

2012

Awareness and Consultations workshop on the Roads and Access to Roads Acts report



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Initiative (URSSI)

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Awareness and Consultations on the Roads and Access to Roads Act

Report of Sessions

**Conducted for Local Government staff in the
Regional Districts of Mbarara, Masaka, Mbale and
Gulu**

By

Uganda Roads Sector Support Initiative

With funding from

Cross Roads Uganda

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Executive Summary

The Uganda Roads Sector Support Initiative (URSSI) in collaboration CROSS ROADS Uganda held four half day regional sensitization and consultations workshops on the ROADS and ACCESS TO ROADS ACT, in Mbarara, Masaka Mbale and Gulu. The event drew local government administrative staff and technical planning personnel from several districts and across the sub regions of Central, Western, Eastern and Northern.

Facilitators from CROSS ROADS Uganda and an independent legal consultant made presentations on the development work and support initiatives being undertaken for road contractors and the construction industry and the two pieces of legislation as they relate to roads and reserves respectively. The presentation on the roads legislation was geared at providing information through awareness raising on the one hand and seek views from participants on the possible inclusions to the proposed amendments to the ROADS AND ACCESS TO ROADS ACT on the other.

Radio talk shows were also hosted as an avenue for providing information to the wider public who could not participate in the workshops organised. There was a lot of public interest in the discussions held as it occurred that the majority of the public including some of the participants were ignorant of the two Acts of parliament. We acknowledge our inability to go throughout the country to create awareness on the respective legislation as requested by participants but URSSI remains committed to raising awareness on the road sector whenever the opportunity and resources and allow.

Overall there was overwhelming agreement that the two pieces of legislation were outdated and needed amendments to bring them to date with the current realities. Participants also observed that the obsolete provisions of the two pieces of legislation notwithstanding, there were evident lack of enforcement of the legislation by the respective government authorities which had encouraged impunity to the extent that private individuals had constructed in road reserves undeterred.

Purpose

The purpose of the workshop was twofold;

- 1) To conduct sensitisation on the Roads and Access to Roads Act
- 2) To get stakeholder feedback on possible inclusions to the proposed amendment to the laws.

Whilst some participants may have more information on the Roads and Access to Roads Act, it was noted that URSSI was interested and found it relevant to share information both Acts of parliament as well as receive feedback to inform the amendment process.

The URSSI Director also observed that laws are enacted sometimes upon holding stakeholder and community consultations and other times no such consultations are done. There is thus need to consult widely when an important legislation that affects people directly is concerned. The Roads Act provisions have not been enforced for example the requirement for no activity to be undertaken in any area 15m from the centre of the road. In situations where there has been an attempt to bring to attention the provisions of the law and also to fight the development in the road reserves such as the mall constructed near Naalya and next to the northern by pass, it has been met with repulsion because of political interference with enforcement from many high offices in the country.

The only consultations on the proposed amendment of the Roads and Access to Roads Acts have been undertaken thus far have been done mainly in the Kampala area with a few officials. It is in this context that URSSI thought it necessary to consult further and share the findings with the relevant government agencies or departments including the Parliamentary Committee.

SAM STEWART MUTABAZI
EXECUTIVE DIRECTOR

Background

URSSI conceived this project upon learning that Ministry of Works and Transport (MOWT) is in the process of amending the Roads Act and Access to Roads Act through holding consultations with a handful of stakeholders in Kampala.

URSSI was established in 2009 to respond to the following needs;

- Accountability and transparency to ensure value for money in the roads sector.
- Advocate for better planning.
- Advocate for safety on Roads

OBSERVATION:

Numerous urban towns and centres are developing however these developments are happening without adequate planning or population projections for these communities. Towns and cities must be well planned and this calls for proper land usage. Kampala, for example has experienced the development of property estates but these lack regulation to ensure adherence to existing laws on access to roads or even in the provision of road reserves.

