

**AFRICAN DEVELOPMENT FUND**



**UGANDA : ROAD SECTOR SUPPORT PROJECT II  
(UPGRADING OF FORT PORTAL – LAMIA ROAD)**

**SUMMARY OF THE ENVIRONMENTAL AND SOCIAL IMPACT  
ASSESSMENT**

# ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT (ESIA)

## SUMMARY

**Project Name :** Road Sector Support Project II  
(Upgrading of Fort Portal – Lamia Road)  
**Country :** Uganda  
**Project Number:** P-UG-DB0-018

### 1. Introduction

The Government of Uganda intends to upgrade the 93 km Fort Portal – Lamia Road under the Road Sector Support Project II that is funded by African Development Bank (ADB). The existing road generally cuts along the contours of the Ruwenzori mountain slopes. The road links Bundibugyo and parts of north eastern Congo with the rest of the Country and indeed the Indian Ocean coast. Its upgrading to bitumen standard is considered to be important, not only in terms of completing the national paved road circuit, but also for international transit traffic to the Democratic Republic of Congo (DRC).

The objective of the EIA study is to assess the positive and negative environmental effects (biophysical/socio-economic and cultural) of the intended road construction project when upgraded to bitumen standard, and to propose measures for mitigating negative impacts and enhancing positive ones. The following are specific requirements for the study:

- Review and update the feasibility study prepared by the original design consultancy; and
- Review and updated the detailed design and tender documents, which includes an Environmental Impact Assessment as well as a Social Impact Assessment (SIA) in accordance with the Ugandan environmental laws.

The study addresses the existing alignment and a number of proposed options in terms of certain strategic alternative alignments for particular sectors.

### 2. Project Description and Justification

The Fort Portal – Lamia Road traverses two districts, namely Kabarole and Budibugyo. The construction of the road will follow the existing road alignment with possible minor re-alignments.

The construction works on the Fort Portal – Lamia Road will include the following activities: site clearance and earth works including some re-alignment; pavement construction; provision of shoulders, bus bays; provision of climbing lanes; road marking and road signs; and, provision of bus bays parking near trading centres. The materials to be used in construction include crushed stone base and sub base.

All culverts will be replaced and their size increased for the following reasons: poor condition; insufficient discharge capacity; are now too easily clogged; located too low, particularly in swamps. Side drains will be provided in cuts along the entire road length.

The construction strategy will concentrate on straightening the worst sharp bends and trimming of slopes along the mountainous sections where suitable construction materials have been found. Cutting back of sharp bends and trimming of slopes will provide weathered/hard rock for production of sub base and hard rocks for base materials.

The width of the carriageway is expected to be 6m, with shoulders of 1.5m-2.0m. The project road is categorized as a Class II surfaced road. As a consequence it has a road reserve of 30 metres in the rural areas, and 20 metres in urban areas.

It is also naturally anticipated that the upgrading of the road will lead to an increase in the **volume of trade and other commercial activities** in the area of its influence. This will have a positive impact on the economy in general as trade will substantially increase across the border with the Republic of Congo (DRC). Travel time and transport costs will reduce as a result of the road being upgraded.

### 3. Policy, Legal and Administrative Framework

The proposed project will comply with all Ugandan legal requirements. As a result of different laws and legal instruments which apply to road- related environmental and social issues, a number of players are involved at various stages on an environmental impact assessment and social impact assessment.

The National Environment Management Authority (NEMA) is mandated to be the “principal agency in Uganda for the management of the environment” (National Environment Act Cap 153). At district level, the responsibility of the management of environmental issues lies with the District Environment Committees.

While NEMA is entirely responsible for the coordination of sectoral environmental issues, RAFU/UNRA must ensure that environmental and social impact assessments for the road projects are adequately carried out, that mitigation is incorporated as appropriate, and that the construction process is environmentally and legally compliant. Furthermore, RAFU/UNRA will be responsible for monitoring the environmental and social repercussions of the road project during and after construction.

