

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT
INTERNATIONAL DEVELOPMENT ASSOCIATION

FIRST PROGRESS REPORT
ON THE IMPLEMENTATION OF MANAGEMENT'S ACTION PLAN
IN RESPONSE TO
THE INSPECTION PANEL INVESTIGATION REPORT
(REPORT INSP/136219-UG)
ON THE
REPUBLIC OF UGANDA
WATER MANAGEMENT AND DEVELOPMENT PROJECT
(CREDIT NO. 5127-UG)
AND
ENERGY FOR RURAL TRANSFORMATION PHASE III PROJECT
(CREDIT NO. 5653-UG)

July 16, 2020

ACRONYMS AND ABBREVIATIONS

ABIA	Amendment to the Bujagali Indemnity Agreement
BIA	Bujagali Indemnity Agreement
CFR	Central Forest Reserve
EKFS	Extended Kalagala Falls Site
ERT-III	Energy for Rural Transformation III Project
ESIA	Environmental and Social Impact Assessment
ESIA Addendum	Environmental and Social Impact Assessment Addendum for Isimba Hydropower Plant
GoU	Government of Uganda
GWh	Gigawatt hour
HPP	Hydropower plant
IDA	International Development Association
IFC	International Finance Corporation
IPN	Inspection Panel
KIFSCA	Kalagala and Itanda Falls Special Conservation Area
KFS	Kalagala Falls Site
km	Kilometer
KOA	Kalagala Offset Area (<i>also referred to as Kalagala Falls Site, KFS</i>)
KOSMP	Kalagala Offset Sustainable Management Plan
LRP	Livelihood Restoration Plan
LTCO	Long-Term Conservation Options
MAP	Management Action Plan
MP	Management Plan (for the EKFS)
MW	Megawatt
OP	Operational Policy
RAP	Resettlement Action Plan
SCA	Special Conservation Area
SECP	Stakeholders Engagement and Communication Plan
SMP	Sustainable Management Plan
WMDP	Water Management and Development Project

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Progress Report
on the Implementation of the Management Action Plan in Response to the
Inspection Panel Investigation Report on the Uganda Water Management and Development
Project (CREDIT NO. 5127-UG) and Uganda Energy for Rural Transformation Phase III
Project (CREDIT NO. 5653-UG)

1. This is the first Progress Report to the Board of Executive Directors (the Board) on the implementation of the Management Action Plan (MAP) in response to the Inspection Panel Investigation Report No. INSP/136219-UG on the Uganda Water Management and Development Project (WMDP) and Uganda Energy for Rural Transformation Phase III (ERT-III) Project.

2. As explained in this report, progress on some of the actions that require travel and face-to-face meetings, consultations in particular, has been affected by COVID-19-related restrictions on travel and gatherings. The Government of Uganda (GoU) is planning to resume the relevant actions, including consultations, as soon as the situation allows, and is also looking at alternatives should the restrictions remain in place for a longer period.

I. BACKGROUND

3. *The Bujagali Project.* In 2007, the Board approved the Uganda Private Power Generation (Bujagali) Project (Bujagali Project), which involved construction of the 250-MW Bujagali Hydropower Plant (HPP) on the Victoria Nile, some eight kilometers north (downstream) of the town of Jinja. The project was supported by loans from the International Finance Corporation (IFC), and Guarantees from the International Development Association (IDA) and the Multilateral Investment Guarantee Agency (MIGA). The Bujagali HPP was commissioned in August 2012. In 2019, the plant delivered 1,464 GWh, or 33.6 percent of the total energy generated in the country that year. Following project closure, as per policy, the Bank continues to monitor the financial risks covered by the IDA guarantee, which will expire in November 2023.¹

4. *Kalagala Falls offset.* To alleviate the adverse environmental impacts of the Bujagali Project, the GoU provided contractual undertakings to IDA to establish an offset in the area of Kalagala Falls, located about 15 km downstream of Bujagali HPP, which included a 10.2 km stretch of the river, as well as the Central Forest Reserves (CFR) of the Kalagala Falls and the Nile Bank. This offset, referred to as the Kalagala Falls Site (KFS) and also as the Kalagala Offset Area (KOA), was “... exclusively to protect its natural habitat and environmental and spiritual values...”² To manage the offset, the GoU approved a Kalagala Offset Sustainable Management Plan (2010-2019) (KOSMP), which was launched in May 2011.³ The WMDP supported, under one of its components, priority investments related to the implementation of a part of the KOSMP. The WMDP is now closed; as per its Implementation Completion Report, the activities in support of the KOSMP were completed satisfactorily and the GoU is committed to protection of the affected areas.

