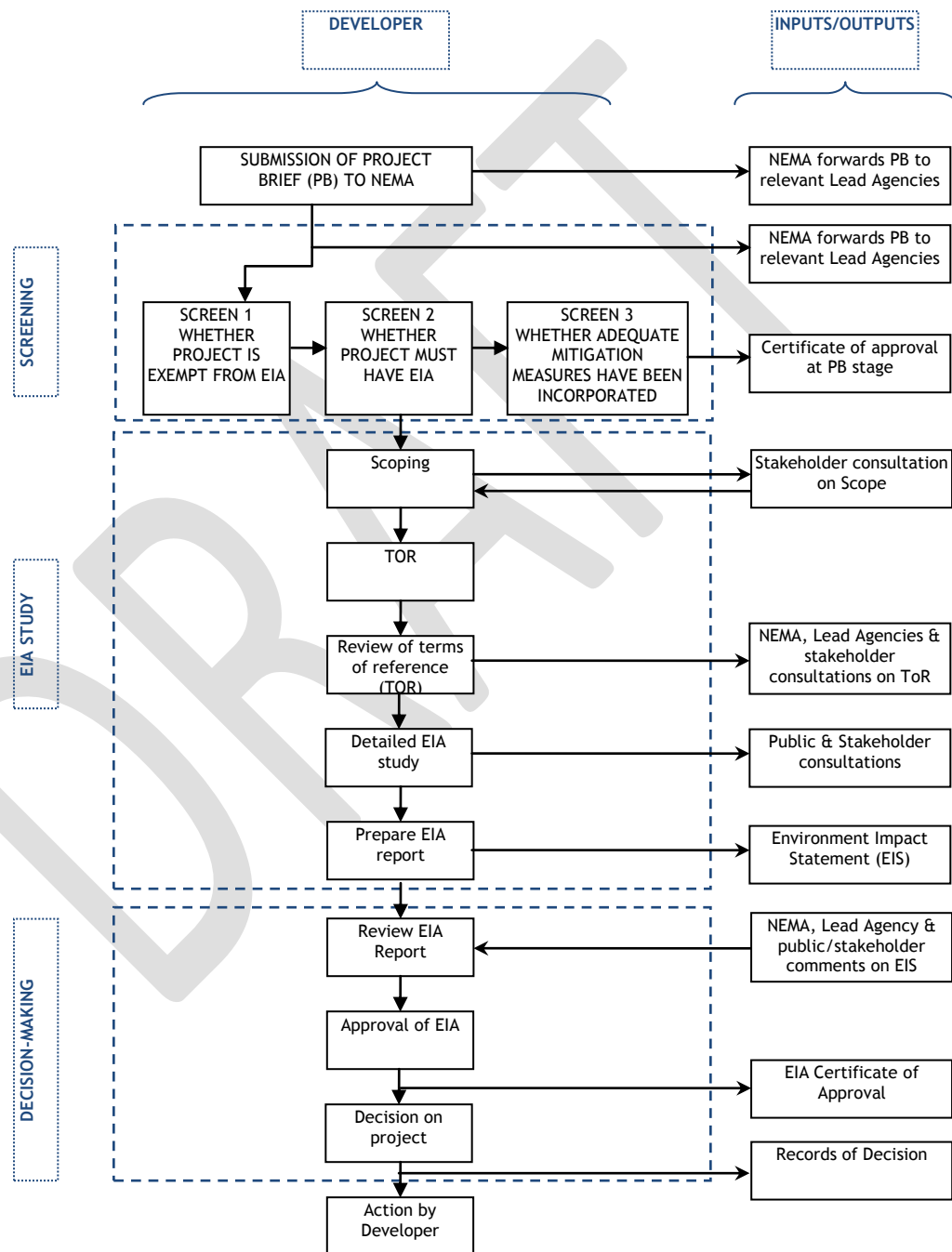
Environmental and social due diligence for most of the sub-projects in USMID will follow the process just described. Only composting facilities and abattoirs are on the mandatory EIA schedule 3 in the National Environment Act (also contained in Annex 3 in the 1997 EIA guidelines as List B projects), unless other sub-projects have the characteristics that would make them subject to EIA under the Act's more general provisions, such as being out of character with their surroundings, of a scale not in keeping with surroundings, or involving major changes in land use; again the sub-projects as selected do not fall into these categories. Lastly the individual laws concerning wetlands, forests, or wildlife may be invoked for any project proposed to be located on land with a conservation status. For those that might require EIA, the system is well established in Uganda under the Act and its implementing EIA regulation. It is centralized, administered by the National Environment Management Authority (NEMA), and consistent with international practice.

The EIA process in Uganda is described in Figure 2. It is initiated by the submission of a project brief – a document that contains the same sorts of information that are in the ESSF and a format for which is contained in the EIA guidelines. Once the information is judged to be complete, NEMA requests comments from the lead agency and then screens the project. The Executive Director has three options: (a) approve the proposed project, if the EIA is not mandatory and the project brief includes adequate mitigation measures, or (b) request the developer to prepare an Environmental Impact Study (EIS)³⁴ if a decision cannot be made on the basis of the project brief. If the TPC/MEO has ascertained that the project is on the mandatory EIA list, NEMA state that the project brief stage is normally omitted, moving straight into the EIA process. If the decision is for an EIS, the proponent obtains NEMA approval of the proposed EIA consultant, conducts a scoping exercise, and agrees with NEMA on the study terms of reference. The study is conducted, and culminates in submission of an Environmental Impact Statement (EIS) to NEMA for review and decision. Stakeholder consultation is mandatory at scoping, Terms Of Reference preparation, during the environmental study, and preparation of the draft Environmental Impact Statement (EIS). The content of an EIS, as specified in the EIA regulations, covers the recognized elements of environmental and social assessment good practice, including consideration of technical and site alternatives and induced and cumulative impacts. The EIA regulations (First Schedule) lists the issues to be considered in an EIA, including:

- Biodiversity
- Ecosystem maintenance
- Fragile ecosystems
- Social considerations including employment generation, social cohesion or disruption, immigration or emigration, local economy
- Effects on culture and objects of cultural value
- Visual impacts

³⁴ In practice this term is rarely used. The acronym EIS will be used in this document to mean environmental impact statement, and the term EIA will be used for the environmental impact assessment process, as it is in more common useage and widely understood. Although most assessments submitted are now termed 'Environmental and Social Impact Assessment', in common with best international practice, this term is not used in the environmental Regulations or Guidelines. Instead the term EIA should be taken to include social assessment.

Documentation of stakeholder consultation and grievance redress measures are not specifically called for.
Figure 5: NEMA Environmental Impact Assessment Process Source: Appendix C (EIA Process in Uganda) of EIA Reference Manual, NEMA, June 2002)



The NEMA review process begins with transmittal of the EIS to the relevant lead agencies for comments. For USMID, the lead agency will be the Municipal Council, and the responsibility to review and comment will fall to the MEO and the TPC. However, EIA Regulation 18(6) states that when the lead agency is the developer, it submits the EIS to NEMA and the Executive Director makes comments or invites other lead agencies to comment. Various departments within the MoWE (water, wetlands, urban forests), the MoTWH (physical cultural resources), the Uganda National Roads Authority (UNRA) or other agencies may also be consulted as appropriate. NEMA is then required to invite the general public to comment; the duration of the comment period is 28 days from the date the invitation is published in the newspapers. The EISs are public documents, in order to allow the public to access information and raise concerns regarding the project. NEMA also invites comments from persons specifically affected by the project, with a comment period of 21 days. Information on the project is expected to be distributed through local government in languages understood by the majority of the affected persons, a process that would be the mandate of the MEO. Based on NEMA's own review and the comments received, the Executive Director may decide to hold a public hearing, which must take place no less than 30 nor more than 45 days after the end of the comment period.

The Executive Director of NEMA must reach a decision on the proposed development in less than 180 days from the date of EIS submission. The decision may be approval, referral to the developer for additional information, study or project redesign, or rejection. The Executive Director may (and normally does) accompany the approval with conditions. Project briefs, EISs and conditions of approval are all public documents and are expected to be publicized to allow transparency and accountability in the decision-making process.

As the developer, the municipality will have the responsibilities specified in the EIA regulations to implement the measures called for in the project brief or the EIS, and to comply with any conditions NEMA issues in its certificate of approval. The MEO will have the lead role in monitoring to ensure that these obligations are met, and to comply with the requirement for an environmental audit by qualified individuals approved by NEMA, not less than 12 nor more than 36 months after project completion or commencement of operations.

NEMA have an environmental monitoring and compliance team, who are expected to ensure compliance by the developer with permits, standards, regulations and mitigation measures. Where a developer fails to put in place mitigation measures as set out in his EIS, NEMA environmental inspectors may issue an improvement notice and/or commence criminal or civil proceedings against him as laid out in the NES. However, NEMA state that they are extremely constrained in carrying out this function and do not usually carry out inspections unless complaints are received from the public, instead relying on the statutory audit to provide information.

3.4 Environmental Systems Assessment

In addition to the assessment of environmental impacts in this section, attention should be given to the shortcomings in participation, consultation, grievance mechanisms and accountability and transparency, which are described in section 4 and may also lead to a failure to adequately understand the environmental context of particular projects, in particular the importance of environmental system functioning and environmental services to the communities.

3.4.1 Planning Environment

Municipal council planning is done at council level, planning is done for a five year period and this is well documented in the Five Year Development Plan. All council technical staff and politicians are involved in the planning process, thus catering for all departments in the municipality. Municipal council

partners like CBO's and NGO's are also involved in the planning. Jinja and Gulu municipality are partnering with towns in Sweden to enhance sustainable development.

All municipal councils were found to have up to date five year development plans, the municipalities of Lira, Mbarara, Hoima, Gulu, Fort Portal, Soroti and Tororo have 2011/12 – 2015/2016 development plans while Mbale, Entebbe, Kabale, Masaka, Jinja, have 2010/11 – 2014/15 development plans.

Integration of environment and social issues has been done right from parish, division to Municipal level into the five year development plan. Environment action plans are normally formulated at parish, division and Municipal which are then integrated into the division and Municipal development plans.

The performance of the municipalities with regards to the planning process, from identifying the municipalities' missions, objectives, benefactors, and the trackable outcomes this indicators good performance of the municipalities in planning.

3.4.2 Environmental Assessment System

The Laws and Regulations for the EIA system in Uganda are generally strong and sufficient to ensure that significant impacts will be picked up. The system itself, as stated above, is also consistent with international practice. However the system is constrained by human resource issues at the various levels and in the various institutions (see below) and is likely to be less rigorous, leading to a risk that key unexpected or unanticipated impacts could be missed, through officers lacking resources (e.g. to make site visits, or adequately carry out consultations).

The use by municipalities of the screening form and the assessment using the environmental and social checklist is based on World Bank Safeguards requirements and Ugandan Legislation for assessment of these projects which fall outside the scope of EIA is not yet well developed, although there are indications that government (led by NEMA and MoLG) are in the process of formalizing these systems and procedures. Under the LGDP2 a National Committee was set up to prepare standardized training materials and guiding notes for use in capacity building and training workshops. A booklet guide on the application of policy was prepared in order to standardize procedure and build on the World Bank instigated systems. These tools and the training module is expected to be rolled out in the near future under the LGMSD Program.

Screening is expected to include public consultation, and questions on the ESSF cover protected areas, sensitive areas such as wetlands, aquatic ecology, geological hazards, landscape and aesthetics, all aspects of physical cultural resources, hazardous materials and wastes. Reports received from both the municipalities and the MoLG do suggest that this is widely practiced by the Municipal Environment Officer, however the Mid-Term Report on the World bank supported LGMSD Program suggests that the screening framework is not completed as often, or as thoroughly as has been reported by the local and national government officers interviewed. This is confirmed by a MoLG assessment³⁵, which shows that projects were screened in 58% of the USMID MCs, although only a third of them provided explicit budget for project screening.

Some confusion was encountered over the use of the ESSF, the Screening Checklist and the Project Brief. In fact the Checklist referred to by NEMA and MoLG did not appear to be available when requested, and only the ESSF seems to be in use in the municipalities. Project briefs are not prepared for projects that automatically require EIA (schedule 3) and no instance of a project brief being submitted to NEMA by

³⁵ Summary Report for Environment and Social Management in the Districts, August 2011, MoLG

the municipalities for category B projects had occurred. The ESSF is apparently the only tool used to determine environmental and social impacts and unless the project is on Schedule 3 of the Environmental Regulations, the only oversight for the MEO is the Technical Planning Committee at MC level, however the Summary Report for Environmental and Social Management in the Districts (August 2011) showed that no ESMPs had in fact been reviewed by the TPCs in any municipality.

3.4.3 Environmental Impact Assessment

The EIS prepared under the remit of NEMA (for projects under Schedule 3 of the Environmental Regulations), must be carried out by registered environmental practitioners approved by NEMA. A social expert (sociologist) is always part of the team, as are biodiversity experts and with additional personnel on the EIA team picked for their experience in handling the likely significant issues as identified. Whilst not called for specifically in the regulations, the EIS is more commonly referred to as an ESIA (Environmental and Social Impact Assessment) or ESIS (Environmental and Social Impact Statement). The process is generally well handled and contains the required elements of EA.

A selection of ESIA's prepared for municipal infrastructure projects varied in quality, but were well detailed³⁶. Direct social impacts were generally well captured, although there was less rigorous consideration of induced or cumulative impact and little evidence of the consideration of alternatives, including 'no action'. Potential or actual weaknesses in EIAs and EMPs are balanced by NEMA issuing very detailed Conditions of Approval these to some extent substitute for mitigation measures articulated in the EMP included in the EIA, since the subsequent compliance monitoring and auditing is carried out against those conditions of approval rather than the measures articulated in the EMP³⁷.

3.4.4 Review and decision making

Where an EIA is not required, the TPC with the assistance of the MEO will review the ESSF and/or the Checklist and make a decision on whether the results of the screening process reports are acceptable. No guidance exists on how this review is carried out and decisions made, so it is not possible to assess the criteria used to assess adequacy. Based on the 2011 assessment of environmental and social management in LGs carried out by MoLG, in none of the 12 USMID municipalities did the TPC review the ESSF or the Checklist.

On submission of an EIS to NEMA, relevant lead agencies are asked to review the statement for its adequacy, with the choice of lead agency based on the issues raised within the document. It is therefore crucial that issues such as land acquisition, resettlement, compensation, physical cultural heritage resources, etc. are correctly identified within the statement by the EIA practitioners in order for the correct line ministries to be consulted. As there is usually adequate representation of expertise on the team, this is likely to be captured.

In practice, the public consultation period of 28 days commences immediately the EIA is received by NEMA, in conjunction with the Lead Agency review period. No invitation is published in media, nor are EIA's made available to the public (neither contained in the library, available on the website or otherwise displayed). However, if a member of the public is aware that an EIA has been submitted, they can make a

³⁶ EIA for compost plant and Sanitary landfill in Arua Municipality, EIA for Waste Composting Project in Entebbe Municipality, Arua water supply.

³⁷ This practice also provides little incentive for EIA preparers to improve the quality of EIAs and EMPs. Incomplete EMPS are simply substituted by detailed conditions of approval, rather than being rejected and returned for reworking.

request to NEMA to be availed a copy, which is sometimes available. NEMA cites personnel and financial constraints in complying with this requirement, as they have only four officers to carry out all work connected with the EA process for approximately 700 EIA's per year (in addition to project briefs and other enquiries). NEMA states that they do not always receive comments from Lead Agencies within the 30 day stipulated period, and to comply with timelines for project approval, they must proceed without this input.

NEMA must also invites comments from persons specifically affected by the project, with a comment period of 21 days. Information on the project is expected to be distributed through local government in languages understood by the majority of the affected persons, a process that would be the mandate of the MEO. In practice there is also little possibility of the MEO carrying out any consultation on the ESIA at review stage, as they are required to do, due to funding constraints.

If EIA's are not of acceptable standard, they will be returned with detailed advice from NEMA about the areas requiring additional information or consideration. Otherwise a decision is made based on the contents, with conditions of approval dealing with any potential risk areas, or issues with potentially inadequate mitigation. NEMA may disapprove EIA's, but in practice this rarely happens.

NEMA state that for government projects more emphasis is put into providing guidance in the form of conditions of approval, to ensure acceptable standards. These conditions may run to some pages, as environment officers have little training or capacity in carrying out environmental assessment and monitoring, however, this may be a disincentive to providing more quality of work and emphasis on the EMP by MEOs..

3.4.5 Implementation

The municipalities follow the practice of incorporating the ESMPs in project profiles that are developed for every infrastructure project and attached as annexes to the five year development plans approved by Municipal Councils on a rolling basis. The Municipal Works and Technical Services Departments report that they incorporate the ESMPs in project bidding documents, and they also become the frameworks for monitoring by the MEOs, however this only applies to construction related impacts. One third of the MCs had ESMPs in place and 50% had included mitigation measure in the bidding documents. Overall, projects met environmental standards in about 40% of the MCs.

Payment of contractors' invoices should be contingent on certification by the MEO that the contractor has properly implemented mitigation measures. During the consultation workshop, MEOs stated that in some cases the engineer may issue completion certificates without the environmental compliance certification from the MEO. Only 33% of USMID municipalities followed this requirement in 2011, based on the LoLG assessment. It is not clear that the implementation of mitigation measures is rigorously ensured and the MoLG reports evidence of supervision in only 58% of the MCs. Resource constraints are reported to prevent all but a few projects from receiving any follow-up during construction and there is no evidence of any system in place to ensure follow-up occurs during implementation, unless complaints are received (which are not documented, see section 4.4.7).

3.4.6 Supervision and Oversight

Performance is primarily assessed through the Annual Local Government Performance Assessment (LGPA), which includes some indicators for environmental performance: key has been whether EIA's are undertaken, and also whether project screening has been completed. The LGPA falls short of determining whether issues were addressed. NEMA have no involvement in municipal environmental performance beyond the EIA approval process.

The MoLG states that the LGPA is being reviewed and that environment is a key area that will be strengthened, with an emphasis on ensuring results, with the Terms of Reference for an Urban Area assessment subtool, to include architecture, beautification, infrastructure, garbage.

For projects handled by the MEO, the system is in place and required to be followed under the provisions of the ESMP, with project certification needing to be signed off by the MEO. However, there is a potential lack of independent oversight, as the MEO both prepares the EA and ESMP, ensures that it is implemented and then certifies it, reporting directly to the ‘client’ or municipal engineer. This gives no opportunity for oversight or to correct bad practice, such as picking up unpredicted impacts, which are unlikely to be reported by the officer responsible. No requirement for regular reporting of follow-up appears to be in place. In practice consultation showed that the engineer often signs the certification on behalf of the MEO³⁸.

There is no clear and acceptable structure for oversight of project implementation in place at a national level. NEMA is expected to carry out compliance inspections on a sample of projects, although with unclear compliance strategies. Whilst audits are required by the Environment Act for projects for which an ESIA has been prepared, and must be undertaken by a certified practitioner; it is not clear whether these indeed always take place and whether there is sufficient capacity at either national or local level to carry out follow-up monitoring to ensure that impacts are managed as planned. Consultation shows that there is little possibility of NEMA visiting for follow-up and monitoring of site construction and implementation, relying entirely on the audit by the practitioner to ascertain whether mitigation measures have been implemented, and whether they are adequate.

3.5 Resources and Capacity

3.5.1 Human Resources

Municipal Level

At the municipal level, key environmental management personnel are Municipal Environmental Officers (MEOs). These are found differently located in the municipal government structure. The institutional report prepared in November 2011 for USMID indicates that they are located in the department called “Production and Marketing” that also includes agricultural extension, trade, etc. Interviews during preparations of the ESSA preparation with MoLG suggested that MEOs report to the Head of the Department of Works. Another arrangement was reported by the Entebbe Municipal Council. In Entebbe, there is no MEO, but instead there are 3 Focal Point Persons (1 for the MC and 2 for the divisions), who report directly to the Town Clerk. This was apparently a trade-off made for other staff in other departments. The status of these staff needs further assessment to ensure that they have appropriate skill sets to operate the environmental assessment process adequately.

The institutional report, November 2011 also makes it clear that lack of transport and equipment is a chronic problem in both departments, therefore affecting the MEO no matter where he or she actually sits. MoLG points out that MEOs are responsible for monitoring ESMP implementation but do not have the equipment they need to do it. Again Entebbe operates a different system; with the focal point person conducting quarterly monitoring visits to groups of projects. It is unclear whether these personnel suffer similar resource constraints to MEOs elsewhere but they appear not so severe as to prevent monitoring. In addition, Entebbe has a Gender Coordinator, who happens to be a Deputy Town Clerk, and an HIV/AIDS coordinator, suggesting that social issues are not neglected in planning and impact assessment

³⁸ Reported during the consultation workshop.

and management, at least in that municipality. The picture could be quite different at MCs that do not function as well as Entebbe.

According to NEMA, MEOs lack sufficient training; and have not been exposed to the capacity building that the District EOs have had. MoLG agrees (MEOs have only had introductory training in the use of the ESSF: a new training program has been developed under LGMSDP but is yet to be rolled out) but suggests that other officials in MCs including council members need some environmental training as well, in order to understand why environmental and social impacts are important considerations in development decisions.

NEMA states that MEOs do not participate in the annual budgeting process because there is no separate environment department and do not receive sufficient budget. Most sectors in LG receive some funds from the central government (no distinction made between district and municipalities governments), but environment gets very little. What does come is mostly for wetlands management.

National Level

At the national level, at NEMA, the Department of Environmental Monitoring and Compliance has four professionals with two assistants who do all EIA reviews and follow up. With an average of 57 EIAs, EIRs or Project Briefs to review each month, this is an enormous workload. The volume of review work makes very little time available for monitoring in the field, so the Department gives priority to highly sensitive projects and projects on which they have received complaints. About 30% of active projects receive follow-up. The main need is for more people for review and monitoring, including someone with expertise in social impacts, which is totally lacking in NEMA despite explicit requirements for coverage of social issues in EIAs. An institutional review recommended three additional staff, but approval was not given. If recruitment of additional staff is not possible, NEMA would like funding to engage a review contractor and funding for field monitoring, using the National Environmental Fund (derived from Statutory Fees).

3.5.2 Financial Resources

The capacity building budget; a unified grant from the central government, is provided for all departments of council. The Operational budgets of the different departments in the municipalities rely on local revenue, which falls short at every annual collection.

The environmental office at municipalities is further disadvantaged because they do not have an independent budget, instead all their funding is through the Department Of Works, with different prioritization of available finances.

Overall, there is a broad consensus that financial resources for functioning of either national or municipal level of environmental management related to urban development are insufficient. USMID financing is an excellent opportunity to address this shortcoming.

3.6 Conclusions

Table 7 summarizes the findings of the environmental assessment in relation to the core principles contained in OP/BP 9.0 Program for Results Financing.

The environmental legislation in Uganda is robust and covers most of the aspects required under best practice. In as far as direct impacts resulting from infrastructure projects, this system is adequate to

ensure that impacts are generally identified and mitigated through planning documents, ESIA and ESMP. However, there are three main areas of concern:

- A lack of follow-up and monitoring results in potential impacts arising on site despite being addressed in the ESIA and ESMP;
- A lack of adequate inclusion of induced, social and cumulative impacts lead to a potential for these being inadequately understood or mitigated;
- A lack of adequate participation, consultation, compensation and grievance mechanisms gives rise to the potential for project effects and intentions to be misunderstood by both the developer and the intended beneficiaries, and for conflicts to arise.

Whilst the system in place leaves room for improvement, in the context of USMID, no projects are planned which are expected to have environmental or social impacts of a nature which would result in significant environmental risk. Actions as proposed in section 7 are therefore considered adequate to ensure that the system can manage any anticipated environmental risk.

