

ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT



**FOR THE PROPOSED DEVELOPMENT OF THE MPONDWE BORDER EXPORT ZONE LOCATED IN
KAMBUKAMABWE II AND LOWER CUSTOMS CELLS, MPONDWE-LHUBIRIHA TOWN COUNCIL,
KASESE DISTRICT**

Submitted by:



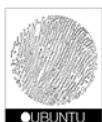
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FEBRUARY 2020

The Consultancy Team

In conformity with the National Environment Act 5 of 2019 requirements, the Environmental and Social Impact Assessment for the proposed development of the Mpondwe Border Export Zone was carried out by the following team of certified environmental practitioners as well as other specialists who are not certified environmental practitioners;

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Declaration

I, having commissioned the Environmental and Social Impact Assessment for the proposed development of the Mpondwe Border Export Zone on behalf of the Ministry of Trade, Industry and Cooperatives, do acknowledge that I have read this report and understood its contents. I hereby commit to comply with the suggested mitigation measures stated in the Environmental and Social Management and Monitoring Plan to address the potential negative impacts associated with the development phases and actual operation of the project, and undertake to implement further instructions as NEMA may deem appropriate in relation to the findings of this study and from time to time as inspections may inform.

Designation:

Signature:

Date:



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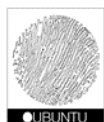
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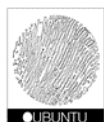
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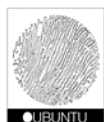
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List of Abbreviations and Acronyms

CAO	Chief Administrative Officer
CDO	Community Development Officer
CGV	Chief Government Valuer
DEO	District Environment Officer
DLG	District Local Government
ESIA	Environmental and Social Impact Assessment
ESIS	Environmental and Social Impact Statement
ESMP	Environmental and Social Management Plan
GLTF	Great Lakes Trade Facilitation Project
HIV/AIDS	Human Immuno-Virus/ Acquired Immuno-Deficiency Syndrome
LAA	Local Assessment Area
LC	Local Council
MTIC	Ministry of Trade, Industry and Cooperatives
NEMA	National Environment Management Authority
NWSC	National Water and Sewerage Corporation
OCL	Oubuntu Consulting Limited
OP	Operational Policy
OSH	Occupational Safety and Health
PAPs	Project Affected Persons
PAYE	Pay As You Earn
PDA	Project Development Area
POP	Persistent Organic Pollutants
PWDs	Persons With Disabilities
ToR	Terms of Reference
VAT	Value Added Tax
WB	World Bank



Executive Summary

This report presents the findings of the Environmental and Social Impact Assessment (ESIA) that was conducted for the proposed Mpondwe Border Export Zone project located on 2 sites at GPS Coordinates 0° 2'38.51"N, 29°43'18.51"E, in Kambukamabwe II Cell, Kambukamabwe Ward, Mpondwe-Lhubiriha Town Council, Kasese District and GPS Coordinates: 0° 2'23.04"N, 29°43'31.05"E in Lower Customs Cells, Kabuyiri Ward, Mpondwe-Lhubiriha Town Council, Kasese District.

Uganda Government, through Ministry of Trade, Industry and Cooperatives (MTIC) with funding from the World Bank (WB) under the Great Lakes Trade Facilitation Project (GLTF) intends to develop a Border Export Zone at Mpondwe which is aimed at facilitating cross border trade between Uganda and DR Congo.

Project overview

The proposed project is to build a fully functional Border Export Zone that is tailored to its African context; a mix of the sub urban shops and the outdoor market archetype, with modern facilities and construction of a hard wearing but user friendly market experience for the people of Mpondwe and the neighbouring areas. Other facilities that will be provided will include public parking, loading and offloading space.

The project is estimated to cost approximately UGX: 7,380,000,000 (Seven Billion three hundred eighty millions)

Study methodology

This report has been prepared in accordance with the relevant National legislations. The general steps followed during the assessment were as follows:

Environmental screening, in which the project was identified as among those requiring ESIA under schedule 5 of the National Environment Act, No.5 of 2019, Desktop studies for review of relevant secondary information, Physical inspection of the site and surrounding areas for collection of primary baseline information and Stakeholder consultation.

These were supplemented by expert judgments of the consultancy team to come up with this report.

Legislative reference

The National Environment Act of 2019 is the legislation that governs ESIA studies in Uganda. This project falls under the fifth schedule of the Act, which lists the types of projects that are required to undergo ESIA studies in accordance with Section 110 (Part X) of the Act. Various other key national laws and policies that govern the management of environmental resources in the country and were considered relevant for this project have been discussed in detail in section 3 of this report. This study is also based on internationally respected procedures recommended by the World Bank covering environmental and social guidelines.

Study findings

Existing environment

The proposed site is currently occupied by the existing market structures and facilities some of which will be demolished and others rehabilitated. The structures on site include water borne toilets, stalls, shops and



lockups. The market is surrounded by an access circular road and customs road. The existing structures are dilapidated temporary, semi-permanent and permanent structures.

The proposed temporary relocation site is currently covered with bushes which will be cleared progressively for the development. The site is sometimes used by the community members for animal grazing. The site is surrounded by private permanent and temporary structures and there is a community road that goes through the site. The temporary relocation site is located in the eastern neighborhood of the existing Mpondwe market. The site is 1.44 hectares or 3.558 acres in size. An existing community road that goes through the land provides access to the relocation site.

Potential impacts and mitigation measures

The study team evaluated the anticipated impacts of the proposed project on the bio-physical and the socio-economic environment. The impacts were categorized as positive or negative and their level of effect on the environment were also gauged. The report analyses potential project impacts and proposes mitigation (or enhancement) measures and impact management recommendations. These are summarized below.

The positive impacts anticipated include job creation, contribution to government revenue, promotion of cross border trade, provision of market for the raw materials during construction, enhanced land value, provision of high quality market facilities, improved drainage and improved aesthetics value of the area. While the anticipated negative impacts include; disruption of current market activities, complaints and grievances that come along with allocation of business spaces in the relocation site, displacement of business enterprises, increased HIV/AIDs prevalence and other diseases, sexual harassment, child protection impacts, soil erosion, construction solid waste disposal impacts, construction health and safety impacts, human waste disposal impacts, impacts of construction noise and dust, traffic related impacts, community health and safety impacts. These impacts are discussed in detail and their significance evaluated in section 9 of this report. The proposed mitigation measures for the anticipated negative impacts are also provided.

Environmental and Socio Management Plan (ESMP)

The ESMP for the proposed construction and operation of the Border Export Zone (Mpondwe Market facilities) identifies potential environmental and social aspects that should be monitored. It identifies parties responsible for monitoring actions, monitoring frequency, indicators and training or capacity building needs.

Conclusion and recommendations

The study findings indicate that the project activities are unlikely to generate any irreversible or permanent negative impacts provided that, the proposed mitigation measures for the anticipated negative impacts are implemented. An ESMP has further been proposed in section 11 for the construction and operation of the project.

Based on the above findings and analysis, the project is recommended for approval by NEMA and the relevant stakeholders. All potential adverse impacts are mitigable when measures proposed (section 8) are implemented, in which case benefits of this project to the nation would by far outweigh potential negative effects.



1 BACKGROUND

1.1 Introduction

The Ministry of Trade Industry and Cooperatives (MTIC) in collaboration with other Government agencies intends to implement a Great Lakes Trade Facilitation (GLTF) project focusing on improving regional infrastructure and in particular remove both at and behind the border constraints to regional trade. The project will support efforts for reducing nontariff barriers to intraregional trade, by improving regional environments for business and by supporting regional measures to improve governance of cross border trade.

The project is also designed to address underlying sources of conflict as well as poverty and under-development, and is thus a key pillar for helping achieve the outcomes of the Bank's Great Lakes Strategy, as well as key regional commitments on Peace and Security. Cross-border trade will be used as a toll for stimulating and facilitating agricultural trade and increasing resilience and social cohesion on both sides of the border between the Republic of Uganda and the Democratic Republic of Congo. Most of the trade between Uganda and DR Congo is done at the three major border points of Mpondwe in Kasese district, Bunagana in Kisoro district and Goli in Nebbi district, with Mpondwe being the busiest border point in terms of trade activities.

The Government of Uganda through the Ministry of Trade, Industry and Cooperatives has secured a funding from the World Bank to implement the Great Lakes Trade Facilitation Project (GLTF) which is aimed at facilitating cross border trade between Uganda and DR Congo at the three borders of Mpondwe, Bunagana and Goli. The project aims at facilitating cross-border trade by increasing the capacity for commerce and reducing the costs faced by traders, especially small-scale and women traders, at targeted locations in the borderlands.

With funds from the World Bank, the Ministry of Trade, Industry and Cooperatives has started preparations for the construction of the Border Export Zone at Mpondwe to create a conducive environment for the cross border traders. The proposed Mpondwe Border Export Zone project is located on 2 sites at GPS Coordinates 0°2'38.51"N, 29°43'18.51"E, in Kambukamabwe II Cell, Kambukamabwe Ward, Mpondwe-Lhubiriha Town Council, Kasese District and Coordinates: 0° 2'23.04"N, 29°43'31.05"E in Lower Customs Cells, Kabuyiri Ward, Mpondwe-Lhubiriha Town Council, Kasese District.

Particulars of the Implementing Ministry

Ministry of Trade, Industry and Cooperatives

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UGX: 7,380,000,000 (Seven Billion three hundred eighty millions)

The site preparation, construction process and operation activities at the proposed Border Export Zone are anticipated to result in direct and indirect impacts on the bio-physical and socio-economic environment. It is a requirement under the National Environment Act, 2019, that the developer of a project whose activities are likely to have an impact on the environment undertakes an ESIA prior to its implementation. The main



purpose of an ESIA is to evaluate the project and to determine whether the project can proceed without unacceptable environmental and social impacts. This is achieved by identifying any potentially significant risks of environmental and social impacts occurring associated with the project and evaluating and suggesting the corresponding safeguards or prevention/mitigation measures.

In compliance with these requirements, the Ministry of Trade, Industry and Cooperatives contracted a team of environmental practitioners and a sociologist to undertake the ESIA prior to establishment of the proposed Border Export Zone.

1.2 Legal Requirement for an ESIA Process

Section 110 (Part X) of the National Environment Act, 2019 requires that all projects or policies that may, are likely to or will have significant impacts on the environment should be subjected to ESIA so that adverse impacts can be eliminated or mitigated. These projects (for which ESIA is mandatory) are listed in the fifth schedule of the Act. The proposed project is listed among these projects in category 5; Housing and Urban Development (b) Establishment or expansion of development zones, industrial estates and industrial parks. This ESIA, which is part of the detailed design studies for the construction of the proposed project, is conducted to assess the environmental and social impacts of the project so as to develop an environmental and social management and monitoring plan which will be implemented to mitigate the identified potential adverse impacts and ensure compliance with the legislation.

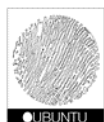
1.3 Objectives of the ESIA study

The ESIA is a planning tool that promotes the integration of environmental and social concerns into the project planning process at the earliest possible planning and design stages and helps provide project management with practical advice on the mitigation of any potentially adverse environmental and social impacts of the project. It is also expected to provide a means whereby the overall environmental and social performance and benefits of the project can be enhanced. The specific objectives of the ESIA include the following;

- Identification of sensitive environmental components likely to be affected by the proposed project,
- Defining positive social and economic benefits local communities can derive from the proposed project implementation,
- Identification, prediction and evaluation of the potential negative environmental and social impacts associated with the project implementation and;
- Designing subsequent operation, and preparation of plans and recommendations regarding measures that will minimize adverse impacts and enhance beneficial impacts.

1.4 Scope of the ESIA

The ESIA considered the potential environmental and social effects of the project on components of the physical, biological, socio-economic and cultural environments that may be affected by the project. The ESIA considered the environmental and social effects that could occur during all phases of the project such as HIV



risk, Social economic impact that comes along with relocation of market vendors, protection issues, waste management impacts, sexual harassment, health and safety and drainage and storm water management impacts among other impacts. It also considered any cumulative environmental and social effects that are likely to result from the project in combination with other projects or activities that have been or will be carried out. Finally, it assessed the significance of these potential environmental and social effects.

Consideration of environmental and social effects in the ESIA is conceptually bound in both space and time, representing spatial and temporal boundaries.

Temporal Boundaries: Temporal boundaries reflect the timeframe over which the project's environmental and social effects may happen. The temporal boundaries for this ESIA included the phases of site preparation, construction and operation.

The **spatial boundaries** for the Project are defined with respect to project activities and components, including:

Project Development Area (PDA): The PDA encompasses the immediate area in which Project activities and components occur and as such represents the area within which direct physical disturbance may occur as a result of the Project, temporary or permanent. The project development area will be 1.4437 hectares or 3.567 acres for the main site and 0.189 hectares or 0.468 acres for the annex site.

Local Assessment Area (LAA): The LAA is the maximum area within which potential direct and indirect environmental and social effects from Project activities and components can be predicted or measured with a reasonable degree of accuracy and confidence. It consists of the PDA and adjacent areas where Project-related environmental and social effects are reasonably expected to occur based on available information and professional judgment.

Regional Assessment Area (RAA): The RAA is the area within which residual environmental and social effects from Project activities and components may interact cumulatively with the residual environmental and social effects of other past, present, and future (i.e., certain or reasonably foreseeable) physical activities. The RAA is based on the potential for interactions between the Project and other existing or future potential projects.

1.5 Structure of the ESIA

This report is divided into the following principal sections that flow in a chronological order:

- Section 1:** Background information and introduction to the project, legal requirements of the study, objectives and the scope of the study
- Section 2:** A detailed description of the proposed project, design and the main project activities.
- Section 3:** A review of relevant environmental and social policies, laws, regulations and standards
- Section 4:** Study approach and methodology



- Section 5:** A general description of area baseline bio-physical and socio-economic information, area infrastructure and activities in relation to project site.
- Section 6:** Presents the stakeholder consultation process
- Section 7:** Grievance Redress Mechanisms (GRM)
- Section 8:** Presents analysis of project alternatives
- Section 9:** Evaluation of identified and predicted impacts on the environment and the proposed mitigation measures for all significant negative impacts.
- Section 10:** Temporary relocation site.
- Section 11:** Presents an Environmental and Social Management and monitoring plan.
- Section 12:** Presents the conclusion and recommendations.



2 PROJECT DESCRIPTION

2.1 Introduction

This section presents a detailed description of the proposed project. It details the nature of the proposed project, its location, design and site layout/plan as well as details on supportive resources i.e. man power and utility requirements. It also presents the activities that will be done during all stages of project implementation. The description of the project, its components and activities has been developed based on the following:

- The project design and description documents provided by the design team e.g. Project Appraisal document (PAD) and ESMF GLTFP 2013 among other documents;
- Meetings and discussions with the developer on this regard; and
- Field visits and investigations done by the study team.

2.2 GLTFP project components

The project has four components; (1) Improvements to core border infrastructure and facilities, (2) Procedural Reforms to facilitating Cross Border Trade (3) Performance Based Management in administration of cross border trade and (4) Communication, Monitoring and Evaluation.

A number of the above components especially component 1 on border post/ market infrastructure development has socio-environmental impacts (beneficial and adverse), hence the relevance of this ESIA study.

2.3 Objective of the proposed project

The overall project development objective is to facilitate cross border trade between Uganda and DR Congo at Mpondwe in Kasese by increasing the capacity for commerce and reducing the costs faced by traders, especially small-scale and women traders.

2.4 Main project site

2.4.1 Site location and accessibility

The proposed project main site is located at GPS Coordinates: 0° 2'38.51"N, 29°43'18.51"E (taken at a random point in the middle of the site) on Plot No. 33, Block (Road) 26 in Kambukamabwe II Cell, Kambukamabwe Ward, Mpondwe-Lhubiriha Town Council, Kasese District. The site is located on a 1.4437 hectares or 3.567 acres piece of land (as shown with the red boundary line on the Google image) of figure 2-1. The proposed site boundary coordinates (as shown with a yellow boundary points on the Google image) are given below.

Point	UTM Eastings	UTM Northings
A	29°43'17.20"E	0° 2'36.15"N
B	29°43'16.24"E	0° 2'40.83"N
C	29°43'18.47"E	0° 2'40.83"N

D	29°43'20.30"E	0° 2'39.32"N
E	29°43'20.88"E	0° 2'37.23"N

Table 2-1: Proposed site boundary coordinates

2.5 Annex Site

The Annex site is the second proposed project site. It has an existing small Market and it's surrounded by wooden kiosks and abject to the Main site.

2.5.1 Site location and accessibility

The proposed project Annex site is located on Plot 257, at GPS Coordinates: 0° 2'23.04"N, 29°43'31.05" (taken at a random point in the middle of the site) in Lower Customs Cells, Kabuyiri Ward, Mpondwe-Lhubiriha Town Council, Kasese District. The site is a 0.189 hectares or 0.468 acres piece of land (as shown with the red boundary line on the Google image) of figure 2-2. The proposed site boundary coordinates (as shown with a yellow boundary points on the Google image) are given below

Point	UTM Eastings	UTM Northings
A	29°43'31.08"E	0° 2'24.06"N
B	29°43'29.76"E	0° 2'22.38"N
C	29°43'31.08"E	0° 2'21.78"N
D	29°43'31.80"E	0° 2'23.46"N

Table 2-2: Proposed annex site boundary coordinates

The proposed sites are only accessed via the Kasese-Mpondwe highway; a tarmac road, that connects Uganda and Democratic Republic of Congo. The main site is located along the right while the Annex site is located along the left approximately 600m apart. The main site is also surrounded by a circular road that branched off and again joins the customs road while the Annex site is accessed via an access road of about 200m from the highway.

The Google image in figure 2.1 and 2.2 below shows the proposed main and annex sites boundaries respectively and immediate neighborhoods while figure 2.3 shows both sites location within the Mpondwe-Lhubiriha Town Council and their neighbor hoods.



Figure 2.1: Google map for the proposed Mpondwe Border Export Zone Main project site





Figure 2.2: Google map for the proposed Mpondwe Border Export Zone Annex site





Figure 2.3: Google map for the Mpondwe Export Zone Main and Annex sites



2.5.2 Type and frequency of market

The frequency of operation of Mpondwe market is 7 days a week. However, according to Lhubiriha Town Council authorities, 2 days (Tuesday and Friday) are the busiest days of the market. The days of Mondays, Thursdays and Sundays are mainly for fish business while Wednesdays and Saturdays are just ordinary market days. This trend shall be maintained as Mpondwe is one of the busiest border towns in Uganda given its nature of business and the populations around. This frequency of operation also gives certainty to the traders and input suppliers especially those engaged in agricultural produce as this indicates that there is a readily accessible market for their produce.

2.5.3 Market Accessibility

The main market will have full pedestrian access from all directions including ramps for the PWDs to enable their mobility. The main entrance of the Market will be off customs road to allow the custom to function without interference from the market activities. The entire proposed market will be surrounded by a one-way circular road. The annex site which is second proposed site for the project will be accessed through the existing access road that will be upgraded during construction to accommodate heavy vehicles.

2.6 Catchment area

Mpondwe being a border town, the catchment area of the market stretches from the whole of Kasese district and parts of Congo near the border. There are also traders who come as far as Tanzania and other districts neighbouring Kasese for business at the border. This is confirmed by direct observation by the assessment team of the customers that frequent the market and the responses provided by the vendors in regard to this subject during the needs assessment interviews.

2.7 Project components

The proposed project will be a fully-fledged Border Export Zone (BEZ) with the following components;

2.7.1 Building components

The general concept is to build a fully functional market at the main site, which is tailor made to its African context, a mix of the sub urban shops and the outdoor market archetype, with modern facilities and construction of a hard wearing but user friendly market experience for the people of Mpondwe and the neighbouring areas. The planned components of the main BEZ facilities include;

- **Toilet block:** This toilet block will be accommodated outside the main market block. It will be composed of 12 stances for women including one for the PWDs and 10 stances for men including one for the PWDs and Urinals. The water tanks will be installed on the building roof for constant water supply. The toilet block will occupy an area of 150 square meters.
- **Ware housing /storage space:** There will be 3 ware houses constructed on the annex site on plot 257, block 26 Bukonzo. The warehouses will also have space for administration offices, 3 toilets, loading area, entry and exit points and drive through.

- **Administration spaces:** Administration offices will be accommodated on the upper ground floor, ground floor and first floor. It will occupy an overall floor area of 147 square meters.
- **Commercial lockups:** The proposed export zone will comprise of 841 fixed stalls and 144 lockups accommodated on the upper ground floor, ground floor and first floor 2786 overall floor area of 2786 square meters.
- **Health facilities:** The facility will also accommodate one clinic to cater for emergencies and minor sicknesses within the facility before referral to the hospital.
- **Main loading and offloading yard.** This will be an open space outside the market structures on the upper ground floor. The yard is planned to occupy an area of 1254 square meters.
- **Waste collection points.** There will be one central waste collection point in the market where all the waste generated will be collected for transportation to a gazetted landfill. Mobile dust bins will be installed at different locations in the market for easy separation and collection.
- **New ablution facilities.** This will include seven stances water borne toilets for women, 5 stances and urinals for men, 2 PWDs toilets for both women and men and changing rooms.
- **Day-care centre.** The day care centre will include a sleeping area, open play area, washing/diaper change area, a shower, 2 toilets, and a secure lobby. The day care center will occupy an area of 74 square meters.

The project components planned at the annex site include warehouse, consolidation point, sanitary facility and administration area.

2.8 Public parking

There will be onsite parking bays for vehicles and bicycles at the back of the market which will take the pressure off the Customs road infrastructure.

2.8.1 Loading/offloading space

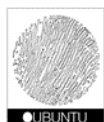
The proposed plan will incorporate a loading and offloading area at the market and on the small access road to the parking, this will take the pressure off customs road and should alleviate the congestion around the market.

2.8.2 Infrastructure utilities

Water supply

This will be supplied by the National Water and Sewerage Corporation (NWSC) and will be reticulated by the mechanical engineers to provide water to the wash hand basins, firefighting systems as well as the location of water points to assist the vendors in maintaining a clean environment at the market.

Sanitation



Toilet facilities: There will be both male and female facilities provided as well as toilets for people with disabilities (PWDs) at both sites.

Solid waste disposal/management: Sewage will be managed by connection to the planned onsite septic tanks and soak pits and emptied routinely to the council lagoons. The solid biological waste is to be managed via chutes and skips and transferred by the town council to the Katojo waste management facility located approximately 10km away, which will recycle it into compost for the agricultural sector.

Drainage (storm water management): Storm water is to be harvested, stored for re-use in a grey water system to flush the toilets. Excess storm water and or runoff is to be controlled off site into the council storm water systems, the project civil engineers will need to carefully look at all the aspects of storm water management on and off the site during construction.

2.8.3 Day-care and breastfeeding rooms

There will be day-care and breastfeeding rooms provided for the vendors who come to the market with their young ones as well as for the breastfeeding mothers at the market.

2.9 Project Pre-construction and construction activities

2.9.1 Site hoarding

In order to confine the construction activities to the sites and limit public intrusion, the entire site will be fully hoarded off prior to commencement of the construction process. This also helps in reducing the movement of eroded waste material from the sites to the surrounding environment.

2.9.2 Demolition and site clearance activities

Pre-construction activities will also include demolition of the existing structures onsite. The vendors will be relocated prior to demolition to a temporary relocation site already secured by the town council within the Mpondwe-Lhubiriha Town Council. The temporary relocation site is in the neighbourhood of the proposed main site, this provides an opportunity for business to continue as usual since the Traders are relocated within the vicinity of the existing market. The Annex site is second proposed site for the project and It different from the temporary relocation site. Upon demolition of the existing structures, the sites will be cleared of the debris to prepare for the construction process.

2.9.3 Excavation works and levelling

The construction works will commence with excavation of earthworks for the foundation of the structures including leveling and stabilization of the ground. The depths and quantities to be excavated for each step will depend on the design specifications of the structures expected on site. Compaction using approved compaction machinery will be undertaken during this process to reduce on erosion possibilities and to attain flat and stable ground. Excavation works will involve the use of both manual and mechanical means. The machinery required at this stage includes excavators and compaction machinery.

2.9.4 Construction of structures

After the foundations to the entire market infrastructure have been adequately excavated, construction of the building structures will follow as per the approved designs, the civil engineer's detail and in accordance with the standard procedures that apply to construction of similar facilities in Uganda.

The structures will be constructed with both local materials and imported ones as may be found appropriate. The required materials will include sand, timber, and aggregates, cement and water, steel bars, pipes, iron sheets, tiles, paints among others. Others will include plumbing and mechanical and electrical accessories and equipment. All construction activities will take place under supervision of professionals to ensure right mixing ratios, use of suitable materials and proper workmanship. The nature of foundation adopted and subsequent superstructure components will be as per the prevailing site conditions.

The structures will be fitted with adequate ventilation. Ventilation is necessary for allowing the circulation of air and reducing the temperature in the working areas. It also allows natural light into the building.

Earth materials needed for construction (e.g. sand, aggregates and murrum) will be obtained from quarry and mining sources elsewhere and transported to the site. The contractor shall avoid conscious or unwitting purchase of these materials from unlicensed operations indirectly supports, encourages and promotes environmental degradation at the illegal quarry sites and causes medium to long-term negative impacts at source. The contractor shall carryout ESIA for the borrow pits and acquire approval from NEMA before their operations.

2.9.5 Construction of drainage and storm water management system

Drainage channels will be aligned around the market sites, concreted or stone pitched and covered with metal gratings to avoid disposal of solid materials into the channels, and with inspection points and silt traps to avoid silting and/or channel blockages. All storm water will be directed through these channels to flow to the area drainage system. However, roofs will be provided with gutters to collect rainwater which will be gathered in water storage tanks to supplement piped water supply and reduce storm water generation.

2.9.6 Paving of surfaces, Auxiliary infrastructure/associated facilities and the Source of Materials

Paving will be done for the vehicle loading and offloading areas and car parking area, and other common spaces so as to avoid mud during the rainy seasons and dust during the sunny days.

Auxiliary infrastructure/associated facilities

The Contractor will establish a workers' camp for easy referencing and coordination of activities pertaining to the realization of the project. It also provides security for his equipments, storage for materials and location of offices or residences. This will entail; Land acquisition/Lease, site clearance, erection of temporal structures and provision of sanitary facilities. Signages with HIV and Gender based violence prevention messages will be installed at the site. Humps to reduce speed for trucks ferrying construction materials will be put at the site. The contractor will prepare additional ESIA for the auxiliary infrastructures.

The Source of Materials



Local materials such as sand, stones and timber will be sourced locally from the community. Local Suppliers will be given opportunity to supply locally available materials. Other materials such as cement, iron bars and iron sheets will be sourced from factories within the Country.

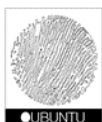
2.10 Description of the operation phase

The major operation activity will be the daily trading activities within the market. The market will serve different people. Other activities will include the daily maintenance and cleaning activities, waste management will also form the daily activities during the operation of the market.

2.11 Description of the decommissioning Phase

This is not predicted to happen in the short-to-medium term. However, after some considerable use of the sites, it may reach time for either partial or complete demolition in case of expiry of tenure or change of land use. This will depend on the planning and development changes and priorities prevailing over time in the area. The need to decommission the structures may also arise from the deterioration of the state of the buildings due to age.

Decommissioning will involve removal of structures and debris, and wastes arising from previous operations. The exercise will present likely impacts which will include; waste hazards from metal scraps, soils and gravel, dust and noise generation, and accidents to workers.



3 POLICY, LEGISLATION AND REGULATORY CONSIDERATIONS

3.1 Introduction

This section provides an overview of the policy, legal, and institutional framework for environmental and social impacts/risks management in Uganda and the specific national and international environmental and social requirements and standards relevant to the proposed project. Various laws here reviewed relate to minimum acceptable construction and operational requirements, environmental quality, land use, public health, occupational safety, labour standards and international legal obligations.

3.2 Environmental and Social Policies in Uganda

3.2.1 The National Environment Management Policy, 1994

The overall goal of this policy is the promotion of sustainable economic and social development that enhances environmental quality without compromising the ability of future generation to meet their needs. The policy aims at conservation and restoration of the environment, raising public awareness, and ensuring individual and community participation in environmental and development activities.

Relevance to the project: Environment and development are interrelated and this policy requires that environmental aspects are considered in all development projects such as the proposed project. This Environmental and Social Impact Assessment (ESIA) has been carried out for the proposed project to ensure sustainable development, as the project is likely to result in environmental impacts.

3.2.2 The Land Use Policy, 2004

In support of the national objectives on poverty eradication and economic growth, while at the same time ensuring sustainable utilisation of natural resources including land and water, the National Land Use Policy's main goal is 'to achieve sustainable and equitable social and economic development through land utilisation in Uganda. The specific objectives of the policy include among others to:

- Promote land use activities that ensure sustainable utilisation of natural resources for national socio-economic development.
- To ensure planned, environmentally friendly, affordable and well-distributed human settlements for both rural and urban areas.
- To reverse and alleviate adverse environmental effects at local, national, regional and global levels.

Relevance to the project: The policy requires planned development and environmental protection. The Ministry of Trade, Industry and Cooperatives will submit the project plans for review and approval to Mpondwe - Lhubiriha Town Council and follow the town councils' planning provisions. This assessment is aimed at ensuring sustainable operation of the proposed project activities through implementation of the proposed mitigation measures in order to conform to this policy.

3.2.3 Child Labour policy, 2006

This policy prohibits employment of children. Children are more prone to accidents at workplaces. The policy defines child labour as;

- Work that is mentally, physically, socially and/or morally dangerous and harmful to children. In addition, child labour is perceived as work or activities that interfere with children's school attendance.
- Hazardous work, which by its nature or the circumstances under which it is performed jeopardizes the health, safety and morals of a child.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives should ensure strictly no employment of children at the project in accordance with this policy.

3.2.4 The National Policy on Disability, 2006

The policy provides a framework for empowerment of PWDs in the development process (Section 3) were it calls for participation of PWDs as a mitigation framework towards their discrimination. For example, Section 2 provides need for responding to the concerns and needs of PWDs that requires their full participation in planning, implementation, monitoring and evaluation of their programmes at all levels.

Relevance to the project: This guided consultations with the PWDs representatives to ensure that equal opportunities are addressed during both construction and operation phases of the project.

3.2.5 The National Waters Resources Policy, 1999

The policy caters for safeguarding water sources. It also stipulates that the quality of drainage water shall be such as not to pollute the receiving water or ground water and that all measures must be taken by the users to prevent increase in salinity levels in receiving waters and to prevent the accumulation of dangerous or toxic compounds in the subsoil capable of contaminating surface water.

Relevance to the project: No hazardous substance/pollutant from the operations at the project should be released to the nearby water sources without prior treatment.

3.2.6 The National HIV/AIDS Policy, 2004

The policy provides the principles and a framework for mounting an optimum response to HIV/AIDS in the entire Ugandan world of work. It forms the basis for the development of workplace policy guidelines, which addresses the more specific issues related to the workplace HIV/AIDS response.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives should draft an HIV/AIDS workplace policy for the project. It should be adequately communicated and displayed around the premises.

3.2.7 The National Employment Policy, 2010

Employment creation is central to the national, socio-economic development process. It is at the core of the transformation of Uganda from a poor Agrarian economy to the modern, prosperous and skilled society. The centrality of employment is anchored in the constitution of the Republic of Uganda. The constitutional provisions on employment are espoused in the national vision of transforming Uganda from a peasant society to a modern and prosperous country in 30 years. It is also reflected in the objectives of national development plan one of which is enhancing the availability and quality of gainful employment. Government shall through this policy translate these aspirations into action.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives shall ensure the provisions of this policy are adhered to as far as the project is concerned.

3.2.8 The National Culture Policy, 2006

Culture is the sum total of the ways in which a society preserves, identifies, organizes, sustains and expresses itself. Uganda is endowed with a rich and diverse cultural heritage, which includes sixty-five indigenous communities with unique characteristics.

The Poverty Eradication Action Plan (PEAP, 2004) acknowledges that culture is intrinsically valuable and an important dimension of identity and a form of capital with the potential to move people out of income poverty. However, there is a general lack of appreciation of the significance and value of Uganda's cultural heritage towards the realization of Uganda's development goals.

The National Culture Policy has addressed this challenge by providing strategies to enhance the integration of culture into development. These strategies include; advocating for culture, ensuring capacity building, ensuring research and documentation, promoting collaboration with stakeholders and mobilizing resources for culture. These strategies are an integral part of the Social Development Sector Strategic Investment Plan (SDIP) whose mission is to create an enabling environment for social protection and social transformation of communities.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives shall ensure that there is an enabling environment created for social protection and social transformation of the community around the project area.

3.2.9 The Wildlife Policy, 1999

Ownership of wildlife (plant and animal) existing in its wild habitat is vested in Government on behalf of, and for the benefit of, the people of Uganda (Sec. 3(1) - this is consistent with the constitutional position in article 237(2b). Any activity that may have an impact on the wild life is subject to an ESIA as contained in the NEA Act 2000.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives should restrict excavation works to areas that will be required for construction so as to minimize on the impacts on wildlife.

3.2.10 Uganda Gender Policy, 2007

The policy provides a legitimate point of reference for addressing gender inequalities at all levels of government and by all stakeholders. The major aspects of this policy provisions include among others;

- Increased awareness on gender as a development concern among policy makers and implementers at all levels;
- Influencing national, sectoral and local government programmes to address gender issues;
- Strengthened partnerships for the advancement of gender equality and women's empowerment and increased impetus in gender activism.

Relevance to the project: Based on this policy, the Ministry of Trade, Industry and Cooperatives or contractor is expected to take gender issues into account both during the construction and operation phases and most particularly, through equitable access to the job opportunities available

3.3 Legal framework

3.3.1 The Constitution of Uganda, 1995

The constitution of the republic of Uganda is the cardinal law in Uganda upon which all environmental and social laws and regulations are founded. The constitution provides for, among others:

- The right of every Ugandan to a clean and healthy environment (Article 39);
- The responsibility of Government to enact laws that protect and preserve the environment from degradation and to hold in trust for the people of Uganda such natural assets as lakes, rivers, wetlands, game reserves and national parks (Article 237,2);
- The right of every Ugandan to fair and adequate compensation in instances of land acquisition.

The 1995 Constitution restored all private land tenure regimes that had previously been abolished under the Land Reform Decree of 1975. It also provides that every person has a right to own property and that no person shall be compulsorily deprived of property or any interest in or right over property without prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of the property. Article 237 of the Constitution vests land in the citizens of Uganda and identify four land tenure systems namely: customary, freehold, mailo and leasehold, in accordance with rights and interests held in the land.

In addition, the constitution forms a major basis specific for the protection of children (Article 34) including the right to know and be cared for by their parents or other people, the right to basic education which must be provided by the Government alongside the parents, Protection from all exploitation the right not to be denied medical treatment and any other social or economic benefits. Children who are below the age of 16 years must not be employed in work that is harmful to their health or that interferes with their education. Orphans and other vulnerable children must be specially protected by the laws of Uganda.

Relevance to the Project: The constitution is the cardinal law in Uganda upon which all environmental and social laws and regulations are founded. All environmental and social impact management actions of the project are therefore meant to conform to the broader objectives of the Constitution which requires a health environment for all citizens. The Ministry of Trade, Industry and Cooperatives should ensure that the project does not violate this right.

3.3.2 The Uganda Vision 2040

The vision 2040 provides development paths and strategies to operationalize Uganda's vision statement which is "A Transformed Uganda Society from a Peasant to a Modern and Prosperous Country within 30 years" as approved by cabinet in 2007. It aims at transforming Uganda from a predominantly peasant and low income country to a competitive upper middle income country. The vision 2040 is conceptualized around strengthening the fundamentals of the economy to harness the abundant opportunities around the country. The identified opportunities include: oil and gas, tourism, geographical location and trade, agriculture among

others that are to date considerably under-exploited. Achieving the transformational goal will thus depend on the country's capacity to strengthen the fundamentals including: infrastructure, technology, engineering and innovation, urbanization, and land use and management among others.

Relevance to the Project: The Uganda vision 2040 provides guidelines in development paths and strategies to transform the society to a modern and prosperous country. All development actions of the project are therefore meant to conform to the Uganda's vision statement. The Ministry of Trade, Industry and Cooperatives should ensure that the project does not violate this vision.

3.3.3 The Second National Development Plan 2015/16/2019/20

The Plan provides a planning framework for all development projects in the country. NDP recognizes the key challenges faced by women, the youth, elderly and PWDs including negative societal attitudes towards PWDs and the elderly that results into discrimination, un equal access to social services, discrimination of women, inequalities in division of labor where women are employed in the lowest paying areas of most sectors, limited access to ownership and control over land by both women and the youth however much they are the majority of labor force engaged in agricultural among the major challenges being faced by the above categories in Uganda.(section 193-251).

Relevance to the Project: Therefore consultations with PWDs representatives, market vendor's representatives and the vendors, Mpondwe-Lhubiriha town council and strategies issues identified in the NDP guided the ESIA and ESMP to ensure that the interests of the vendors who are the direct beneficiaries are considered during and after construction of the market.

3.3.4 The National Environment Act, 2019

The National Environment Act (Chapter 153 of Laws of Uganda) establishes and defines functions of NEMA as a body responsible for regulating, monitoring, supervising and coordinating all activities relating to the environment (Section 9(1)). This act provides for various strategies and tools for environment management, which also includes the ESIA (Section 113) for projects likely to have significant environmental impacts, and audit (Section 126) for ongoing projects/activities which may significantly affect the environment.

Relevance to the project: The Act governs and guides environmental and social management in Uganda. It is in line with this provision that the Ministry of Trade, Industry and Cooperatives sought the services of ESIA experts to undertake an Environmental and Social Impact Assessment and prepare an ESIA Report for the proposed project activities. This addresses the requirement as the activities are likely to have associated negative environmental and social impacts as discussed in detail in the various sections of this report. This will ensure continuous improvement on environmental, social, health and safety management and takes appropriate measures to mitigate any adverse impacts to the environment and the surrounding communities that the project may have during its implementation and operation.

3.3.5 The Land Act, Cap 227 of 2000

The Land Act provides for the tenure, ownership and management of land in Uganda, and amends and consolidates related legislation. The Land Act provides for four forms of land tenure; freehold, leasehold, customary and mailo. The Act enables government (national or local) to acquire land, for the purpose of

wildlife protection. The Act also has provisions which oblige an occupier of land to manage and utilize the land in an environmentally sound manner, and in accordance with provisions of the National Environment Act, the Forestry and Tree Planting Act, the Wildlife Act and other relevant legislation. The provisions of the Act are compatible with the allocation of wildlife use rights on private and community held land.

Relevance to the project: Key considerations on this law are that, the land owner has to use the land consistently with the existing laws and that; all forms of land tenure are recognized on matters of land acquisition for the project.

3.3.6 The Land Acquisition Act, 1965

This Act makes provision for procedures and method of compulsory acquisition of land for public purposes in Uganda. For example Section 2 and 3 give minister for Lands powers or authorized person to enter upon the land, survey the land, dig or bore the subsoil or any other actions necessary for ascertaining whether the land is suitable for a given public purpose. It required declaration of the interest and section 5 requires adequate notice to persons having an interest before compensation. Section 13 also provides for appeals by an unsatisfied party.

Relevance to the project: Compensation of the PAPs at the relocation site should be dealt with in accordance with the provisions of the Act.

3.3.7 The Children's Act, Cap 59

The Act puts into effect the Constitutional provisions on children and emphasizes the protection of the child by upholding the rights, protection, duties and responsibilities as contained in the Convention on Rights of the Child and the Organization for African Unity Charter on the Rights and Welfare of the African Child, with appropriate modification to suit the circumstances in Uganda and other International and regional instruments. For example Section 7 protects children from harmful customary practices while Section 8 prohibits employment of children.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives should ensure the project both during construction and operation phases adheres to the provisions of this Act.

