



# **MINISTRY OF WATER AND ENVIRONMENT**

## **ENVIRONMENT AND SOCIAL SAFEGUARDS POLICY**

**Ministry of Water and Environment**

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## **Forward**

The Ministry of Water and Environment (MWE) prepared the Environmental and Social Safeguards (ESS) Policy Framework, to ensure that, in implementing development programs, positive social impacts are maximized while negative ones are minimized or avoided. Experience, has shown that different Entities encounter risks therefore the appropriate social safeguards should always be incorporated in their programmes.

Currently the MWE follows the Uganda Environmental Impact Assessment guidelines derived from the National Environment Management policy and Act (1994) as well as donor specific Environmental and Social Safeguard Frameworks (ESMF) as may be required by specific projects to address ESS issues arising from projects being implemented by the Ministry.

This framework will be applied to all projects/programmes funded by Government of Uganda, Development Partners including Climate Financing such as Adaptation and Green Climate Fund, for which the MWE has overall responsibility for monitoring their implementation. The Ministry at the same time will ensure transparency and accessibility of information, in addition to facilitating the resolutions of disputes with respect to environmental and social risks.

This ESS Policy Framework was prepared in a participatory manner involving all stakeholders, leading to ownership and readiness to implement it for sustainable social benefits.

I therefore, on behalf of the Ministry of Water and Environment and all executing entities wish to express our commitment and readiness to implement the ESS Policy requirements.



Alfred Okot Okidi  
**Permanent Secretary**

## Executive Summary

Currently, the Environmental and Social issues are being addressed basing on the National Environment Management Policy and other guiding documents including the Environment Impact Assessment (EIA) guidelines and other Tools developed by National Environment Management Authority (NEMA) while some projects have been using the World Bank Environment and Social Safeguards Policies and other donor -specific ES policies. These are normally actualized through development of Environment and Social Management Frameworks (ESMF) for specific projects and programmes. Other key existing laws and policies relating to the safety of environment and people are prescribed in the Uganda Constitution (1995), the National Environment Management Policy (1994), the Resettlement Policy, the Environment Management Act (1994), National Climate Change Policy (2015), National Gender Policy (2007), Equal opportunities Policy (2008), National Land Policy (2013), Water Policy (1997) among others.

In order to harmonize the current trend, MWE has developed an ESS framework based on 15 ESS principles. The Environmental and Social-Safeguards Framework (ESSF), document is intended to provide the general framework within which Government and Donor funded projects in the Ministry are to be implemented / executed, as far as consideration of Environmental and Social Safeguards are concerned. At this stage, all MWE's projects and other executing entities will be required to follow this framework to ensure that ESS aspects are adequately addressed. Where the need arises, project specific ESMF will be developed to ensure maximum benefits to the intended communities without compromising the 15 ESS principles.

The ESS is aimed to ensure that in implementing development programs, positive outcomes are maximized and negative outcomes are minimized. This framework will therefore ensure integration of environmental and social concerns in all stages of project development and all levels including national, district and local levels, with full participation of the people as means of minimizing environmental and social impacts. It will further ensure identification of key environmental and social issues/aspects that will affect or will be affected by the projects/programmes and ensuring that risks are screened against the 15 principles as well as specification of appropriate roles and responsibilities, and outlining the necessary reporting procedures, for managing and monitoring environmental and social concerns including compliance; grievance mechanism, and establishment of institutional capacity building requirements to successfully implement the ESS as well as monitoring to ensure compliance.

There are 15 principles which apply to MWE's ESS Policy which determine the scope of risk and impact assessments. Some principles always apply to all projects (\*), some may or may not be relevant for a specific project/programme. The ESS principles are;

1. Compliance with the Law\*-
2. Access and Equity
3. Marginalized and Vulnerable Groups-
4. Human Rights\*
5. Gender Equality and Women's Empowerment
6. Core Labour Rights\*
7. Indigenous Peoples
8. Involuntary Resettlement-
9. Protection of Natural Habitats

10. Conservation of Biological Diversity
11. Climate Change -
12. Pollution Prevention and Resource Efficiency-
13. Public Health
14. Physical and Cultural Heritage-
15. Lands and Soil Conservation-

At project formulation stage, each development project must highlight key environmental and social impacts both negative and positive impacts. For positive impacts enhancement measures are suggested whereas for negative impacts mitigation measures must be suggested to minimize these negative impacts on the environment and the communities in which the project is to be implemented.

The Ministry will screen all proposed projects and programmes to determine their potential to cause environmental or social harm, undertake Environmental and Social Assessments for all projects and programmes that have the potential to cause environmental or social harm and develop Environmental and Social Management Plans that identifies measures necessary to avoid, minimize, or mitigate the potential environmental and social risks and lastly monitor, evaluate and report to ensure that all environmental and social risks identified during project and programme assessment and design are adequately addressed during and after implementation. The framework also looks at Public Disclosure and Consultations as well as the grievance handling mechanisms.