Table 7: OP/BP: 9.0 Core Principle and Attributes vs. Uganda's Legislative framework, Guidelines, and Practices for Environmental Protection

Core Principle 1: General Principle of Environmental and Social Impact Assessment and Management

OP: Environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in 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.		
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments <i>at the program level</i> .	<p>The national framework is adequate for any projects that will require full EIA. For projects that do not, EA is decentralized to the municipality.</p> <p>National laws for the protection of various resources including wetlands, lakes and rivers, forests, water and air quality, soils, monuments, wildlife, protected areas all apply to local government and have been taken into account in the design of the screening form, checklist, and ESMP format used by MEOs for impact assessment.</p>	Officials at Entebbe MC explained that the procedure and the standardized forms are provided by MLG and that all LGs are required to use them. This appears to be the case in most instances. Where ESIA is required municipalities use qualified and certified practitioners.
Incorporate recognized elements of environmental and social assessment good practice, including: (a) early screening of potential effects	The EIA system as authorized by the National Environment Act, governed by the associated EIA Regulations, and administered by NEMA covers all of these items except that consideration of the	The "no action" alternative is not normally given due consideration, nor are induced, cumulative and trans-boundary impacts normally treated rigorously in ESIA's. Where

<p>(b) consideration of strategic, technical, and site alternatives (including the no action alternative)</p> <p>(c) explicit assessment of potential induced, cumulative, and trans-boundary impacts</p> <p>(d) identification of measures to mitigate adverse environmental or social impacts that cannot be otherwise avoided or minimized</p> <p>(e) clear articulation of institutional responsibilities and resources to support implementation of plans</p> <p>(f) responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures.</p>	<p>“no action” alternative is not explicitly required. The municipal government screening and ESMP development procedures and associated screening form and checklist 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>There is acceptably clear articulation of the responsibilities of national govt bodies and other environmental institutions, although it is not clear how well they coordinate with local level government.</p> <p>The EA process documents the need for responsiveness and accountability explicitly in the EIA guidelines.</p>	<p>ESIA is not required, current practice is not known.</p> <p>Most direct impacts are identified and mitigation measures included and detailed in the ESMP.</p> <p>Whilst articulation of responsibilities in NEMA are clear, there are no resources and personnel to ensure that these are implemented fully, other than the submission of ESIA statements. MinLG do require regular reporting and ensure that EA protocols are followed. Other line ministries, do not appear to have regular communication with municipalities.</p> <p>EIA consultation is normally carried out by practitioners. No participation appears to occur for assessments by the municipalities, nor for any project following project approval. Access to public documentation is rarely possible at NEMA or municipalities.</p>
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Core Principle 2: Environmental Considerations – Natural Habitats and Physical Cultural Resources

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 Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
Includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas.	The NEMA Project Brief format and the municipal Environmental and Social Screening Form (ESSF) require this information.	Important biodiversity is normally adequately identified where it is known to exist.
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	The EIA system does not itself impose a ban on conversion of critical natural habitats but does require an EIA for any activities that might affect critical natural habitat in the form of national	Conversion of critical natural habitats is not avoided; although mitigation measures to minimize the damage are included, this does not extend to offsets or other compensation measures for

significant conversion of natural habitats is not technically feasible, includes measures to mitigate or offset impacts or program activities.	parks and other protected areas. Other regulations issued under the National Environment Law prohibit development in protected wetlands and restrict development activities in buffer zones around lakes and along rivers. The Forestry and Tree Planting Act and the Uganda Wildlife Act prohibit development in parks and conservation areas within their purview unless permission is first obtained and require an EIA for proposed activities in natural areas with lesser protection, such as forest and wildlife reserves.	the lost values, except for World Bank supported activities. The protected area regulations are not robust enough to prevent development within these areas, as provided an ESIA is approved, permission is normally always granted. Follow-up on projects is lacking, so non-compliance with mitigation measures, standards and best practice is not ensured. Municipalities themselves reacting to land pressures have also requested degazettment of forest reserves for development and proposed infrastructure development in wetland areas.
Takes into account potential adverse effects on physical cultural property and, as warranted, provides adequate measures to avoid, minimize, or mitigate such effects.	See social development table	

Core Principle 3: Environmental Considerations – Public and Worker Safety

OP: 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.		
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
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.	See social development table.	
Promotes use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or	These issues are not relevant to USMID.	N/A

operations; and promotes 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.		
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.	No. The resulting risk needs to be assessed in the context of the 14 USMID municipalities.	

SECTION 4 PROGRAM SOCIAL MANAGEMENT SYSTEMS

The social management system for USMID will be based on the Ugandan legal and regulatory framework and the relevant Ugandan institutions.

A social management system was introduced in the USMID municipalities as a result of past World Bank support to local governments in Uganda, but feedback and consultation during the ESSA preparation suggests that whilst these systems exist on paper they have not yet been utilized by the municipalities. Some Ugandan legislation exists for management of social issues and effects, and is described here, but in most cases this has not been followed through into practice (e.g. for the application of resettlement frameworks). The MoLG in particular has recognized these gaps and have been moving to introduce systems based on the previous World Bank social safeguards instruments. The systems described in this section focus on the current practice and where appropriate refer to new developments that may be relevant to USMID. The adequacy of the existing legislation to ensure acceptable social performance is considered and compared to current practice (Performance Assessment, section 4.4).

A comprehensive and adequate Social Management System (SS) is expected to have among others the following:

- i. a policy, legal and regulatory framework;
- ii. institutional arrangements for preparation, implementation, monitoring and evaluation of mitigation measures;
- iii. grievance redress mechanisms that includes procedures and tools to identify and mitigate existing and potential conflicts as a result of loss of assets, complete with centers of responsibility;
- iv. opportunities and ability of relevant stakeholders including the project affected to actively participate in decisions that affect them and make informed choices.

4.1 The policy, legal and regulatory framework

The policy, legal and regulatory context for the management of land acquisition including its relevant measures within the confines of USMID is governed by the following:

- The Constitution of the Rep of Uganda (1995)
- The Land Act Cap. 227 (1998, *and as amended in 2004*)
- The Land Acquisition Act Cap. 226 (1965)
- The Roads Act, Cap 358
- The Physical Planning Act, 2010
- The Registration of Titles Act Cap.230 (1908)
- The Access to Information Act, 2005
- The National Land Policy (not yet approved by Cabinet)

4.1.1 Property and Land Rights in Uganda

The *Constitution of Uganda* 1995 vests all land directly in the Citizens of Uganda, and states that every person in Uganda has the right to own property. The Constitution also sets the standard for any form of compensation in Uganda and provides for prompt payment of fair and adequate compensation prior to the taking possession or acquisition of the land/property. Ugandan law recognizes four distinct land tenure systems: Customary tenure, Freehold tenure, Mailo tenure and Leasehold tenure.

- *Customary land* is owned in perpetuity and is governed by the customary laws by the peoples who have customary tenure. It is governed by rules generally acceptable as binding and authoritative by the class of people to which it applies. These people have propriety interest in the land and can acquire a certificate of customary ownership or a freehold certificate of title by requesting one through the Parish Land Committee (which will then be granted by the District Land Board). Land is owned in perpetuity under customary tenure.
- *Freehold tenure* involves the holding of land in perpetuity or for a period less than perpetuity fixed by a condition. It enables the holder to exercise full power of ownership. A freehold title can be subjected to conditions, restrictions or limitations which may be positive or negative in their application.
- *Mailo tenure* involves the holding of land in perpetuity. It was established under the Uganda Agreement of 1900. It permits the separation of ownership of land from the ownership of developments on land made by a lawful occupant. Additionally, it enables the holder to exercise full power of ownership, subject to the customary and statutory rights of those persons lawful or bonafide in occupation of the land at the time that tenure was created and their successors in title.
- *Leasehold tenure* is created either by contract or by operation of the law. The landlord or lessor grants the tenants or lessee exclusive possession of the land, usually for a period defined and in return for a rent. The tenant or lessee has security of tenure and a proprietary interest in the land.

Additionally, under common law the statute of a “licensee” or “sharecropper” is also recognized. Licensees are granted authority to use land for agricultural production, usually limited to annual crops. They have no legal security of tenure or any propriety right in the land.

4.1.2 Acquisition and valuation of Land and other assets /properties

Land Acquisition. Both *The Constitution, 1995* and *The Land Act, Cap 227* gives the government and local governments 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 defence, public safety, public order, public morality or public health.”

The Land Acquisition Act, 1965 makes provision for the procedures and method of compulsory acquisition of land for public purposes. Whenever government has decided that any land is required for a public purpose, it may, by statutory instrument, make a declaration to that effect. An instrument made under sub sec (1) shall specify the location of the land to which it relates, its approximate area, and if the plan of the land has been made, a place and time at which the plan may be inspected. Further, 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.

Right of Way/Road Reserve. The 1965 *Roads Act* defines the road reserve/”right of way” for a road as the area bounded by imaginary lines and of no more than 50 feet from the center line of the road. This area is declared by statutory instrument as the road reserve. The act also states that no person may build any structure, or plant any tree, plant or crop in the road reserve.

The road authorities are allowed to take materials and/or dig within the road reserve for the construction and maintenance of the road.

Valuation. 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 respectively.

4.1.3 Compensation

The *Constitution of Uganda* requires that if a person's property is compulsorily acquired, that person must receive prompt payment "of fair and adequate compensation prior to taking possession" of the property. However there is no clarification in the Land Acquisition Act on the promptness, fairness and adequacy of the compensation.

4.1.4 Dispute Resolution and Grievance Redress Mechanisms

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. However, not all districts have functioning Land Boards or Tribunals, and yet these same institutions are also responsible for the municipalities.

The affected person may appeal to a higher ordinary court. Similarly 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.

4.1.5 Access to Information

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.’

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.

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. 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.

4.1.6 National Land Policy (not yet approved)

Consultations for the national land policy were completed when a National Conference was held in May 2010. The policy was submitted to the Cabinet and now awaits approval. Once approved, it will lead to further changes in the legal and policy framework including Uganda's National Constitution, 1995. The following are key:

- i. Delegates in the National Land Conference dropped the earlier proposal of expanding the grounds of compulsory land acquisition to include re-settlement, physical planning and orderly development.
- ii. Further, Section 2.3, Policy Statement 11 states, "The State as a trustee for the citizens of Uganda, shall exercise the power of compulsory acquisition, responsibly and strictly in public interest". (*Refer to National Land Policy Final Draft – Nov 2011*), The National Land Policy recommends among others, a National Resettlement policy that will clarify on procedures for the management of land taking and displacement due to development projects, disasters, etc., and including resettlement and other relevant measures like compensation, and their centers of responsibility.
- iii. The Act states 'To clarify the power of compulsory acquisition, the Constitution, the Land Act and the Land Acquisition Act shall be amended to:
 - automatically restitute original owners where public interest or purpose justifying the compulsory acquisition of land/property fails or expires;
 - limit exercise of this power to the Central Government under terms prescribed by the citizens of Uganda;
 - prescribe a uniform method for application of the power of compulsory acquisition especially the payment of prompt, adequate and fair compensation irrespective of tenure category;
 - establish the mechanism for local governments to exercise this power in respect of meeting the requirements for compensation;
 - Prescribe a set of regulations and guidelines, the roles and responsibilities of the different state organs and agencies in the exercise of this power'.
- iv. Section 3.9 of the Policy: *Land Rights of Ethnic Minorities* Over the years, the land rights of ethnic minorities as ancestral and traditional owners, users and custodians of the various natural habitats have not been fully acknowledged even though their survival is dependent upon access to natural resources.
- v. Policy Statement 58(b) states; "Government shall pay prompt, adequate and fair compensation to ethnic minority groups that are displaced from their ancestral land by government action".

Therefore, government will take measures to consider land swapping or compensation or resettlement in the event of expropriation of ancestral land of minorities for preservation or conservation purposes; pay compensation to those ethnic minorities that have in the past been driven off their ancestral lands for preservation or conservation purposes;

4.2 **Institutions, roles, responsibilities**

4.2.1 Land Acquisition, Resettlement and Rehabilitation.

The Ministry of Lands, Housing and Urban Development (MoLHUD) is the executing ministry for USMID at national level and therefore provides oversight of all Program activities to be funded. MoLHUD is also responsible for oversight of all land related matters including policy guidance, supervision and monitoring. The ministry is expected to have 13 zonal/regional land offices, and currently

only 7 are ready with office premises and no technical officers yet. It is expected that Ministry of Public Service will recruit the relevant officers next FY (12/13). These officers will ease the lack of staffing in the districts as the neighboring districts will be equally allocated to them. The officers report to the Office of Land Administration in MoLHUD.

The Office of the Chief Government Valuer (CGV) is responsible for compensation issues in terms of clearing resettlement packages for the project affected people based on the current policy, legal and regulatory framework in section 4.1. However, the valuation methodologies used may not necessarily reflect international best practices hence likely to put the project affected households and people at the risk of impoverishment. For example, valuation for fruit trees is not based on the value of harvests lost until the replacement trees come into full production. Similarly, there is no provision for in kind compensation for subsistence crops, and structures are valued at depreciated values. All these imply that with such valuation, a project affected household may not be able to restore or even improve their livelihoods. In fact complaints of inadequate compensation for both crops and structures lost are very common and were cited in the consultations undertaken in the municipalities for purposes of drafting this assessment.

The municipalities are at the centre of land acquisition for USMID activities and will be responsible for drawing the terms of reference for the preparation of the compensation plans including the valuations of the properties following the rates established by districts within which the municipality is located. These are then approved by the CGV. The process of updating district rates is expected to be undertaken annually. Some districts promptly update and submit the rates to the CGV while others do not.

Similarly, implementation of Program activities will be undertaken at municipal level with the Town Clerks as the accounting officers. Similarly land acquisition related issues will be handled at municipal level with MoLHUD coming in to provide clarifications and approval of compensation plans in the Office of the Chief Government Valuer (CGV).

Every district has a land office and each office is expected to have at least 5 staff that includes a surveyor, a physical planner, a land officer, a land valuer and a registrar. However not all districts are adequately staffed and existing district land office staff are not likely to be well conversant with municipal or urban area concerns which are very distinct from those of rural areas. Key issues in urban areas include among others solid waste disposal, sewerage services, and informal settlements. For example, the consultations revealed practices such as the District Land Board allocating land in a wetland in an urban center for industrial development. The consultation workshop showed that there is frustration on the part of the municipal officers that their physical development plans can be overlooked by the Land Board in the allocation of land and expressed a clear desire to have municipal representation on the Land Board.

Budget. If land acquisition is related to a national program like USMID, then the budget to meet compensation or resettlement where applicable is born by the executing ministry. Otherwise the local authority concerned takes the responsibility of meeting the costs of land acquisition and its related measures of compensation, resettlement and rehabilitation. The consultations in the municipalities showed that the current practice when such compensation is required (and in the absence of allocated budgets) is for the municipality to negotiate with the land owner and either (a) convince him or her about the need for the land to be given for development purposes and by which the individual may benefit in future or (b) provide a nominal sum of money in exchange for the land. It is important therefore that a budget for compensation of project affected people for their losses is made available at MoLHUD.

Vulnerability and Equity. Matters relating to vulnerable groups like orphans, marginalized groups like the disabled and women are a responsibility of the Ministry of Gender, Labour and Social Development (MoGLSD). Further, the same ministry coordinates Health and Safety, including HIV/Aids, in work

places and therefore it is imperative that MoLHUD and MoGLSD talk to each other in resolving land acquisition related matters especially inclusive compensation, HIV/AIDs in construction related activities and provision of job opportunities and other rehabilitation measures to the project affected persons. Currently no coordination exists between these government agencies. See sections 3.1 and 3.2 for information relating to labor safety in the workplace.

4.3 Program framework

4.3.1 Project level assessment – Screening Framework

Screening for social impacts including those that are construction related and land acquisition is done using the Environment and Social Checklist attached as Annex 6. Therefore, in order to identify and address social impacts the USMID Program will apply the environmental screening system outlined in Section 3.3 of this report. This process is intended to establish the extent and nature of social impacts so that appropriate measures are designed and implemented to address the relevant issues. The screening checklist to be used in each municipality for each sub-project has questions about the need for land for a new facility or extension of existing, construction related social impacts like concentration of labor in one place and its effect on transmitted diseases like HIV/AIDs, etc. The screening checklist for social effects has to date been carried out by the MEO as the municipalities do not have a position for social staff.

4.3.2 Environmental and Social Impact Assessment Process

The system in place for social assessment at National level, if a full EIA is required, is the same as that for environmental assessment, with the EIA guidelines requiring social assessment ‘to predict and prevent or moderate unacceptable adverse social effects on the proposed actions or projects’. The process to be followed is the same as for environmental impacts and should be carried through at every stage of the project life cycle. The EIA guidelines include sections advising on public consultations, resettlement and compensation and grievance redress mechanisms, as described in detail in section 3.3. The checklists in the EIA guidelines are not as thorough in relation to social impact identification as for environmental impacts.

The TORs for the EIA (agreed between NEMA and the developer) usually stipulate that the EIA consultant team must have a social scientist on the staff, if there is any potential for social impacts to occur (and normal practice is to refer to the assessment as an ESIA). The social scientist is expected to carry out a full social baseline assessment to inform the ESIA.

In addressing social impacts, NEMA should include relevant line ministries so that they are able to comment on these issues in the review.

4.4 Performance Assessment

Generally there is little in the way of formal guidance or regulation of social impact assessment in Uganda. In the EIA process, normal practice for the EIA consultant companies exceeds the requirements of National Laws and Guidance and tends to follow good international practice with regards to social issues. However, without standardised assessment tools available, consultants do stress that their work is hampered (e.g. resettlement frameworks, scoping tools for social issues and environmental services). Whilst NEMA state that the EIA guidelines from 1997 are in the process of being reviewed, this remains an area that is dependent on the consultants professional capacity rather than on adequate regulations and guidance.

In the majority of USMID projects which do not require EIA, the performance of the USMID social management system will depend on new systems that are being put in place by MoLG, informed by the experience gained under Local Government Development Programs. This comprises the training³⁹ and assessment manuals, which give examples of the ESSF, resettlement and compensation forms. In the context of challenges such as the delay in approving a key land policy and its recommendations, inadequate implementation of policies, laws and regulations, and low capacity in terms of both human and financial resources, the systematic use of these manuals will be essential. The failure of municipalities previously to implement the instruments that had been provided under the LGDPs (resettlement frameworks, screening forms and assessment checklists), and the failure of the system of land acquisition to protect municipal land (due to the non-representation at Land Boards and the practice of persuading PAPs to donate land) is not encouraging. MoLHUD will need to liaise with MoLG to ensure that the MEOs (and possibly CDOs in a supportive role) have adequate capacity to understand and address the social impact, to apply the instruments and to ensure that these are implemented in all cases. The scope of project interventions and the likely moderate extent of land acquisition, should mean that the municipalities in active collaboration with their mother districts are able to adequately address any land acquisition related impacts providing that the system is fully implemented. It is critical that sufficient emphasis is placed on compliance being directly tied to USMID contributions to municipalities.

Threats arising from inadequate compensation, concentration of labor, population influx as a response to improved services, spread of diseases and disparity of incomes are likely to arise and may not be adequately understood and mitigated within the current system and bearing in mind the lack of trained social officers. Whilst the scope of activities under USMID are not anticipated to pose any major displacement threat, tracts of land will be sought for purposes of construction, extension and or rehabilitation of the required infrastructure and it is vital that systems are in place to ensure that these will be adequately and appropriately handled in accordance with best practice.

The municipalities were expected to identify and prepare subprojects to be funded under the Program in a participatory manner with all the divisions of each municipality and the Municipal Development Forum involved. This participatory approach would have helped in reaching consensus over priority sub-projects, their sequencing and discussion around alternatives to ensure the planning for and implementation of the required social measures. However, as explained in section 2.2.3, this did not take place due to time constraints. Consequently, there is a heightened need for consultation and participation during environmental and social assessment, exploring options to minimize impacts on the poor and vulnerable members of the community who may be disproportionately affected by sub-projects. Such groups of people include those in unplanned settlements, those that don't own land and those categorized as vulnerable, e.g. the disabled, orphans headed households, HIV/AIDs affected, etc.

4.4.1 ESIA process

It is clear that the lack of social officers on the municipal staff will severely affect the ability of the USMID Program to achieve adequate social screening and identification of appropriate mitigation measures. There is, therefore, an urgent need to train the MEOs who will be responsible for use of the checklist, to ensure that they are correctly and reliably able to use the screening checklist for social issues, consult with CDOs (who have some awareness of social issues) and identify potential measures to address such issues.

Similarly, NEMA is constrained in analyzing the social impacts on sight due to the lack of social scientists on the NEMA staff. In practice no line ministries are regularly consulted who would be able to

³⁹ Participant's Handbook on Environment and Natural Resources Management for use by Higher Local Governments. October 2011

ensure that impacts are correctly identified or mitigated. The only line ministry regularly consulted on social aspects is MoTWH, who advise on cultural heritage issues.

4.4.2 Participation

Whilst there is some evidence of participatory planning at early stages and efforts to focus development on the eradication of poverty, the councils own documentation makes clear that this is not fully achieved in practice. Detail project planning and selection and implementation stages have very little participation, other than consultation through the ESIA process. With no robust and well-documented grievance mechanism in place, it is not possible to gain feedback on whether the projects have achieved their stated objectives, or avoided causing harm.

Participation in Local Government Infrastructure Planning

Uganda's Decentralization Policy and The Local Government Act 1997 require public participation in decision making at a local level. In addition, Uganda's Environmental Impact Assessment Regulations, 1998, also require "taking all necessary measures to seek the views of the people in the communities, which may be affected by the project during the process of conducting environmental studies for projects". During interviews in municipalities it was established that Municipal Development Plans and Municipal Environment Action Plans are developed with consultation and involvement of stakeholders through their political leaders and community based organizations (CBOs) and other NGO's working in the project affected areas.

Municipal council planning processes are documented in the Five Year Development Plan. All council technical staff and politicians are involved in the planning process, thus catering for all departments in the municipality. It was established during interviews in the 14 municipalities that CBO's and NGO's are also involved in municipal planning. This planning process is intended to begin with a 'bottom-up' approach through which communities come up with wish lists at ward level. Mbale MDP states that "special attention should go to the areas that remove the binding constraints that impede socio-economic transformation and prosperity". However, some municipalities in their own assessment of the process determined that this had not been fully actualized (reasons not stated).

All councils have Community Development Officers (CDO's) in place, whose remit includes mobilization of local communities and ensuring that they participate in municipal planning exercises.

Participation in USMID

No public participation was found specifically in regard to USMID due to the limited time MoLHUD allowed municipalities to submit proposals. In many cases, municipalities adopted projects in their Five-Year Development Plans as proposals for USMID submissions. However, it should be noted that projects in Five-year development plans were developed with participation of local communities and stakeholders, as in the process described above.

Participation in ESIA process

Uganda's *Environmental Impact Assessment Regulations, 1998*, envisage a broad scope for public participation. Regulation 12 (1) requires a project proponent or developer to "take all necessary measures to seek views of the people in communities, which may be affected by the project during the process of conducting the study...". In furtherance of this, the developer must (a) publicize the project, its anticipated effects and benefits for at least fourteen days in the mass media and in a language understood by the affected communities; and (b) hold meetings thereafter with the affected communities regarding the project at such times and in such venues as are agreed with leaders of local councils in the area. After the study has been completed, the general public is invited through newspaper announcements to make written comments on it. Notices to those most likely to be affected are to be issued in languages

understood by the majority of them and published in newspapers circulating in their locality as well as distributed through local government units. The Executive Director of the National Environment Management Authority (NEMA) is empowered to decide whether or not a public hearing should be held on the study. He or she may base their decision on comments submitted on the study or on the view that a hearing is “necessary for the protection of the environment and the promotion of good governance.”

Thus the Ugandan regulations provide for public involvement in the course of the preparation of an Environment Impact Assessment (EIA) study as well as for a further possibility at the stage where it is being reviewed by government agencies.