There is construction in many urban places which directly affects the development of the road infrastructure hence there is need to reconfigure the thinking and to allow for vertical construction to allow for the ever increasing population.

The recent government measure to create districts will lead to development of urban centres but without the requisite proper planning as we have observed in Uganda, it will only lead to increased challenges of roads, waste disposal, congestion etc.

The road sector is presently not well developed and as such many people lose their lives because the roads are narrow and not well maintained for example an average 3-5 lives are lost on the Jinja and Masaka High Ways.

MINISTRY OF WORKS AND TRANSPORT CONSULTATIONS:

MOWT hired consultants to review the relevant laws and regulations to inform the amendment process. The consultants reviewed the relevant legislation and compiled a report documenting comparative legislation from the region.

With this background, URSSI recognised the need to consult with communities as the primary beneficiaries and affected people based on the above named objectives. Four regional meetings are planned to be undertaken for technical and administrative officers of local governments hailing from the districts of Mbarara, Masaka, Mbale and Gulu.

URSSI thus invited participants to actively participate and share their views as these would inform the amendment process to the Roads and Access to Roads Act.

PRESENTATIONS:

Who is CROSS ROADS UGANDA and what is their work in Uganda?
Who does CROSS ROADS work with?

Presentation by CROSS ROADS UGANDA

Presenter: Alex Mugova

Moderator: Rev Abednego Watenga



Mr. Mugova started by appreciating the opportunity to attend and make presentations on the work of CROSS ROADS which is an acronym for **Creating Opportunities for Sustainable Spending on Roads**.

Mr. Mugova addressing a meeting of representatives from Mbale Local Government.

He observed that GoU often spends a lot of money on road construction but questioned whether in such spending there was value for money. He said CROSS ROADS aims at improving the efficiency of GoU in its expenditure on roads.

The CROSS ROADS focus is to ensure the national construction is strengthened. They desire to strengthen national companies and so they apply an approach called the “Market Driven System”. In this system they encourage competition within the local companies which ultimately leads to value for money. In using the Market drivers, there is assured bidding processes; increased firm interests; greater competition and more efficient expenditures.

The main focus areas for CROSS ROADS activities are;

1. Improving contractors and consultants access to finance
2. Improving contractors’ access to good quality plant and equipment.
3. Capacity development and training to build private actors capacities
4. Strengthen the road sector associations.

In this regard it was noted that CROSS ROADS has;

1. Established a guarantee fund with five banks including Centenary, FINA, DFCU and Equity. This allows contractors to access collateral or security performance bonds.
2. Been consulting with contractors to enable businesses access equipment to ensure competition.
3. Contracted Multitech in Kampala to build the capacity of contractors through their attendance of trainings.
4. Done consultations and is building a data base of contractors all over the country. It is hoped that with the data base there will be reduced time for UNRA and others like PPDA to reduce the time consuming process of finding suitable contractors in the bidding process.

Mr. Mugova also noted that since the beginning of 2012 CROSS ROADS has made significant progress including branding itself; building a website for easy access to their work; established a board to examine projects; established a guarantee fund; undertaken an equipment audit in the country; undertaken development of vocational qualifications done in conjunction with Ministry of Education to give recognition and accreditation to such qualifications through allowing firms to train people wishing to upgrade their qualifications.

All of this information can be easily accessed through the CROSS ROADS web site he noted.

Amidst this progress, there remain some challenges including;

1. Inconsistency of government policies for example the government has often gone out of the developed construction guidelines by importing expensive equipment under the forced business account;
2. Inconsistent budget support for the roads sector;
3. High Interest rates by Banks which does not encourage contractors to access funds hence discouraging competition;
4. Timely maintenance of roads. Research shows that it is cost effective to maintain a road in its current state than to wait to undertake maintenance 2 - 3 years later as the practice of government seems to demonstrate;

Other important points to note:

A Challenge fund was established for innovative ideas in the areas of road constructions and maintenance. All organisations with such good ideas will be funded as long as they demonstrate a good business idea.