## Acronyms

AF	Adaptation Fund
CCD	Climate Change Department
ESMF	Environmental and Social Management Framework
ESS	Environmental and Social Safeguard
EIA	Environment Impact Assessment
GHG	Greenhouse Gas Emissions
MAAIF	Ministry of Agriculture, Animal Industry and Fisheries
MWE	Ministry of Water and Environment
MEMD	Ministry of Energy and Mineral Development,
MPED	Ministry of Finance, Planning and Economic Development
NWSC	National Water and Sewerage Corporation
NDP-II	National Development Plan II
NEMA	National Environment Management Authority
NFA	National Forestry Authority
TPM	Top Policy Management
UNMA	Uganda National Meteorological Authority

## Table of Contents

Forward.....	i
1.0 Introduction.....	1
2.0 Justification for Environmental and Social Safeguards Framework.....	3
2.1 Objectives of Environment and Social Safeguards Framework.....	3
3.0 Policy and Legal Framework.....	4
3.2 The National Environmental Management Policy (1994).....	5
3.3 National Development Plan II (NDPII 2015-2020).....	5
3.4 The Local Governments Act, 1997.....	6
3.5 Legislative Framework for Environmental Assessment Category and its Processes within the Water and Environment sector.....	6
4.0 Environment and Social Safeguard (ESS) Principles.....	7
4.1 Statement of Commitment.....	7
4.2 Environment and Social Safeguard Principles.....	7
4.2.1 Compliance with the Law*.....	7
4.1.2 Labour Laws and Working Conditions.....	7
4.1.3 Access and Equity.....	8
4.1.4 Marginalized and Vulnerable Groups.....	8
4.1.5 Human Rights.....	8
4.1.6 Gender Equality and Women’s Empowerment.....	8
4.1.7 Indigenous Peoples.....	8
4.1.8 Involuntary Resettlement.....	9
4.1.9 Protection of Natural Habitats and Conservation of Biological Diversity.....	9
4.1.10 Climate Change.....	9
4.1.11 Pollution Prevention and Resource Efficiency.....	10
4.1.12 Public Health.....	10
4.1.13 Physical and Cultural Heritage.....	10
4.1.14 Lands and Soil Conservations.....	10
5.0 Organizational and Implementation Approach.....	10
6.0 Integration Environment and social issues into projects and programmes.....	11
6.1 Screening of Environmental and Social Risks.....	11
6.2 Environmental and Social Assessment.....	12
7.0 Monitoring, Reporting, and Evaluation.....	13
8.0 Public Disclosure and Consultation.....	13
9.0 Grievance Mechanism.....	13
Annex A: Glossary.....	15

## 1.0 Introduction

The Ministry of Water and Environment (MWE) is a lead institution for the Water and Environment Sector. It is responsible for the overall coordination, policy formulation, setting standards, inspection, monitoring, and technical back-up and initiating legislation. It also monitors and evaluates sector development programmes to keep track of their performance as well as efficiency and effectiveness in service delivery.

The Water and Environment Sector encompasses managing water as a resource, establishing water infrastructure for development, harnessing weather and climate and promoting ecosystems and biodiversity resiliencies ‘The **Vision** is “*Sound management and sustainable utilisation of Water and Environment resources for the betterment of the population of Uganda.*’

Its’ **Mission** is ‘*To promote and ensure the rational and sustainable utilisation, development and effective management of water and environment resources for socio-economic development of the country*’ The **Mandate** of the Ministry is derived from the Constitution of the Republic of Uganda (1995) and the Local Governments Act, CAP 243 and includes *initiating legislation, policy formulation, setting standards, inspections, monitoring, and coordination and providing back up technical support to water and environment sub sectors.*

### 1.1 Institutional Framework

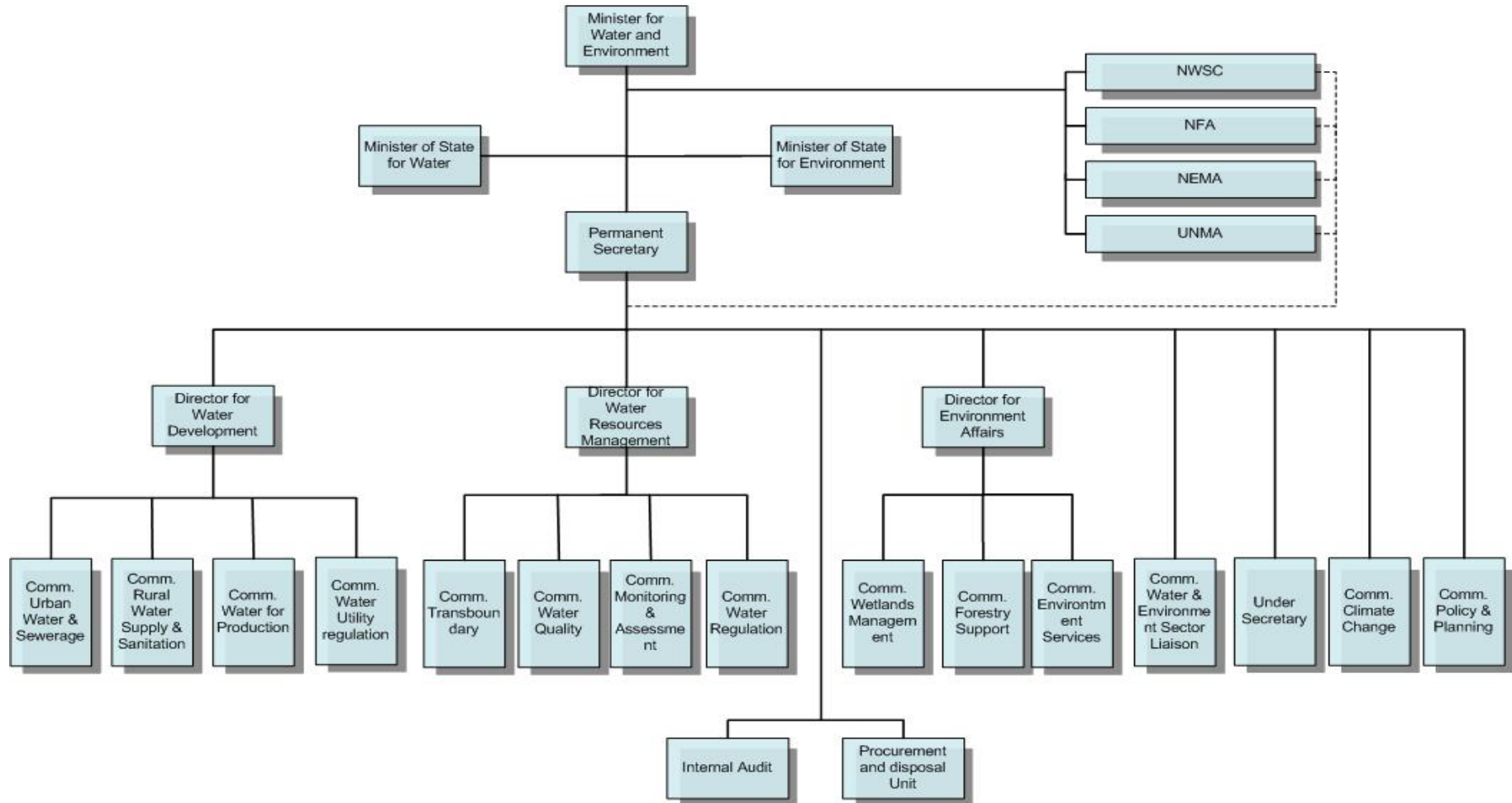
The Ministry is comprised of three of Water Resources Management (DWRM), Directorate of Water Development (DWD) and the Directorate of Environmental Affairs (DEA). In addition, the Ministry is supported by stand-alone departments in support to the technical departments namely the Finance and Administration, Water and Environment Sector Liaison, Policy and Planning and the Climate Change Department.

