

ENVIRONMENTAL AND SOCIAL IMPACT ASSESMENT SUMMARY

Project Name: Road Sector Support Project 3: Nyakahita-Ibanda-Kamwenge Road Upgrading Project

Country: Uganda

Project Number: P-UG-DB0-020

1.0 Introduction

Following a request by the Government of Uganda to the African Development Bank (AfDB) to finance the upgrading of the Nyakahita-Ibanda-Kamwenge road from gravel to bitumen standard an Environmental and Social Impact Assessment had to be carried out by the project proponent (Uganda National Roads Authority – UNRA). UNRA in contracted the services of Consulting Engineering Services (India) Private Limited in Association with KOM Consult Limited to carry out the ESIA which was completed in January 2009, and the National Environment Management Authority (NEMA) reviewed and approved the report on 13 March 2009. The ESIA Summary is being posted on the AfDB website for public information as is required by the Bank policy on public disclosure. The summary covers: i) Project description and justification, ii) Policy legal and administrative framework, iii) Description of the project environment, iv) Project alternatives, v) potential impacts and mitigation/enhancement measures, vi) environmental and social management plan, vii) monitoring program, viii) public consultations and disclosure, ix) ESMP and cost estimates, x) conclusion and recommendations, xi) reference and contacts, and xii) an annex “resettlement action plan” (RAP).

2.0 Project Description and Justification

The project is in Western Uganda and the project road traverses three districts of Kiriuhura, Ibanda and Kamwenge which have an estimated population of 0.7 million people. The rest of the road continues to Fort Portal in Kabalore district. The project shall upgrade the road from gravel to paved standards and is 153 km long and it has a 6 m wide carriageway and 1.5 m shoulders on either side. The project will also finance consultancy services for supervision of civil works; feasibility and detail engineering design studies for the Kayunga – Galiraya and Hoima – Butiaba- Wanseko roads; audit services; and environmental and social management plan including compensation and resettlement.

Uganda is a landlocked country and relies on its road network for the movement of over 95% of its goods and passenger traffic. As such, a sound road transport infrastructure is crucial to the attainment of the national policy objectives of a strong private sector led growth that contributes to economic development and poverty eradication. The Poverty Eradication Action Plan (PEAP) underlines the need to improve road transport infrastructure in order to boost production, incomes and competitiveness by linking producers to their markets and facilitating integration. The Government is implementing its 10 year Road Sector Development Program (RSDP) running from the period 2001/02-2010/11. The Program which is being supported by various development partners is estimated to cost approximately US\$ 2.28 billion. Government of Uganda (GoU), under the RSDP2, has requested the AfDB for financial support.

Within the RSDP2 priorities is the Nyakahita-Ibanda-Kamwenge Road which fulfils the following (i) increase the density of paved roads and provide connectivity/accessibility of rural population economic and social centres in the region; (ii) serve places of high tourism attraction within range of the project area such as Kibale National Park and the historical site of Fort Lugard in Fort Portal; (iii) improve access to an area of high agriculture and livestock potential; (iv) facilitate mining activities in gold, lead, silver, copper, columbite, tantalum, gemstone and

limestone; (v) facilitate the development of the hydropower plant at Mpaga River; and (vi) harness growth in trade and other commercial activities in the area of its influence.

Project Area Map



3.0 Policy, Legal and Administrative Framework

According to the AfDB's screening procedures, major transportation projects, i.e. those exceeding 50 km and needing major rehabilitation or upgrading, are classified as Category I projects which require detailed ESIA investigations. Similarly, according to Ugandan environmental laws and regulations, the proposed project is classified as "major infrastructure development" which requires a full EIA. Such is listed under the Third Schedule of the National Environment Act, Cap. 153, Section 2 which obliges the developer to conduct an EIA, and so are roads in scenic, wooded or mountainous areas. In addition, any investments that cause significant displacement of households and destruction of property require a full or abbreviated resettlement action plan (RAP). The following policy and legal instruments are highlighted to bring to light the framework in which, the planned project will be implemented:

Policy Framework

- *The National Environment Policy, 1994*
- *MoWT Cross-Cutting Policies*
- *The National Policy for the Conservation and Management of Wetlands, 1995*
- *National Gender Policy 1997*
- *UNRA's Resettlement/Land Acquisition Framework, 2004*
- *Environmental Impact Assessment (EIA) Guidelines, 1997*

Legal Framework

Some of the key legal instruments relating to the planned road project include:

- *The Constitution of the Republic of Uganda, 1995*
- *National Environment Act (NEA), Cap 153*
- *The Water Act, Cap. 152*
- *The Occupational Safety and Health Act (2006)*
- *The Land Act, Cap. 227*
- *The Uganda National Roads Authority Act, 2006*
- *The Local Governments Act, 1997*
- *The Uganda Wildlife Act, Cap 200*
- *National Forestry and Tree Planting Act, 2003*
- *Labour Laws such as the Employment Act (2006), Employment Regulations (1977), the Workers' Compensation Act (2000), Labour Disputes (Arbitration and Settlement) Act, (2006) and Labour Unions Act, 2006 and The Employment Act (2006).*
- *Requirements of International Financial Institutions*
- *African Development Bank and its Relevant Policies*
- *World Bank Group and Their Safeguard Policies.*
- *Japan International Cooperation Agency (JICA)*

4. Description of the Project Environment

Bio-Physical Environment

The project area can be broadly categorized into two zones based on physical features, land use and vegetation communities. These are:

(i) *Nyakahita-Kiruhura-Kazo (0-77+000km)*: The area has hills and gentle valleys. The main vegetation communities include *Acacia hockii* trees and a host of shrubs. The area is largely, sparsely populated with limited cultivation. The lands are fenced and with large herds of cattle mix of exotic and the local long horned Ankole cattle. The vegetation communities are a type that has evolved with seasonal fires and continuous grazing regimes. There is no rare, vulnerable or threatened vegetation in the zone of the project.