3.3.8 The Prevention of Trafficking in Persons, 2010

The act prohibits the recruitment, transportation, transfer, keeping or receiving a person by threat, force, coercion, abduction, fraud, deception, abuse of power or receiving payments or benefits to make a person having control of consent to the trafficking. Section 4 specifically provides that trafficking in children is considered as aggravated trafficking.

Relevance to the project: Construction works tend to be associated with child trafficking. As a mitigation mechanism, different stakeholders including The Ministry of Trade, Industry and Cooperatives, families, schools, the Police, local leaders among others will be sensitized to take keen protection against potential trafficking amongst children given that the project area is at the border point.

3.3.9 The Domestic Violence Act, 2010

The Act provides for the protection and relief of victims of domestic violence; punishment of perpetrators of domestic violence and empowerment of the family and children court towards handling domestic violence cases and related matters. Work stations like camps tend to be linked with violence acts including physical aggression, covert abuse, and sexual abuse.

Relevance to the project: The contractor should have measures to minimize domestic violence and involvement of the Local councils and police in accordance with Section 6 and 7 of the Act.

3.3.10 The Local Government Act, 1997

The Local Government Act, 1997 provides for decentralization and devolution of Government functions, powers and services from the central to local governments and sets up the political and administrative functions of local governments. The local governments are responsible for the protection of the bio-physical and socio-economic environment at the district level. This therefore, implies that local governments shall be consulted on projects to be located within their jurisdiction and on matters that affect their environment and community members.

Relevance to the project: The project will be under jurisdiction of Kasese District, which is mandated under the Local Governments Act, Cap 243 to sanction and oversee development projects in the local government. The District Environmental Officer and District Community Development Officer are mandated to inspect and monitor environmental and social considerations respectively for development projects in their areas of jurisdiction. The local authorities have been consulted during the ESIA process. The Ministry of Trade, Industry and Cooperatives will work with the local authorities throughout the operation of the project.

3.3.11 The water Act, Cap 152, 1995

The Water Act, Cap 152 of 1995 provides for the management of water in Uganda under the mandate of the Directorate of Water Resources Management in the Ministry of Water and Environment. Section 31, subsection (1) of the Water Act deals with prohibition of pollution to water and stipulates that a person commits an offence that, unless authorized under this Act, causes or allows:

- Waste to come into contact with any water;
- Waste to be discharged directly or indirectly into water; and
- Water to be polluted.

Under section 107, the Water (Waste Discharge) Regulations (1998); the Water Supply Regulations (1999) and the Sewerage Regulations (1999) have been put in place in order to implement this Act and are aimed at minimizing pollution of public waters by developers and other users.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives should ensure that appropriate measures to prevent pollution of underground and surface water sources in the site neighbourhood are implemented throughout their operations by treatment of waste water. Effluent discharge permit should be obtained from NEMA before any effluent is discharged in any water body.

3.3.12 The Physical Planning Act, 2010

Section 33 (l) of this Act states that, “a person shall not carry out a development in a planning area without obtaining development permission from a physical planning committee”.

Relevance to the Project: The proposed project will be implemented with guidelines and planning provisions of Mpondwe - Lhubiriha Town Council. The Ministry of Trade, Industry and Cooperatives will submit the project plans to the Mpondwe - Lhubiriha Town Council Planning Committee for approval prior to implementation.

3.3.13 The Occupational Safety and Health Act, 2006

The Occupational Safety and Health Act of 2006 consolidate, harmonise and update the law relating to occupational safety and health and repeal the Factories Act of 1964. It makes provisions for the health, safety, welfare and appropriate training of persons Employed in work places. The Act provides for safe access to the workplaces and safe work practices which applies to this project as well.

The key areas addressed by the Act include:

- General duties including duties of Employers and Employees.
- Enforcement of the act including powers of an occupational safety and health officer.
- Registration of workplaces.
- General Health provisions including cleanliness, ventilation, lighting and sanitary conveniences.
- Machinery safety including safe handling of transmission machinery, hand held and portable power tools, self-acting machines, hoists and lifts, chains, ropes & lifting tackle, cranes and other lifting machines, steam boilers, air receivers, refrigeration plants and compressed air receiver.
- General Safety Provisions including safe storage of dangerous liquids, fire safety, evacuation procedures, precautions with respect to explosives or inflammable dust or gas.
- Chemical safety including the use of material safety data sheets, control of air pollution, noise and vibration, the handling, transportation and disposal of chemicals and other hazardous substances materials
- General welfare provisions including supply of drinking water, washing facilities, and first aid.

To promote health and safety of employees who are at risk of being exposed to chemical substances, requires every employer to maintain at the workplace material safety data sheets and chemical safety data sheets respectively for all chemicals and other hazardous substances in use and ensure that they are easily available to the employees.

Relevance to the project: The Act is applicable in relation to protection of the construction workers and operation staff against secondary injuries and hazards during execution of their duties or work. The Ministry of Trade, Industry and Cooperatives should provide for the protection of workers from adverse weather, provision of a clean and healthy work environment, sanitary conveniences, washing facilities, First Aid and facilities for safe drinking water and meals. In summary, this act should be used as a guideline to ensure health and safety of workers is guaranteed. The Ministry of Trade, Industry and Cooperatives should provide PPE to its entire staff and ensure fire extinguishers are serviced annually.

3.3.14 The Public Health Act, Cap 281, 1964

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

Relevance to the project: The Ministry of Trade, Industry and Cooperatives will be required to abide by these provisions throughout the construction and operation of the project. Specifically, the Ministry of Trade, Industry and Cooperatives should properly locate facilities for cleansing and disinfecting facilities of personnel handling equipment.

3.3.15 The Employment Act, 2006

The Employment Act 2006 is the governing legal statutory instrument for the recruitment, contracting, deployment, remuneration, management and compensation of workers. The Employment Act 2006 is based on the provisions of Article 40 of The Constitution of Uganda. It is the principal legislation that seeks to harmonize relationships between employees and employers, protect workers' interests and welfare and safeguard their occupational health and safety through:

- a) Prohibiting forced labour, discrimination and sexual harassment at workplaces (Part II; Part IV).
- b) Providing for labour inspection by the relevant ministry (Part III).
- c) Stipulating rights and duties in employment (weekly rest, working hours, annual leave, maternity and paternity leaves, sick pay, etc. (Part VI).
- d) Continuity of employment (continuous service, seasonal employment, etc. (Part VIII).

This Act is also concerned with child labour, wage calculation and maximum working hours for employees.

The Act mandates Labour officers to regularly inspect the working conditions of workers to ascertain that the rights of workers and basic provisions are provided and workers' welfare is attended to.

Relevance to the project: The Act will govern labour type and conditions under which the people hired by the project work. It prohibits Child labour (a condition the construction contractor must also comply with) as well as providing guidance on work rights during the operation phase.

3.3.16 The Workers Compensation Act, Cap 225

Section 28 of the Workers' Compensation Act of 2000 states that; where a medical practitioner grants a certificate that a worker is suffering from a scheduled disease causing disablement or that the death of a workman was caused by any scheduled disease; and the disease was due to the nature of the worker's employment and was contracted within the twenty-four months immediately previous to the date of such disablement or death, the worker or, if he or she is deceased, his or her dependents shall be entitled to claim and to receive compensation under this Act if such disablement or death had been caused by an accident arising out of and in the course of his or her employment.

It also emphasizes the provision of personal protective equipment (PPE) to employees to minimize accidents and injuries.

Relevance to the project: All workers at the project should be provided with adequate PPE that is appropriate to the task they are involved in. A workers' compensation policy should be implemented as stipulated.

3.3.17 Petroleum Supply Act, 2003

During the construction period, the contractor will require considerable fuel (petrol and diesel) supplies to be stored at the construction camp or equipment yard for use by motorized equipment and power generators. This is governed by The Petroleum Supply Act of 2003 which provides for supervision and monitoring transportation, supply, storage and distribution of petroleum products. The Act further provides for safety and protection of public health and the environment in petroleum supply operations. According to the Act, fuel storage for construction projects must be licensed. The contractor building the project will need to store fuel either near the construction site or at the workers' camp.

Relevance to the project: The contractor for the project should take into consideration the safety and protection of public health and the environment in petroleum storage and transfer operations.

3.3.18 The Historical and Monuments Act, 1967

The Act provides for the preservation and protection of historical monuments and objects of Archaeological, Paleontological, Ethnographical and Traditional interest for the cultural and historical heritage of the country and for other matters connected therewith. This mandate is largely bestowed upon the department of Museums and Monuments in the Ministry of Trade Tourism, Wildlife and Antiquities. Therefore, in case any objects of Archaeological, Paleontological, Ethnographical and Traditional interest are come across during the project implementation, consultations with the Department of Museums and Monuments on how should be preserved and protected should be undertaken.

Relevance to the project: The Act lies in the need to preserve any objects of historical significance that could be found during excavation activities (e.g. site preparation and excavation of gravel) in the construction phase. The contractor will ensure the provisions of this Act are adhered to during construction of the project.

3.4 Enabling Regulatory Frameworks

3.4.1 The Environmental and Social Impact Assessment Regulation, 1998

The ESIA regulations of 1998 holds for all projects/activities listed under the third schedule of the National Environment Act of 1995. The regulations state in part III, section 10 that environmental impact studies shall be conducted in accordance with terms of reference developed by the developer in consultation with the Authority and the lead agency and that the study shall be conducted in accordance with the guidelines adopted by the Authority in consultation with the lead agency under subsection (8) of section 19 of the National Environment Act. Section 12 of these regulations also requires that the public participate in the Environmental and Social Impact Assessment process. The regulations make it an offence for any person to commence, proceed or execute any project with significant impact on the environment without approval from NEMA.

Relevance to the project: This ESIA has been made in compliance with this requirement. The Ministry of Trade, Industry and Cooperatives should also submit an Environmental Audit report annually as a

requirement by this regulation to confirm the efficacy and adequacy of the Environmental and Social Management Plan that will be put in place.

3.4.2 National environment (Audit) Regulations, 2006

The Regulations reinforce the requirement to undertake Self-Environmental Audits as contained in the ESIA Regulations. Normally, under approval conditions of NEMA, it is a requirement to undertake audits for projects which comply with the ESIA requirement as part of the conditions of ESIA approval.

Part V of these regulations states that the operator or owner of a facility whose activities are likely to have a significant impact on the environment may at any time carry out a Voluntary Environmental Audit of the facility to determine compliance with the Act, these regulations and other relevant laws.

Part II: Environmental Audit should be undertaken by NEMA registered persons.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives should ensure self-environmental Audits are undertaken annually and these should be conducted by NEMA registered persons.

3.4.3 The National Environment (Waste Management) Regulations, 1999

Section 5 of these regulations provides for a person who owns or controls a facility or premises, which generate waste, to minimize the waste generated by adopting cleaner production methods. Subsection 1 (b) Identify and eliminate potential negative impacts of the product/waste. Subsection (c) Incorporate environmental concerns in the design and disposal of a product.

Relevance to the project: These regulations apply to both construction and operation-phase waste which should be managed in a way such as to avoid environmental pollution and public health impact. The Ministry of Trade, Industry and Cooperatives should ensure there is proper contractual agreement with licensed solid waste handlers and that solid wastes are disposed in the manner prescribed.

3.4.4 The National Environment (Standards for Discharge of effluent into Water or on Land) Regulations, 1999

This regulation under section 3(standards for effluent), states that the standards for effluent or waste water before it is discharged into water or on land shall be as prescribed in the Schedule to these Regulations.

Section 4 (1) states that every industry or establishment shall install at its premises, anti-pollution equipment for the treatment of effluent, chemical discharge emanating from the industry or establishment.

Section 4(2) appeals for the installation of the anti-pollution equipment in a practice that is environmentally friendly.

Relevance to the project: Any effluent generated from the proposed project operations will be treated to prescribed standards prior to discharge.

3.4.5 The National Environment (Noise Standard and Control) Regulations, 2002

The regulation provides standards for:



- The maximum permissible noise levels to which a person may be exposed from a facility, activity or construction site
- Control of noise and mitigating measures for the reduction of noise levels

Regulation 6 establishes permissible noise levels in the following sub regulations.

Regulation 6 (1) provides that the maximum noise levels to which a person may be exposed from any area shall not exceed the level specified in Column 2 of Part 1 of the First Schedule.

Regulation 6(4) provides that the maximum noise level from a construction site to which a person in a facility specified in column 1 of Part IV of the First Schedule may be exposed shall not exceed the level specified in Column 2 during the time specified in that part. (Refer to table 3.1 below)

Regulation 7(1) states that no person shall, for any activity specified in regulation 6, emit noise in excess of the permissible noise level, unless permitted by a license issued under these regulations.

Table 3-1: Maximum Permissible Noise Levels for Construction Site

Column 1 Facility (Leq) in dB (A)	Column 2 Maximum Noise Level permitted	
	Day	Night
i. Hospitals, Schools, Institutions of Higher learning, homes for the disabled etc	60	50
ii. Buildings other than those prescribed in paragraph (i) above	75	65

Time Frame:

Day 6:00 am - 10:00 pm

Night 10:00pm - 6:00 am

**The time frame takes into consideration human activity*

Section 8(1) provides for the duty to control noise. It shall be the duty of the owner or occupier of a facility or premise or machinery to use the best practicable means of ensuring that the emission of noise from the premises does not exceed the standards and limitations set in these regulations.

Relevance to the project: These noise standards apply to both the construction and operation of the project. Both during construction and operation of the proposed project, noise generated should not exceed limits prescribed by these regulations.

3.4.6 Draft National Air Quality Standards, 2006

Considering that construction equipment and machinery are powered by diesel/ gasoline engines, pollutants such as CO₂, NO_x, SO_x, VOC and particulates are expected to be emitted. The draft national air quality standards provide the following regulatory limits for these emissions (Table 2).



Table 3-2: Regulatory air quality standards for selected pollutants.

Pollutant	Averaging time for ambient air	Standard for ambient air
Carbon dioxide (CO ₂)	8 hr	9.0 ppm
Carbon monoxide (CO)	8 hr	9.0 ppm
Hydrocarbons	24 hr	5 mgm ⁻³
Nitrogen oxides (NO _x)	24 hr, 1 year arithmetic mean	0.10 ppm
Smoke	Not to exceed 5 minutes in any one hour	Ringlemann scale No.2 or 40% observed at 6m or more
Soot	24 hr	500 µg/Nm ⁻³
Sulphur dioxide (SO ₂)	24 hr	0.15 ppm
Sulphur trioxide (SO ₃)	24 hr	200 µg/Nm ⁻³

Note: ppm = parts per million; “N” in µg/Nm⁻³ connotes normal atmospheric conditions of pressure and temperature (25°C and 1 atmosphere).

Relevance to the project: These standards will be important to ensure minimal impact on local air quality both during construction and operation of the project.

3.4.7 World Bank safeguard - OP/BP 4.01 Environmental Social Assessment

ESA is used to ensure that projects proposed for Bank financing are environmentally and socially sound and sustainable. It is also used by World Bank to identify, avoid, and mitigate the potential negative environmental and social impacts associated with Bank lending operations. This policy is considered to be the umbrella policy for the Bank’s environmental ‘safeguard policies’. The Policy increases transparency and participation of stakeholders in the decision-making process.

Relevance to the Project: Like any other World Bank Project, This Project is mandated to undertake a comprehensive Environmental and Social Impact Assessment to establish a detailed Environmental and Social Management Plan that will provide guidelines for environmental and social stewardship of the construction and operational phases of the Project

The Project triggers this policy because construction and operation of Border Market, One Stop Border Post and sanitation infrastructure at Mpondwe Border Post, comes along with environmental and social impacts.

3.4.8 World Bank -OP 4.12 Involuntary Resettlement

Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, where it cannot be eliminated.

But in circumstances, where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities have to be conceived and executed as sustainable development programs, Providing affected people with opportunities for participation, Assisting displaced persons in their efforts to improve their incomes and standards of living, or at least to restore them regardless of legality of tenure.

Relevant to the project: Despite the fact that the proposed project will be constructed on government land, there are people who have occupied this land and are currently carrying on a number of socio economic activities on the project site. Due to this, there are physical interventions that will be undertaken under this project to ensure that the proposed infrastructural developments undergo a clear process to identify the level of resettlement required. Socio-economic issues relating to land occupancy, relocation of people with their property including relocation of a public market will certainly arise and will need to be addressed.

Therefore, it is important to develop a clear Resettlement Action Plan guided by the Resettlement Policy Framework of the project, World Bank safeguard policies, and other relevant policies, legal and regulatory frameworks that govern the RAP.

3.4.9 Property rights and compensation

The law relating to compensation of property owners in Uganda stems from the Constitution of the Republic of Uganda, 1995. 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 public interest. Such acquisition is subject to the provisions of Article 26 of the same constitution, which gives every person in Uganda a right to own property.

Compulsory deprivation of one's property is prohibited by the constitution except when the taking possession or acquisition is necessary for public use, among other things. If it is proved that the taking possession or acquisition is in public interest, for instance for the construction of a road, then the taking or acquisition shall be done subject to prompt payment of fair and adequate compensation, prior to the taking of possession or acquisition of property.

Article 26 further gives a right of access to a court of law to any person who has an interest or right over property. Court action is contemplated in cases where there may be delayed, inadequate or unfair compensation to the property owner or the owner of any right over the land in question.

The Constitution therefore outlaws any undertaking, acquisition or deprivation of any sort of any property or property rights in Uganda without due compensation. Due compensation to the project affected persons are therefore entitled to fair and timely compensation in line with the provisions of the Constitution 1995.

Relevance to the project: In line with the requirements of this regulation, the project resettlement policy framework and guidelines, World Bank safeguards policies and more particularly the Involuntary Resettlement Policy, and Environmental and Social Management Framework a comprehensive Resettlement Action Plan (RAP) will be prepared to guide the compensation and resettlement process.

One of the Principles of RAP is that Measures to address resettlement will ensure that project affected people are informed about their options and rights pertaining to resettlement, are included in the consultation process and given the opportunity to participate in the selection of technically and economically feasible alternatives.

The RAP will apply to all Project Affected Persons (PAPs) regardless of the total number affected, the severity of the impact and whether or not they have legal title to the land. Informal or customary tenure is to be treated in the same manner as formal, legal titles.

All PAPs will be (have to be) identified and recorded as early as possible, preferably at project investment identification stage, in order to protect those affected by the project and prevent an influx of illegal encroachers, squatters, and other non-residents who will wish to take advantage of such benefit.

Particular attention will be paid to the needs of vulnerable groups among those displaced; especially those below the poverty line, the landless, the elderly, women and children, orphans, marginalized groups and the ethnic minorities or other displaced persons.

3.4.10 The National Environment (Wetlands, River Banks, and Lakeshores Management) Regulations, 2000

The regulation 34 provides that a developer desiring to conduct a project which may have a significant impact on a wetland, river bank or lake shore will be required to carry out an Environmental and Social Impact Assessment in accordance with sections 20, 21 and 22 of the National Environment Act.

Relevance to the project: The Ministry of Trade, Industry and Cooperatives should ensure the management and protection of the Lhubiriha River and other fragile ecosystems are concerned. Therefore, the Ministry of Trade, Industry and Cooperatives/contractor is expected to strictly observe that material stockpiles or disposal of cut-to-spoil materials are not made at stream banks or ancillary facilities constructed in wetlands without the necessary statutory approvals and/or environmental studies.

3.5 International Agreements

There are several global and regional environmental and social conventions and agreements that Uganda is party to. Some of those relevant to the proposed project are;

3.5.1 The Convention concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention, 1972)

The convention aims to promote cooperation among nations to protect all forms of natural and cultural heritage that are of such outstanding universal value that their conservation is of concern to all people. UNESCO adopted the convention in 1972. At present 144 countries are members.

All State Parties to the Convention are encouraged to integrate the protection of the cultural and natural heritage into regional planning programmes, set up staff and services at their sites, undertake scientific and technical conservation research and adopt measures which give this heritage a function in the day-to-day life of the community. The Convention also encourages State Parties to strengthen the appreciation of the public for World Heritage properties and to enhance their protection through educational and information programmes.

3.5.2 The African Convention on the Conservation of Nature and Natural Resources, 1968

The Contracting States to this convention are required to undertake and to adopt measures to ensure conservation, utilization and development of soil, water, flora and fauna resources in accordance with scientific principles and with due regard to the best interests of the people.

The Contracting States to this convention are also required to ensure that conservation and management of natural resources are treated as an integral part of national and/or regional development plans. In addition, during the formulation of all development plans, full consideration is required to be given to ecological, as well as to economic and social factors.

The relevance of the Convention is reflected in the domestication of its principles in the national legislation governing the conservation and management of natural resources.

3.5.3 The United Nations Framework Convention on Climate Change, 1992

The United Nations Framework Convention on Climate Change was signed by 154 governments in Rio de Janeiro during the United Nations Conference on Environment and Development (UNCED) in June 1992. The convention addresses the threat of global climate change by urging governments to reduce the sources of greenhouse gases. The ultimate objective of the convention is to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous interference with the climate system of the world. Within the United Nations Framework Convention on Climate Change is the Kyoto protocol (cop-3) whose main focus is to decrease carbon dioxide emissions. Accordingly, it establishes emission-related targets for the G-77 countries as listed in Annex I of the Convention. There are three instruments through which Annex I Parties may indirectly 'reduce' their greenhouse gas emissions – emissions trading, joint implementation and the clean development mechanism.

Whereas developing countries such as Uganda are not included among the Annex 1 parties, implementation of the proposed project will ensure to observe reduction of greenhouse emissions via regular servicing of equipment, regularly idling of equipment when not in active service, etc.

3.5.4 The Stockholm Convention, 2004

The Stockholm Convention is a global treaty to protect human health and the environment from persistent organic pollutants (POPs). POPs are chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of living organisms and are toxic to humans and wildlife. POPs circulate globally and can cause damage wherever they travel. In implementing the convention, parties to the convention are required to take measures to eliminate or reduce the release of POPs into the environment.

The Stockholm Convention focuses on eliminating or reducing releases of 12 POPs including: Aldrin, Chlordane, DDT, Dieldrin, Dioxins, Endrin, Furans, Hexachlorobenzene, Heptachlor, Mirex, PCBs and Toxaphene. The Stockholm Convention sets up a system for tackling additional chemicals identified as unacceptably hazardous. It recognizes that a special effort may sometimes be needed to phase out certain chemicals for certain uses and seeks to ensure that this effort is made. It also channels resources into cleaning up the existing stockpiles and dumps of POPs that litter the world's landscape. Ultimately, the Convention points the way to a future free of dangerous POPs and promises to reshape our economy's reliance on toxic chemicals. In summary, The Stockholm Convention has five essential aims;

- Eliminate dangerous POPs, starting with the 12 worst.
- Support the transition to safer alternatives.
- Target additional POPs for action.
- Cleanup old stockpiles and equipment containing POPs.
- Work together for a POPs-free future.

In respect to the proposed project, POPs would arise from open air combustion of waste. The latter should therefore be avoided during the implementation of the project.

3.5.5 Convention for the Safeguarding of the Intangible Cultural Heritage, 2003

The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage calls on States that have ratified it to safeguard living heritage on their own territories and in cooperation with others. Ratified by more than 80 countries, it seeks to celebrate and safeguard the intangible heritage distinctive for particular communities. The Convention affirms that the intangible heritage of all communities—whether they are large or small, dominant or non-dominant—deserves our respect.

The convention defines “intangible cultural heritage” as the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artifacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity.

Safeguarding living heritage means trying to ensure that the heritage continues to be practiced and transmitted within the community or group concerned. States that ratify the Intangible Heritage Convention are obliged to safeguard heritage through measures such as protection, promotion, transmission through formal and non-formal education, research and revitalization, and to promote greater respect and awareness. One practical measure required of each State Party is to identify and define the various elements of intangible heritage present on its territory, in one or more inventories. The proposed project will ensure greater respect and awareness of the intangible values through consultation with community and taking into account their views.

3.6 World Bank Safeguard Policies

The World Bank Group through its safeguards Operational Policies (OP) provides guidance for the environmental assessment process. The Bank’s Environmental Assessment Sourcebook (World Bank, 1991) is a reference manual and together with the Environmental Sourcebook Updates, they contain the necessary information to conduct an environmental assessment that meets the requirements of the World Bank’s. The following are the OP, and Bank procedures that were triggered by the project;

3.6.1 OP 4.01 Environmental Assessment

This policy presents the general requirements regarding environmental assessments, and defines relevant instruments, which include ESIA. The policy was developed to;

- Ensure that projects proposed for Bank financing are environmentally and socially sound and sustainable.
- Inform decision makers of the nature of environmental and social risks.
- Increase transparency and participation of stakeholders in the decision-making process.

The policy also calls upon borrowers to provide relevant material in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted. The negative localized environmental impacts envisaged will be preventable through responsive mitigation.

As such a rigorous and all-inclusive environmental and social impact assessment process was an important platform for envisaging the potential environmental and social impacts of the proposed project. Stakeholder consultations and public participation increased awareness of the project planned activities, risks involved such as relocation, planned interventions and potential benefits from the project implementation. Mitigation measures were proposed to help avoid or reduce potential negative impacts and enhance the positive impacts.

The project has been classified as a 'category B' project because the environmental and social impacts are expected to mostly site specific and impacts will be mitigated through an Environmental and Social Management (ESMP). The ESMP has been prepared to provide guidelines for environmental and social stewardship of the construction and operational phases of the Project.

3.6.2 OP 4.04 on Natural Habitats

The WB promotes conservation and management of wetlands and other sensitive areas (e.g. watercourses, marshes and swamps). This policy calls upon developers of projects to safeguard natural habitats and their biodiversity, avoid significant conversion or degradation of critical natural habitats and ensure sustainability of services and products which natural habitats provide to human society. The Ministry of Trade, Industry and Cooperatives should ensure protection of Lhubiriha River both during the construction and operation phases of the proposed project.

3.6.3 OP 4.11 Physical Cultural Resources

This policy addresses physical cultural resources, which are defined as movable or immovable objects, sites, structures, groups of structures, natural features and landscapes that have archaeological, paleontological, historical, architectural, religious, aesthetic, or other cultural significance. Physical cultural resources may be located in urban or rural settings, and may be above or below ground, or under water. Their cultural interest may be at the local, provincial or national level, or at international level.

The policy calls upon borrowers to address impacts on physical cultural resources in projects proposed for Bank financing, as an integral part of the environmental assessment (EA) process. The Ministry of Trade,

Industry and Cooperatives should ensure that conservation of cultural resources is a demonstrable requirement for contractors of the project.

However, OP 4.11 was not triggered by the project as the field surveys and visits during the preparation of the project's Environmental and Social Management Framework (ESMF) established that the market infrastructure component will not be implemented in areas where civil works activities may potentially affect PCR

3.6.4 OP. 4.12 Involuntary Resettlement

Involuntary resettlement and land acquisition should be avoided where feasible, or minimized, where it cannot be eliminated. But in circumstances, where involuntary resettlement and land acquisition are unavoidable, resettlement and compensation activities have to be conceived and executed as sustainable development programs, Providing affected people with opportunities for participation, Assisting displaced persons in their efforts to improve their incomes and standards of living, or at least to restore them regardless of legality of tenure.

Relevant to the project: Despite the fact that the proposed project will be constructed on government land, there are people who have occupied this land and are currently carrying on a number of socio economic activities on the project site. Due to this, there are physical interventions that will be undertaken under this project to ensure that the proposed infrastructural developments undergo a clear process to identify the level of resettlement required. Socio-economic issues relating to land occupancy, relocation of people with their property including relocation of a public market will certainly arise and will need to be addressed. The World Bank policy differs from Ugandan law in several ways. The former covers the provision of alternative land (i.e. compensation on a land for land basis), compensation in kind and resettlement, and goes beyond monetary compensation by specifying that income must be restored at full replacement cost (including labour). Conversely, Ugandan law only requires the affected people to be monetarily compensated. Ugandan law further specifies that affected people are only eligible for compensation if they have legally recognized rights to that land, while the World Bank requires that all affected people should be compensated, regardless of their occupancy status. Perennial crops must be compensated for in cash at an established rate.

Therefore, it is important to develop a clear Resettlement Action Plan guided by the Resettlement Policy Framework of the project, World Bank safeguard policies, and other relevant policies, legal and regulatory frameworks that govern the RAP to guide the compensation and resettlement process of the Project Affected Persons (PAPs) in line with OP 4.12.

3.6.5 World Bank Group's Environment, Health and Safety (EHS) Guidelines

The World Bank Group provides the Environment Health and Safety (EHS) General Guidelines and these contain performance levels and measures that have been determined and considered generally achievable at reasonable costs by existing technology.

The World Bank Group EHS General Guidelines will be adopted as part of the project's EHS management programme and strategy. The application of these guidelines will be tailored to the hazards and risks

established for the Mpondwe Export Zone on the basis of the results of the ESIA especially for construction related activities.

3.6.5.1 Environmental Management

a) Discharge to surface water

Discharges of process wastewater, sanitary wastewater, wastewater from utility operations or storm water to surface water will not result in contaminant concentrations in excess of local ambient water quality criteria.

Additional considerations that will be included in the setting of project-specific performance levels for wastewater effluents include:

- Compliance with national standards for sanitary wastewater discharges or the indicative guideline values applicable to sanitary wastewater discharges prescribed by the WBG EHS Guidelines, whichever is stringent.

b) General waste management

The following guidance will apply to the management of non-hazardous and hazardous waste. Waste management will be addressed through a waste management system that addresses issues linked to waste minimization, generation, transport, disposal, and monitoring.

i. Waste management planning

Waste will be characterized according to composition, source, types of wastes produced, and generation rates. Effective planning and implementation of waste management strategies will include:

- Review of new waste sources during planning, siting, and design activities, including during equipment modifications and process alterations, to identify expected waste generation, pollution prevention opportunities, and necessary treatment, storage, and disposal infrastructure;
- Collection of data and information about the process and waste streams in existing facilities, including characterization of waste streams by type, quantities, and potential use/disposition;
- Establishment of priorities based on a risk analysis that takes into account the potential EHS risks during the waste cycle and the availability of infrastructure to manage the waste in an environmentally sound manner;
- Definition of opportunities for source reduction, as well as reuse and recycling;
- Definition of procedures and operational controls for onsite storage; and
- Definition of options / procedures / operational controls for treatment and final disposal.

ii. Waste prevention

Processes will be designed and operated to prevent, or minimize, the quantities of wastes generated and hazards associated with the wastes generated in accordance with the following strategies:

- Substituting raw materials or inputs with less hazardous or toxic materials, or with those where processing generates lower waste volumes;
- Applying manufacturing process that convert materials efficiently, providing higher product output yields, including modification of design of the production process, operating conditions, and process controls;
- Instituting good housekeeping and operating practices, including inventory control to reduce the amount of waste resulting from materials that are out-of-date, off specification, contaminated, damaged, or excess to needs;
- Instituting procurement measures that recognize opportunities to return usable materials such as containers and which prevents the over ordering of materials; and
- Minimizing hazardous waste generation by implementing stringent waste segregation to prevent the commingling of non-hazardous and hazardous waste to be managed.

iii. Recycling and reuse

In addition to the implementation of waste prevention strategies, the total amount of waste will be significantly reduced through the implementation of recycling plans, which will consider the following elements:

- Evaluation of waste production processes and identification of potentially recyclable materials;
- Identification and recycling of products that can be reintroduced into the manufacturing process or industry activity at the site;
- Investigation of external markets for recycling by other industrial processing operations located in the neighbourhood;
- Establishing recycling objectives and formal tracking of waste generation and recycling rates; and
- Providing training and incentives to employees in order to meet objectives.

iv. Treatment and disposal

If waste materials are still generated after the implementation of feasible waste prevention, reduction, reuse, recovery and recycling measures, waste materials will be treated and disposed of and all measures will be taken to avoid potential impacts to human health and the environment. Selected approaches will be consistent with the characteristics of the waste and local regulations, and will include the following:

- On-site or off-site biological, chemical, or physical treatment of the waste material to render it non-hazardous prior to final disposal; and

- Treatment or disposal at permitted facilities specially designed to receive the waste.

c) Noise and vibration

Noise reduction and control strategies that will be considered in areas close to community areas include:

- Planning activities in consultation with local communities so that activities with the greatest potential to generate noise are planned during periods of the day that will result in least disturbance;
- Using noise control devices, such as temporary noise barriers and deflectors for impact and blasting activities, and exhaust muffling devices for combustion engines; and
- Avoiding or minimizing project transportation through community areas.

d) Air quality

Techniques that will be considered for the reduction and control of air emissions from the project construction site include:

- Minimizing dust from material handling sources, such as conveyors and bins, by using covers and/or control equipment (water suppression, bag house, or cyclone);
- Minimizing dust from open area sources, including storage piles, by using control measures such as installing enclosures and covers, and increasing the moisture content;
- Dust suppression techniques will be implemented, such as applying water or nontoxic chemicals to minimize dust from vehicle movements; and
- Avoiding open burning of solids.

e) Soil erosion

Soil erosion may be caused by exposure of soil surfaces to rain and wind during site clearing, earth moving, and excavation activities. The mobilization and transport of soil particles may, in turn, result in sedimentation of surface drainage networks, which may result in impacts to the quality of natural water systems and ultimately the biological systems that use these waters.

Soil erosion and water system management approaches will include:

1. Sediment mobilization and transport

Reducing or preventing erosion by:

- Scheduling to avoid heavy rainfall periods to the extent practical;
- Contouring and minimizing length and steepness of slopes;

- Mulching to stabilize exposed areas;
- Re-vegetating areas promptly;
- Designing channels and ditches for post-construction flows;
- Lining steep channel and slopes (e.g. use jute matting); and
- Reducing or preventing off-site sediment transport through use of settlement ponds, silt fences, and water treatment, and modifying or suspending activities during extreme rainfall and high winds to the extent practical.

II. Structural (slope) stability

- Providing effective short term measures for slope stabilization, sediment control and subsidence control until long term measures for the operational phase can be implemented; and
- Providing adequate drainage systems to minimize and control infiltration.

3.6.5.2 Occupational Health and Safety

a) Lavatories and showers

- Adequate lavatory facilities (toilets and washing areas) will be provided for the number of people expected to work in the facility.

b) Potable water supply

- Adequate supplies of drinking water will be provided; and
- Water supplied to areas of food preparation or for the purpose of personal hygiene (washing or bathing) will meet drinking water quality standards.

c) Clean eating area

- Whenever there is potential for exposure to substances poisonous by ingestion, suitable arrangements will be made for provision of clean eating areas where workers are not exposed to the hazardous or noxious substances

d) Lighting

- Workplaces will be, to the degree feasible, receive natural light and be supplemented with sufficient artificial illumination to promote workers' safety and health, and enable safe equipment operation; and

- Emergency lighting of adequate intensity will be installed and automatically activated upon failure of the principal artificial light source to ensure safe shut-down, evacuation, etc.

e) Safe access

- Passageways for pedestrians and vehicles within and outside buildings will be segregated and provide for easy, safe, and appropriate access;
- Equipment and installations requiring servicing, inspection, and/or cleaning will have unobstructed, unrestricted, and ready access; and
- Hand, knee and foot railings will be installed on stairs, fixed ladders, platforms, permanent and interim floor openings, loading bays, ramps, etc.

f) OHS training

- Provisions will be made to provide OHS orientation training to all new employees to ensure they are apprised of the basic site rules of work at / on the site and of personal protection and preventing injury to fellow employees; and
- Training will consist of basic hazard awareness, site-specific hazards, safe work practices, and emergency procedures for fire, evacuation, and natural disaster, as appropriate. Any site-specific hazard or colour coding in use will be thoroughly reviewed as part of orientation training.

g) Over-exertion

Over-exertion, and ergonomic injuries and illnesses, such as repetitive motion, over-exertion, and manual handling, are among the most common causes of injuries in construction sites.

Recommendations for their prevention and control will include:

- Training of workers in lifting and materials handling techniques, including the placement of weight limits above which mechanical assists or two-person lifts are necessary;
- Planning work site layout to minimize the need for manual transfer of heavy loads;
- Selecting tools and designing work stations that reduce force requirements and holding times, and which promote improved postures, including, where applicable, user adjustable work stations; and
- Implementing administrative controls into work processes, such as job rotations and rest or stretch breaks.

h) Slips and falls

Slips and falls are associated with poor housekeeping, such as excessive waste debris, loose construction materials, liquid spills, and uncontrolled use of electrical cords and ropes on the ground, are also among the most frequent causes of lost time accidents at construction sites.

Recommended methods for the prevention of slips and falls from, or on, the same elevation will include:

- Implementing good house-keeping practices, such as the sorting and placing loose construction materials or debris in established areas away from foot paths;
- Cleaning up excessive waste debris and liquid spills regularly;
- Locating electrical cords and ropes in common areas; and
- Use of slip retardant footwear.

- **Working at heights**

Falls from elevation associated with working with ladders, scaffolding, and partially built or demolished structures are among the most common cause of fatal or permanent disabling injury at construction sites. A fall protection plan will be in place which includes one or more of the following aspects, depending on the nature of the fall hazard:

- Training and use of temporary fall prevention devices, such as rails or other barriers able to support a weight of 200 pounds, when working at heights equal or greater than two meters or at any height if the risk includes falling into operating machinery, into water or other liquid, into hazardous substances, or through an opening in a work surface;
- Training and use of personal fall arrest systems, such as full body harnesses and energy absorbing lanyards able to support 5000 pounds, as well as fall rescue procedures to deal with workers whose fall has been successfully arrested. The tie-in point of the fall arresting system should also be able to support 5000 pounds; and
- Use of control zones and safety monitoring systems to warn workers of their proximity to fall hazard zones, as well as securing, marking, and labelling covers for openings in floors, roofs, or walking surfaces.

i) Being struck by objects

Construction activities may pose significant hazards related to the potential fall of materials or tools, as well as ejection of solid particles from abrasive or other types of power tools which can result in injury to the head, eyes, and extremities.

Techniques for the prevention and control of these hazards will include:

- Using a designated and restricted waste drop or discharge zones, and/or a chute for safe movement of wastes from upper to lower levels;
- Conducting sawing, cutting, grinding, sanding, chipping or chiselling with proper guards and anchoring as applicable;
- Maintaining clear traffic ways to avoid driving of heavy equipment over loose scrap;
- Use of temporary fall protection measures in scaffolds and out edges of elevated work surfaces, such as hand rails and toe boards to prevent materials from being dislodged; and
- Wearing appropriate PPE, such as safety glasses with side shields, face shields, hard hats, and safety shoes.

j) Moving machinery

Vehicle traffic and use of lifting equipment in the movement of machinery and materials on a construction site may pose temporary hazards, such as physical contact, spills, dust, emissions, and noise. Heavy equipment operators have limited fields of view close to their equipment and may not see pedestrians close to the vehicle. Centre-articulated vehicles create a significant impact or crush hazard zone on the outboard side of a turn while moving.

Techniques for the prevention and control of these impacts will include:

- Planning and segregating the location of vehicle traffic, machine operation, and walking areas, and controlling vehicle traffic through the use of one-way traffic routes, establishment of speed limits, and on-site trained flag-people wearing high visibility vests or outer clothing covering to direct traffic;
- Ensuring the visibility of personnel through their use of high visibility vests when working in or walking through heavy equipment operating areas, and training of workers to verify eye contact with equipment operators before approaching the operating vehicle;
- Ensuring moving equipment is outfitted with audible back-up alarms; and
- Using inspected and well-maintained lifting devices that are appropriate for the load, such as cranes, and securing loads when lifting them to higher job-site elevations.

k) Dust

- Dust suppression techniques will be implemented, such as applying water or nontoxic chemicals to minimize dust from vehicle movements and
- PPE, such as dusk masks, should be used where dust levels are excessive

3.6.5.3 Community health and safety

a) Water quality

Drinking water sources, whether public or private, will at all times be protected so that they meet or exceed applicable national acceptability standards or the current WHO Guidelines for Drinking-Water Quality. Air emissions, wastewater effluents, oil and hazardous materials, and wastes will be managed according to the guidance provided by the WBG General EHS Guidelines with the objective of protecting soil and water resources. The delivery of water to the community or to users of the facility, where water will be used for drinking, cooking, washing, and bathing, water quality will comply with national acceptability standards or the current WHO Drinking Water Guidelines.

b) Water availability

The potential effect of groundwater or surface water abstraction for project activities will be properly assessed through a combination of field testing and modelling techniques, accounting for seasonal variability and projected changes in demand in the project area. Project activities will not compromise the availability of water for personal hygiene needs and should take account of potential future increases in demand.

c) General site hazards

The project will implement risk management strategies to protect the community from physical, chemical, or other hazards associated with sites under construction. Risks may arise from inadvertent or intentional trespassing, including potential contact with hazardous materials, contaminated soils and other environmental media, buildings that are vacant or under construction, or excavations and structures which may pose falling and entrapment hazards.