The ministry has affiliate semi-autonomous Institutions including the National Water and Sewerage Corporation which is a public and state owned utility currently providing water supply and sewerage services in large urban towns, the National Forestry Authority which is mandated to manage Central Forest Reserves and supply high quality forestry related products and services, the National Environment Management Authority responsible for ensuring sound environmental management practices for sustainable development as well as the Uganda National Meteorological Authority (UNMA) responsible for monitoring weather and climate, maintaining a climate database and providing regular advisories on the state of the weather and climate to government and any other clients including Agriculture sector, transport, disaster preparedness and the public. (**Figure 1**). Other key stakeholders include the Local Government, Donors, Civil Society Organisations, Private Sector and Local Governments are key implementers in the delivery of services in the sector.

The sector is guided by the Top Policy Management (TPM) headed by the Senior Minister and assisted by two Ministers of State for Water and Environment respectively. In addition is the Water and Environment Sector Working Group (WESWG) that is chaired by the Permanent Secretary, assisted by two co-chairs persons representing Water and Sanitation donor group and Environment and Natural Resources donor group. The WESWG is responsible for the overall sector coordination, resource mobilization and allocation as well as reviewing of progress. The Water and Sanitation Sub-Sector Working Group (WSSWG) and the Environment and Natural Resources Subsector Working Group (ENR-SWG) are responsible for the sector planning and priority setting, implementation, monitoring, supervision and management of their respective subsectors in support to the WESWG.

**Figure 1: Macro Structure of Ministry Water and Environment**

**MACRO STRUCTURE OF THE MINISTRY OF WATER & ENVIRONMENT 2014**





## **1.2 Strategic Objectives**

In order to achieve its vision, the sector is guided by the following strategic objectives in the implementation of its policies and programs;

- i. To provide safe water within easy reach and hygienic sanitation facilities based on management responsibility and ownership by users to 79 percent of the population in rural areas and 100 percent in urban population by the year 2020, with 95 percent effective use and functionality of the facilities.
- ii. To provide viable urban Water Supply and Sewerage/Sanitation systems for domestic, industrial and commercial uses.
- iii. To develop water supply for production/multipurpose use for socio-economic development, modernize agriculture and mitigate the effects of climate change.
- iv. To manage the water resources of Uganda in a wise, integrated, sustainable and coordinated manner so as to secure water of adequate quantity and quality to meet all social and economic needs of present and future generations.
- v. To promote a sustainable productive Natural Resource Base (NRB) and healthy environment for improved livelihoods, poverty eradication and economic growth.
- vi. To develop capacity and promote sustainable harnessing and use of climate and weather resources for socio-economic development of Uganda.’
- vii. To coordinate and ensure compliance with Government policy, legislation, standards and regulations in the Ministry of Water and Environment and the affiliated agencies/institutions implementing or supporting programs related to Water and Environment.

## **2.0 Justification for Environmental and Social Safeguards Framework**

The Ministry of Water and Environment has been implementing a number of projects and programs which inevitably affect the environment and vulnerable groups. Environmental and social issues have been addressed basing on the National Environment Management policy and other guiding documents including the Environment Impact Assessment (EIA) guidelines and other Tools developed by National Environment Management Authority (NEMA) while some projects have been using the World Bank Environment and Social Safeguards Policies and other donor ES policies. These are normally actualized through development of Environment and Social Management Frameworks (ESMF) for specific projects and programmes.

This Environmental and Social Safeguards Framework has been formulated to facilitate the MWE to effectively address the environmental and social issues for projects and programmes funded by the Adaptation Fund upon its accreditation in a harmonized and coherent manner in order to minimize negative Environmental and social impacts on the Environment and beneficiary communities during and after projects/programmes implementation.

### **2.1 Objectives of Environment and Social Safeguards Framework**

This Environment and Social Safeguards Framework is to be used by the Ministry to ensure that all environmental and social safeguards are adequately addressed as required by the Adaptation Fund. The goal is to avoid unnecessary environment and social harm as a result of implementation of Adaptation Fund projects by the ministry which is a key requirement of the fund.