In practice the remit of participation with regard to EIA falls on the MEO, however municipal councils are hampered in this duty by severe resource constraints, which means that officers are not in place: four municipalities have no environment officer, all are inadequately trained to understand social impacts, and all municipalities have resource constraints so that officers are unable to secure transport to project areas, thus constraining their ability to effectively promote participation.

While sufficient provisions exist to ensure participation in the assessment of environmental impacts, system is less robust in identifying social impacts, and the environment officer is relied on to gather any relevant information during the environmental consultation. Project implementers have no regulatory duty to work with communities to ensure adequate participation. Therefore all responsibility to encourage public participation in the social impact assessment rests with the project promoter/developer.

4.4.3 Land Acquisition, Resettlement and Rehabilitation

The scope of activities under USMID like those under LGDPI and II, and LGMSDP, pose no major displacement threats as such, although tracts of land will be sought for purposes of construction, extension and or rehabilitation of the required infrastructure. Therefore individuals and communities in the respective locations in the municipalities may lose land (however small), and other assets or properties that is on this land. The losses may include structures (semi-permanent and temporary mainly for trading purposes), crops and other vegetation, and shared facilities like water points, community roads, roadside markets, etc. Therefore major displacement of people is not likely to happen and from previous experience in local government supported subprojects the cost of involuntary resettlement activities per subproject is estimated to be 0.2% of its total budget. It is not possible to estimate the number of people that may be resettled since massive displacement is unlikely. However, since municipalities are determined to integrate physical planning into area development plans in order to address infrastructure priority needs, involuntary resettlement in informal settlements will be handled with caution, and at national level in terms of obtaining budget for resettlement and compensation related activities. It is important therefore that whatever economic and social assets are affected by the projects, a process to support the handling of such impacts in a fair and timely manner, such that the livelihoods of the people in the area are restored or even improved beyond the level existing before the Program activities are implemented. As it stands the current compensation levels are felt to be inadequate, and this is cited as one reason why their use tends to be avoided.

Past local government development programs have prepared and applied resettlement policy frameworks (RPFs) to address land acquisition related concerns in Uganda. However, under the PforR OP 9.00, the Bank task team is required to undertake an environmental and social systems assessment in order to establish if the country systems will manage potential social impacts.

Uganda is moving from a period of small and uncontroversial subprojects like water points, community roads, etc., when communities and individuals of good will would voluntarily give away land for community development projects; to medium and large scale subprojects which require substantial tracts

of land that cannot easily be given away by individuals or communities. In a context of increasing land pressures, the Ministry of Local Government received and accepted the World Bank Resettlement Policy Framework and used it as a way of introducing land acquisition to the local authorities including municipalities in the form of a broader guidance manual⁴⁰. However details of these documents and how they are to be applied is not common knowledge to the technical teams at district level. In comparison with districts, municipalities have even less knowledge of the existence of the manual although some technical staff, specifically the environment officer and to some degree the town clerk may have some exposure. Generally, the municipalities have no experience in handling land acquisition or its attendant measures especially in relation to the project affected parties. According to the Municipal officials there is no officer appointed to handle land acquisition for projects and very often the physical planner and district engineer find ways to informally manage such issues, comprising of convincing land owners and users that the project at hand is important to them, citing its benefits and accepting the land without any compensation. Where the individual or community is resistant, then the local authority seeks to purchase the land. Some municipalities purchase land from individual owners who negotiate on land price basing on the district established rates. In other instances, records of the transactions, details of the seller and other information may be difficult to find. For purposes of the USMID program, all land required for municipal infrastructure development will be compensated for and this is well articulated in Table 11.

Reports by most municipal officials indicate that detailed land acquisition procedures and processes have never been required and therefore find no need to use the Resettlement manual that is provided to the municipalities by the Ministry of Local Government (MoLG). In other words the municipal staff did not see the relevancy of the procedures in cases of small sub projects land acquisition.

For Municipal projects that have involved land acquisition, most of the Municipal Councils under the USMID Program have in the past ignored or forcefully displaced Project affected peoples (PAP)s without compensating them. According to some Municipal officials, consultations with the affected persons when possible are done with the help of local council leaders, Community Development officers (given the role of sensitizing the PAP's to projects), physical planner, and engineers or in some Municipalities the town clerk. Meetings are organized where PAPs are informed about proposed projects and thereafter convinced to give part of their land or asked to move /settle somewhere else without compensation (particularly in the case of customary ownership). This approach, say municipal staff, has in some cases been successful, and in others where some PAPs know value of land, projects have stalled as a result of PAPs resistance.

Whilst the good will of communities is laudable, it does not comply with best practice.

Compensation

Resettlement in Uganda is covered under the Land Act (1998) while compensation is covered under the Uganda Constitution (1995), described in section 4.1.

Land acquisition processes lack the participatory provisions outlined in Uganda's *Environmental Impact Assessment Regulations, 1998*. Both *The Constitution, 1995* and *The Land Act, Cap 227* gives the government and local governments power to compulsorily acquire land and provides no framework to detail participatory methods in the acquisition. While *The Constitution* sets the standard for any form of compensation in and provides for prompt payment of fair and adequate compensation, the definition of 'fair and adequate' is not clear and all too frequently compensation is not guaranteed. When land users and owners are allowed to negotiate for compensation, this is done on an individual level with no community participation. This can lead to unequal compensation and this places vulnerable groups (such

⁴⁰ Participant's Handbook on Environment and Natural Resources Management for use by Higher Local Governments. October 2011

as the poor, or women-, child- or disabled-headed household) in a position where they might be unable to represent themselves fairly.

In practice NEMA requires developers to include resettlement and compensation plans as part of ESIA's if these issues are picked up during scoping, and would then be responsible for forwarding these to the correct 'Lead Agency', but they have no remit to follow up or ensure that these are implemented.

4.4.4 Protection of vulnerable groups

An implicit pro-poor focus is enshrined as the main objective of the municipal development plans. An extract from Mbale Municipal Development Plan states its over-riding objective (derived from the national development plan) as: 'provide strategic directions that will promote growth, employment, create wealth and reduce poverty disparities among the people of Mbale Municipality'. All the MDP's have sections describing poverty levels in their area; some are more detailed with analysis of the poverty trends.

However, other than through stipulating consultation with community members, there are currently no systems in place to ensure this pro-poor focus is carried through into planning and construction of infrastructure, or to ensure that disadvantaged groups will be positively impacted by specific developments. A review system is needed to ensure that the selected projects fulfill this aim.

There is a need to ensure that the Program includes activities aimed at strengthening capacities of municipalities' ability to implement pro-poor programs by enhancing the local population's awareness and skills by providing opportunities for them to participate in affairs that affect them especially when they are project affected.

Within the municipalities, urban poverty is attributed to the following;

- i. Inadequate land/land scarcity leading to low agriculture production. Most of the divisions in the Municipalities are largely peri-urban and do not have adequate land for farming owing to extensive land fragmentation.
- ii. Low levels of education.
- iii. Poor health – HIV, malaria and other ailments. Morbidity and mortality have caused an unproductive population as much time is spent caring for the sick; poor health conditions coupled with shortage of food, matters are made worse.
- iv. Large family size – inadequate access to family planning services has increased high population growth rates compared to the available resources.

4.4.5 Indigenous peoples

The project area has no evidence of known indigenous peoples (IPs) in Uganda. IPs in this country are the Ike located on a limited area on Mount Moroto, and the Batwa found in South Western Uganda in the forests of the Muhavura mountain ranges and areas bordering the Republic of Congo. There is no municipality in the locations mentioned above and therefore this social aspect is not applicable to the Program.

4.4.6 Social Conflict

Major causes for conflict are not expected out of the planning, designing and implementation of USMID subprojects. However, in Uganda as in many other countries conflict comes as a result of efforts to share scarce resources and sometimes politically motivated. The lack of participation, perceptions of inadequate

compensation and lack of grievance mechanisms mean that there is every chance of conflict arising locally as a result of specific projects. It is essential that the use of participatory approaches, transparency of procedure and entitlements, and continued consultations of the affected people should be instigated to promote key social development outcomes of inclusion and cohesion, and that grievance mechanisms allow for timely understanding of any issues that may arise from project construction or operation, including unpredicted impacts (social and environmental), lack of compliance with mitigation measures and conditions, accidents or failure to comply with laws and regulations.

4.4.7 Grievance Redress Mechanisms

Grievance resolution mechanisms are designed to ensure that Project Affected Persons (PAPs) have the opportunity to access the project and have their concerns addressed. The complaints could be any issue related to the project including the nature and type of their participation in the project, access to information and loss of assets. In addition, the mechanism allows the project to be active in identifying solutions to grievances to help people share project benefits. It should be noted that the grievance procedure does not replace existing legal process in Uganda, rather based on consensus, it seeks to resolve issues quickly so as to expedite actions like obtaining jobs on project sites, receipt of entitlements and smooth resettlement, etc, without resorting to expensive and time-consuming formal legal action.

It was found that grievance procedures within 14 Municipalities surveyed varied⁴¹. There was no specific office that handled project related grievances in any municipality. In 4 of the municipalities there was no provision or experience or provision known (Entebbe, Arua, Lira and Mbale), 5 municipalities reported that grievances were handled through the Local Council offices, whereby aggrieved parties appeal to the local councilor, usually at village and parish level, for assistance in arbitrating any grievance (Kabale, Masaka, Mbarara, Soroti and Hoima), 1 municipality stated that either LC's or elders would handle disputes in the area (Tororo), 2 municipalities had land committees established for land specific grievances (Jinja and Moroto), whilst 2 municipalities reported some involvement in grievances or disputes (Gulu handled through the physical planner and Fort Portal through their lawyer). If intervention by any of these methods failed, aggrieved persons would have recourse to a court of law. However, vulnerable groups, such as the poor, or women-, child- or disabled-headed household, are frequently unable to access the legal system due to the financial burden and therefore have no access to arbitration should appeals to the Local Council fail.

In addition to general grievance procedures, for land related disputes the Land Act creates Land Tribunals. These Tribunals are intended to help resolve disputes occurring over only registered land related issues. For unregistered land, local councils may help resolve issues, but this is hindered by reports of collusion with those seeking to 'grab', or unfairly appropriate land. The Land Boards are not involved in resolving disputes but known for assisting in the registration of land at district level, and as referred to specifically by two of the municipalities (Jinja and Moroto). Therefore the linkage between Land Board activities and Land Tribunals is in relation to registered land only. The public can also bring complaints before the tribunals in respect of allocations of land by the Board and extensions of leases. Similarly, the Tribunal can advise the board on the course of action in case of contentious matters regarding allocations and lease approvals, extensions and cancellations.

Feedback from the ESSA consultations indicates that there is wide variation in the approach to handling grievances and that the municipal councils have had no more than informal involvement to date, relying on the ability of Local Councils to sufficiently manage grievances and disputes. The lack of a standardized process in the filing and resolution of grievances has led to complaints that the system does

⁴¹ Source: AWE interviews with Municipal Officers undertaken for ESSA

not quickly and adequately resolve conflicts. There has also likely been underreporting of grievances filed, as elders and Local Councils have no system, incentive or responsibility to report the grievances to a higher authority.

4.4.8 Transparency

The field survey reported considerable effort at transparency in municipal government fiscal budgetary allocations for various development projects. Financial information was commonly displayed on notice boards at municipal councils for viewing by the general public. Environmental information such as reports and approval conditions were also held at Municipal environment offices, however such information was available only in English, which may be a limitation to some non-English speaking people in communities. It was not ascertained whether communities are aware that this information exists or understand how to access and use it. These limits to information exist despite the existence of the *Access to Information Act, 2005* that provides for the right of access to information.

4.4.9 Social Accountability

Previous World Bank studies (2008) found that social accountability in Uganda is typically interpreted to mean holding civil servants, service providers and elected leaders accountable for carrying out their roles and responsibilities in delivering services. For the most part, civil society is more focused on ensuring that service delivery meets basic and urgent needs and accountability can be seen as a lower priority⁴².

The conclusion is that Uganda's typically top-down approach to service delivery and vertical accountability from service providers to development partners and national level government through reports and audits does not effectively engage civil society, including communities. Therefore there are typically limited opportunities for civil society and end-users to systematically comment on municipal plans and the their resultant services. The municipalities participating in USMID are likely to conform to these general findings.

With regard to the decentralized structures in operation in the municipalities, two forms of accountability must be considered in addition to the social accountability described above: (a) political accountability in which the elected representatives account to their electorates, and (b) administrative accountability, or the extent to which managers and leaders are held responsible for achieving set targets by both their municipal governance structures and the Line Ministries for technical staff. Usually, the focus is on the extent to which targets are achieved within the limits of the budget. Both accountability types are applicable.

A number of problems with regard to accountability have been registered including lack of accountability, weak record keeping and auditing⁴³.

Administrative accountability for environmental issues is reasonably good, with both NEMA and the Ministry of Local Government having structures and systems for reporting in place. However, accountability for social issues is hampered by the lack of personnel, no clear system and structures for reporting and the lack of involvement of most line ministries, due to financial and human resources constraints, and their ensuing failure to support officers at the municipal level. In many instances municipal councils simply do not have personnel in place and officers at district level are expected to report on municipal issues (including for land issues, gender, worker health and safety⁴⁴).

⁴² World Bank Uganda 2008: Policy Note on social accountability

⁴³ Muriisa R. K, 2008: Decentralization in Uganda: Prospects for Improved Service Delivery. Vol. XXXIII, No. 4, 2008, pp. 83–95, CODESRIA.

⁴⁴ Ref section 3.1 and 3.2 for detail on MoGLSD and Health and Safety Laws

4.5 Resources and Capacity

It is clear from the last section that capacities in terms of knowledge, skills and numbers in the municipalities are below expectations.

4.5.1 Human Resources

At the national level, the Chief Government Valuers Office has two Senior Valuers who serve all projects in the entire country. They are expected to deal with a subproject from inception up to closure; an impossible task with sub-optimal levels of human resources. All 14 Municipalities under the USMID Program lack a person with social inclination in terms of skills and knowledge to handle all land acquisition related issues in sub projects. Information obtained during consultations with municipalities shows that the physical planner and the Engineer have been handling land acquisition for projects. In addition, although the Community Development Officers (CDO) are in place, their job descriptions do not require them to handle land acquisition and its relevant measures, and are required to only mobilize and sensitize communities on project activities and their related social issues.

4.5.2 Financial Resources

Municipalities have no budgets for land acquisition and its related resettlement or rehabilitation measures. Central governments transfers do not include funds to meet land acquisition needs, and responses from municipalities suggests that this is one of the reasons why land acquisition is incorrectly handled at present. However, when subprojects are linked to a main project centrally then the relevant ministry seeks the required budget from Ministry of Finance.

4.1 Conclusions

Table 8 summarizes the findings of the social systems assessment as they relate to the principles and attributes contained in OP/BP 9.0 Program for Results financing. In general the social management systems, structures and practices are inadequate at present to ensure that social risks are either mitigated or eliminated, despite the fact that the planned project activities are not expected to result in significant social impacts. A number of actions are therefore considered to be imperative in order that these risks should be eliminated to enable USMID to deliver significant social benefits to all sections of society within every municipality.

Table 8: OP/BP: 9.0 Core Principle and Attributes vs. Uganda's Policy and Legislative Framework, Guidelines, and Practices for Social Development

Core Principle 1: General Principle of Environmental and Social Impact Assessment and Management

OP: Environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in 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.		
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments <i>at the program level</i> .	The existing national policy, legal and regulatory framework is inadequate for any projects that have potential social impacts and will require full EA. Further for projects	Social impact assessments are carried out according to the EIA Guidelines. However, these do not give adequate guidance for handling involuntary settlement

	<p>that do not, there is no known national or decentralized system to guide social impact assessments.</p> <p>National laws related to land acquisition are inadequate as they do not provide any guidance on compensation, resettlement or rehabilitation. The draft national land policy which recommends the development of a national resettlement policy among others is yet to be approved by Cabinet (and has been stayed for the last 3 or more years).</p>	
<p>Incorporate recognized elements of environmental and social assessment good practice, including:</p> <ul style="list-style-type: none"> (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 (f) responsiveness and accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures. 	<p>The existing EIA system under NEMA covers the screening of only potential social construction related impacts and identification of mitigation measures. More guidance is needed on the recognition and mitigation potential for induced, cumulative and trans-boundary impacts, particularly where these are beyond the means of an individual project to mitigate.</p> <p>Other than NEMA, and to some extent MoTWH, other ministries with a social remit seem to be absent from the process, or their role is unclear, particularly with regard to projects in the municipalities.</p> <p>Consultation is an integral part of the environmental legislation and EIA guidelines. Responsiveness and accountability are described through the publication of documents and system for the public to comment and request public hearings.</p>	<p>The Environmental guidelines require an ESIA and the social part is very often weak.</p> <p>Consideration of induced, cumulative and trans-boundary impacts as they relate to social issues is usually absent. Social mitigation measures are not adequate to ensure that significant impacts are avoided.; where they are included there is no clear responsibility to ensure they are implemented as mitigation measures are aimed at the project developer, whilst social issues are often outside the remit of the developer to address.</p> <p>Stakeholder consultation is carried out in accordance with EIA guidelines during EIA preparation only by EIA consultants; grievance redress measures are inadequate or absent. Documents are rarely available to the public, and it is not easy to ensure comments are heard.</p>

Core Principle 2: Environmental Considerations – Natural Habitats and Physical Cultural Resources

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 Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
Includes appropriate measures for early identification and screening of potentially important biodiversity and cultural resource areas.	The NEMA Project Brief format and the municipal Environmental and Social Screening Form (ESSF) require this information.	Screening of cultural resources is carried out where these resources have been identified to occur. Significant cultural resources may be missed if not recognized.
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.	See table 11	
Takes into account potential adverse effects on physical cultural property and, as warranted, provides adequate measures to avoid, minimize, or mitigate such effects.	The Monuments Act protects declared monuments or discovered items that might be classed as monuments. The EIA Regulations require consideration of impacts on culture and cultural resources. The ESSF requires information on PCR, and the ESMP will include mitigation measures when any PCR could be affected.	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. In practice there is little knowledge beyond a few known historical sites and monuments unless communities give information during consultations. Independent Archeological investigations are rare as part of ESIA.

Core Principle 3: Environmental Considerations – Public and Worker Safety

OP: 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.		
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
Promotes community, individual, and worker safety through the safe design, construction, operation, and maintenance of physical infrastructure, or in carrying out activities that may	The Uganda Constitution 1995, Article 40 and the Health and Safety Act of 2006 consider biological, chemical, physical, and economic factors that affect the occupational health and	The Department of Occupational Health and Safety, MoGLSD liaise with NEMA, who inform them of ESIA's with issues relating to worker safety. A review of a sample of EIAs for

be dependent on such infrastructure with safety measures, inspections, or remedial works incorporated as needed.	safety of workers. The EIA Regulations include public health impacts in the required EIS content but do not mention worker safety.	composting plants shows that NEMA routinely includes workplace safety among the conditions attached to its Certificates of Approval of EIA. The ESSF also contains explicit questions on worker safety. However, practice with regard to inspection is poor, with only 17 of 38 posts currently filled at national level in the DoOHS and in practice only high risk activities are inspected. The situation is reported to be worse at municipal level, with only 35 of 112 districts having officers in place and none at municipal level.
Promotes use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials generated through program construction or operations; and promotes 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.	These issues are not relevant to USMID.	
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.	These risks need to be investigated in relation to the USMID projects.	

Core Principle 4: Social Considerations – Land Acquisition

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.

BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
Avoids or minimizes land acquisition and related adverse impacts.	None	None except for World Bank supported projects
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.	Both the Constitution of Uganda 1995 and the Land Act (1998) cite the right of Ugandans to own property only.	None except for World Bank supported projects.
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.	Both the Constitution of Uganda 1995 and the Land Act (1998) emphasize the need for adequate and fair compensation. However there is no clarification on what is fair or adequate.	Payment of compensation is not consistent except for Bank supported projects where emphasis on preparation of RAPs is made. Otherwise in isolated cases may receive market rates as opposed to replacement rates. Common practice of requesting land to be given freely to municipal projects.
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).	None	None.
Restores or replaces public infrastructure and community services that may be adversely affected.	None	None.

Core Principle 5: Social Considerations – Indigenous Peoples and Vulnerable Groups

OP: 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.		
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
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.	None	ESIA practice is to consult all local community members who will be affected by a project (i.e. practice beyond that called for by the Law). Not known for projects not subject to EIA, except World Bank related projects.

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.	None	Not applicable
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 access to program benefits.	The existing policy on orphans and vulnerable children or that on the disabled does not relate to equitable access to program benefits	Attention to vulnerable groups is made in development initiatives targeted to these groups. The USMID Program did not include participatory selection of sub-projects, nor any explicit pro-poor planning or consideration of vulnerable groups.

Core Principle 6: Social Considerations – Social Conflict

OP: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.		
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice
Considers conflict risks, including distributional equity and cultural sensitivities.	None	None

SECTION 5 ENVIRONMENTAL AND SOCIAL EFFECTS

5.1 Environmental and Social Effects

Many of the Program components are expected to contribute positively to environmental sustainability. For example, new composting plants will convert a substantial fraction of solid waste to a useful resource, at the same time reducing the volume of waste that goes to disposal sites. Failure to find outlets for the compost produced would offset some of the benefit, but only partially. In the long term, continuing to dispose of solid waste in substandard and eventually (if not already) overloaded facilities is unsustainable, but USMID will only be supporting rehabilitation of existing disposal sites, a stopgap measure. Improved traffic flow because of rehabilitated or new streets, dedicated bus stops and parking areas for trucks and taxis, and relocated markets will lessen fuel consumption and air emissions.

From the perspective of socio-economic development, new or refurbished streets, centralized and modern market areas, and general improvement in municipal services are all enabling factors. The experience gained by MEOs and other municipal officials in managing the impacts of infrastructure should strengthen their capacity to manage municipal growth in more sustainable ways. An early test of that capacity will come in the form of the potential for unplanned development induced by new infrastructure that, in the absence of active efforts to control it, could result in a return to some of the undesirable, pre-project conditions.

The project will not directly contribute to poverty alleviation but should improve conditions for all urban residents in terms of health and quality of life. There is one significant caveat: if new or improved services – water, sewer, septic tank maintenance, waste collection -- are not affordable, or if services formerly provided by the informal sector as income generating activities (such as water collection), are institutionalized, the poor will not benefit from them, or may be left worse off. Similarly, if new markets come with higher cost for rental space, small traders may actually be worse off, experiencing higher operating costs and, in the worst case, complete loss of livelihood. Therefore, it will be critical that pro-poor considerations are made during the selection of investment types and sites.

In addition to the benefits named above, municipal residents will experience improvements in the natural and the living environments, including more attractive urban landscapes, better air quality, reduced incidence of diseases related to water and wastewater.

Direct impacts of construction are expected to be uncomplicated and amenable to management through good construction practice. Direct impacts of operation should be even less consequential than those of construction, due to the limited scope of the projects to be included. Few indirect or induced impacts are expected to occur, but those that are probable, mainly uncontrolled development and informal settlements, will be more of a challenge than the direct impacts. Probably the most important factor in determining the level of impacts of the USMID sub-projects will be the choice of location, as land in municipal areas is in short supply. Effects on local residents, existing informal users of the land, potential impacts on existing environmental resources or services in the vicinity (both direct and induced) must all be taken into account in the planning and screening processes.

Impacts arising from projects and other developments in the municipalities may be worsened by a lack of understanding and involvement of the urban citizens, whom the services are intended to benefit. Ensuring that the democratic processes of participation and accountability are functioning adequately is essential in order to avoid potential social conflict as a result of the project.

A summary of existing environmental and social conditions follows. Full details of existing conditions in each municipality can be found in annex 4.