Existing laws applicable to environmental and social management with respect to the upgrading of the Fort Portal – Bundibugyo – Lamia Road are:

- The Constitution of Uganda, 1995
- The National Environment Act, Cap 153
- The Environmental Impact Assessment Regulations, 1998
- The Land Act, 1998
- The Local Government’s Act 1997
- The Town and Country Planning Act, 1964
- The National Forestry and Tree Planting Act, 2003
- The Water Act, Cap 152
- The Uganda Wildlife Act Cap 200
- The National Gender Policy, 1997
- The National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations, 1999
- The Policy on Conservation and Management of Wetland Resources, 1995
- The National Environment (wetlands, River Banks and Lake Shores Management) Regulations 2000.

With regard to the compensation and resettlement issues, the main pieces of legislation are the Constitution of Uganda and the Land Act. In this regard, the main prime participants are the Ministry of Lands, Housing and Urban Development (compensation and valuation) RAFU/UNRA (the Lead Agency). Therefore, RAFU/UNRA must take responsibility for displacement compensation, and identification and coordination of other players. In addition, the Uganda Land Commission, District Land Boards, Land Tribunal and Local Councils will be involved.

RAFU/UNRA Resettlement/Land Acquisition Framework require that:

- i. Relocation and compensation arrangements will be designed to limit 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.

- 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 and provision of water.

Within the Fort Portal–Lamia Road zone all four land tenure systems in the country may be found. These are the Customary (Bona fide Occupant), Freehold, and Public Land /Leasehold tenure systems. Customary/Bonafide Occupant land is the most dominant tenure system along the road.

#### **4. Description of the Project Environment**

The altitude within the project area ranges from approximately 1200m and 1500 m above sea level. In topographical terms, the project road for most part traverses through steep mountain slopes. The two districts experience a bi-modal rainfall pattern. The first rains are short and occur during March-May and the longer rains from August-December. Annual rainfall ranges from less than 800 mm to 1600 mm and is greatly influenced by altitude.

Across the border at Lamia on the Congo side, the accessible interior has an estimated population of 340,000 people (three times that of Bundibugyo) and is dependent on various services provided in Bundibugyo District, e.g. district hospital, transportation link to Kampala and veterinary services. It is also known that Eastern Congo is very rich in minerals such as gold and diamonds. In addition, there is timber. Rainfall distributions of the district enable agriculture (crop growing) to take place throughout the year.

Natural sites of international importance in the two districts of Bundibugyo and Kabarole include the Rwenzori Mountains and National Park and the great Western Rift Valley, including Lake Albert (Mwitanzige), and the hot springs at Sempaya. There is also Semliki National Park under the Uganda Wildlife Authority (UWA) extending to Lake Albert. The project area bisects North Rwenzori Central Forest Reserve which is under the National Forestry Authority (NFA).

The area of influence (AOI) includes all sub counties through which the project road passes. These sub counties are: Bukuku, Karugutu, Kasitu, Nduguto, Busaru, Bubandi, Bubukwanga, and Bundibugyo Town Council. The total population of the area of influence of the project road is estimated 600,000 (roughly 80,000 household). The major tribes within the project area are Batooro, Bakonjo, Bamba and Bayabindi. The Batwa are very few numbering about 120 in total.

The major economic activity is subsistence farming, with some crops being grown for sale. Major cash crops are medium altitude coffee, cocoa, vanilla, and palm oil. Major food crops are banana, cassava, sweet potatoes and maize. The main source of income is crop farming, but there are significant cattle populations. Monthly rural household incomes average Ug Shs 80,000, while urban incomes are estimated at an average of Ug Shs.100,000 per month in the project area.

#### **5. Project Alternatives**

There are a number of minor alternatives still under discussion. A major alternative Option 3 has been dismissed on grounds of costs.

Option 1 : This preferred route follows the existing alignment except that it follows the contours between Itojo and Sempaya which follows the contours and avoids the section cutting through steep slopes that is potentially costly to widen and maintain free of falling rocks, and which is also potentially more dangerous for vehicles. This contour route is slightly longer in distance but has few dangerous bends by comparison. It would require new road of 12 km to Kibuku and from here can use an existing alignment running north south and serving significant communities.

This option Itojo-Kibuku-Sempaya through the rolling terrain would mean opening a section of 12 km new road to Kibuku through reserve land owned by the National Forest Authority. The road would serve many more people in the Rwebisengo area and would be shorter for the population living in Rwebisengo to get to Fort Portal.