(ii) *Kazo-Ibanda-Kamwenge (77+000-153+000km)*: The landscape of the area is representative of Wayland's peneplain II underlain by Precambrian rocks which are either wholly granitized amphibolitic or under differentiated acid gneisses. The areas are fairly settled compared to the previous stretch with a number of roadside extensive farms with banana (matoke), maize and other crops which all add to the general greenery of the area. There are no protected areas in this section.

Human Environment (section needs revising and more information)

The Population in the area is highly vulnerable with high level of dependence as it is dominated by the young (0-18years) and elderly (above 65years) (Population and housing census 2002). It is estimate that in Kamwenge district approximately 10% of the population is economically active (with the majority seeking employment in neighbouring districts) compared to 40% in Kiruhura where the majority are engaged in livestock rearing. The literacy rate is relatively low averaging 64% in the three concerned districts. Completion rates for both primary and secondary school are also low with 52% primary completion rate in Kamwenge and 56% in the Ibanda and Kiruhura districts. Secondary school completion is even lower with 3% in Kamwenge and 7% in the other districts. The bulk of the population is, therefore unskilled or semi skilled. On average 21% of the economically active population are engaged as family farm workers, approximately 5% are in paid employment and the rest are either self employed (18%) and the rest are job seekers who would most likely benefit from jobs to be created through the forthcoming construction works.

Land tenure is predominantly customary and is mainly used for grazing and crop cultivation. Settlements at trading centers are linear and within 500m from the road while they are scattered within villages. As much as 75% of the land in Kiruhura is grazing land while much of the land in Ibanda and Kamwenge is farm land, forests, open waters and swamps, and in Kamwenge are a few small scale commercial farms (tea estates) and touches on parts of Kibale forest and National Park. The project area is well served with community access and feeder murrum roads but in poor condition.

5.0 Project Alternatives

In this road project, the concept of project alternatives has been considered in line with the feasibility study where the alternatives have been considered in terms of viable/potential options for the improvement of the road. The following Alternatives were considered:

Alternative 01: Re-gravelling the entire road at an estimated cost of USD 175,321,171.7. This is a cheaper option compared to upgrading to DBST. However, this Alternative is not

economically sustainable in terms maintenance costs and the life of the road after re-gravelling. If the current annual increase in traffic growth of 15% is maintained, and cognizant of the economic potential in the project areas, and mindful of the heavy rainfall in this region together with scarcity of quality murrum in the road project areas, the re-gravelling schemes will need to be done every two (2) years to keep the road in a modest motarable state. Also, the above costs will be subject to inflation and other economic forces. Furthermore, this Alternative has a host of attendant environmental and social concerns such as land uptake for borrow areas, rugged landscape due to borrow pits opening, erosion and siltation of water bodies, and continuous dust nuisance to the road users and the general public. Therefore, this Alternative is not viable taking into consideration above environmental, social and economic considerations.

Alternative 02: Upgrade the Entire road to DBST which is estimated at USD 231.8 million. From the financial point of view, this Alternative is expensive by about USD 56.5 million compared to Alternative 01. However, though this Alternative is seemingly expensive, in the long run it is sustainable in that major maintenance interventions on the road will be expected to start after 12 years after upgrading. During the 12 years of the road life, the effects on the environment which occurred during the upgrading will have recovered and more so, subsequent impacts on the environment from maintenance activities will not be significant as opposed to the re-gravelling option. Above all, this Alternative is socially desirable from the public view point.

Alternative 03: Zero Option/Do Nothing Scenario. Outright, this Option will hinder development. The areas will remain with their current accessibility limitations, the poor state of the road will prevail with its many gaping potholes, dust nuisance and poor drainage across wetland areas. This state will hinder farmers from accessing markets among other negative socio-economic limitations as well as, affect the optimal exploitation of rich resource base in the project area and is not a desirable Alternative.

6.0 Potential Impacts and Mitigation/Enhancement Measures

6.1 Positive Impacts

The planned road improvements have more socio-economic benefits and paving of the road will reduce dust thus improving air quality which is a health benefit. The positive impacts include:

- Improved transport and communication, after construction, the condition of the road will improve and transportation of commodities to and from the project areas. This is a large positive impact;
- Creation of job opportunities to the local unskilled and semi-skilled as well as skilled person in the community;
- Provision of markets for locally available resources needed for road construction e.g. stones and their related products, sand, gravel etc;
- It will make travelling on the road easy;
- improved access to markets;
- Boosting tourism potential in the region in terms of improved access to tourist destinations such as; Queen Elizabeth National Park, Kibale National Park, Mt. Rwenzori National Park, Crater Lakes, Fort Lugard and the Ramsar Site in Lake George amongst others;
- Providing better access to community facilities and services such as markets, health centres, schools, places of worship amongst others. People of Kamwenge have problems accessing markets in Fort Portal, Kasese and DRC areas with their produce;

- Reduced road accidents as opposed to the current situation in which, accidents are quite rampant due to the rugged nature of the road (many potholes with pools of water), dust, ditches and pools of water etc;
- Leading to be better and wider regional connection and development in the Great Lakes region i.e. better and easier connection to the DRC, Rwanda and Burundi areas;
- Improved road drainage infrastructure and general discharge of storm water from the road/carriageway; and
- Will provide faster tourists connections within the region and even access tourist potential sites inside the project areas.