5.1.1 Existing Environmental Conditions

Poor environmental conditions in many urban areas in Uganda are exacerbated by improper planning in some areas such as leading to development in inappropriate areas e.g. open spaces, swamps, and steep slopes. Common environmental degradation identified in the municipalities included:

- i. Wetland encroachment
- ii. Noise and air pollution in 86% of the 14 MCs.
- iii. Inadequate funding of environment department hence poor monitoring and supervision.
- iv. Political interference in environmental management leading to wetland degradation.
- v. Poor sanitation and pollution of water sources especially in slums.

Table 9: Summary of environmental impacts arising from urbanization.

Environmental component	Process of urbanization putting the Environmental at risk	Impacts associated with urbanization process
Land resources/ terrain/ soils	Uncontrolled construction Solid waste dumping Inappropriate agricultural practices	Land pollution from garbage disposal Lack of good access between neighborhoods
Water resources	Solid waste dumping Severe sanitation problems Poor maintenance of drainage systems	Pollution from a variety of sources Environmental health problems Malaria on the increase due to poor drainage Outbreak of epidemics like cholera
Wetlands/ Swamps	Poor maintenance of drainage systems Drainage for agriculture, industry, brick-making and other uses Burning and harvesting of papyrus	Perceived increase in air pollution but no hard data is available
Air quality	Rapid increase in motorization Indoor pollution from charcoal stoves and other inappropriate fuels Garbage burning is on the increase Uncontrolled industrial emissions	Perceived increase in air pollution Dust from roads is also a reported problem

5.1.2 Existing Social Conditions

Informal Settlements

The housing stock in Uganda stands at 2,690,900 units while the household distribution of people averages 5.7 persons. The occupancy density is estimated at 1.05 giving a backlog of 235,906 units. Municipal councils have approximately 176,310 housing units and a backlog of 63,473 units.

About 93% of the municipalities earmarked for the USMID project had areas with informal settlements or slums. These informal settlements were dominantly characterized by lack of proper toilet facilities, poor

and in most cases no access roads, poor drainage, limited access to safe drinking water and improper dumping of waste. *Poverty*

Within the municipalities, urban poverty is attributed to the following;

- i. Inadequate land/land scarcity leading to low agriculture production. Most of the divisions in the Municipalities are largely peri-urban and do not have adequate land for farming owing to extensive land fragmentation.
- ii. Low levels of education
- iii. Poor health – HIV, malaria and other ailments. Morbidity and mortality have caused an unproductive population as much time is spent caring for the sick; poor health conditions coupled with shortage of food, matters are made worse.
- iv. Large family size – inadequate access to family planning services has increased high population growth rates compared to the available resources.

Health

Due to high population growth in Municipal Councils (MC) a number of health impacts have resulted from improper waste disposal, lack basic of infrastructure services and poor sanitation. Although all MCs have health centres and major hospitals, they lack facilities, drugs and medical personnel.

Major health concerns of Municipal councils included malaria, waterborne diseases, dysentery, and respiratory diseases (a consequence of air pollution particularly from fossil fuel combustion and waste burning) and HIV/AIDS. Others were lack of medical personnel, inadequate funding for health projects and dilapidated health infrastructure.

Prevalence of HIV/AIDS

Uganda has been recognized for HIV/AIDS prevention, prevalence has significantly reduced, but are still high at a rate of 6. 5%⁴⁵. In most of these municipalities the prevalence rate is above the 6.5% national average. This has led to high dependency ratios coupled with less income thus signifying increasing levels of poverty pockets. The major causes of this high prevalence rate in Municipal councils are;

- i. Poverty
- ii. Prostitution and alcoholism
- iii. Rapid urbanization
- iv. People's urban life styles
- v. Traditional beliefs
- vi. Mother to child

The disease has resulted in adverse health and socio- economic outcomes and challenges. HIV/AIDs has had far reaching impacts on society and the economy in the Municipalities which include among others;

- i. Large and ever increasing number of orphans that have overwhelmed the traditional social support systems leading to big number on streets and school drop outs.
- ii. Rise in poverty levels attributed to the death of household heads
- iii. Cost of treatment and funeral expenses exceed annual income of the family
- iv. Rise in Child, female, elderly headed households

5.2 Environmental Effects from Program Activities

⁴⁵ UNICEF 2009: HIV/AIDS statistics. http://www.unicef.org/infobycountry/uganda_statistics.html#89

5.2.1 Effects On Natural Habitats

Most municipalities contain some land of environmental sensitivity. In most instances this is recognized by law, including protected wetlands, water bodies, and forest reserves. The assessment process has not so far looked at the location of these resources with regard to the sub-projects, and there is a danger that the sub-projects could entail conversion of valuable natural habitat providing important ecosystem service functions. Whilst any instance of a project occurring in land with a protected designation should automatically be picked up and subjected to an ESIA, it is clear from past experience that this has not been sufficient to ensure their protection.

It is possible that some projects may be located in wetlands, or degraded peri-urban forests, but equally likely is that increasing competition for land, including for municipal development, will further displace marginalized people to wetland and forest areas. This likelihood of such induced impacts must be explicitly assessed in project screening.

There also exists a potential for program benefits to occur in such areas, where project planning and mitigation explicitly requires the clean up of existing degraded resources, in order to restore them to a better than pre-project state.

Wetlands

In 1964, the total area of wetlands in Uganda was estimated at 32,000 km² but by 1999, it had decreased to 30,000 km², or about 13 percent of the total area of Uganda. Preliminary data from the National Biomass Study Unit of the National Forestry Authority (NFA) (2008) suggest that Uganda's wetlands cover, as estimated in 2005, has now been reduced to 26,308 km², or 11 percent of total land area. The key underlying causes of this decline is the conversion of wetlands for economic activity, such as reclamation for agriculture (rice in Eastern Uganda and Vegetables in South Western) and other industrial and commercial purposes (Central region); over harvesting of water for domestic and commercial use; over harvesting of materials mainly for construction and handicraft, poor use of wetland catchments leading to siltation of wetlands and rivers. Declining availability of land leads to substantial subsistence cultivation in the fertile wetlands. Many of the municipalities have wetland areas within their boundaries, some of which are cited to be undergoing rapid degradation⁴⁶, including Masaka, Lira, Arua, Gulu, Mbarara and Entebbe, and the location of these wetlands vis-a-vis project locations should be further assessed.

Peri-urban Forests

With an aggregate forest cover of 80,000 ha lost annually (73,000 ha on private land and 7,000 ha in Protected Areas in Uganda⁴⁷, some experts have been warning that at the current rate of deforestation, Uganda's forests will be lost by 2050. The situation is more urgent with regard to the peri-urban forests, many of which have already been converted to other uses, with 8 of the 14 municipalities having applied for urban forest reserves to be degazetted in recent years to make way for development⁴⁸, whilst other reserves are heavily encroached. The encroachers have established permanent structures like schools, health centers, government administrative centers and permanent residential buildings⁴⁹. It is possible that some of the municipalities will have forest reserves that may be affected through development of USMID

⁴⁶ Paul Omoka, Mbarara Town Clerk, 2011;

Socio-economic benefits and pollution levels of water resources, Gulu Municipality, 2011
Opio, Lukale, Masaba and Oryema, Gulu University.

⁴⁷ Moses Watasa, Public Relations Manager, NFA, 2011

⁴⁸ Minister of Water and Environment, Press Statement, October 2009

⁴⁹ Source: NFA, Uganda's Forests, Functions and Classification, June 2005

sub-projects. The location of any USMID Program sub-project in a natural or formerly natural habitat needs to be made explicit through the screening process.

5.2.2 Potential Program Benefits

The investments under USMID are intended to have substantial environmental, economic and social benefits to municipalities, through better infrastructure, improved sanitation, and greening of public space.

The table below provides a general outline of the types of benefits that can be expected from each type of subproject that an LG might choose to pursue with USMID financing.

Table 10: Potential Benefits arising from USMID

Sector	Expected Environmental Benefits
1. Urban Roads and associated infrastructure (rehabilitation and construction) <ul style="list-style-type: none"> • Tarmac roads • Gravel roads • Road side drains • Culverts, • Paving – for pedestrian walkway • Street lights • Street furniture (bus stop seating) • Street signage 	<ul style="list-style-type: none"> • Improved air quality due to improved traffic flow and reduced dust entrainment • Improved pavement life, reduced road flooding, reduced roadside erosion • Improved pedestrian safety because of walkways, street lights, seating at bus stops • Reduced vehicle accident hazard because of street lights and signage
2. Urban solid and liquid waste management <ul style="list-style-type: none"> • Landfill rehabilitation • Composting plant • Liquid/solid waste equipment • Public sanitation points • Waste collection points 	<ul style="list-style-type: none"> • Public health improvement because of better removal of solid waste from city streets and residential and commercial areas, removal of sludge from septic tanks and cesspools. • Improved air and water quality because of improvements at existing dump sites • Reduction in volume of waste to be disposed of because of composting • Beneficial reuse of organic fraction of solid waste for horticulture and agriculture • Water quality improvement from improved septic tank and cesspool maintenance, and, as an indirect benefit, substitution of compost for chemical fertilizer • Aesthetic improvement and improved drainage because of reduction in accumulations of solid waste in city streets and storm drains
3. Water and sewerage extension to peri-urban areas	<ul style="list-style-type: none"> • Public health benefits from extension of services to larger fraction of the population, including informal settlements • Improvements to groundwater through replacement of under-performing on-site sanitation systems with sewers

4. Urban Local Economic Infrastructure <ul style="list-style-type: none"> • Markets • Slaughterhouses 	<ul style="list-style-type: none"> • Opportunity for improved management of wastes because of modernized facilities and consolidation of market and slaughterhouse activities in centralized locations • Reduce traffic congestion and improved flow because of relocation of vendors from street sides to formal market areas
5. Urban Transport <ul style="list-style-type: none"> • Bus parks/stops • Taxi parks • Lorry parks 	<ul style="list-style-type: none"> • Reduced traffic congestion and improved flow leading to reduced air emissions • Reduced pedestrian accident hazard
6. Urban beautification <ul style="list-style-type: none"> • Public parks • Play grounds • Urban landscaping • Planting of trees on roads verges 	<ul style="list-style-type: none"> • Decreased stormwater runoff • Decreased erosion and water pollution • Aesthetic amenity • Favorable microclimate • Reduced traffic accident hazard for children

5.2.3 Negative Impacts

While the types of works to be financed by USMID are intended in part to remedy negative impacts of urbanization, many of them have the potential for adverse impacts on the natural, built and human environments. These are largely associated with the construction phase and include mainly the normal impacts of civil works -- dust, noise, erosion, surface water sedimentation, traffic interruptions and accidents, impeded pedestrian access, pollution from construction wastes as well as waste from worker campsites, interference with local businesses, disruption of water service, and transmission of HIV/AIDS and other communicable diseases. Because of the nature and relatively moderate scale of the works, the impacts are expected to be minor, temporary, and confined to the area immediately surrounding the construction. The short-term construction impacts for the most part can be prevented or mitigated with standard operating procedures and good construction management practices.

Typical construction impacts specific to some of the possible investments are summarized in the table below.

Table 11: Potential Negative Impacts arising from construction during USMID

Sector	Potential Direct and Indirect/Induced Impacts
1. Urban Roads and associated infrastructure (rehabilitation and construction) <ul style="list-style-type: none"> • Tarmac roads • Gravel roads • Road side drains • Culverts, • Paving – for pedestrian walkway • Street lights • Street furniture (bus-stop seating) • Street signage 	Direct Impacts: <ul style="list-style-type: none"> • Typical environmental impacts of road construction and rehabilitation: dust, noise, soil erosion and stream sedimentation, disruption of vehicle and pedestrian traffic, increased incidence of HIV/AIDS and other STDs. • Opening of borrow pits, quarries and spoil areas • Pedestrian accidents caused by heavy equipment movements and open trenches • Damage to other infrastructure caused by heavy equipment movement, excavations • Temporary interruption of businesses • Worker accidents • Improperly managed waste from pavement demolition • Destruction of physical cultural property (PCR)

	<i>Indirect/Induced Impacts:</i> none
2. Urban solid and liquid waste management <ul style="list-style-type: none"> • Landfill rehabilitation • Composting plant • Liquid/solid waste equipment • Public sanitation points • Waste collection points 	<i>Direct Impacts:</i> <ul style="list-style-type: none"> • Dust and noise during site clearing, preparation, and construction • Erosion and waterway sedimentation • Worker accidents • Improperly managed debris from site clearing <i>Indirect/Induced Impacts:</i> none
3. Water and sewerage extension to peri-urban areas	<i>Direct Impacts:</i> <ul style="list-style-type: none"> • Typical environmental impacts of pipeline construction: dust, noise, soil erosion and stream sedimentation, disruption of vehicle and pedestrian traffic, increased incidence of HIV/AIDS and other STDs. • Pedestrian accidents caused by heavy equipment movements and open trenches • Destruction of PCR, potential loss of land or other goods • Damage to other infrastructure caused by heavy equipment movement, excavations • Temporary interruption of businesses • Worker accidents <i>Indirect/Induced Impacts:</i> none
4. Urban Local Economic Infrastructure <ul style="list-style-type: none"> • Markets • Slaughterhouses 	<i>Direct Impacts:</i> <ul style="list-style-type: none"> • Landscape degradation • Increased noise, vibration and air pollution during construction • Destruction of PCR <i>Indirect/Induced Impacts:</i> none
5. Urban Transport <ul style="list-style-type: none"> • Bus parks/stops • Taxi parks • Lorry parks 	<i>Direct Impacts:</i> <ul style="list-style-type: none"> • Typical but minor environmental impacts of land clearing, grading and paving: dust, noise, soil erosion and stream sedimentation, disruption of vehicle and pedestrian traffic. • Pedestrian accidents caused by heavy equipment movements and open trenches • Damage to other infrastructure caused by heavy equipment movements • Temporary interruption of businesses • Destruction of PCR • Worker accidents <i>Indirect/Induced Impacts:</i> none
6. Urban beautification <ul style="list-style-type: none"> • Public parks • Play grounds • Urban landscaping • Planting of trees on roads 	<i>Direct Impacts:</i> <ul style="list-style-type: none"> • Dust and noise from site clearing and grading • Damage to other infrastructure from heavy equipment movements • Worker accidents

verges	<i>Indirect/Induced Impacts:</i> none
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The potential impacts of operation are fewer and generally moderate and manageable by means of good design and adherence to proper operating procedures, but they do include some indirect or induced impacts, as shown in the table 12.

Table 12: Potential Negative Impacts arising from operation of USMID Projects

Sector	Potential Direct and Indirect/Induced Impacts
1. Urban Roads and associated infrastructure (rehabilitation and construction) <ul style="list-style-type: none"> • Tarmac roads • Gravel roads • Road side drains • Culverts, • Paving – for pedestrian walkway • Street lights • Street furniture (bus-stop seating) • Street signage 	<p>Direct Impacts:</p> <ul style="list-style-type: none"> • Increased risk of pedestrian accidents due to higher traffic speeds <p>Indirect/Induced Impacts:</p> <ul style="list-style-type: none"> • Uncontrolled commercial development along improved roads • Increased traffic beyond planned flows, causing both congestion and increased traffic accidents and negating some of the planned benefits.
2. Urban solid and liquid waste management <ul style="list-style-type: none"> • Landfill rehabilitation • Composting plant • Liquid/solid waste equipment • Public sanitation points • Waste collection points 	<p>Direct Impacts:</p> <ul style="list-style-type: none"> • Odors and disease vectors in vicinity of solid waste facilities • Litter along access roads and around solid waste collection, processing and disposal facilities • Risk to worker health and safety • Health, safety and environmental risk from hazardous or medical waste delivered to facilities not designed to dispose of it • Soil and water pollution from dumping of solid waste or septic tank sludge at unauthorized locations by truck operators <p>Indirect/Induced Impacts:</p> <ul style="list-style-type: none"> • Improvement in solid waste collection leads to worsened environmental conditions at disposal sites • Waste pickers migrate to solid waste facility locations • Conflicts between residents and “foreign” waste pickers • Injury to waste pickers from dangerous material and heavy equipment
3. Water and sewerage extension to peri-urban areas	<p>Direct Impacts:</p> <ul style="list-style-type: none"> • None, provided that the sustainable yield of the water source is not exceeded. <p>Indirect/Induced Impacts:</p> <ul style="list-style-type: none"> ▪ Loss of livelihood for water vendors, who are often poor
4. Urban Local Economic Infrastructure <ul style="list-style-type: none"> • Markets • Slaughterhouses 	<p>Direct Impacts:</p> <ul style="list-style-type: none"> • Traffic congestion on market access roads • Odors and pollution from large amounts of market and slaughterhouse wastes if not properly stored and regularly removed <p>Indirect/Induced Impacts:</p> <ul style="list-style-type: none"> • Uncontrolled commercial development around markets

5. Urban Transport <ul style="list-style-type: none"> • Bus parks/stops • Taxi parks • Lorry parks 	<i>Direct Impacts:</i> <ul style="list-style-type: none"> • Increased runoff from impervious surfaces and associated surface water quality degradation • Air quality degradation by emissions from idling vehicles <i>Indirect/Induced Impacts:</i> <ul style="list-style-type: none"> • Proliferation of informal enterprises around bus and lorry parks
6. Urban beautification <ul style="list-style-type: none"> • Public parks • Play grounds • Urban landscaping • Planting of trees on roads verges 	<i>Direct Impacts:</i> none <i>Indirect/Induced Impacts:</i> none

5.2.4 Cumulative Impacts

Because of the significant geographic dispersion of the participating municipalities and the scale of proposed investments, cumulative effects of the Program as a whole are unlikely, other than general improvements in access to municipal services. Cumulative effects at the individual municipality level are overall expected to be positive, including improved road infrastructure reducing transportation costs and impacts, reduced flooding, from improved drainage infrastructure, reduction in water-borne illnesses from extended sewerage and better sanitary conditions with solid waste management improvements. As with most of the project-specific impacts mentioned above, cumulative negative impacts, if any, are more likely during the construction phase. Simultaneous implementation of multiple projects in one area – road rehabilitation and sewer and water main installation, for example -- could cause cumulative impacts such as traffic congestion, prolonged disruption of businesses, and widespread accident hazard. These cumulative impacts will be temporary.

5.3 Social Effects from USMID Program Activities

Development of infrastructure under the USMID Program is intended to bring about improved service delivery in the 14 municipalities in the areas of sanitation, roads, markets, solid waste management among others. Further, the establishment of the infrastructure also includes provision of employment opportunities to the people in these areas depending on relevant skills availability. However, the project activities may also bring about adverse impacts, particularly during the construction phase, which will directly or indirectly affect the people in the municipalities. Most of these effects are common to all the infrastructure projects.

The direct negative social effects from the USMID Program activities are limited to potential loss of land and the properties on it as a result of new subprojects or rehabilitation and expansion or alignment of existing infrastructure. This effect would be more serious if there were no alternative land available for people to relocate to. However, there are not expected to be major land requirements with the projects envisaged for USMID. There is also a potential for physical cultural resources that have not been recognized or valued to be lost.

Induced impacts may include a minor increase in job seekers for construction work and other people who will seek to provide support services in the area. Population influx may occur due to the enhanced services and facilities available, conversely such influx to project areas would increase demand for services, social facilities and amenities including healthcare, food, shelter, water, transport and recreation. Influx of people can also cause increase in crime, social disorder and HIV/AIDS and other sexually

transmitted infections due to the risk from prostitution. These potential negative impacts occurring in socio-economic environment during the planning, construction, and operation phase are summarized in table 13.

The potential for the less than ideal levels of consultation, participation, and transparency, taken with the lack of grievance mechanisms is likely to exacerbate any minor negative effects that may occur.

Table 13: Potential social impacts of USMID sub-projects

USMID broad categories of sub projects	Details of sub projects	Potential social impacts
New or rehabilitation/widening of urban roads and associated infrastructure (rehabilitation and construction)	Tarmac roads, Gravel roads, Road side drains, Culverts, Paving – for pedestrian walkway, Street lights, Street furniture (seating platforms at bus stops, etc.), Street signage	<ul style="list-style-type: none"> • Loss of land and other properties of land • Unclear land ownership of land • Existence of non-land owners using the land like roadside kiosks, etc. whose livelihoods/incomes may be interrupted and may need temporary relocation for the construction period • Lack of compensation of affected persons/ households.
Urban solid and liquid waste management	Waste Dumping site, Composting plant, Liquid/solid waste equipment, Public sanitation points, Waste collection points	<ul style="list-style-type: none"> • Loss of land and other properties of land • Unclear ownership of land • Existence of non-land owners using the sites informally whose incomes out of scavenging may be affected, etc. • Lack of compensation of affected persons/ households. • Health and safety risks associated with poorly managed sites • Opportunity for jobs and income from waste sorting.
Water and sewerage extension ⁵⁰ - to peri-urban areas	Water pipes, connections and stand pipes Sewage ponds, sewage pipes and interconnections	<ul style="list-style-type: none"> • Loss of land and other properties of land • Unclear land ownership of land • Lack of compensation of affected persons. • Health and safety risk of poorly managed sites, but otherwise beneficial health outcomes
Urban Local Economic Infrastructure	Markets, Slaughter houses	<ul style="list-style-type: none"> • Impact on affected persons incomes due to temporary stop and/or reduction of trading/selling

⁵⁰ Water and sewerage being under the jurisdiction of National Water and Sewerage Corporation (NWSC), may be included on a case by case basis through partnership arrangements between the corporation and the municipalities that chose to prioritize it.

		<p>and buying activities due to lack of alternative sites for markets or slaughter houses (for existing facilities) during construction phase</p> <ul style="list-style-type: none"> • Poor identification of the most affected and vulnerable may cause them to be disproportionately effected through inequitable re-allocation of new facility among previous and new users especially those that may not afford the dues of the new facility
Urban Transport	Bus parks/stops, Taxi parks, Lorry parks, Public parks	<ul style="list-style-type: none"> • Existence of non-land owners using the land like vendors, hawkers, etc., whose livelihoods/incomes may be interrupted and may need temporary relocation for the construction period • Disruption to transport and potential resultant traffic congestion during construction
Urban beautification	Public parks, Play grounds, Urban landscaping, Planting of tree on roads verges	<ul style="list-style-type: none"> • Potential displacement of informal traders, such as roadside hawkers and stall operators who may not afford market dues if asked to relocate.
Investment servicing cost	Consultants design and preparation of bidding documents Consultants supervision of works	<ul style="list-style-type: none"> • Consultants under estimation of land requirements and other social impacts like HIV/AIDs in construction related activities and ensuring measures are part of the documents • Inadequate or weak proposed mitigation measures including their monitoring, reporting and evaluation.
All construction related activities		<ul style="list-style-type: none"> • Low representation of women getting jobs on sites. • In-migration leading to influx of people. Increase in crime, HIV/AIDs transmission, etc.

SECTION 6 ENVIRONMENTAL AND SOCIAL EFFECTS RISK AND RECOMMENDATIONS TO PROGRAM ACTION PLAN

6.1 Introduction

The Uganda Support to Municipal Infrastructure Development Project (USMID)) Environmental and Social Management System Analysis presented above identifies clear gaps and opportunities in Uganda's environmental and social management system with respect to effectively addressing the environmental and social risks associated with the Program to generate the desired environmental and social effects as guided by the Program for Results Core Principles.

The ESSA Recommendations and Actions presented here seek to ensure that the opportunities identified in this assessment are built on and reinforced to ensure that they can be relied on to deliver the results sought in the USMID objectives, particularly in the area of environmental assessment. The current gaps in the system are addressed through a set of essential but viable actions to be adopted by Government to strengthen the environmental and social management capacity and performance at the national and local level. This is particularly important in the social system and structures in place and with regard to land acquisition, resettlement and grievance mechanisms as the biggest gaps identified and which could prevent Program objectives from being fully realised.