An Internship graduate programme has been established to give graduate engineers opportunity to develop their skills and make them more marketable. The Uganda Professional Engineers Association has been contracted to run the internship.

CROSS ROADS has built partnerships with such institutions and bodies such as the Roads Industry Council set up to ensure its interventions are relevant and responsive to Uganda's needs and priorities; Uganda national Association of Building and Civil Engineering Contractors; Uganda Association of Consulting Engineers and the Uganda Institution of Professional Engineers; the latter professional bodies to promote standards all aimed at promoting proper execution of its work.

What is the Roads and Access to Roads Act? What was the purpose for the enactment of both pieces of legislation? What do both pieces of legislation provide for? Is the legislation still relevant in its current state?

Presentation by CONSULTANT

Presenter; Joseph A. Manoba

Moderator: Rev Abednego Watenga



Mr. Manoba noted that constitutionally the Ministry of Works and Transport (MoWT) is charged with responsibility to develop policy; undertake regulation; establish standards; provide technical guidance; monitoring in the construction industry.

Mr. Manoba addressing a meeting of

representatives from Mbale Local Government.

He observed that the MoWT consultants report which provides a study and review of the Roads and Access to Roads Acts and other related legislation record that the Country wide Road Network is comprised as follows;

- ✓ 21000KM are national; 22000KM are district 4500KM are urban; 30000KM are community.

He also noted that presently the management of the road Network in the country by virtue of the existing legislation is as follows;

- ✓ National roads === National Roads Authority
- ✓ District & Urban roads == District & Urban Authorities
- ✓ Community roads == Lower local governments.

There is a number of other related Legislation which are relevant when addressing concerns over roads and these include;

- ✓ The Engineers registration Act, 1969
- ✓ The Public Health Act, 1969
- ✓ The Surveyors Registration Act 1973
- ✓ Architects Registration Act, 1996
- ✓ The Land Act, 1998
- ✓ Uganda National Roads Authority Act, 2006

1. THE ROADS ACT, 1964, CAP 358

The Short Title of the Act defines the Purpose for enacting the particular legislation. In this case the Roads Act was enacted to Provide for the establishment of road reserves and for the maintenance of roads.

The Act has an Interpretation section and some of the words defined are;

- ✓ “Roads” means any ways open to the public for the circulation of vehicles which is maintained by the government or an administration.
- ✓ “Administration” means an administration of a district.
- ✓ “Roads Authority” means Minister or Administration according to the road management responsibilities above.

The Act gives the line Minister powers to declare a road reserve by Statutory Instrument. Under **SI 345-1 Declaration of Road Reserves** the Minister made declarations for lists of roads in two schedules;

- ✓ Schedule 1 – road reserve was defined as imaginary lines parallel to and a distant 50ft from centre line of any such road.
- ✓ Schedule II – roads defined as the area thirty feet (10metres) occupied by such road.

Schedule I – Cap. 358 lists the following roads for which a declaration was made above;

- All roads maintained by Government of Uganda in Buganda, Eastern, Northern and Western regions.
- All roads maintained by Kabaka’s government
- 13 roads maintained by Busoga kingdom
- All roads maintained by Teso District Administration
- All roads maintained by Lango District Administration.
- 5 roads maintained by Acholi District Administration.
- 2 roads maintained by Madi District Administration.
- 3 roads maintained by West Nile District Administration.
- All roads maintained by Ankole Kingdom government
- All roads maintained by Kigezi District Administration.
- All road maintained by Toro Kingdom Administration.

Schedule II – Cap. 358

- All roads maintained by Bugisu, Bukedi, Busoga government, Acholi , Karamoja, Madi, West Nile, Bunyoro Kingdom, Toro Kingdom, and 6roads by Kigezi, District Administrations that are not included in the first Schedule.
- NOTE:
 - ✓ No roads are still under the management of kingdoms
 - ✓ UNRA is responsible for all national roads
 - ✓ District Local Government’s are responsible for district roads.
 - ✓ Urban Authorities responsible for urban roads.
 - ✓ LC III’s responsible for community roads.