6.2. Negative Impacts and Mitigation

6.2.1 Vegetation clearances: These will be inevitable during the widening/reshaping and construction of re-aligned sections of the road, establishment of the Contractor's construction camp site, opening up of borrow areas and construction of access routes to the borrow areas. Compensation for the lost vegetation will be undertaken as shall be agreed between UNRA and forestry authorities. The road side vegetation will also be compensated as per the RAP findings. Most important are re-grassing and tree planting as a measure of re-vegetation.

6.2.2 Disruption to Wildlife Movements: Disruption to wild life movements especially aborael/canopy groups especially when the roadside traverses the perimeter of Kibale National Park is cleared is anticipated to occur. This is likely to have impact of temporally migration to the adjacent ecosystems during construction.

6.2.3 Disruption of Educational Programs: On most road projects, construction equipment attracts excitement to school children hence disrupting their educational activities both in terms of attention and time wasted observing the construction works. This can be mitigated by briefing the schools and, possible screening off such areas.

6.2.4 Increased risk of Diseases including HIV/AIDS and STI: The increase of people in search for jobs is likely to generate a high risk of increased spread of HIV/AIDS and STIs in the project area. This will be mitigated through a robust HIV/AIDS/STI intervention programme to be put in place and effectively implemented and monitored.

6.2.5 Dust Concerns: Dust will be generated during construction. Although this is short term, it is a nuisance to the public. The major impacts will be the undermining of air quality and water contamination in terms of turbidity, color and suspended solids within this vicinity such as Bigodi wetland. The level of dust pollution is expected to reduce during the rainy seasons and after completion of the road. The trucks carrying fine materials (sand, gravel, soil etc) that are easily wind blown will be covered with tarpaulins.

6.2.6 Noise and Vibrations: Noise generating activities such as blasting stone quarry, equipment operations and the workers themselves will be a public nuisance to the surrounding especially close to residential areas, health centres and schools. The movement of heavy machines, where possible, will have to be synchronized with school programs, and the blasting will have to be preceded with ample notices to communities within the area. Also the workers will be briefed on the need to maintain order to minimize noise concerns. The construction equipment should be well maintained to minimize air pollution from carbon fumes.

6.2.7 Construction of Camp Sites: These are considered to be temporary land uptake. It is expected that, the Contractor will establish camp sites along the road sections. In general, a camp site will require approximately 3-5 hectares of land. The Contractor will enter formal lease agreements with the landowners prior to the construction of the camp sites. In setting up

construction camp sites, consideration will be given to water availability, waste management, security in the camp site, and access routes.

6.2.8 Borrow Areas and Landscape/Aesthetics: A total of 34 potential borrow areas have been identified and investigated during the ESIA. Open borrow pits make the landscape rugged and interfere with the aesthetics of the area; pose danger to livestock and children; hold stagnant water which breeds vectors such as mosquitoes; and they take up agricultural land. The impact is reversible through a diligent restoration process which must be put in place by the contractor and approved by the Resident Engineer.

6.2.9 Management of Stone Quarries: A total of 14 potential stone quarry sites have been identified. Stone quarries present complex environmental and social concerns which will require independent ESIA study once the contractor is procured to implement the project and will also detail stone quarry management

6.2.10 Soil Erosion Concerns: Soil erosion is likely to occur due to loose soils which arise from cut to spoil surfaces; extraction and transportation of road materials, cleared surfaces such as borrow pits, access routes, camp sites and embankments across wetlands. Planting of grass on the open areas such as restored access roads, shallow material sites and all restored sites should be planted with grass as well to check soil erosion; and appropriate drainage.

6.2.11 Resettlement and property damage: The project will potentially displace 29 households and disrupt or partially damage property for approximately 330 persons through loss of crops, trees, land, structures, kiosks, etc. To mitigate the impact, the project will implement a RAP whose summary is annex to this report.

6.2.12 Discharge of Storm Water: Discharge of storm water from the road presents a key concern from the communities. Discharge of roadside drainage presents a very large negative impact especially in hilly areas. Proper drainage and off-residential areas and fields will be constructed and monitored.

6.2.13 Climate change Impacts: The project area may experience high rain fall and flash floods, storm water (which may damage the road infrastructure itself but also cause damage to property and crops will be expected and may be exacerbated by climate change weather patterns. Proper storm drains shall be put in place and regular maintenance done to remove silt. Regarding vehicular and equipment emissions, there will be an effort to ensure that contractors don't use old vehicles and machines and that those in use are regularly maintained. The type of fuel used in Uganda is unleaded, a decision which was influenced by NEMA.

6.2.14 Interference with Public utilities infrastructures: Infrastructures such as water, electricity and telephone supply lines especially in urban areas are likely to be affected by the planned road works. This has short to medium negative impact. It is reversible and can be avoided if the parties concerned collaborated in the early planning of the project.

6.2.15 Occupational Safety and Health of the Workers: Impact on health and safety of workers and community can be a source of concern with regard to injuries and accidents from road construction equipment. The workers will be provided with Personal Protective Equipments.

6.2.16 Disruption to Roadside Livelihood Activities: Roadside activities (kiosks and markets) will be affected by destruction and disrupted access routes. This will be mitigated through resettlement process and re-designation of temporary or permanent sites during construction; and purposefully constructed road-side markets.

6.2.17 Waste Management Concerns: Waste from construction sites, road works related debris, oil waste, and medical waste, management of cut to spoil and stockpile materials from wetland areas; etc., present a significant negative impact. The contractors will prepare decommissioning plans to be approved by NEMA with clear provisions for site restoration.