The ESSA Action Plan presents the Core Principles associated with each action, and the risks associated with not completing the action. The main areas for action are: strengthening of the environmental and social assessment system; institutional capacity enhancement measures, reporting procedures and resource allocations. In some instances improvements may be enhanced by the adoption of National Policy or Regulations; these have been highlighted, although outside the remit of USMID to influence.

The ESSA Action Plan will be embedded into the Program Action Plan. It is presented here to facilitate planning of action implementation and provision of Bank implementation support. World Bank implementation support through the PforR financing vehicle is available to assist the client in the following manner: (i) Helping the client to resolve implementation issues associated with specific actions in the Plan and to carry out institutional capacity building; and, (ii) monitoring the performance of Program systems, including the implementation of the Program Action Plan.

6.2 Environmental and Social Risk Assessment and Recommended Actions

Building on the main conclusions presented in sections 4 and 5, and summarized against the OP/BP 9.0 Core Principles as presented in Tables 12 and 13, this section lists the main risks to environmental and social parameters resulting from the gaps in current practice and identifies the actions required to strengthen the system in order to avoid these risks being realized. In assessing the processes, procedures and guidelines to manage effects arising as a result of USMID activities, a risk management approach has been applied to analysis the adequacy of the management capacity.

Table 14: Environmental and Social Risk Assessment of USMID Program

Core Principle 1: General Principle of Environmental and Social Impact Assessment and Management				
OP: Environmental and social management procedures and processes are designed to (a) promote environmental and social sustainability in 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.				
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice	Identified Risks	Recommended Action
Operate within an adequate legal and regulatory framework to guide environmental and social impact assessments <i>at the program level</i> .	The national environmental framework is adequate for any projects that will require full EIA. For projects that do not, EA is decentralized to the municipality.	The procedure and the standardized forms are provided by MoLG and all LGs are required to use them, but this is not always done. Where ESIA is required municipalities use qualified and certified practitioners.	NEMA has inadequate capacity to review assessments and to carry out monitoring and follow-up. There is no means to verify if project mitigations and ESMPs are implemented, or to ensure that operation complies with national standards and regulations.	i) NEMA to ensure that staffing capacities are adequate to handle numbers of EIA's ii) Dedicated monitoring and compliance teams, adequately resourced to inspect periodically.
	The existing national policy, legal and regulatory framework is inadequate for any projects that have potential social impacts and will require full EIA. Further for projects that do not require full EIAs, there is no known national or decentralized system to guide social impact assessments.	Social impact assessments are carried out according to the EIA Guidelines. Guidelines are inadequate but practitioners tend to apply reasonable international practice. Direct impacts are generally adequately captured. Social impacts are included in the ESSF, but are not well captured during the municipal screening process due to a lack of staff trained in social aspects.	Social issues are not well covered by law. Together with weak capacity on the ground, there is a significant risk that effects will go unidentified and unmitigated.	i) NEMA staff to include sociologists from relevant line ministries to review social aspects ii) Support NEMA in reviewing and updating the EIA guidelines including specific provisions for social parameters.
	National laws related to land acquisition are inadequate as they do not provide any guidance on compensation, resettlement or rehabilitation. The draft national land policy which recommends the	1. Practice in land allocation is currently confused and resulting in disagreement between municipalities, districts and Land Boards, who may have conflicting opinions on who should make decisions, and how/which land should be allocated.	1. Land allocated by municipalities for development or protection may be allocated to private development by the Land Board. 2. i) Improvements in municipal environment, quality of life and attractiveness for investors are not sustained due to weak land	1. Minutes of decisions made by MC, District Land Board and Physical planning on MC physical / zoning plans in land allocation to subprojects is a minimum access requirement for USMID funding 2. Ensure prompt enforcement of zoning laws and building codes and permits.

	development of a national resettlement policy among others is yet to be approved by Cabinet (pending for the last 4 years).	2. There is a failure to enforce zoning and physical development plans.	development administration and control. ii) In the absence of appropriate government control, new informal market areas and settlements may spring up to take advantage of new infrastructure and better services.	
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 (f) responsiveness and	For environment impacts, the EIA system administered by NEMA covers all of these items. 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. The ESSF ⁵¹ in use by the municipalities explicitly asks for consideration of alternatives whenever impacts are predicted.	The ESSF is apparently not thoroughly applied, for three main reasons: lack of oversight to ensure they are carried through; lack of MEOs in 4 municipalities and lack of capacity in MEOs to carry out assessment work, particularly social issues. Most direct and construction related impacts are identified and mitigation measures included and detailed in the ESMP. Where they are included there is no clear responsibility to ensure they are implemented as mitigation measures are aimed at the project developer (usually through inclusion in construction contracts), whilst social issues are often outside the remit of the developer to address. Alternatives are not normally given due consideration, nor are induced, cumulative and trans-boundary impacts treated rigorously in ESIA's.	1. The absence of MEO's is a critical risk, because they play the lead role in subproject screening and ESMP development. NEMA will be involved in very few subprojects, and even then, the MEO still conducts screening, EIS review and follow-up. If the MEO is not in place environmental and social objectives will not be met. 2. The lack of adequate environmental assessment capacity at municipal level is moderately critical; there will be shortfalls in environmental and social best practice compliance in subprojects because of errors in subproject screening, ESMP and bidding document preparation; delays in subproject implementation and certification; slow response to problems; delays in completing EIA reviews for NEMA; less-than-adequate stakeholder engagement; suboptimal project monitoring. 3. Whilst project types selected are not expected to have serious impacts, these could be inadvertently increased by failure	1. Make the presence of the MEO a minimum access requirement for USMID grants. 2. i) Municipalities should be "incentivized" to provide adequate budgets for training, equipment, and operation. As a stopgap, municipalities should use some stated portion of USMID funds for these purposes. ii) All MEOs should receive training in areas related to environmental assessment, review and audit, including social assessment. Full training of MEOs should be a DLI by the 2 nd year of USMID operation. iii) Town Clerks, Engineers and Physical Planners (and all officers whom the MEO reports to, or who set budgets for MEO) to have environmental and social capacity building. iv) CDO's to be trained in social issues and to take part in EIA participatory exercises in order to have a broader understanding of cross-cutting issues and to better utilize their knowledge of community concerns. 3. If environmental and social due diligence measures, including alternatives, induced and cumulative

⁵¹ Environment and Social Screening Form, Annex 1

accountability through stakeholder consultation, timely dissemination of program information, and responsive grievance redress measures.			to consider alternatives. Cumulative and induced impacts in the municipalities may be greater than direct impacts, as improved services lead to further rapid in-migration, potentially negating project benefits. 4. Failure to identify mitigation measures beyond construction mitigation, or to identify responsible parties for mitigation will have negative environmental and social consequences.	measures are not complete, funds should not be disbursed for that project/municipality. 4. ESMPs to show responsibility for mitigation measures and alternatives at the different stages of construction and operation. Clear articulation of responsible parties must be included. Contract tender documents to include environmental and social mitigation measures. ESMPs to form part of annual performance assessment.
	There is acceptably clear articulation of the responsibilities of national govt bodies and other environmental institutions, although it is not clear how well they coordinate with either each other or local level government. Other than NEMA, and to some extent MoTWH, other ministries with a social remit do not appear to have clearly articulated guidelines to ensure that they are able to apply the national laws and regulations, where these exist. Their role with respect to projects in the municipalities is unclear.	Whilst articulation of responsibilities in NEMA are clear, there are no resources and personnel to ensure that these are implemented fully, other than the submission of ESIA statements. MoLG require regular reporting and ensure that EA protocols are applied but stop short of ensuring they are implemented. Other line ministries, do not appear to have regular communication with MEOs. MoLG, MoLHUD and NEMA appear to coordinate well through existing channels. LoGLSD do not communicate adequately with other govt. agencies.	1. It is essential that NEMA provide acceptable oversight of the environmental assessment process; reliance on the annual performance assessment is not sufficient to avoid negative effects, particularly to back up potentially weak areas of knowledge of MEOs. 2. Current annual reporting requirement is insufficient to ensure environmental and social performance is adequate. 3. Adequate program coordination involving all Ministries responsible for areas of National law relating to environmental and social parameters is essential to ensure no areas of weakness persist.	1. MoLHUD to liaise closely with NEMA through the Program Technical Committee to review all ESSFs and ensure that the oversight responsibilities are fully implemented in practice. 2. USMID Program Technical Committee to require copies of annual performance reports and that these include indicators to ensure that environmental and social performance is satisfactory. 3. MoLHUD to ensure that the program coordination (through the LHUD Sector Working Group, the USMID Program Steering Committee, the USMID Program Technical Committee and the USMID Program Support Team) is efficient and liaises with all institutions with an environmental and social remit.
	Resources are allocated by Government after each ministry, department, govt. entity puts in an annual budget	Resources are inadequate at Ministry and municipality level to ensure implementation of plans. Budgets requested are not received and the MEO does	1. After the presence and capacity of the MEO lack of sufficient financial and equipment resources is the highest risk area affecting USMID program performance.	1. i) Annual performance assessment results should include the proportion of project funding allocated to environmental and social assessment and implementation.

		not set his own budget. USMID institutional assessment has noted that in most of the municipal governments, a substantial fraction of authorized positions is not filled. A streets maintenance unit was identified in the assessment as something that is missing in many of the municipalities.	2. In the context of tight budgets, maintenance may suffer. Streets and drainage systems, parking areas, and new markets will deteriorate.	ii) Disbursement indicators linked to annual performance assessments. 2. USMID to include level of maintenance capacity and quality of maintenance in assessment criteria.
	The EA process documents the need for responsiveness and accountability explicitly in the EIA guidelines. Consultation is an integral part of the environmental legislation and EIA guidelines. Responsiveness and accountability are described through the publication of documents and system for the public to comment and request public hearings.	EIA consultation is normally carried out by practitioners. No participation appears to occur for assessments by the municipalities, nor for any project following project approval. Municipalities have not had adequate participation in USMID planning. Laws require NEMA to publicise information at various stages of the EIA process and to make reports publically available. This is not carried out in practice.	1. There is a risk of lack of accountability if project information is not available and accessible throughout the project planning and implementation process, not merely at the end. 2. The lack of compliance with regulations by NEMA in failing to publicise and display information is a low risk to the USMID projects	1. i) Municipal EA screenings, EIA's and ESMP's to be disclosed and displayed in an accessible format at municipal level. ii) Certification of projects, audits and inspections to be displayed as above. iii) Annual performance assessment results to be displayed as above. iv) DLIs to include level of consultation by municipalities during the EA process. 2. No action required

Core Principle 2: Environmental Considerations – Natural Habitats and Physical Cultural Resources

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 Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice	Identified Risks	Recommended Action
Includes appropriate measures for early identification and screening of	The NEMA Project Brief format and the municipal Environmental and Social Screening Form (ESSF)	1. Important biodiversity is normally adequately identified where it is known to exist. Little biodiversity is	1. No significant risk that areas of biodiversity will not be identified. 2. Physical cultural heritage	1. No further action necessary 2. i) Program technical team to liaise with MoTWH to identify potential for PCR (Physical Cultural Heritage)

potentially important biodiversity and cultural resource areas.	require this information. National laws for the protection of various resources including wetlands, lakes and rivers, forests, water and air quality, soils, monuments, wildlife, protected areas all apply to local government and have been taken into account in the design of the screening form, checklist, and ESMP format used by MEOs for impact assessment.	likely to exist in municipal areas outside of already designated protected areas, including wetlands and forests. 2. 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. In practice there is little knowledge beyond a few known historical sites and monuments unless communities give information during consultations. Independent Archeological investigations are rare as part of ESIA. For municipal screening, the ESSF covers PCR, but again this is reliant on the MEO identifying their presence (and consultation is rare)	is not well understood or listed and could be lost unintentionally.	resources to exist within the municipalities and register these assets ii) MEOs to receive training in the identification of physical cultural heritage resources.
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	The EIA system does not itself impose a ban on conversion of critical natural habitats but does require an EIA for any activities that might affect critical natural habitat in the form of national parks and other protected areas. Other regulations issued under the National Environment Law prohibit development in protected wetlands and restrict development activities in	Conversion of critical natural habitats is not avoided; although mitigation measures to minimize the damage are included, this does not extend to offsets or other compensation measures for the lost values, except for World Bank supported activities. The protected area regulations are not robust enough to prevent development within these areas, as provided an ESIA is approved, permission is normally always granted. Follow-up on projects is	Municipal areas are increasingly losing natural resources and vital ecosystem services for future environmental and public health, and which may provide potentially important coping mechanisms for people living in poverty without means of subsistence.	i) Ensure no USMID Project should take place in present or former areas designated for protection of biodiversity, or within buffer zones (these would be classified as Category A and municipalities would not receive USMID funding). ii) Municipalities to provide statistics on areas of wetland and forest in the municipality in the annual performance report. Loss of land area to be linked to DLIs.

program activities.	buffer zones around lakes and along rivers. The Forestry and Tree Planting Act and the Uganda Wildlife Act prohibit development in parks and conservation areas within their purview unless permission is first obtained and require an EIA for proposed activities in natural areas with lesser protection, such as forest and wildlife reserves.	lacking, so non-compliance with mitigation measures, standards and best practice is not ensured. Municipalities themselves reacting to land pressures have also requested degazettment of forest reserves for development and proposed infrastructure development in wetland areas.		
Takes into account potential adverse effects on physical cultural property and, as warranted, provides adequate measures to avoid, minimize, or mitigate such effects.	The Historical Monuments Act protects declared monuments or discovered items that might be classed as monuments. The EIA Regulations require consideration of impacts on culture and cultural resources. The ESSF requires information on PCR, and the ESMP will include mitigation measures when any PCR could be affected.	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. In practice there is little knowledge beyond a few known historical sites and monuments unless communities give information during consultations. Independent Archeological investigations are rare as part of ESIA. For municipal screening, the ESSF covers PCR, but again this is reliant on the MEO identifying their presence (and consultation is rare)	No significant risk provided physical cultural property has been identified in screening.	No action required

Core Principle 3: Environmental Considerations – Public and Worker Safety

OP: 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.				
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice	Identified Risks	Recommended Action
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.	The Uganda Constitution 1995, Article 40 and the Health and Safety Act of 2006 consider biological, chemical, physical, and economic factors that affect the occupational health and safety of workers. However, the Law only applies retrospectively, i.e. to prosecute in case of an accident or incident. There are no powers for MoGLSD to enforce adequate standards during construction or operation. The EIA Regulations include public health impacts in the required EIS content but do not mention worker safety.	The Department of Occupational Health and Safety, MoGLSD liaise with NEMA, who inform them of ESIA's with issues relating to worker safety. A review of a sample of EIAs for composting plants shows that NEMA routinely includes workplace safety among the conditions attached to its Certificates of Approval of EIA. The ESSF used by municipalities explicitly includes questions on worker safety. However, practice with regard to inspection is poor, with only 17 of 38 posts currently filled at national level in the DoOHS ⁵² and in practice only high risk activities are inspected. The situation is reported to be worse at municipal level, with only 35 of 112 districts having officers in place and none at municipal level.	The risk of direct health effects is low, provided screening and EIA pick up issues of health and safety adequately. A higher risk of health and safety effects due to induced effects of influx of different socio-economic migrants, or displacement of vulnerable people to areas prone to hazards may be harder to identify and mitigate	Mitigation measures/ESMP to explicitly contain measures to address risks to health and safety for local populations, at different stages of project implementation and operation.
Promotes use of recognized good practice in the production, management, storage, transport, and disposal of hazardous materials	These issues are not relevant to USMID.	N/A	N/A	N/A

⁵² DoOHS: Department of Operational Health and Safety, MoLGSD

generated through program construction or operations; and promotes 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.				
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.	No. The resulting risk needs to be assessed in the context of the sub project locations and is not otherwise applicable.	N/A	N/A	N/A
Core Principle 4: Social Considerations – Land Acquisition				
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.				
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice	Identified Risks	Recommended Actions

<p>Avoids or minimizes land acquisition and related adverse impacts.</p>	<p>None. The National Land policy that has been stayed for four years would greatly help to give guidance on land matters if approved by Cabinet. Within this policy is a recommendation to prepare a national resettlement policy that would clarify most of the issues local authorities staff are grappling with on land acquisition.</p>	<p>None except for World Bank supported projects. No significant land acquisitions are expected due to the size of sub-projects and activities to be funded by USMID, but activities and sub-projects may expand or align existing facilities and therefore need linear tracts of land that may displace households. Past practice in the absence of regulation and budgets for land acquisition or resettlement have led to Municipal staff requesting land to be given for free.</p>	<p>The lack of national policy or law together with the attitude, level of knowledge and skills in handling of land acquisition by municipality staff poses a moderate risk that land acquisition may not be adequately handled</p>	<p>Finalize and apply a simplified and program specific land acquisition framework that will guide actions on land taking for investments</p> <p>ii)Designate an officer at MC to handle land acquisition concerns in subprojects as a minimum requirement to access USMID funds</p> <p>iii)Urgent training on management of land acquisition, resettlement and rehabilitation for designated land acquisition officer, MEOs, CDOs, Town Clerks, MoLHUD technical officers (and other officers involved in project decision making).</p> <p>ii) Staffing e in the zonal/ regional land offices dealing with the 14 USMID municipalities.</p> <p>iii) Municipal councils required to prepareand implement land acquisition and compensation plans for all projects under USMID as a minimum access</p>
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				<p>requirement.</p> <p>iv) Reporting on progress of land acquisition and compensation to be displayed publically at the relevant levels.</p> <p>v) Program technical team to support the approval of the National Land Policy by Cabinet</p>
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.	Both the Constitution of Uganda 1995 and the Land Act (1998) cite the right of Ugandans to own property only.	None except for World Bank supported projects.	<p>There is a low-moderate risk that land acquisition will impact the livelihoods of communities and individuals by inappropriate or inadequate land acquisition methods.</p> <p>There is a low risk that useful natural resources will be unavailable through development which destroys, or otherwise renders resources inaccessible.</p>	<p>Apply land acquisition framework and</p> <p>i) Ensure that land acquisition recognizes informal occupants and land users, and all types of land tenure.</p> <p>ii) Ensure that mitigation measures identified in ESMPs identify measures to ensure that land users have adequate natural resources locally to compensate for lost resources on project land, or that they are otherwise provided with alternative livelihood options.</p>
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.	Both the Constitution of Uganda 1995 and the Land Act (1998) emphasize the need for adequate and fair compensation. However there is no clarification on what is fair or adequate.	Payment of compensation is not consistent except for Bank supported projects where emphasis on preparation of RAPs is made. Otherwise in isolated cases may receive market rates as opposed to replacement rates. Common practice of requesting land to be given freely to municipal projects.	Moderate risk of communities losing assets for which they perceive compensation to be inadequate.	<p>i) i) MoLHUD to liaise with Chief Government Valuer to ensure that compensation rates are set at replacement values in order to provide for adequate and fair ii) Compensation plans to show evidence of consultation and consensus. Public display of compensation plans to include consultations records.</p>
Provides supplemental livelihood improvement or restoration measures if taking of land causes loss of income-generating opportunity (e.g., loss of crop production or	None	None.	Refer compensation risks	Refer actions for compensation

employment).				
Restores or replaces public infrastructure and community services that may be adversely affected.	Not applicable	N/A	N/A	N/A
Core Principle 5: Social Considerations – Indigenous Peoples and Vulnerable Groups				
OP: 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.				
BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice	Identified Risks	Recommended Actions
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.	None and not applicable to USMID municipalities	N/A	N/A	N/A
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.	None and not applicable to USMID municipalities	N/A	N/A	N/A
Gives attention to	The existing policy on	Attention to vulnerable	As no specific consideration of	i) Designate staff to handle social

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 access to program benefits.	orphans and vulnerable children or that on the disabled does not relate to equitable access to program benefits. Constitution MDPs	groups is made in development initiatives targeted to these groups. The USMID Program did not include participatory selection of sub-projects, nor any explicit pro-poor planning or consideration of vulnerable groups. Issues of vulnerability and equity in land acquisition, access to labor opportunities, access to project benefits, etc., are likely not to be considered in environmental assessment.	pro-poor aspects have been included in the Program, there is a risk that the poor may not benefit from USMID or may be negatively affected by it. The concern is that if water and sewer service and waste collection are extended into informal settlements and payment is required for the services, the poor may not be able to afford access to them. If rental space in new markets is too costly, vendors will incur higher operating costs and lower profits or, in the worst case, will not be able to afford space at all and will lose livelihood.	issues in conjunction with the MEO. ii) Reporting of pro-poor provisions and monitoring of poverty indicators in affected communities will be required as an assessment criterion and should be reported through the Program Technical Committee. This should state what proportion of funds is specifically aimed at pro-poor interventions.
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Core Principle 6: Social Considerations – Social Conflict

OP: Avoid exacerbating social conflict, especially in fragile states, post-conflict areas, or areas subject to territorial disputes.

BP Key Attributes related to Core Principles	Provisions in National System (Acts, Regulations, Guidelines, Directives)	Practice	Identified Risks	Recommended Actions
Considers conflict risks, including distributional equity and cultural sensitivities.	None	With no specific office to handle grievances in municipalities or nationally, MCs expected these to be handled through LC offices, or by tribal elders, with only 2 MCs reporting some involvement in grievances (Gulu handled through the physical planner and Fort Portal through their lawyer). Otherwise aggrieved persons have recourse to a court of law. Vulnerable groups are unable to access the legal system due to the financial burden. The Land Act creates Land	There is no obvious risk of social conflict from the projects as envisaged. However cases of social conflict and grievances are likely to arise (for instance as an induced impact if concerns are not well handled, or negative impacts not avoided). At present these are addressed through the LC system and it is unlikely that the CDO's, as the community link, would have the capacity or authority to address issues arising (note: In Hoima there are	1. A grievance redress mechanism that includes existing systems and structures for reporting, filing and resolving grievances <u>must</u> be put in place for USMID funding. Every project progress report will have a section on the grievances redress. 2. Relevant staff (e.g. CDO's, MEO's or MSO's) must be trained and assigned responsibility for ensuring that grievance mechanisms are implemented and recorded accurately, including liaising with LC's where

		Tribunals (district level), to help resolve disputes over registered land. The public can bring complaints before the tribunals in respect of allocations of land by the district Land Boards and extensions of leases.	already social conflict situations arising from land tenure and exacerbated by the oil industry, Gulu also may have some experience due to the former LRA conflicts)	necessary on municipal projects. 3.
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ANNEX 1. ENVIRONMENTAL AND SOCIAL SCREENING FORM

(Extract from the Participant's Handbook on Environment and Natural Resources Management for use by Higher Local Governments, October 2011 and amended in some parts for purposes of the program).

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 Environmental 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 PROJECT

Name of Proposed Project _____

Date expected to start construction _____

Proposed location of project _____

(Attach a map or maps, covering the proposed site and surrounding 5 km radius)

Land Area _____

(Approximate land area and of proposed location)

Current Land Use (Describe how the land is being used at present)

Describe any Possible Alternative Site(s) _____

Describe other types of industries or facilities (including health centres and schools) which are located within 100 metres of the site, or are proposed to be located near the proposed facility.

Indicate the proximity of the proposed industrial site to residential areas, national parks or areas of ecological, historical or cultural importance.

Indicate whether adequate infrastructure exists at the proposed location, or whether new building, roads, electricity and water lines, or drainage systems will need to be constructed as a part of the proposed project.

SECTION 3: EMPLOYEES AND LABOURERS

Number of people to be employed:

Employees and Labourers	During Construction	During Routine Operation
FULL-TIME		
PART-TIME		

Indicate whether you plan to construct housing / sanitation facilities for temporary or permanent workers.

SECTION 4: DESCRIPTION OF INDUSTRIAL PROCESS THAT COULD BE IMPLEMENTED

Briefly describe the type and nature of any industrial processes that may be conducted as part of any sub-project at the site.

State the type and quantity of energy to be used (including the origin of the energy, i.e. public utility, on-site generator, wood, solar, wind, etc.)