The Roads Act, 1964, Cap 358 - continued

Under Sec 3 Road reserves are required to be kept clear and no person allowed to erect building or plant or permanent crops in road reserve save with Minister’s permission.

Under Sec 4 the Minister is given powers over roads passing within a government town or an administration and therein may:

- ✓ Prescribe a line in which buildings shall be erected
- ✓ Prescribe the distance from the centre of the road within which no building shall be erected.

Shortcomings of the Roads Act:

The Roads Act had shortcomings and the Ministry of Works and Transport Process Report, July 2010 notes among others that;

- 1) Road Reserve Declaration Lacked follow up with Department of Lands and Surveys in plotting centre points and road reserve limits on cadastral prints.
- 2) No Regulations to operationalising the Act.
- 3) Roads and their widths are presently defined according to classifications provided in geometric design manuals implying
 - Need to amend the schedules to provide for an exhaustive list of all roads on current categorisation; design classification;
 - Cater for ferries and their landings.

2. ACCESS TO ROADS ACT, CAP 350

The Short Title (Purpose of Legislation -1969) for this legislation provides for the procedure for a private land owner to access a public high way and for leave to construct a road of access to a public high way and connected purposes.

Sections 2- 5 of this Act deal with the submission of an application for access of a road to a land tribunal (the land tribunals are not in force and applications therefore are lodged with the existing judicial courts), service of the application on a land owner, hearing of the application by a competent court and avenues for revocation of an order that may have been granted for an access road.

Sections 6 - 11 deal with width of road of access; registration of an order under sec.4; right of way of the person who obtains an order for access road; obligations to repair the acquired access road; the remedy of appeal to the High Court in the event of dissatisfaction with an order granted for an access road against a landowner/s and entry in the Register Book of the order of access of a road or its revocation.

Related legislation

Other related legislation include the;

The 1995 Constitution of Uganda:

Article 237 (1) provides that Land belongs to the people of Uganda and may be held under the land tenure systems provided by the constitution.

Article 26 provides for the right of Government to acquire land in public interest.

The 1998 Land Act:

Section 42 of the Act operationalizes Article 237 above and government can acquire land in accordance with the common land management systems. Local Governments are similarly empowered to acquire land under the same section. Section 49 mandates Uganda Land Commission to manage all government land.

Section 43 of the Act obliges a person owning or occupying land to manage or utilise it in accordance with; Forests Act, the Mining Act, the National Environment Act, the Water Act, the Uganda Wildlife Act and any other law.

Section of the Act 44 obliges Government or a local government to hold in trust for the people and protect natural lakes, rivers, ground water, natural ponds, natural streams, wetlands, forest reserves, national parks and any other land reserved for ecological and touristic purposes for the common good of the citizens of Uganda.

Section 45 of the Act provides that any use of the land shall conform to the provisions of the Town and Country Planning Act now repealed by the Physical Planning Act and any other law.

- Rights of Way:
 - ✓ Article 71 provides that all land whether alienated or unalienated, shall be reserved to and vested in the Government on behalf of the public; and all such rights of way shall be maintained by the public uninterrupted; unless they are terminated or altered by the direction of the Minister in writing.

Uganda National Roads Authority Act:

The Act Establishes the National Roads Authority and makes for the provision and management of the national roads network in an efficient and effective manner; advisory to government.