6.2.18 Contamination at Equipment Storage Area: Inadequate safety guidelines, hygiene and sanitation are likely to lead to contamination of soil at equipment storage yard by recurrent fuel spills when refuelling construction vehicles. The equipment storage yard should be paved and drains put around it and an oil interceptor installed to trap the spill.

6.2.19 Natural Resource Exploitation: The area is known for its rich mineral resources such as gold, lead, silver, copper, columbite, tantalum and gemstone. A rushed exploitation and developments may have negative impacts to the environment and human beings. Any major mining activities will have to seek specific environmental impact studies and would have to be well coordinated within the local area development plans.

6.2.20 Development of Tourism: The development of tourism may potentially exploit local populations and abuse young girls and boys. In addition, there would be environmental degradation due to increased number of people. As mitigation awareness and sensitization campaigns will be mounted in the area concerned. Ecosystem balance will have to be struck to ensure that there is no stress on the attraction sites and no animal poaching.

6.3 Enhancement Measures

The project will enhance benefits which will potentially emanate from the project.

- ❖ Job opportunities for skilled and semi-skilled for local communities (both women and men) and sensitise the communities and contractor to encourage women employment.
- ❖ Construction of culverts and embankments to take into consideration the likely events of flash floods due to climate change.
- ❖ Road safety programs will be enhanced to cover not only the project road but all other neighbouring communities in the districts.
- ❖ HIV/AIDS awareness and prevention programs will cater for host communities in the project area in addition to the construction workers.
- ❖ The project will make provision for construction of proper road-side markets to replace the existing ones which tend to be precarious and unplanned.
- ❖ The project will include a tree planting component to reduce erosion beautify the area and improve water quality.
- ❖ The project will construct windows and fences to minimise disruption to lessons and prevent pupils from going to construction areas.
- ❖ The project will provide water sources to some communities along the road particularly at Akatongole, Rusoga and Rushenyi.

7.0 **Environmental and Social Management and Monitoring Plan**

The Environmental and Social Management Plan (ESMP) and Resettlement Action Plan (RAP) have been prepared and costed. These describe the proposed implementation arrangements for mitigation measures, environmental and social monitoring and reporting arrangements. Some of the special ESMP activities have been highlighted under benefits enhancement initiatives. The cost of standard construction mitigation measures have been integrated into the Project's Bills of Quantities (BOQs). The total project cost for environmental and social mitigation and monitoring, the HIV/AIDS campaign and compensation and resettlement is estimated at US\$ 3,120,738.58.

UNRA's Environment Specialist will be responsible for reviewing civil works contracts in accordance with the ESIA report; coordinating the implementation of the ESMP among the project contractor, local environmental authorities (e.g. District Local Councils) and other key stakeholders such as UWA, among others. This will be done in collaboration with NEMA and the Resident Engineer who has to prepare monthly environmental progress reports.

8.0 Monitoring Program

Monitoring is an integral part of the whole program and areas to be monitored include water quality, noise levels, soil erosion, vegetation clearing, rehabilitation and restoration works, and accidents and safety and health measures. A provisional sum of US\$121,771 has been set aside for monitoring.

During construction the contractor will be supervised by a Consultant who will report to and be monitored by the developer (UNRA). UNRA will undertake independent monitoring of selected parameters to verify the results of the contractor and audit direct implementation of the environmental and social mitigation measures as contained in the ESMP and construction clauses for the project. UNRA will have the responsibility to implement and monitor land acquisition and compensation issues as shall be outlined in the RAP. On its part, NEMA will have the overall responsibility for ensuring that the environmental guidelines and the Approval Conditions are followed during project implementation. NEMA has a role to review environmental monitoring and environmental compliance documentation submitted by the developer. The financing agency (AfDB) will periodically monitor the implementation of the project including its general compliance with the environmental and social conditions of the project as detailed in the ESMP. Environmental Monitoring will continue to be done by NEMA, UWA, UNRA and other stakeholders including local authorities, NGOs and CBOs during and after construction to ensure sustainability of measures put in place.

9. Public Consultations and Disclosure

Public Consultations

The process of public consultations starts with NEMA reviewing the ToRs and the consultants for the ESIA and consults the lead agency (UWA) on their appropriateness before the start of the ESIA process. During ESIA, public consultations were carried out involving the main stakeholders and in particular, the affected villages in the 12 sub-counties in the three districts. The stakeholders consulted included; District Planners, District Environmental Officers, District Community Development Officers, Sub County Chiefs, LC III Chairpersons, LC I Chairpersons of affected Villages, All community members of the affected villages and the relevant stakeholders.

A programme was drawn for the consultations and which was discussed with UNRA and their district in-charge of the three districts. The local leaders were notified of the dates and times of the meetings in advance and were requested to mobilise the people in their respective areas for the meetings. A total of 56 stakeholder meetings were held along the road of which, 8 were

held with the districts and sub-counties officials and 48 were with the communities and a total of over 1,400 people were consulted. All the consultative meetings were conducted in local languages. Some of the key concerns raised in the consultation meetings were: the contractors to give employment priority to the local people during road works; the contractors to provide access to homesteads; need for timely compensation of the project affected persons; ecological evaluation for any forested area and its subsequent compensation.

The areas of Akatongole, Rusoga and Rushenyi have a general problem of water shortage. The communities, therefore, were concerned with water sources (wells) in their area which are located along the road and could be affected by the road works. There were also community concerns on the potential spread of HIV/AIDS and other STDs in the areas.

Public Disclosure

On completion of the ESIA study, UNRA submitted ten (10) copies of it to NEMA for review and approval and this approval was obtained on 13 March 2009. Consequently, the EIS is now a public document and may be inspected at any reasonable time by any person.