Type(s) and Source	Quantity	Period (per day / week / etc.)

Estimate the quantities of water to be used for the following:

Use(s) of Water	Quantity	Period	Source
Cooling			
Steam Generation			
Production Process			
Other			

List the type and quantity of raw materials to be used per year in the production process (including soil, sand, cement, aggregates, wood, animals, etc.). Identify the sources of all raw materials.

Type	Quantity	Source

List of all the chemical expected to be used for any aspect of the production process (A separate list may be attached with more detailed information)

Name / Type	Description	Quantity

SECTION 6: PRODUCTS

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

Name of Product / Output	Description of Uses	Anticipated Output per Qtr/Yr

SECTION 7: BY-PRODUCTS, WASTE MANAGEMENT AND DISPOSAL

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

Type	Description	Quantity in Kg per wk/mo
Solid (Bulk)		
Solid (particulate)		
Liquid		
Gaseous		
Other		

Proposed method of disposal or management of waste (e.g. burning, burying, landfills etc.)

Type(s) and Source	Method of Disposal / Management

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

Source of Noise	Type of Noise

SECTION 8: ENVIRONMENTAL IMPACTS

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

A. The Biological Environment

8.0 The Natural Environment

8.1 Describe the habitats and flora and fauna in the project area and in the entire area expected to be affected by the sub-project (e.g., downstream areas, access roads):

8.2 Will the project directly or indirectly affect:

8.2.1 Natural forest types?

8.2.2 Mangroves or swamps?

8.2.3 Wetlands (i.e., lakes, rivers, swamps, seasonally inundated areas)?

8.2.4 Natural critical habitats (parks, protected areas)?

8.2.5 Other habitats of threatened species that require protection under Mozambican laws and/or international agreements?

YES _____ NO _____

8.3 Are there according to background research / observations any threatened / endemic species in the project area that could be affected by the project?

YES _____ NO _____

8.4 Will vegetation be cleared?

YES _____ NO _____

8.5 Will there be any potential risk of habitat fragmentation due to the clearing activities?

YES _____ NO _____

8.6 Will the project lead to a change in access, leading to an increase in the risk of depleting biodiversity resources?

YES _____ NO _____

Provide an additional description for “yes” answers:

9.0 Protected Areas

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

9.1 Occur within or adjacent to any designated protected areas?

YES _____ NO _____

9.2 Affect any protected area downstream of the project?

YES _____ NO _____

- 9.3 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 _____

Provide an additional description for “yes” answers:

10.0 Invasive Species

- 10.1 Is the sub-project 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

11.0 Geology / Soils

- 11.1 Will vegetation be removed and any surface left bare? YES _____ NO _____

- 11.2 Will slope or soil stability be affected by the project? YES _____ NO _____

- 11.3 Will the sub-project cause physical changes in the project area (e.g., changes to the topography)? YES _____ NO _____

- 11.4 Will local resources, such as rocks, wood, sand, gravel, or groundwater be used? YES _____ NO _____

- 11.5 Could the sub-project potentially cause an increase in soil salinity in or downstream the project area? YES _____ NO _____

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

12.0 Landscape / Aesthetics

- 12.1 Is there a possibility that the sub-project will adversely affect the aesthetics of the landscape? YES _____ NO _____

13.0 Pollution

- 13.1 Will the sub-project use or store dangerous substances (e.g., large quantities of hydrocarbons)? YES _____ NO _____
- 13.2 Will the sub-project produce harmful substances? YES _____ NO _____
- 13.3 Will the sub-project produce solid or liquid wastes? YES _____ NO _____
- 13.4 Will the sub-project cause air pollution? YES _____ NO _____
- 13.5 Will the sub-project generate noise? YES _____ NO _____
- 13.6 Will the sub-project generate electromagnetic emissions? YES _____ NO _____
- 13.7 Will the sub-project release pollutants into the environment? YES _____ NO _____
-

C. The Social Environment

14.0 Land Use, Resettlement, and/or Land Acquisition

- 14.1 Describe existing land uses on and around the sub-project area (e.g., community facilities, agriculture, tourism, private property, or hunting areas):
-
- 14.2 Is the land to be used for the subproject occupied? YES _____ NO _____ If yes by who and for what purpose?
- Who is the owner of the land?
- 14.3 Are there any areas on or near the sub-project location, which are densely populated which could be affected by the sub-project? YES _____ NO _____
- 14.4 Are there sensitive land uses near the project area (e.g., hospitals, schools)? YES _____ NO _____
- 14.5 Will there be a loss of livelihoods among the population? YES _____ NO _____ if Yes, which livelihoods will be affected?
- 14.6 Will the sub-project affect any resources that local people take from the natural environment? YES _____ NO _____

14.7 Will there be additional demands on local water supplies or other local resources? YES
_____ NO _____

14.8 Will the sub-project restrict people's access to land or natural resources?
YES _____ NO _____

14.9 Will the project require resettlement and/or compensation of any residents, including squatters? YES _____ NO _____

14.10 Will the sub-project 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 _____

14.11 Who is/are the present owner(s)/users of resources/infrastructures the sub-project area?

15.0 Loss of Crops, Fruit Trees, and Household Infrastructure

Will the sub-project result in the permanent or temporary loss of:

15.1 Land?

15.2 Crops?

15.3 Fruit trees / coconut palms?

15.4 Household infrastructure?

15.5 Any other assets/resources?

16.0 Occupational Health and Safety, Health, Welfare, Employment, and Gender

16.1 Is the sub-project likely to safeguard worker's health and safety and public safety (e.g., occupational health and safety issues)? YES _____ NO _____

16.2 How will the sub-project minimize the risk of accidents? How will accidents be managed, when they do occur?

16.3 Is the project likely to provide local employment opportunities, including employment opportunities for women? YES _____ NO _____

Provide an additional description for "yes" answers:

17.0 Historical, Archaeological, or Cultural Heritage Sites

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

17.1 Historical heritage site(s) or require excavation near the same? YES ____ NO ____

17.2 Archaeological heritage site(s) or require excavation near the same? YES ____ NO ____

17.3 Cultural heritage site(s) or require excavation near the same? YES ____ NO ____

17.4 Graves, or sacred locations (e.g., fetish trees or stones) or require excavations near the same? YES ____ NO ____

N.B 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:

_____ (a) Implementation of the environmental mitigation measures as proposed in the Environmental Guidelines for Contractors and Clause 8 contained in the Bidding Documents

_____ (b) Before construction can commence, preparation and implementation of a resettlement action plan/compensation plan consistent with the provisions of the Resettlement Policy Framework, November 2002, will be required

SECTION 18: TESTIMONY

I confirm that the information provided herein is accurate to the best of my knowledge. I will also endeavour to provide additional information and facilitate a site visit if required.

Signed : Developer

Date :

For Official Use Only	
Reviewed by : D/M EO or Sector Officer	Date :
Classified A B C	
Reasons for the Classification :	
<div>DRAFT</div>	
Endorsed by : NEMA ENVIRONMENTAL OFFICER	Date :
Approved by Executive Director :	Date :

ANNEX 2. THIRD SCHEDULE.
The National Environmental Act, Cap 153 (May 1995).

Projects to be considered for environmental impact assessment.

1. General -
 - (a) an activity out of character with its surroundings;
 - (b) any structure of a scale not in keeping with its surroundings;
 - (c) major changes in land use.
2. Urban development, including -
 - (a) designation of new townships;
 - (b) establishment of industrial estates;
 - (c) establishment or expansion of recreational areas;
 - (d) establishment or expansion of recreational townships in mountain areas, national parks and game reserves;
 - (e) shopping centres and complexes,
3. Transportation, including -
 - (a) all major roads;
 - (b) all roads in scenic, wooded or mountainous areas;
 - (c) railway lines;
 - (d) airports and airfields;
 - (e) pipelines;
 - (f) water transport.
4. Dams, rivers and water resources, including -
 - (a) storage dams, barrages and weirs;
 - (b) river diversions and water transfers between catchments;
 - (c) flood-control schemes;
 - (d) drilling for the purpose of utilising ground water resources, including geothermal energy.
5. Aerial spraying.
6. Mining, including quarrying and open-cast extraction of-
 - (a) precious metals;
 - (b) diamonds;
 - (c) metalliferous ores;
 - (d) coal;
 - (e) phosphates;
 - (f) limestone and dolomite;
 - (g) stone and slate;
 - (h) aggregates, sand and gravel;
 - (i) clay;
 - (j) exploration for the production of petroleum in any form.
7. Forestry-related activities, including -
 - (a) timber harvesting;
 - (b) clearance of forest areas;
 - (c) reforestation and afforestation,
8. Agriculture, including -
 - (a) large-scale agriculture;
 - (b) use of new pesticides;
 - (c) introduction of new crops and animals;
 - (d) use of fertilisers.
9. Processing and manufacturing industries, including -

- (a) mineral processing, reduction of ores and minerals;
 - (b) smelting and refining of ores and minerals;
 - (c) foundaries;
 - (d) brick and earthenware manufacture;
 - (e) cement works and lime processing;
 - (f) glass works;
 - (g) fertiliser manufacturing or processing;
 - (h) explosives plants;
 - (i) oil refineries and petrochemical works;
 - (j) tanning and dressing of hides and skins;
 - (k) abattoirs and meat-processing plants;
 - (l) chemical works and process plants;
 - (m) brewing and malting;
 - (n) bulk grain processing plants;
 - (o) fish processing plants;
 - (p) pulp and paper mills;
 - (q) food processing plants;
 - (r) plants for the manufacture or assembly of motor vehicles;
 - (s) plants for the construction or repair of aircraft or railway equipment;
 - (t) plants for the manufacturing or processing of rubber;
 - (u) plants for the manufacturing of tanks, reservoirs and sheet-metal containers;
 - (v) plants for the manufacturing of coal briquettes.
10. Electrical infrastructure, including -
- (a) electricity generation stations;
 - (b) electrical transmission lines;
 - (c) electrical substations;
 - (d) pumped-storage schemes.
11. Management of hydrocarbons, including the storage of natural gas and combustible or explosive fuels.
12. Waste disposal, including -
- (a) sites for solid waste disposal;
 - (b) sites for hazardous waste disposal;
 - (c) sewage disposal works;
 - (d) major atmospheric emissions;
 - (e) offensive odours.
13. Natural conservation areas, including -
- (a) creation of national parks, game reserves and buffer zones;
 - (b) establishment of wilderness areas;
 - (c) formulation or modification of forest management policies;
 - (d) formulation or modification of water catchment management policies;
 - (e) policies for management of ecosystems, especially by use of fire;
 - (f) commercial exploitation of natural fauna and flora;
 - (g) introduction of alien species of fauna and flora into ecosystems.

ANNEX 3. PROJECTS WHICH ARE LIKELY TO BE EXEMPTED FORM THE EIA PROCESS
LIST A, ANNEX 2 EIA GUIDELINES

The following list identifies those projects which are normally exempt from the EIA process. The characteristics and anticipated physical effects of each project should be carefully considered when or if they are exempted from further steps of the EIA Process.

Clearing and farm construction for individual subsistence small farms.

Construction or repair of individual houses.

Minor land use changes in areas with slopes less than 20% including housing construction.

Information collection (scientific or educational) except if it involves use of chemicals or endangered species or alien materials.

Transfer of ownership of land or related facilities so long as the general character of the area is not changed.

Environmental enforcement actions.

Emergency repairs to facilities within the character of its surroundings.

ANNEX 4. FIELD STUDY ON USMID MUNICIPALITIES

This report provides environment and social characteristics of the 14 Municipalities under this assignment (Figure 1). The information has been compiled from interviews, secondary sources of information including the five year development plans and municipal statistical abstracts, by AWE Civil Engineering and Environmental Consultants.

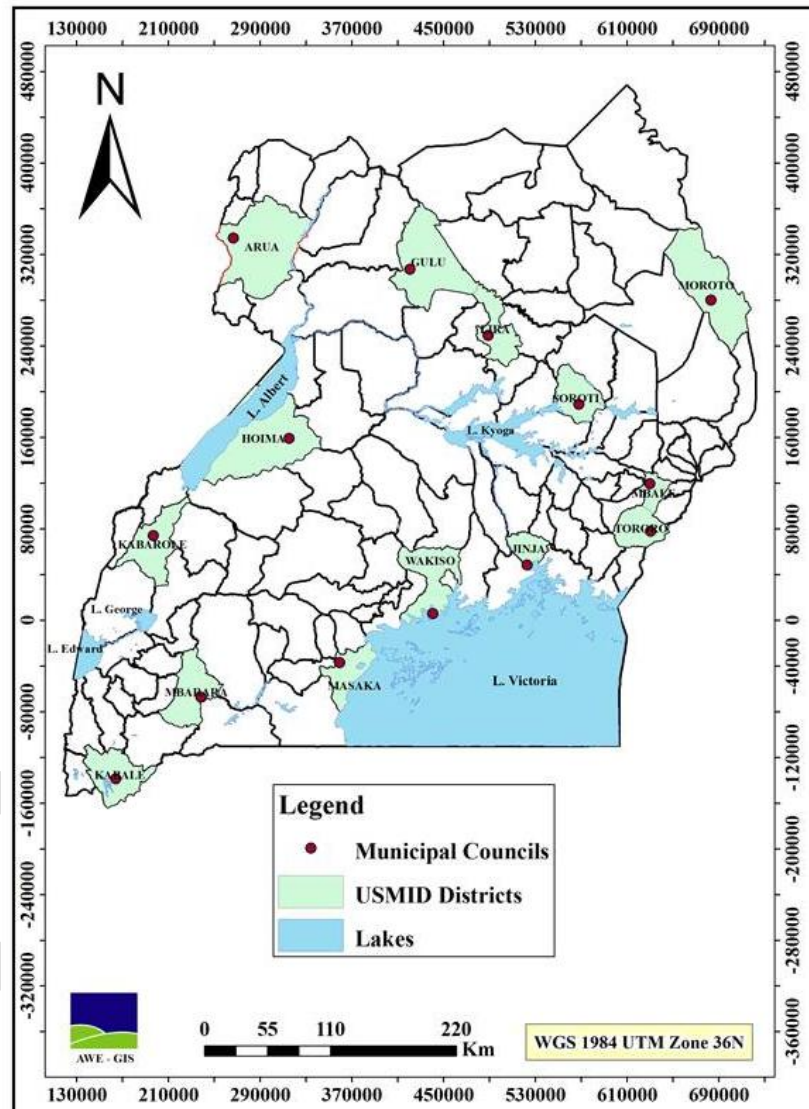


Figure 1: Location of municipalities under this project

1. ENTEBBE MUNICIPALITY

Entebbe Municipality lies at 0°.04N, 32°.28E, which is 37 kilometers South of Kampala, the Capital City of Uganda. Situated in Wakiso district, the municipality is located on a peninsular into Lake Victoria covering an area of approximately 56.2 Sq km. Socio-environmental conditions in Entebbe Municipality are described below.

a) Demography and Economy

According to the 2002 population and housing Census, the population of Entebbe Municipality stood at 55,086 people of which 51% are females and 49% Males. Entebbe's population size has been increasing at an average annual growth rate of 2.2% implying that it was 63,820 people according to the projection of 2009 and 69,700 people by the next census in 2013. There are a number of livelihood groups that contribute to the social economic development of Entebbe Municipality and these include; civil servants, contractors, casual laborers, pensioners, artisan, brick makers, vehicle repairers, fisher folk, farmers, traders, hoteliers and aviation related occupations.

b) Land use

Entebbe's total land size is 56.2 Square Kilometers. As of 2005, 9.34% (5.3 sq. km) of land was used for human settlement, Agriculture covers 33.92% (19.1 sq. km) and 1.25% (0.7 sq. km) was used for commercial farming. 33.79% (19.0 sq. km) of the land was under public utilities while 1.83% (1.028 sq. km) was occupied by forest reserves.

c) Education and literacy

The majority of the 263 secondary school teachers in the municipality (65%) are university graduates and none are Grade III or IV teachers. There are 426 primary school teachers most of whom are Grade III (61%) while 20% hold a Diploma in Primary Education (DPE) and 15 primary school teachers hold no qualification in the teaching profession.

In Entebbe Municipality 83% population are literate.⁵³ Over 84% of male people above 10 years are literate and 81% of females can also read.

d) Infrastructure and services

Roads and transport

The municipality has one trunk road (the Kampala-Entebbe highway) which is maintained by the Ministry of Works. In addition to this road, there are 3 major types of roads namely; paved, gravel and earth roads which are managed at division level in the municipality.

The main bottleneck to having well maintained roads is the inadequate funding for that cause. Of the 45 paved roads in the municipality 27 are located in the central ward while the remaining 18 are shared between Kiwafu and Katabi and none exist in Kigungu.

Safe Water Coverage

There is 93% safe water coverage in the municipality. Most households have access to tap water in their homes and others normally buy water from the neighbor within a radius of 200 Meters.

The Municipality has two protected springs, one in Luyo East (Central ward) and the other in Kiwafu central (Kiwafu ward).

Latrine Coverage

There has been an increasing trend in the percentage of latrine coverage over the past three years. This implies a high latrine coverage given a national coverage of 60%. pit latrine stands at 55%, VIP latrines stand at 30%, flush toilet at 10%, and only 5% has no toilet.

e) Health

Entebbe municipality has 1 hospital and 4 health centers that are owned by government. The HIV/AIDS prevalence rate is 8.6% reflecting a total of approximately 6287 people living with HIV/AIDS. HIV/AIDS prevalence in Entebbe is due to its urban nature where people's life styles expose them to contracting

⁵³Entebbe Municipal Council five year Development plan (2010/2011/2014/2015)

HIV. The disease is most prevalent among fishing communities like those living at Nakiwogo landing site where fishermen use their hard earned cash to buy sexual favors from multiple partners. The disease also has a high occurrence among army officers whose long stays away from their homes and wives lead to infidelity. There are 4 HIV-counseling centers in the municipality such as Entebbe Hospital and TASO Entebbe (Central ward) Katabi air force, and Kigungu HCIII in Kigungu.

Maternal and Child Health

The number of supervised deliveries by skilled personnel for 2009/2010 stands at 3654 deliveries as compared to the targeted 3508 giving a percentage of 104.2%. This is come as a result of an increase in the number of people from outside Entebbe using the services. The number of mothers receiving antenatal care stands at 6807 as compared to the total number of 1445 receiving both antenatal and postnatal care. Number of mothers practicing family planning is at 5933 mothers.

f) Urban Poverty

Entebbe has only one slum which is located in Lugonjo. It accommodates about 1500 people per sq.km. Infrastructure facilities are poor with people relying on stand taps as a way of accessing water. Waste within the slum is collected by the Municipality however there is inefficiency in collecting it. Very few households within the slum have constructed toilets; however pit latrines are available although they are not well maintained. This is due to the poor attitudes of the people. Within the slum, the drains are open and not covered. As a result, they are often suffocated as garbage is dumped in them.

g) Heritage

Entebbe has important heritage places, some of the heritage sites include, a burial site of one of Buganda kingdom's King, the only and first international air port in the country, the site where the first missionaries landed, the zoo (wild life center). There are all kinds of religious institutions that are recognized in the Municipality. However there is a challenge with Pentecostal churches that are stabilized on vacant land without approval from the municipal councils, no structural plan for the churches, complains of noise from neighbors and the poor and unsafe building materials.

2. MASAKA MUNICIPALITY

Masaka municipality is found in the Central Region of Uganda in about 130 km south-west of the capital city- Kampala, along the Trans-African highway to Rwanda and the Democratic Republic of Congo (D.R.C). It also provides the main route to the republic of Tanzania. The main Post Office is found at longitude 31° 44' 11.18" East and latitude 0° 20' 28.12" South at the heart of Masaka district and has access routes to different districts of Rakai, Kalangala, Mpigi, Kalungu, Bukomansimbi and Lwengo which makes it a transport centre for the region. Socio-environmental conditions in Masaka Municipality are described below.

a) Demography and Economy

The population of Masaka municipality was 67,768 in 2002 of which 32,118 were males (47.4%) and 35,650 were females (52.6%). A review of the previous censuses population figures revealed that there was a general reduction in the inter censal population growth rates from 5 per cent in the period 1980-1991 to 2.68 per cent in the period 1991-2002.

The municipality has both formal and informal businesses and agricultural related activities. A lot of people are employed in the informal sector, which comprises trade ranging from food vending, to barber shops, to garage or metal workshops. The people employed in the informal sector, are mostly poor earning less than Ug. Shs 1,500 (less than 1 US dollar) per day.

b) Land use

Both agriculture, and residential use (12.5%), take up the highest percentage of land use within the Municipality, followed by institutional (4.8%), commercial (0.7%), industrial (0.5%), recreational/open spaces (1.1%) and parks, transportation, forest reserves agricultural and special purposes.

c) Education and literacy

Masaka Municipality like other Municipalities has implemented successfully the Universal Primary Education program known as UPE. The Municipality has a total of 59 primary schools. Of these, 14 are government aided, while 44 are private owned. For secondary schools, the Municipality has 16 schools of which 3 are government aided and 13 are privately owned. These schools are distributed in the municipality.

d) Infrastructure and services***Road and Transportation***

The road leading to the Municipality is a tarmac road with a distance of about 190km from Kampala, the national capital. However other Municipality roads are bad with a number of pot holes. Therefore needs rehabilitation to facilitate increased trade. There is an airstrip on Senyange hill. This however has been out of use for over three decades now. The municipal Council has turned part of the land for this facility into a refuse dumping site. There is no air, rail and water transport in Masaka Municipality. All transport is by road.

Water supply

The various water sources in Masaka Municipality include: shallow wells, springs wells, bore holes, rivers, rain water and piped water supply. The provision and supply of piped water in Masaka municipality is under a specialized parastatal body, the National Water and Sewerage Corporation (NWSC). NWSC is responsible for provision of piped water and sewerage services in the major urban centers in Uganda.

Energy

The 2002 Census indicated that a big proportion of the population (51.6%) in the municipality uses electricity while (46.9%) used paraffin in conventional lanterns and locally fabricated small lanterns locally called “Tadooba”. 0.2% used petroleum gas, while 1.1 per cent used candle wax and 0.2% used firewood for lighting. On the contrary, charcoal and firewood are the most popular sources of energy for domestic and institutional cooking. The 2002 Census results indicated that charcoal and firewood account for 54.4 per cent and 30.2 per cent respectively of energy for cooking in most households. Electricity, gas, paraffin accounted for just 11.9 per cent of the households.

e) Health

Health facilities in Masaka Municipality are categorized between public health units and private ones. Public health units are those owned by the central and municipal local government. They include one regional referral hospital, one health sub-district and seven health centers of a second level of health units (Health centre 2) as categorized in the Uganda health delivery system.

Like most cities in the tropical zone, malaria is the leading disease in Masaka, accounting for over 70 per cent of all outpatient attendances in municipal health units. Other common illnesses include diarrhea (especially in prisons) upper respiratory tract infections, sexually transmitted diseases, HIV and tuberculosis.

The rate of infection with the HIV virus remarkably reduced from around 30% in 1992 to about 12.4% in 2003. This has been due to the efforts of the various partners in the HIV/AIDS care and prevention struggle both locally in the Municipality and globally. However, the members of people living with

HIV/AIDS (Prevalence) has continued to rise and will continue rising for a very long time. The most affected categories of people are the very active Age-groups in Society (18-50 years) and current data shows that females are more affected and infected than males.

f) Urban poverty

These are mainly slum areas around Masaka Municipality where the majority of the population are living below the poverty line. They include: Buchulo, Kitaka, Kimaanya, Kisuuna, Kasijjagirwa. Within the slums, people do not have access to basic services including roads, health units and minimal economic activities take place there. The major causes of poverty in other areas are:-

- Excess alcohol consumption
- Illiteracy
- Idleness and disorderly

For the last ten years, the Municipal Local Government has put in place projects e.g. piped water, tarmac and earth roads, New Kumbu housing estates and power extensions. Never-the-less, very little has been done to curb household poverty i.e. the lack of basic needs and services like food, clothing, beddings, basic health care and shelter at the household level. Hence, much as community poverty is reducing, household poverty is still a very big problem within the municipality. Household-based projects will need to be more emphasized in this 3-year plan period.

g) Heritage

Nabajjuzi Wetland System from which the municipality and other areas draw water is a Ramsar site.