This Environment and Social Safeguards framework aims specifically at the following:

- i. To ensure integration of environmental and social concerns in all stages of project development and all levels including national, district and local levels, with full participation of the people as means of minimising environmental and social impacts
- ii. To identify key environmental and social issues/aspects that will affect or will be affected by the projects/programmes and ensuring that risks are screened against Adaptation Fund 15 principles;
- iii. To specify appropriate roles and responsibilities, and outlining the necessary reporting procedures, for managing and monitoring environmental and social concerns including compliance; and
- iv. To establish institutional capacity building requirements to successfully implement the ESS, with particular focus on monitoring framework for its implementation and compliance;

The following flow chart describes the process of ensuring that the ESS process is adhered to:

**Fig 1: Demonstration of the adherence to the ESS process**



### 3.0 Policy and Legal Framework

This Environment and Social Safeguards Framework is aligned to the principles relating to the safety of environment, and the people as enshrined in various laws and policies including among others;

#### 3.1 The Constitution of the Republic of Uganda (1995)

The overarching policy document for ESS in Uganda is the Constitution of the Republic of Uganda, 1995 states that:

- i. The State shall ensure gender balance and fair representation of marginalized groups on all constitutional and other bodies (Constitution of the Republic of Uganda, 1995, Chapter V).
- ii. The State shall take all necessary steps to involve the people in the formulation and implementation of development plans and programs which affect them (Constitution of the Republic of Uganda, 1995, Chapter X).
- iii. The State shall protect important natural resources, including land, water, wetlands, minerals, oil, fauna and flora on behalf of the people of Uganda (Constitution of the Republic of Uganda, 1995, Chapter XII).

### **3.2 The National Environmental Management Policy (1994)**

The National Environment Management Policy is a multi-sector crosscutting policy that is found in nearly every other policy. The National Environment Policy overall goal is ‘to encourage sustainable development by wise use of natural resources while enhancing environmental quality without compromising the ability of future generations to meet their own needs’. The policy has six policy objectives, 18 guiding principles, 14 cross-sector policies and 4 (four) sector policies. The key objectives of the Policy are to:

- i. Enhance health and quality of life through sustainable development, sound environmental management and wise use of natural resources;
- ii. Encourage participatory integration of environmental concerns in all development policies, planning, and activities at national, district and local levels;
- iii. Conserve, preserve and restore ecosystems and maintain ecological processes and life support systems, especially conservation of national biological diversity;
- iv. Optimize resource use and achieve a sustainable level of resource consumption;
- v. Raise public awareness, sensitization and advocacy for a linkage between environment and development;
- vi. Ensure individual and community participation in environmental improvement activities.

The key underlying principles that support the policy include: - every person has a constitutional right to a clean environment; sustainable natural resource use; security of land tenure; the use of environmentally friendly technologies; enforcement of environmentally friendly laws, involvement of gender and vulnerable groups, integration of environmental concerns in all sectors, involvement of the communities in decision making and meeting international and regional obligations.

### **3.3 National Development Plan II (NDPII 2015-2020)**

The Policy is also consistent with the National Development Plan (NDP-II) for the period of 2015-2020 which highlights for the following: i) protecting, restoring, and maintaining the integrity of degraded fragile ecosystems; ii) increasing sustainable use of environment and natural resources; iii) increasing national forest cover and economic productivity of forests; iv) increasing the national wetland coverage; v) increasing the functionality and usage of meteorological information systems; and vi) increasing the country’s resilience to the impacts of climate change. Furthermore, the NDPII also advocates for decent employment and labour productivity, provides social protection services, promotion of youth employment and participation, promote equality and women empowerment, and strengthening institutional capacity and redressing the imbalance and promoting equal opportunities for all.

### **3.4 The Local Governments Act, 1997**

The Local Governments Act, 1997 implements the government's decentralization policy. The Local Government Act devolves some functions from the Central Government to district. The most relevant sections of the Local Government Act are summarised below.

Section 31 (1) (b) of the Local Government Act provides that a local government shall within its area of jurisdiction 'provide services as it deems fit' except 'the functions, powers and services' reserved to the Central Government under Part I of the Second Schedule to the Local Government Act. Item 7 of Part II of the Second Schedule provides that the function of water resources management is reserved to the Central Government. Under the same Act, the general water resource management policy is a function reserved to the Central Government under the Local Government Act. Part II of the Second Schedule to the Local Government Act shows that supply of water is a decentralised function.

### **3.5 Legislative Framework for Environmental Assessment Category and its Processes within the Water and Environment sector.**

The National Environmental Act, 1995 is the principal law governing environmental management and conservation in Uganda. A number of supporting regulations are also applicable to water resources management and include:

- a. The Water Act, Cap 152, 1997;
- b. The Land Act Cap 227, 1998;
- c. The Water Resources Regulations, 1998;
- d. The Water (Waste Discharge) Regulations, 1998;
- e. The Environmental Impact Assessment Regulations, 1998;
- f. The National Environment (Waste Management) Regulations, 1999;
- g. The National Environment (Standards for Discharge of Effluent into water or on land) Regulations, 1999;
- h. The National Environment (Wetlands, River banks and Lake Shores Management) Regulations, 2000.
- i. Draft Standards for Air Quality Management, 2007;
- j. The National Environment (Noise Standards and Control) Regulations, 2003;
- k. National Environment Instrument (delegation of waste discharge functions) 1999;
- l. National Environment Notice (designation of Environmental Inspectors), 2000;
- m. National Policy for the Conservation and Management of Wetland Resources, 1995; and
- n. The National Environmental Management Policy, 1994;
- o. National Climate Change Policy (2015)

#### **Other relevant Laws and Policies include;**

Other laws and policies that are relevant to the implementation of this Environment and social framework include: The National Environment Act (1994), the National Irrigation Policy (2018), National Gender Policy (2007), Petroleum Supply Act (2003), Equal Opportunities Policy (2008), National Land Policy (2013), National Land Use Policy (2010) Employment Act (2006), Occupational Safety and Health Act (2006); among others.