- Functions of the National Roads Act:
 - (a) To be responsible for the management of the national roads network;
 - (b) To maintain and develop the national roads network;
 - (c) To advise the Government on policy matters concerning roads generally, and to assist in the co-ordination and implementation of the policy relating to roads;
 - (d) To contribute to the addressing of transport concerns in overall national planning through co-ordination with the relevant ministries, departments and agencies of Government;
 - (e) To collaborate with international organisations, intergovernmental organisations and agencies of other states and the private sector on issues relating to the development and maintenance of roads;

- (f) To enter into agreements or other arrangements with any person for the provision of roads services, subject to such charges as may be agreed upon;
- (g) To advise and assist the Minister, subject to such conditions as may be agreed upon, in regard to—
 - (i) Any matter relating to the planning, design, construction and maintenance of roads, whether the roads are part of the national roads network or not;
 - (ii) The establishment and maintenance of road reserves in accordance with the Roads Act; and
 - (iii) The exercise of any power or performance of any duty which the Minister may or is required to exercise or perform under this Act; and
- (h) To perform any other function incidental or consequential to its functions under this Act or as may be conferred on it under this Act.

Local Government Act, 2006;

Under Part IX of the Act the Ministry in charge of roads is empowered to provide guidance, technical support, monitoring and inspection in respect to roads, conduct trainings, develop policies, and standards.

Uganda Road Fund Act, 2008:

The Act Provides for financing routine and periodic maintenance of public roads and facilitating delivery of road maintenance services; designated agencies and management of the Fund.

Road Systems and Design Manuals:

- ✓ Road network Management Policy.
- ✓ MOWT commissioned a study in 1998 on the Road Network
- ✓ The report recommended road reserves be a function of the functional classifications.

The geometric design manual of the MOWT defines five classes i.e. Class “A” International Trunk Roads; Class “B” National Trunk Roads; Class “C” primary roads; Class “D” Secondary Roads; Class “E” Minor Roads.

18th September 2012

Opening Remarks in the half day Workshop held at Mbarara, Karo Guest House

Speaker: Mr. Tumusiime Deus Representative of the LC V Chairperson, Mbarara

Theme: Roads and Access to Roads Act



The workshop was graced by the representative of the Local Council V Chairperson. In his workshop opening remarks, the rep welcomed participants to the workshop and expressed his gratitude to URSSI for organising the workshop and making Mbarara the first of the regional meetings.

He observed that the workshop was an important one and hoped that the outcomes would advance;

1. The streamlining of policy on roads, consultations and propose actions points for the future.
2. The laws are outdated and therefore there is need to engage and to take into consideration the developments that have happened since the enactment of the Roads Act.
3. The views generated should be incorporated and submitted to the respective authorities.

4. District planners presently face challenges as people have constructed in roads reserves.
5. There is need to ensure good spending and accountability however local governments have not been consulted much.
6. Expressed gratitude to the development partners.

With these remarks the workshop was declared open.

Questions and Comments and views of participants from the presentation on the Roads and Access to Roads Act

Consultant: Joseph A. Manoba

Moderator: Mr. Tusimireyo Johnson

Qn: Road reserves on most roads were demarcated but this notwithstanding government agencies like National Water and Sewerage Corporation have put up permanent structures in these reserves. How should this work?

Ans: Going by the Section 3 of the Roads Act, which requires all reserves to be kept clear it would imply that the developments put up by

- a) Road Fund: Local Governments should maintain tarmaced roads using this fund.
- b) All urban centres should have development plans and more so the Town Councils.
- c) There should be a master plan for all urban centres to guide their development.
- d) Parallel laws: There appears to be parallels in the law given the fact that usually when community roads are expanded, no compensation is made to owners of lands that are affected by such an expansion!

Response: As much as the law allows for acquisition of land in public interest, it does not imply that land owners should lose land without compensation. Any person who has lost land has the right to invoke his rights by approaching the relevant court and secure compensation accordingly.

- e) The roads Act is silent on the authority of removal of interference to the road or its reserve.

Response: Contrary, the Roads Act defines the Minister, Local Authority and the Courts as the authorities with powers to ensure the removal of any interference.

Qn: Access to Roads Act: The law is silent on access roads granted mutually. What happens in the event of conflict where the person who gave the road decides to close it?

Ans: The Act is not silent actually. When an access road is granted usually some modest compensation is made and even if this is not the case but where such access has been made, the victim has the right to petition a Court of law to enforce his rights of access.