¹ The Bujagali Project was refinanced in 2018. The refinancing was led by IFC and the African Development Bank; it extended the tenor of the debt at lower interest rates, resulting in a lower tariff of electricity generated by the plant.

² Section 3.06 of the Bujagali Indemnity Agreement dated July 18, 2007 (the “BIA”) between International Development Association and Republic of Uganda (Number B-0130-UG).

³ Maintaining a sustainable management program for KFS and Mabira CFR is an obligation under the Indemnity Agreement.

5. *Isimba HPP.* As part of its plan to expand electricity access and provide adequate power supply, the GoU began construction of the Isimba HPP in 2015. The project, a 183-MW facility located about 36 km downstream of the Bujagali dam, was prepared and implemented by the GoU, using its own funds and financing from the ExIm Bank of China. The World Bank Group was not involved in preparation, financing or construction of the Isimba project, nor was the Bank consulted by the GoU on the construction of the Isimba HPP. The Isimba HPP was commissioned in March 2019.

6. *ESIA Addendum.* When the Bank became aware in 2012 of the planning for the Isimba project and its proximity to the KFS, the Bank engaged with the GoU to determine the extent to which the Isimba HPP would affect the KFS. Since the Environmental and Social Impact Assessment (ESIA) for the Isimba HPP did not adequately address the potential impacts of the project on the KFS, the Bank requested a further assessment to specifically examine these potential impacts. In response, the GoU, using IDA funds from the ERT III project, prepared: (a) an Addendum to the ESIA of the Isimba HPP (ESIA Addendum), which focused on assessing environmental and social impacts of the Isimba HPP on the KFS and identifying mitigation measures; and (b) a Long-Term Conservation Option Report (LTCO Report), which examined options for protecting the KFS using the laws and regulations of the Republic of Uganda. The LTCO Report was completed in July 2017 and the ESIA Addendum in November 2017. With the completion of these two studies in 2017, the ERT-III is no longer financing any activities related to the EKFS.

7. *Requests for Inspection.* On September 22, 2016, the Inspection Panel (IPN or the Panel) [registered two Requests for Inspection](#), IPN Requests RQ 16/05 and RQ 16/08 (hereafter referred to as “the Requests”), of three IDA-financed projects that were in various ways related to the KFS: the Bujagali Project, and the WMDP and ERT-III Projects, as described above. Management provided its [Response](#) to the Requests on October 27, 2016. On December 16, 2016, the IPN submitted to the Board its Recommendation, recommending to defer its decision regarding investigation pending completion of Isimba HPP ESIA Addendum, preparation of which was in progress at the time. On April 4, 2017, the Board (a) found that the Bujagali Project was not eligible for investigation as the project closed in 2012; and (b) accepted the deferral of the IPN’s recommendation to investigate, for the remaining two projects, the WMDP and ERT-III.

8. *Panel Investigation.* On February 4, 2018, Management provided an [Update on Management Actions](#) to the Panel and the Board with information on the actions taken during the deferral period and the completion of the ESIA Addendum for the Isimba HPP in late 2017. The Panel subsequently sent its [Second Report and Recommendation](#) to the Board on May 3, 2018, recommending an investigation of the WMDP and ERT-III. The investigation, authorized by the Board on September 19, 2018, was completed on May 2, 2019, when the IPN issued the [Investigation Report](#) (Report No. 136219-UG). On June 28, 2019, Management provided its [Report and Recommendation](#) to the [Board, which considered it](#) on December 3, 2019, and approved the Management Action Plan.