Risk management strategies will include:

- Restricting access to the site, through a combination of institutional and administrative controls, with a focus on high risk structures or areas, including fencing, signage, and communication of risks to the local community; and
- Removing hazardous conditions on construction sites that cannot be controlled effectively with site access restrictions, such as covering openings to small confined spaces, ensuring means of escape for larger openings such as trenches or excavations, or locked storage of hazardous materials.

d) Traffic safety

Construction activities may result in a significant increase in movement of heavy vehicles for the transport of construction materials and equipment increasing the risk of traffic-related accidents and injuries to workers and local communities. The incidence of road accidents involving project vehicles during construction will be minimized through a combination of education and awareness-raising. Table 3-2 below presents the comparison between the national and World Bank EHS standards. Where there is a discrepancy, the World Bank standards shall take precedence.



Table 3-2: National regulatory and World Bank EHS Standards

Pollutants	Uganda's standard		IFC Standards		Remarks
	Description	National Standards	World Bank standard units		
Ph	Indicative values for Treated sanitary sewerage discharges	6.0-8.0	6-9		National standards shall apply since they have a more stringent upper limit
BOD	Indicative values for Treated sanitary sewerage discharges	50 mg/l	30 mg/l		WB standards will be applied because they are more stringent
COD	Indicative values for Treated sanitary sewerage discharges	100 mg/l	125 mg/l		National standards shall apply since they have a more stringent upper limit
Total Nitrogen	Indicative values for Treated sanitary sewerage discharges	10 mg/l	10 mg/l		National or WB standards apply because they are equal





Total Phosphorus	Indicative values for Treated sanitary sewerage discharges	10 mg/l	2 mg/l		WB standards will be applied because they are more stringent
Oil and Grease	Indicative values for Treated sanitary sewerage discharges	10 mg/l	10 mg/l		National or WB standards apply because they are equal
Total suspended solids	Indicative values for Treated sanitary sewerage discharges	100 mg/l	50 mg/l		WB standards will be applied because they are more stringent
Total coliform bacteria	Indicative values for Treated sanitary sewerage discharges	5000 CFU/100ml	400 MPN/100ml		WB standards will be applied because they are more stringent
Pollutants	Uganda's standard		IFC Standards		Remarks
	Description	National Standards			
			World Bank standard units		
Noise One Hour LAeq (dBA)*	Residential; institutional; educational (Day time 07:00-22:00)	60 Dba	55dBA		World Bank standards for noise will be applied since they are the more stringent.





Residential; institutional; educational (Night time 22:00-07:00)	40	45 dBA		Uganda's standards for noise will be applied since they are the more stringent.
Industrial; commercial (Day time 07:00-22:00)	85	70 dBA		World Bank standards for noise will be applied since they are the more stringent.
Industrial; commercial (Night time 22:00-07:00)	65	70 dBA		Uganda's standards for noise will be applied since they are the more stringent.

The Project contractor shall avoid the opening of new stone quarries under the gravel-phase but use the existing and approved quarries for extracting aggregates that may be required for construction of the project structures.

3.6.6 World Bank Policy on access to information

The World Bank, through its Disclosure Policy BP 17.50, requires that all safeguard documents be disclosed in the respective countries as well as at the World Bank's external website prior to appraisal. The Bank recognizes the right to information, and has information disclosure policies which generally contain the following elements: principles of disclosure; exceptions to disclosure; routine disclosure; and request driven disclosure. Disclosure of documents (including a summary of the project, and a summary of Environmental Assessment) should be in the local language, at a public place accessible to project-affected groups, local non-governmental organizations and other interested person.

3.7 Institutional Framework

The National Environment Management Authority (NEMA)	NEMA is the principal agency in Uganda responsible for the management of environment and is charged with the coordination, supervision and monitoring of all activities related to environmental
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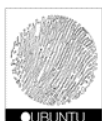


	<p>management. NEMA is responsible for reviewing and approval of ESIA and EA reports, and issuance of certificates of approval.</p> <p>This ESIA report will be reviewed by NEMA for approval. Without the approval from NEMA, the Mpondwe Border Zone project cannot proceed. NEMA will also work with District Environment Officer and local environment committees at Kasese Local Government who will as well undertake inspection, monitoring and enforce compliance on its behalf.</p>
<p>Directorate of Water Resources Management (DWRM)</p>	<p>Apart from developing and maintaining National Water Laws, DWRM has the responsibility to regulate the quality and quantity of water resources in the country. It has the mandate to “promote and ensure rational and sustainable utilization, effective management and safeguard of water for social and economic welfare and development as well as for regional and international peace”.</p> <p>DWRM will be responsible for managing, monitoring and regulating water resources to be used for the proposed Mpondwe Border Zone project through issuing of water use, abstraction and waste water discharge permits for the proposed project.</p>
<p>Ministry of Gender, Labour & Social Development</p>	<p>Ministry of Gender Labour and Social Development is a Government Ministry with a responsibility to empower communities in diverse areas. The Ministry promotes cultural growth, skills development and labour productivity while promoting gender equality, labour administration, social protection and transformation of communities. The ministry is mandated to;</p> <p>Empower communities to appreciate, access, participate in, manage and demand accountability in public and community-based initiatives;</p> <p>Protect vulnerable persons from deprivation and livelihood risks;</p> <p>Create an enabling environment for increasing employment opportunities and productivity for Improved livelihoods and social security for all, especially the poor and vulnerable;</p> <p>Ensure that issues of inequality and exclusion in access to services across all sectors and at all levels are addressed; and</p>





	<p>Improve performance of SD institutions to coordinate and implement the SDIP at various levels.</p> <p>The ministry of Gender, Labour and Social Development houses the Department of Occupational Safety and Health which administers the Occupational Safety and Health Act 2006. The Department is the sole body responsible for health and safety at the work place which task is achieved though working closely with employers, workers, trade unions and other stakeholders.</p> <p>The proposed project works will require and employ a number of people; there is therefore a need for the department of Occupational Health and Safety to intervene in such undertakings to protect against the rights of workers.</p>
<p>Ministry of Land, Housing and Urban Development</p>	<p>The ministry has the mandate for “policy making, standards setting, national planning, regulation, coordination, inspection, monitoring and back-up technical support relating to lands, housing and urban development; promoting and fostering sustainable human settlement; and, managing works on government buildings” in Uganda. Of particular note, the function of the Chief Government Valuer (CGV) is provided for under the Land Act, Cap 227, which mandates the District Land Boards to review the lists of rates of compensation annually. These lists should then be forwarded to the CGV for approval.</p> <p>Whether or not the up-to-date lists of compensation rates are in place, the Ministry is the Lead Agency responsible for handling land matters.</p> <p>The CGV will approve the valuation methodology and the final valuation report contained in the proposed project RAP. The RAP of the proposed Mpondwe Border Zone project will be approved by the CGV before implementation/ payment of any PAPs.</p>
<p>Ministry of Trade, Industry and Cooperatives (MTIC)</p>	<p>This ministry is a cabinet level ministry of government of Uganda. The mission of the ministry is to “develop and promote a competitive and export-driven private sector through the acceleration of industrial development”, with the ultimate objective being growth of the Ugandan economy. The ministry is organized into seven administrative departments and seven operational units.</p>





	<p>MTIC is the implementing Ministry for the proposed Mpondwe Border Zone project. They will therefore develop the Market.</p>
<p>The Local Government, Mpondwe – Lhubiriha Town Council</p>	<p>The proposed project is within the jurisdiction of Mpondwe - Lhubiriha Town Council. Ministry of Trade, Industry and Cooperatives (MTIC) will develop the market and hand it over to Mpondwe - Lhubiriha Town Council.</p> <p>Mpondwe - Lhubiriha town council will manage the market once its development is completed. The town council is therefore a key stakeholder in the detailed design and implementation phase.</p>



4 STUDY APPROACH AND METHODOLOGY

This section outlines the approaches and methods that were used in carrying out the Environmental and Social Impact Assessment. The section details the processes for identifying mitigation and monitoring framework that has been recommended to mitigate and manage potential impacts.

4.1 Approaches

The study was undertaken by NEMA Certified Environmental Practitioners, sociologist and stakeholder management specialist in accordance with the earlier approved scoping report and Terms of Reference and ESIA regulations of Uganda. The Consultants undertook the task of ESIA for the proposed project by clearly defining the assignment into a number of discrete activities. These activities facilitated development of a workable framework for the speedy and timely execution of the assignment. They included but were not limited to the following;

4.1.1 Environmental screening

This is the stage at which the project was identified as among those that require ESIA under schedule 5 of the National Environment Act, 2019. The proposed project is listed in category 5; Housing and Urban Development (b) Establishment or expansion of development zones, industrial estates and industrial parks and Category B under the World Bank Environmental and Social Safeguards Policies as defined in the Bank's Operational Policies (OPs).

4.1.2 Environmental Scoping

Scoping is the initial step in the ESIA process and it is undertaken when according to the relevant guidelines, the project falls under those for which ESIA is mandatory. This was undertaken to determine the extent of the study and key issues for investigation. In this regard, a scoping report and Terms of Reference were prepared to define the scope of the study. They were submitted and approved by NEMA (letter of approval attached in Appendix 1).

4.1.3 Desk research/ review of related literature

Literature was reviewed to obtain background and baseline information on the proposed project and the site, the regulatory and institutional background relevant to the project, the environmental requirements and investment policy in Uganda. This included a review of Kasese district state of environment report, environmental policies, regulations and standards related to the proposed project as well as review of project documents provided by the Ministry of Trade, Industry and Cooperatives e.g. Project Appraisal Document (PAD) and ESMF GLTFP 2013 among other documents;

4.1.4 Site/Field Visits

To supplement the information of the project area (proposed sites, temporary relocation site and their surrounding environment) got during the desk study, an extensive field survey was carried out at Kasese District Local Government, Mpondwe –Lhubiriha Town Council and Mpondwe Border post. The consultant also visited relevant Ministries such as Ministry of Land, Housing and urban development, Ministry of Gender, Labour and Social Development, Ministry of Works and Transport, National Environmental Management Authority among others to obtain information. In addition, land use and other environmental and social

attributes likely to be affected by the project activities were assessed. This was gathered by use of: observation, key informants' interviews, and photography. Site /field visit and inventories created assisted in establishing benchmarks that will be used in monitoring compliance of the project to mitigation measures.

Detailed ESIA Report Activities

This assignment involved a series of activities carried out in conjunction with the Ministry of Trade, Industry and Cooperatives, relevant Government departments, local authorities, community groups and other organizations in the area with a view of sharing their experiences and information with respect to environmental resources and social aspects. Effective evaluation of the social baseline status was achieved through interviews (consultative discussions) and physical inspection of the entire project area. The baseline conditions provided the starting point for the impacts predictions and benchmark for the mitigation measures. Details of the activities were listed under the terms of reference, and the outputs for each activity are outlined in the sub-sections below;

- 1) Review of the proposed development of the Mpondwe border export zone project details.
- 2) Establishment of the current baseline conditions to provide a documented foundation for the impact predictions and a benchmark for the development of mitigation measures.
- 3) Update of the legislative and regulatory requirements as a basis for drawing a compliance monitoring protocol for the construction and operational phases.
- 4) Environmental and social impacts assessments for the identification of significant impacts to the environment and the nearby communities. Types and levels of impacts as well as criteria for developing suitable mitigation measures were assessed.
- 5) Environmental and Social Management and Monitoring Plan (ESMMP) comprising of mitigation measures, desired outcome, monitoring indicator, timeframes, responsible personnel for monitoring and evaluating anticipated impacts, and training requirements.

4.1.5 Stakeholder Consultations

During the course of undertaking the ESIA, the consulting team consulted key stakeholders including but not limited to the relevant Departments of Ministry of Gender, Labour & Social Development such as (Occupational Safety and Health, Children, Family Affairs, Gender, PWDs, and Labour Departments), NEMA, Kasese district local Government technical staff, Mpondwe - Lhubiriha local communities through their local councils. The process of consultations aimed at informing all stakeholders about the project and its major components, understand the local socio-economic environment and design locally acceptable and implementable mitigation measures among others. Consultations were undertaken through key informant interviews, household interviews, focus group discussions and formal meetings. The findings of the stakeholders' consultations informed the development of Environmental Social Management Plan and the Resettlement Action Plan.

4.2 Methods of Data Collection

The process in support of the preparation of the ESIA comprised of discussions and consultations with the Ministry of Trade, Industry and Cooperatives and stakeholders; initial site reconnaissance; desk study and literature review; preparation of data collection instruments; field visits for consultations and observations; data analysis and report writing.

The ESIA team has consequently gathered environmental and social data already backed up by observations in the field. In order to conduct a broad based and inclusive study, the Ministry of Trade, Industry and Cooperatives and the consultant have from the onset ensured the exercise is participatory.

As such, discussions have been held with community members in the project area and relevant stakeholders with the assistance and coordination of the Ministry of Trade, Industry and Cooperatives.

In this particular ESIA, several methods were used to collect data they included:

- Site Assessment and observation
- Secondary data
- Discussions, consultations and interviews
- Photography

a) Site assessments and observations

Observation and assessment of the status of the site is key in finding out whether the project is viable and that the site is appropriate for the proposed project.

b) Secondary data sources

Various literatures were used in aiding the successful completion of the report. They include - the report on Mpondwe market vendors' registration, report on Mpondwe vulnerability analysis, the proposed Project's Final Design Report, Kasese district state of environment report, Occupation Health and Safety Act and Other Places of Work Act among others.

c) Discussions, Consultations and Interviews

At the start of the ESIA it is usual that a meeting is held with key personnel on the site to inform them of the ESIA activities and what is required of them. Interviews are carried out in an attempt to get more information regarding the proposed development. This involved interviewing the people who are likely to be affected by the project either directly or indirectly as well as the key stakeholders.

d) Photography

This involved capturing the actual state of the site on photos featuring the current state of the site, ongoing activities, and neighbouring facilities among other observed items on site.

4.2.1 Air quality

Air quality was measured using a pair of digital MX6 iBrid™ portable (volatile organic compounds (VOCs), nitrogen oxide (NO), nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and methane) gas meters (Industrial Scientific-Oldham). Points of measurements were selected basing on the presence of expected receptors and working areas. The pre-calibrated equipment was held or placed at suitable selected locations about 1.2



m high, switched on and readings allowed to stabilize for 5 (five) minutes before recording the average readings.



5 ENVIRONMENTAL AND SOCIAL CHARACTERISTICS OF THE STUDY AREA

5.1 Introduction

This section provides a general description of the status quo of the receiving environment in the project area. It also allows for an appreciation and identification of sensitive environmental features and possible receptors of the effects of the proposed project. The description of the environment surrounding the project site is an integral part of an ESIA process. This description provides a benchmark for continued monitoring and assessment of the impact of the proposed project on the environment. The data collected comprises of secondary information obtained mainly from the District state of environment report and site specific characteristics.

5.2 Main site existing site conditions

The proposed site is currently occupied by the existing market structures and facilities. These include market stalls, shops, water born toilet and lockups. The market is surrounded by an access circular road and customs road. The existing structures are dilapidated temporary, semi-permanent and permanent structures. They will be demolished and the site cleared for redevelopment. The market vendors operating business in these facilities constitute the market vendors who were registered. A Market vendor register has been compiled. It will be used to guide relocation of Market vendors to temporary site to pave way for civil works and also guide the allocation working spaces in the redeveloped market. The Market Vendors registration and resettlement guidelines have been developed. According to Market vendors register, a total of 135 vendors operate in stalls, while 619, in temporary and semi-permanent kiosks and 2002 vendors operate in open spaces in the Market. The photographs below show some parts of the proposed site current status.



Existing market wooden structures



Access road around the market



Figure 5-1: Photographs showing the proposed site current status

5.2.1 Site Neighbourhood Environmental Setting

The project site neighbourhood is a predominantly commercial area characterized of mainly commercial establishments along the roadsides. The proposed site is bordered by a circular access road in the immediate north, east and west and commercial buildings across the road and customs road to the immediate south and commercial structures across the road. The photographs below show the proposed site immediate neighbourhood.





Figure 5-2: Photographs showing the proposed site and its immediate neighbourhood

5.3 Annex site existing site conditions

The proposed addition site for project is currently occupied by the existing market with temporary structures. These include mainly wooden stalls and stores. The bigger part of the site is un-built where traders display their goods. The market is surrounded by private permanent and semi-permanent structures but these are outside the Government land. The existing structures are dilapidated and temporary. They will all be demolished and the site cleared for redevelopment. The photograph below shows the proposed site current status.



5.3.1 Site Neighbourhood Environmental Setting

The project Annex site neighbourhood is a predominantly commercial area characterized of mainly commercial establishments along the roadsides and residential houses. The proposed site is bordered by an access road in the immediate north and commercial structures across the road while to the immediate east,

south and west it's bordered by commercial buildings. The photographs below show the proposed site immediate neighbourhood.



Figure 5-3: Photographs showing the proposed Annex site immediate neighbourhood

5.3.2 The temporary relocation existing site conditions

Currently, the proposed temporary relocation site is occupied with bushes which will be cleared progressively for the development. The site is sometimes used by the community members for animal grazing. The site is surrounded by private permanent and temporary structures and there is a community road that goes through the site. The temporary relocation site is 1.44 hectares or 3.558 acres in size. This is further discussed in section 9 of this report. **The relocation/resettlement of Market Vendors and due diligence processes are stipulated in the Resettlement Action Plan (RAP).** The photograph below shows the temporary relocation site current status.



5.4 Area Bio-physical Environment

This section details the bio-physical status quo of the surrounding environment.

5.4.1 General Geology

According to the Geological Map of Uganda in Jons & Schenk modified after MacDonald (1966) and Africa Mining (2000), Kasese where the site is located is underlain by a combination of archaic plutonic rocks and palaeoproterozoic meta-sedimentary and volcanic rocks.

5.4.2 Seismicity

The distribution of earthquakes of Uganda recovers that the seismicity occurs mainly in two zones East and West of Uganda. Thus, three activity zones are considered, which are Zone 1 covering the Western Branch Rift Valley and zone 2 covering the Eastern Branch Rift Valley. Zone 3 is assumed to be less seismically active and represents central Uganda. According to the seismic zoning map of Uganda, the site is located in seismic zone 1 (US319, 2003). This is the most seismically active area in Uganda.

5.4.3 Vegetation

The market area is a built environment in the central business district of Mpondwe Town Council. Mpondwe-Lhubiriha Town council vegetation was generally cleared for urban development. However, during the site assessment, some vegetation species were observed at the project temporary relocation site. Tree species identified on the temporary relocation site included mainly fruit trees such as jackfruit, avocado, cocoa, mango and moringa. Other trees included eucalyptus and banana plants. According to the IUCN status, there were no species of conservation concern that were identified on site.

However, Kasese is a district with varied vegetation types and their description bases on the two major Protected Areas of Queen Elizabeth National park and Rwenzori national park as their vegetation exhibit unique association of dominant species.

In Queen Elizabeth National park five broad categories of vegetation are identified and they include: open grassland with thicket, acacia woodlands, thickets of wooded savanna, swamp vegetation and the savanna grassland while the vegetation of Rwenzori national park is largely determined by factors related to the elevation above sea level aspect and five distinct zones are distinguished. It has stratified vegetation zones of grassland, 1000m-2000m; montane forest, 2,000m-3,000m; bamboo/mimulopsis zone, 2500m-3,000m; heather/rapanea zone 3,000m-4,000m; Afro-Alpine zone 4,000m-5,000m. The most striking plants are found above 3000m. These are the giant tree heathers supporting aerial epiphytic gardens of outstanding botanical and aesthetic interest, some of which are unique to the Rwenzoris. The Afro alpine zone is home to the most graceful of giant lobelia (*lobelia wallastoni*) and groundsels (*Senecio admiralis*). These gigantic species are hallmarks of the Rwenzori.

5.4.4 Topography

The proposed site gently slopes to the west. The geomorphology of Kasese district gives an impression that there is a line running diagonally from South-west to North-East, which roughly divides the district into two parts. The western half has mountainous terrain while the eastern half comprises the plains lying roughly between 90m and 180m above sea level. Kasese district is comprised of principally three topographical features, namely the mountainous areas, which consist of rugged mountain relief, the undulating region at the foothills, and the lowland flat areas in the South and South-Eastern part of the district. The rugged mountainous part constitutes the whole ranges from the Western part of the District to the North and the North-eastwards up to the border with Kabarole district. Between the rugged mountainous area and the flat lower region (commonly known as the lake region) is an expanse of land that undulates all the way from the South-Western side of the district north of lake Edward and runs north-eastwards through the present location of Kasese Municipal Council and continues towards Kitwamba bordering Kabarole district. (District State of Environment Report (2005),

5.4.5 Climate

The district experiences a bimodal rainfall pattern. The first rains are short but fall with high intensity and occur during March-May season, and the longer rains from August-November with a low intensity. Annual rainfall ranges from 800mm to 1600mm, and is greatly influenced by altitude. In terms of total annual rainfall, the extreme southern to south eastern part of the district receives slightly less than 800mm. The savannah area in Queen Elizabeth National Park and Lake George and Edward, receive 800-1000mm. In the central part of the district stretching diagonally in the south-western to the northeast direction, annual rainfall ranges from 1000-1200mm. At the foothills of the Rwenzori Mountains the amount is 1200-1400mm. From the foothills to the mid-slopes rainfall received is 1400-1600 mm; and for the mid-slopes to the summit, the minimum rainfall amount is 1600mm

The district experiences wide temperature variations due to altitude. Temperatures can be extreme, from very high at the plains to below zero at the summit. From 1991 to 1995 annual average was 23.9 degrees

centigrade, with minimum and maximum averages of 17.7 and 30.2 degrees centigrade, respectively (Kasese District Environment Profile, 1997). Recent records have shown that from 1999-2001 the annual average mean maximum temperature was 29.8 degrees centigrade and average mean minimum temperature was 17.5 degrees centigrade (UBOS, 2002). The vast increase in temperatures has been due to a combination of factors; that is, reclamation of swamps and wetlands in the lower slopes of the Rwenzoris, cultivation of riverbanks, immense tree felling and continued bush burning.

5.4.6 Soils

The soils around at site have been disturbed by human activities over a long period of time because it an existing market. The soils at the site are generally clayey in nature with significant sand material also present. The surface of the market area is partly covered by road (tarmac), lockups and other trading structures.

The soils in the district are organic, ferrosols, podsols/eutrophic, and hydromorphic. The dominant soil type is clay-loams and contains fairly high reserve of weatherable minerals on alluvial deposits. The soils are generally rich in plant nutrients and contain fairly high reserve of minerals on alluvial deposits. These are the soils found on the middle slopes at an altitude of 1500m to 2400m. Productivity is medium to high and supports coffee growing. Organic soils are found on high altitude and are almost entirely the soils of the mountains, at altitude of about 3,000m up to the summit while Podsollic soils (1,200-2400m) are highly leached soils in which translocation of iron and aluminium has taken place. For the Hydromorphic soils, their development and characteristics are influenced by permanent or seasonal water logging with the dominant soil being peaty sands and clays whose parent material is papyrus residues and river alluvium.

5.4.7 Fauna

No fauna of significance was found on the site and the surrounding areas. The only animals found on site and immediate neighbourhood are domesticated animals; goats and cows.

5.4.8 Conservation Areas

No conservation areas were found on the site or in proximity to the site. The district however, has protected areas in form of Forestry Reserves and National parks. The total area of land gazetted under forestry within the district is about 17.4sq km with 2 Central Forest Reserves (CFRs) and 2 Local Forest Reserves which include Mubuku CFR and Kisangi CFR while the Local Forest reserves are Kanyampara and Nyabirongo. On the other hand, the district hosts 3 National parks, which it shares with the surrounding districts. The Rwenzori National park, a world heritage site stretches into the Congo besides being shared between Kasese, Kabarole and Bundibugyo. Other parks are QENP and KNP shared by Kasese, Kamwenge and Kabarole.

5.4.9 Mineral Resources

There are a number of mineral resources in Kasese district. These include Copper being mined by Tibeti-Hima Mining Company Limited. Cement (from limestone) is manufactured by Hima Cement Ltd a group of companies operating under Larfarge Norway. Other minerals in the district include Cobalt processed from the stockpile deposits of Kilembe Mines and the tailings stockpile by Tibeti-Hima mining Company, Lime in Muhokya, Salt in Katwe and Kasenyi. These minerals have been central in improving the livelihood of the people and have broadened the tax base of the District.



5.4.10 Air quality

Air quality was measured at the proposed site using a pair of digital MX6 iBrid™ portable (volatile organic compounds (VOCs), nitrogen oxide (NO), nitrogen dioxide (NO₂), sulphur dioxide (SO₂) and methane) gas meters (Industrial Scientific-Oldham). Points of measurements were selected basing on the presence of expected receptors and working areas. The pre-calibrated equipment was held or placed at suitable selected locations about 1.2 m high, switched on and readings allowed to stabilize for 5 (five) minutes before recording the average readings. The Survey Results are presented in Table 5-1 below presenting toxic gas concentrations (ppm) measured within Mpondwe Project Area.

Table 5-1: Levels of toxic gases measured at Mpondwe, (11:00hrs – 13:00hrs).

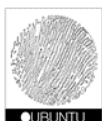
Location	CO ₂	CO	PID	SO ₂	NO _x (as NO ₂), ppm	H ₂ S	LEL	O ₂	Notes
Fishing Area	0.01	0	0.2	0.0	0.1	0.0	0	20.7	Overcrowding could be the possible cause in the detection of the CO ₂ .
Shops	0.00	0	0.	0.0	0.0	0.0	0	20.9	
Shops offices	0.00	0	0.1	0.0	0.0	0.0	0	20.9	
Parking Area	0.02	0.1	0.2	0.0	0.0	0.0	0	20.9	
Selling area	0.00	0	0.2	0.0	0.0	0.0	0	20.9	Truck traffic within the parking area

Inference from toxic gases measurements

No traces of SO₂, H₂S and NO were detected; however the detected amounts of CO₂ at the Fish vending area and Trucks parking area must be as a result of overcrowding and emissions from the trucks respectively. In addition, the detection of CO at the truck parking area should also be due to the emissions from the trucks.

Table 5-2: Regulatory air quality standards for selected pollutants

Pollutant	Averaging time for ambient air	Standard for ambient air
Carbon dioxide (CO ₂)	8 hr	9.0 ppm
Carbon monoxide (CO)	8 hr	9.0 ppm
Hydrocarbons	24 hr	5 mgm ⁻³
Nitrogen oxides (NO _x)	24 hr, 1 year arithmetic mean	0.10 ppm
Smoke	Not to exceed 5 minutes in any one hour	Ringlemann scale No.2 or 40% observed at 6m or more
Soot	24 hr	500 µg/Nm ⁻³
Sulphur dioxide (SO ₂)	24 hr	0.15 ppm





Sulphur trioxide (SO ₃)	24 hr	200 µg/Nm ⁻³
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Note: ppm = parts per million; “N” in µg/Nm⁻³ connotes normal atmospheric conditions of pressure and temperature (25°C and 1 atmosphere).

Comparing measured figures in Table 5-1 with (draft) regulatory limits in Table 5-2, the activities within the project area at the moment fall within ground-level air quality (toxic gases) limits.

5.4.11 Site noise baseline measurements

The baseline noise measurements were undertaken and resulted are summarised in the Table 5.2 below.

Table 5-2: Noise level measurements

Area	Reading in db.
Residential Area	
Shops	
Business offices	
Parking Area	
Commercial area	

Regulation 6(4) provides that the maximum noise level from a construction site to which a person in a facility specified in column 1 of Part IV of the First Schedule may be exposed shall not exceed the level specified in Column 2 during the time specified in that part. (Refer to table 5-3 below)

Table 5-3: Maximum Permissible Noise Levels for Construction Site

Column 1 Facility (Leq) in dB (A)	Column 2 Maximum Noise Level permitted	
	Day	Night
<ul style="list-style-type: none"> Hospitals, Schools, Institutions of Higher learning, homes for the disabled etc 	60	50
<ul style="list-style-type: none"> Buildings other than those prescribed in paragraph (i) above 	75	65

Comparing regulatory limits with measured figures, the activities within the project area comply with **Maximum permissible noise limits**

5.5 The Socio-economic Environment

5.5.1 Population

According to the 2014 national census figures, Mpondwe had a population of 51,018 and 51% of whom are women. Mpondwe’s population is not estimated separately but is part of the four parish level villages of Muramba Sub County whose population was estimated at 36,355 of which over 55% are women. (GLTF, 2015)



5.5.2 The Economy

Residents of Mpondwe Town Council are mainly engaged in the business sector. The major traded items in the area are both merchandise and groceries for domestic use among the homesteads. According to the report on Mpondwe market vendors' registration 2019, the number of eligible market vendors is 2768 vendors of which 2060 are Female constituting 74.4 % and 708 are Male constituting 25.6%. Market Vendors registration report also revealed that Market Vendors totaling to 2002 out of 2768 vendors registered operate business in open places (pitch) this constitute 82.5%.

The number of Market vendors who operate business in the Market on the Market day are three times more than the eligible/sitting registered Market vendors. The majority of these traders come from DRC, and different parts of Country such vendors/traders where not registered. This should be put into consideration during design of both the temporary site and Market.

Majority of women vendors' trade in bitenge, chicken, fish, fruits and vegetable, palm oil, agricultural Produce and second hand clothes while majority of men trade in meat, general Merchandise and money exchange. This illustrates that women drive the small scale agro business in Mpondwe Market.

Another major activity in the outskirts of the town is agriculture. Kasese district is mainly agricultural with over 85 percent of the people being peasant farmers who depend on subsistence farming for their livelihood.

Most of the agricultural produce is either sold in local markets including Mpondwe market or transported for sale in Kampala and to other cities and towns in Uganda. Fish farming is slowly taking root in the district and demand for the fish is high both locally and in neighboring countries. Livestock kept in the district includes: Cattle, goats, pigs and poultry. Fishing also occurs on Lake George and on smaller crater lakes in the district. Queen Elizabeth national Game Park in Kasese attracts a number of tourists to come into the place for tourism purposes and adventure.

5.5.3 Ethnicity

Kasese is a multi-lingual district with over six indigenous tribes of Bakonzo, Basongora, Banyabindi, Bakingwe, Bagabo, Banyagwaki. Three more tribes are of the immigrants and these include Bafumbira, Bakiga and Batagwenda. (Kagame, 2019)

Each of these tribes has got a cultural leader and ever on loggerheads with the bakonzo a minority tribe that has always claimed superiority over the others. Though the tribe is called "Bakonzo" and culture supposed to be Bakonzo as the area is known is Bukonzo this tribe has gotten over six identities of Bakonzho/ Mukonzho, Bayiira/Muyiira, and Banya Rwenzururu. (Kagame, 2019)

Mpondwe town is multi ethnic town with the Bakonzo, Batooro, Batagwenda, and Congeese being the predominant tribes in the area.

5.5.4 Housing and settlement

Housing structures are categorized as permanent, semi-permanent and temporary. Residents of Mpondwe mainly live in permanent and semi-permanent houses. The site neighbourhood comprises of both permanent and semi-permanent housing structures.

5.5.5 Industrialization

Kasese district is an agro-based district whose industrial profile is still developing and most dominated by agro-industry with few micro, small and medium scale agro-processing enterprises. The Fishing industry flourished in the late 1960s and early 1970s with The Uganda Fish Manufactures factory still operational. At the moment fish processing is done through the conventional smoking and sometimes salting as the amount available for market is also dwindling year by year.

There are a number of mineral resources processing in Kasese district, that include: Copper in Kilembe mines, Cobalt being processed by KCCL, Cement at Hima, Lime in Muhokya, Salt in Katwe and Kasenyi.

5.5.6 Health

Health is a Priority Programme Area (PPA), which is key in improving the quality of life. Health interventions prove expensive especially if the environment is not properly managed as it provides the preventive measure compared to the curative measures of protecting health in health facilities. The district experiences a number of diseases, with malaria being the most killer disease while respiratory infections are also common in most parts of the district. Of recent, the district has been faced with threats of Ebola, a virus that causes severe bleeding, organ failure and can lead to death. The Mpondwe-Lhubiriha town council is however raising awareness about the Ebola disease. This has a great challenge on cross border trade as humans may spread the virus to other humans through contact with bodily fluids such as blood. The closest health facility to the site is Bwera and Kagango hospitals.

5.5.7 HIV/AIDS

The official HIV infection rate in the south western region of the country where Kasese District falls stands at 8.2% which is above the national rate which currently stands at 7.3%. (B.Nzinjah, 2015) The most HIV transmission spotlight places in Kasese District include; Hima town, Kasese Municipality, Mpondwe border and the fishing villages of Lake Katwe, Kasenyi, Hamukungu, Katunguru and Kahendero due to the nature of activities in the affected areas. (B.Nzinjah, 2015)

A survey carried in Kasese in 2013 under a government project called "Priorities for Local Aids Control Efforts (PLACE)" revealed that 14.5% of the females working in Bars, Lodges and Hotels in the district were HIV positive while the male workers stood at 5.4%. The Survey also revealed that the most infected age group was between 30 and 34 and those between 40 and 44.

During ESMP and RAP implementation, a Combination of methods including; sensitization, circumcision, condom use, abstinence, change in mind sets, moral rehabilitation and many others should be employed to raise awareness about HIV prevention and care. Information Education Communication (IEC) materials with HIV and gender based violence prevention messages will be provided at site and signage with HIV and Gender based violence prevention Messages installed.

5.5.8 Water Supply

The largest percentage of the domestic water supply facilities in the district include springs, gravity flow schemes and boreholes. It is currently estimated that there are 1,167 protected springs and 183 boreholes and about 1,450 GFS taps available for rural water supply with average access to safe water coverage being

estimated at between 60-70%. Water supply systems that use surface water are the National Water and Sewerage Corporation plant, which supplies mainly Kasese Municipal Council, the Katwe-Kabatooro Urban water supply system which supplies Katwe Town council and Bwera Water supply which serves the 3 sub counties of Bwera, Karambi and Nyakiyumbu.

5.5.9 Waste Management

Solid waste management in the project area is largely by the Mpondwe –Lhubiriha Town Council, through provision of skips to households, market places and institutions. The council vehicles then collect the waste from the skips for disposal to the landfill. Waste in Mpondwe is disposed at one designated landfill located at Katholhu village. However, some residents within the project area use backyard composting for solid waste management.

Majority of the people within the project area generally use pit latrines for human waste disposal. When the pit latrine is full, it is closed and another one constructed for the same reason.

5.5.10 Sources of energy

The proposed site area is well connected to the main national electricity grid; however, electricity is majorly used for lighting while majority of the households in this village use firewood or charcoal for cooking. The proposed project will utilize the same source of electricity. Where necessary, the developer will install new transformers to serve the project as may be required.

There is great potential of developing electricity (hydro power) in the district. So far; 3 dams are operational in the district which include Kilembe Mines, Bugoye Hydro and KCCL generating 5MW, 13MW and 7 MW respectively. 5 more are being developed and they include Kakaka, Rwimi, Nyamwamba, Nyamugasani I and II and Lhubiriha. It's expected that by 2020, over 50 MW of Hydro power will be generated in the district to further enhance the rural electrification programme of government.

5.5.11 Traffic and Transport

The main mode of transport in Kasese district is by road. The total road network in Kasese district covers 1163 km. This road network is in 3 categories of Trunk roads, Feeder roads and community access roads. The customs access road will be the major means of transport for the proposed project personnel and transportation of locally obtained construction materials to the site.

5.5.12 Communication networks

The site is within reach of basic communication infrastructure such as the mobile network coverage of MTN and Airtel.

5.5.13 Cultural environment

There are no sites of cultural significance that were seen on or around the sites.

6 STAKEHOLDER ENGAGEMENT AND CONSULTATION PROCESS

6.1 Introduction

The participation of project stakeholders in project planning, design and implementation is an integral part of the Environmental and Social Impact Assessment process. Stakeholder consultation is a means of involving all primary and secondary stakeholders in the project's decision-making process in order to address their concerns and improve project design. Stakeholder consultation, if conducted in a participatory and objective manner, is a means of enhancing project sustainability.

Stakeholder consultation was therefore conducted in the project area to satisfy the legal requirements of the ESIA process in Uganda and of the World Bank environmental and social safeguard policies as well as to improve and enhance the social and environmental design of the project. This section of the report outlines the stakeholder consultation approach adopted for this ESIA study, identifies the concerned groups of stakeholders, describes the consultation process carried out as part of this study, and gives the findings from the stakeholder consultation process.

6.2 Objectives of the consultations and public participation

The objectives of the stakeholder consultations as required in the National Environment Act, 1995 was to:

- Disseminate and inform the public and other stakeholders about the proposed project with special reference to its key components, location and expected impacts.
- Create awareness among the stakeholders on the need for the ESIA for the proposed project.
- Gather comments, concerns and suggestions of the affected persons.
- Ensure that the concerns of the affected persons are known to the decision-making bodies and the Ministry of Trade, Industry and Cooperatives at an early phase of project planning.
- Establish a communication channel between the interested, would be affected parties, and the Ministry of Trade, Industry and Cooperatives.
- Incorporate the information collected in the study by ESIA Experts.

6.3 Stakeholder identification

The stakeholders, affected persons and beneficiaries of the project were identified after undertaking preliminary consultations. The selection of participants in the stakeholders' consultative meetings, key informant interviews was guided by the purpose and objectives of ESIA. The consultant therefore interacted with Mpondwe Traders Association members who are direct beneficiaries of the Project, Members from the Border agencies, technical staff from Kasese district and Mpondwe Lhubiriha Town Council, Local leaders, selected women and people with disability small scale traders. Others included selected community members surrounding the project site who are likely or whose activities are likely to be affected either directly or indirectly by the proposed project.

6.4 Stakeholder Engagement Process – participatory methods used

Interviews and consultative meetings were carried out to get more information regarding the proposed development more particularly the views of Project Beneficiaries and Local Governments and wide community on issues of environment and social inclusion. An interview and focused group discussion guide was developed and used by the facilitators to guide the interviews and meetings.

Consultant held consultative meetings with Small scale cross border traders and during the meeting, the Traders were appreciative of the project but requested the implementers to have clear guidelines and strategies to ensure that Market Vendors who are already operating business in the currently in Market are given priority to get space in the redeveloped market, they supported the Market vendor registration exercise, requested that the redeveloped market should be bigger than the existing small market, provision of facilities for people with disability and have measures to prevent sex harassment and HIV during construction and operationalization phase of the project were also emphasized.

Beneficiary Local Governments requested that the design of the Market should be shared widely so that outcome is based on beneficiary views not consultants views, they pledged to ensure that Market vendors are provided with temporary site where operate as their pave way for construction. Requested the implementer to develop gender, environment and HIV mainstreaming guidelines to ensure that issues of gender based violence, HIV and environment are integrated into the project activities. Capacity of building in safeguard management for Traders and Local Governments was highlighted. Other findings of the stakeholders' consultations are:

6.4.1 Findings from stakeholders' consultations

The stakeholders supported the project as one that will be highly beneficial to the community around the site and Kasese District as a whole. The stakeholders anticipate that the project is expected to have the following benefits:

- Provision of employment opportunities;
- Promotion of Local and International trade;
- Increasing the value of land in the area;
- Development of the area (through improvement of infrastructure like roads);
- Source of government revenue.
- Creation of opportunity for new businesses in the area. Like support businesses which include hotels, lodges, rental houses, restaurants and shops.