## **4.0 Environment and Social Safeguard (ESS) Principles**

### **4.1 Statement of Commitment**

This Environmental and Social Safeguards Framework of the Ministry of Water and Environment of Uganda highlights the importance of managing environmental and social performance for all Ministry supported or implemented projects and programmes. The Ministry of Water and Environment is committed to avoiding, minimizing, or mitigating adverse environmental and social impacts associated with its projects. All proposed MWE projects and programmes will be subject to review and screening during preparation, and they will be fully assessed, designed, implemented, monitored and reviewed accordingly to ensure that all environmental and social issues are adequately addressed. This requirement will be applied to all Government and Donor funded projects for which the Ministry has overall responsibility for management and results. The Ministry is also committed to ensuring transparency and accessibility of information, in addition to facilitating the resolution of disputes, with respect to environmental and social risks.

### **4.2 Environment and Social Safeguard Principles**

This Environmental and social safeguards Framework is crucial for ensuring that the projects and programmes being supported or implemented by the Ministry do not unnecessarily harm the environment, public health or vulnerable communities. The Ministry shall ensure that all projects and programmes it designs and implements directly or through other organizations, agencies and lower local governments conform to the following environmental and social principles, although it is recognized that depending on the nature and scale of a project or programme all of the principles may not be relevant to every project or programme.

#### **4.2.1 Compliance with the Law\***

The Ministry of water and Environment as an implementing entity (IE) will provide, when relevant, a description of the legal and regulatory framework for any project activity that may require prior permission such as environmental permits, water abstraction /extraction permits especially during the construction of water Irrigation Schemes and water for production facilities.

#### **4.1.2 Labour Laws and Working Conditions**

Ensure that its projects and programmes comply with National labour laws and with the objectives of the International Labor Organization (ILO) Standards. This includes fully complying with relevant National legislation including: Employment Act (2006), Equal Opportunities Commission Act (2007), Occupational Safety and Health Act (2006) among others. This is triggered since the construction works will require the recruitment of a labour force to dig the trenches, lay pipes and undertake the required construction and rehabilitation works. As with all works related to water projects, these might expose employees to occupational safety risk and infections. This occupational safety risk will be mitigated through the selection and effective use of mechanical equipment and personal protective equipment. Work procedures, training, and awareness creation/sensitisation will be implemented.

### **4.1.3 Access and Equity**

Projects and programmes implemented or supported by the Ministry shall provide fair and equitable access to benefits in a manner that is inclusive and does not impede access to basic health services, clean water and sanitation, energy, education, housing, safe and decent working conditions, and land rights. These Projects or programmes should not exacerbate existing inequities, particularly with respect to marginalized or vulnerable groups.

### **4.1.4 Marginalized and Vulnerable Groups**

All projects and programmes implemented or supported by the Ministry shall avoid imposing any disproportionate adverse impacts on marginalized and vulnerable groups including children, women and girls, the elderly, indigenous people, tribal groups, internally displaced people, refugees, people living with disabilities, and people living with HIV/AIDS. During project or programme assessment the Ministry shall assess and consider particular impacts on marginalized and vulnerable groups. This includes fully complying with relevant national legislation including the HIV/ AIDS Policy 2011, and the National Policy Framework on Social Protection (November 2015) aimed at reducing social vulnerabilities.

### **4.1.5 Human Rights**

The projects and programmes will be designed and implemented in a manner that will promote, protect and fulfil universal respect for, and observance of, human rights for all as recognized by the United Nations. The Ministry will undertake robust environmental and social due diligence so that its projects and programmes do not cause, promote, contribute to, perpetuate, or exacerbate adverse human rights impacts.

### **4.1.6 Gender Equality and Women's Empowerment**

Projects and programmes implemented or supported by the Ministry shall be designed and implemented in such a way that both women and men (a) have equal opportunities to participate as per the Fund Gender Policy (refer to Adaptation Fund Gender Policy: Annex 4 for details); (b) receive comparable social and economic benefits; and (c) do not suffer disproportionate adverse effects during the development process. This includes fully complying with relevant national legislation including National Gender Policy, 1997; Equal Opportunities Commission Act; and Gender Seal that was launched in 2017 to recognize entities that adhere to gender equality standards. Like other Ministries, the Ministry of Water and Environment shall ensure that planning, budgeting and resource allocation adheres to requirements of Gender Compliance by the Ministry of Finance, Planning and Economic Development.

### **4.1.7 Indigenous Peoples**

Projects and programmes undertaken by the ministry shall avoid adverse impacts on indigenous peoples, and when avoidance is not possible, will minimize, mitigate and/or compensate appropriately and equitably for such impacts, in a consistent way and improve outcomes over time; promote benefits and opportunities; and respect and preserve indigenous culture, including the indigenous peoples' rights to lands, territories, resources, knowledge systems, and traditional livelihoods and practices.

All Ministry projects and programmes shall support the full and effective participation of indigenous peoples and the design and implementation of activities will be guided by the

rights and responsibilities set forth in the United Nations Declaration on the Rights of Indigenous Peoples including, of particular importance, the right to free, prior and informed consent, which will be implemented by the Ministry all in applicable circumstances. It will ensure that all projects and programmes it implements or support are consistent with the rights and responsibilities set forth in the UN-Declaration on the Rights of Indigenous Peoples and other applicable international and National instruments relating to indigenous peoples. Uganda Resettlement / Land Acquisition Policy Framework, 2002.

#### **4.1.8 Involuntary Resettlement**

The ministry undertakes to avoid involuntary resettlement to the extent feasible, or to minimize and mitigate its adverse social and economic impacts. Projects and programmes shall be designed and implemented in a way that avoids or minimizes the need for involuntary resettlement. When limited involuntary resettlement is unavoidable, due process shall be observed so that displaced persons shall be informed of their rights, consulted on their options, and offered technically, economically, and socially feasible resettlement alternatives or fair and adequate compensation. It shall promote participation of displaced people in resettlement planning and implementation, and its key economic objective is to assist displaced persons in their efforts to improve or at least restore their incomes and standards of living after displacement. The Ministry shall promote fair and timely compensation and other resettlement measures to achieve its objectives and requires that all projects prepare adequate resettlement planning instruments prior to appraisal of proposed projects.