9. *Amended Indemnity Agreement.* Following the completion of the ESIA Addendum and LTCO Report in 2017, the Bank and the GoU entered into an amendment to the Bujagali Indemnity Agreement (BIA)⁴ to reflect the findings and recommendations of these reports. The amended BIA (ABIA), signed on January 24, 2018, modified the boundaries of the KFS by excluding the portion of

⁴ Available here: <http://documents.worldbank.org/curated/en/520961519228498878/Official-Documents-Amendment-to-the-Indemnity-Agreement-for-B0130-UG>

the river flooded by the Isimba HPP reservoir, and extending the KFS further upstream toward the Bujagali dam, creating an “Extended KFS” (EKFS).

10. *Extended Kalagala Falls Site.* The EKFS⁵ encompasses “the stretch of Nile River approximately 15 kilometers long that begins upstream at 2.5 kilometers below the Bujagali dam wall and ends downstream at the tail end of the Isimba Dam reservoir (Maximum Pool Level of 1,055 meters above sea level), thereby including (A) the entire Nile River aquatic area within these limits; (B) all river islands within these limits; (C) all land within 100 meters of both the left and right river banks from the annual maximum high-water line;⁶ and (D) the entire area of the Namavundu, Kalagala Falls and Nile Bank Central Forest Reserves except any portions inundated by the reservoir of the Isimba Dam.”

11. *Obligations of the GoU.* The ABIA addresses weaknesses identified in the management and protection of the original KFS by including specific GoU obligations to assure effective establishment and maintenance of the EKFS in ways that also appropriately address potential social impacts. The relevant GoU obligations and actions include: (a) to adopt, by December 31, 2019, and thereafter maintain, a mechanism that ensures legally-binding and long-term conservation, protection and management of the EKFS; and (b) to prepare and adopt, by December 31, 2019, a *Management Plan (MP)* for the EKFS, including measures to address potential social risks.⁷ These obligations are further elaborated in a *Supplemental Letter*⁸ dated January 24, 2018 between IDA and the Republic of Uganda which – *inter alia* – stipulates that if the MP requires the imposition of new or enhanced restrictions on access to natural resources, it will specify measures that would be taken to provide appropriate time-bound compensation to people using natural resources and whose livelihoods could be adversely affected by the EKFS-related management activities, prior to the effectiveness of such MP, and based on eligibility criteria mutually agreed by the GoU and IDA.

12. The ABIA preserves the objectives of the protection and commits the Republic of Uganda to establishing long-term protection of the EKFS under the Ugandan legislation. The Supplemental Letter further clarifies the elements that the legal mechanism and the MP are required to include, such as measures to protect the livelihoods of people adversely impacted by any new/enhanced restrictions under the EKFS MP. Overall, the EKFS represents a significant net gain in the areas to be protected compared to the original boundaries of the KFS.

⁵ The name “Extended Kalagala Fall Site” (EKFS) is used informally to refer to the Kalagala Falls Site as defined by the January 24, 2018 amendment to the BIA. The ABIA continues to use the term “Kalagala Falls Site” to refer to this area. In some documents of the Republic of Uganda, the area is referred to as “Kalagala and Itanda Falls Special Conservation Area” (KIFSCA).

⁶ The 100-meter limit was selected to coincide with the existing “river bank” protection zone established under the National Environment (Wetlands, River Banks and Lake Shores Management) Regulations, 2000, in order to avoid any incremental impact of establishing the EKFS on people’s livelihoods.

⁷ The original November 30, 2018 deadline for these two obligations was extended to December 31, 2019 by an amendment to the BIA dated November 30, 2018, available here: <http://documents.worldbank.org/curated/en/394221544801526377/Official-Documents-Third-Amendment-to-Indemnity-Agreement-B-0130-UG>

⁸ Available here: <http://documents.worldbank.org/curated/en/480341518474391782/Official-Documents-Supplemental-Letter-Ref-Section-3-06-a-of-Amended-Indemnity-Agreement-for-B0130-UG>