Public Hearings

Where NEMA recognizes that it is necessary to further hear the opinions of the public in concerned areas, it shall, in consultation with the developer, hold public hearings on the days contained in a Notice for the public hearings. The public in the concerned areas, and other interested parties, may present their opinions at the public hearings from points of view of environmental conservation and socio-economic considerations. NEMA gives notice of a public hearing at least 10 days to the meeting and such a notice may be posted in or near the affected community, published in a daily newspaper in an official language, published in an appropriate local newspaper and local language, and notified to the public through any other suitable media.

10 ESMP and Complementary Cost Estimates

The bulk of environmental mitigation costs will be incorporated into the Bills of Quantities and as such will not be reflected in the following details:

Item	Description	Amount (US\$)
1.	RAP and Compensation	2,600,000
2.	Social Expectations and Sensitization	35,559
3.	Landscaping and beautification	18,408
4.	HIV/AIDS and STI prevention	50,000
5.	Road Safety campaign	50,000
6.	Complementary initiatives	185,000
7.	Environmental Management (Off-road)	60,000
8.	ESMP Monitoring	121,771
9.	Total	USD3,120,738

12 CONCLUSION AND RECOMMENDATIONS

Conclusion

Nyakahita-Ibanda-Kamwenge road traverses areas with a high economic potential in terms of agricultural productivity, mineral wealth, tourism, livestock production and is pivotal in the long term national strategic connectivity plans with the neighbouring countries of DRC, Rwanda and Tanzania in the south. In terms of baseline socio-economic and environmental setting, there are Protected Areas of international importance. To the extent possible, there will be minimal land uptake and where this occurs, the landlords will be compensated for the lost properties as well as the lost means of livelihoods.

The proposed upgrading of this road project from gravel to class two bitumen standards will have a number of positive impacts already highlighted. Some complementary activities have been identified which will enhance the benefits. All significant negative impacts can be mitigated. Resettlement is also envisaged for an estimated 29 structures which will be directly affected by the road works. Others 330 including kiosks, crops and farm trees will be compensated at the equivalent of US\$-2.6 million. Operations of some public institutions such as schools and health centres are likely to be affected by ancillary road works.

All environmental and social concerns will be mitigated as detailed in the ESMP. A framework for the implementation and monitoring of the ESMP has been proposed and fully costed. If all the proposed measures are implemented, there will be no major environmental and social concerns in this project and as such, this study recommends the project for implementation.

13 Reference

- 1) African Development Bank, February 2004. African Development Bank Groups' Policy on Environment
- 2) African Development Bank, 2001. Environmental and Social Assessment Procedures
- 3) African Development Bank, October 2003. Integrated Environmental Impact Assessment Guidelines
- 4) African Development Bank, 2003. Involuntary Resettlement Policy.
- 5) The Constitution of the Republic of Uganda, 1995
- 6) Kabarole District Local Government. Five Year District Development Plan 2008-2012/13
- 7) Kamwenge District Local Government. Five Year District Development Plan (2007-2011/12)
- 8) NEMA, 1997, Kabarole District Environmental Profile
- 9) NEMA, 1997, Mbarara District Environmental Profile
- 10) The EIA Guidelines, NEMA 1997
- 11) Three year development plan; Kabarole District Local Government (2007/08-2009/10)

- 12) Three year development plan; Kamwenge District Local Government (2007/2008-2009/2010)
- 13) Three year rolled District Development Plan: Ibanda District Local Government (2006/2007-2008/2009)
- 14) The three year rolled District development plan; Kiruhura District Local Government (2006/2007-2008/2009)
- 15) 2006 Statistical Abstract: Ibanda District Local Government (March 2007)
- 16) Uganda Population and Housing Census of 2002; Mbarara District Report (November 2005)
- 17) UNRA Final Feasibility Report on Detailed engineering Design for the Upgrading of Nyakahita-Ibanda-Fort Portal Road.

14 CONTACTS

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ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT SUMMARY**RESETTLEMENT ACTION PLAN**

Project Name: Road Sector Support Project 3: (Nyakahita-Ibanda-Kamwenge Road Upgrading Project)

Country: Uganda

Project Number: P-UG-DB0-020

1. Introduction

The Government of Uganda has requested the African Development Bank to finance upgrading from gravel to bitumen the road from Nyakahita through Ibanda to Kamwenge which lies in the western part of Uganda and is part of the road onwards to Fort Portal. The project shall entail construction of 153 km of a standard bitumen road with 6.0-m wide carriageway and 1.5-m shoulders on either side. The project will also finance consultancy services for supervision of civil works; feasibility and detail engineering design studies for the Kayunga – Galiraya and Hoima – Butiaba- Wanseko roads; audit services; and environmental and social management plan including compensation and resettlement. While the project area is in transition from traditional agriculture to modern commercial farming, the majority of the population especially in Kamwenge is still in subsistence farming predominantly growing maize, sweet potatoes, groundnuts, bananas, millet, cassava, sorghum and yams. Those engaged in cash crops are mainly growing coffee, tea and cotton. Vegetables and fruits are also a major source of food and cash in the project area. Animal husbandry for meat and milk is quite common especially in Kiruhura district which accounts for over 70% of the cattle population along the project's zone of influence (2006 estimates).