However, several issues and concerns were raised about the proposed project. Significant among them include the following

- Displacement of business people currently operating in the market.
- Increased traffic along the existing access roads during the construction and operation of the project, which may lead to accidents;
- The impacts of dust especially along the access roads during the construction and operation stage as a result of moving trucks.

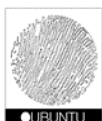


- Social disharmony as a result of influx of project workers. The stakeholders anticipate increased issues of HIV/AIDS, and robbery in the area as a result of the project. They urged the developer to give priority of employment to the local community.

The table below shows a summary of the views from the stakeholders consulted during the ESIA process.

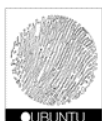
Table 6-1: Comments/Views from stakeholders consulted

Designation	Comment/suggestion
<p>Kasese district local government officials (CAO, community development Officer, Commercial Officer, Environmental Officer, Engineer and Health Inspector, Chairperson Local Council 5 and his executive</p>	<ul style="list-style-type: none"> • Proposed standard gauge railway being extended to Mpondwe, a more reason to develop this market. • Local community members should be the first beneficiaries from the project through sale of local goods during construction and employment. • There should be adequate sensitization of the people about HIV/AIDSs. • Ground stalls and structures to accommodate timber section should be put in place in the design of the market. • Sanitary facilities with water and soap, provision for office space and adequate parking spaces should be provided. • A committee should be formed to handle grievances at the market • An abattoir is being considered in Rusese, the plan is there already.
<p>Mpondwe – Lhubiriha Town Council Officials (Town Clerk, Commercial Officer, Community Development Officer, Town Physical Planner. The Mayor and his executive.</p>	<ul style="list-style-type: none"> • The project is expected to increase revenue collection for the town council • Local community members should be the first beneficiaries from the project through sale of local goods during construction and employment • Adequate lockups/stalls should be provided to all vendors • There should be enough ground stalls provided in the market. • Benefit from cross border trade through increase export of the local produce • Gender inclusion (PWDs) should be considered in the design of the market. Women with less capital should be considered during resettlement • Population influx will result into increase prevalence of HIV/AIDS and family breakups which will be a burden to the Town council • Take caution during construction to avoid pollution of the adjacent River Lhubiriha



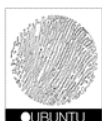


<p>COMESA officials</p>	<ul style="list-style-type: none"> • Design the market in a way that will favour all categories of people including PWDs. • Timber is a very big produce in this market, the design of the new market should include a structure for the timber traders as well • Loss of customers and products during relocation. • The shelters in the new market should be properly defined to protect the vendors from harsh environmental conditions. • Gender sensitivity should be mainstreamed in the communities at all levels.
<p>Chairperson Cross Border traders Association</p>	<ul style="list-style-type: none"> • We love the idea of the proposed redevelopment and we would want it to start very soon because we will be more comfortable operating in the new structures.
<p>Butcher section Vendors</p>	<ul style="list-style-type: none"> • I hope the proposed development will provide better facilities for meat storage. • The Town council allocated a temporary place to work from so we are happy about the project. • The market leaders have held a series of meetings with the people who work here in the market so we are happy about the process.
<p>Vendors in shops</p>	<ul style="list-style-type: none"> • As a PWD, the design of the proposed market should consider issues of disabilities. • Every section should be designed for its purpose • The land is owned by the town council so there should be no issues of compensation. • The size of the lockup shops should be wide enough in that the minimum should be 4m.
<p>Vendors selling Second-hand clothes</p>	<ul style="list-style-type: none"> • I am happy with the proposed project, it will give us better and organized facilities to do our business. • It's very good that they have already secured relocation temporary space to do business while the new market will be under construction. • We have been having challenges of sanitary facilities in the current market, so we hope these issues will be considered in the new designs. • We look forward to seeing a better, organized and clean structure • The toilets facilities for the disabled should be specifically designed because they are part of our vendor community.



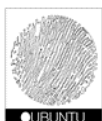


<p>Annex site market attendants</p>	<p>The vendors and beneficiary Local Governments will be given the opportunity to input into the design process. The designs will be approved by the district Local Government and Town Council before construction commences. This ESIA report will inform the design process. The crucial things to consider during design are:</p> <ul style="list-style-type: none"> • Provision of parking space, • The water supply system and sanitary facilities should be conveniently distributed. • Ventilation of the lockups should be highly considered.
<p>Market vendors Leader of vendors selling in agro-Produce</p>	<ul style="list-style-type: none"> • I am happy about the project and hope to have better facilities in future. • The project will be very beneficial in the long-term. I propose that the vendors are involved at all stages to ensure that our views are incorporated. • The temporary location has no stores so the relevant authorities should look into that to provide a solution – we need support from the local government. • The construction contractors should source labour from the locals because we have many youths who can provide labour and earn some money. • We as the leaders of the market need to be informed of when the project will commence because the vendors are asking us about relocation.
<p>Market Vendors Leader of vendors selling Horticulture</p>	<ul style="list-style-type: none"> • Us in the horticulture section, we hope there will be refrigerated facilities to keep our vegetables fresh. • We hope we will have adequate and regular flow of water as people who deal with vegetables and fruits. • Sanitary facilities should be given a big priority – distribution, women and men issues should be considered. • There should also be shower rooms at the new market.
<p>Market Vendors selling tomatoes</p>	<ul style="list-style-type: none"> • We welcome the project and we are hoping for modern, strong structures as compared to what we are operating in now. • I hope that the new market will have facilities like health facilities and banks to bring serves close to the people. • I hope the Market circular road will also be constructed as part of the market project because it is in bad shape. • There should be adequate parking space and loading and offloading area because there is currently a parking problem for the offloading trucks.





	<ul style="list-style-type: none"> • There is no water in the current market toilets, the designs should therefore have adequate water supply.
Annex site vendors	<ul style="list-style-type: none"> • The market neighbouring business people emphasized the need for adequate sanitary facilities and water supply for the new market to ensure good sanitation. • They also mentioned that the new market should have adequate parking space for vendors and customers and a spacious loading and offloading area.
C/person – Mobile money	<ul style="list-style-type: none"> • Proper arrangement for the different sectors in the relocation site for the customers to easily allocate the traders. • Worshipping places and babysitting place should be included in the new market. • Bathrooms should as well be considered to help especially the women. • The mobile money group, at the relocation site be situated in a place where there is traffic, this is because we offer services to the people.
C/person – people with disabilities (PWDs)	<ul style="list-style-type: none"> • The current stalls are not favouring the PWDs, therefore I request in the new market some stalls should be designed specifically for the PWDs in the market. • A special wheelchair that can always be present at the market should also be planned for in the new market. • Deaf and mute persons can face a challenge during relocation because they may not be aware of what is happening. • Loss of customers during relocation. • Construction workers may harass the PWDs and the able bodied men raping the female PWDs.
C/person – Bitenge section	<ul style="list-style-type: none"> • There is insufficient space at the relocation site and yet the vendors are many. • The people are worried whether they will get the stalls. • Water should be connected at the relocation site. • The place has many thieves.
Selected community members surrounding the project site	<ul style="list-style-type: none"> • Good idea and the project is welcome. • Community members should be considered for casual labour opportunities that will be created by the project. • Care should be taken not disrupt public utilities like water and electricity during construction. • There is fear of increased rates and rents in the neighbourhood once market construction is completed.





	<ul style="list-style-type: none">• Fear that the new market may lead to rise in prices of commodities.• The new market will lead to increased security.• Fear that the market might take long to construct hence disrupting business for long.• The increase in foreigners/non-residents in the community might disrupt social harmony.• The access road to the market should be worked on to cater for the increased traffic after construction.• Fear that construction phase may lead to poor sanitation as there are inadequate toilet facilities.
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The list of people that were consulted during the study is attached in Appendix 3, while the photographs showing the consultancy team conducting consultations are attached in Appendix 4 of this report.



6.4.2 Mitigation measures/response of concerns raised from stakeholders consulted

- The Local community members shall be considered first for employment opportunities both during construction and operation phases of the project.
- There shall be adequate sensitization of the people about HIV/AIDs.
- Adequate lockups/stalls and enough ground stalls and structures, sanitary facilities, provision for office space and adequate parking spaces have been included in the design of the new market
- A committee shall be formed to handle grievances at the market
- The main market has been designed in consideration of everyone including the PWDs.
- In order to avoid pollution of the adjacent River Lhubiriha during construction period, the entire site will be fully hoarded off prior to commencement of the construction process. This will help in reducing the movement of eroded waste material from the sites to the surrounding environment.
- The general design is of a fully functional market at the main site, which is tailor made to its African context, a mix of the sub urban shops and the outdoor market archetype, with modern facilities for the people of Mpondwe and the neighbouring areas in consideration of the PWDs, gender sensitivity and all the different section traders.
- Each section has been designed in consideration of what they sell to have a user friendly market experience for the people of Mpondwe and the neighbouring areas.
- The new market has been designed with provisions of onsite parking bays for vehicles and bicycles at the back of the market, water supply system and sanitary facilities also conveniently distributed and the lockups are well ventilated for circulation of air.
- The main market will have full pedestrian access from all directions including ramps for the PWDs to enable their mobility.
- The toilet block will be composed of 12 stances for women including one for the PWDs and 10 stances for men including one for the PWDs and Urinals.
- Promote access for women with disabilities to mainstream initiatives addressing sexual and gender based violence, access to justice, and reproductive health among others.
- Additional space shall be hired to take care of the excess vendors at the relocation site.
- There shall be a sign language interpreter to guide the deaf and mute persons during relocation as they may not be aware of what is happening.

7 GRIEVANCE REDRESS MECHANISMS (GRM)

7.1 Introduction

Proper and strong grievance mechanisms are very important in ensuring the stakeholders grievances and issues as they relate to the proposed project are addressed in a timely and appropriate manner, to enhance the relationship between Ministry of Trade, Industry and Cooperatives, contractor, and the stakeholders. It is important to emphasize that grievance redress mechanisms are for all aspects of a project, not just environmental and social safeguards. The project will have a GRM for the vendors and public and another GRM for laborer's to be put in place by the contractor to receive and resolve workers related issues, while the former will deal with project related complaints including RAP related issues and complaints.

During land acquisition by the town council for the temporary relocation site, valuation, compensation and resettlement process various grievances may arise that might require mitigation. It is for this purpose that the Grievance Redress Mechanism (GRM) is appropriated. The grievance redress mechanism ensures that;

- a) The basic rights and interests of every affected person by poor environmental performance or social management of the project are protected and;
- b) Their concerns arising from the poor performance of the project during the phases of design, construction and operation activities are effectively and timely addressed.

Workers on site will have their own GRM framework through which they can report their issues ranging to delayed payments, harassment and lack of protective gears while on site. This is to be put in place by the contracted and grievance registered and resolved in a transparent manner without intimidation and threats to those reporting. A committee will also be put in place to resolve this issue. This grievance redress committee should be a good representation of all workers and gender balanced. The GRM should give provision for escalation of unresolved issues to appropriate channels.

7.2 Expected grievances

Grievances and disputes expected during the implementation of the Mpondwe project include:

- An inequitable allocation of stalls and spaces for doing business in the market;
- There is also potential for social unrest among the local population if they are not considered for employment.
- Disputes over plot limits, either between the affected person and the Project, or amongst neighbors;
- Disagreement over the valuation of a plot or other asset;
- Disagreement over resettlement measures, for instance on the location of the resettlement site, on the type or standing of the proposed housing, or over the characteristics of the resettlement plot; and
- Disputed ownership of a business (for instance where the owner and the operator are different persons), which gives rise to conflicts over the compensation sharing arrangements.

7.3 Organizational Structure for Conflict Resolution

7.3.1 Levels of Grievance Redress Mechanism

The findings from engagements with the community leadership, vendors and market administrators also raised suggestions that while the proposed grievance mechanism should be through the local administration,

other members should include PAP representatives from all locations affected by project activities as well as local and external professionals. Grievance redress mechanism for the project was therefore divided into three levels.

The Grievance redress Mechanism is also informed by the already the approved Project Policies including the Environmental and Social Management Framework (ESMF), Resettlement Policy Framework(RPF) and guidelines on Market Vendors registration, temporary resettlement and management of the market.

7.3.1.1 Level One: Local Committee

This committee will have the following members: Local Council one chairperson, Mpondwe Market Vendors' Association chairperson, two representatives of the market vendors-PAPs (1 Male and 1 Female) and two community elders (1 Male and 1 Female with one out of the two being a representative of the PWDs)

The procedure for registering grievances at this level will be as follows:

- a) A PAP registers a grievance to the chairperson LC1 and within one working day, the committee members are alerted of the case;
- b) The affected person is immediately informed by the Chairperson LC 1 on the next date of the scheduled hearing. Depending on the case load, a maximum of seven working days will be given between the date that a case is recorded and the date when the hearing is held;
- c) The committee will meet once every seven calendar days to deal with emerging cases, where they are reported. At these meetings, hearings with the affected persons and related witnesses will be held;
- d) The committee will communicate its decisions to the affected person within three working days of concluding the matter;

7.3.1.2 Level Two: Border Export Zones Implementation committee (BEZIC)

The BEZIC shall consist of the following officials:

- i. The district Chairperson shall be the Chair of the Committee;
- ii. The Chief Administrative Officer;
- iii. The District Commercial Officer shall be the secretary to the committee
- iv. A representative from the Ministry of Trade, Industry and Cooperatives
- v. The District Engineer
- vi. The district Land Officer
- vii. The Sub county/Town Council Chairperson/Mayor of where the BEZ is located
- viii. The Secretary for Production
- ix. The physical Planner
- x. The Town Clerk/Sub County Chief
- xi. Any other relevant member may be Co-opted

The BEZIC will perform its roles and responsibilities as specified in the guidelines on Market Vendors registration, temporary resettlement and Management of the market. Specifically, in the context of the grievance mechanism, the BEZIC shall;

- Ensure smooth relocation of Market Vendors to the temporary site and allocation of facilities on the BEZ once it is finalized all in accordance with the set guidelines
- Settle disputes among and between Market Vendors and communities on one hand and with the contractor, the project and Town council on the hand during the resettlement and relocation exercise;

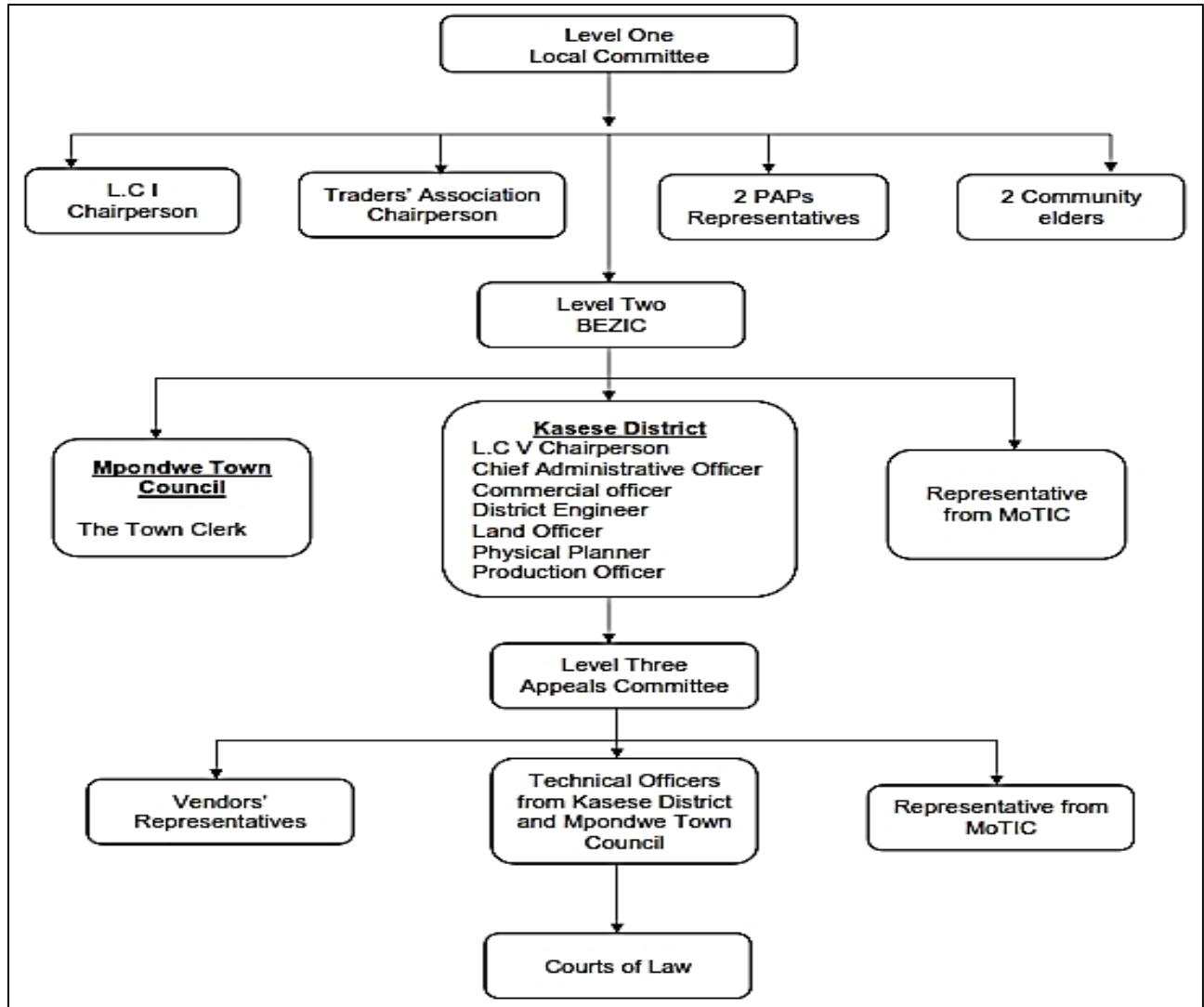
7.3.1.3 Level Three: Appeals Committee

The Kasese District in consultation with the Ministry will constitute a committee to handle appeals raised during relocation of Market Vendors in the temporary site and resettlement of the Market vendors in the redeveloped Market or any aggrieved person in regard to construction of the BEZ. The appeals committee will handle only cases that could not be resolved by the BEZIC. Any person not satisfied by the decision of the BEZIC shall submit his/her complaint to the Appeals Committee.

The appeals committee will be composed of the vendors' representatives, Technical Officers from beneficiary Local Governments and the Ministry.

7.3.1.4 The right of access to courts of law

The constitution allows a right of access to courts of law by any person who has an interest or right. Therefore any person not satisfied with the above processes may pursue the case in the courts of law for redress. The hierarchy of the grievance redress mechanism is indicated in the figure below:



8 ANALYSIS OF ALTERNATIVES

8.1 Introduction

The identification of alternatives is a requirement provided for by the ESIA Regulations. Identification of alternatives provides a basis for choice among options available for decision making to promote the elimination of negative environmental impacts identified. It is the basis for implementation of a development project with minimal environmental damage. This section presents various alternatives that were considered for the project.

8.2 The project need

The Democratic Republic of Congo is one of Uganda's export destinations ranking number three within the COMESA region. Most of the trade between Uganda and DR Congo is done at the three major border points of Mpondwe in Kasese district, Bunagana in Kisoro district and Goli in Nebbi district, with Mpondwe being the busiest border point in terms of trade activities. Most of the trade is conducted by the cross border traders who face challenges including poor market structures where to operate from at the borders, complicated border crossing procedures, mistreatment from unscrupulous individuals among others. Therefore, the proposed Mpondwe border export zone project aims at increasing the capacity for commerce and reducing the costs faced by the cross border traders.

8.3 Analysis of alternatives

8.3.1 The "No project" Alternative

The assessment process examined the impact of doing nothing (the "No project" alternative) i.e. not facilitating cross border trade by redeveloping the market. This means that the existing market will be maintained. However, the existing market does not meet the standards of a well and adequate export zone facility. The existing structures are dilapidated and the facilities like sanitary and water supply facilities are inadequate and there is poor waste management system. This threatens the quality of the environment around the area. The proposed project is aimed at establishing a modern market with adequate and environmentally friendly facilities and waste management systems that will ensure a project with minimal environmental damage. Therefore, the "No-project" alternative is not recommended.

8.3.2 Alternative project location

The Ministry of Trade, Industry and Cooperatives only provided 2 sites both earmarked for the proposed project development. Therefore, only two locations as described in this report were assessed. Each of the sites would be developed for a different purpose. However, the proposed sites offer an advantage of improving on existing markets that have been operating for long but in poor condition. Given that there will be no change in land use, the establishment of the proposed project at the proposed sites is a preferred option to new sites because it eliminates the impacts of developing a new site. In addition, the existing infrastructure in terms of water supply pipelines, electricity, etc. makes the redevelopment of the existing markets the most financially feasible alternative.

8.3.3 Site layout alternatives

The site layout will lend itself to the existing piece of land and all the planned structures and activities will be confined to the proposed plots of land. The arrangement of the project structures will be organized in such a way that they are easy to access and conform to the planning provisions of the town council and the specifications of the relevant authorities. The drainage alignment will also be made so that it concurs with the area drainage. This has been examined so as to come up with the best site layout alternative as attached in appendices.

8.3.4 Waste management alternatives

Waste products will be generated by some of the project activities. Adequate waste management options will be considered so as to keep waste to a minimum, and control pollution of the environment. An integrated solid waste management system is recommendable. The Ministry of Trade, Industry and Cooperatives will give first priority to Reduction at Source of the waste materials. This option will demand a solid waste management awareness program in the management and the workers.

Secondly, Recycling, and Reuse of the waste will be the second alternative in priority. This will call for a source separation program to be put in place at the plant. The recyclables will be sold to waste recycling companies while the reusable will be sold to interested people. The third priority in the hierarchy of options is combustion of the waste that is not recyclable. Finally, the Ministry of Trade, Industry and Cooperatives will need to establish agreement with Mpondwe-Lhubiriha town council to ensure regular waste removal and disposal in an environmentally friendly manner. In this regard, a NEMA registered solid waste handler would have to be engaged. This is the most practical and feasible option for solid waste management considering the described options.

8.3.5 Timing and duration of construction works alternatives

The scheduling will follow a logical building order; however, there may be need to adjust and phase the activities. For the earthworks, the intention is to minimize the excavation on site and any consequent issues to do with soil erosion.

Since the area is largely commercial, noise intensive activities during construction will be scheduled in a way to minimise the impact of noise to the busy people.

The timing and duration of the construction work is likely to have a number of implications especially if the rainy season is taken into account. Heavy rains not only affect the duration of construction activities but also to some degree aggravate the footprint impacts of the development. Much of the construction works will be carried out during the dry season.

8.3.6 Sourcing of supplies and construction materials alternatives

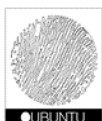
The proposed project will be constructed using modern, locally and internationally accepted materials to achieve public health, safety, security and environmental aesthetic requirements. Equipment that saves energy and water will be given first priority without compromising on cost or availability factors. The concrete pillars and walls will be made using locally sourced stones, cement, sand (washed and clean), metal bars and fittings that meet the Uganda Bureau of Standards requirements.



Much as some of the inputs for the proposed project are of a highly technical nature and will therefore have to be sourced from outside the proposed project area, it is important that some supplies if locally available including labour are sourced locally. Construction materials such as sand and hard core will be sourced from registered quarry and sand mining firms, whose projects have undergone satisfactory environmental impact assessment/audit and received NEMA approval.

8.3.7 The “Action” alternative: The proposed project as described in this ESIA

This alternative will see the implementation of the project as proposed by the Ministry of Trade, Industry and Cooperatives, and as described in this report. Under the proposed project alternative, the Ministry of Trade, Industry and Cooperatives would be issued with a License (ESIA approval certificate) to develop Mpondwe border export zone. In issuing the certificate, NEMA would approve the Ministry of Trade, Industry and Cooperatives’ proposed construction and operation activities of the market, provided all environmental and social management measures are complied with during the construction period and operation phase. Based on the project need, this study made a comprehensive environmental and social impact assessment of the proposed construction and future operations of the market. The study has found no significant reasons (social, economic or environmental) to stop the implementation of the project if the impact mitigations proposed in this report are implemented. This alternative is therefore recommended.



9 IMPACT EVALUATION, ANALYSIS AND MITIGATION

9.1 Introduction

An impact is any change to the existing condition of the environment caused by human activity or an external influence. Impacts therefore may be positive (beneficial) or negative (adverse). They may also be direct or indirect, long-term or short-term, and extensive or local in effect. Impacts are termed cumulative when they add incrementally to existing impacts. Both positive and adverse environmental impacts could arise during the site preparation, construction and the operation phases of the proposed project. These are discussed in this section. The impacts apply on the socio-economic environment (health, security, economic activities, finances, etc) and on the bio-physical environment (fauna, flora, water, air, soil, energy). These impacts are based on the design of the project, environmental and socio-economic baseline study, stakeholders' views, and expert judgment.

While the positive impacts will be enhanced, adequate mitigation measures are provided for implementation to minimise, avoid, or mitigate the identified negative impacts. A detailed management plan upon which each impact will be mitigated is given in section 8.

9.2 Impact assessment methodology

The significances of the impacts were determined through a synthesis of the criteria as shown below:

Probability of occurrence: This describes the likelihood of the impact actually occurring. It can be;	
Improbable:	The possibility of the impact occurring is very low, due to the circumstances, design or experience (<25%).
Probable:	There is a probability that the impact will occur to the extent that provision must be made thereof (25 – 75 %).
Highly Probable:	It is most likely that the impact will occur at some stage of the development regardless of any prevention plans, and there can only be relied on mitigation actions or contingency plans to contain the effect (>75%).
Duration: This defines the lifetime/persistence of the impact on the subject environment as;	
Temporary:	The impact will either disappear with mitigation or will be mitigated through natural processes in a time span shorter than any of the phases (< 1 year).
Short term:	The impact will last up to the end of the phases, where after it will be negated (1 – 3 years).
Long term:	The impact will last for the entire operational phase of the project but will be mitigated by direct human action or by natural processes thereafter (3 – 5 years).
Permanent:	Impact that will be non-transitory. Mitigation either by man or natural processes will not occur in such a way or in such a time span that the impact can be considered transient (> 5years).
Spatial Extent /Scale: Evaluates the area of occurrence/influence by the impact on the subject environment	
Site specific:	The impacted area extends only as far as the proposed site up to a distance within 1km radius of the site.



Local:	The impact could affect the whole, or a measurable portion of the nearby environment including the neighbouring residential areas up to a distance within 5km radius.
Regional:	The impact could affect a large area as far as regional level (above 5km).
Magnitude/ Severity: The quantifiable effects of impacts on the environment. Does the impact destroy the environment, or alter its function.	
Low:	The impact alters the affected environment in such a way that natural processes are not affected.
Medium:	The affected environment is altered, but functions and processes continue in a modified way.
High:	Function or process of the affected environment is disturbed to the extent where it temporarily or permanently ceases.

Overall impact Significance: This is an indication of the importance of the impact in terms of both physical extent and time scale, and therefore indicates the level of mitigation required. Using a combination of the above criteria, the overall importance of the impact is assigned a rating of Severe, Substantial, Moderate, Minor, and Negligible as described in the table below.

Table 9-1: Criteria for rating impact significance

Impact Rating	Description of Impact
Severe	<ul style="list-style-type: none"> • Highly noticeable, irreparable effect upon the environment • Significant, widespread and permanent loss of resource • Major contribution to a known global environmental problem with demonstrable effects • Causing mortality to individuals of a species classified as globally or regionally endangered • Major exceedence of water/air quality and noise guidelines representing threat to human health in long and short term • Causing widespread nuisance both on and off site
Substantial	<ul style="list-style-type: none"> • Highly noticeable effects on the environment, difficult to reverse • Widespread degradation of resources restricting potential for further usage • Significant contribution to a known global environmental problem when compared with the industry world-wide • Sub-lethal effects upon a globally or regionally endangered species compromising reproductive fitness and/or resulting in long-term disruption/disturbance to normal behaviour • Air quality/noise approaching occupational exposure limits. Water quality parameters approaching maximum stipulated values • Periodic widespread nuisance both on and off site



<p>Moderate</p>	<ul style="list-style-type: none"> • Noticeable effects on the environment, reversible over the long term • Localised degradation of resources restricting potential for further usage • Sub-lethal effects upon a globally or regionally endangered species with no effect on reproductive fitness and/or resulting in disruption/disturbance to normal behaviour but returning to normal in the medium term • Elevated contribution to global air pollution problem partly due to preventable releases • Frequent breaches of water/air quality and noise guidelines • Causing localised nuisance both on and off site
<p>Minor</p>	<ul style="list-style-type: none"> • Noticeable effects on the environment, but returning naturally to original state in the medium term • Slight local degradation of resources but not jeopardising further usage • Disruption/disturbance to normal behaviour of a globally or regionally endangered species returning to normal in the short term • Small contribution to global air problem through unavoidable releases • Elevation in ambient water/air pollutant levels greater than 50% of guidelines • Infrequent localised nuisance
<p>Negligible</p>	<ul style="list-style-type: none"> • No noticeable or limited local effect upon the environment, rapidly returning to original state by natural action • Unlikely to affect resources to noticeable degree • No noticeable effects on globally or regionally endangered species • No significant contribution to global air pollution problem • Minor elevation in ambient water/air pollutant levels well below guidelines • No reported nuisance effects

9.3 Positive Impacts/Expected Project Benefits

The anticipated positive impacts of the proposed project include the following;

- **Creation of employment opportunities:** The project will provide employment opportunities to professionals and casual labourers during its construction and operation. The socio-economic surveys carried out for this project indicated that majority of the traders are in their youthful age. This shows that the market will attract more youth to venture into trade business and hence reduce the number of the unemployed population in the society. Employment will also lead to multidimensional development in the area and improve several people’s living standards.
- **Contribution to government revenue:** Throughout its operation, the Mpondwe – Lhubiriha town council can source for revenue from the traders through collection of levies. This contribution enables the town council to maintain the market and carry out other developments within the area.

- **Socialization.** Socialization and interactions realized among traders within the market encourages sharing and dissemination of important and helpful information among people of the same social groups and interests.
- **Permanent working location.** Having the modern market will give the traders an opportunity to have permanent and organized working locations. This encourages stability in business undertakings hence more income generation.
- **Reduced Congestion.** The upcoming development will enable reduction of congestion as currently witnessed in the market on market days. All the traders will be accommodated in the new market building.
- **Shield against adverse weather condition.** The construction of a modern market will ensure traders carry out their businesses without worry of extreme weather such as vulnerability to rainfall and heat from the sun since the market will have a roof and wall around it.
- **Improvement of land value:** establishment of the proposed project will improve the land value of the proposed plot.
- **Provision of market for construction materials:** The proposed project will require a significant amount of construction materials. This will create market for dealers in such materials in the area.
- **The proposed project will also improve the aesthetics of the area.** The proposed project will be a fully functional market that is tailor made to its African context, a mix of the sub urban shops and the outdoor market archetype, with modern facilities and construction of a hard wearing but user friendly market experience that will improve the area aesthetics.
- The primary benefit of the proposed project is boosting of regional trade between Uganda and Congo through provision of adequate market infrastructure.
- Traders will operate their businesses in clean and conducive environment as result more buyers will be attracted to buy increasing their volume of sales and in long run this will result into improvement of their livelihoods.

9.4 Anticipated negative impacts on the socio-economic environment during site preparation and construction phase

9.4.1 Disruption of current market activities

The proposed demolition of the existing market structures for redevelopment of the market will disrupt the current market operations and the services it provides to the local residents. However, this impact is not anticipated to be significant given that an alternative site for relocation is already secured by the Town Council.

Proposed mitigation measures

According to Town Clerk Mpondwe-Lhubiriha Town Council, Town Council has engaged nine households who own the land where Market vendors will be relocated and Landowners have agreed to rent the land to Town council for period of three years and Town Council agreed to pay them monthly rental fees. The Relocation site will be cleared, planned and zoned with consultation with Market Vendors. The Ministry will provide Basic infrastructure to the temporary site this include: extension of water and electricity, fencing off the entire site, construction of VIP latrine, Shade for Market vendors and lining the storm water drainage. Town Council will also level site and improve on three access roads to the site.

The Consultant held discussion with project team to ascertain their plans in regard to relocation of the Market Vendors. The Ministry team informed the consultant that: the Market vendors register will be used as reference document during the allocation of spaces in the temporary site. Each enterprise section (fish, fruits, palm oil etc.) has 2 heads, these section heads together with Cross Border Traders Association Leaders and Town Council technical staff more particularly the Community Development Officer, Commercial Officer, Environmental Officer, Town Planner and Town Engineer will spearhead the relocation exercise. The Project Safeguard Specialists will provide technical guidance

The consultant was also informed by the safeguard Specialist that Grievance redress Committees will be formed before relocation as they will be instrumental in ensuring that relocation process of the market vendors is participatory, smooth, transparent and satisfactory.

The Market vendors relocation and resettlement processes and Grievance Redress Mechanism have been detailed in the Resettlement Action Plan (RAP) and in the Project Resettlement Policy Framework (RPF). The RAP and RPF will guide the Implementer during relocation of Market Vendors.

Overall impact significance with mitigation: Minor

9.4.2 Food poisoning

Construction workers may contract food poisoning by buying food from food vendors. This may lead to reduced work personnel and may lead to delay of works and increased expenses for training new workers.

Proposed mitigation measures

- Allow only authorized food vendors to supply food for the construction workers in the site;
- Sensitize workers on the possibility of food poisoning from the vendors.

Overall impact significance with mitigation: Minor

9.4.3 Crime management, child protection, gender equity and sexual harassment

The Child labour policy, 2006 prohibits Contractors from employing children in a manner that is hazardous, and detrimental to the child's education, harmful to the child's health or physical, mental, spiritual, moral, or social development. It is also important to be vigilant towards potential sexual exploitation of children, especially young girls. The Contractor should adhere to this policy ensuring that strictly no employment of children at the project.

Crimes might occur in the project area during the construction and operation such as stealing of construction materials or individual property, fighting, petty crimes such as pick pocketing, drug abuse and alcoholism among others.

There is also potential that gender inequality might occur during project construction through unequal distribution of work, discrimination against women, and unequal pay for women, lack of provision of separate facilities for women, among others. Sexual harassment against women and people with disabilities (PWDs) might also happen because of mixing of women and men at the construction site.

Proposed mitigation measures

- Proper design incorporating lighting to enhance security at the market.
- All contractors must issue their workers with contracts with a clause on the Code of Conduct
- A service provider will be needed to carry out additional sensitization of vendors and other stakeholders on GBV, sexual harassment, Violence against children, child labor, etc.
- Ensure no children are employed on site in accordance with national child labour policy, 2006.
- Ensure that any child sexual relations offenses among contractors' workers are promptly reported to the police
- Taking all reasonable precautions to prevent unlawful, riotous or disorderly conduct by or amongst the contractor's personnel, and to preserve peace and protection of persons and property on and near the site.
- Prohibiting alcohol, drugs, arms, and ammunition on the worksite among personnel.
- Establishment of a system to ensure all activities of a criminal nature on the worksite or by the Contractor's employees (whether on or off the worksite) are reported to the police and undertake the necessary follow-up. Crime reports should include nature of the offense, location, date, time, and all other pertinent details.
- Sensitize the construction workers, locals, and security to be on the lookout on suspicious activities near the site
- Contractor to prepare and enforce a "No Sexual Harassment Policy" in accordance with national law where applicable
- Contractor and the Ministry of Trade, Industry and Cooperatives to prepare and implement a Gender Action plan to include at minimum, in conformance with local laws and customs, equal opportunity employment, gender sensitization
- Provision of gender disaggregated bathing, changing, sanitation facilities
- Grievance redress mechanisms including non-retaliation should be set up for the workers
- The market management should hire a security firm to manage security within the market.

Overall impact significance with mitigation: Minor

9.4.4 Complaints and Grievances/Social Conflict

During construction, the neighbouring community and traders may have complaints and grievances regarding the ongoing activities. There is also potential for social unrest among the local population if they are not considered for employment. This can bring negative publicity during construction including stoppage of work and can delay the projects progress.

The development of the market as well as allocation of space for doing business has been discussed through public consultations, and there are many expectations on who will occupy the stalls when the development is completed. Against the background of this knowledge and expectation, there is a risk of dissatisfaction if procedures of allocation of stalls and spaces are not adequately applied, or if they are seen to be applied in an inequitable manner.

Proposed mitigation measures

- Provide project grievance redress mechanism for the public and traders with different categories of people in the community represented at different levels;
- Advise the public and traders on where to report grievances;
- Consider prioritizing the local manpower for both skilled and unskilled labour.
- Adhere to the market vendors' resettlement guidelines in allocation of stalls and spaces to traders;
- Implement proposed grievance resolution mechanism
- Grievance redress Mechanisms and composition, roles and responsibilities of Grievance redress Committee have been detailed in the RAP and RFP.

Overall impact significance with mitigation: Minor

9.4.5 Increased HIV/AIDs prevalence and other diseases

Construction sites in developing countries are potentially primary centres of HIV/AIDS because construction sectors provide entry-level local jobs, which may be crucial to the survival of youth-headed households and extended families.

Proposed mitigation measures

- HIV/AIDS awareness methods used in campaign to increase understanding about the disease;
- Raising awareness about HIV/AIDS;
- Promote the benefits of abstinence / avoidance;
- Distribute condoms to construction workers;
- Encourage workers to go for HIV voluntary counseling, testing and referral services;
- Monitoring of outcomes, in collaboration with HIV support organizations.

Overall impact significance with mitigation: Minor

9.4.6 Increased gender based violence and sex harassment

Small scale women traders with disabilities revealed that they are mistreated at border crossing, their goods are grabbed and taken away and they cannot fight back (vulnerability assessment report GLTFP). It was confirmed in vulnerability assessment report (GLTFP) that Women with disability are harshly checked at check points, their breasts, and other private parts are touched and sometimes asked to remove their clothes to check whether they are smuggling goods into/out of the country. These incidences however are observed more on the side of DRC than on the Ugandan side. An interaction with border and local authorities on the Ugandan side revealed that there is tolerance to sex abuse, harassment and form of gender discrimination. The border agencies have in place disciplinary mechanism to handle errant staff. However, traders have limited knowledge of the channels for reporting and seeking justice once their rights are violated. In addition

the border committees are in place to handle such complaints from the traders. This will be more effective once the joint border committees are fully operational to handle cases of either side.

The scope of the construction is small in nature and will not attract large influx workers. The Project will be undertaken in one place and is to take only one year which is a relatively short time. This implies that the Project may have limited impact in as far as GBV is concerned.

However, Women constitute more than 70% of small scale cross border traders and 74.4% of registered market vendors are women; therefore the implementation of the Project activities may aggravate gender based violence and/or sex harassment affecting mainly women especially during allocation of spaces in temporary site and in redeveloped market. During construction, the contractors and workers on site may discriminate women by refusing to give them work/ contract them to provide services on site, give them low pay or use them sexually in exchange for providing them work at site.

In addition women vendors supplying services including food, water and casual labor services to the contractor or staff on the site could experience sexual harassment and discrimination by the contractor's staff failing to pay for the services provided.

There is also likelihood for staff of the contractor especially foreigners to the area to engage in human trafficking directly or through sexual engagements and later elope with young girls.