II. IMPLEMENTATION OF THE MANAGEMENT ACTION PLAN

13. Table 1 summarizes the status of actions taken under the MAP as of June 1, 2020.

Table 1: Status of MAP Implementation

Action	Status (as of June 1, 2020)
<p>The GoU to prepare a public consultation and communication plan for the Livelihood Restoration Plan (LRP) and EKFS MP, in coordination with local community-based organizations.</p> <p>The Bank will review and advise through knowledge and good practice sharing.</p> <p><i>Timeline: by November 30, 2019</i></p>	<p>Ongoing. The GoU prepared a Stakeholders Engagement and Communication Plan (SECP) in November 2019. The GoU strengthened engagement with stakeholders, including meetings in early 2020 with the Nile Riverbank Investors and Conservation Association (NRICA), an association representing a large number of stakeholders in the EKFS (such as tourism operators, real estate developers, business owners, landowners, and individuals with land interests in the EKFS). The onset of the COVID-19 pandemic in March 2020 and the ensuing prohibition of meetings and public gatherings have, however, disrupted the consultation process.</p> <p>The Bank reviewed the SECP and provided comments and suggested improvements in early December 2019. The Bank has also engaged with NRICA in discussing the impacts of establishing the EKFS as a Special Conservation Area (SCA). These meetings were hosted by the Bank and included the Country Manager, Practice Managers from Water and Energy practices, the Regional Safeguards Advisor, task team members, and other selected staff.</p> <p>The GoU is expected to update the SECP by end of July 2020 to reflect the Bank's inputs and adapt the plan to the COVID-19 situation. The Bank will continue to provide advice and good practice lessons on stakeholders' consultations under the pandemic conditions, as they evolve.</p>
<p>The GoU to declare EKFS a Special Conservation Area under the National Environment Act. The Bank will review the draft Statutory Order for consistency with the 2018 BIA.</p> <p><i>Timeline: by December 31, 2019</i></p>	<p>Completed. The GoU declared EKFS as a Special Conservation Area under the National Environment Act through a Statutory Instrument which was gazetted on December 27, 2019.⁹</p> <p>The Bank reviewed the Statutory Instrument for consistency with the 2018 BIA and was satisfied.</p>
<p>The GoU to prepare and adopt the EKFS MP.</p> <p>The Bank will review and clear the plan and monitor the implementation for consistency with the 2018 BIA and relevant Bank Policy.</p> <p><i>Timeline: preparation and adoption by December 31, 2019; implementation throughout the duration of the IDA Partial Risk Guarantee (November 2023)</i></p>	<p>Ongoing. The GoU prepared a draft EKFS MP and shared it with the Bank in late December 2019. A revised draft, reflecting the Bank's input, was received in March 2020.</p> <p>The draft MP, which is a living document (reflecting an adaptive management approach to maintaining and managing the EKFS), is under active discussion between the Bank and the GoU for further improvements and will require additional consultations with stakeholders, which are currently on hold due to the ongoing COVID-19 pandemic.</p> <p>The MP is expected to be finalized by end of September 2020 and subsequently adopted, assuming that restrictions related</p>

⁹ Available at: <https://ulii.org/ug/legislation/statutory-instrument/2020/110>.

Action	Status (as of June 1, 2020)
	to the COVID-19 pandemic are lifted in time to allow completion of stakeholder consultations. The GoU is also exploring alternative means to undertake the consultations.
The GoU to prepare and adopt a LRP (including, if applicable, a Resettlement Action Plan - RAP) for the EKFS. The Bank will review and clear the plans and monitor implementation for consistency with the 2018 BIA and Operational Policy (OP) 4.12. <i>Timeline: preparation and adoption of the LRP (and RAP, if applicable) prior to impacts, as defined by the EKFS MP.</i>	Ongoing. Preparation of the LRP and the RAP is in progress. The GoU has prepared interim drafts of the LRP and RAP, which the Bank is currently reviewing. Further discussions with stakeholders and project affected persons will be held on the documents. The LRP and RAP will be completed subsequent to the finalization of the MP. The COVID-19 pandemic and the constraints on meetings imposed by the GoU will add to the time required to complete the documents.

14. The actions reported in the table are discussed in more detail below.

15. *Stakeholder consultations and communication.* The GoU held a number of consultative meetings throughout preparation of the ESIA Addendum (2016-2017), preparation of the Statutory Instrument to declare the EKFS as a SCA (2018-2019), and preparation of the EKFS MP (2019-2020). The consultations were carried out by teams from the Ministry of Energy and Mineral Development, Ministry of Water and Environment, National Forestry Authority, and National Environmental Management Authority. The mobilization of stakeholders for the consultations was carried out by local level leaders and local government institutions.