3. MBARARA MUNICIPALITY

Mbarara Municipal Council is one of the 15 Municipalities in Uganda and the third largest town after Jinja Municipality and Kampala capital city. It is located 266 kilometers from Kampala city on Kampala-Kabale road in the south-western Region of Uganda. Socio-economic and environmental characteristics of the municipality are described in sections below.

a) Demography and Economy

During the 2002 Uganda National Census, Mbarara Municipality had a population of 69,363 people, 35,149 of which are females and 34,214 males. The population in 2011 was estimated to be 103,078. In this population, females are 50,156 while males are 52,923. The population growth rate is estimated at 4.5% per annum which is above the national average.

The majority of the people in Mbarara get their livelihood from employment income at 54.3%. Business/industry is the second dominant component of the economy at 26% followed by subsistence farming at 7.1%, Property 1.6% and other incomes at 10.9%. Commerce is the dominant component of the economy followed by the service sector, industry, construction and agriculture. There is great potential for exploiting the resources in these sectors of the Municipality's economy. Commerce is carried out in the form of wholesale and retail trade and is mainly conducted by private individuals.

b) Land use

The Municipality boundary encloses a total land area of about 51.47 sq.kilometres that is 5,147 hectares. Land use types in Mbarara Municipality may be classified as follows;

- Agricultural based activities (both subsistence and commercial)
- Conservation and recreation activities e.g. forest and wetlands.
- Private forest estate (e.g. individual, community and commercial forest estates).

- Sites for settlements and industries.
- Public utilities (including roads, power transmission and higher institutions of learning)
- Earth material extraction (mining and quarrying)
- Disposal of polluting wastes.

c) Infrastructure and services

Roads and transport

The main modes of transport used are coaches and taxis (minibuses) traveling from Kampala to Kabale via Mbarara. This route also enables transit of goods to Rwanda, Burundi and the Democratic Republic of Congo via Kabale Municipality; more especially fuel and other consumables. Small taxi cars and motor bikes (Boda-bodas) also carry passengers from one place to another. The area has access to all major telephone networks including Uganda Telecom, Celtel and MTN networks.

Water Supply

There is a sufficient and reliable water supply provided by the National Water and Sewerage Corporation, which serves about 47.5% of the population. The rest, especially in the fringe areas, survive on protected point sources, as well as on unprotected ones.

Energy

The Municipality is served by hydro-electric power from Jinja which has of recent become unreliable due to constant load shedding. This power covers about 90% of the Municipality area and serves nearly 98% of the Municipality's population. It is supplied by UMEME.

d) Urban Poverty

Economic conditions are deteriorating much faster for Mbarara Municipality residents than the national trend; the proportion of people living below the national poverty line is increasing dramatically, from about 10% in 2006, 11% in 2007, 12% in 2008, 13% in 2009 and 14% in 2010 to about 15% in 2011. The most evident features of this degeneration include slum expansion, higher numbers of people living and begging on the streets, and a rise in crime. If these trends are to be reversed, increasing inequalities, rural to urban migration and economic stagnation need to be addressed as a matter of urgency.

The slums located within the Municipality are Kajoogo, Kirehe, Ruti, Kiyanja and Kishenyi. All these do not have access to pit latrines, water and drainage system.

4. KABALE MUNICIPALITY

The Municipality is situated in the South of Western Uganda, and is the only urban municipal Council in the District. Kabale municipal council is one of the eighteen municipalities in Uganda. Kabale.

Municipality borders with Kitumba subcounty in the south, Bubaare to the north and Kyanamira to the East. Sections below provide socio-environmental characteristics of the municipality.

a) Demography and Economy

The Municipality population is about 41,344 according to the results of 2002 population and housing census UBOS, Entebbe. Females are 20,760 compared to 20,584 males. Most of residents carry out subsistence farming on the mountain slopes out of the municipality. A few of the locals are public servants. Other people do small jobs such as grazing other people's cattle out of the municipality, motorcycle riders (boda boda) and traders-business owners.

b) Land use

The predominant land use in Kabale Municipality is residential followed by mixed farming as most people also practice urban farming. The residential areas can be classified as high, medium and low density. The high density covers about 8.9% of the urban area while the medium and low densities cover 12% and 9.7% respectively. Commercial developments within the town cover a total land use area of 86 hectares. The industrial area covers approximately 31 hectares with the main activity being small scale enterprises. A large area of the municipality comprises hilly areas with steep slopes which are unsuitable for settlement and cannot accommodate growth. This means that development in the already built up areas needs to be intensified systematically.

c) Education

The Municipality has 44 primary schools of which 23 are government aided, 47 private nursery schools, 22 secondary schools of which seven are Government aided while 12 privately owned. The Municipality also has 3 private Universities, 3 government institutions of higher learning (1 Commercial college, 1 National Teachers' training college and a Technical) and other private institutions totaling to 15.

d) Infrastructure and services***Roads and transport***

The road network in the Municipality is a combination of tarmac, grade I murrum, grade 2 murrum and community/access roads. It has a road network of 88km of which 17.92km (20.5%) are paved while the rest are either gravel or earth. The trunk roads namely Kable-Mbarara, Kabale-Kisoro and Kabale-Katuna roads are under the jurisdiction of the central Government while the rest are under the municipal council. Most of the roads within the municipality are in poor state save for the recent paved ones.

All roads in Kabale Municipality do not have clearly designated lanes for cyclists or pedestrians. Additionally, there are no visible crossing points for pedestrians (zebra crossings and overhead bridges). There are no lane markings and road signs to guide traffic.

Within the Municipality, the only mode of transport presently is by road. Movement on these roads is through both motorized and non-motorized means. Motorized means include public service vehicles and private cars while non-motorized includes walking, cycling and carts. The municipal authorities do not provide transport services.

Water supply

National water and Sewerage Corporation is the main provider of piped water from a source at Kiyooro stream in Kagarama Parish and Lake Bunyonyi. However, this serves the Central Divisions and some villages of Southern and Northern division. According to Five year development plan, about 40% of the households are served by piped water and lesser than this are connected to sewage systems. The rest either draw water from protected springs or proposed springs or streams.

Owing to its location in the valley bottom, Kabale faces a serious drainage problem. Large volumes of storm water descend from the hills on to the town severely straining the current drainage system.

Sewerage system is a problem in most low lands of Central Division; garbage collection is still a major problem, as most communities do not use skippers. Another problem is that the Municipality has no one refuse collection truck.

Sanitary facilities in the Municipality are very unfavorable. Waste disposal problems feature mainly in the Central Division and relate to refuse dumping, littering delayed collection of filled garbage skips.

At present the community collects waste/garbage at specific areas gazetted by the authorities and the Municipal/Division authorities collect the garbage using trucks and deposits in the sand and clay quarry pits around the Municipality. This implies that the Municipality does not have a specific garbage disposal site. Community response to properly collect garbage to the identified areas is poor leading to garbage littering in most parts of the Municipality.

Energy

Kabale Municipality is connected to the national electricity grid. The major sources of energy in the Municipality are charcoal and paraffin for cooking and lighting respectively.

e) Health

Kabale has a total of 32 health facilities including 10 government health centers and a referral hospital at Makanga hill central division. The rest are privately owned Nursing homes, clinics and drug shops/pharmacies. The health facilities are evenly distributed within the municipality and that the majority of the health facilities are privately owned. The 2002 census indicated that 23% of the population in Kabale was within less than ½ km from the nearest health centre and 44% within 1 to 5 km. The Percentage of latrine coverage is at 72%, the Percentage of households using hand-washing facilities is 80% and the Percentage of households using water-borne toilets is 18%

f) Urban poverty

Kabale Municipality has a number of informal settlements that cut across all divisions⁵⁴. The main serious slum pockets are: Kakabano in upper Bugongi, Mukihaha in Kirigime ward, Igabiro in Mwanjari ward, Kekubo in Mwanjari ward, Kingongi in Kingongi ward, Konyo in Butobere ward and Rushaki in Rushaki ward. Generally they lack the following; water, toilets, Garbage skips, access roads, drainage system connection, electricity, space for accommodation (housing), security lights and security, access to health units, jobs, community projects, recreational and meeting centers and productive activities. They have poor housing conditions, street kids and drug abusers, prostitutes, hooligans and school dropouts

5. FORT PORTAL MUNICIPALITY

Fort Portal Municipality is found in Kabarole District in Western Uganda and serves as an administrative and commercial center of the District. Fort Portal lies on the slopes of mount Rwenzori commonly known as the Mountains of the moon. It lies about 316 km away from Kampala via Mubende. The Municipality Divisions are bordered by Mugusu, Kicwamba, Busoro and Karambi Sub-counties. Socio-economic conditions of the Municipality are described below.

a) Demography and Economy

The 2002 Uganda population and housing census indicates that Fort Portal Municipality had a total population of 40,993 people contributing 1 percent of the total population of the Country. Sex ratio is 1:1 with an estimate growth rate of 2% and an average house hold size of 5 persons per household.⁵⁵ The most common economic activities carried out in Fort Portal Municipality, being un-urban centre is trade. Agriculture is on a low scale compared to trade where most people are engaging in business both retail and whole sale however generally agriculture is on a large scale as you move away from the business centre where food crops are largely grown than cash crops plus small scale cattle rearing. This is also supplemented by the existence of NAADS programs in all the divisions of the Municipality.

⁵⁴ Actogether Uganda 2010: National Slum Dwellers Federation of Uganda. Kabale City

⁵⁵ Amicaall Uganda programme

b) Land use

The Municipality covers an area of 27.82 sq km of which the Central business district is 4 sq km and the remaining pieces of land are used for residential purposes and agriculture related activities. The area is also expected to increase towards other sub counties of the district.

c) Infrastructure

Roads and transport

Fort Portal Municipality has an extensive road network, transport terminals and parking facilities. It has some roads covered by bitumen while others are under murram/gravel and loose surface. The concentration of good roads in the Municipal council has a direct impact on traffic, with most cars having to pass through the Municipal centre. This bears the results of an increased vehicle volume beyond the carrying capacity of its narrow streets.

The sector has a road network of 146.3km consisting of 47.35km (tarmac), 98.95km (murram). Out of the 47.35km tarmac roads, 10.2 km are trunk section and 37.15 km are Town street roads.⁵⁶

Water supply

The majority of residents utilize the services of National water and Sewerage According to Five year development plan; about the MC has 44 existing stand pipes, 11 protected springs, 9 boreholes and 7 shallow wells.

Energy

The major sources of energy in Fort portal Municipality is charcoal, electricity, firewood, solar energy and petroleum products (fossil fuels) like Kerosene, petrol and diesel. Charcoal and firewood are mainly used for cooking while electricity is basically used for lighting. Use of biogas, wind energy and other renewable energy forms are not yet well developed in the Municipality and the district in general.

Health

The main health facilities include a Regional Referral hospital, several private clinics and one privately owned hospital. The major health concerns of the Municipal council now include malaria, waterborne diseases such as cholera and dysentery, and respiratory diseases and HIV/AIDS. Others include human resources for health services, funding for health projects and inadequate health infrastructure.

d) Urban poverty

Fort Portal is relatively different from all other 14 municipal councils in this study in regard to absence of slums outside the municipality.

e) Heritage

Heritage sites in Fort Portal municipal council are River Mpanga, royal palace and the Fort.

6. JINJA MUNICIPALITY

Jinja Municipality is situated on the northern shore of Lake Victoria and the east shore of the Victoria Nile at a point where River Nile issues from Lake Victoria in the former Rippon Falls (It is located at the source of the River Nile). The town site takes the form of a tapering plateau and stands at an altitude of approximately 3750 feet (1,230 meters) above sea level. It covers an area of approximately 28 square kilometers. Socio-environmental conditions in Jinja Municipality are described below.

⁵⁶ Fort Portal Five Year Development plan

a) Demography and Economy

The 2007 Uganda Population and Housing Census Analytic Report Uganda Bureau of Statistics (UBOS, 2005) put Jinja Municipality's total population to 71,213, of which 36,325 are males and 34,888 are females. Jinja Municipality projected population size for 2011 is 89,700. This figure is far lower than that of day population estimated to fluctuate between 100,000 to 400,000 persons. People who work and go to school but do not reside within Jinja Municipal Council explain the higher daytime figure.

Commerce is the dominant component of the economy followed by the Service Sector, Manufacturing Sector, Construction and then Agriculture. The greatest concentrations of commercial activities occur in the Town Centre especially along Main Street.

About 25% of the working population is involved in public services-, 18% in agricultural services, 13% in the manufacturing sector and 8% in the financial institutions⁵⁷.

b) Land use

Jinja Municipal Council is a well-planned town, and the Municipal Authority has effectively enforced observance of the 1994 structural plan. Predominant existing land-uses include residential (18%), industrial (8%), government (6%), and agricultural/undeveloped (51%) a total of approximately 1100 hectares (40% of the Municipality) is currently undeveloped and available for future new development. A further 42% is presently developed, while the remaining 18% can be classified as un-developable for reasons of environmental protection. Over 133 hectares of land are reserved for new industrial development. There are also substantial industrial premises, which are lying dormant and could be rejuvenated into functional industries.

c) Education and literacy

The National Household Survey indicates that 84.5% of the population aged 10 years and above is literate and mentions that literacy has continued to rise over the years. This is attributed to the national policy of Universal Primary Education and Functional Adult Literacy (2002 Population and Housing Census Analytical Report, 2007).

d) Infrastructure and services

Roads and transport

Jinja Municipal Council has a tarmac road network of 85 kilometers of and 30 kilometers of murram. Over 40% of tarmac road length (35 kilometers) is in very poor state and JMC is working on plan to rehabilitate them.

Water supply

The main water source for JMC is NWSC piped water with coverage of 100%. In rural areas of Jinja District, access to clean water has increased from 8% in 1990 to 52% in 2001 and 56% in 2004. Jinja relies on Lake Victoria and Nile waters for both industrial and domestic uses.

Health

Although there are a number of private health outlets in terms of clinics, drug centres or dispensaries; access to government health services is still difficult. The concept of a health sub-district has firmly taken route in the Municipality. There are two functional health sub-districts with a theatre and doctors' house. There are two health centres IV (Mpumudde and Walukuba), one health centre III (Jinja Central), and four-health centre II (Kikaramoja, Kimaka, Masese and Kisiima) run and managed by the Municipality. The health centres II and III do not offer in-patient services but the health centres IV, which are being upgraded to mini hospitals, offer in-patient services that include maternity and child healthcare units. All

⁵⁷ Jinja municipality profile, 2012

the facilities suffer from similar problems such as inadequate funding, are poorly equipped to handle even basic services like laboratory investigations, minor surgery and emergency obstetric operation, inadequate infrastructure to house the available staff, dilapidated buildings, lack of transport for community-based health activities. The major health concerns of the Municipal council now include malaria, waterborne diseases such as cholera and dysentery, and respiratory diseases (a consequence of air pollution particularly from fossil fuel combustion and waste burning) and HIV/AIDS. Others include human resources for health services, funding for health projects and inadequate health infrastructure.

Although Uganda has successfully reduced the national HIV/AIDS prevalence from 30% in the early 1990s to the current 7%, HIV/AIDS prevalence remains higher in urban areas as compared to rural areas. Poverty, rapidly increasing urbanisation associated with rapidly changing lifestyles and few programs targeting high risk and vulnerable populations in urban areas, are some of the reasons for the persistently high prevalence in urban setting. Over the years, HIV/AIDS epidemic has mostly affected the age group of 18-35 years, which is the most productive and most of the affected are girls.

Energy

There is reasonable coverage of electricity though there are still few areas not yet connected to electricity. Electricity is mainly used for household lighting, used in medium scale industries and street lighting. However, due to high charges per unit of electricity, and high cost of electrical appliances most households still prefer to use alternative sources for cooking e.g. charcoal and firewood, which have left their toll in the district forest resources.

Urban poverty

Poverty is one of the more urgent problems facing the population of Jinja Municipality. Approximately 80% of Jinja residents live in poverty and suffer from persistent and endemic health problems arising from overcrowding; poor sanitation, unsafe water and poor nutrition. The already low levels of formally educated are declining, particularly among the female population. The number of female-headed households is on the rise (about 40-60% in each parish). This is due to a number of factors: including the AIDS pandemic, men's search of formal employment outside Jinja as the employment situation worsens, the inaccessibility of knowledge regarding family planning and unequal gender relations.

Heritage

There are various historical sites in the Municipality operated by the Municipal Council. The major attraction to Jinja is the source of the Nile, and white water rafting.

7. LIRA MUNICIPALITY

Lira Municipality is located in Lira District in Northern Uganda. It is geographically located at latitude 20° 17' north of the equator and longitude 32° 56' east of the principal meridian. It started as a trading centre in 1919 and became a township in 1933. In 1954 the township became a Town Board. At independence in 1962 Lira became a Town Council and it was not until 1985 that it was elevated to its current status of a Municipal Council.

Lira Municipality exhibits a unimodal rainfall pattern with a single rainfall maximum. The rainy season stretches from March to November with a short dry spell in June. The dry season stretches from December to March. Ngetta Meteorological Station figures indicate that the amount of rainfall ranges from 1000mm to 1600mm per annum. The average temperature of Lira Municipality ranges from 22°C and 26°C but the diurnal temperature range is high in the dry season and may reach 40°C.

The relief of Lira Municipality is generally flat but gently undulating in some areas. The altitude is between 1075 and 1100 meters above sea level. The Municipality is generally well-drained except for

some peripheral areas which have swamps. Other socio-environmental characteristics of the municipality are described below.

a) Demography and Economy

Lira Municipality is located in Northern Uganda, slightly over 370 km from Kampala City. The Municipality covers a land area of 7745 hectares.

According to the 2002 census results (UBOS 2002), Lira Municipality had a population of up to 80,879, with 16,833 households and an urban population growth rate of 10.1%.

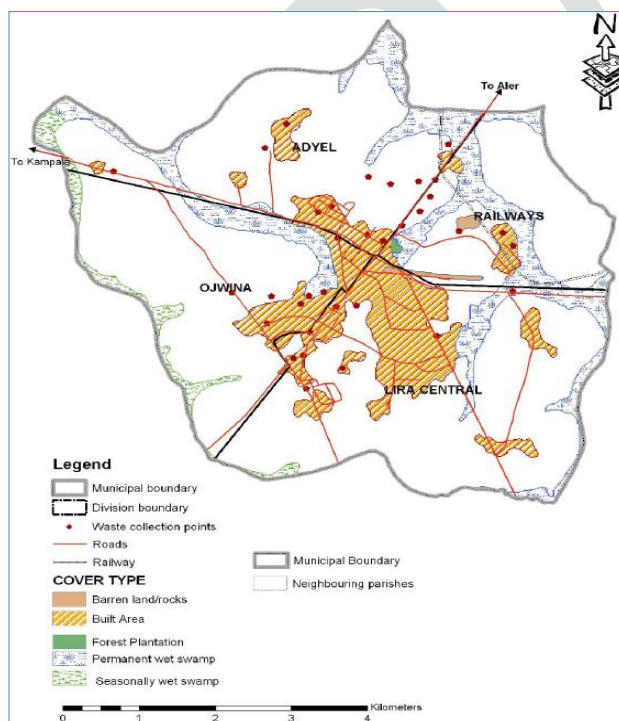
The main source of livelihood for the Municipal council population is employment, trading, and other sources. The Municipal council is a centre for economic and industrial activities, with better social services and this has attracted a large population. The industries are mainly medium size dealing in manufacturing, small-scale agro-processing, informal small sector ranging from metal fabrication to commercial shops. Subsistence farming is characterized by the immediate neighborhood.

b) Education and literacy

The Municipal council has government and privately run institutions, attracting students from the immediate catchments within the region considering that the area has been relatively stable during the 20-year insurgency in northern Uganda. The private sector plays a significant role in providing education infrastructure for the Municipal council community.

Lira Municipality has:

- A health training institute
- Uganda Technical College



Source: NEMA 2007: Environmental Impact Statement for the Proposed Waste Composting Plant and Landfill in Aler Village, Anyomorem Parish, Adekokwok Subcounty, Lira District

c) Land use

Land use in Lira Municipality is characterized by residential and commercial buildings while some areas on the periphery of the municipality are used for small-scale urban agriculture. Sections of the northeastern part of the Town Council are covered in permanent swamp.

d) Infrastructure

Roads and transport

Lira Municipal has an extensive road network, transport terminals and parking facilities.

It has some roads covered by bitumen while others are under murrum/gravel and loose surface. The concentration of good roads in the Municipal council has a direct impact on traffic, with most cars having to pass through the Municipal centre. This bears the results of an increased vehicle volume beyond the carrying capacity of its narrow streets.

Water and Sanitation

Water and sewerage is taken care of by the National Water and Sewerage Corporation and the percentage of the population with access to potable water is 65%. There is therefore need for water extensions to more communities.

About 100 tons of solid waste is generated in the municipality per day, of which only 20 tons are collected per day. Of the amount of solid waste that is collected per day, only about half (10 tons) are disposed off at the compost plant at Aler. Although there is a solid waste by-law, this has not been very well implemented. Few premises are connected to the public sewer and most use septic tanks or pit latrines.

Health

The main health facilities include Lira referral hospital, several private clinics and one privately owned hospital.

The major health concerns of the Municipal council now include malaria, waterborne diseases such as cholera and dysentery, and respiratory diseases (a consequence of air pollution particularly from fossil fuel combustion and waste burning) and HIV/AIDS. Others include human resources for health services, funding for health projects and inadequate health infrastructure.

Energy

The major source of energy in Lira Municipality is charcoal, electricity, firewood, solar energy and petroleum products (fossil fuels) like Kerosene, petrol and diesel. Charcoal and firewood are mainly used for cooking while electricity is basically used for lighting. Use of biogas, wind energy and other renewable energy forms are not yet well developed in Lira Municipality and the district in general.

There is reasonable coverage of electricity though there are still few areas not yet connected to electricity. Electricity is mainly used for household lighting, used in medium and large-scale industries and street lighting. However, due to high charges per unit of electricity, and high cost of electrical appliances most households still prefer to use alternative sources for cooking

8. MBALE MUNICIPALITY

Mbale Municipality is located 34° 10' East of the prime meridian and 1° 03' North of the Equator, situated at the foot of Wanale Ridge (8,000 ft), the most prominent westerly ridge of Mt. Elgon. As it can be seen from the map above it lies in the East of Mbale District which is in Eastern Uganda. The town is situated 45 kilometers North of Tororo Town, 56 kilometers south east of Kumi Town, 57 kilometers east of Pallisa Town and 55 kilometers south west of Kapchorwa Town. Mbale is 256

kilometers and 220 kilometers via Tororo and Tirinyi respectively from Kampala the capital city of Uganda and 52 kilometers from the Western Kenya Boarder.

Mbale has gentle hills and valleys covering a geographical area of 2,435 hectares, 10 square miles (24.35 sq.km). Its relief varies from 4,040 ft above sea level in the South Eastern Border region to 3,600 ft. above sea level, in the west.