Option 2 : This option is upgrading of the existing road throughout including expensive widening of existing road runs cuts through steep slopes between Itojo and Sempaya Hot Springs. The road as above continues via Ntandi to Bundibugyo along the existing road marking a western boundary of Semuliki National Park. Very similar costs of compensation are anticipated compared to Option 1. This route will have to be very carefully protected for road traffic at sharp bends because of steep slopes and there may be ongoing difficulties protecting the widened road from rock slides compared to the contour route above and fewer populations will be as well served.

Option 3 : A major strategic alternative alignment through the mountains from Ntandi via Kabango to Bundibugyo has been mooted but has been dismissed by RAFU and its consultants on grounds of costs. This Ntandi-Bundibugyo road through the mountain is fairly densely settled and the people have high value crops which are within the proposed road reserve. This would mean high cost of compensation compared to the existing road through the Semuliki National Park where it is only one side of the road that is currently a park.

Such alternatives are being examined to determine an optimal alignment on social, environmental and technical/economic grounds.

## 6. Potential Impacts and Mitigation/Enhancement Measures

**Direct and Indirect Impacts:** Construction of Fort Portal-Bundibugyo-Lamia road will exert *direct short term impacts* limited to the construction period. *Direct long-term impacts* will result and after construction, related both to road widening and construction works and the subsequent moderate increase in traffic volumes.

**Indirect Impacts** will stem from multiplier effects on ecosystem and human habitat, induced by increase in traffic volumes and greater accessibility throughout the project area. The impacts of the proposed road are assessed in relation to the construction phase and the post construction phase. The Construction phase includes all impacts resulting from upgrading of the road and the activities of road construction itself. These will largely be under the control of the Supervisor/ Contractor under the Client Road Agency Formation Unit (RAFU)/Uganda National Road Agency (UNRA). The post-construction impacts include direct impacts related to road safety as a result of upgrading of the road.

Overall, the upgrading of the Fort Portal–Lamia will create **job opportunities** for workers to be recruited along the project road. There is much anticipation among the roadside communities that local labour be employed on the road project, especially to carry out manual and unskilled tasks. The Unskilled positions would include casual laborers, watchmen, etc. The number of local people who could be employed by the project will be in the region of 400-500 people. The skilled workforce will mostly likely be non-locals from other parts of the country, operating heavy equipment. However, masons and truck drivers can be sourced from the local population. The skilled workforce is estimated to be in the range of 150- 250 persons.

A number of **safety measures** will be taken to regulate traffic behaviour and reduce the risk of accidents. To render these measures effective, additional activities are required such as awareness raising campaigns especially for pupils of schools along the road and parents. Speed limits and other traffic regulations must be properly enforced by Traffic Police so that drivers do not violate traffic safety rules.

During construction of the project road, **agricultural production** will not be affected, but transportation of produce may experience slight delays due to deviations and construction works. Following upgrading of the road the agricultural activities in the AOI will be stimulated by better and faster access to markets, and the likelihood that there will be more opportunities for, and development of, local transport facilities.

**Cultural (e.g. graves, shrines, etc.) and archaeological sites** were not encountered. If any archeological or palaeontological materials are found during construction they will be protected and compensated for taking into account the norms of the respective communities. Care must be taken during construction works (especially during excavation of borrow pits) to avoid all graves and graveyards. No archeological material may be removed from site by the contractor or his staff and any extensive structures or deposits are examined by District Environmental Officer (DEO) and if necessary by specialist from the Uganda Museum before work continues in the area.

**Cultural/tourism** impacts could be affected. The road will run about 500 meters away from Sempaya Hot Springs (with water temperature over 100 °C). The first pool is 12 metres in diameter and there is then a field of geysers. Both ooze steamy sulphur-scented waters reputed to have healing powers. The Contractor should construct a bund to keep water flows away from the hot spring.

Impacts in terms of **land take, destruction of buildings, loss of trees and crops, and loss of livelihoods** will be moderate, because the road improvements will largely follow the existing alignment. Effects are expected for the following cases (see Annexe: RAP Summary):

- Where major realignments are envisaged to smoothen curves, land takings will be necessary, a few buildings will have to be demolished and the residents be compensated and/or resettled.
- As the road will be 1 to 2 meters wider than the existing road, land takings will be necessitated along the entire road length and a few buildings will have to be demolished. Trees and crops may also be affected.
- Although the road will by and large follow the existing alignment there will be a number of changes that may require limited resettlement. Compensation would be required primarily for land acquisition, but also for a limited number of structures, crops and trees, and livelihood restoration.