#### **4.1.9 Protection of Natural Habitats and Conservation of Biological Diversity**

The Ministry shall not design, implement or support projects and programmes that involve unjustified conversion or degradation of critical natural habitats, including those that are (a) legally protected; (b) officially proposed for protection; (c) recognized by authoritative sources for their high conservation value, including as critical habitat; or (d) recognized as protected by traditional or indigenous local communities. Also all projects and programmes shall be designed and implemented in a way that avoids any significant or unjustified reduction or loss of biological diversity or the introduction of known invasive species. The activities designed and implemented in a manner that will protect and conserve biodiversity and critical habitats, maintain the benefits of ecosystem services, and promote the sustainable use and management of living natural resources. This includes fully complying with relevant national legislation including: Water Policy (1997), Environment Management Act (1994), National Climate Change Policy (2015), and National Forestry and Tree Planting Act 2003 among others.

#### **4.1.10 Climate Change**

During preparation of projects and programmes implemented or supported by the Adaptation Fund, Green Climate Fund and other Donors, the Ministry shall ensure that projects do not result in any significant or unjustified increase in greenhouse gas emissions or other drivers of climate change. This includes fully complying with relevant national legislation including, National Climate Change Policy (2015), and National Forestry and Tree Planting Act 2003 among other. For each sub-project, an assessment of the climate change impacts shall be evaluated using the INDC guidelines. This will help identify an appropriate adaptation action including relevant activities for each sub-project as well as capacity building needs for the Executing Agency.

#### **4.1.11 Pollution Prevention and Resource Efficiency**

This is triggered by the nature of the activities that are covered under both the construction and operation phases. There is handling of oil, management of faecal sludge that could pose. Use of equipment could also result in release of Greenhouse gases. The Ministry shall ensure that its projects and programmes are designed and implemented in a way that meets applicable international standards for maximizing energy efficiency and minimizing material resource use, the production of wastes, and the release of pollutants. It shall ensure that its projects and programmes promote more sustainable use of resources, including energy and water, reduce project or programme -related greenhouse gas (GHG) emissions, and avoid or minimize adverse impacts on human health and on the environment. This includes fully complying with relevant national legislation including: National Environment Act (1994), Petroleum Supply Act (2003). National Environment (Waste Management) Regulations, 1999. Water (Waste Discharge) Regulations, 1998 as well as the National Environment (Standards for Discharge of Effluent into Water or on Land) Regulations, 1999 among others.

#### **4.1.12 Public Health**

The Ministry shall ensure that its projects and programmes are designed and implemented in a way that avoids potentially significant negative impacts on public health. This includes fully complying with relevant National legislation including: Occupational Safety and Health Act (2006) and the Public Health Act 2000.

#### **4.1.13 Physical and Cultural Heritage**

The Ministry shall ensure that its projects and programmes are designed and implemented in a way that avoids the alteration, damage, or removal of any physical cultural resources, cultural sites, and sites with unique natural values recognized as such at the community, national or international level. Projects/programmes should also not permanently interfere with existing access and use of such physical and cultural resources. It will ensure that its projects and programmes protect cultural heritage, support their preservation, and promote equitable sharing of benefits from their use. This includes fully complying with relevant national legislation including: Institution of Traditional or Cultural Leaders Act (2011), Uganda Tourism Act (2008) and the Historical Monuments Act (1968).

#### **4.1.14 Lands and Soil Conservations**

The Ministry shall ensure that its projects and programmes are designed and implemented in a way that promotes soil conservation and avoids degradation or conversion of productive lands or land that provides valuable ecosystem services.

### **5.0 Organizational and Implementation Approach**

The Ministry of Water and Environment shall take the responsibility of ensuring that environment and social issues are mainstreamed in all its projects. The permanent Secretary of MWE with the support of the various Directors and Heads of Departments has the overall duty of ensuring that ESS are mainstreamed in all its projects/programmes implemented by the MWE and other executing agencies. Further, the ministry in collaboration with the NEMA shall ensure that proper EIAs are conducted and ESIA certificates issued. The NEMA will also conduct regular monitoring, reviewing in ensuring compliance with the ESS/ESMF for all projects.



The MWE has a fully-fledged Department of Environmental Support Services (DESS) with a Senior Environment Officer (Policy, Planning and Research) designated to coordinate compliance to E&S policy formulation and implementation. In addition, MWE has a Water and Environment Sector Liaison Department (WESLD) mandated to coordinate issues of cross cutting nature including social /community engagement, gender mainstreaming, HIV/AIDS mainstreaming, pro-poor initiatives among others. The aforementioned functions are coordinated by a Principal sociologist, who works closely with other Senior Sociologists and Sociologists deployed across all departments and projects. Under the ESS Policy Framework, the Departments of Environment Support Services (DESS) and Water and Environment Sector Liaison (WESLD) shall be the Coordinating Unit and shall ensure that projects and programmes in all the three Directorates namely; Directorate of Water Resources Management (DWRM), Directorate of Water Development (DWD), Directorate of Environment Affaires (DEA) and other Executing Entities adequately integrate and address Environment and social issues in their scope. It is envisaged that projects and programmes will develop specific Environmental and Social Management Frameworks (ESMFs) being guided by this policy, that will guide the implementation and monitoring of project specific mitigation measures. Specifically,

- Under WESLD, the key technical personnel responsible for implementation of the Social component of the ESSPF is the Principal Sociologist mandated to coordinate issues of cross cutting nature including social /community engagement, gender mainstreaming, HIV/AIDS mainstreaming, pro-poor initiatives.
- Under DESSS, the key technical personnel responsible for implementation of the Environment component of the ESSPF are the Assistant Commissioner and 3 Senior Environment Officers.