16. During finalization of the Statutory Instrument, in November 2019 the GoU also drafted the SECP that is to accompany preparation and implementation of the EKFS MP. The Bank team provided comments and suggested improvements to the plan in relation to stakeholder analysis and engagement; strengthening community participation and ownership; sequencing consultation processes to inform preparation of the MP, LRP, and RAP; and broadening consultation methods. An updated version of the SECP, also reflecting the COVID-19 pandemic circumstances, is expected to be received by the end of July 2020.

17. As part of preparing the EKFS MP, as well as initiating preparation of the RAP and LRP, the GoU team continued to carry out consultations with stakeholders throughout early 2020, until they were interrupted by the onset of the COVID-19 pandemic and the ban on gatherings. The GoU intends to resume consultations after the restrictions on travel and public meetings are lifted. In the interim, it is exploring how it can conduct consultations under the current circumstances, should the restrictions remain in place for an extended period of time.

18. The Bank team and Management had several meetings with NRICA Steering Committee and affected individuals throughout the first four months of 2020, as part of following up on the MAP. These meetings were very helpful in deepening the Bank's understanding of the concerns of the affected people and informing the Bank discussions with the GoU team. The key concerns included: demarcation of the EKFS SCA; treatment of land ownership and land use rights within the SCA;

prohibition of activities inconsistent with the conservation objectives; licensing of activities that will be permitted; compensation and other measures to mitigate adverse impacts of establishing the SCA on people's livelihoods; a consultation process that is transparent and meaningful; and implementation of conservation measures in partnership and with participation of the local communities and the groups and people with interests in the EKFS SCA.

19. *Legal protection of the EKFS.* The Statutory Instrument that declares the EKFS a Special Conservation Area uses the name “Kalagala and Itanda Falls Special Conservation Area (KIFSCA)” for the EKFS. The KIFSCA Statutory Instrument stipulates:

- The area included in the KIFSCA (EKFS);
- The purpose of the KIFSCA (EKFS);
- That the KIFSCA should have a Sustainable Management Plan (SMP)¹⁰ and lists the main elements of the SMP;
- That the Ministry responsible for the environment shall coordinate the implementation of the KIFSCA SMP;
- That the acquisition of private land or land in which any person has an interest within the KIFSCA shall be limited only to land or interests necessary for meeting the conservation objectives of the Statutory Instrument for the KIFSCA, taking into account the approved KIFSCA SMP, the KIFSCA RAP, and the KIFSCA LRP;
- That construction of new roads, railways, dams or hydroelectric facilities, or other permanent infrastructure, is prohibited in the KIFSCA;
- That all the activities in the KIFSCA shall be undertaken in accordance with the KIFSCA SMP and a license or permit issued under the applicable law regulating the activity; and
- That existing activities in the KIFSCA, authorized under any applicable law, prior to the issuance of the Statutory Instrument, shall continue, subject to the applicable law, the Statutory Instrument, the approved KIFSCA SMP and, as applicable, the KIFSCA RAP or the LRP.

20. The adoption of the Statutory Instrument is a major milestone and a sign of the commitment of the Republic of Uganda in ensuring long-term, sustained protection of the offset under Ugandan legislation and, therefore, beyond the expiration of the Indemnity Agreement in November 2023. The Statutory Instrument was approved by Parliament, as per the requirements of the National Environment Act, before being signed by the Minister of Water and Environment and gazetted.

21. *EKFS MP.* The current discussions on improvements to the MP are in areas such as: clarifying the legal framework for land ownership and land use rights; management of authorized and prohibited activities in different zones of the EKFS; implementation arrangements and responsibilities, including participatory/partnership arrangements with local communities, businesses, groups, and individuals with interest in the EKFS SCA; and stakeholder consultations. Addressing these issues will require additional consultations to be undertaken when the restrictions on meetings imposed by the COVID-19 pandemic are lifted, or by alternative means, should the restrictions be prolonged.

¹⁰ KIFSCA SMP corresponds to the EKFS MP in the ABIA.

22. *LRP and RAP for the EKFS.* The interim draft RAP includes a “Valuation and Survey Report for Land, Buildings, Crops, Trees and Loss of Income for the Development of the Resettlement Action Plan for the Kalagala-Itanda Offset Area” (“Valuation and Survey Report”). This report will need to be approved by the Chief Government Valuer. Following the approval of the Valuation and Survey Report and adoption of the MP, the RAP and LRP will be further developed to conform to these documents and will undergo a thorough consultation process before being finalized.