2. Potential Impacts

Although the road shall maintain the existing alignment of the gravel road, there will be expected, as a result of widening of the road way, some impacts on the environment and properties such as residential and commercial houses, business units, kiosks, crops and trees (including fruit trees). The road alignment is expected to follow in as much as possible the existing road in order to minimise destruction to property and dislocation of the populations. Never-the-less, it is expected that approximately 15 acres of land will have to be grabbed to absorb some minor re-alignments to enable achieve the engineering requirements of the improved standard of the road and expansion to 6-m carriage way and 3-m shoulders, land takes will be inevitable. The estimates obtained from the ESIA report, an estimated 29 residential and commercial buildings will be affected, resulting in involuntary resettlement, and another 330 buildings will be partially affected in the area especially in town centres such as Nyakahita, Rushere, Kiruhura, Kazo, Ibanda, Ishongororo and Kamwenge. Within the land grabbed for the purpose of the road will be crops and trees estimated at 674. The affected districts have an estimated population of 674,584 with projected (2008) population densities of 64 per square km in Kiruhura, 241 in Ibanda and 132 in Kamwenge. Most of structures affected in towns and trading centres are constructed with conventional material and the others in rural villages are of temporary material including mud and thatch.

It is however, expected that upgrading of the project road will enhance the standards of living among the populations in the project's zone of influence. An all weather road will

facilitate meat and milk trading, trade and distribution of other perishable agricultural produce such as bananas, potatoes, cassava, fresh vegetables and other fruits to markets which include Kampala metropolitan. The livelihoods and socio-economic welfare of the people living in the project area will also improve. The road will offer a boost in the tourism industry as the road leads to Kibale National park and other areas of interest to tourists. Kamwenge has huge potential and realized potential in mining and other industrial activities such as energy and cement production. It is expected that during construction, many people will benefit from direct labour working on the road sites and will be engaged in various economic activities such as catering and hospitality that will be demanded by construction workers. It is UNRA's policy to avoid misdistribution of such benefits by encouraging local people, especially women to take part in running different small scale and micro economic ventures.

3. Organizational Responsibility

With the potential dislocation and destruction to property, the project has included in its design and costing, provisions for compensation and resettlement. The overall responsibility for implementing and overseeing these activities lies with the Executing Agency, the Uganda National Road Authority (UNRA). Through the services of the Resident Engineer, UNRA will ensure that all resettlement and compensation activities that arise before and during project implementation are fully and adequately dealt with in line with the ESMP and the RAP. The Ministry of Lands, Housing and Urban Development is a key player whose responsibilities will be to conduct the valuation and ascertaining the compensation rates. The Uganda Land Commission in collaboration with the District Land Boards, Land Tribunal and Local Councils will scrutinize and authorize the payment schedules for compensation, facilitate applications for acquisition of land and issuance of land titles and ensure timely execution of the whole process.

Once all the project affected persons (PAPs) have been determined, the valuation of assets to be compensated and preparation of the complete list, the obligation of executing the RAP falls on UNRA. Given the multiplicity of functions under UNRA and the importance of carrying out the compensation exercise in a timely and efficient manner, UNRA may sub-contract the services of a consultant for this purpose. The consultant would make all payments to the beneficiaries already identified and approved by the Ministry of Lands, Housing and Urban Development, and any other PAP who may be identified in the course of construction. The Consultant, however, would be expected to work through the District Committees which will comprise members from the District Land Board, Parish Land Committees, Local Councils (I-V), local leaders, representatives of the PAP and identified NGO/CBO active in the area.

4. Public Consultations and Community Participation

Community consultations and participation were conducted during the period of November 2008 and April 2009. People and institutions contacted included the general population in them project area, including district and town council representatives of Kiruhura, Ibanda and Kamwenge; district sectoral representatives (planner, population officer, medical officer, nursing officer, , forester, environmentalist, monitoring officer, labour and water representatives), Uganda Wildlife Authority, NGO (FACE), LC II chairperson academicians, women councillor, parish councillors private estate representatives, etc. Issues and concerns regarding the project and impacts on the local people and their activities were raised and discussed. Consultations included public hearings and interviews with key stakeholders. In addition, informal discussions were held with transport operators (truckers, taxi and vehicle owners and drivers, and bus

inspectors). A sequence of meetings will continue mainly with those directly impacted by the road including structured discussions with local leaders and affected women and vulnerable persons.

On the whole, the proposed road upgrading is seen as having beneficial impacts on the socio-economic wellbeing of the people in the project area. The project acceptability was significant although potential short term and long-term negative impacts such as loss of property and sources of income were singled out. The stakeholders were assured that adequate and timely compensation will be made to mitigate the impact on the PAPs. Hence, their major concerns were prospects for getting fair and timely compensation and adherence to contractor's obligations during construction, issues of safety and employment creation for the people living in the project area during construction. Perceived benefits included cheaper and more efficient transport systems, improved marketing opportunities of agricultural produce and non-farm items, better communications among the three districts and Kampala as a major market for local products. The road was also perceived as a benefit in the context of facilitating access to medical services and educational institutions especially at post primary levels.

5. Integration with Host Communities

Among the expected households that may have to be relocated will be required to move to new area. It is expected that all of them will simply step back into their own yards or be allocated a new plot of land within the same village or town. In that case there will be no issues regarding hostilities or provision of resources in the new areas.

6. Socio-economic status

The population distribution the project area is 260,800 for Kirihura, 230,500 for Ibanda and 302,300 for Kamwenge with [population growth rates of 3.5%, 2.5% and 2.3%, respectively. While the national average literacy rate for Uganda was estimated at 69% in 2006, the literacy rate in the project area is relatively low averaging 64% (74.6% for male and 56.0% female). School completion rates for both primary and secondary school are also low with 52% primary completion rate in Kamwenge and 56% in the Ibanda and Kiruhura districts. Secondary school completion is even lower with 3% in Kamwenge and 7% in the other districts. The Population in the area is highly vulnerable with high level of dependence since it is dominated by the young (0-18years) and elderly (above 65years) (Population and housing census 2002).