According to the observations by the EIA/SIA team and based on a review of the proposed road design, up to 135 permanent buildings could be affected. The total number of structures which are temporary or permanent within the proposed reserve to be acquired are about 180.

These persons will have to be compensated, relocated and resettled in accordance to Government (RAFU/UNRA) Policy Framework on Resettlement 2002. Where land acquisition is inevitable, the affected communities can be given options to resettle as near to their relatives/areas/friends as possible, so as to minimize undesirable social costs of re-integration in totally new areas/communities.

**Vegetation clearance** will be required during the widening/reshaping and construction of re-aligned sections of the road and for Contractor's construction camp establishment and deviations as necessary. Mitigation measures will include minimising vegetation clearance and confining it, also avoiding locating temporary project infrastructure in sensitive ecological areas such as wetlands and near river banks.

Road upgrading will cause some **temporary changes in hydrology** during construction phase, particularly where culverts are to be replaced or installed. The existing crossings are narrow; these upgrading works will involve extending the cross-section by about 3 m on each side. In order to do this, the existing culverts will have to be extended (lengthened) and trenches excavated through the existing embankments to enable new culverts to be laid.

The construction works envisaged will comprise widening and raising the existing embankment in swamps by placing rock fill foundation on each side of the existing earthworks, overlain by compacted fill at an elevation well above the maximum water level to support the new pavement structure.

The installation of culverts will be conducted in the dry season whenever possible to reduce the risk of sedimentation to local springs and wells that provide water to local household. During preparation of stream diversions, all effluent and silt-laden water will be discharged to a sediment control pond, or

alternative sediment control methods for removal of sediment prior to its release into watercourses. This requirement also applies to control of discharge resulting from curing areas of recent concrete pours for bridged or drainage structure headwalls. The direct discharge via seepage of untreated, silt-laden water or other deleterious substance into any watercourse will be prohibited.

Stockpile or storage areas should be stripped to the subsoil and topsoil stored for use in reclamation phase. The spoil should be kept and later reused during the planting of grass along the road. The Contractor should also protect temporary fills, stockpiles adjacent or exposed to streams with slope protection.

The main impact of the road construction will be felt in the lower lying areas of the road. This will inevitably affect people downstream. This effect coupled with the opening up of hill areas for settlement as a result of upgrading of the road will result in greater amounts of runoff flowing into the low lying areas. It is therefore recommended that deliberate efforts be made to ensure that the hilltops are planted with trees and staggered silt checks constructed for those already opened up and the virgin ones be left forested.

Twenty (20) potential sites for sources of material have been identified and these include (borrow, sand and rock areas). All the pits are located adjacent to the road. Investigation and laboratory testing of the material from the pits was undertaken and their suitability confirmed for use as sub base material with chemical improvement. When borrow pits are being excavated, the affected land cannot be used for cultivation or grazing.

There is an abundant **supply of water** along the project road which can be used for construction purposes.

**Impacts on forest** will be restricted along alternatives and efforts to prevent unnecessary tree felling will be made. In the National Forestry and Tree Planting Act, 2003 those in Semuliki National Park will be protected and construction of roads within gazetted forests will require de-gazetting.

The following planning and mitigation measures are proposed:

- acquisition of land within the forest reserve can be resolved as an internal administrative agreement between RAFU/UNRA and NFA/UWA. The letter must include a calculation and disclosure of the total amount of land being taken from the forest reserve.
- The width of the road reserve should be reduced from 30 m (rural standard) to 20 m (urban standard)
- The realignments utilises existing road reserves
- All disturbances to vegetation and soil within the forest to be prohibited except for borrow pits which should be subjected to assessment and permitting by NEMA through the National Forest Authority (NFA).

**Air quality, noise and vibration** are expected and are inevitable especially during the construction phase. The level of dust pollution is expected to reduce during the rainy seasons and after completion of the road.

During construction, the nuisance will be transient and good work practice will limit potential damage. Noisy activities such as blasting -- but also including excavation and the operation of static plant within 200 m of dwellings -- will be confined to daylight hours and liaison is to be maintained with local communities regarding their timing. The road surface should be sprayed with water in dry weather conditions and trucks carrying fine materials that are easily wind blown should be covered.