Qn: Road Act/Management: Construction of roads requires murrum but usually when road contractors are constructing the roads, they excavate murrum from people's land without compensation. Shouldn't the Act spell out the right to be for compensated when murrum is excavated? Secondly, who owns the land where the road camps sit?

Ans: Foremost, the Roads Act provides that during construction contractors have the rights to extract materials (murrum) located in the road reserve. However where such materials are extracted from private property, then the contractors have to pay compensation or the respective authority of the given road.

In response to the second question, the understanding is that most road camps are owned by the Uganda National Roads Authority but formerly

Ministry of Works. Where UNRA is not the owner then Uganda land Commission will own such property since in most cases it is public land.

Qn: Who will compensate the expansion plans for a district or local government?

Ans: Contractors do not compensate from their own pockets and so the relevant authorities always bear the burden of compensation of the land owners affected by such expansions.

- f) Use of road reserves: Knowing that most road reserves are always idle and not productive, people should be allowed to use them until there is need for the expansion.
- g) **Response:** When people are encouraged to use road reserves it encourages impunity and makes road construction expensive as people will demand for compensation having constructed expensive structures. It is wise to keep such road reserves clear as stated by the Roads Act.
- h) Fines: The fines defined in the Roads Act are meaningless in their current state and cannot deter any person who constructs an interference with a road or its reserve and therefore these ought to be revised to make them alive to current trends.
- i) More money needs to be allocated to Local Council III governments because they have a very big road network to maintain which are in a very bad state and government is often blamed for not working on these roads.

OBSERVATIONS from the Chairperson Mbarara District land Board:

- I) Given the realities prevailing on the ground in most districts, towns and urban today, the enforcement of the 15m for the road reserve may be challenging for parliament.
- II) There is need to have all road reserves marked. Are they all marked?

- III) There may be a real need to build new cities where there will be strict enforcement compared to enforcing the laws in the already existing towns or cities.
- IV) Corruption: corruption is a big threat and challenge to enforcement of laws. There must therefore be political will to stamp out the vice otherwise any efforts to enforce the law will be rendered futile.
- V) All road reserves should be surveyed off and issued with land title to protect them from encroachment.
- VI) Sensitization about road reserves should be funded and carried out by CDO's and other relevant staff in the districts. Encroachers who do not heed should be penalised.
- VII) Road reserves should not be left idle because other agencies like NFA can utilise it for some time until it is necessary for it to be used.

Observation: Allowing such provision will be militating against the law itself because the requirement is that the road reserve should be clear and permanent crops and or trees can be planted.

- VIII) Areas where railways pass are not provided for and these ought to be considered.
- IX) The Minister is given too many powers under the Roads Act. The position being a political one, a person holding the office may abuse the powers for selfish and personal reasons/political goals not in public interest.
- X) Government ought to have future projected plans for example 50 years plan and the population is sensitized about the law and policy governing the 50 year plan to ensure security of road reserves.
- XI) Compensation to private land owners whose land has been taken for public purposes should be reasonable and effective.
- XII) All road reserves should be marked, the width of road reserves should vary.

XIII) Some lower local governments lack information related to the laws such as the Access to Roads Act and as such if there is a way to make these laws accessible to the local leaders especially sub county committees which approves land for residents in respect to road reserves.

Observation: All local governments can consult with the Solicitor General's Office on any matter relating to the law. Copies may be requested from the same office. Additionally, the Courts in the districts have libraries where some of these laws could be easily accessed.

XIV) There is need for URSSI to arrange with the district department of works and transport to organise radio talks to create awareness to community members on the Access to Roads Act.

XV) Government should devise ways of dealing with roads which develop from mere foot paths but later transform into public ways in order to compensate the owners of such neighbouring lands.

XVI) Government should before approving a change in status from a trading centre to a town council demand for a town physical plan to ensure organised proper development; and also consider adequate compensation to property owners should there be need to make changes to the physical state of the town.