III. NEXT STEPS

23. *Next progress report.* The next progress report will be provided to the Board in 12 months’ time, or upon completion of the MAP, whichever occurs first.

Annex 1: Statutory Instrument for EKFS as a Special Conservation Area

STATUTORY INSTRUMENTS
SUPPLEMENT No. 37

27th December, 2019

STATUTORY INSTRUMENTS SUPPLEMENT
to The Uganda Gazette No. 65 Volume CXII, dated 27th December, 2019
Printed by UPPC, Entebbe, by Order of the Government.

STATUTORY INSTRUMENTS

2019 No. 110

The National Environment (Declaration of Kalagala and Itanda Falls Special Conservation Area) Instrument, 2019.
(Under section 51 of the National Environment Act, 2019,
Act No. 5 of 2019)

IN EXERCISE of the powers conferred upon the Minister responsible for the environment by section 51 of the National Environment Act, 2019 and on the recommendation of the National Environment Management Authority, after consulting the relevant lead agencies, the local councils and local communities in the area, and with the approval of Parliament, this Instrument is made this 23rd day of December, 2019.

1. Title.

This Instrument may be cited as the National Environment (Declaration of Kalagala and Itanda Falls Special Conservation Area) Instrument, 2019.

2. Declaration of Kalagala and Itanda Falls Special Conservation Area.

(1) The area of land specified in the Schedule to this Instrument, is declared to be a Special Conservation Area known as Kalagala and Itanda Falls Special Conservation Area.

(2) The Special Conservation Area declared under subparagraph (1) shall be managed and conserved for the purpose of—

- (a) restoring and protecting the ecological zones along the banks of the river Nile and the associated wetlands and islands within the area specified in the Schedule to this Instrument;
- (b) sustaining the ecological services of the Kalagala and Itanda Falls Special Conservation Area and to protect the associated wetlands and islands and stabilize the banks of the river Nile;
- (c) maintaining the potential for ecotourism and recreation activities within the Kalagala and Itanda Falls Special Conservation Area: including the natural beauty of the waterfalls and rapids;
- (d) protecting and enhancing aquatic biodiversity and natural habitats, including endemic fish species of global and national conservation concern;
- (e) preserving the cultural heritage sites, assets and social economic values within the Kalagala and Itanda Falls Special Conservation Area;
- (f) upgrading the conservation status of the area specified in the Schedule to this Instrument to enable it to be managed as a Special Conservation Area and to prohibit activities; such as infrastructure developments that could adversely affect and alter the ecological functionality, biodiversity and aquatic ecosystem of the river Nile;
- (g) promoting research to enhance ecological functionality and values; and
- (h) enhancing sustainable livelihoods for local communities in accordance with the Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan.

3. Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan.

(1) The Special Conservation Area declared under paragraph 2 shall be managed in accordance with the Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan.

(2) The Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan may be inspected at the office of the Permanent Secretary, Ministry of Water and Environment, Kampala, during normal office hours.

(3) The Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan shall provide for the management of—

- (a) forest ecosystems;
- (b) eco-tourism and recreation;
- (c) aquatic resources and fisheries;
- (d) fragile ecosystems;
- (e) cultural and traditional heritage;
- (f) critically endangered or threatened species;
- (g) livelihoods; and
- (h) authorised activities carried out in the Special Conservation Area.

(4) The Ministry responsible for the environment shall, in collaboration with the National Forestry Authority and other relevant lead agencies, and in consultation with the affected communities, coordinate the implementation of the Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan for the protection and preservation of the Special Conservation Area, taking into consideration the social economic activities in the area.

(5) The Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan shall take into consideration the principles of ecological niche, eco zones, flagship species and conservation ethics including resource use and allocation and protection for both ecological and social economic benefits to the people of Uganda.

(6) For the avoidance of doubt, subject to the Constitution, the Land Act and the Land Acquisition Act, and in accordance with section 51(2)(c) of the National Environment Act, 2019, the Ministry responsible for the environment shall limit the acquisition of private land or land in which any person has an interest, specified in the Schedule to this Instrument, only to land or interests necessary for meeting the conservation objectives of this Instrument.