The working site is a potentially dangerous place and therefore **health, safety and occupational** impacts need to be addressed in both the immediate vicinity of the plant, work sites and workshops.

During the construction phase labourers, truck drivers and other travellers will be mixing socially with the local communities. This could aggravate spread of infectious diseases including HIV/AIDS, which could be spread to the community. Increased money circulation due road development works is bound to excite both the local community and the road construction workers – a recipe for social interaction and a potential for the transmission of STDs including HIV/AIDS.

The provision of protective clothing and equipment, First Aid stations with such personnel and equipment as are necessary and such information, instruction, training and supervision to ensure the health and safety at work of all persons employed on the works all in accordance with the Laws and Regulations of Uganda.

The contractor will provide **STD/HIV/AIDS awareness** in accordance with standardized TORs on HIV/STDS available at RAFU/UNRA.

**Construction camps** are considered to be temporary land take. It is expected that the Contractors will establish two main camps between Itojo and Fort-Portal and Ntandi and Lamia. In addition to any permanent camps, it is expected that the Contractors will establish work sites along the road according to the progress of the work. These work sites will be temporary, being set up for periods ranging from a couple of weeks to a couple of months. In general, a camp would require approximately 3-5 hectares of land. The Contractors will need to agree with the landowners prior to construction. In setting up a construction camp, consideration will be given to water availability and fuel supplies. It is likely that the workforce will put additional demand, albeit temporary, on fuel wood/charcoal for cooking.

Negative environmental effects of construction camps can be restricted by careful site selection so that the camp will not disturb the surrounding area. All wastes (human, kitchen, workshop, office, equipment, machinery wastes etc.) must be treated in a proper way in accordance with the provisions of the Contract and the instructions of the supervision engineer. Human waste should be collected in septic tanks designed so that no interaction with surface and ground water is possible.

## 7. Environmental Management Planning

In order to implement the ESMP responsibilities have been assigned to various parties within the project framework. The recommended mitigation measures will be outlined in the detailed design drawings, and detailed in the Technical Specifications. These mitigation measures will form part of the contract documentation for the road upgrading works. For example, there is to be a component for tree planting of appropriate species as catchment protection above the road and this activity will be undertaken with substantial women's participation.

The ESIA and ESMP are to be availed to prospective bidders in order to ensure that normal environmental mitigation costs are factored into construction costs. The Contractor is expected to prepare work plans for environmental management in line with the ESMP presented in the EIA. The costs of incorporating the recommended mitigation measures, including compensation for property and crops and relocation activities, as well as costs for unforeseen/additional mitigation and environmental and social monitoring are presented below and subject to confirmation at appraisal.

RAFU/UNRA, assisted by supervising environment/social specialists, will be responsible for reviewing civil works contracts in accordance with the ESIA report; coordinating the implementation of the ESMP among the contractors, local environmental authorities (e.g., District Councils and Village Development Committees; monitoring the implementation of the ESMP and the civil works contracts in collaboration with NEMA; and, preparing annual environmental progress reports.

The cost of standard construction mitigation measures have been integrated into the Project's Bills of Quantities. The total project cost for environmental mitigation and monitoring, the HIV/AIDS campaign and compensation and resettlement is currently estimated at US\$ 3,190,000 as follows:

RAP Compensation	2,500,000
HIV/AIDS Campaign	150,000
Social Facilities/Infrastructure	250,000
Conservation Forestry Measures	50,000
Road Safety	40,000
ESMP Management and Monitoring	200,000
<b>Provisional ESMP Mitigation Total</b>	<b>3,190,000 US\$</b>

## 8. Monitoring Programme

The overall objective of environmental and social monitoring is to ensure that mitigation measures are implemented and that they are effective. Environmental and social monitoring will also enable response to new and developing issues of concern. The activities and indicators that have been recommended for monitoring are presented in the ESMP.

Environmental monitoring will be carried out to ensure that all construction activities comply and adhere to environmental provisions and standard specifications, so that all mitigation measures are implemented. The contractor shall employ an officer responsible for implementation of social/environmental requirements. This person will maintain regular contact with the Supervisor's own Environmental/Social Specialist and the local District Environmental Officer. The contractor and RAFU have responsibility to ensure that the proposed mitigation measures are properly implemented during the construction phase.