XVII) Implementation of laws suffers from interferences from politics and there is thus need to avoid this political interference.

XVIII) Communities lack information on these Acts of Parliament and therefore most people are ignorant of the existence of these laws.

XIX) URSSI needs to provide more of this information to the public.

XX) There is need to have land surveyors decentralised as existing private ones are too cheap but take too long to give landlords their titles.

XXI) The law should require every person wishing to construct in an urban set up should be asked to process a land title or deed plan.

XXII) There is need to have different sizes for different roads for example busy roads should have fast and slow lanes as may be determined by the respective authorities.

OBSERVATIONS from the Chief Administrative Officer Bushenyi District

XXIII) Supports the proposal for development of a master plan for districts and urban centres as doing so will inform and promote the enforcement of roads and their reserves

XXIV) Existing legislation must be enforced as not doing so promotes the development and construction in established road reserves.

XXV) Consultations on the Roads Act need to be broadened to the national level and encourage contribution from all stakeholders.

XXVI) There is need for political will in enforcing the legislative mandate.

XXVII) Most local governments lack physical planners, surveyors and valuers and as such this impacts on the developments within the districts as well as on enforcements considering that the districts are usually not financially able to employ such technical person.

Received Questions after discussions:

Qn: When is the change in the road reserve from 15m to 30m going to be effected?

Qn: Why is the compensation of the lost property in trees along Mbarara – Kabale Road expansion taking so long?

Qn: What happens to those poor local governments who would wish to acquire land for public use but have no money?

Qn: What plans have been put in place by government to demarcate road reserves in rural and urban roads to protect them from encroachment?

Qn: There is a contradiction between the Constitution and the Land Act as the former provides that land belongs to the people and the latter provides for government planning for the land.

Qn: Traffic lights in both city and municipal councils are insufficient to regulate the traffic inflow in respective towns. Are there any arrangements to improve these in order to lessen traffic jams?

Closing remarks of the Awareness and Consultation workshop on the Roads and Access to Roads Act held at Mbarara

Speaker: Mr. Mugisha Alfred Chief Administrative Officer, Bushenyi District

Moderator: Consultant

In His closing remarks, the CAO appreciated the efforts by URSSI to undertake the consultative exercise, noted, and reiterated the need to undertake community sensitization of the legislation relating to roads and the necessary political will to ensure respect for and enforcement of the law.

He called for active input into the proposed amendment legislation as a means to ensure incorporation of various views and concerns of all stakeholders. He further noted that with rural – urban migration, towns are created but without the necessary response to accommodate the pressure on the roads and infrastructure hence the need for the proposed amendment to take into account these considerations and for the local authorities to be alive and make the necessary planning.

With these remarks, the workshop was declared closed.

20th September 2012

Opening Remarks in the half day Workshop held at Masaka, Karo guest House

Resident District Commissioner Masaka, Mr. Chris Owor Odoi

Moderator: Mr. Mutabazi George

Theme: The Roads and Access to Roads Act



The RDC in his opening remarks noted that although he has just come to the district and has not known many of the participants he was honoured to be present and also appreciated the presence of the other participants in their respective capacities.

He hailed the importance of the workshop on roads because as he said roads are important for development since they are necessary for the transportation of goods to markets on the one hand and people on the other.

He further noted that Ugandan roads had become carnage for travellers and as such there is need for all involved to work towards mitigating the road carnage.

With these remarks he declared the workshop open and looked forward to a fruitful deliberation.