The Department of Community Based Services at Kasese District Local Government provides redress services on gender based violence. Police station in Mpondwe has a Unit on Domestic Violence and Children Affairs which also handles Gender based violence matters. In addition to the grievance committee, the district and police will serve as alternative redress mechanism for any cases that may arise during

The Project should create awareness to the communities on their rights, responsibilities and put a redress mechanism in place. This is particularly important considering that the most of the communities and vendors are semi illiterate and therefore ignorant of their rights and obligations. Efforts should be made to communicate to them in the local languages using printed materials and radio programs.

The project should put in place mechanism to ensure that any cases of GBV are reported and addressed quickly. Provisions on the code of conduct should be included in the contract with the contractor to ensure no incidences of GBV by the staff on or off the site. The contractor must ensure workers sign contracts with a clause on the Code of Conduct.

The Department of Community Based Services at Kasese District Local Government has guidelines on gender mainstreaming which the Town Council and the District should apply to ensure that the project has no cases of GBV

Bwera General Hospital located in Bwera-Mondwe Town Council can provide health services to any victim of GBV. It is a 120-bed public hospital owned by the Uganda Ministry of Health. It serves the surrounding sub-counties in Kasese District, and neighboring Democratic Republic of the Congo. Other facilities include Fort Portal Regional Referral Hospital at 127 kilometers and Mbarara Regional Referral Hospital at 163 kilometers away from Mpondwe.

Proposed Mitigation Measures

To mitigate against GBV the Project should

- Include in contractor's contract a provision on observing the code of conduct to prevent GBV. The contracts of the staff of the contractor should include a clause on the GBV Code of Conduct. A sample code of conduct attached as appendix 10
- Create awareness to the vendors and the communities using printed materials and radio programs in local languages to enable them understand gender based violence; their rights, responsibilities and redress mechanism.
- Work with the communities, the Local Council, vendor's association and the market committee to ensure that any GBV case is quickly identified and addressed,
- Work with the District and the Police to ensure any cases that are registered are addressed as quickly as possible and in a manner that provides justice to the victim
- Increase representation of special interest groups on grievance redress committees, Joint Border Committees and Cross border Trade Associations.
- Establish a feedback mechanism to monitor activities of the contractor's staff on and outside the site to ensure compliance with the code of conduct

Overall impact significance with mitigation: Minor

9.5 Anticipated negative impacts on the bio-physical environment during site preparation and construction phase

9.5.1 Soil Erosion Impacts

Site preparation and excavation using heavy equipment usually exposes soils in the affected areas and leave them vulnerable to erosion by heavy rainfall and surface run-off. Improper location of stockpiles of excavated material and construction materials like sand could also cause materials to be washed into the existing surface water resources and drainage system during heavy rainfall events. Soil erosion is a problem both at its source and downstream of the development site as lost soil may be deposited and the location of the deposition could alter downstream hydrology and increase chances of flooding. This impact is short term with high significance, but will cease with the construction phase before site landscaping and paving of parking areas.

Proposed Mitigation measures

- To the greatest extent possible, the construction contractor shall phase site clearance so as to minimize the area of exposed soil at any given time.
- The construction site shall be hoarded off to intercept any eroded material. Any excavated material will remain within the site until it is taken away for proper disposal or used for backfilling to avoid loose soil being washed away by storm water.
- There shall be proper landscaping and vegetation restoration after construction to further reduce the possibility of soil erosion.

Overall impact significance with mitigation: Minor

9.5.2 Construction Solid Waste Disposal Impacts

Considerable volumes of solid waste will be generated during site preparation and construction activities. The anticipated waste streams will include typical construction waste (e.g. wasted concrete, wooden scaffolding and waste earth materials, etc.). This waste will negatively impact the aesthetic value of the site and surrounding environments if not properly managed and disposed of at an approved dumpsite.

Proposed mitigation measures

- As a requirement by the Ministry of Trade, Industry and Cooperatives, a site waste management plan will be prepared by the contractor prior to the commencement of construction works. This should include designation of appropriate waste storage areas, collection and disposal schedule to approved dumping sites.
- Waste soil will be reused for backfilling where necessary and during landscaping and grass planting after construction.
- Waste collection bins will be provided onsite for temporary waste storage. The collected waste will be transported and finally disposed to a designated disposal site by a registered waste management company.
- The contractor should undertake waste segregation at source to separate hazardous from non-hazardous waste.
- Waste (such as metal scrap or wood waste) that can be reused/ recycled may be given to local people.
- Workers will be sensitised on proper waste management practices.

Overall impact significance with mitigation: Minor

9.5.3 Construction Safety and Health Impacts

As with any construction project, there is potential for impacts on human health and safety to occur as a result of accidents and unplanned events that may occur during the construction process. Heavy machines may cause accidents among operators if not handled properly. There is also a likelihood of accidents from steel works/welding, injuries from falling objects, slips, trips and falls from working at heights or wet surfaces. The risk of injury associated with the construction activities will be mainly limited to the construction staff (as the site will be secured to avoid public intrusion into the active construction area), but there remains some risk of injury to other site users and residents. While some accidents could be minor and not life threatening, others can be grave leading to permanent disability or loss of life of construction workers. Duration of the impact will be short-term occurring only during the construction phase. Extent of the impact will be site specific but with high significance.

Proposed mitigation measures

- All construction workers will be provided with adequate PPE like helmets, dust masks, gumboots, gloves, safety glasses, Safety latches (fall arrestors) and overalls and it will be mandatory for workers to wear protective clothing while on duty. The PPE shall be inspected regularly and maintained or replaced as necessary.
- Only trained personnel and skilled labourers shall be employed during construction.

- There shall be a safety awareness and compliance training by a certified safety person to all on-site personnel before commencement of construction works. Workers will be trained in safety procedures including accident prevention, safe lifting practices, proper control and maintenance of equipment and facilities, correct selection, use and maintenance of PPE.
- Continuous safety training will be carried out in form of daily toolbox meetings throughout the construction period.
- Site safe work practices and emergency procedures/protocols will be developed and communicated to all workers and appropriate warning signage will be displayed in highly visible places around the active construction working areas. All employees will be required to observe the operating standard for safe operations.
- A fully equipped first aid kit will be available on site for use on minor accidents and to administer first aid in case of serious accidents before the victims are transferred for extensive medical attention. This should be accessible to the workers at all times as part of the occupational health and safety requirements.
- Occupation health and safety will also be ensured on site by appointing an officer to be in charge of implementing all health and safety rules and guidelines.
- Project supervising engineers (of the Ministry of Trade, Industry and Cooperatives) should inspect the contractor's compliance with safety precautions during construction.

Overall impact significance with mitigation: Minor

9.5.4 Human Waste Disposal Impacts

Inadequate provision of sanitary facilities for use by construction workers can lead to ad hoc defecation in secluded areas on the site, thus creating of unsanitary conditions and sources of fly infestation. This can lead to disease outbreaks.

Proposed mitigation measures

- The construction staff will use the existing toilets on site and will ensure that regular cleaning is emphasised.

Overall impact significance with mitigation: Minor

9.5.5 Impacts of Construction Noise and vibrations

Demolition activities for the existing structures on part of the site may generate perceptible noise and vibration levels when heavy equipment or impact tools (e.g., jackhammers, hoe rams) are used. The other anticipated noise generating activities include excavation works, concrete mixing and compaction, steel welding works, vehicular movement to and from the site. Such noise will create a nuisance for workers and area residents in close proximity to the site. Some common impacts of noise include sleep disturbance and interference with communication. This negative impact will be short-term (limited to the construction phase) but with high significance if mitigation measures are not implemented.

Proposed mitigation measures

- Except as otherwise permitted, all noise generating construction activities shall be restricted to the hours of 7:00 a.m. to 5:00 p.m (during the least noise sensitive time). Unless under unavoidable circumstances, working at night shall be prohibited to avoid causing inconveniences to the nearest site neighbours.
- Construction workers involved in noise generating activities will be provided with ear protection equipment like ear muffs.
- There will be regular servicing of all construction equipment and vehicles to ensure high operation efficiency and less noise and vibration.
- The construction sites will be hoarded off. This will confine construction activities to the site only and limit noise exposure to the neighbours.
- Construction activities shall conform to National Environment (Noise standards and Control) Regulations, 2003. These regulations prescribe the acceptable levels of noise for a construction site at 75 dB (A) during the day and 65 dB (A) during the night.

Overall impact significance with mitigation: Minor

9.5.6 Dust Emissions – Local Air Quality Degradation

During the construction phase, air quality is expected to decline as a result of an increase in levels of fugitive dust from site clearance and excavation works, wind blowing of the stockpiled earth materials and movement of vehicles on dusty roads. The generated dust particles will pollute the local atmosphere around the site and if inhaled will lead to health hazards for workers and the people operating at close proximity to the site. Air pollution is also quite likely to occur due to traffic and other equipment using fossil fuels that release hydrocarbons and other gases including carbon dioxide, nitrous oxides, sulphur oxides, and particulate matter which may pollute the air. The level of air pollution originating from the above mentioned sources are expected to be low, localized and short term.

Proposed mitigation measures

- The Contractor shall ensure that all exposed soil and material stockpiles are adequately protected against the wind blowing. This can be achieved through covering with tarpaulin.
- The construction workers shall be provided with nose masks to prevent inhalation of bad air.
- On-site dust will be suppressed by sprinkling of water at least twice a day.
- All trucks hauling construction materials to the site will be fitted with tailgates and covered with tarpaulins to avoid blowing of materials by wind.
- A speed limit for all vehicles will be introduced and enforced to reduce dust generated by over speeding on dusty roads.
- All trucks used in the construction phase will be in good mechanical condition to eliminate the possible fumes.
- The proposed sites will be hoarded off during construction. This will restrict dust to the sites only and limit the effect on neighbours.

Overall impact significance with mitigation: Minor

9.5.7 Construction Traffic Related Impacts

The proposed construction activities are anticipated to result in a significant increase in the number of heavy vehicles plying the area during site preparation and transportation of construction materials to the site. This will lead to risk of traffic-related accidents or injuries to workers and accidents to other road users. Traffic accidents would be a significant social impact and especially likely to involve children and domestic animals. The most notable receptors for traffic related impacts will be the URA border offices and nearby shops. Extent of this impact will be on all roads plied by project vehicles.

Proposed mitigation measures

- Toolbox safety talks shall be conducted for drivers of construction vehicles. The speed limit close to the construction site shall not exceed 5KPH and the contractor will ensure that truck drivers respect speed limits through built areas and residential areas.
- Safe traffic control measures shall be employed, including road signs and flag persons to warn of dangerous conditions and children crossings.
- The contractor shall ensure to regularly maintain vehicles to minimize potentially serious accidents such as those caused by brake failure commonly associated with loaded construction trucks.
- Adopting limits for trip duration and arranging driver rosters will avoid accidents caused by driver overtiredness.
- Avoiding dangerous routes and times of day will reduce the risk of accidents.

Overall impact significance with mitigation: Minor

9.5.8 Material sourcing and transportation impacts

Earth materials needed for construction (e.g. sand, aggregates) are normally obtained from quarry and mining operations. Conscious or unwitting purchase of these materials from unlicensed operations indirectly supports, encourages and promotes environmental degradation at the illegal quarry sites and causes medium to long-term negative impacts at source. The various materials required for construction and building will be obtained from sources elsewhere and transported to the site. Transportation of these materials, typically in over-laden and sometimes uncovered trucks, usually results in undue road wear-and-tear. In the case of fine earth materials, dust and spillages occur on the roadways between the source and site. Dust degrades local air quality and material spillages disrupt driving conditions and increase the risk of road accidents. Impact duration is short-term only lasting the construction period, but secondary effects of road accidents will be long-term and possibly irreversible. Unless mitigation measures are instituted, the likelihood of the impact occurring is high.

Proposed mitigation measures

- Earth materials shall be obtained from officially licensed and approved quarries and copies of the relevant licenses made available by the contractor for inspection at the site.
- All fine earth materials shall be enclosed during transportation to the site to prevent spillage and dust spread. Trucks used for this purpose shall be fitted with tailgates that close properly and with tarpaulins to cover the materials.

- In cases of spillage, the clean-up of spilled material on the main roads should be the responsibility of the contractor and should be done in a timely manner (say within 2 hours) so as not to inconvenience or endanger other road users. These requirements shall be included as clauses within the contracts made with relevant contractors.
- The management of adverse impacts associated with materials haulage will be done through surveillance and supervision of the construction contractor by the Ministry of Trade, Industry and Cooperatives.

Overall impact significance with mitigation: Minor

9.5.9 Construction material storage impacts

The improper siting of stockpiles and storage of sand, gravel, cement, etc., at the construction site could lead to fine materials being washed away during heavy rainfall events. This would not only represent a waste of materials but would also contribute to turbidity and sedimentation with consequent negative impacts on the area drainage system and possible flooding. Hazardous and flammable materials (e.g. paints, thinner, solvents, etc.) improperly stored and handled on the site are potential health hazards for construction workers and spilled chemicals would have the potential to contaminate soil and inhibit plant growth in localized areas.

Proposed mitigation measures

- The stockpiling of construction materials shall be properly controlled and managed; Fine grained materials (sand, etc.) shall be stockpiled away from any surface drainage features.
- Low berms shall be placed around the piles and/or tarpaulin used to cover open piles of stored materials to prevent them from being washed away during rainfall.
- Safe storage areas shall be identified and retaining structures put in place prior to the arrival and placement of material.
- Hazardous chemicals (e.g. paints and fuels) shall be properly stored in appropriate containers and these shall be safely locked away. Conspicuous warning signs (e.g. 'No Smoking') shall also be posted around hazardous waste storage and handling facilities.

Overall impact significance with mitigation: Minor

9.5.10 Landscape and visual destruction

At the initial stages of construction, excavators and landscape distortion can be an eye sore to the passer-by.

Proposed mitigation measures

- The Contractor shall put up a perimeter fence using non-transparent material to prevent people from accessing the site.
- The Ministry of Trade, Industry and Cooperatives shall beautify the building and the site after its completion by painting it and planting aesthetic plant round it.

9.6 Anticipated negative impacts on the socio-economic environment during the operation phase

9.6.1 Crime management, child protection, gender equity and sexual harassment

The Child labour policy, 2006 prohibits engagement of children in a manner that is hazardous, and detrimental to the child's education, harmful to the child's health or physical, mental, spiritual, moral, or social development. It is also important to be vigilant towards potential sexual exploitation of children, especially young girls. The market management should therefore adhere to this policy ensuring that strictly no children are allowed to operate in the market.

Crimes might occur in the developed market area such as stealing of individual property, fighting, petty crimes such as pick pocketing, drug abuse and alcoholism among others.

There is also potential that gender inequality might occur during the market operation through unequal representation of women in the market management and lack of provision of separate facilities for women among others. Sexual harassment against women and people with disabilities (PWDs) might also happen because of mixing of women and men at the market.

Proposed mitigation measures

- Market management should take all reasonable precautions to prevent unlawful, riotous or disorderly conduct by or amongst the traders, and to preserve peace and protection of persons and property on and near the market.
- Market management to prepare and enforce a "No Sexual Harassment Policy" in accordance with national law where applicable.
- Market management and the Ministry of Trade, Industry and Cooperative to prepare and implement a Gender Action plan to include at minimum, in conformance with local laws and customs, equal opportunity employment, gender sensitization.
- Grievance redress mechanisms including non-retaliation and anonymity reporting should be set up for the traders.
- The market management should hire a security firm to manage security within the market.
- Ensure no children are allowed to operate in the market in accordance with national child labour policy, 2006 as this is mostly observed on market days. In addition, the town council should enact a bye law whereby parents/guardians of children who are seen in the market during school hours during school days are held responsible.
- Market management should prohibit alcohol, drugs, arms, and ammunition in the market among the traders.
- The Ministry of Trade, Industry and Cooperative should provide for gender disaggregated bathing, changing, sanitation facilities at the market.

Overall impact significance with mitigation: Minor

9.6.2 Ebola

During operation, the traders may likely get infected by the Ebola virus as a result of body contacts in the market with the skin or bodily fluids of an infected animal or human. This is because the area at the bordering

with Congo making it prone to the disease. Other ways to get Ebola include touching contaminated needles or surfaces.

Proposed mitigation measures

- The market management should work closely with Ministry Of Health to carryout continuous sensitization on prevention of Ebola.
- Raising awareness about Ebola;
- In areas where Ebola is present, avoid contact with bats, monkeys since these animals spread Ebola to people;
- Encourage testing of traders and immediate isolation of those having Ebola from the public to prevent the spread;

Overall impact significance with mitigation: Minor

9.6.3 Increased HIV/AIDS prevalence and other diseases

HIV/AIDS prevalence is likely to increase among market traders when many youths get self-employed and earn income. Without proper campaign on prevention, the spread of HIV can be rampant within traders.

Proposed mitigation measures

- HIV/AIDS awareness methods used in campaign to increase understanding about the disease;
- Raising awareness about HIV/AIDS;
- Promote the benefits of abstinence / avoidance;
- Provide a box in a strategic position where condoms can be accessed by the traders;
- Encourage traders to go for HIV voluntary counseling, testing and referral services;
- Monitoring of outcomes, in collaboration with HIV support organizations.

Overall impact significance with mitigation: Minor

9.7 Anticipated negative impacts on bio-physical environment during the operation phase

9.7.1 Solid Waste Disposal Impacts

A considerable volume of waste is anticipated from the operation activities of the project. The anticipated wastes will include packaging materials, domestic waste from human occupancy (Empty tins and water bottles, food remains), and office waste. Indiscriminate disposal of this waste will lead to littering of the area, clogging of drainage systems and can become a nuisance to public health.

Proposed mitigation measures

- Domestic wastes generated at the facility shall be temporarily kept in waste bins and thereafter disposed of in a designated waste disposal site, while scrap metal will be managed collected separately and eventually sold to licensed recycler.
- Market vendors shall be sensitised on good housekeeping and waste management practices.
- The Ministry of Trade, Industry and Cooperatives shall draft a comprehensive waste management plan for the project that shall be followed throughout the life of the project.

- All solid wastes will be collected in well covering waste collection bins or waste handling receptacles of an appropriate size and number. These bins will be rodent-proof and separately coded for biodegradable and non-biodegradable waste, provided at appropriate waste generation areas. Waste from such containers shall be collected on a daily basis to a central collection point to be designated at the premises.
- The town Council will collect all the solid wastes from the central collection point at the premises for effective disposal to the council dumpsite.
- No waste of any type will be disposed of in any watercourse including drains, wetlands and the surrounding environment.

Overall impact significance with mitigation: Minor

9.7.2 Traffic Related Impacts

During operation of the border export zone, Traffic is expected to increase as there will be trucks transporting goods to and from the two countries. This will lead to risk of traffic-related accidents or injuries to vendors within the zone/ market and accidents to other road users. Traffic accidents would also be a significant social impact and especially likely to involve children, people with disabilities and animals along the roads.

Proposed mitigation measures

- The markets' entrance and exit points will be wide and clear enough to allow for free vehicle navigation without causing traffic disruption along the access road.
- Where necessary, flagmen will be employed on busy days to direct traffic at the section of the road around the market premises.
- The project plan design provides for adequate car and truck parking spaces to avoid parking outside the market boundary. This will eliminate congestion of vehicles along the road.
- There will be speed limit signs within the market premises and the speed within will be limited to 10km/hr. There will also be designated and labelled walkways, walkways and ramps for people with disabilities and designated parking areas for cars for both vendors and visitors.

Overall impact significance with mitigation: Minor

9.7.3 Risk of Fire Outbreaks

There is a likelihood of fire out breaks at the markets during operation. Fire may result from electrical short circuits, accidental fires from smoking, or arson related fire. Fire outbreaks and explosions can cause loss of property and injure or kill workers or other people who are at the markets or nearby at the time of explosion. Fire impact is a long term impact with High significance if mitigation measures are not instituted.

Proposed mitigation measures

- All electrical wiring for the market facilities will be carried out by certified electricians in liaison with the Ministry of Trade, Industry and Cooperatives to ensure proper connections and avoid fire as a result of short circuits.

- Firefighting equipment shall be installed at strategic locations within the markets buildings and management will ensure that all such equipment are regularly maintained and serviced. Such equipment may include smoke detectors and fire alarm system, cylinder fire extinguishers of different sizes and water horse wheels.
- Some vendors at the market shall be trained in fire control and fighting measures. Names, contacts and pictures of these trained firefighters shall be displayed in all working areas for ease of reach in case of a fire emergency.
- Regular fire drills shall be conducted to ascertain the level of comprehension of the occupants of the market facilities in terms of reaction, response time and use of equipment for firefighting/management procedures
- There shall be a fire emergency plan and a clear evacuation plan in place to guide operations and procedures in case of a fire outbreak. The emergency and evacuation plans shall be displayed in all working areas. Directions to exit in case of any fire shall be provided and exit routes well labeled.
- A clearly marked fire assembly point will be established at the premises and management will ensure that fire escape routes within the market are well known and are always free from any obstacles.
- Fire prone behaviour such as smoking will be strictly prohibited and signs such as 'NO SMOKING' signs will be displayed at fire prone areas. Smoking zones shall be demarcated for inevitable smokers.
- The Ministry of Trade, Industry and Cooperatives shall also have permanently stationed security guards at the markets and adequate security lighting to ensure security against arson-associated fires.
- Market vendors who sell/vend cooked food/have restaurants will be encouraged to use improved cooking stoves to minimize fires that may result from the use of ordinary charcoal stores.

Overall impact significance with mitigation: Minor

9.7.4 Occupational Safety and Health Impacts

Occupational safety and health issues may occur during the operation of the border export zone (market) and can be classified according to the following categories:

- **General workplace health and safety:** Physical hazards may include: accidents from trucks, hazards related to height and falling, and use of fixed and mobile equipment, lifting and hoisting devices.
- **Fatigue:** Border export zone operations often have a number of repetitive activities where fatigue or other causes of impaired fitness for work could produce potential for serious injury, equipment damage or muscle skeletal problems.
- **Confined Space:** A confined space is defined as a wholly or partially enclosed space not designed or intended for human occupancy and in which a hazardous atmosphere could develop as a result of the contents, location or due to work done in or around the confined space.

Proposed mitigation measures

- All workers in the border export zone (markets) will be provided with Personal Protective Equipment (PPE) that is fit for the task to prevent injury and maintain hygiene standards. Such PPE will include overalls, gloves, caps, safety shoes and nose masks. The PPE shall be inspected regularly and maintained or replaced as necessary. It will be made mandatory for all workers to use PPE while on duty.
- Induction training shall be provided to all new staff and refresher trainings given in correct use of and safe handling of equipment to avoid accidents. Staff shall also be trained in the correct selection, use and maintenance of PPE.
- An adequate number of well-equipped First Aid kits will be kept at the premises for use in minor accidents and to administer first aid in case of serious accidents before the victims are transferred for extensive medical attention. These kits will be evenly distributed in the working areas and kept in places where they are easily accessible.
- Site safe work practices and emergency procedures/protocols will be developed and communicated to all workers and vendors and appropriate warning signage will be displayed in highly visible places around the operation areas. All employees and vendors at the premises will be required to observe the operating standard for safe operations.
- The Ministry of Trade, Industry and Cooperatives will draft an occupational safety and health policy for the zone and markets, which shall be well communicated and displayed in all working areas.
- The working areas shall be well ventilated and provided with adequate lighting to minimize impacts in confined areas.
- The market management shall prepare, print and distribute a project safety manual among all workers, well communicating the safety procedure and individual responsibility throughout the operation of the zone.

Overall impact significance with mitigation: Minor

9.7.5 Social Disharmony Due to Population Influx

While some workers and vendors at the proposed project may originate from the local community where they have families, there will be others from distant places. With some disposable income to spend, this might induce illicit sexual relationships. Irresponsible sexual relationships in project communities can break families and heighten risk of contracting HIV/AIDS and other transmitted diseases such as Ebola. This may also contribute to gender based violence and family breakdown. The influx of people may also come with ill behavior like theft, alcoholism and drug abuse among others. It will also strain the existing communal utilities like water sources, markets and health facilities.

Proposed mitigation measures

- Priority for employment will be given to the local residents who may work at the facility and go back to their homes thus reducing the influx of project labour.
- Kasese Local Government will take the initiative to register the new employees and vendors with the LC leaders as and when they begin working at the premises.

- The Ministry of Trade, Industry and Cooperatives will develop and an HIV/AIDS workplace policy and HIV mainstreaming guidelines to implement during project execution. HIV/AIDS awareness/prevention will be incorporated in induction and regular trainings and during site meetings
- Mpondwe Lhubiriha Town Councils with support of , the Ministry of Trade, Industry and Cooperatives will create linkages with civil Society Organizations and Government Health Facilities to provide HIV counselling and testing for workers, vendors and community members.
- The Ministry of Trade, Industry and Cooperatives shall involve the town council local government personnel to: aid in addressing health issues, sensitize community members and vendors on the stage/progress of activities and planned employment and benefits, establish and implement a grievance response system and address issues as they arise.
- The project implementation unit will work closely with Ministry Of Health to carryout continuous sensitization on prevention of Ebola.

Overall impact significance with mitigation: Minor

9.7.6 Site Security impacts

The proposed border export zone (market) will have valuable goods and properties. It is therefore bound to attract thieves. This could lead to loss of property and lives.

Proposed mitigation measures

- The Ministry of Trade, Industry and Cooperatives will contract the services of a registered security company to provide security guards to ensure the general safety and security at the premises during the day and night.
- Where practical, a CCTV surveillance system will be installed at specified locations for fulltime monitoring of the premises.
- The Ministry of Trade, Industry and Cooperatives and market management as a whole will work closely with the local authorities and the nearest police to enhance security at the premises.
- Employment of the local residents and collaboration with area leaders during project planning, construction and operation will ensure good project reception in the area and reduce chances of theft from the local community.

Overall impact significance with mitigation: Minor

9.7.7 Drainage and Storm Water Management Impacts

Construction of the proposed project structures will create impervious surfaces on the site as roofed buildings and paved parking lots will be set up. Impervious areas and compacted soils generally have higher runoff coefficients than natural area. Poor runoff management can lead to flooding.

Proposed mitigation measures

- The project design will limit paving of surfaces by planting grass and landscaping the un-built areas on site. The planted area will not only improve the site aesthetics but will also allow infiltration of water thereby reducing the volume of runoff from the premises.

- A comprehensive surface drainage system; which includes an adequate number and sizes of drainage channels will be constructed at the premises to facilitate storm water flow from the paved surfaces. The drainage system will be aligned to follow the natural drainage system of the area.
- Roof water shall be collected through pipes into the surface drainage system.
- The drainage channels will be provided with grates to avoid blockage by solid materials.
- The drainage channels will be regularly de-silted and properly maintained for effective functionality throughout the life of the project.

Overall impact significance with mitigation: Minor

9.7.8 Human waste management impacts

During operation, the proposed facility is anticipated to host a significant number of people on a daily basis. These people will generate a considerable volume of sewage. Poor disposal of such sewage will lead to pollution of the area and foul odour around the area.

Proposed mitigation measures

- The project design incorporates water borne toilets, washrooms and urinals at the facility. If properly constructed as designed, they will mitigate sewage disposal impacts. These should be of adequate stances in accordance with WASH guidelines and provided with hand washing facilities.
- Sanitary facilities will be well labelled to separate use by males and females. Sanitary buckets should be provided in the females’ toilet rooms.
- Cleaners shall be employed to ensure that these facilities are kept clean and stocked (with water and soap) and well maintained throughout the life of the project.
- The Ministry of Trade, Industry and Cooperatives will provide for well-constructed sewage lines all collecting into the septic tank and soak pit to be constructed onsite for effective treatment and final disposal of all sewage. Proper workmanship shall be ensured to prevent leaking.
- Separate stances will be designated and specifically designed for people with disability.

Overall impact significance with mitigation: Minor

9.8 Anticipated community health and safety impacts and mitigation measures

9.8.1 Entrapment and injury

Neighbouring persons may be entrapped or injured due to inadvertent or intentional trespassing on the construction site including potential contact with hazardous materials. Buildings that are vacant or under construction, or excavations and structures may pose falling and entrapment hazards.

Proposed mitigation measures

- Restricting access to the site, through a combination of institutional and administrative controls, with a focus on high risk structures or areas including:
 - i. Fencing;
 - ii. Signage; and

- iii. Communication of risks to the neighbouring community.
 - Removing hazardous conditions on the project site that cannot be controlled effectively with site access restrictions, such as:
 - i. Covering openings to small confined spaces;
 - ii. Ensuring means of escape for larger openings such as trenches or excavations, or locked storage of hazardous materials.

Overall impact significance with mitigation: Minor

9.8.2 Health and safety impacts

During construction, activities such as excavation and concreting will pose occupational hazards and risks to the general public living and working in the neighbourhood of the construction site. These activities can cause respiratory infections due to exposure to, dust and combustion gases. Dust and combustion gases can irritate the eyes causing trachoma and respiratory problems.

Proposed mitigation measures

- The Contractor shall ensure that all exposed soil and material stockpiles are adequately protected against the wind blowing.
- On-site dust will be suppressed by sprinkling of water at least twice a day.
- All trucks used in the construction phase will be in good mechanical condition to eliminate the possible fumes.
- The proposed sites will be hoarded off during construction. This will restrict dust to the sites only and limit the effect on neighbors.

Overall impact significance with mitigation: Minor

9.8.3 Disruption of public supply utilities (water supply and electricity)

Disruption of water supply can occur during construction phase. During excavation activities, the underground water pipes supplying water to the neighbouring communities and residents may be accidentally broken. If water supply to the neighbouring residents, it may contribute to community health risks due to poor sanitation and poor maintenance of personal hygiene.

Proposed mitigation measures

- The Contractor should promptly liaise with National Water and Sewerage Corporation (NWSC) to provide the layout of supply lines that may be passing through or around the project site;
- The supply lines should be isolated and protected from damage during the construction period; and

- The contractor should report immediately to the concerned service provider if any of the supply lines is damaged to prevent prolonged water disruptions to neighbouring businesses and residents.

Overall impact significance with mitigation: Minor

9.8.4 Landscape and visual destruction

At the initial stages of construction, excavators and landscape distortion can be an eye sore to the passer-by.

Proposed mitigation measures

- The Contractor shall put up a perimeter fence using non-transparent material to prevent people from accessing the site; and
- The Ministry of Trade, Industry and Cooperatives shall beautify the building and the site after its completion by painting it and planting aesthetic plant round it.

Overall impact significance with mitigation: Minor

9.8.5 Poor sanitation

Workers at the construction site will require sanitation facilities during construction period, which if not well maintained and cleaned, may lead to outbreaks of illnesses such as cholera, hepatitis, typhoid etc.

During operations, lack of adequate and clean sanitation facilities at the market to accommodate all the traders and customers can also lead to potential outbreaks of diseases. It is therefore important to ensure that the market is equipped with enough and clean sanitation facilities to mitigate such occurrences.

Mitigation measures proposed

- i. During construction
 - ✓ The Contractor should provide clean and adequate sanitation facilities for the workers at all times; and
 - ✓ The Contractor shall also provide clean drinking water at the construction site for his workers at all times.
- ii. During operation
 - ✓ The Ministry of Trade, Industry and Cooperatives and Market Management shall ensure that the sanitation facilities are cleaned at all times;
 - ✓ Market Management shall ensure proper maintenance of sanitation facilities;
 - ✓ Facilities should be cleaned regularly, with one day set aside for major clean up once a month;
 - ✓ Ensure drainage system and specific design measures are working effectively;

- ✓ Well planned and thorough regular cleaning, including drainage areas; and
- ✓ Discourage cleaning of produce at the stalls to minimize water ponding in the market.

Overall impact significance with mitigation: Minor

9.8.6 Depletion of water resources during construction phase

Construction works demand high level of water utilization. This high water demand will in turn impact to the water supply in the neighbouring community. The impact will be reduced water supply to other adjacent areas that share the same water infrastructure. Depleted water resources may lead to poor sanitation.

Proposed mitigation measures

- The Contractor is advised to consult with National Water and Sewerage Corporation (NWSC) and Department of Water Resources Management (DWRM) to get water abstraction permits; and
- The Contractor is also advised to install water storage tanks and other water saving technology at the site to save on water usage.

Overall impact significance with mitigation: Minor

9.9 Cumulative impacts

Cumulative impacts are those that result from the successive, incremental, and/or combined effects of an action, project, or activity. For practical reasons, the identification and management of cumulative impacts are limited to those effects generally recognized as important on the basis of scientific concerns and/or concerns of affected communities. Cumulative impacts can only occur where, following the implementation of mitigation, significant residual impacts are predicted by the ESIA process.

The cumulative impacts considered in this project include the following;

- Air quality
- Water quality
- Waste management
- Noise impacts
- Traffic
- Social economics

9.9.1 Assessment of the impacts

The assessment looked at the likelihood of an impact having a residual impact that can build up or interact with other impacts from other human activities after the implementation of the mitigation measures proposed in this report. The impact was then rated likely or unlikely. The following tables look at the significance of an impact to have residual cumulative impact. The impacts are rated as negligible, minor or moderate.

Residual cumulative impact of air quality

No significant local air quality effects are predicted following the good construction practice, which incorporates the implementation of the identified mitigation measures in the ESMMP

Phase	Significance (Pre-mitigation)	Residual Significance (Post-mitigation)
Construction	Negligible	Negligible
Operation	Negligible	Negligible

Residual cumulative impact of water quality

No significant impacts on the local water environment are predicted with the implementation of proposed mitigation measures. Therefore in reference to other human activities, interaction of the impacts to produce cumulative impact is negligible.

Phase	Significance (Pre-mitigation)	Residual Significance (Post-mitigation)
Construction	Minor	Negligible
Operation	Minor	Negligible

Residual cumulative impact of waste management

In waste management cumulative impact to the waste services could be impacted if mitigation measures are not implemented and the impact significance could be minor.

Therefore following the implementation of mitigation measures cumulative impacts are localized and impossible to spread and combine with other human activities to produce any significant cumulative impact

Phase	Significance (Pre-mitigation)	Residual Significance (Post-mitigation)
Construction	Minor	Negligible
Operation	Negligible	Negligible

Residual cumulative impact of Noise quality

For the proposed market project, the noise generation is predicted to be site specific. In addition to the location of the market it's impossible for the noise level to combine with other human activities/ projects and produce significant cumulative impact

Phase	Significance (Pre-mitigation)	Residual Significance (Post-mitigation)
Construction	Negligible	Negligible
Operation	Negligible	Negligible

Residual cumulative impact of traffic congestion/interruption

Due to the geographical location of the market, it's unlikely that any significant cumulative traffic impacts can arise from the market development.

Phase	Significance (Pre-mitigation)	Residual Significance (Post-mitigation)
Construction	Minor	Negligible
Operation	Negligible	Negligible

Cumulative impact on socio economics

Cumulative impacts on socio economics as a result of the market being built are likely to have positive impacts to the socio economy of the area. Some of the benefits include the following;

- Increased number of people employed in the building sector as casual/permanent during the construction and operation stage.
- Improved market will reduce produce loses because of the improved storage conditions and working condition and increase profitability of the businesses in the market.
- The town council revenue tax will increase due to the increase of number of traders in the market.

In conclusion, the possibility of the interaction of the impact is unlikely to produce any cumulative impact due to the geographic location of the market.



9.10 Summary of negative impacts evaluation

To systematically evaluate the impacts associated with the proposed project, an impact matrix table below has been constructed as per the identified categories. It contains a summary of the biophysical and socio-economic impacts associated with the construction and operation phase of the proposed project.

Table 9-2: Summary of negative impact analysis (Impact Matrix table)

Impact	Extent	Magnitude	Duration	Probability of occurrence	Overall significance without mitigation/enhancement	Overall significance with mitigation/enhancement
Negative impacts on the socio-economic environment during site preparation and construction phase						
Disruption of current market activities	Site specific	Low	Temporary	Highly probable	Moderate	Minor
Food poisoning	Site specific	Medium	Temporary	Probable	Moderate	Minor
Crime management, child protection, gender equity and sexual harassment	Local	Medium	Temporary	Probable	Moderate	Minor
Complaints and grievances	Local	Medium	Temporary	Highly Probable	Moderate	Minor
Increased HIV/AIDs prevalence and other diseases.	Local	Medium	Temporary	Probable	Moderate	Minor
Increased gender based violence and sex harassment	Local	Medium	Temporary	Probable	Moderate	Minor
Negative impacts on the bio-physical environment during site preparation and construction phase						
Soil erosion impacts	Site specific	Medium	Temporary	Probable	Moderate	Minor
Dust emissions-Local air quality degradation	Site specific	Medium	Temporary	Probable	Moderate	Minor
Impacts of construction noise and vibrations	Site specific	Medium	Temporary	Probable	Moderate	Minor
Construction waste disposal impacts	Site specific	Medium	Temporary	Highly Probable	Moderate	Minor





Construction health and safety hazards	Site specific	High	Temporary	Probable	Moderate	Minor
Landscape and visual destruction	Site specific	Medium	Temporary	Highly probable	Moderate	Minor
Impacts of human waste disposal	Site specific	Medium	Temporary	Probable	Moderate	Minor
Traffic disruption	Site specific	Medium	Temporary	Probable	Moderate	Minor
Material sourcing and transportation impacts	Local	Medium	Temporary	Probable	Moderate	Minor
Materials storage impacts	Site specific	Medium	Temporary	Probable	Moderate	Minor
Negative impacts on the socio-economic environment during the operation phase						
Crime management, gender equity and sexual harassment	Local	Medium	Long term	Probable	Moderate	Minor
Increased HIV/AIDs prevalence	Local	Medium	Long term	Probable	Moderate	Minor
Ebola	Local	Medium	Temporary	Probable	Moderate	Minor
Negative impacts on the bio-physical environment during the operation phase						
Impacts of poorly managed solid waste	Site specific	Medium	Long term	Highly probable	Moderate	Minor
Human waste disposal impacts	Site specific	Medium	Long term	Highly probable	Moderate	Minor
Risks of fire outbreaks	Site specific	Medium	Long term	Probable	Moderate	Minor
Drainage issues and storm water management	Site specific	Medium	Long term	Probable	Moderate	Minor
Site security impacts	Site specific	Medium	Long term	Probable	Moderate	Minor
Social Disharmony Due to Population Influx	Local	Medium	Long term	Highly probable	Moderate	Minor
Traffic related impacts	Site specific	Medium	Long term	Probable	Moderate	Minor
Occupational health and safety impacts	Site specific	Medium	Long term	Probable	Moderate	Minor



10 TEMPORARY RELOCATION SITE

10.1 Relocation site background

After consultations with the vendors, Mpondwe-Lhubiriha town council and Ministry of Trade, Industry and Cooperative, it was agreed that the PAPs (Mpondwe market vendors) will be temporarily relocated in the neighbourhood of the existing market site to allow construction of the proposed new market structures as per the design. The new market structures will be developed and the vendors will be brought back after completion. The proposed temporary relocation site is composed of a number of small plots owned by 9 households neighboring the main Market (project site).

4 out of 9 households have some semi-permanent houses in their plots. There are few plants of bananas and 3 trees of Avocado and few trees of coffee. The 4 households with structures in temporary site were engaged by the Town Council to discuss whether they are willing to have their structures demolished with compensation from Council. The Land owners refused to have their structures demolished because they want to rent them out as stores to Fish Vendors when they shift to relocation site. They agreed to rent only open spaces/compounds to the Town Council.

Other 5 households do not have structures in their plots but have been doing farming on their land. These agreed to rent their plots to Town Council. According to Assistant Town Clerk Mpondwe –Lhubiriha Town Council, the Town Council will pay monthly rent to land owners for three years. The each plot has been measured and marked by the Town Planners, the amount paid as monthly rent will depend on the size of the plot. For example a 100X50 plot the monthly rent will be Ug shs 250,000.

The Town Clerk explained that Tenancy agreement will be signed with each household once the Ministry gets approval from the World bank to start construction of basic facilities at the temporary site this is because the land owners committed Town Council to start paying them on the day they sign the tenancy agreement so without assurance from the Ministry that operations are about to commence at temporary site we cannot sign, local governments have fixed budgets he added. **(Copies of tenancy agreements will be provided to the Ministry after signing with each of Landowners)**. He added that Town Council will also level the site and improve on the 3 access roads to temporary site. The Market vendors will put up their temporary stalls and kiosks.