The environmental monitoring program will operate through the preconstruction, construction, and operation phases. It will consist of a number of activities, each with a specific purpose with key indicators and criteria for significance assessment. The following aspects will be subject to monitoring:

- Encroachments in protected and sensitive areas
- Vegetation maintenance around project work sites, workshops and camps
- Works and road safety elements, including a log of accidents
- HIV/AIDS programme implementation and levels at local health centres

The monitoring of mitigation measures during design and construction will be carried out by the Supervisor's Environmental/Social Specialist. He/she will conduct mitigation monitoring as part of the regular works inspections. The responsibility for mitigation monitoring during the operation phase will lie with the Environmental Section in RAFU/UNRA.

RAFU/UNRA will provide NEMA with reports on environmental compliance during implementation as part of their annual progress reports and annual environmental monitoring reports. Depending on the implementation status of environmentally sensitive project activities, NEMA will perform annual environmental reviews in which environmental concerns raised by the project will be reviewed alongside project implementation.

## 9. Public Consultations and Public Disclosure

Community participation and consultation has been undertaken among people living along the project road and area of influence (AOI). A synopsis of the views of the road users and beneficiaries, project affected people, as well as representatives of the Local Councils, who have been interviewed has been

presented. Sector specific information elicited during these discussions has been included in the identification of impacts and potential mitigation measures. There will be more consultation and sensitization during finalisation of detailed resettlement and compensation plans. Potentially affected parties in local communities will therefore have further opportunity to be appraised of detailed implementation arrangements and therefore to understand their rights and report grievances.

## **10. Complementary Initiatives**

***Resettlement/Compensation (RAP).*** Estimates for compensation are based on engineering and PAP surveys conducted by the Study Team. Detail is provided in the Resettlement Action Plan Summary Annex. A total of some 180 structures are affected along the construction corridor of which up to about 135 are of brick and masonry materials. The compensation and implementation/monitoring cost for the RAP is currently estimated at approximately US\$ 2.5 million. A RAP Summary is separately presented as an annex to this ESIA/ESMP Summary.

***Road Safety Campaign.*** This activity will mitigate and respond to the potential impacts of the project on road safety. It will review the approach and methodology for the road safety awareness campaign and monitor the effectiveness of the proposed mitigation measures. The activity will take place during construction and operation, and will recommend new mitigation measures where those proposed are not effective.

***HIV/AIDS Component.*** The activity will involve implementation of the proposed HIV/AIDS Awareness/Prevention Campaign. There will be a review mid-term of likely effectiveness of the approach and methods adopted in case new approaches and strategies are deemed appropriate. The activity will thus be re-oriented as necessary to achieve its full potential in lasting benefits to roadside communities and road user groups by the end of the construction period.

## **11. Conclusion**

It is not considered that the upgrading of the Fort Portal – Lamia Road is likely to cause serious adverse impacts. It has been established that almost all undesirable impacts can be minimised by implementing recommended mitigation measures. Certain minor alternative alignments remain to be decided upon and environmental and social criteria will be applied in determination of an optimal routing.

Generally, the project road will result in appreciable benefits to the people in its area of influence and bring opportunities for agricultural development and natural area tourism to a part of Uganda of very special landscape value, which has been hampered by poor access in the past. The main social impact management issues revolve around relocation of people along the existing and proposed alignments and acquisition of the road reserve.

A Summary of the Resettlement Action Plan which covers compensation and relocation along the route is annexed below.

## **References and Contacts**

“Draft Social and Environmental Impact Statement” Road Sector Support Project II, TYPSA and Promote Consultants Limited (June 2007).

“Final Draft Resettlement Action Plan Summary” Road Sector Support Project II, TYPSA and Promote Consultants Limited.

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## ESIA SUMMARY ANNEX

### SUMMARY RESETTLEMENT ACTION PLAN (RAP) FOR COMPENSATION AND RELOCATION

**Project Name:** Road Sector Support Project II (Upgrading of Fort Portal - Lamia Road)  
**Country:** Uganda  
**Project Number:** P-UG-DBO-018

#### 1. Description of Project and Project Area

1.1 The Fort Portal-Ntandi-Bundibugyo - Lamia Road is a 93 km stretch which will be upgraded from gravel surface to bitumen standard. The carriageway will be 6m wide with shoulders of 1.5m on each side. The project road is categorized as a Class II bitumen road and will have a road reserve of 30 metres in rural areas and 20 metres in urban areas including trading centres. The project components and activities will comprise civil works, consultancy services and implementation of the ESMP and RAP which includes HIV/AIDS prevention and awareness programs and road safety educational campaigns.