All Project Coordinators have a shared responsibility for implementation of ESS policies through Social and Environment Officers. Hence, according to the ESS Policy Framework each Directorate will be assigned Focal Point Officers (FPOs) responsible for all projects within the Directorate and shall make regular reports concerning the implementation of the Environmental Social Safeguards at each project to the above mentioned Coordination Unit.

## **6.0 Integration Environment and social issues into projects and programmes**

Integration and implementation of environment and social issues into projects and programmes shall be guided by the following procedure/steps.

### **6.1 Screening of Environmental and Social Risks**

The Ministry shall ensure that all proposed projects and programmes are screened to determine their potential to cause environmental or social harm. The purpose of screening is to identify potential environmental and social impacts and risks, taking into consideration the AF 15 Principles of the Environment and Social Safeguards Policy above. The screening process shall consider all potential direct, indirect, trans-boundary, and cumulative impacts in the project's or programme's area of influence that could result from the proposed project or programme.

All proposed projects and programmes shall be categorized according to the scale, nature and severity of their potential environmental and social impacts. Projects or programmes likely to have significant adverse environmental or social impacts that are for example diverse, widespread, or irreversible shall be categorized as Category **A** projects/programmes. Those with potential adverse impacts that are less adverse than Category **4** projects and programmes, because for example they are fewer in number, smaller in scale, less widespread, reversible or easily mitigated shall be categorized as Category **B** whereas those projects and programmes with no adverse environmental or not have potential significant social impacts should be categorized as Category **C** or **D** respectively as described in table 6.1.

The screening shall help in determining the extent to which the project or programme requires further environmental and social assessment, mitigation, and management. The results of the environmental screening shall be included in the project or programme proposals submitted by the Ministry to the Adaptation Fund.

**Table 6.1: Requirements for Screening/ Categorization of Projects**

Category	Description
Category A: ESSF	An EIA is normally required because the project may have diverse significant impacts. Projects in this category could include: water projects requiring water to a level more than 400m <sup>3</sup> in any period of twenty-four hours, or projects requiring using motorized pumps; storage dams, barrages, weirs, valley tanks and dams; river diversions and inter-basin water transfer among others.
Category B: ESSF	A limited environmental analysis is appropriate, as the project impacts can be easily identified and for which mitigation measures can be easily prescribed and included in the design and implementation of the project. Projects in this category could include: rural water supply, large earth reservoirs, but not located in very sensitive areas, big gravity flow schemes, all category one projects located in sensitive areas etc.
Category C: ESSF	Environmental analysis is normally unnecessary, as the project is unlikely to have significant environmental impacts. A project brief is enough. This could include project location in less sensitive areas or where many such schemes are in the same locality and their synergetic effects have potential impacts.
Category D: ESSF	Small projects which do not have potential significant impacts and for which separate EIAs are not required, as the environment is the major focus of project preparation. These could include borehole drilling, hand augured shallow wells, protected springs and earth reservoir construction.

## 6.2 Environmental and Social Assessment

The Ministry shall ensure that for all projects/programmes that have the potential to cause environmental or social harm (i.e. all Category A and B projects or programmes), the implementing entity shall prepare an environmental and social assessment that identifies any environmental or social risks, including any potential risks associated with the Fund's environmental and social principles outlined above.

The assessment shall (i) consider all potential direct, indirect, trans boundary, and cumulative impacts and risks that could result from the proposed project or programme; (ii) assess alternatives to the project/programme; and (iii) assess possible measures to avoid, minimize, or mitigate environmental and social risks of the proposed project or programme. As a

general rule, the environmental and social assessment shall be completed before the project/programme proposal submission to the Adaptation Fund, Green Climate Fund and any other funding agency. In some Category A&B projects/programmes where the proposed activities requiring such assessment represent a minor part of the project, and when inclusion in the proposal is not feasible, a timeline for completing the environmental and social assessment before actual implementation begins shall be incorporated in the agreement between the Board and the Ministry following the project or programme approval, and reported through the annual project/programme performance report. A copy of the environmental and social assessment shall be provided to the funding entity as soon as the assessment is completed.

**Environmental and Social Management Plan.** The Ministry shall develop environment and social management plans for projects basing on the findings of the environmental and social assessments that identify those measures and actions, assessment shall be accompanied by an environmental and social management plan that identifies those measures necessary to avoid, minimize, or mitigate the potential environmental and social risks. The Ministry commits to develop and implement these plans for all projects and programmes under its docket and this will be reflected in routine reporting and monitoring Reports.

## **7.0 Monitoring, Reporting, and Evaluation**

The Ministry's and project specific Monitoring and Evaluation systems shall address all environmental and social risks identified during project or programme assessment, design, and implementation. Project or programme performance reports shall include a section on the status of implementation of any environmental and social management plans, including those measures required to avoid, minimize, or mitigate environmental and social risks. The reports shall also include, if necessary, a description of any corrective actions that are deemed necessary. The mid-term and terminal evaluation reports shall also include an evaluation of the project or programme performance with respect to environmental and social risks.

## **8.0 Public Disclosure and Consultation**

The Ministry shall identify stakeholders and involve them as early as possible in planning any project or programmes supported by the various funding agencies including AF and GCF. The results of the environmental and social screening and a draft environmental and social assessment, including any proposed management plans, shall be made available for public consultations that are timely, effective, inclusive, and held free of coercion and in an appropriate way for communities that are directly affected by the proposed project or programme. Ministry shall publicly disclose the final environmental and social assessment through the Ministry's website and hold stakeholders' meetings targeting all project-affected people and other stakeholders to disseminate the findings where feasible. Project or programme performance reports including the status on implementation of environmental and social measures shall be publicly disclosed. Any significant proposed changes in the project or programme during implementation shall be made available for effective and timely public consultation with directly affected communities.