The Ministry will provide basic infrastructures such as extension of water and electricity, fencing the entire site, construction of VIP latrine and Vendors shade including lining storm water drainage. The Project team confirmed that these basic infrastructures have been included in the Project Procurement Plan which the Bank approved. The construction of basic infrastructure will commence once the bank gives go ahead to start civil works at the temporary site.

The project safeguard Specialists explained that 12 enterprise (for example fish, vegetable ,Palm oil, produce) section heads and 10 members of Cross Border Traders association executive committee and the grievance redress Committees will play key role in ensuring that the allocation of working spaces in the

temporary site is done with high level fairness and transparency. Technical guidance will be provided by Project Team during the Market Vendors relocation Process to ensure that the process is participatory and smooth.

10.2 Location and size

The proposed site is located in the eastern neighbourhood of the existing Mpondwe market at GPS Coordinates: 0°2'41.07"N, 29°43'23.21"E (taken at a random point in the middle of the site) in Kambukamabwe II Cell, Kambukamabwe Ward, Mpondwe-Lhubiriha Town Council, Kasese District. The temporary relocation site is 1.44 hectares or 3.558 acres in size and is approximately 69m from the main market. An existing community road that goes through the land provides access to the relocation site. The temporary relocation site may not be adequate to accommodate the 2768 registered vendors to be relocated. The vendors will be required to set up their own temporary stalls and shelter in the temporary relocation site. Sanitary facilities will be constructed by Mpondwe-Lhubiriha town council.

10.3 Existing site conditions

10.3.1 Vegetation

Currently, the proposed relocation site is occupied with bushes which will be cleared progressively for the development. The site is usually used by the community members for livestock grazing. There is a banana plantation owned by some of the households in the immediate neighbourhood of the temporary relocation site. The livestock grazing is however on a small scale as during the assessment time, only 7 goats were observed being grazed on this site. The secondary PAPs whose banana plantations will be affected are as well considered in the compensation plans details of which are in the RAP report.

10.3.2 Households

The temporary relocation site is surrounded by private permanent and temporary structures of which some of the structures are within the site. From the consultation with the PAPs at the relocation site, it was agreed that the structures will remain in the ownership of Landowners and town Council will only rent open spaces/compounds surrounding structures to create space for the market activities.

10.3.3 Accessibility

There are 3 access roads leading to temporary relocation site thus site has three entry points and Town Councils will widen them to allow vehicles to access the temporary site. Culvert crossings will be put to three Sections of storm water drainage that is at the boundary of temporary site.

10.3.4 Sanitation facilities

During the site visit time, the temporary relocation site did not have sanitary facilities. However the VIP Latrine will be constructed with the support of the Ministry. Cleaning of the facilities should also be encouraged and done regularly to promote hygiene and sanitation at the temporary relocation site.



Figure 10-1: Google map showing the temporary relocation site





The proposed relocation site for the market



The community road through the proposed site



Garbage collection point around the site



Part of the proposed relocation site



Abanana plantation next to the proposed site



A temporary structure on the proposed site

Figure 10-2: Photographs showing the proposed relocation site and its environs

10.4 Negative impacts relating to relocation

The impacts discussed under the resettlement site apply for both the market development and the relocation site. However, the relocation site has its own unique challenge due to the fact that it is a temporary site without adequate facilities such as toilets, water, standard walk ways for the vendors, PWDs and the clients. This section looks at the impact of the relocation of the identified market vendors temporarily to allow the construction of the new market. The anticipated impacts include the following;

10.4.1 Loss of business shades

The current business shades will be demolished to pave way for the new market development

Proposed mitigation measures

- Provide temporary appropriate structures at the relocation site.

Overall impact significance with mitigation: Minor

10.4.2 Loss of business income during the transition

During the relocation period the traders will be unable to conduct their business routine because they will be busy shifting their wares to the new temporary site. Therefore, there will be loss of income during this transition period. This may cause the traders to be angry and emotional which may escalate to conflict.

Proposed mitigation measures

- Provide wide publicity about relocation of the market for the public/customers
- Provide notice to the PAPs in advance to relocate to the new temporary relocation site.
- The structure in the relocation site should be ready for occupation before shifting the traders.
- Market vendors will be sensitized to appreciate the importance of the project.
- Vendors will be given first priority/chance to get working space in the redeveloped market.

Overall impact significance with mitigation: Minor

10.4.3 Inadequate Sanitation and Water Facilities

The relocation site may anticipate limited access to water and sanitary facilities. This may pose public health risks to the vendors. Limited sanitary facilities may inconvenience the vendors in their day to day routine during their stay in the relocation site.

Proposed mitigation measures

- Maintain the existing toilets before alternative sanitary facilities are availed.
- Provide alternative sanitary facilities such as temporary toilets
- Provide water points for the market.

Overall impact significance with mitigation: Minor

10.4.4 Garbage collection

Due to the fact that there will be disruption in the market setup and daily routine, garbage collection may be affected. This may lead to littering in the relocation site and garbage build up.

Proposed mitigation measures

- Provision of well covering garbage collection bins or waste handling receptacles of an appropriate size and number and provide notice for the same. These bins will be rodent-proof and separately coded for biodegradable and non-biodegradable waste, provided at appropriate waste generation areas.
- Create awareness of garbage collection and cleanliness of the individual trading space.
- Garbage collection to resume as scheduled.

Overall impact significance with mitigation: Minor

10.4.5 Noise and vibration

This section addresses impacts of noise beyond the property boundary of the facilities i.e. impact of the construction activities to the relocation site which is around the market development area. The property boundary here applied between the market site and the temporary relocation site.

Proposed mitigation measures

- Selecting equipment with lower sound power levels
- Installing suitable mufflers on engine exhausts and compressor components
- Installing acoustic enclosures for equipment casing radiating noise
- Installing vibration isolation for mechanical equipment
- Limiting the hours of operation for specific pieces of equipment or operations, especially mobile sources operating through community areas
- Re-locating noise sources to less sensitive areas to take advantage of distance and shielding
- Developing a mechanism to record and respond to complaints

Overall impact significance with mitigation: Minor

10.4.6 Conflict during relocation or return to the new market

Grievances may arise both during relocation and return to the new market. This may cause conflict and may escalate to protest/violence.

Proposed mitigation measures

- The laid plan in the RAP report should be publicized and adhered to.
- The market traders should be sensitised and notified in advance before relocation
- Grievance/complaints procedure should be provided to all the vendors through notice in the market place
- Market Vendors resettlement guidelines should be adhered to.

Overall impact significance with mitigation: Minor

10.4.7 Vegetation loss

The process of clearing and levelling the ground for the temporary market will lead to vegetation loss since it will involve the removal of vegetation cover and trees planted on site of relocation. However, this will have very minimal impact to vegetation as the area is currently mainly occupied by bushes and trees like mangoes and jack fruits and is mainly used by the community for grazing.

Proposed mitigation measure

- ✓ Since the impact on vegetation is very low, the Ministry of Industry, Trade and Cooperatives should compensate the loss of trees at the site of relocation during preparation of the temporary market by planting similar trees and flowers and other aesthetic plants once the project is complete.

10.4.8 Air quality

Air quality may be compromised by mainly dust (particulate matter) and other air quality contaminants such carbon monoxide associated with combustion processes during the process of improving the access road and levelling the ground for the make shift market.

Proposed mitigation measures

- ✓ Use of dust control methods such as dust suppression by sprinkling of water at least twice a day
- ✓ All vehicles used during the improvement of the access road and levelling the ground should be in good mechanical condition to eliminate the possible fumes.



Table 10-1: The ESMP for Relocation and Return

The RAP has detailed resettlement plan. However key environmental and social negative impacts and related mitigations measures have been summarized in the table below.

	Negative impact	Proposed mitigation measures	Estimated Cost (UGX)	Desired outcome	Monitoring indicators	Implementation timeframe	Responsible party
1.	Loss of business shades	<ul style="list-style-type: none"> • Provide temporary appropriate structures at the relocation site. • Resettlement back to the improved market 	100,450,000	Adequate compensation	<ul style="list-style-type: none"> • Temporary shade available for use in the relocation site • Permanent stall allocation 	Before Resettlement After construction of the new market	<ul style="list-style-type: none"> • The Ministry of Trade, Industry and Cooperatives • Market management
2.	Loss of business income during the transition	<ul style="list-style-type: none"> • Provide notice to the PAPs in advance to relocate to the new temporary site • The structure in the relocation site should be ready for occupation before shifting the traders • Market vendors will be sensitized to appreciate the importance of the project 	5,000,000	Minimal business income loss	<ul style="list-style-type: none"> • Smooth transition at the shortest time possible • Compensation of lost income 	Throughout the transition period	<ul style="list-style-type: none"> • The Ministry of Trade, Industry and Cooperatives • Market management





		<ul style="list-style-type: none"> Vendors will be given first priority/chance to get working space in the redeveloped market. 					
3.	Inadequate sanitation and water facilities	<ul style="list-style-type: none"> Maintain the existing toilets before alternative sanitary facilities are availed Provide alternative sanitary facilities such as temporary toilets Provide water points for the market 	30,000,000	Access to sanitation and water facilities	<ul style="list-style-type: none"> Adequate sanitary facilities Adequate water points 	Weekly/Monthly	<ul style="list-style-type: none"> Contractor Market management
4.	Garbage collection	<ul style="list-style-type: none"> Provision of garbage collection point and provide notice for the same Create awareness of garbage collection and cleanliness of the individual trading space 	20,000,000	No littering	<ul style="list-style-type: none"> No garbage build-up No littering 	Weekly/monthly	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Market management





		<ul style="list-style-type: none"> • Garbage collection to resume as scheduled 					
5.	Noise and vibration	<ul style="list-style-type: none"> • Selecting equipment with lower sound power levels • Installing suitable mufflers on engine exhausts and compressor components • Installing acoustic enclosures for equipment casing radiating noise • Installing vibration isolation for mechanical equipment 	10,000,000	Minimum noise levels from the activities	<ul style="list-style-type: none"> • Inspections • Complaints from the people 	Quarterly	<ul style="list-style-type: none"> • Contractor
6.	Conflict during relocation or return to the new market	<ul style="list-style-type: none"> • The laid plan in the RAP report shall be adhered to. • The market traders shall be sensitised and notified in advance before relocation • Grievance Complaints procedure shall be 	70,000,000	Zero conflicts	<ul style="list-style-type: none"> • Complaints from the vendors 	Monthly	<ul style="list-style-type: none"> • The Ministry of Trade, Industry and Cooperatives • Market committee





		<p>provided to all the traders through notice in the market place</p> <ul style="list-style-type: none"> • Market Vendors resettlement guidelines shall be adhered to 					
	Total cost		235,450,000				

The Town Council shall hand over the land where the temporary market will be built back to the land lords after construction and reinstatement of vendors in the new market. The town Council will put in place a plan to restore vegetation and will restore the land back to or near to original status before handing back to land lords.

The trees that will replanted to restore the land include jack fruit, avocado, cocoa, mango, moringa, eucalyptus and banana plants.



11 ENVIRONMENTAL AND SOCIAL MANAGEMENT AND MONITORING PLAN (ESMMP)

11.1 Introduction

This section presents the Environmental and Social Management and Monitoring Plan (ESMMP). Whereas efforts are usually made to develop mitigation measures for a proposed project, it is during the operation lifespan of the project that actual impacts are noted or experienced. It is therefore important to integrate in the Environmental and Social Impact Assessment process, an environment and social management plan that includes the monitoring of the progress of mitigation measures being implemented while also monitoring the project for any new negative impacts that were not earlier considered or anticipated.

11.2 Environmental and Social Management Plan (ESMP)

The assessment process has identified a number of impacts that are likely to arise from the implementation of the project as evaluated in section 8. Where adverse impacts have been identified, the ESIA has examined the extent to which these impacts would be mitigated through the adoption of industry standard practice and guidelines, and following legislative requirements. The Environmental and Social Management Plan (ESMP) describes both generic good practice measures and site specific measures, the implementation of which is aimed at mitigating potential impacts associated with the proposed project activities.

The Environmental and Social Management Plan is prepared to facilitate environmental and social management of the project; in general, and implementation of the mitigation measures in particular. For each stage of the project, the ESMP lists all the requirements to ensure effective mitigation of every potential bio-physical and socio-economic impact identified in the ESIA. For each impact or operation which could otherwise give rise to impact, the following information is presented;

- A comprehensive listing of the mitigation measures (action) that the developer shall implement,
- The parameters that shall be monitored to ensure effective implementation of the action,
- The timeframe for implementation of the action to ensure that the objectives of the mitigation are fully met, and
- The responsible person/party to implement the measures.

The Plan is presented in table 11.1 below.



Table 11-1: The Environmental and Social Management plan (Impact - Mitigation- Responsibility Matrix)

Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
Impacts on the socio-economic environment during site preparation and construction phase							
Disruption of current market activities	<ul style="list-style-type: none"> Notice will be given to affected persons before commencing project activities. All market vendors should be given ample time to relocate. The Town council shall make arrangements for relocation of the vendors to an alternative site prior to demolition and commencement of construction. Temporary relocation site preparation and provision of basic facilities like water, toilet facilities, clearing of the site, shall be done by the authorities. 	20,000,000	<ul style="list-style-type: none"> No conflict in land take and use. 	<ul style="list-style-type: none"> Complaints from current land users 	Prior to commencement of project works	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Construction Contractor Project sociologist 	Sensitization of the local community on diversified income generation
Food poisoning	<ul style="list-style-type: none"> Allow only authorized food vendors to supply food for the workers in the site Sensitize workers on the possibility of food poisoning from the vendors. 	5,000,000	<ul style="list-style-type: none"> No food poisoning 	<ul style="list-style-type: none"> Number of food poisoning incidences 	During site preparation and construction	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Construction Contractor Project sociologist 	Sensitization of workers on possibility of food poisoning.





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
<p>Crime management, child protection, gender equity and sexual harassment</p>	<ul style="list-style-type: none"> • Proper design incorporating lighting to enhance security at the market • Set a policy to ensure no children are employed on site in accordance with national child labour policy, 2006. • Taking all reasonable precautions for example drafting of worker's code of conduct to prevent unlawful, riotous or disorderly conduct by or amongst the Contractor's personnel, and to preserve peace and protection of persons and property on and near the site. • Prohibiting alcohol, drugs, arms, and ammunition on the worksite among personnel. • Establishment of a system to ensure all activities of a criminal nature on the worksite or by the Contractor's employees (whether on or off the worksite) are reported to the police and undertake the necessary follow-up. Crime reports should include nature of the offense, location, date, time, and all other pertinent details. • Sensitize the construction workers, locals, and security to be on the lookout on suspicious activities near the site 	<p>8,000,000</p>	<ul style="list-style-type: none"> • No crime records • No manifestation of child labour • Gender equality • No records of sexual harassment 	<ul style="list-style-type: none"> • Complaints from the people • Inspection of employees working at the site 	<p>Throughout the construction phase of the project</p>	<ul style="list-style-type: none"> • The Ministry of Trade, Industry and Cooperatives • Construction Contractor • Project sociologist 	<p>Sensitization of workers and the general public.</p>





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> Contractor to prepare and enforce a “No Sexual Harassment Policy” in accordance with national law where applicable Contractor and Ministry of Trade, Industry and Cooperative to prepare and implement a Gender Action plan to include at minimum, in conformance with local laws and customs, equal opportunity employment, gender sensitization Grievance redress mechanisms including non-retaliation shall be set up for the workers The market management shall hire a security firm to manage security within the market. 						
Complaints and grievances	<ul style="list-style-type: none"> Provide project grievance redress mechanism for the public and traders; Advise the public and traders on where to report grievances; Consider prioritizing the local manpower for both skilled and unskilled labour. Adhere to the market vendors’ resettlement guidelines in allocation of stalls and spaces to traders; Implement proposed grievance resolution mechanism 	<ul style="list-style-type: none"> 5,000,000 	<ul style="list-style-type: none"> No complaints and grievances 	<ul style="list-style-type: none"> Records of grievances 	Throughout the construction phase of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Construction Contractor Project sociologist 	Training of grievance committee on grievance management skills





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
						<ul style="list-style-type: none"> Grievance committee 	
Increased HIV/AIDs prevalence and other diseases.	<ul style="list-style-type: none"> HIV/AIDs awareness methods used in campaign to increase understanding about the disease; Raising awareness about HIV/AIDs; Promote the benefits of abstinence / avoidance; Distribute condoms to construction workers; Encourage workers to go for HIV voluntary counseling, testing and referral services; Monitoring of outcomes, in collaboration with HIV support organizations 	20,000,000	<ul style="list-style-type: none"> Reduced HIV/AIDs prevalence and other diseases 	<ul style="list-style-type: none"> Number of HIV/AIDs programs conducted by the contractor and the sociologist 	Monthly	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Construction Contractor Project sociologist 	HIV/AIDs awareness campaigns
Impacts on the Bio-physical environment during site preparation and construction phase							
Soil erosion – land degradation impacts	<ul style="list-style-type: none"> To the greatest extent possible, the construction contractor will phase site clearance so as to minimize the area of exposed soil at any given time. 	7,000,000	<ul style="list-style-type: none"> No erosion impacts 	<ul style="list-style-type: none"> Loose soil on site Erosion gullies on site 	During site preparation and operation	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives 	Toolbox trainings of workers on environmental management practices





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> The construction site will be hoarded off to intercept any eroded material. Any excavated material will remain within the site until it is taken away for proper disposal or used for backfilling to avoid loose soil being washed away by storm water. There will be proper landscaping and vegetation restoration after construction to further reduce the possibility of soil erosion. 					<ul style="list-style-type: none"> Project environmental officer DEO 	
Construction Solid Waste Disposal Impacts	<ul style="list-style-type: none"> As a requirement by the Ministry of Trade, Industry and Cooperative, a site waste management plan will be prepared by the contractor prior to the commencement of construction works. This should include designation of appropriate waste storage areas, collection and disposal schedule to approved dumping sites. Waste soil will be reused for backfilling where necessary and during landscaping and grass planting after construction. Waste collection bins will be provided onsite for temporary waste storage. The 	30,000,000	<ul style="list-style-type: none"> Tidy working environment. No litter at the project site 	<ul style="list-style-type: none"> Presence of waste collection bins Litter around the working areas 	Throughout the construction phase of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Project environmental officer Construction workers Site manager 	Sensitization of workers on adequate waste management





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>collected waste will be transported and finally disposed to a designated disposal site by a registered waste management company.</p> <ul style="list-style-type: none"> The contractor will undertake waste segregation at source to separate hazardous from non-hazardous waste. Waste (such as metal scrap or wood waste) that can be reused/ recycled may be given to local people. Workers will be sensitised on proper waste management practices. 						
Construction safety and health impacts	<ul style="list-style-type: none"> All construction workers will be provided with adequate PPE like helmets, dust masks, gumboots, gloves, safety glasses, Safety latches (fall arrestors) and overalls and it will be mandatory for workers to wear protective clothing while on duty. The PPE shall be inspected regularly and maintained or replaced as necessary. Only trained personnel and skilled labourers shall be employed during construction. 	50,000,000	<ul style="list-style-type: none"> Zero accidents or injuries on the project 	<ul style="list-style-type: none"> Presence and use of PPE Reports of injuries 	Throughout the construction period	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Project OSH officer Construction workers 	Sensitization of workers on the appropriate use of PPE.





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> • There shall be a safety awareness and compliance training by a certified safety person to all on-site personnel before commencement of construction works. Workers will be trained in safety procedures including accident prevention, safe lifting practices, proper control and maintenance of equipment and facilities, correct selection, use and maintenance of PPE. • Continuous safety training will be carried out in form of daily toolbox meetings throughout the construction period. • Site safe work practices and emergency procedures/protocols will be developed and communicated to all workers and appropriate warning signage will be displayed in highly visible places around the active construction working areas. All employees will be required to observe the operating standard for safe operations. • A fully equipped first aid kit will be available on site for use on minor accidents and to administer first aid in case of serious accidents before the victims are transferred for extensive 						





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>medical attention. This should be accessible to the workers at all times as part of the occupational health and safety requirements.</p> <ul style="list-style-type: none"> • Occupation health and safety will also be ensured on site by appointing an officer to be in charge of implementing all health and safety rules and guidelines. • Project supervising engineers (of the Ministry of Trade, Industry and Cooperative) should inspect the contractor's compliance with safety precautions during construction. 						
Human waste disposal impacts	<ul style="list-style-type: none"> • The construction workers will use the existing toilets on site and will ensure that regular cleaning is emphasised. 	5,000,000	<ul style="list-style-type: none"> • No human waste litter around the project site • No disease outbreaks from human waste disposal 	<ul style="list-style-type: none"> • Complaints from residents 	Throughout the construction phase of the project	<ul style="list-style-type: none"> • The Ministry of Trade, Industry and Cooperatives • Workers • Project environmental officer • DEO 	Sensitization of employees on sanitation and hygiene





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
<p>Impacts of construction Noise and vibration</p>	<ul style="list-style-type: none"> Except as otherwise permitted, all noise generating construction activities shall be restricted to the hours of 7:00 a.m. to 5:00 p.m (during the least noise sensitive time). Unless under unavoidable circumstances, working at night shall be prohibited to avoid causing inconveniences to the nearest site neighbours. Construction workers involved in noise generating activities will be provided with ear protection equipment like ear muffs. There will be regular servicing of all construction equipment and vehicles to ensure high operation efficiency and less noise and vibration. The construction sites will be hoarded off. This will confine construction activities to the site only and limit noise exposure to the neighbours. Construction activities shall conform to National Environment (Noise standards and Control) Regulations, 2003. These regulations prescribe the acceptable levels of noise for a construction site at 	<p>20,000,000</p>	<ul style="list-style-type: none"> Minimal noise from the project in accordance with the standards 	<ul style="list-style-type: none"> Complaints from residents 	<p>Throughout the construction phase of the project</p>	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Workers 	<p>Sensitization of employees on the benefits of working in an ambient noise level environment.</p>





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	75 dB(A) during the day and 65 dB(A) during the night.						
Dust emissions – Local air quality degradation	<ul style="list-style-type: none"> The Contractor shall ensure that all exposed soil and material stockpiles are adequately protected against the wind blowing. This can be achieved through covering with tarpaulin. The construction workers shall be provided with nose masks to prevent inhalation of bad air. On-site dust will be suppressed by sprinkling of water at least twice a day. All trucks hauling construction materials to the site will be fitted with tailgates and covered with tarpaulins to avoid blowing of materials by wind. A speed limit for all vehicles will be introduced and enforced to reduce dust generated by over speeding on dusty roads. All trucks used in the construction phase will be in good mechanical condition to eliminate the possible fumes. 	20,000,000	<ul style="list-style-type: none"> No air pollution from the project 	<ul style="list-style-type: none"> Complaints from residents 	Throughout the construction phase of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Project environmental officer DEO 	Sensitization of employees on the benefits of working in a free air polluted environment





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> The proposed sites will be hoarded off during construction. This will restrict dust to the sites only and limit the effect on neighbours. 						
Construction Traffic related impacts	<ul style="list-style-type: none"> Toolbox safety talks shall be conducted for drivers of construction vehicles. The speed limit close to the construction site shall not exceed 5KPH and the contractor will ensure that truck drivers respect speed limits through built areas and residential areas. Safe traffic control measures shall be employed, including road signs and flag persons to warn of dangerous conditions and children crossings. The contractor shall ensure to regularly maintain vehicles to minimize potentially serious accidents such as those caused by brake failure commonly associated with loaded construction trucks. Adopting limits for trip duration and arranging driver rosters will avoid accidents caused by driver overtiredness 	5,000,000	<ul style="list-style-type: none"> Zero accidents from project vehicles 	Complaints from residents and road users.	Throughout the construction phase of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Project Drivers Area Traffic police 	Sensitization of project drivers on traffic rules





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> Avoiding dangerous routes and times of day will reduce the risk of accidents 						
Material sourcing and transportation impacts	<ul style="list-style-type: none"> Earth materials shall be obtained from officially licensed and approved quarries and copies of the relevant licenses made available by the contractor for inspection at the site. All fine earth materials shall be enclosed during transportation to the site to prevent spillage and dust spread. Trucks used for this purpose shall be fitted with tailgates that close properly and with tarpaulins to cover the materials. In cases of spillage, the clean-up of spilled material on the main roads should be the responsibility of the contractor and should be done in a timely manner (say within 2 hours) so as not to inconvenience or endanger other road users. These requirements shall be included as clauses within the contracts made with relevant contractors. The management of adverse impacts associated with materials haulage will be done through surveillance and 	<ul style="list-style-type: none"> 3,000,000 	<ul style="list-style-type: none"> No material spills along transportation routes No complaints from the residents and road users 	<ul style="list-style-type: none"> Incidences of material spills Complaints from road users and residents along the transportation routes 	Throughout the construction phase	<ul style="list-style-type: none"> Contractor 	Sensitization of project drivers





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	supervision of the construction contractor by the Ministry of Trade, Industry and Cooperatives.						
Construction material storage impacts	<ul style="list-style-type: none"> The stockpiling of construction materials shall be properly controlled and managed; Fine grained materials (sand, etc.) shall be stockpiled away from any surface drainage features. Low berms shall be placed around the piles and/or tarpaulin used to cover open piles of stored materials to prevent them from being washed away during rainfall. Safe storage areas shall be identified and retaining structures put in place prior to the arrival and placement of material. Hazardous chemicals (e.g. paints and fuels) shall be properly stored in appropriate containers and these shall be safely locked away. Conspicuous warning signs (e.g. 'No Smoking') shall also be posted around hazardous waste storage and handling facilities. 	<ul style="list-style-type: none"> 3,000,000 	<ul style="list-style-type: none"> Free and unclogged drainage channels 	Drainage system blockage by washed away materials	Throughout the construction phase	<ul style="list-style-type: none"> Contractor 	Sensitization of project workers





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
Landscape and visual destruction	<ul style="list-style-type: none"> The Contractor shall put up a perimeter fence using non-transparent material to prevent people from accessing the site. The Ministry of Trade, Industry and Cooperatives shall beautify the building and the site after its completion by painting it and planting aesthetic plant round it. 	3,000,000	<ul style="list-style-type: none"> Beautiful landscape 	Setup of the area	After construction	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Contractor 	Sensitization of project workers on importance of planting trees
Impacts on the socio-economic environment during the operation phase							
Crime management, child protection, gender equity and sexual harassment	<ul style="list-style-type: none"> Market management should take all reasonable precautions to prevent unlawful, riotous or disorderly conduct by or amongst the traders, and to preserve peace and protection of persons and property on and near the market. Market management to prepare and enforce a “No Sexual Harassment Policy” in accordance with national law where applicable. Market management and the Ministry of Trade, Industry and Cooperative to prepare and implement a Gender Action plan to include at minimum, in conformance with local laws and customs, equal opportunity employment, gender sensitization. Grievance redress mechanisms including non-retaliation and 	10,000,000	<ul style="list-style-type: none"> No crime records Gender equality No records of sexual harassment 	Complaints from the vendors	Throughout the life of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Market management 	Sensitization of market traders





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>anonymity reporting shall be set up for the traders.</p> <ul style="list-style-type: none"> The market management shall hire a security firm to manage security within the market. Ensure no children are allowed to operate in the market in accordance with national child labour policy, 2006 as this is mostly observed on market days. In addition, the town council should enact a bye law whereby parents/guardians of children who are seen in the market during school hours during school days are held responsible. Market management shall prohibit alcohol, drugs, arms, and ammunition in the market among the traders. The Ministry of Trade, Industry and Cooperative should provide for gender disaggregated bathing, changing, sanitation facilities at the market. 						
Complaints and grievances	<ul style="list-style-type: none"> Provide project grievance redress mechanism for the public and traders; Sensitise the public and traders on where to report grievances; 	7,000,000	<ul style="list-style-type: none"> No complaints from the people 	Complaints from the people	Throughout the life of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and 	Training of grievance committee on grievance management





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> Adhere to the market vendors' resettlement guidelines in allocation of stalls and spaces to traders; Implement proposed grievance resolution mechanism 					Cooperative s <ul style="list-style-type: none"> Grievance committee Market management 	
Increased HIV/AIDs prevalence	<ul style="list-style-type: none"> HIV/AIDs awareness methods used in campaign to increase understanding about the disease; Raising awareness about HIV/AIDs among the traders; Promote the benefits of abstinence / avoidance among the traders of the market. Provide a box in a strategic position where condoms can be easily accessed by the traders; Encourage traders to go for HIV voluntary counseling, testing and referral services; Monitoring of outcomes, in collaboration with HIV support organizations. 	20,000,000	<ul style="list-style-type: none"> Reduced cases of HIV/AIDs 	Number of HIV/AIDs programs conducted	Throughout the life of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperative s Market management Kasese District health inspector 	HIV/AIDs awareness campaigns
Ebola	The market management should work closely with Ministry Of Health to carryout continuous sensitization on prevention of Ebola.	10,000,000	Reduced/ No cases of Ebola	Number of Ebola awareness campaigns conducted	Throughout the life of the project	The Ministry of Trade, Industry and Cooperatives	Continuous sensitization on prevention of Ebola.





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>Raising awareness about Ebola;</p> <p>In areas where Ebola is present, avoid contact with bats, monkeys since these animals spread Ebola to people;</p> <p>Encourage testing of traders and immediate isolation of those having Ebola from the public to prevent the spread;</p>					<p>Market management</p> <p>Kasese District health inspector</p>	
Impacts on the Bio-physical environment during the operation phase							
Solid Waste Disposal Impacts	<ul style="list-style-type: none"> Domestic wastes generated at the facility shall be temporarily kept in waste bins and thereafter disposed of in a designated waste disposal site, while scrap metal will be managed collected separately and eventually sold to licensed recycler. Market vendors shall be sensitised on good housekeeping and waste management practices. The Ministry of Trade, Industry and Cooperatives shall draft a comprehensive waste management plan for the project that shall be followed throughout the life of the project. 	20,000,000	<ul style="list-style-type: none"> Tidy working environment. No litter at the export zone premises 	<ul style="list-style-type: none"> Presence of waste collection bins Contracts with waste management companies 	Throughout the life of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Project environmental officer Workers Market management 	sensitization of workers on adequate waste management





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> All solid wastes will be collected in well covering waste collection bins or waste handling receptacles of an appropriate size and number. These bins will be rodent-proof and separately coded for biodegradable and non-biodegradable waste, provided at appropriate waste generation areas. Waste from such containers shall be collected on a daily basis to a central collection point to be designated at the premises. The Ministry of Trade, Industry and Cooperatives will contract a NEMA registered waste management company to collect all the solid wastes from the central collection point at the premises for effective disposal to an approved dumpsite. No waste of any type will be disposed of in any watercourse including drains, wetlands and the surrounding environment. 						
Traffic Related Impacts	<ul style="list-style-type: none"> The markets' entrance and exit points will be wide and clear enough to allow for free vehicle navigation without causing traffic disruption along the access road. 	10,000,000	<ul style="list-style-type: none"> Zero accidents from project vehicles 	Complaints from residents and road users.	Throughout the life of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and 	sensitization of project drivers on traffic rules





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> Where necessary, flagmen will be employed on busy days to direct traffic at the section of the road around the market premises. The project plan design provides for adequate car and truck parking spaces to avoid parking outside the market boundary. This will eliminate congestion of vehicles along the road. There will be speed limit signs within the market premises and the speed within will be limited to 10km/hr. There will also be designated and labelled walkways, walkways and ramps for people with disabilities and designated parking areas for cars for both vendors and visitors. 					Cooperatives <ul style="list-style-type: none"> Project Drivers Area Traffic police 	
Risk of Fire Outbreaks	<ul style="list-style-type: none"> All electrical wiring for the market facilities will be carried out by certified electricians in liaison with the Ministry of Trade, Industry and Cooperative to ensure proper connections and avoid fire as a result of short circuits. Firefighting equipment shall be installed at strategic locations within the markets buildings and management will ensure that all such equipment are regularly 	20,000,000	<ul style="list-style-type: none"> Zero incidents of fire Minimal damage in case of fire outbreaks 	<ul style="list-style-type: none"> Fire emergency plan Firefighting equipment Records of training and Fire drills 	Throughout the operation of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives Project OSH officer Workers 	Training in firefighting and emergency response procedures.





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>maintained and serviced. Such equipment may include smoke detectors and fire alarm system, cylinder fire extinguishers of different sizes and water horse wheels.</p> <ul style="list-style-type: none"> • Some vendors at the market shall be trained in fire control and fighting measures. Names, contacts and pictures of these trained firefighters shall be displayed in all working areas for ease of reach in case of a fire emergency. • Regular fire drills shall be conducted to ascertain the level of comprehension of the occupants of the market facilities in terms of reaction, response time and use of equipment for firefighting/management procedures • There shall be a fire emergency plan and a clear evacuation plan in place to guide operations and procedures in case of a fire outbreak. The emergency and evacuation plans shall be displayed in all working areas. Directions to exit in case of any fire shall be provided and exit routes well labeled. 						





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<ul style="list-style-type: none"> A clearly marked fire assembly point will be established at the premises and management will ensure that fire escape routes within the market are well known and are always free from any obstacles. Fire prone behaviour such as smoking will be strictly prohibited and signs such as 'NO SMOKING' signs will be displayed at fire prone areas. Smoking zones shall be demarcated for inevitable smokers. The Ministry of Trade, Industry and Cooperative shall also have permanently stationed security guards at the markets and adequate security lighting to ensure security against arson-associated fires. Market vendors who sell/vend cooked food/have restaurants will be encouraged to use improved cooking stoves to minimize fires that may result from the use of ordinary charcoal stores. 						
Occupational Safety and Health Impacts	<ul style="list-style-type: none"> All employees in the operation of the border export zone (markets) will be provided with Personal Protective Equipment (PPE) that is fit for the task to prevent injury and maintain hygiene standards. Such PPE will include 	2,000,000	<ul style="list-style-type: none"> Zero accidents or injuries 	<ul style="list-style-type: none"> OSH Policy Presence and use of PPE Reports of injuries 	Throughout the operation phase of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperatives 	Sensitization of workers on the appropriate use of PPE.





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>overalls, gloves, caps, safety shoes and nose masks. The PPE shall be inspected regularly and maintained or replaced as necessary. It will be made mandatory for all workers to use PPE while on duty.</p> <ul style="list-style-type: none"> • Induction training shall be provided to all new staff and refresher trainings given in correct use of and safe handling of equipment to avoid accidents. Staff shall also be trained in the correct selection, use and maintenance of PPE. • An adequate number of well-equipped First Aid kits will be kept at the premises for use in minor accidents and to administer first aid in case of serious accidents before the victims are transferred for extensive medical attention. These kits will be evenly distributed in the working areas and kept in places where they are easily accessible. • Site safe work practices and emergency procedures/protocols will be developed and communicated to all workers and vendors and appropriate warning signage will be displayed in highly visible 					<ul style="list-style-type: none"> • Project OSH officer • Workers • Market management 	





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>places around the operation areas. All employees and vendors at the premises will be required to observe the operating standard for safe operations.</p> <ul style="list-style-type: none"> The Ministry of Trade, Industry and Cooperative will draft an occupational safety and health policy for the zone and markets, which shall be well communicated and displayed in all working areas. The working areas shall be well ventilated and provided with adequate lighting to minimize impacts in confined areas. The market management shall prepare, print and distribute a project safety manual among all workers, well communicating the safety procedure and individual responsibility throughout the operation of the zone. 						
Drainage and Storm Water Management Impacts	<ul style="list-style-type: none"> The project design will limit paving of surfaces by planting grass and landscaping the un-built areas on site. The planted area will not only improve the site aesthetics but will also allow 	10,000,000	<ul style="list-style-type: none"> No flooding onsite 	Incidences of water stagnation and floods	Regular maintenance during operation	<ul style="list-style-type: none"> The Ministry of Trade, Industry and 	Sensitization of workers on adequate storm water management





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>infiltration of water thereby reducing the volume of runoff from the premises.</p> <ul style="list-style-type: none"> • A comprehensive surface drainage system; which includes an adequate number and sizes of drainage channels will be constructed at the premises to facilitate storm water flow from the paved surfaces. The drainage system will be aligned to follow the natural drainage system of the area. • Roof water shall be collected through pipes into the surface drainage system. • The drainage channels will be provided with grates to avoid blockage by solid materials. • The drainage channels will be regularly de-silted and properly maintained for effective functionality throughout the life of the project. 					<p>Cooperatives</p> <ul style="list-style-type: none"> • Market management 	
Site Security impacts	<ul style="list-style-type: none"> • The Ministry of Trade, Industry and Cooperative will contract the services of a registered security company to provide security guards to ensure the general 	30,000,000	<ul style="list-style-type: none"> • Safe working environment for all 	Records of theft	Throughout the life of the project	<ul style="list-style-type: none"> • The Ministry of Trade, Industry and Cooperatives 	Sensitization of workers on security related issues





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>safety and security at the premises during the day and night.</p> <ul style="list-style-type: none"> Where practical, a CCTV surveillance system will be installed at specified locations for fulltime monitoring of the premises. A perimeter fence (boundary brick wall) will be erected round the premises, and a security lighting system installed to enhance security at the premises. The Ministry of Trade, Industry and Cooperative and market management as a whole will work closely with the local authorities and the nearest police to enhance security at the premises. Employment of the local residents and collaboration with area leaders during project planning, construction and operation will ensure good project reception in the area and reduce chances of theft from the local community. 		project employees			<ul style="list-style-type: none"> Area police Local leaders 	
Human waste disposal impacts	<ul style="list-style-type: none"> The project design incorporates water borne toilets, washrooms and urinals at the facility. If properly constructed as designed, they will mitigate sewage 	5,000,000	<ul style="list-style-type: none"> No human waste litter around the facility 	<ul style="list-style-type: none"> Complaints from residents 	Throughout the operation of the project	<ul style="list-style-type: none"> The Ministry of Trade, Industry and 	Sensitization of employees and vendors on





Negative impact/issue	Proposed mitigation measures	Implementation Costs	Desired outcome	Monitoring indicators	Implementation Timeframe	Responsible Party	Capacity Building and Training Requirements
	<p>disposal impacts. These should be of adequate stances in accordance with WASH guidelines and provided with hand washing facilities.</p> <ul style="list-style-type: none"> • Sanitary facilities will be well labelled to separate use by males and females. Sanitary buckets should be provided in the female's toilet rooms. • Cleaners shall be employed to ensure that these facilities are kept clean and stocked (with water and soap) and well maintained throughout the life of the project. • The Ministry of Trade, Industry and Cooperative will provide for well-constructed sewage lines all collecting into the septic tank and soak pit to be constructed onsite for effective treatment and final disposal of all sewage. Proper workmanship shall be ensured to prevent leaking. • Separate stances will be designated and specifically designed for people with disability 		<ul style="list-style-type: none"> • No disease outbreaks from human waste disposal 			<p>Cooperatives</p> <ul style="list-style-type: none"> • Workers • Project environmental officer • DEO 	<p>sanitation and hygiene</p>



11.3 Monitoring Plan

11.3.1 The environmental and social monitoring plan

This section discusses the need for programmes covering both internal and periodic external monitoring. The overall objective of environmental and social monitoring is to ensure that mitigation and enhancement measures are implemented and that they are effective. The activities and indicators that have been recommended for monitoring are presented in the ESMP. Environmental and social monitoring will be carried out to ensure that all construction and operation activities comply and adhere to environmental and social provisions and standard specifications, so that all mitigation measures are implemented. Such monitoring can act as an early warning system to project management, providing a feedback mechanism to enable damaging practices to be altered. Simple monitoring systems should be set up during construction by the supervising Engineer and Contractor and by the Ministry of Trade, Industry and Cooperatives during operation, so that potentially environmentally and socially problematic areas can be detected well in advance and the appropriate remedial action taken. This could simply be a checklist of items that need to be inspected as a matter of routine or periodically, depending on the nature of the aspect.