1.2 The project road traverses two districts of Kabarole and Bundigugyo and its zone of influence affects the counties of Bukuku, Karugutu, Kasitu, Nduguto, Busaru, Bubandi, Bubukwanga, and Bundibugyo Town council. The road will pass through areas with famous physical features such as the Rwenzori Mountain block, the Great Rift Valley and lakes Albert, George and Edward. There are several rivers in the area notably the Mpanga, Mubuku, Rwinmi, Muhokya, Semliki and the hot springs at Ntandi. The project road will generally pass through the existing alignment cutting through very steep slopes of the Rwenzori Mountains. The road links the said districts and counties to the rest of the Country and to the Democratic Republic of Congo (DRC) further west.

#### 2. Potential Impact

2.1 Although the proposed road will basically follow the existing alignment, whilst adopting the minimum level of realignment to achieve the engineering requirements of the improved standard of the road and expansion to 6m and 3m shoulders, land takes will be inevitable. According to the observations by the EIA/SIA team and based on a review of the proposed road design, roughly 180 temporary and permanent structures will be affected, out of which an estimated 135 are constructed with durable materials. Many of the likely to be affected structures lie in the urban areas and trading centres of Rwengoma, Bukuku, Kichwamba, Karugutu, Itojo, Ntandi, Bundibugyo Town Council, Nyahuka, Kabutabule, Busugwe and Lamia.

2.2 Of the estimated structures which will potentially be affected, 75% are made of burnt brick walls and corrugated iron sheets for roofing; 20% are made of raw bricks or mud-and-poles for walls and thatch for roofing; and few (5%) are made of grass thatch for both walls and roofing. Village trading centres and small open-air markets are located at the major road junctions and these tend to have small and temporary kiosks and banks used by hawkers and other micro-enterprises. In addition, to the residential and commercial houses, will be loss of land and crops, trees and fences. The area is rich in banana, cassava, cocoa, coffee and palm oil implying loss of both annual and perennial crops.

2.3 Nevertheless, upgrading of the project road will enhance the standard of life and socio-economic welfare of the people living within the zone of influence and other road users from afar. It is anticipated that the upgrading of the road will lead to an increase in the volume of trade and other

commercial activities in the area. This will have a positive impact on the economy in general as trade will substantially increase across the border with the Republic of Congo (DRC). Time of travel and transport costs will reduce as a result of the road being upgraded. Access to social and economic amenities such as health facilities, schools and markets will be enhanced for the betterment of the people in so doing contributing to the fight against poverty.

2.4 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 ventures.

### **3. Organizational Responsibility and Implementation of the RAP**

3.1 In terms of compensation and resettlement, the overall responsibility, just like in the ESMP, lies with the Executing Agency, the Road Agency Formation Unit (RAFU) or its successor Uganda National Roads Authority (UNRA), directly and through the Resident Engineer. The Ministry of Lands, Housing and Urban Development is a key player whose responsibilities will be conducting 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.

3.2 Following determination and characteristics of all project affected persons (PAP), the valuation of assets to be compensated and preparation of the complete list, the onus of executing the RAP falls on RAFU/UNRA. Given the multiplicity of functions under RAFU/UNRA and the importance of carrying out the compensation exercise in a timely and efficient manner, RAFU/UNRA would be sub-contracting 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. Consultations with the Public and Local Authorities**

4.1 Community participation and consultations were carried out in the project area between June and July 2007. A compilation of the views of the people living along the project road, potential users and district and local authority representatives, and district ministerial representatives has been prepared. Consultations were held in various localities along the road including Kabarole Town Council, Bukuku, Karugutu, Itojo, Ntadi, Bundibugyo Town Council, Nyahuka, Kabutabule, Busugwe and Lamia. 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.

4.2 The proposed road improvements were seen on the whole as beneficial to the people in the project area. Social acceptability of the project was very high despite the potential short term and long-term negative impacts such as loss of property and sources of income. 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 compensation and adherence to contractor's obligations during construction, issues of safety, flood reduction measures, 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 throughout the two districts and better access to social services such as health and education.