It is estimated that in Kamwenge district approximately 10% of the population is economically active (with the majority seeking employment in neighbouring districts) compared to 40% in Kiruhura where the majority are engaged in livestock rearing. The bulk of the population is, therefore unskilled or semi skilled. On average 21% of the economically active population are engaged as family farm workers, approximately 5% are in paid employment and the rest are either self employed (18%) and the rest are job seekers who would most likely benefit from jobs to be created through the forthcoming construction works.

Land tenure is predominantly customary and is mainly used for grazing and crop cultivation. Settlements at trading centers are linear and within 500m from the road while they are scattered within villages. As much as 75% of the land in Kiruhura is grazing land while much of the land in Ibanda and Kamwenge is farm land, forests, open waters and swamps, and in Kamwenge are a few small scale commercial farms

(tea estates) and touches on parts of Kibale forest and National Park. The project area is well served with community access and feeder murrum roads but in poor condition.

Kamwenge is the main agricultural district producing over 8025 tines of bananas per year, 34,000 tons of maize, 5,730 tons of beans, etc. On the other hand, Kiruhura produces the highest number of livestock; in 2006 the district had over 447,100 (75%) out of a total of 614,495 heads of cattle in the three concerned districts and 48% of the goat population. The area also engages in other economic activities such as textile, grain milling, furniture manufacturing, brick-making, dairy products, etc. Access to social infrastructure is limited with the majority having to walk for over 5 km to a health facility, and over 46% of primary school children having to walk 1 to 5 km; and over 13% have to walk for more than 5 km one way. Only 10% of the population has access to water within the living premises, with over 21% who have to walk for over 5 km.

7. Institutional and Legal Framework

The main pieces of legislation regarding compensation and resettlement issues are the Constitution of Uganda (1995) and the Land Act (1988). Article 237(1) of the Constitution vests all land in Uganda in the citizens of Uganda, however, under Article 237(1) (a), the Central or Local Government may acquire land in the public interest. The Constitution prescribes various tenure regimes in accordance with which rights and interests over land may be held. It provides procedures to follow in acquiring land in the public interest and provides for the “prompt payment of fair and adequate compensation” prior to taking possession of land.

The Land Act (1988) is the principal legislation on land tenure in Uganda which emphasizes adequate, fair and prompt compensation by the developer of the occupier or owner of land. The Act creates a series of land administration institutions consisting of Uganda Land Commission (ULC), District Land Boards (DLB), Parish Land Committees (PLC) and Land Tribunals. Section 78 of the Act gives valuation principles for compensation i.e. compensation rates to be yearly approved by DLBs. There are four land tenure systems in Uganda namely: customary (bona fide occupant), freehold, public land and leasehold tenure. The entire stretch of the project road alignment is composed of a combination of these four land tenure systems with the customary/bonafide occupant land being the most dominant tenure system. Acquisition for customary land is subject to the provisions of Article 26 of the Constitution, which gives every person in Uganda a right to own property.

The following legal instruments provide the legal framework for compensation and resettlement in Uganda:

- ❖ The Uganda Constitution (1995)
- ❖ The Land Act, 1988
- ❖ Valuation Act 1965
- ❖ The Local Government's Act 1997
- ❖ The Town and Country Planning Act, 1964
- ❖ The Access to Roads Act , 1965
- ❖ Local By laws

Preparation of the RAP has taken into consideration all the relevant laws and by-laws. In addition, the RAP is consistent with the Ugandan resettlement and land acquisition framework prepared by UNRA's predecessor (RAFU) in 2002 as well as donor safeguard policies such as those of the AfDB (Involuntary Resettlement Policy,

November 2003) and other multilateral organizations such as the World Bank. These require that (i) Involuntary resettlement should be avoided or minimized where feasible; (ii) if feasible, resettlement activities should be conceived and executed as sustainable development programs where PAP share in project benefits; (iii) displaced persons should be fully consulted and have opportunities to participate in planning and implementing resettlement programs; and (iv) displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or levels prevailing prior to beginning of project implementation whichever is higher.

During the preparation of the RAP, UNRA has adequately addressed the prevailing legislation and policy considerations in that:

(i) Compensation should be aimed at minimizing social disruption and assist those who have lost assets as a result of a road project to maintain their livelihoods. In accordance with Ugandan laws and standards, a disturbance allowance is to be provided to assist the project affected individual or family to cover costs of moving and locating to a new holding; and

(ii) Community infrastructure must be replaced and ideally be improved in situations where it was deficient. This includes installation of sanitary facilities, electricity generation systems, road links, water provision, schools and health facilities.

8. Eligibility

Affected persons, irrespective of their legal status are eligible for some form of assistance if they occupied the land before the entitlement cut-off date which is the date when the assessment of persons and their property in the project area was carried out. The key determinant for compensation is on the basis of a pre-project census during which all residents were identified. Replacement costs have been categorized separately from houses, structures, crops and trees. Sites for relocation have been identified. In as much as possible, resettlement will generally occur by setting-back existing occupations away from the road construction, or by relocating within the same community. Resettlement will not necessarily require (except by choice of the PAP) relocation to another village or area. The residents whose property must be removed will be given at least six months notice.

Institutional and technical arrangements for identifying and preparing relocation sites will have been established. UNRA in collaboration with Local Councils and village leaders will be responsible for ensuring that vulnerable households have received adequate assistance during the process. These include, but not limited to households of the elderly, households headed by children (orphans) by vulnerable women and by persons with disabilities. This notwithstanding, all compensation committees and discussions will ensure that both men and women members of the affected households are fully involved in the decisions made and the safeguarding of the compensation to be paid.