## **9.0 Grievance Mechanism**

The Ministry shall establish Grievance handling mechanisms for all projects and programmes active at all levels. The communities to be affected or likely to be affected by projects or programmes shall be informed of the existence grievance and redress mechanism at the

earliest opportunity of the stakeholder engagement process and in an understandable format and in all relevant languages. The details for sending complaints containing the contact information and the appropriate modes by which these will be received shall be provided by the Ministry and disseminated with other involved institutions.

The grievance and redress mechanism shall receive and facilitate the resolution of concerns and grievances about the environmental and social performance of projects and programmes and will seek to resolve complaints in a manner that is satisfactory to the complainants and other relevant parties that will be identified, depending on the nature of the complaint. The Redress Mechanism will address the grievances and complaints filed by people and communities who may be or have been affected by the adverse impacts in connection to the potential failures projects or programmes

The mechanism shall facilitate the resolution of grievances promptly through an accessible, fair, transparent and constructive process. It will also be culturally appropriate and readily accessible, at no cost to the public, and without retribution to the individuals, groups, or communities that raised the issue or concern. The mechanism will not impede the access to judicial or other administrative remedies that may be available through the country systems. The existing system of using the Ministry website and hotline will be explored. The Ministry will respond promptly to all such complaints in reference to the procedures provided in the Ministry's Clients Charter.

## Annex A: Glossary

1. **Adaptation** -Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities.
2. **Afforestation**- The direct, human-induced conversion of land that has been unfrosted for at least 50 years to forested land through planting, seeding and/or human induced promotion of natural seed sources; This is distinct from reforestation, which is defined as the conversion of land that has been unfrosted since at least 31 December 1989 to forested land.
3. **Climate change** -Any significant change in measures of climate, such as temperature, precipitation or wind, lasting for an extended period (decades or longer); This report refers to climate change induced by human activities that change the atmosphere's composition (e.g., burning fossil fuels) or the land's surface (e.g., deforestation, reforestation, urbanization, desertification, etc.).
4. **Cumulative impacts** - result from the incremental impact, on areas or resources used or directly affected by the project, from other existing, planned or reasonably defined developments at the time the risks and impacts are identified.
5. **Disadvantaged or vulnerable** - refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so.
6. **Due diligence** in the context of environmental and social management system, means the process of investigating potential investments to confirm all facts, such as reviewing environmental and social safeguards, audits, assessments, and compliance before consideration of funding or entering into an agreement with another.
7. **Environmental and social assessment** means the assessment of environmental and social risks, impacts and opportunities undertaken by the accredited entities in a manner that follows good international industry practices, identifies best alternatives and allows for an integrated and balanced view of the environmental and social risks and impacts. This type of assessments may include specific impacts assessment, audits, and due diligence studies, among others.
8. **Environmental and social impact assessment (ESIA)** - refers to a process or tool based on an integrated assessment where the scale and type of potential biophysical and social impacts of projects, programs and/or policy initiatives, are predicted, acknowledged and evaluated. It also involves evaluating alternatives and designing appropriate mitigation, management and monitoring measures to manage the predicted potential impacts.
9. **Environmental and social management frameworks (ESMF)**- describes the roles and responsibilities and the processes to manage environmental and social risks and impacts including screening, preparation, implementation and monitoring of subprojects.
10. **Environmental and social impacts** - refer to any change, potential or actual, to (i) the physical, natural, or cultural environment, and (ii) impacts on surrounding community and workers, resulting from the activities to be supported.
11. **Environmental and social risk**- is a combination of the probability of certain hazard occurrences and the severity of impacts resulting from such an occurrence.
12. **Environmental and social management system (ESMS)**- refers to a set of management processes and procedures that allow an organization to identify, analyse, control and reduce the environmental and social impacts of its activities in a consistent way and to improve

performance in this regard over time. For the purposes of this document, “ESMS” refers to the environmental and social management system of MWE. When used in the long form, “environmental and social management system”, it refers to the entities’ management system.

13. **Environmental and social management plan (ESMP)** - refers to a document that contains a list and description of measures that have been identified for avoiding adverse environmental and social impacts, or minimising them to acceptable levels, or to mitigate and compensate them and usually the main output of the ESIA process.
14. **Environmental and social safeguards (ESS)** - refers to a set of standards that specifies the desired outcomes and the specific requirements to achieve these outcomes through means that are appropriate to the nature and scale of the activity and commensurate with the level of environmental and social risks and/or impacts. 11. **Involuntary resettlement** - means physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both, caused by project-related land acquisition or restrictions on land use. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.
15. **Land acquisition**- refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way.
16. **Mitigation**- The reduction and/or avoidance of emission of greenhouse gases into the atmosphere, through financing and implementing low-carbon technologies, programmes and projects.
17. **Mitigation hierarchy**- as described in the ESS standards that set prioritized steps for limiting adverse impacts through avoidance, minimization, restoration and compensation as well as opportunities for culturally appropriate and sustainable development benefits.
18. **Stakeholders**- refers to individuals or groups who: (a) are affected or likely to be affected by the activities; and (b) may have an interest in the activities (other interested parties). The stakeholders of an activity will vary depending on the details of the activity and may include local communities, national and local authorities, neighbouring projects, and non-governmental organizations.
19. **Greenhouse gas (GHG)** - Any gas that absorbs infrared radiation in the atmosphere, including (but not limited to) water vapour, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), chlorofluorocarbons (CFCs), hydrofluorocarbons (HFCs), hydro chlorofluorocarbons (HCFCs), ozone (O<sub>3</sub>), perfluorocarbons (PFCs) and sulphur hexafluoride (SF<sub>6</sub>).