(7) The Ministry responsible for the environment shall, in determining the need to acquire land or an interest under subregulation (6), take into account the approved Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan, the Resettlement Action Plan and the Livelihood Restoration Plan.

4. Activities in Special Conservation Area.

(1) All the activities in the Special Conservation Area shall be undertaken in accordance with the Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan and in accordance with a licence or permit issued under the applicable law regulating the activity.

(2) Construction of new roads, railways, dams or hydroelectric facilities, or other permanent infrastructure is prohibited in the Kalagala and Itanda Falls Special Conservation Area.

(3) Existing activities in the Special Conservation Area, authorized under any applicable law, prior to the issuance of this Instrument, shall continue, subject to the applicable law, this Instrument, the approved Kalagala and Itanda Falls Special Conservation Area Sustainable Management Plan and, as applicable, the Resettlement Action Plan or the Livelihood Restoration Plan.

SCHEDULE

Paragraph 2

KALAGALA AND ITANDA FALLS SPECIAL CONSERVATION AREA

Area Description	Map Reference Sheet Number	Approximate Area (Hectares)
Nile Bank CFR	BP 1155	606
Namavundu CFR	BP 1157	704
Kalagala Falls CFR	BP 1535	104
River Nile 100 m Protected Zone		1421.5
Total		2835.5

Area description

- (a) Nile Bank CFR-606ha- BP 1155
- (b) Namavundu CFR-704ha-BP 1157
- (c) Kalagala CFR-104ha-BP 1535
- (d) River Nile protected zone 1,421.5 ha
- (e) Total area under Kalagala and Itanda Falls Special Conservation Area is approximately 2,835.5 ha

Notes: *The Kalagala and Itanda Falls Special Conservation Area includes Nile bank, central forest reserve (CFR), Namavundu CFR, Kalagala CFR and the 100-meter river bank from the highest water mark on either side of river Nile, including the islands within river Nile from 2.5 km North of Bujagali dam along 15.7km between Bujagali and Isimba dams to the most Northern part of Nile Bank Central Forest Reserve. Kalagala and Itanda Falls Special Conservation Area lies on both the Western and Eastern side of River Nile in the subcounties of Kangulumira in Kayunga district, Kisozi in Kamuli district, Wakisi in Buikwe district and Butagaya and Budondo in Jinja district as shown on the Map.*

The Boundary Plan map sheet references are based on a survey carried out by the Department of Surveys and Mapping, Entebbe (2018), Ministry of Lands Housing and Urban Development in Collaboration with the Ministry of Water and Environment and the National Forestry Authority Boundaries and Surveys Unit.

Coordinate system

Name: ARC1960 CLARKE1880

Type: Projected

Unit name: Meters

Meters per unit: 1

Vertical datum: Ellipsoid

Vertical unit: Meters

Datum

Name: ARC1960

Ellipsoid Name: CLARKE 1880 MODIFIED

Semi-major Axis: 6378249.145 m

Inverse Flattening: 293.465000000

Projection

Projection Class: Transverse Mercator

Latitude of origin 0° 00' 00.00000"N

Central meridian 33° 00' 00.00000"E

Scale factor 0.999600000000

False easting 500000.000 m

False northing 0.00

MAP SHOWING BOUNDARIES AND BUFFER ZONE OF THE EXISTING AND EXTENDED NAMAVUNDU, KALAGALA FALLS AND NILE BANK CENTRAL FOREST RESERVES

Legend

- Shaded area - Shaded area
- Buffer zone - Buffer zone
- Existing forest reserve boundary
- Extended forest reserve boundary
- Nile Bank Central Forest Reserve
- Namavundu Forest Reserve

Scale: 1:25,000

Source: Shaded area - Shaded area
Buffer zone - Buffer zone
Existing forest reserve boundary - Existing forest reserve boundary
Extended forest reserve boundary - Extended forest reserve boundary
Nile Bank Central Forest Reserve - Nile Bank Central Forest Reserve
Namavundu Forest Reserve - Namavundu Forest Reserve

Cross references

Constitution, 1995

Land Act, Cap. 227

Land Acquisition Act, Cap. 226

National Environment Act, 2019, Act No. 5 of 2019

HON. SAM CHEPTORIS,
Minister of Water and Environment