The town is drained from east to west by three major rivers that have their sources on Wanale Ridge. River Nashibiso and its tributary Napwoli drain the southern part of the town. These are bound by an extensive plain under forest reserve management. River Nabiyonga and its major tributary Namatsio drain across the northern area of the town. Several primary and secondary drains have been developed to originate from within the town area and drain into these rivers. All the mentioned rivers drain into River Namatala that forms the Northwest boundary of Mbale Town. Other socio-environmental characteristics of the Municipality are described in sections below.

a) Demography and Economy

According to the 2002 Uganda Population and Housing Census Analytical Report (UBOS 2007), Mbale Municipality had a total population of 91,800 of which 44,900 were males and 46,900 females with a sex ratio of 98.1 males per 100 females. Commerce is the dominant component of the Municipal economy followed by service sector, agriculture and industry. The greatest concentration of commercial activity is on Republic Street, Naboa Road, Cathedral Avenue and Market Street.

b) Land use

Mbale has an old structure plan that specifies land uses according to various zones. According to Municipal officials, residential area constitutes the biggest proportion of land use followed by commercial and institutional uses. Wetlands were also identified in the m municipality.

c) Education and literacy

The education sector plays a vital role in promoting sustainable development through capacity building of the population in various skills. It also raises awareness on various issues of national importance and improves general standards of living. Enrolment in all institutions has drastically increased; more schools, institutions, colleges and universities have sprung up, mainly under private ownership.

Universal Primary Education has since been introduced, and with tremendous increment in Primary School enrolment. Enrollment in educational institutions by 2003 was at 32,634.

The Municipal council has government and privately run institutions, attracting students from the immediate catchments within the region considering that the area has been relatively stable during the 20-year insurgency in northern Uganda. The private sector plays a significant role in providing education infrastructure for the Municipal council community.

d) Infrastructure and services

Roads and transport

Mbale Municipality is severed with a total of over 120 Km of roads both tarmac and earth roads, of which 59.8km are tarmac, 29.1km gravel & 32.3km earth. Mbale is the nodal centre for the Mbale-Kampala highways either via Tororo Town or through Tirinyi road; it also connects this region of Uganda via the Soroti Highway. It is also well connected to other district towns such as Pallisa and Kapchorwa. Because of its good network, Mbale's` hinterland includes the districts of Apac, Lira, Moroto, Kapchorwa, Bukwo, Bukedi, Teso, Pader, Nakapiripriti, Gulu, Manafwa, Bududa, Sironko, Butaleja, Pallisa, Namutumba.

Within the Municipality are tarmac, gravel and earth roads whose state ranges from poor to fair state. A larger part of the Central Business District is well served with tarmac roads.

Water and Sanitation

Water and sewerage is taken care of by the National Water and Sewerage Corporation and the percentage of the population with access to potable water is 65%. There is therefore need for water extensions to more communities. About 100 tons of solid waste is generated in the municipality per day, of which only 20 tons are collected per day. Of the amount of solid waste that is collected per day, only about half (10 tons) are disposed off at the compost plant at Aler. Although there is a solid waste by-law, this has not been very well implemented. Few premises are connected to the public sewer and most use septic tanks or pit latrines.

In the late 1970s, Mbale municipality used to be the cleanest town in East Africa but not anymore. It is now overcrowded due to population pressure. The population that was 23,544 in 1969 rose to 70,437 in 2002. Many of the building are old and sewerage systems have broken down. Since jobs are not readily available, so many idlers crowd around restaurants “waiting to harvest money from where they have not sown” consequently increasing cases of theft. There has been an effort to plant trees and shrubs in the municipality but this has been rendered difficult by roaming livestock in the municipality.

Health

The Mbale Regional Hospital is most significant healthcare facility in Mbale Municipality. It is also a referral hospital for the Eastern Region of Uganda. Others include the CURE Hospital for specialized orthopedic services, Ahamadiya Hospital, Municipal Health Centre, Namakwekwe Maternity Centre, Namatala Operating Theatre HC IV, Busamaga HC II, Maluku HC II. Private Clinics, First Aid Posts and drug shops are numerous and fairly well distributed among the population.

Energy

The major source of energy in Lira Municipality is charcoal, electricity, firewood, solar energy and petroleum products (fossil fuels) like Kerosene, petrol and diesel. Charcoal and firewood are mainly used for cooking while electricity is basically used for lighting. Use of biogas, wind energy and other renewable energy forms are not yet well developed in Lira Municipality and the district in general.

There is reasonable coverage of electricity though there are still few areas not yet connected to electricity. Electricity is mainly used for household lighting, used in medium and large-scale industries and street lighting. However, due to high charges per unit of electricity, and high cost of electrical appliances most households still prefer to use alternative sources for cooking.

e) Urban poverty

Mbale Municipality has about 9 slums, these according to the Municipal Five Year Development plan are referred to as slum pockets. These include Kiteso, Kikyafu, Namatala, Kikamba, Doko, Maluku, Mooni, Buyonjo Road and police barracks. Only Kikamba has access to piped water and the rest depend on stand pipes. Toilet facilities within these slums are very poor and a small percentage of road system is functional. The basic infrastructure facilities in the slum indicates that they are minimal and inadequate and need to be strengthened.

9. GULU MUNICIPALITY

Gulu Municipal Council, GMC, is the civic center of Gulu District administration. It is the largest commercial and social coordinating point in the district as well as for many regional activities in the North. GMC lies approximately 332Km North of Uganda’s Kampala City. It stands at 32° 17’ longitude East and Latitude 2-47 North of Equator. The area coverage of GMC is 54.4Km² which represents about 2 % of the District Land coverage. Existing characteristics of Gulu Municipality are shown below.

a) Demography and Economy

During the 2002 population and housing census, Gulu Municipality had a population of 119,430 people, 59,023 of which are male and 60,407 are females. Commerce is the dominant component of the economy followed by the service sector, industry, construction and then agriculture. Commerce is carried out in form of wholesale and retail trade and is mainly by private practitioners. The commonest agricultural activities are small-scale subsistence farming around town with very low harvest. Most of the crops are legumes, vegetables and some cereals. A fair production is being realized from dairy cows.

b) Education and literacy

Gulu Municipal Council has many educational facilities like nursery schools (13% of total number), Primary schools (46%), University (1%), secondary schools (25%) and other learning institutions (15%).

c) Infrastructure and services

Gulu Municipal Council has three different types of roads, namely tarmac, gravel and earth roads. The total distance of tarmac roads in the municipality is 19 km. Gravel roads are 31.6km and they are all third class murrum roads. The ones that had been opened were upgraded to murrum road. The existing murrum roads are very muddy which is a problem to storm water drains because of the high rates of siltation.

Water and sanitation

There is sufficient and reliable water supply by the national water and sewerage corporation serving about 47.5% of the population. The rest especially in the fringe area survive on bore holes, protected point sources and unprotected ones.

Health

Gulu Municipality has three hospitals namely; Gulu regional referral hospital, St. Mary's hospital Lacor and Gulu Independent Hospital.

Gulu Municipal Council has one small clinic with very limited facilities. This is a general outpatient treatment with no laboratory services, no necessary equipment and immunization kits. It is located in Pece Division, Labour Lines Parish. There are about 32 private clinics and drug shops operating in the Municipality, most of them concentrated in the city center and in the local shopping centers of Bardege, Layibi and Pece. Most of them are operated by registered/Enrolled Nurses or Nursing aids and in some cases, midwives.

HIV/AIDS is both a health problem and a development problem because of the fact that it has caused deaths to mainly the middle aged residents of the Municipality who are the main engine of development in any Locality in the World. This has led to slashed life expectancy, large numbers of orphans, destroyed whole families and therefore lead to increased dependency, declined human development, declined Socio-economic development and therefore increased poverty

Energy

Electricity is available except like water supply, its distribution is still limited due to expensiveness of buying poles. The Municipality is served by hydroelectric power from Jinja and is reliable in most parts of the town. This power covers about 40% of the Municipal area and serves nearly 48% of our population. It is supplied by UMEME Company. The distribution has been fairly regular as opposed to the periods when there was a rampant load-shedding exercise across the Country

d) Urban poverty

Most of the populations in the Municipality are generally living below the poverty line although there is limited availability of household data for the review period. Their living conditions are undoubtedly below standard and they are not able to contribute to urban productivity in officially recognized ways.

Infrastructure and public utilities are totally inadequate not only to meet the needs of the majority but also to support the growth of urban productivity, which is essential for overall development.

10. HOIMA MUNICIPAL COUNCIL

Hoima Municipal was created and became a Municipality in 2010 through the Act of Parliament. The Municipality was carved out of Hoima Town Council, Busiisi Sub County, some parts of Buhanka, Kitoba and Bugembe sub counties. Hoima Municipal council is located in Hoima District in Mid western Uganda, about 200km Northwest of Kampala city. It's also the headquarters of the district. It is bordered by other Local Governments namely Buhanka Sub-county in the east, Kitoba in the west, Buhimba in the North and Kyabigambire in the South. Hoima Municipal council is composed of four Divisions which are further subdivided into sixteen wards. Characteristics of the municipal council are described below.

a) Demography and Economy

The Municipal council has a total area of 50 sq km and a population of 102,300, with a ratio of man to women of 100: 114, population growth rate of 3.2%.

With the oil industry taking root the economic landscape has changed to adapt to the emerging business demands like accommodation, foods and beverages, transport and poultry and are engaged in small-scale production activities.

b) Land use

Hoima's total land size is 50 Square Kilometers. Human settlement in Hoima Municipal Municipality is exhibited in three forms: sparse settlements, clustered settlements, and nucleated settlements. On average, the majority of the land is densely settled. Clustered settlements in the Municipality are mainly found in the emerging rural growth centres as a result of petty trade. However, with increasing population, this type of settlement is not common. Kahoora Division on the other hand has nucleated settlement with an estimated population density of 561.2 persons per sq. km (2002 census).

c) Education and literacy

There are 33 Primary and 5 Secondary schools sponsored by the government and 23 Primary and 14 Secondary schools under private ownership in Hoima municipality. There are 426 school teachers with 311 holding Grade III certificates while 25 hold a Diploma in Primary Education (DPE) and 10 are graduate teachers.

The education sector is facing a number of challenges some of which include;

- Inadequate teachers
- Inadequate sanitation facilities
- Inadequate funds and their late release
- Poor attitude towards Education by the community
- HIV/AIDS amongst Teachers

Much as the National Standards requires that the pupil teacher ratio be 55:1, in Hoima municipality, it is not applicable. In some instances, you find a teacher handling 120 learners or even above.

According to the National Standards, one latrine stance is supposed to accommodate 25 girls and the same stance to accommodate 40 boys. In schools of Hoima Municipal Council, in some instances you find one stance being used by 80 girls and the same stance being used by more than 100 boys.

With the introduction of UPE and USE, many people took it that everything in education has to be provided by the Government, which is not the case. As a result, this has increased dropouts in schools because sometimes learners don't have what to use at school e.g. books, uniform and pencils/pens.

d) Infrastructure and services

Roads and transport

The main form of transport in Hoima Municipal is road. Hoima Municipal has a road network of 132 Km of which 10.56 km is paved and the rest is either murrum or earth roads. These roads are plied by all categories of vehicles. There are many bridges in the Municipal. Among them are; Wambabya, Bigajuka, Rwenkondwa, Kanyendaki, Kalyabuhire, Nyakana bridge.

Safe Water Coverage

There has been an increase in access to safe water supply in rural areas over the years and currently safe water coverage in the municipality Stands at 74. 2%, with NWSC contributing to over 80% of this water coverage. Other major sources of safe drinking water in the municipality include boreholes and protected springs.

Latrine Coverage

There has been an increasing trend in the percentage of latrine coverage over the past three years. This implies a high latrine coverage given a national coverage of 60%.pit latrine stands at 55%, VIP latrines stand at 30%, flush toilet at 10%, and only 5% has no toilet.

Health

Hoima municipality has 1 hospital, 2 Health Centers III and 5 Health Centers II that are owned by government.

e) Urban Poverty

On average less than 15% of the population of Hoima Municipal falls below the poverty line (i.e. the population is spending less than US \$ 1 per person per day on basic human requirements such as health, food, shelter and clothing). Because many women are engaged in petty employment, this has led to the mushrooming of slums e.g. in Kiryatete, Isaka Lower, Kiganda and Lusaka. Infrastructure facilities are poor with people relying on stand taps as a way of accessing water in these slums with no skips or central collection points to handle garbage. Households within the slums communal toilets(pit latrines); however these are not well maintained.

f) Heritage

The important heritage sites in Hoima Municipal Council are the Royal Tombs of Bunyoro kingdom's Kings and "Mparo". The kingdom is also in the process of construction of a museum in the municipality.

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ANNEX 5. CONSULTATION SUMMARY FOR MUNICIPALITIES

PforR Questionnaires - USMID - 14 municipalities

y - dedicated staff; n- no staff; * - shared responsibility

	MC	Staff Employed				Env committee (y/n)	Needs	Associated with NEMA (y/n)	By-laws in place (y/n)	Budgeted (y/n)	Training / Cap bldg budget (y/n)	Overall challenges	Work Process in place			Prior project experience	
		Env Officer (y/n/*)		Soc Staff (y/n/*)									Environmental Assessment	Resettlement/ Compensation	Grievance Mechanism (y/n)	Projects	Env and Soc Issues
1	Arua	y	Biology, Health, pollution mgnt	*	Physical planner, engineer, CDO, EO		equipped office space; Computer, Internet access, meters, camera, office space, website	y	n	in progress	y		EA checklist (LG)	Involuntary Resettlement Framework for local gov't. BUT NEVER USED		Solid waste mgnt; Lagoon at referral hospital; Road maintenance	Compensation and negotiations with land owners
2	Entebbe	*	agri officer (Ms in NRM)	*	Physical planner, engineer, town clerk		GIS software; Training on RAPs, Policy Framework	y	?	y	y	Field visits /monitoring take most effort	EA checklist (LG)	Resettlement manual (municipality)	n	Municipal solid waste; Roads	Negotiated with owners for Land Acquisition (No compensation paid)
3	Fort Portal	y	env mgnt	*	Physical planner, engineer		Resettlement framework, safeguards policies; No Internet, GPS, monitoring equipment, computer, printer;	n	under implementation	y (under-utilized)	y	NRM training, conflict resolution training	EA checklist (LG); Env audits	Resettlement checklist (LG); Manual	n (lawyer on staff)	Solid waste mgnt; Deforestation, wetland encroachment	Municipal market; Roads; Surface compensations done
4	Gulu	y	1 (EA, proj. mgnt)	*	CAO, physical planner, engineer		transport, website, internet, PPE; GIS software	y	n	y	y (no dedicated budget)	Project supervision is an challenge; field visits - most effort	Checklist in place (big projects screened)	Resettlement checklist (LG); Manual	n (physical planning handles grievances)	Roads projects; solid waste; carbon compensation scheme; health centre	Land acquisition, consultations
5	Hoima	y	1 (shared between 2 divisions)	*	project mgnt committee		training in solid waste, computer, equipped office, motorcycle	y	y (old, under update)	n	y (insufficient) - SAME AS JINJA??		EA Checklist	Resettlement framework for LG (NEVER BEEN USED)	n (local council in charge)	composting plant; waste water treatment; road maintenance	no funding for compensation provided; EIA done after projects start
6	Jinja	y	2	n	physical planning committee	y	wetlands mgnt, water resource mgnt, GIS, safeguards, PPE, equipped office, meters	y	n (only old wetland bi-laws)	y	y (insufficient) - SAME AS HOIMA??		EA Screening in place	Resettlement checklist (NEVERN BEEN USED)	n (land committee)	Demarcating wetlands, compost plant	lack of meters, PPE

7	Kabale	n	staff avail. In dept of works	*	Physical planner, engineer		y	y (but under review)	y	y (insufficient, no dedicated budget)	Conflict resolution techniques, resettlement , GIS, reviewing EA	EA checklist (LG); Part of general reporting	Resettlement checklist (NEVER BEEN USED)	n (local council in charge)	Drainage construction, roads	Land acquisition, but no resettlement
8	Lira	y	env mgnt	*	physical planning committee	?	y	y (but only solid waste)	y	y (insufficient)	conflict resolution, ea policy,GIS, EA review	EIA, inspection forms	none	n	composting plant; road maintenance, classroom and health center construction	demarcating wetlands, consultations,
9	Masaka	y	1 (new staff, env mgnt)	*	Tech planning committee , Standing Comm. Council	?	not yet (new staff)	n	y (not sufficient)	y (insufficient, no dedicated budget)	conflict resolution, resettlement ,	EA inspection forms;EA checklist , Env Action Plan	public consultations, district rates for compensation. No framework in place. Resettlement has never been done before.	n (local council in charge)	drainage upgrade	no funding for compensation provided; no sufficient Env budget
10	Mbale	y	1	*	Physical planner, engineer, town clerk		y	n	y	y (no dedicated budget)	formulation of bi-laws, proj. mgnt.	EMP, audits	Resettlement checklist (NEVER BEEN USED).		roads projects; municipal waste mgnt	No experience with resettlement; compensation
11	Mbarara	y	1 EO	*	Social services comm.	y	y	y (only solid waste, drugs)	y (under- utilized)	y (insufficient, no dedicated budget)	resettlement , monitoring/ supervision	Env checklist (LG); EIA; audits	Resettlement checklist (not included in BOQ) - (NEVER BEEN USED).	n (local council in charge)	roads projects; municipal waste mgnt	Municipal waste mgnt, enforcement of EMP, NEMA feedback, consultations
12	Moroto	*	Physical planner	*	Physical planner	y (non functional)	n	n	n	y (general budget)	No activity since July 2010; no dedicated funding; monitoring/ supervision is a challenge	EA checklist (LG)	none	n (land committee, sometimes mayor)	road projects, classrooms, hospital	compensation (no funding), noise tests, community involvement, compliance, political risks (petrol station affected)
13	Soroti	y	1 staff	*	Physical planner, engineer (PART TIME) town clerk	?	y	?	y (not included in bidding)	y	Resettlemen t training, Haz Mat Mgmt training, bi- law formulation	EA checklist (LG)	No formal procedure, Consultations/se nsitization	no (council, court)	Roads, solid waste, compost plant, petrol station	No land titles from Customary owners, land valuation, lack of compensation funding
14	Tororo	*	1 staff (engineeri ng dept)	*	Physical planner, engineer, town clerk	?	y	n	y	y (no dedicated budget)	EIA/audits, Resettlement	EA checklist (LG)	No formal procedure.	n (elders, local council)	compost plant, petrol stations, quarry, warehouse	Facilitation, enforcement, tree cutting, no compensation

ANNEX 6. PRELIMINARY CONSULTATION RECORD

1. Meeting with NEMA

Monday 26th March, 14:30pm

Attending:

Waiswa Ayazika	Director Planning, Monitoring and Compliance	wayazika@nemaug.org
Margaret Aanyu	EIA Coordinator	maanyu@nemaug.org
Christine Kasedde	EIA Officer	ckasedde@nemaug.org
Edward Odipiyo	District Support Coordinator, Dept of District Support	
Lammeck Kajubi	President, AWE	l.kajubi@awe-engineers.com
Pamela Tashobya	Social Development Spec	p.kwolekwa@awe-engineers.com
Oyen Ben David	Env. Engineer	d.oyen@awe-engineers.com
Martin Fodor	WB	
Tom Walton	WB	
Elizabeth Mutesi	World Bank, Procurement Spec	emutesi@worldbank.org
Svetlana Khvostova	WB	
Sarah Prinsloo	WB	

Documents requested:

- Checklist/guidelines for Project Briefs (developed by NEMA/MoLG in collaboration).

2. Ministry of Local Government

Tuesday 27th March

Attendance

Margaret Lwanga	Env. Spec. LGMSD Project	
Ronald Mbala	Urban Officer, Dept. of Urb. Admin	mbalaronald@yahoo.co.uk
Lammeck Kajubi	President, AWE	l.kajubi@awe-engineers.com
Martin Fodor	WB	
Tom Walton	WB	
Dan Gibson	WB	
Sarah Prinsloo	WB	
Svetlana Khvostova	WB	

Documents requested:

- Annual local government performance assessment (LGPA).
- Dept of Urban Admin TORs for assessment tool specifically for urban areas.
- Joint annual review of decentralization (JARD) recent review
- Job descriptions CDOs
- Project brief screening checklist
- Project profile example.
- Framework for assessment: guidelines/manuals incorporating aspects of assessment.

3. Ministry of Lands, Housing and Urban Development

Office of Chief Valuer

March 27, 2012

Attendance:

Mr. Gilbert Kermundu	Ag. Chief Government Valuer	kermundugilbert@mlhud.go.ug
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		0772-501-183
Ms. Lucy Kabege	Senior Government Valuer (SGV)	0772-415-417
Dan Gibson	WB	
Mary Bitekerezo	WB	
Ben Oyen	AWE	d.oyen@awe-engineers.com

Documents requested:

- list of 13 district offices planned,
- Land Acquisition Manual,
- Land Information System (MoLHUD website),
- Principles and Guidelines for the T-Lines.

4. Ministry of Gender, Labour and Social Development

Wednesday 2nd March

Attending:

Katula Yusuf M	Principal Safety Inspector, Department of Occupational Health and Safety (DOHS)	
Kapsabi Eva	Senior Specialised Safety Inspector (Construction)	
Mary Bitekerezo	WB	
Sarah Prinsloo	WB	

5. Entebbe Municipal Council

March 29, 2012

Attending:

Kawesi Daniel Christopher	Town Clerk	
Frederic Kaweesi Mutagubya	Chief Finance Officer	
Naakandi Sophie	Senior Assistant Town Clerk/Gender Coordinator	
Muklibi Joseph Kiwanuka	Principle Executive Engineer	
Ssemombwe Joseph	Senior Economist/Planner	
Kobusingye Pamela Baguma	Procurement Officer	
Tom Walton	WB	
Stu Solomon	WB	

ANNEX 7. STAKEHOLDER CONSULTATION WORKSHOP

VENUE: GOLF COURSE HOTEL 08.05.12

INTRODUCTIONS

INTRODUCTION: Martin Olaa, USMID Team Leader, World Bank

OFFICIAL OPENING: Mr Gavinda Damosoke, Director physical planning (representing PS)

USMID and PforR PRESENTATION: Martin Olaa

ESSA INTRODUCTION: Martin Fodor, Senior Environmental Specialist, World Bank

DISCUSSION ON INITIAL PRESENTATIONS: Plenary

Topics Raised:

- Day versus night census as basis for assessing population
- Adaptability of program for unforeseen issues
- Information systems for MEOs and CDOs (including GIS)
- Where environmental and social assessment costs of project assessment/project implementation will be sourced
- Focal person for USMID in MCs
- Involvement of private sector in consultation
- Potential for technical backstopping for MCs
- Capacity building for MEOs
- Use of program funds for compensation
- Use of seconded or acting staff
- Investment servicing costs
- Definition of roles and responsibilities under USMID

ASSESSMENT FINDINGS: Lammeck Kajubi, AWE Environmental Consultants

REPORT CONCLUSIONS AND RECOMMENDATIONS (ENVIRONMENT): Martin Fodor, World Bank

REPORT CONCLUSIONS AND RECOMMENDATIONS (SOCIAL): Mary Bitekerezoo, Senior Social Development Specialist, World Bank

DISCUSSION ON FINDINGS: Plenary

Topics Raised:

- How many projects need national EIA?
- How can we strengthen social assessment?
- Equipment and training needs.
- Need for resettlement guidelines.
- Need for database system for record keeping
- Physical cultural resources recommendations required
- Informal settlement – requirement for compensation?
- No recommendations for Occupational safety and health, MoLGSD role beyond EHS to be clarified.
- Discussion of relationship between District Land Board and MC.
- Clarification of MEO conflict of interest as developer and enforcer.

- Contracts to be developed with guidelines to ensure that safeguards are implemented, especially the social safeguards.
- How the Program will assess municipalities if problems arise with MoLHUD not responding to requests (eg for staff?)
- Concern that works, good and consultancy services are eligible for funding but no facilitation is included for screening of projects by MEO.
- Does this program have a project support team?
- Eligibility of projects for funding;
- Challenges in social development as critical staff. Importance of community role.
- Request for environmental issues training for Town Clerks and Engineers.

LIST OF PARTICIPANTS

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		DEVELOPMENT		
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