11.3.2 Internal Monitoring Programmes

The ESIA study has identified a number of areas of concern. Mitigation measures have been developed and the monitoring of the effectiveness of such mitigation measures is important. It will be the responsibility of the Ministry of Trade, Industry and Cooperatives to conduct regular internal monitoring of the project to verify the results of the contractor and to audit direct implementation of environmental and social mitigation measures contained in the ESMP. The monitoring of many parameters will form part of the routine management of the proposed project from implementation to operations. There should be a specific reporting, response mechanism and auditing.

11.3.3 External Monitoring Programmes

The ESIA and Audit Regulations require that in executing a project or development, after an Environmental and Social Impact Statement has been approved, the developer shall take all practical measures to ensure the implementation of the ESMP by-

- Carrying out auditing annually;
- Preparing an environmental and social audit report after each audit and submitting the report to NEMA annually or as may be prescribed by NEMA; and Ministry of Gender, Labour and Social development and
- Ensuring that the criteria used for the audit is based on the Environmental and Social Impact Assessment process or after the initial audit.

The Ministry of Trade, Industry and Cooperatives, through a consultant (registered environmental practitioner and a sociologist) will therefore provide NEMA with reports on environmental and social compliance during operation of the project as part of their annual environmental and social auditing reports.

11.3.4 Environmental and social monitoring parameters

Environmental and social monitoring programs for the proposed project should be implemented to address all activities that have been identified to have potentially significant impacts on the bio-physical and socio-economic environment during normal operations and upset conditions. Environmental and social monitoring activities should be based on direct or indirect indicators of waste management, effluent management, social conflicts, emissions, noise and resource use during operation. Monitoring frequency should be sufficient to provide representative data for the parameter being monitored.

Monitoring should be conducted by trained individuals following monitoring and record-keeping procedures and using properly calibrated and maintained equipment. Monitoring data should be analyzed and reviewed at regular intervals and compared with the operating standards so that any necessary corrective actions can be taken.

11.3.5 Monitoring roles and responsibilities

11.3.5.1 The Role of NEMA, Ministry of Gender, Labour and Social Development and Local Governments

National Environmental Management Authority is the regulatory authority responsible for coordinating, monitoring and supervision of environmental and social protection activities in Uganda. Ministry of Gender, Labour and Social Development is also mandated to ensure that all development programme/project take into consideration social inclusion and health and safety measures including mainstreaming gender and rights into their activities. The Authority shall, in consultation with Ministry of Gender, labour and Social Development and beneficiary Local Governments (Kasese District and Mpondwe-Lhubiriha Town Council monitor all environmental and social issues with a view of making an assessment of any possible changes in the environment and their possible impacts; the operation of any industry, project or activity with a view of determining its immediate and long-term effects on the environment. In accordance to this, an environmental inspector appointed by the authority may at any time enter the premises for the purpose of monitoring the effects on the environment of the activities carried out on the premises.

11.3.5.2 The Role of the supervising consultant

The Supervising consultant will have both the environmentalist and Social expert who will be responsible for environmental and social supervision during the construction/implementation phase of the project to ensure that environmental and social compliance is achieved by the contractors ESHS staff. The Supervising Environmental and Social staff will inspect the works for compliance with the contract specifications, proposed construction mitigation measures and all relevant environmental and social regulatory requirements concerning the project.

11.3.5.3 The Role of the contractor

During site preparation and construction, the contractor will be responsible for ensuring compliance with all relevant legislation and standards, as well as adherence to all environmental and socio-economic mitigation measures specified in the ESMP. The contractor is also responsible for managing the potential environmental, socio-economic, safety and health impacts of all contract activities whether these are

undertaken by themselves or by their subcontractors. The contractor will be required to have in place qualified persons in the following positions: Environmental, Social, Health and Safety officers, who will be responsible for the full time monitoring and implementation of the Environmental and Social Management and Monitoring Plan. The contractor's ESHS staff will be supervised and guided by the Supervising Engineers Environmentalist and Sociologist that will be deployed on the project.

11.3.5.4 The Role of the Ministry of Trade, Industry and Cooperatives

Although the contractor will have the primary role in delivering on the measures set out in the ESMP, the Ministry of Trade, Industry and Cooperatives will have the ultimate responsibility for ensuring that the measures are delivered. In this respect, the Ministry of Trade, Industry and Cooperatives will review and approve contractor plans for delivery of the actions contained in the ESMP and subsequently during the operation phase, will review performance through monitoring, audits and inspection to ensure that all proposed mitigation measures are implemented.

11.3.5.5 The Role of the District Local Government – Kasese District

The District Local Government has the major role of direct supervision and enforcement of ESMMP. Key departments in ESMMP supervision will include Natural Resources (Natural Resources Officer, District environmental Officer, District Physical planner), Community Development (District Community Development Officer, Labour Officer, gender Officer, Probation Officer, Town Council Community Development Officers), Health (District Health Officer), Education (District Education Officer, Education Inspectors), Engineering (District Engineer, Roads Supervisor) and Administration (Chief Administrative Officer, District Planner, Political leadership, Town Council and Parish Chiefs) at both the District and Town Council levels.

Kasese District Local Government, through the Mpondwe-Lhubiriha town council will thus ensure effective monitoring and compliance to ESMMP during construction. During Operation and Maintenance, the town council will have all oversight and supervisory role to ESMMP as well as sustaining the development of the market. The participation agreements between MTIC and the town council should specify all these critical roles.

12 CONCLUSION AND RECOMMENDATIONS

12.1 Conclusion

The specialist studies undertaken during this ESIA provided an assessment of both the benefits and potential negative impacts anticipated as a result of the implementation of the proposed project. The results of the study have shown that all potential adverse impacts are litigable when measures proposed (Chapter 8) are implemented, in which case benefits of this project to the nation would by far outweigh potential negative effects. The findings of this assessment therefore support the construction and operation of the proposed development of the Mpondwe border export zone provided that all the impact mitigation and control measures are fully implemented as recommended.

The project design has been scrutinized and has been found to integrate appropriate mitigation measures to ensure compliance with all the applicable laws and procedures as well as coexistence with the neighbouring communities. A comprehensive ESMMP has also been presented in this report with appropriate measures and action plans through the project construction and operation. The implementation of this ESMMP for the key cycle phases (i.e. construction and operation) of the proposed project is fundamental in achieving environmental and social management standards and ensuring project sustainability. Relevant documentation has also been annexed to this report for reference.

12.2 Recommendations

From this ESIA study, the following recommendations are made:

- The Ministry of Trade, Industry and Cooperatives should employ an environmental, social, health and safety officer (or any other appropriate name) responsible for the implementation of environmental and social obligations of the project throughout the operation of the project. During the construction phase, the contractor should be responsible for employing a health and safety officer.
- The contractor should develop a contractor's Health, Safety and Environmental Management Policy for the project. This should be displayed for all employees to be familiar with it and understand their obligation.
- An additional Environmental and Social Impact Assessment should be commissioned in case the Ministry of Trade, Industry and Cooperatives wishes to undertake any additional works or add other components within the project boundaries that have not been considered in this assessment.
- Ensure compliance with all relevant laws and regulations throughout the project life.
- The Ministry of Trade, Industry and Cooperatives should set up proper and applicable Grievance Redress Mechanism (GRM) for the project to deal with grievances and issues on the project.
- During construction, there should be adequate supervision by a qualified environmental and social management specialist to ensure that the recommendations in the ESMMP are fully implemented.



- There should also be a full time onsite qualified Occupational Safety and Health officer during construction to ensure that the safety of the construction workforce is upheld and also supervise works to avoid safety concerns on the general public.
- Annual audits of the facility should be conducted in compliance with section 126 (2) of the National Environment Act, 2019; A developer of a project listed in Schedule 5 and 10 shall undertake an environmental and social compliance audit in the manner prescribed by regulations. This audit should be conducted by NEMA registered environmental and social auditors.






References

- NEMA 2003, Environmental legislation of Uganda
- NEMA July 1997, Environmental and Social Impact Assessment Guidelines.
- National Environmental Act, 1995
- National Environment (waste management) Regulations, 1999
- United Nations Environment Programme (UNEP). 1996. Environmental and Social Impact Assessment: Issues, Trends and Practice.
- Uganda Bureau of Statistics 2016, The National Population and Housing Census 2014 – Main Report, Kampala. Uganda
- NEMA; 2004: Kasese District State of Environment Report
- IFC 2007, Environmental Health and Safety Guidelines for General Construction. World Bank Group.
- Project Prefeasibility Study Report
- Operational Policy (OP)/Bank Procedure (BP) 4.01: Environmental Assessment, Operational Policy 4.04: Natural Habitats, 2001, Operational Policy 4.12: Involuntary Resettlement, 2001



Appendices

Appendix 1: Scoping Report and Terms of Reference Approval Letter



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

NEMA/4.5

20th June, 2019

The Permanent Secretary,
Ministry of Trade, Industry and Cooperatives,
Plot 6/8, Farmers' House, Parliament Avenue,
P.O. Box 7103,
KAMPALA.

NEMA House
Plot 17,19 & 21, Jinja Road.
P.O.Box 22255, Kampala, UGANDA.

Tel: 256-414- 251064, 251065, 25106
342758, 342759, 34271
Fax: 256-414-257521 / 232680
E-mail: info@nemaug.org
Website: www.nemaug.org

RE: REVIEW OF THE SCOPING REPORT AND TERMS OF REFERENCE FOR PERTAINING TO PROPOSED MPONDWE BORDER EXPORT ZONE, IN KAMBUKAMABWE-II AND LOWER CUSTOMS CELLS, MPONDWE-LHUBIRIHA TOWN COUNCIL, KASESE DISTRICT

Reference is made to the Scoping Report and Terms of Reference (TOR) for carrying out the Environmental and Social Impact Assessment (ESIA) for the above proposed project that was submitted to this Authority on 31st May, 2019 for review. This Authority has finalized the review and grants formal **APPROVAL** of the said TOR.

In addition, you should ensure that the key aspects highlighted below, are considered during the conduct of the ESIA and preparation of the ESIA report.

- (i). Provide full site location details – preferably each village relating to the relevant parish, respectively; as well as set of correct GPS coordinates (UTM) relating to the two villages.
- (ii). Carry out comprehensive stakeholder consultations including, among others, Ministry of Works and Transport, Occupational Safety and Health Department (Ministry of Gender, Labour and Social Development), Kasese District Local Government Authorities, Mpondwe- Lhubiriha Town Council Authorities, and the concerned local community; and append to the ESIA report the views/concerns of persons consulted.
- (iii). Consult with the Local neighboring border Authorities in the Democratic Republic of Congo, and append to the ESIA report the views/concerns of persons consulted.
- (iv). Include in the ESIA report coloured location/google maps (*preferably each covering A-4 paper size*) that are clear, well-labeled and legible, relating to the project areas covered.

- (v). Provide detailed baseline information and data relating to the targeted area, including distances between the site and settlements, sensitive and regulated areas, among others; and, a set of coloured photographs showing the current state of the project area.
- (vi). Carry out analyses of soil, air and water quality and levels of noise relating to the project area (*ensure that the analyses of these elements are carried out in a certified laboratory*); and, append to the ESIA report the analyses results for soil, air and water quality and noise levels.
- (vii). Describe in detail the design and expected carrying capacity of the Border Export Zone, project components including auxiliary support structures, project activities and the size of the work-force.
- (viii). Consult the relevant Lead Agencies so as to ensure that the aspects relating to access routes leading to and from the project sites, as well as the exit and entry points suited to the said site, are assessed in a comprehensive manner.
- (ix). Provide clear description of the various potential sources of pollution (*e.g., fugitive gases/fumes, noxious odour, sanitary waste, garbage*) associated with the project activities; the types and volumes/quantities of waste; and, methods of handling, containing and disposing of the waste, and of controlling pollution of the environment and minimizing impacts on human health.
- (x). Consider any other critical environmental aspects/concerns which may have not initially foreseen during the preparation of the scoping report and TOR, and include an evaluation of such concerns, in the ESIA report.
- (xi). Provide the analyses of alternatives, in terms of location, project design, applications of technology, among other aspects.
- (xii). Provide comprehensive evaluation of the potential environmental and social impacts and risks associated with the project components and activities.
- (xiii). Provide a detailed mitigation plan and environmental and social management and monitoring plan, respectively that relate to the identified potential environmental impacts.
- (xiv). Append to the ESIA report a clear, well-labelled and legible copy of the proposed site lay-out plan (*preferably on A-3 sized paper*) as recommended by the relevant Agencies.
- (xv). Append to the ESIA report evidence/ copies of authentic land (site) acquisition ownership and documents.
- (xvi). Indicate the actual project (investment) cost including copy of the certificate of valuation.



This is, therefore, to recommend that you proceed with carrying out the ESIA for the proposed Mpondwe Border Export Zone. We look forward to your cooperation and receipt of comprehensive copies of the ESIA report, for our further action.

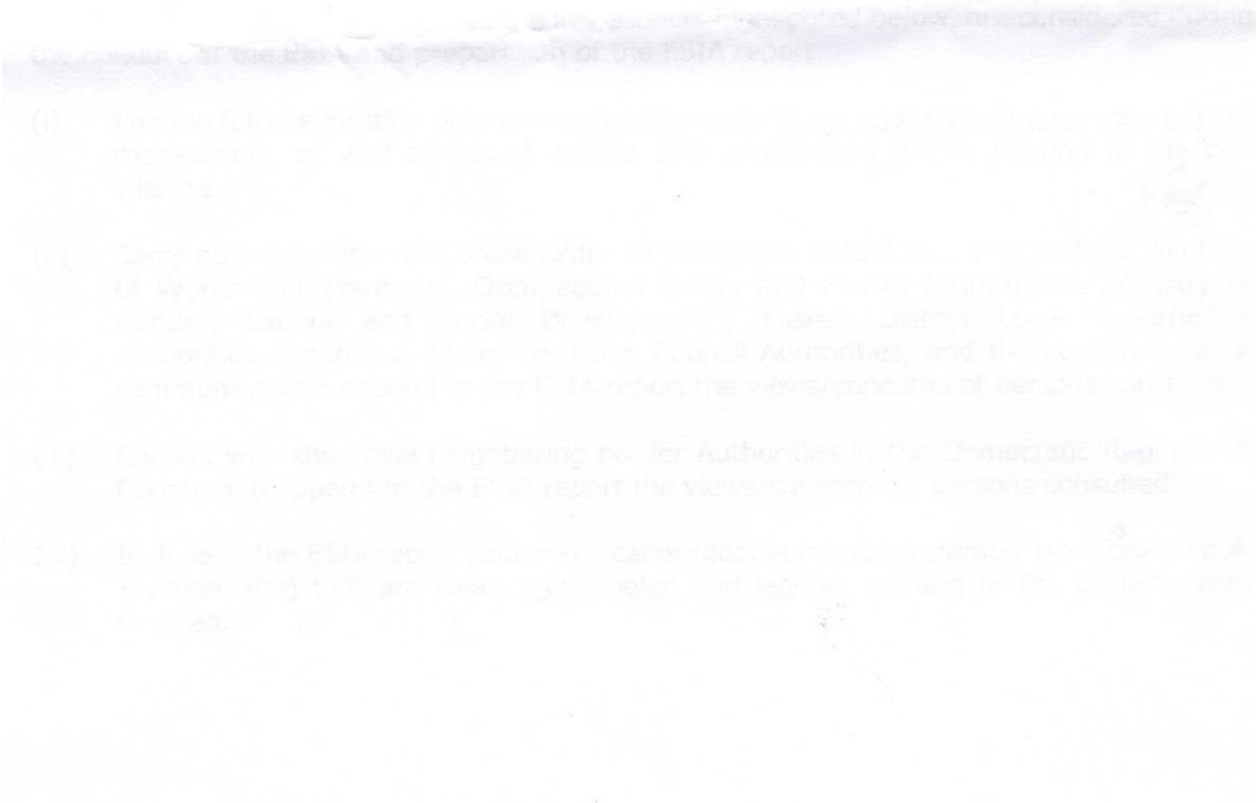
Please note that the approval of the TORs **DOES NOT GRANT** permission to start implementing any of the proposed project activities. This is not a Certificate of approval.

Dan K. KIGULI

For: EXECUTIVE DIRECTOR

CC: Mr. Jerome Twimukye (Team Leader)
Winsjet Associates
P.O. Box 2887,
KAMPALA.

Tel.: 0712 152503/0784 115204





Appendix 2: Copy of Land title



THE REPUBLIC OF UGANDA

LAF: LWK/7435

REGISTRATION OF TITLES ACT

Certificate of Title

FREEHOLD REGISTER, VOLUME KBO50 FOLIO 9

DESCRIPTION OF LAND

ALL THAT piece of land delineated and edged red on the deed plan hereto annexed containing the following area or thereabouts and situate as follows:

Area	County	District
0.1897 hectares	Bukonzo	Kasese

and known as: **Plot 257, Block 26 at LOWER CUSTOMS**

OWNERSHIP

Date, Time, Instrument No.	Name and Address of Owner	Signature of Registrar
24/01/2018 5:17 PM KBO-00000863	MPONDWE-LHUBIRIHA TOWN COUNCIL of PO Box 250, KASESE	

Is/are now the proprietors of an estate in fee simple in the land above described subject to the conditions and incumbrances herein after set out.

Dated this 5th day of March 2019

Registrar of Titles





OFFICE OF TITLES

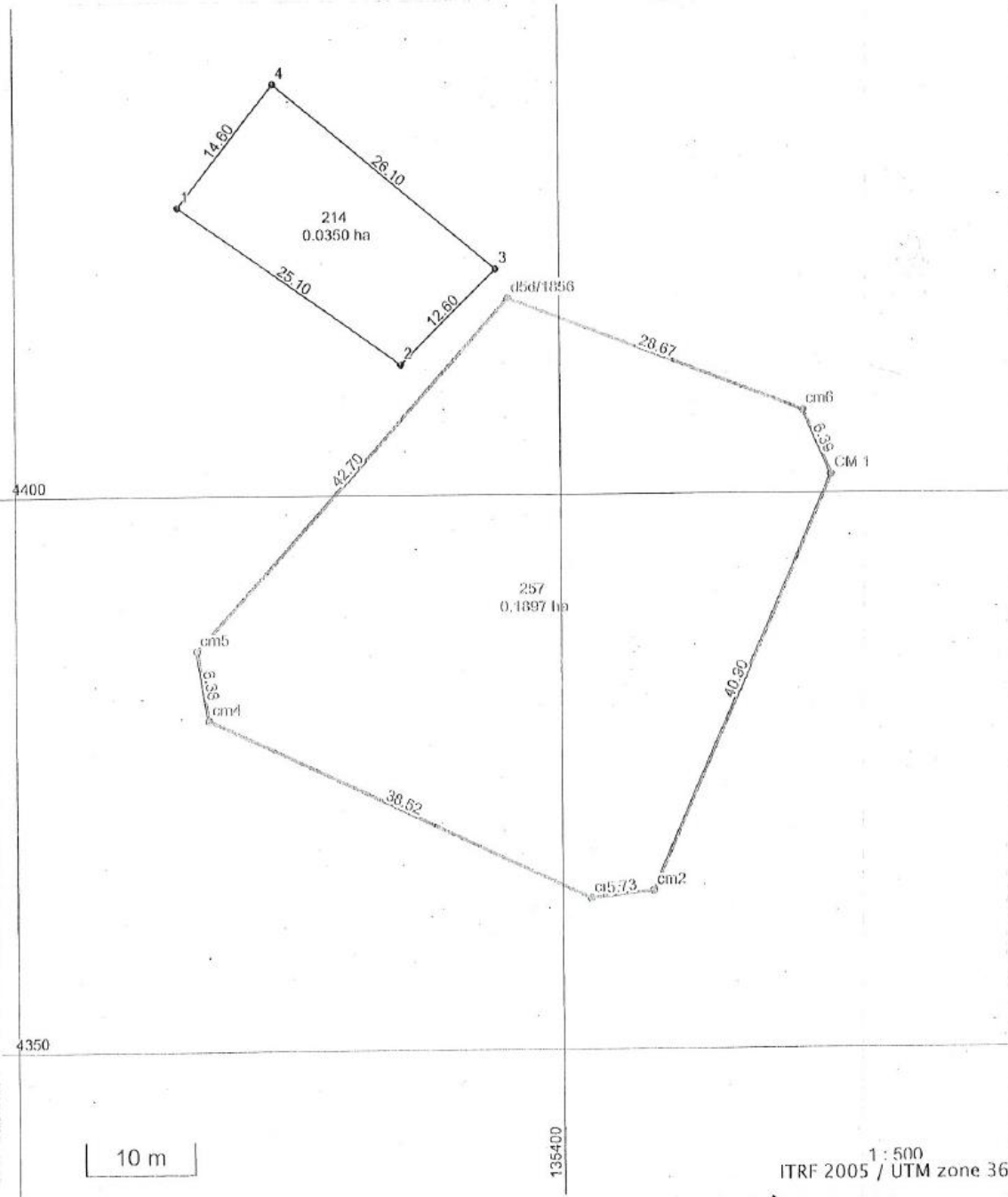
OWNERSHIP – *continued*

Date, Time, Instrument No.	Name and Address of Owner	Signature of Registrar





Kasese District
Bukonzo
Plot 257 Block 26
IS Number: KBO/2017/00197
Ref. Number:



Evelyn
EVELYN DOKOTHO
CARTOGRAPHER



1 : 500
ITRF 2005 / UTM zone 36N
Angello
ANGELLO TWETEISE
SENIOR STAFF SURVEYOR
FOR: COMMISSIONER SURVEYS AND MAPPING






INCUMBRANCES

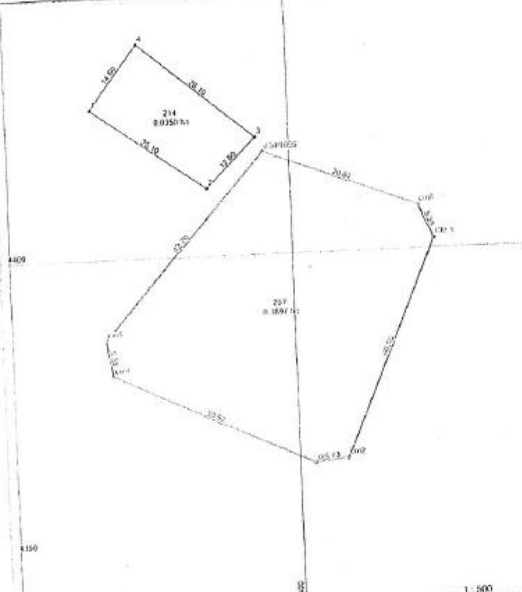
Date, Time, Instrument No.	Particulars of Incumbrance	Signature of Registrar





CONDITIONS		
Date, Time, Instrument No.	Particulars of Conditions	Signature of Registrar
24/01/2018 5:17 PM KBO-00000863	1. User restricted to COMMERCIAL . 2. Compensation to Tenants if any on the Land shall be done by the Applicant. 3. Land shall be developed in accordance with the Planning Regulations of the Area.	 Registrar of Titles

Miniature Deed Plan




214
0.01351 ha


257
0.1891 ha

10 m

1:500
ITRF 2005 / UTM zone 36N

District	Kasese
County	Bukonzo
Block	26
Plot	257
Estate Name	LOWER CUSTOMS
IS Number	KBO/2017/00197





The included sketch is not for technical use; it is only for illustration purposes, measurements are to be made on the full sized deed plan.





1000000049556



LWK/4035

THE REPUBLIC OF UGANDA

REGISTRATION OF TITLES ACT

Certificate of Title

FREEHOLD REGISTER, VOLUME HQT738 FOLIO 6

DESCRIPTION OF LAND

ALL THIS piece of land delineated and edged red on the plan hereto annexed containing the following area or thereabouts and situate as follows:

Area	County	District
1.4400 hectares	Bukonzo	Kasese

and known as: **Block(Road) 26 Plot 33 at KAMBUKAMABWE 1**
(Subject to conditions herein)

Date, time
and Inst. No.

REGD. 29/03/2016
AT. 11:42 AM
INST. 00019679

OWNERSHIP

MPONDWE-LHUBIRIHA TOWN COUNCIL OF P.O.
BOX 250, KASESE

Signature of
Registrar

[Signature]
Registrar of Titles

Is /are now the proprietors of an estate in fee simple in the land above described subject to the conditions and incumbrances herein after set out.

Dated this 29th day of March 2016

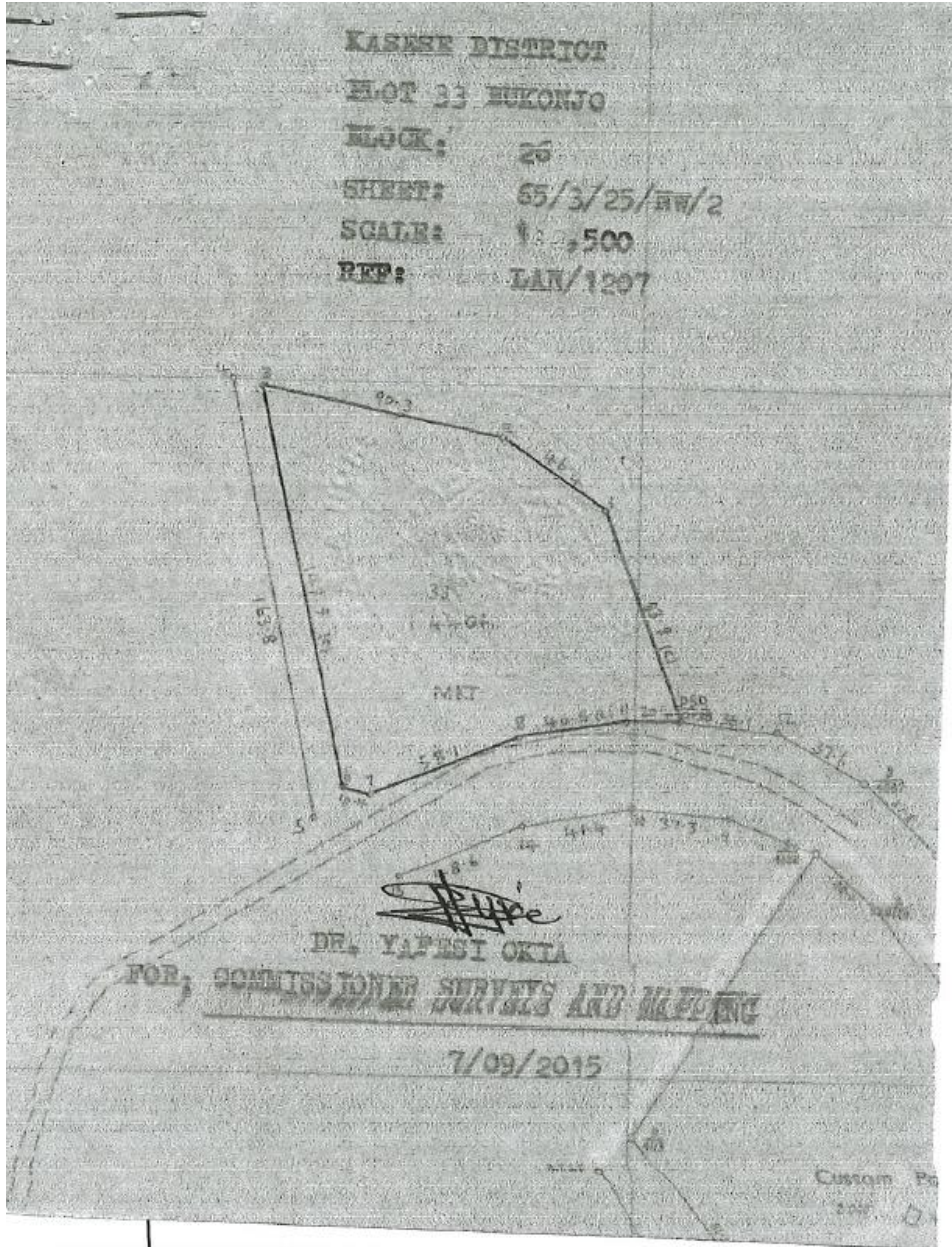
[Signature]
Registrar of Titles

Registry Copy

Volume HQT738 Folio 6

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Signature of
gistrar

Handwritten signature
of Titles






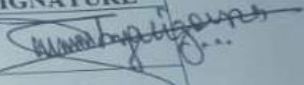

2019-03-27
ITRF2005 / UTM zone 36N



Appendix 3: List of people consulted during the ESIA exercise



 Republic of Uganda
 GREAT LAKES TRADE FACILITATION (GLTF) PROJECT FOR UGANDA
 CONSULTANCY SERVICES FOR THE SOCIAL IMPACT ASSESSMENT FOR THE
 DEVELOPMENT OF THE PROPOSED MPONDWE BORDER EXPORT ZONE
 STAKEHOLDER CONSULTATION SHEET

Location: District Headquarters
 Date: 5/4/2019

NAME	TITLE	CONTACT	SIGNATURE
Anselm Kyaligamba	Deputy DAD	0787127233	
Kaseeka Simon	DCO	0992617416	






 Republic of Uganda
 GREAT LAKES TRADE FACILITATION (GLTF) PROJECT FOR UGANDA
 CONSULTANCY SERVICES FOR THE SOCIAL IMPACT ASSESSMENT FOR THE
 DEVELOPMENT OF THE PROPOSED MPONDWE BORDER EXPORT ZONE.
 STAKEHOLDER CONSULTATION SHEET


Location: Hubi. xuba Market Traders Association

Date:

NAME	TITLE	CONTACT	SIGNATURE
<u>PANDESI STALL</u> MASEREKA ELIAS	<u>TRADER</u> Bay See Traders	<u>078354377</u> <u>0781437134</u>	<u>[Signature]</u> <u>[Signature]</u>
<u>MBA MBUMGATA</u> <u>Kabira Agnes</u>	<u>trader</u> Trader	<u>0777217821</u> <u>0786039480</u>	<u>[Signature]</u> <u>[Signature]</u>
<u>NALON MUSA</u>	<u>Trader</u>	<u>0775489654</u>	<u>[Signature]</u>
<u>Muhasa Zephaniah</u>	<u>Trader</u>	<u>0753498679</u>	<u>[Signature]</u>
<u>Masereka Zapi redunia</u>	<u>Trader</u>	<u>0789583494</u>	<u>[Signature]</u>







 Republic of Uganda
 GREAT LAKES TRADE FACILITATION (GLTF) PROJECT FOR UGANDA
 CONSULTANCY SERVICES FOR THE SOCIAL IMPACT ASSESSMENT FOR THE
 DEVELOPMENT OF THE PROPOSED MPONDWE BORDER EXPORT ZONE
 STAKEHOLDER CONSULTATION SHEET

Location: Market Traders / Mpondwe Market
 Date: 4 / 4 / 2019

NAME	TITLE	CONTACT	SIGNATURE
Mustinda Rita	//		
Mwita-de Annet	food vendor		
Mobira Harriet	Charal Sales		
Mbamba Siff	//		
Bira fezi	//		
Bira ELVIN	//		
Marirose Mingo	//		






 Republic of Uganda
GREAT LAKES TRADE FACILITATION (GLTF) PROJECT FOR UGANDA
CONSULTACY SERVICES FOR THE SOCIAL IMPACT ASSESSMENT FOR THE
DEVELOPMENT OF THE PROPOSED MPONDWE BORDER EXPORT ZONE
STAKEHOLDER CONSULTATION SHEET


Location: Market Traders (Mpondwe Market)

Date: 4 / 4 / 2019

NAME	TITLE	CONTACT	SIGNATURE
Nziabera Anesi	food vendor		
Masika FELI	food vendor		
Masika Liliyan	/		
Mrs Makali	//		
TITUNGU Felicia	//		
MASIKA JOSIKA	//		
BURA JANEI Othman	//		
TITUNGU Helene	//		
Kabagyu Desanjir	//		
Amino Kaitame	//		
Mary Naisi	//		
Kabagyu Jarime	//		
Kabagyu Kaitame	//		






 Republic of Uganda
GREAT LAKES TRADE FACILITATION (GLTF) PROJECT FOR UGANDA
CONSULTANCY SERVICES FOR THE SOCIAL IMPACT ASSESSMENT FOR THE
DEVELOPMENT OF THE PROPOSED MPONDWE BORDER EXPORT ZONE
STAKEHOLDER CONSULTATION SHEET

Location: Market Traders (Mpondwe market)

Date: 4/4/2019

NAME	TITLE	CONTACT	SIGNATURE
Kule Seer	B. MAN	078832551	
Buira Agnes	B. WOMAN	0774155075	
Baluku Lawrence	Bussiness man	0755407304	
MASIKAMARIZAN		0779483011	MASIKA
Baluku Sempu	B. MAN	0773989320	
Baluku Singibere	Bussines man	0783491087	
MUSA Haruna M.	Bussines man	0789938979	MH
Mbuser Mbutha	B. MAN	0772980444	AM
Muhingo Jeni	B. woman	071449136	Jeni
Mbambu Kibwen	food vend		
Kabira Chabry	"		
Mbambu Gorch	"		
Masika Shantala	"		

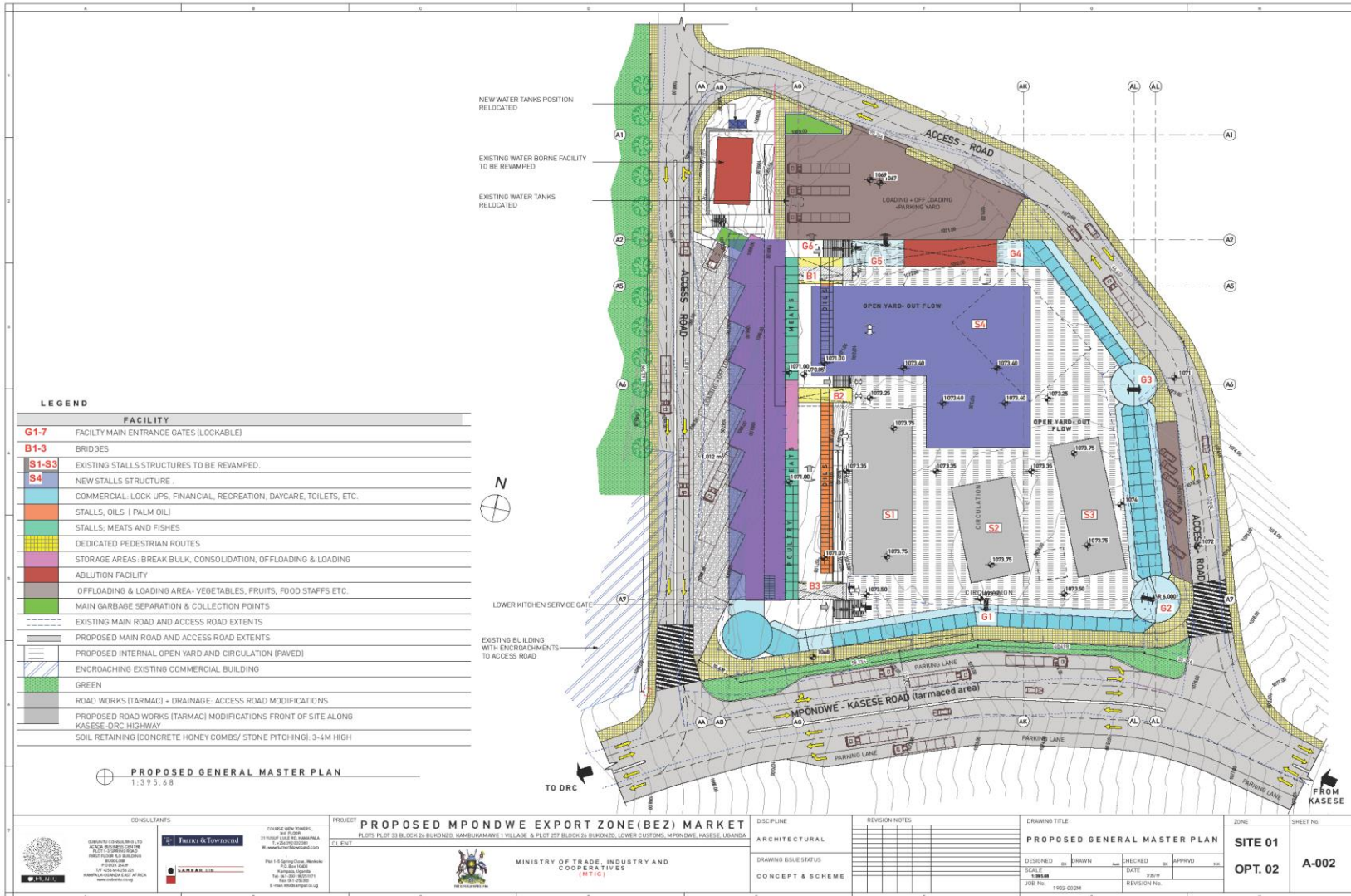


Appendix 4: Photographs showing the consultancy team during consultations with stakeholders





Appendix 5: Proposed project master plan



Appendix 6: Sample chance find procedures

Chance find procedures are an integral part of the project ESMP and civil works contracts.

The following is proposed in this regard:

If the Contractor discovers archaeological sites, historical sites, remains and objects during excavation or construction, the Contractor shall:

- Stop the construction activities in the area of the chance find;
- Delineate the discovered site or area;
- Secure the site to prevent any damage or loss of removable objects. In cases of removable antiquities or sensitive remains, a night guard shall be arranged until the responsible local authorities or the Ministry of Tourism, Wildlife and Antiquities take over;
- Notify the supervisor, Project Environmental Officer and Resident Engineer who in turn will notify the responsible local authorities and the Ministry of Tourism, Wildlife and Antiquities immediately (within 24 hours or less).

Responsible local authorities and the Ministry of Tourism, Wildlife and Antiquities would then be in charge of protecting and preserving the site before deciding on subsequent appropriate procedures. This would require a preliminary evaluation of the findings to be performed by the archaeologists of the department of Museum and Monuments of the Ministry of Tourism, Wildlife and Antiquities. The significance and importance of the findings should be assessed according to the various criteria relevant to cultural heritage, namely the aesthetic, historic, scientific or research, social and economic values.

Decisions on how to handle the find shall be taken by the responsible authorities and the Ministry of Tourism, Wildlife and Antiquities. This could include changes in the layout (such as when finding irremovable remains of cultural or archaeological importance) conservation, preservation, restoration and salvage.

Implementation for the authority decision concerning the management of the finding shall be communicated in writing by relevant local authorities.

Construction work may resume only after permission is given from the responsible local authorities or the Ministry of Tourism, Wildlife and Antiquities concerning safe guard of the heritage.



Appendix 7: Water analysis results

Telephone
 +256 (0) 414 250 464 (Gen)
 +256 (0) 414 250 474
 Email: dgal@mia.go.ug
 Website: www.mia.go.ug



MINISTRY OF INTERNAL AFFAIRS
DIRECTORATE OF GOVERNMENT
ANALYTICAL LABORATORY
 Plot No. 2 Lourdel Road
 Wandegeya,
 P.O.BOX 2174
 Kampala-Uganda

In any Correspondence on
 this subject please
 quote **GE254/19**

August 7, 2019

REPORT OF ANALYSIS

Description of Sample

One water sample from River Lhubiraha, Arua Customs Cell, Mpondwe-Lhubiraha Town Council, Kasese District was received on August 2, 2019 for SI Standards for Discharge of Effluent into Water or on Land

Methods of Analysis

pH was determined using a pH Meter. Metal ions were quantified from an acidified sample, at respective wavelengths, using Atomic Absorption Spectrometry technique, Shimadzu 6300. A five-point calibration curve was used to get the concentration of each metal ion. Nitrates, phosphates, sulphates, chlorides and ammonia were determined by UV-VIZ Spectrometry technique, Shimadzu, 1601 at respective absorption wavelengths. All determinations were done in triplicate.