Packages for compensation for the affected persons will be developed and an implementation schedule for compensation and relocation drawn up. The packages will draw from listed assets in each section of the road as per in Table 1 which shows an estimate of effects to the populations as a whole.

Indicative No. of Affected Households, Type of Asset by Road Section

Type of structures/ Assets affected	Indicative no. of affected households in each road section			Total no. of House holds
	Nyakahita Kazo	Kazo Kamwengye		
Buildings (residential and commercial)	11	18		29
Buildings partially affected	115	215		330
Crops and trees	189	485		674

9. Valuation of and Compensation of Assets

Section 78 of the Land Act (1988) stipulates valuation principles for compensation including compensation rates which are approved by District Land Boards and are updated on yearly basis. Other requirements for assessment of compensation of assets are provided under the Valuation Act 1965. A full Survey of affected persons and potential loss to assets will be conducted in June 2009 by Valuation Teams who will, in collaboration with Local Councils, especially those at LC1 and LCII of the affected villages and centres. The Teams will verify the register of affected persons, ownership of properties, enumeration of physical assets including land sizes, crops, trees, buildings and any other assets requiring compensation. Property owners will be issued with return forms, which they will require to fill, sign and return to the Valuers, for recording.

In the valuation the following will be adopted as the methodology to be applied:

- ❖ Values will be established on improvements of permanent assets such as buildings and structural works, fences-including chain link fences (with or without Cypress hedges), block walls, gates, etc. estimated on the basis of prevailing depreciated replacement costs of comparable structures.
- ❖ Buildings and other improvements of a non permanent nature including huts, drinking sheds, drying racks, graves as approved or indicated in the District Land Board compensation rates to be subjected to the relevant legal compensation rates there-in.
- ❖ Perennial Crops and trees to be enumerated categorized and valued in accordance with compensation rates provided by relevant District Land Boards.
- ❖ While efforts will be made to allow farmers harvest seasonal crops, compensation will be paid in unavoidable circumstances (where such crops will be destroyed) in accordance with compensation rates provided by relevant District Land Boards.
- ❖ Where land within the road reserve is held on a registered title, the valuer will note that Government should have already had an easement on the land on which the road stands. Since the Government wants to acquire that title, a sum of 10% of the market value is used on the landlord's interest to enable the transfer to the Government.

- ❖ Disturbance allowance is set at 15% since notice of up to six months will have to be given.
- ❖ Measurement of land falling within the road reserve (15 metres on either side of the road) will be in accordance with the Road Access Act 1965 which does not pay compensation. However, where the road was re-aligned or deviated from the original course such extra land was measured by the land Survey Teams and will be compensated in accordance with the Land Act.
- ❖ Marginal cases (improvements) in relation to some buildings such as fences and frontages will either be replaced or directly compensated by the contractor during construction in consultation with the local leaders and representatives of the local councils in accordance with the prevailing legal rates.

10. Costs and Budget

All compensation activities and those related to other forms of assistance including disturbance allowance, and any other associated activities that may be necessary have been costed. The project will make a provision of US\$ 2.6 million inclusive of resettlement, compensation, resettlement assistance and monitoring.

11. Grievance Redress Mechanism

During the course of implementing the RAP, it is inevitable that a number of issues of disagreement or dissatisfaction will emerge. In the event that a PAP is unsatisfied with the outcome of his/her settlement and compensation, a grievance redress mechanism will be put in place by UNRA. Procedures to address such complaints will be established with the main objective of mediating all conflicts between the project authority (UNRA) and entitled persons so as to cut down on lengthy litigation processes. The basic aim is to prevent delays in implementation of the project and at the same time reach mutually agreed solutions satisfactory to both the client and the affected person. A witness NGO will be appointed to accompany the process.

UNRA, with the assistance of the consultant executing compensation and resettlement, will set up small field offices through which grievances will be channelled. The grievances will be heard by a Grievance Committee which will comprise UNRA, Local Council Chairperson, Chief Administrative Officer and a District Land Officer to hear the grievances within the affected area. The Local Council officials in their own capacity will be part of the registration and notification process and will participate in resettlement implementation by representing the interests of the affected people. The local council officials will be facilitated to participate in the entire process.

If for what-ever reason, the aggrieved person is not satisfied with resolutions of the Grievance Committee at local level/village, he/she will be provided with an opportunity to appeal to the District Land Tribunal. If still does not agree to the decision, he/she could go to court as the last resort. Where necessary and appropriate, the grieved person could submit his/her complaint to the Independent Review Mechanism of the ADB.

12. Monitoring and Evaluation

It is important to ensure that the RAP process has been efficient and effective. In addition to supervision of the whole process, monitoring and evaluation are key activities in this regard. Monitoring and evaluation would cover physical resettlement, disbursement of compensation and effectiveness of public consultation, amongst others. The Ministry of Works and Transport (on behalf of Government) will ensure that all aspects of RAP have been adequately and expeditiously executed according to the

implementation plan. The monitoring will cover the review of survey results, formation of relevant committees (including the Grievance Committee), the identification of alternative land for resettlement and farming, adherence to compensation payment schedule, movement and support of project affected persons including the vulnerable households.

It will be necessary to draw up a plan for monitoring and evaluation of the compensation package with indicators for measuring implementation performance, impacts and outcomes. A review of regular progress reports produced by UNRA will be carried out by all stake holders both at national and local levels including the AfDB. In addition to the Ministry of Works and Transport, monitor and evaluate the RAP implementation will be enhanced by the Ministry of Lands, Housing and Urban Development, the Uganda Land Commission, the District Land Boards, Parish Committees, and representatives of local government and local leaders in the localities of the PAP.