## **5. Institutional and Legal Framework**

5.1 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 Government 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.

5.2 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.

5.3 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

5.4 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 RAFU in 2002 as well as donor safeguard policies such as those of the AfDB (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.

5.5 During the preparation of the RAP, RAFU/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 and provision of water.

## **6. Grievance Redress Mechanism**

6.1 It is envisaged that during implementation of the RAP 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 RAFU/UNRA. Procedures to address such complaints will be established with the main objective of mediating all conflicts between the project authority (RAFU/UNRA) and entitled persons so as to cut down on lengthy litigation processes. The basic aim is to prevent delay 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.

6.2 RAFU/UNRA, with the assistance of the consultant executing compensation and resettlement, will set up small field offices through which grievances will be channeled. The grievances will be heard by a Grievance Committee which will comprise RAFU/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.

6.3 In the event that 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.

## **7. Valuation of Assets and Losses**

7.1 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 Survey of affected persons and potential loss to assets was conducted in July 2007 by Valuation Teams who collaborated with Local Councils, especially those at LC1 of the affected villages. The Teams verified 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 were issued with return forms, which they were required to fill, sign and return to the Valuers, for recording.

7.2 In this valuation the following has been adopted as the methodology to be applied:

- ❖ Values were 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 current 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 were 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 noted 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.

## **8. Compensation Characteristics**

8.1 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.

8.2 Institutional and technical arrangements for identifying and preparing relocation sites have been established. RAFU/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 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.

8.3 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.

**Table 1: Indicative No. of Affected Households, Type of Asset by Road Section**

Type of Structure/Asset affected	Road Section FortPortal- Karugutu	Road Section Karugutu- Bundibugyo	Road Section Bundibugyo- Lamia	Total
Buildings (residential and commercial)	31	47	42	120
Crops and trees	9	15	24	48
Kiosks	3	1	2	6
Total	43	63	68	174

## 9. Social Infrastructure and Services

9.1 In some places, along the project road, there are socio-economic assets that belong to the communities and risk either total demolition or interruption/disturbance to service provision. An estimated cost for replacement of any of these facilities is US\$ 250,000. The most important among these are pipes and tanks of a gravity fed water system crossing the road in several places especially between Ntandi – Bundibugyo and Lamia. These shall involve underground pipes, tanks and water collection points. Secondly are some schools which are very close to the road and will potentially be affected by the road works. These include those that were constructed under the emergency program by UNICEF, communities and NGOs which are in open air except for the roof and concrete floor; hence they require walls to protect pupils and teachers from dust, noise and interruption. The third are some road-side markets used by local farmers who bring agricultural produce to the road to sell and transport to major towns including Kampala. While these markets are important for the rural communities the current operations are either too close to the road—posing a road safety concern, or they lack basic hygiene.

9.2 In the case of water systems, the contractor in liaison with the Resident Engineer and local water authorities will take every precaution to minimize prolonged interruption of services, where necessary new water tanks and water kiosks will be constructed away from the road reserve. In the case of schools, the contractor will as part of the project construct walls (in-fills) for the class rooms to minimize noise, dust and disturbance to lessons during construction. Working with the District Education Officer and School Heads, the contractor will develop an appropriate program for fulfilling this task with as little interruption to the school calendar as possible. Finally, the market areas that are affected will be provided with new sites by local authorities where they would operate from. The project will include in its activities construction of simple structures comprising sheds, concrete floors, benches and pit latrines. Provisional sums to cater for all the three activities will be included in the project cost.

## 10. Costs and Budget

10.1 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 compensation and implementation/monitoring cost for the RAP are approximately Ug.Shs. 4,325,000,000 billion equivalent to US\$ 2.5 million.

## 11. Monitoring and Evaluation

11.1 The purpose of monitoring and evaluation is to report on the effectiveness of the implementation of the RAP, covering physical resettlement, disbursement of compensation and effectiveness of public consultation, amongst others. The Ministry of Works and Transport 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.

11.2 A plan for monitoring and evaluation of the compensation package has been drawn up with indicators for measuring implementation performance, impacts and outcomes. A review of regular progress reports produced by RAFU/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 will be 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 will also monitor and evaluate the RAP implementation.