Results of Analysis

The mean analysis values are as below:

Parameter	Result	Limits/Authority
pH	7.2	6.5 – 8.5
Turbidity (NTU)	14	10 Max
Total Hardness (mg/l)	59	500 Max
Total Dissolved Solids (mg/l)	984	1000 Max
Conductivity(µS/cm)	237	1500 Max
Calcium (mg/kg)	22.6	250 Max
Iron (mg/l)	6.8	0.3 Max
Magnesium (mg/l)	28.4	250 Max
Manganese (mg/l)	4.8	10 Max
Sodium (mg/l)	32.6	250 Max
Ammonia (mg/l)	6.8	0
Chlorides (mg/l)	242	250 Max
Fluorides (mg/l)	1.2	1.5 Max
Nitrates (mg/l)	8.8	10 Max
Phosphates (mg/l)	7.6	10 Max
Sulphates (mg/l)	187	500 Max
Total Coliforms (cfu/100ml)	122	0
E. coli (cfu/100ml)	8	0

Remarks

- Detection limit; Atomic Absorption Technique, Shimadzu, 6300
- Analyzed parameters meet requirements of the standard
- Results relate to sample and are reported on as received basis

Justus Mike Ocom
Senior Government Analyst "Go Scientific for a safe and Just Society"



Appendix 8: Status report about securing temporary site for operating Lhubiriha market

TELEPHONE:

Town Clerk 0772633519
Town Treasurer 0772846553
Cashier 0772612560
Engineer 0772 394557
Int. Auditor 0773 598756



THE REPUBLIC OF UGANDA

OFFICE OF THE TOWN CLERK
P.O. Box 250,
KASESE
UGANDA.

Date: 15th July 2019

MPONDWE – LHUBIRIHA TOWN COUNCIL

Ref: MLTC/07/3/2019

The Permanent Secretary,
Ministry of Trade, Industry and Co-operatives,
P.O. Box 7103, Kampala, Uganda.

Attn: The Co-ordinator,
Great Lakes Trade Facilitation project (GLTFP)

STATUS REPORT ABOUT SECURING TEMPORARY SITE FOR OPERATING LHUBIRIHA MARKET.

As you are already aware, Mpondwe-Lhubiriha Town Council through the Ministry of Trade, Industry and Cooperatives is undergoing preparations to kick start the construction works for Lhubiriha Border Market. We really thank you for selecting our Town Council for benefiting from the Great Lakes Trade Facilitation Project (GLTFP).

Among the activities for the construction works to start is securing a new market site. In specific regard to this matter, I wish to report as follows:

1. The management of Mpondwe-Lhubiriha Town Council already identified a suitable site where a temporary market will operate from as construction works go on. A site visitation with some officers from the ministry as a team has already been done.
2. The Town Council held meetings with the owners of the plots of land at the new site and agreed that:
 - a. The Town Council will pay a monthly rent of two hundred fifty thousand shillings (250,000/=) per plot of land that measures 50ft X 100ft.
 - b. A plot of land measuring less than the standard plot of land highlighted above shall be re-measured and an equal value for the space found shall be the only amount of money that shall be paid to the land lord.
 - c. Land lords who own structures in the new-site shall remain responsible for their structures and the Town Council shall only takeover the remaining open space. Please note that Part 2 (h) of this report shall apply here as



APPENDIX 9: SITE GEOTECHNICAL INVESTIGATION REPORT



APPENDIX 10: CODES OF CONDUCT AND ACTION PLAN FOR IMPLEMENTING ESHS AND OHS STANDARDS, AND PREVENTING GENDER BASED VIOLENCE AND VIOLENCE AGAINST CHILDREN

CODES OF CONDUCT AND ACTION PLAN FOR IMPLEMENTING ESHS AND OHS STANDARDS, AND PREVENTING GENDER BASED VIOLENCE AND VIOLENCE AGAINST CHILDREN IN GREAT LAKES TRADE FACILITATION PROJECT

Background

The purpose of these *Codes of Conduct and Action Plan for Implementing ESHS and OHS Standards, and Preventing Gender Based Violence and Violence Against Children* is to introduce a set of key definitions, core Codes of Conduct, and guidelines that establish mechanisms for preventing, reporting and addressing GBV and VAC within the work site and in its immediate surrounding communities.

Mutual respect and fair treatment between those working on the project and local communities is critical to a safe, respectful, and productive workplace and operating environment. GBV and VAC can be one of the most serious violations of respect and fair treatment which can harm the local community, and significantly damage trust and cooperation between parties. The application of these Codes of Conduct will help ensure the project meets its ESHS and OHS objectives, as well as preventing and/or mitigating the risks of GBV and VAC on the project and in the local communities.

These Codes of Conduct will:

- a) Clearly define obligations on all contractors (including sub-contractors and day workers) with regard to implementing the project's Environmental, Social, Health and Safety (ESHS) and Occupational Health and Safety (OHS) requirements, and;
- b) Help prevent, report and address Gender Based Violence (GBV) and Violence Against Children (VAC) within the project site and in its immediate surrounding communities.

These Codes of Conduct are to be adopted by all those working on the project—including sub-contractors—and are meant to:

- i. Create awareness of the ESHS and OHS expectations on the project;
- ii. Create common awareness about GBV and VAC;
- iii. Ensure a shared understanding that GBV has no place on the project; and
- iv. Create a clear system for identifying, responding to, and sanctioning GBV and VAC incidents.

Ensuring that all project staff understand the values of the project, understanding expectations for all employees, and acknowledging the consequences for violations of these values, will help to create

smoother, more respectful and productive project implementation thereby helping ensure that the project's development objectives will be achieved.

Definitions

The following definitions apply for ESHS and OHS:

- **Environmental, Social, Health and Safety (ESHS):** an umbrella term covering issues related to the impact of the project on the environment, communities and workers.
- **Occupational Health and Safety (OHS):** Occupational health and safety is concerned with protecting the safety, health and welfare of people engaged in work or employment, and the surrounding communities. The enjoyment of these standards at the highest levels is a basic human right that should be accessible by each worker.

Key Documents:

- I. **Project Environmental and Social Management Plan (ESMP):** The safeguards document prepared prior to project approval by the World Bank identifying the activities to be undertaken, key risks (based on ESIA), and their mitigation measures.
- II. **Contractors Environmental and Social Management Plan (CESMP):** The plan prepared by the contractor outlining how they will implement the works activities in accordance with the project's environmental and social management plan (ESMP). The CESMP also contains a number of management plans, in particular, the OHS Management Plan.
- III. **Codes of Conduct:** The Codes of Conduct adopted for the project covering the commitment of the Contractor, and the responsibilities of staff and individuals with regards to ESHS, OHS, GBV and VAC.

Key Project Actors:

- I. **Consultant:** is as any firm, company, organization or other institution that has been awarded a contract to provide consulting services to the project, and has hired managers and/or employees to conduct this work.
- II. **Contractor:** is any firm, company, organization or other institution that has been awarded a contract to conduct infrastructure development works for the project and has hired managers and/or employees to conduct this work. This also includes subcontractors hired to undertake activities on behalf of the contractor.
- III. **Manager:** is any individual offering labour to the contractor or consultant, on or off the work site, under a formal or informal employment contract and in exchange for a salary, with responsibility to control or direct the activities of a contractor's or consultant's team, unit, division or similar, and to supervise and manage a predefined number of employees.

- IV. **Employee:** is any individual offering labour to the contractor or consultant within country on or off the work site, under a formal or informal employment contract or arrangement, typically, but not necessarily (e.g. including unpaid interns and volunteers), in exchange for a salary, with no responsibility to manage or supervise other employees.
- V. **Grievance Redress Mechanism (GRM):** is the process established by a project to receive and address complaints related to the project—not just GBV and VAC but related to any aspect of the project. The GRM needs to:
- i. Allow for multiple channels to receive complaints;
 - ii. Be readily accessible, allowing complaints to be made in different ways; and
 - iii. Have appropriate protocols to handle GBV and VAC complaints including empathetic listening and assurance of confidentiality.
- VI. **Work Site:** is the area in which infrastructure development works are being conducted, as part of the project. Consulting assignments are considered to have the areas in which they are active as their work sites.
- VII. **Work Site Surroundings:** is the 'Project Area of Influence' which are any area, urban or rural, directly affected by the project, including all human settlements found in it.

The following definitions apply for GBV and VAC

- I. **Gender Based Violence (GBV):** is an umbrella term for any harmful act that is perpetrated against a person's will and that is based on socially ascribed (that is, gender) differences between male and female individuals. GBV includes acts that inflict physical, mental, or sexual harm or suffering; threats of such acts; and coercion and other deprivations of liberty, whether occurring in public or in private life.
- II. **Violence Against Children (VAC):** is defined as physical, sexual or psychological harm of minor children (i.e. under the age of 18) including using for profit, labor, sexual gratification, or some other personal or financial advantage.
- III. **Sexual Exploitation and Abuse (SEA):** Sexual exploitation is a facet of GBV that is defined as any actual or attempted abuse of a position of vulnerability, differential power, or trust for sexual purposes, including but not limited to, profiting monetarily, socially or politically from the sexual exploitation of another. In the context of World Bank supported projects, SEA occurs against a beneficiary or member of the community.
- IV. **Sexual Abuse** is further defined as the actual or threatened physical intrusion of a sexual nature whether by force or under unequal or coercive conditions.

- V. **Child Sexual Abuse:** is defined by the age of the survivor. It includes different forms of sexual violence, involves either explicit force or coercion or cases in which the survivor cannot consent because of his or her age. Sexual activity with anyone below the age of 18, except in cases of pre-existing marriage, constitutes child sexual abuse. Mistaken belief regarding the age of the child and/or receipt of consent from the child is not a defence.
- VI. **Sexual Harassment:** occurs between personnel and staff on the project, and involves any unwelcome sexual advance or unwanted verbal or physical conduct of a sexual nature. (E.g. looking somebody up and down; kissing; whistling and catcalls; in some instances, giving personal gifts). The distinction between the SEA and sexual harassment is important so that policies and staff trainings can include specific instruction on the procedures to report each.
- VII. **Sexual Favours:** is a form of sexual harassment and includes making promises of favourable treatment (e.g. promotion) or threats of unfavourable treatment (e.g. loss of job) dependent on sexual acts—or other forms of humiliating, degrading or exploitative behaviour.
- VIII. **Child protection (CP):** Is an activity or initiative designed to protect children from any form of harm, particularly arising from child abuse and exploitation.
- IX. **Child:** is used interchangeably with the term ‘minor’ and refers to a person under the age of 18. This is in accordance with Article 1 of the United Nations Convention on the Rights of the Child.
- X. **Child Abuse and Exploitation (CAE):** the physical, sexual or psychological harm of children including using for profit, labour, sexual gratification, or some other personal or financial advantage. This also includes other activities such as using computers, mobile phones, or video and digital cameras appropriately, and never to exploit or harass children or to access child pornography through any mediums.
- XI. **Grooming:** are behaviours that make it easier for a perpetrator to procure a child for sexual activity. For example, an offender might build a relationship of trust with the child, and then seek to sexualize that relationship (for example by encouraging romantic feelings or exposing the child to sexual concepts through pornography).
- XII. **Online Grooming:** is the act of sending an electronic message to a recipient who the sender believes to be a minor, with the intention of developing a relationship of trust that can be abused by procuring the recipient to engage in or submit to sexual activity with another person, including but not necessarily limited to the sender. This includes engaging in online sexual activities, such as messages, videos and photos with sexual content either sent to or procured from a child.

Other definitions: In addressing the issues raised above related to GBV and VAC there are a number of considerations which need to be clearly defined:

- I. **Rape:** non-consensual penetration (however slight) of the vagina, anus or mouth with a penis, other body part, or an object.

- II. **Consent:** refers to when an adult makes an informed choice to agree freely and voluntarily to do something. In accordance with the United Nations Convention on the Rights of the Child, the World Bank considers that consent cannot be given by children under the age of 18.

Mistaken belief regarding the age of the child and consent from the child is not a defence. There is **no** consent when agreement is obtained through:

- The use of threats, force or other forms of coercion, abduction, fraud, manipulation, deception, or misrepresentation,
 - The use of a threat to withhold a benefit to which the person is already entitled, or,
 - A promise made to the person to provide a benefit.
- III. **Perpetrator:** the person(s) who commit(s) or threaten(s) to commit an act or acts of GBV and VAC.
- IV. **Survivor/Survivors:** the person(s) adversely affected by GBV and VAC. Women, men and children can be survivors of GBV and VAC.
- V. **GBV Service Provider:** is an independent organization trusted by the local communities with the skills and resources to provide support to survivors of GBV and VAC, as well as training to reduce the risks of GBV and VAC.
- VI. **Third-Party Monitor (TPM) or Independent Verification Agent (IVA):** an organization commissioned to independently monitor and report on the effectiveness of the implementation of the GBV and VAC activities on the project. TPMs are financed independent of the project; IVAs are financed by the project.
- VII. **Investigation and resolution of GBV and VAC allegations:**
- ✓ **GBV Allegation Procedure:** is the prescribed procedure to be followed when reporting incidents of GBV.
 - ✓ **Accountability Measures:** are the measures put in place to ensure the confidentiality of survivors and to hold contractors, consultants and the client responsible for instituting a fair system of addressing cases of GBV and VAC.
 - ✓ **Response Protocol:** are the mechanisms set in place to respond to cases of GBV and VAC.
 - ✓ **GBV Complaints Team (GCT):** a team established by the project to address GBV and VAC issues.

CODES OF CONDUCT

This section presents three Codes of Conduct for use:

1. **Contractor Code of Conduct:** Commits the Contractor to addressing ESHS, OHS GBV and VAC issues;
2. **Manager Code of Conduct:** Commits Managers to implementing the Contractor's Code of Conduct, as well as those signed by individuals; and
3. **Individual Code of Conduct:** Code of Conduct for everyone working on the project, including Managers.



CONTRACTOR CODE OF CONDUCT

IMPLEMENTING ESHS AND OHS STANDARDS, PREVENTING GENDER BASED VIOLENCE AND VIOLENCE AGAINST CHILDREN

The Contractor is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the Environmental, Social, Health and Safety (ESHS) standards, and ensuring appropriate Occupational Health and Safety (OHS) standards are met. The Contractor is also committed to creating and maintaining an environment where children under the age of 18 will be protected, and where Sexual Exploitation and Abuse (SEA) and sexual harassment have no place. Improper actions towards children, SEA and sexual harassment are acts of Gender Based Violence (GBV) and Violence Against Children and as such will not be tolerated by any employee, sub-Managers, supplier, associate, or representative of the Contractor.

Therefore, to ensure that all those engaged in the project are aware of this commitment, the Contractor commits to the following core principles and minimum standards of behaviour that will apply to all Contractor employees, associates, and representatives, including sub-Managers and suppliers, without exception:

General

1. The Contractor – and therefore all employees, associates, representatives, sub-Managers and suppliers – commits to complying with all relevant national laws, rules and regulations.
2. The Contractor commits to full implementing its 'Contractor's Environmental and Social Management Plan' (CESMP) as approved by the Ministry of Trade, Industry and Cooperatives.
3. The Contractor commits to treating women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. Acts of GBV and VAC are in violation of this commitment.
4. The Contractor shall ensure that interactions with local community members are done with respect and non-discrimination.
5. Demeaning, threatening, harassing, abusive, culturally inappropriate, or sexually provocative language and behaviour are prohibited among all Contractor employees, associates, and its representatives, including sub-Managers and suppliers.
6. The Contractor will follow all reasonable work instructions (including regarding environmental and social norms).
7. The Contractor will protect and ensure proper use of property (for example, to prohibit theft, carelessness or waste).

Health and Safety

8. The Contractor will ensure that the project's OHS Management Plan is effectively implemented by Contractor's staff, as well as sub-Managers and suppliers.
9. The Contractor will ensure that all persons on-site wear prescribed and appropriate personal protective equipment, preventing avoidable accidents, and reporting conditions or practices that pose a safety hazard or threaten the environment.
10. The Contractor will:
 - i. Prohibit the use of alcohol during work activities.
 - ii. Prohibit the use of narcotics or other substances which can impair faculties at all times.
11. The Contractor will ensure that adequate sanitation facilities are available on site and at any worker accommodations provided to those working on the project.
12. The Contractor will not hire children under the age of 18 for construction work, or allow them on the work site, due to the hazardous nature of construction sites.

Gender Based Violence and Violence Against Children

13. Acts of GBV and VAC constitute gross misconduct and are therefore grounds for sanctions, which may include penalties and/or termination of employment and, if appropriate, referral to the Police for further action.
14. All forms of GBV and VAC, are unacceptable, regardless of whether they take place on the work site, the work site surroundings, at worker's camps or within the local community.
15. Sexual harassment of work personnel and staff (e.g. making unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature) are acts of GBV and are prohibited.
16. Sexual favours (e.g. making promises of favourable treatment such as promotions, threats of unfavourable treatment such as losing a job, payments in kind or in cash dependent on sexual acts) and any form of humiliating, degrading or exploitative behaviour are prohibited.
17. The use of prostitution in any form at any time is strictly prohibited.
18. Sexual contact or activity with children under 18—including through digital media—is prohibited. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse.
19. Unless there is full consent by all parties involved in the sexual act, sexual interactions between the Contractor's employees (at any level) and members of the communities surrounding the work place

are prohibited. This includes relationships involving the withholding/promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (including prostitution). Such sexual activity is considered “non-consensual” within the scope of this Code.

20. In addition to Contractor sanctions, legal prosecution of those who commit acts of GBV and VAC will be pursued if appropriate.
21. All employees, including volunteers and sub-contractors are highly encouraged to report suspected or actual acts of GBV and VAC by a fellow worker, whether in the same Contractor or not. Reports must be made in accordance with project’s GBV and VAC Allegation Procedures.
22. Managers are required to report and act to address suspected or actual acts of GBV as they have a responsibility to uphold Contractor commitments and hold their direct reports responsible.

Implementation

To ensure that the above principles are implemented effectively, the Contractor commits to:

23. Ensuring that all managers sign the project’s ‘Manager’s Code of Conduct’ detailing their responsibilities for implementing the Contractor’s commitments and enforcing the responsibilities in the ‘Individual Code of Conduct’.
24. Ensuring that all employees sign the project’s ‘Individual Code of Conduct’ confirming their agreement to comply with ESHS and OHS standards, and not to engage in activities resulting in GBV and VAC, child endangerment or abuse, or sexual harassment.
25. Displaying the Contractor and Individual Codes of Conduct prominently and in clear view at workers’ camps, offices, and in in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
26. Ensuring that posted and distributed copies of the Contractor and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
27. Ensuring that an appropriate person is nominated as the Contractor’s ‘Focal Point’ for addressing GBV and VAC issues, including representing the Contractor on the GBV Complaints Team (GCT) which is comprised of representatives from the client, contractor(s), the supervision consultant, and local GBV Service Provider.
28. Ensuring that an effective GBV Action Plan is developed in consultation with the GCT which includes as a minimum:
 - i. **GBV Allegation Procedure** to report GBV and VAC issues through the project Grievance Redress Mechanism;



- ii. **Accountability Measures** to protect confidentiality of all involved; and,
 - iii. **Response Protocol** applicable to GBV and VAC survivors and perpetrators.
29. Ensuring that the Contractor effectively implements the agreed final GBV and VAC Action Plan, providing feedback to the GCT for improvements and updates as appropriate.
30. Ensuring that all employees attend an induction training course prior to commencing work on site to ensure they are familiar with the Contractor's commitments to ESHS and OHS standards, and the project's GBV and VAC Codes of Conduct.
31. Ensuring that all employees attend a mandatory training course once a month for the duration of the contract starting from the first induction training prior to commencement of work to reinforce the understanding of the project's ESHS and OHS standards and the GBV and VAC Codes of Conduct.

I do hereby acknowledge that I have read the foregoing Contractor Code of Conduct, and on behalf of the Contractor agree to comply with the standards contained therein. I understand my role and responsibilities to support the project's OHS and ESHS standards, and to prevent and respond to GBV and VAC.

I understand that any action inconsistent with this Contractor Code of Conduct or failure to act mandated by this Contractor Code of Conduct may result in disciplinary action.

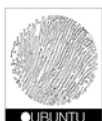
Contractor Name: _____

Signature: _____

Printed Name: _____

Title: _____

Date: _____



MANAGER'S CODE OF CONDUCT

IMPLEMENTING ESHS AND OHS STANDARDS, PREVENTING GENDER BASED VIOLENCE AND VIOLENCE AGAINST CHILDREN

The Contractor is committed to ensuring that the project is implemented in such a way which minimizes any negative impacts on the local environment, communities, and its workers. This will be done by respecting the Environmental, Social, Health and Safety (ESHS) standards, and ensuring appropriate Occupational Health and Safety (OHS) standards are met. The Contractor is also committed to creating and maintaining an environment where children under the age of 18 will be protected, and where Sexual Exploitation and Abuse (SEA) and sexual harassment have no place. Improper actions towards children, SEA and sexual harassment are acts of Gender Based Violence (GBV) and Violence Against Children (VAC) and as such will not be tolerated by any employee, sub-contractors, supplier, associate, or representative of the Contractor.

Managers at all levels have a responsibility to uphold the Contractor's commitment. Managers need to support and promote the implementation of the Contractor Code of Conduct. To that end, managers must adhere to this Manager's Code of Conduct and also to sign the Individual Code of Conduct. This commits them to supporting the implementation of the Contractor's Environmental and Social Management Plan (CESMP), the OHS Management Plan, and developing systems that facilitate the implementation of the GBV and VAC Action Plan.

Managers need to maintain a safe workplace, as well as a GBV and VAC-free environment at the workplace and in the local community. Their responsibilities to achieve this include but are not limited to:

Implementation

1. To ensure maximum effectiveness of the Contractor and Individual Codes of Conduct:
 - i. Prominently displaying the Contractor and Individual Codes of Conduct in clear view at workers' camps, offices, and in public areas of the work space. Examples of areas include waiting, rest and lobby areas of sites, canteen areas and health clinics.
 - ii. Ensuring all posted and distributed copies of the Contractor and Individual Codes of Conduct are translated into the appropriate language of use in the work site areas as well as for any international staff in their native language.
2. Verbally and in writing explain the Contractor and Individual Codes of Conduct to all staff.
3. Ensure that:
 - i. All staff sign the 'Individual Code of Conduct', including acknowledgment that they have read and agree with the Code of Conduct.

- ii. Staff lists and signed copies of the Individual Code of Conduct are provided to the OHS Manager, the GBV Complaints Team (GCT), and the client.
 - iii. Participate in training and ensure that staff also participate.
 - iv. Put in place a mechanism for staff to:
 - a) Report concerns on ESHS or OHS compliance; and,
 - b) Confidentially report GBV and VAC incidents through the Grievance Redress Mechanism (GRM)
 - v. Staff are encouraged to report suspected or actual ESHS, OHS, GBV and VAC issues, emphasizing the staff's responsibility to the Contractor and the country hosting their employment, and emphasizing the respect for confidentiality.
4. In compliance with applicable laws and to the best of your abilities, prevent perpetrators of sexual exploitation and abuse from being hired, re-hired or deployed. Use background and criminal reference checks for all employees nor ordinarily resident in the country where the works are taking place.
 5. Ensure that when engaging in partnership, sub-contractor, supplier or similar agreements, these agreements:
 - i. Incorporate the ESHS, OHS, GBV and VAC Codes of Conduct as an attachment.
 - ii. Include the appropriate language requiring such contracting entities and individuals, and their employees and volunteers, to comply with the Individual Codes of Conduct.
 - iii. Expressly state that the failure of those entities or individuals, as appropriate, to ensure compliance with the ESHS and OHS standards, take preventive measures against GBV and VAC, to investigate allegations thereof, or to take corrective actions when GBV has occurred, shall not only constitute grounds for sanctions and penalties in accordance with the Individual Codes of Conduct but also termination of agreements to work on or supply the project.
 6. Provide support and resources to the GCT to create and disseminate internal sensitization initiatives through the awareness-raising strategy under the GBV Action Plan.
 7. Ensure that any GBV and VAC complaint warranting Police action is reported to the Police, the client and the World Bank immediately.
 8. Report and act in accordance with the agreed response protocol any suspected or actual acts of GBV and VAC.
 9. Ensure that any major ESHS or OHS incidents are reported to the client and the supervision engineer immediately, non-major issues in accordance with the agreed reporting protocol.

10. Ensure that children under the age of 18 are not present at the construction site, or engaged in any hazardous activities.

Training

1. The managers are responsible to:
 - i. Ensure that the OHS Management Plan is implemented, with suitable training required for all staff, including sub-contractors and suppliers; and,
 - ii. Ensure that staff have a suitable understanding of the CESMP and are trained as appropriate to implement the CESMP requirements.
2. All managers are required to attend an induction manager training course prior to commencing work on site to ensure that they are familiar with their roles and responsibilities in upholding the GBV and VAC elements of these Codes of Conduct. This training will be separate from the induction training course required of all employees and will provide managers with the necessary understanding and technical support needed to begin to develop the GBV Action Plan for addressing GBV and VAC issues.
3. Managers are required to attend and assist with the project facilitated monthly training courses for all employees. Managers will be required to introduce the trainings and announce the self-evaluations, including collecting satisfaction surveys to evaluate training experiences and provide advice on improving the effectiveness of training.
4. Ensure that time is provided during work hours and that staff prior to commencing work on site attend the mandatory project facilitated induction training on:
 - i. OHS and ESHS; and,
 - ii. GBV and VAC required of all employees.
5. During civil works, ensure that staff attend ongoing OHS and ESHS training, as well as the monthly mandatory refresher training course required of all employees to on GBV and VAC.

Response

1. Managers will be required to take appropriate actions to address any ESHS or OHS incidents.
2. Regarding GBV and VAC:
 - i. Provide input to the GBV Allegation Procedures and Response Protocol developed by the GCT.
 - ii. Once adopted by the Contractor, managers will uphold the Accountability Measures set forth in the GBV Action Plan to maintain the confidentiality of all employees who report or (allegedly)

- perpetrate incidences of GBV and VAC (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law).
- iii. If a manager develops concerns or suspicions regarding any form of GBV/VAC by one of his/her direct staff, or by an employee working for another contractor on the same work site, s/he is required to report the case using the GRM.
 - iv. Once a sanction has been determined, the relevant manager(s) is/are expected to be personally responsible for ensuring that the measure is effectively enforced, within a maximum timeframe of 14 days from the date on which the decision to sanction was made by the GCT.
 - v. If a Manager has a conflict of interest due to personal or familial relationships with the survivor and/or perpetrator, he/she must notify the Contractor and the GCT. The Contractor will be required to appoint another manager without a conflict of interest to respond to complaints.
 - vi. Ensure that any GBV issue warranting Police action is reported to the Police, the client and the World Bank immediately
3. Managers failing address ESHS or OHS incidents, or failing to report or comply with the GBV and VAC provisions may be subject to disciplinary measures, to be determined and enacted by the Contractor's CEO, Managing Director or equivalent highest-ranking manager. Those measures may include:
- i. Informal warning.
 - ii. Formal warning.
 - iii. Additional Training.
 - iv. Loss of up to one week's salary.
 - v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
 - vi. Termination of employment.
4. Ultimately, failure to effectively respond to ESHS, OHS, and GBV and VAC cases on the work site by the Contractor's managers or CEO may provide grounds for legal actions by authorities.

I do hereby acknowledge that I have read the foregoing Manager's Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, and GBV requirements. I understand that any action inconsistent with this Manager's Code of Conduct or failure to act mandated by this Manager's Code of Conduct may result in disciplinary action.



Signature: _____

Printed Name: _____

Title: _____

Date: _____



INDIVIDUAL CODE OF CONDUCT

IMPLEMENTING ESHS AND OHS STANDARDS, PREVENTING GENDER BASED VIOLENCE AND VIOLENCE AGAINST CHILDREN

I, _____, acknowledge that adhering to Environmental, Social, Health and Safety (ESHS) standards, following the project's Occupational Health and Safety (OHS) requirements, and preventing Gender Based Violence (GBV) and Violence Against Children (VAC) is important.

The Contractor considers that failure to follow ESHS and OHS standards, or to partake in activities constituting GBV and VAC—be it on the work site, the work site surroundings, at workers' camps, or the surrounding communities—constitute acts of gross misconduct and are therefore grounds for sanctions, penalties or potential termination of employment. Prosecution by the Police of those who commit GBV may be pursued if appropriate.

I agree that while working on the project I will:

- Consent to Police background check.
- Attend and actively partake in training courses related to ESHS, OHS, GBV and VAC as requested by my employer.
- Will wear my personal protective equipment (PPE) at all times when at the work site or engaged in project related activities.
- Take all practical steps to implement the contractor's environmental and social management plan (CESMP).
- Implement the OHS Management Plan.
- Adhere to a zero-alcohol policy during work activities, and refrain from the use of narcotics or other substances which can impair faculties at all times.
- Treat women, children (persons under the age of 18), and men with respect regardless of race, colour, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
- Not use language or behaviour towards women, children or men that is inappropriate, harassing, abusive, sexually provocative, demeaning or culturally inappropriate.
- Not sexually exploit or abuse project beneficiaries and members of the surrounding communities.
- Not engage in sexual harassment of work personnel and staff—for instance, making unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual

nature is prohibited. E.g. looking somebody up and down; kissing, howling or smacking sounds; hanging around somebody; whistling and catcalls; in some instances, giving personal gifts.

- Not engage in sexual favours—for instance, making promises of favourable treatment (e.g. promotion), threats of unfavourable treatment (e.g. loss of job) or payments in kind or in cash, dependent on sexual acts—or other forms of humiliating, degrading or exploitative behaviour.
- Not use prostitution in any form at any time.
- Not participate in sexual contact or activity with children under the age of 18—including grooming, or contact through digital media. Mistaken belief regarding the age of a child is not a defence. Consent from the child is also not a defence or excuse.
- Unless there is the full consent⁶ by all parties involved, I will not have sexual interactions with members of the surrounding communities. This includes relationships involving the withholding or promise of actual provision of benefit (monetary or non-monetary) to community members in exchange for sex (including prostitution). Such sexual activity is considered “non-consensual” within the scope of this Code.
- Consider reporting through the GRM or to my manager any suspected or actual GBV/VAC by a fellow worker, whether employed by my company or not, or any breaches of this Code of Conduct.

With regard to children under the age of 18:

- Bring to the attention of my manager the presence of any children on the construction site or engaged in hazardous activities.
- Wherever possible, ensure that another adult is present when working in the proximity of children.
- Not invite unaccompanied children unrelated to my family into my home, unless they are at immediate risk of injury or in physical danger.
- Not use any computers, mobile phones, video and digital cameras or any other medium to exploit or harass children or to access child pornography (see also “Use of children’s images for work related purposes” below).
- Refrain from physical punishment or discipline of children.
- Refrain from hiring children for domestic or other labour below the minimum age of 14 unless national law specifies a higher age, or which places them at significant risk of injury.
- Comply with all relevant local legislation, including labour laws in relation to child labour and World Bank’s safeguard policies on child labour and minimum age.
- Take appropriate caution when photographing or filming children.

Use of children's images for work related purposes

When photographing or filming a child for work related purposes, I must:

- Before photographing or filming a child, assess and endeavour to comply with local traditions or restrictions for reproducing personal images.
- Before photographing or filming a child, obtain informed consent from the child and a parent or guardian of the child. As part of this I must explain how the photograph or film will be used.
- Ensure photographs, films, videos and DVDs present children in a dignified and respectful manner and not in a vulnerable or submissive manner. Children should be adequately clothed and not in poses that could be seen as sexually suggestive.
- Ensure images are honest representations of the context and the facts.
- Ensure file labels do not reveal identifying information about a child when sending images electronically.

Sanctions

I understand that if I breach this Individual Code of Conduct, my employer will take disciplinary action which could include:

1. Informal warning.
2. Formal warning.
3. Additional Training.
4. Loss of up to one week's salary.
5. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
6. Termination of employment.
7. Report to the Police if warranted.

I understand that it is my responsibility to ensure that the environmental, social, health and safety standards are met. That I will adhere to the occupational health and safety management plan. That I will avoid actions or behaviours that could be construed as GBV/VAC. Any such actions will be a breach this Individual Code of Conduct. I do hereby acknowledge that I have read the foregoing Individual Code of Conduct, do agree to comply with the standards contained therein and understand my roles and responsibilities to prevent and respond to ESHS, OHS, GBV and VAC issues. I understand that any action inconsistent with this Individual



Code of Conduct or failure to act mandated by this Individual Code of Conduct may result in disciplinary action and may affect my ongoing employment.

Signature: _____

Printed Name: _____

Title: _____

Date: _____



GBV ACTION PLAN

This GBV Action Plan outlines how the project will put in place the necessary protocols and mechanisms to minimize or eliminate GBV and VAC on the project, as well as to address any GBV and VAC issues that may arise.

THE GBV COMPLAINTS TEAM

The project shall establish a 'GBV Complaints Team' (GCT). The GCT will include the following:

- a) The Project's Social Development Specialist
- b) The Occupational Health and Safety Specialist of the Contractor or someone else designated by the Contractor.
- c) The supervision consultant.
- d) A Representative appointed by the Ministry of Trade, Industry and Cooperatives with experience in GBV (GBV Service Provider)
- e) 2 Members representing the local community

It will be the duty of the GCT with support from the management of the contractor and consultant to inform workers about the activities and responsibilities of the GCT.

To effectively serve on the GCT, members must undergo training by the GBV Service Provider prior to the commencement of their assignment to ensure that they are sensitized on GBV and VAC.

The GCT will be required to:

- a) Approve any changes to the **GBV and VAC** elements of the **Codes of Conduct** contained in this document, with clearances from the Ministry of Trade, Industry and Cooperatives and the World Bank for any such changes.
- b) Prepare the **GBV and VAC Action Plan** reflecting the Codes of Conduct which includes:
 - i. GBV Allegation Procedures
 - ii. Addressing GBV Complaints
 - iii. Accountability Measures
 - iv. An Awareness raising Strategy
 - v. A Response Protocol
 - vi. Obtain approval of the GBV Action Plan by the Contractor's management;

- vii. Obtain Ministry of Trade, Industry and Cooperatives and World Bank clearances for the GBV Action Plan prior to full mobilization;
- viii. Receive and monitor resolutions and sanctions regarding complaints received related to GBV and VAC associated with the project; and,
- ix. Ensure that GBV and VAC statistics in the GRM are up to date and included in the regular project reports.

The GCT shall hold quarterly update meetings to discuss ways to strengthen resources and GBV support for employees and community members.

MAKING COMPLAINTS: GBV AND VAC ALLEGATION PROCEDURES

All staff, volunteers, consultants and sub-contractors are encouraged to report suspected or actual GBV and VAC cases. Managers are required to report suspected or actual GBV and VAC cases as they have responsibilities to uphold company commitments and they hold their direct reports accountable for complying with the Individual Code of Conduct.

The project will provide information to employees and the community on how to report cases of GBV and VAC Code of Conduct breaches through the Grievance Redress Mechanism (GRM). The GCT will follow up on cases of GBV and Code of Conduct breaches reported through the GRM.

ADDRESSING COMPLAINTS ABOUT GBV

GRM

The project operates a GRM right from the Project Affected Persons up to the Courts of Law. The GRM ensures that:

- i. Complaints can be made through different channels;
- ii. Complaints can be made in different ways such as online, via telephone or mail, or in person; and
- iii. Complaints can be made confidentially.

The World Bank requires that all complaints regarding GBV and VAC must immediately be reported to the World Bank task team. These complaints may be referred to the World Bank management in accordance with the World Bank's reporting protocols.

GBV SERVICE PROVIDER

The GBV Service Provider is a local organization which has the trust of the local community, experience and ability to support survivors of GBV. They will be identified by the Ministry of Trade, Industry and Cooperatives during project preparation, if necessary with the support of the World Bank.

The Ministry of Trade, Industry and Cooperatives, the contractor and consultant must establish a working relationship with the GBV Service Provider, so that GBV and VAC cases can safely be referred to them. The GBV Service Provider will have a representative on the GCT and be involved in resolving complaints related to GBV.

The contract for the GBV Service Provider shall include provision for financing costs around providing the necessary support to survivors.

GBV COMPLAINTS TEAM

The GCT is responsible for ensuring that GBV complaints are properly investigated and that appropriate sanctions are applied for any cases where sanctions are considered to be justified.

The GCT shall confirm that all complaints related to GBV and VAC have been: (i) referred to the Ministry of Trade, Industry and Cooperatives and the World Bank; and, (ii) are referred to Police (or other authorities) for investigation if of appropriate severity. In GBV and VAC cases warranting Police action; and, (iii) management for further action.

The GCT shall consider all GBV and VAC complaints and agree on a plan for resolution. The appropriate Focal Point will be tasked with implementing the plan (i.e. issues with contractor's staff will be for the contractor to resolve; consultant's staff the consultant; and client's staff the client). The Focal Point will advise the GCT on resolution, including referral to the Police if necessary. They will be assisted by the GBV Service Provider as appropriate.

ACCOUNTABILITY MEASURES

All reports of GBV and VAC shall be handled in a confidential manner to protect the rights of all involved. The client, contractor and consultant must maintain the confidentiality of employees who notify any acts or threats of violence, and of any employees accused of engaging in any acts or threats of violence (unless a breach of confidentiality is required to protect persons or property from serious harm or where required by law). The contractor and consultant must prohibit discrimination or adverse action against an employee because of survivor's disclosure, experience or perceived experience of GBV.

MONITORING AND EVALUATION

The GRM is to notify the Ministry of Trade, Industry and Cooperatives and the World Bank immediately of any complaints related to GBV and VAC. The GCT must monitor the follow up of cases that have been reported and maintain all reported cases in a confidential and secure location. Monitoring must collect the number of cases that have been reported and the share of them that are being managed by Police, NGOs etc. These statistics shall be reported to the GRM and the Supervision Engineer for inclusion in their reporting.

AWARENESS-RAISING STRATEGY

It is important to create an Awareness-raising Strategy with activities aimed to sensitize employees on GBV and VAC on the work site and its related risks, provisions of the GBV Codes of Conduct, and GBV Allegation Procedures, Accountability Measures and Response Protocol. The strategy will be accompanied by a timeline, indicating the various sensitization activities through which the strategy will be implemented and the related (expected) delivery dates. Awareness-raising activities should be linked with trainings provided by the GBV Service Provider.

RESPONSE PROTOCOL

The GCT will be responsible for developing a written response protocol to meet the project requirements, in accordance to national laws and protocols. The response protocol must include:

- i. Mechanisms to notify and respond to perpetrators in the workplace;
- ii. The GRM process to ensure competent and confidential response to disclosures of GBV and VAC, and;
- iii. A referral pathway to refer survivors to appropriate services.

SURVIVOR SUPPORT MEASURES

It is essential to appropriately respond to the survivor's complaint by respecting the survivor's choices to minimize the potential for re-traumatization and further violence against the survivor.

Any survivor will receive care regardless of whether the perpetrator is associated with the project will receive support/ The support will be provided by the GBV Service Provider—including medical and psychosocial support, emergency accommodation, transport fees necessary to receive services, security including Police protection and livelihood support—by facilitating contact and coordination with these services. See Annex 1 for examples of the types of support which could be considered under the project.

SANCTIONS

In accordance with the Code of Conduct, any employee confirmed as a GBV/VAC perpetrator shall be considered for disciplinary measures in line with sanctions and practices as agreed in the Individual Code of Conduct. Potential Sanctions to employees who are perpetrators of GBV/VAC include:

- i. Informal warning
- ii. Formal warning
- iii. Additional Training
- iv. Loss of up to one week's salary.



- v. Suspension of employment (without payment of salary), for a minimum period of 1 month up to a maximum of 6 months.
- vi. Termination of employment.
- vii. Referral to the Police or other authorities as warranted.