Questions and Comments and views of participants from the presentation on the Roads and Access to Roads Act

Consultant: Joseph A. Manoba

Moderator: Mr. Mutabazi George

Session at Masaka

- a) The fine of U.shs.1000/= in the Roads Act was reasonable where one was earning a salary of about U.shs.1,300/= back in history but today, it does not make sense to still have such a fine in the law books. A proposal of U.shs.1,000,000/= for the fine and U.shs.450,000/= for every day of default would be adequate.
- b) The law is evidently obsolete and as such anew legislation needs to be enacted to take into account the growing size of population and urbanisation.
- c) The Minister's powers in the Roads Act needs to be given to an independent body like the National Roads Authority since such powers could be subject to abuse by an individual or even suffer from lack of enforcement as has been the case.
- d) With respect to the Access to Roads Act, there is need for expansion of the access way to provide for dual passage vehicles and persons at the same time.
- e) Road reserves need to be developed with consideration of physical planning.
- f) Supervision of road works needs to involve all stakeholders as this will promote and encourage public ownership of roads.
- g) Physical planning at the districts needs to be supported.
- h) The new legislation needs to provide funding for the districts especially taking into account the needs for physical planners.

- i) District Road Committees were established however they are currently not functional because they are not facilitated.
- j) The composition of the Roads Committee includes government political people. There is a chairperson, mayor, MP's etc. Most of these officials are very busy or have busy schedules and therefore the committee is unable to perform when these officials do not attend meetings.
- k) CROSS ROADS: there may be interest for cross roads to undertake a study of the functions of the Committee to study what interventions if any may be undertaken to support these road committees.
- l) There may need to relate the Roads and Access to Roads Act with procurement to respond to delays in payment of contractors or related issues.
- m) The law on the Roads and Access to Roads Act is good but requires amendment to make it relevant and more effective.
- n) There is need for local governments to work with the leader of government business to ensure that there is streamlining of road works.
- o) Corruption and political interference remain a big challenge in the enforcement of the law and public works.
- p) There is lack of public ownership of roads because people lack information about cost of roads, the materials to be used, the width of roads being constructed etc which if available to the public would have gone a long way in promoting public ownership through demanding of accountability.
- q) Most constructed roads are properly planned to accommodate persons with disability. There is thus need to define and make provisions for PWD's on all roads.
- r) Law enforcement is a big challenge. There is therefore need to ensure that the existing law is made effective.

- s) There is need to enact regulations to enable enforcement be effective.
- t) There is also need to change people's mind set to ensure that persons holding positions of responsibility perform as expected and using the available existing resources.
- u) A national body should be set up to regulate contractors at national and local government level.
- v) Owing to a culture where contractors are not paid within time even after successfully completing the contract, there is need to consider payment of contractors to be effected through a financial institution.
- w) The Uganda Roads Fund provides resources for financing the Roads Committee.
- x) Often time's contractors are accused of not fulfilling their contract obligations in ignorance. It is important therefore to always establish the cost of a road before blaming contractors.
- y) Community outreach and sensitization is needed so that the public is aware of the developments on the roads being constructed which has been lacking in the country.
- z) The life span of the road should be defined so that there is value for money and contractors are not allowed to benefit at the cost of the tax payer.

- aa) There is need for standardisation of rates for road construction irrespective of the location of the road as this would go a long way in ensuring there is no huge disparity in costs of road construction.
- bb) **CROSS ROADS:** Self regulation of the industry – when contractors become members of professional bodies then they self regulate and through self regulation society ills like corruption and poor workmanship is addressed by such professional bodies as contractors with poor records may be disciplined or suspended.
- cc) Provisions from other relevant laws need to be incorporated in the Roads Act.

Closing remarks of the Awareness and Consultation workshop on the Roads and Access to Roads Act held at Masaka

Speaker: Mr. Kalungi Joseph, Chairperson Local Council V, Masaka District

Moderator: Mr. Mutabazi George



The Chairperson, in his closing remarks re-echoed the welcome remarks made by the RDC and noted that the workshop was relevant because having good roads and road networks is very important considering the needs for a growing population and an increasing urbanisation.

He observed that the workshop has noted that the laws specifically the Roads Act is pretty outdated and has greatly suffered from lack of enforcement. There is thus need for better management of the roads and their reserves; support for physical planners at the districts to enable them, perform their duties adequately.

With those remarks he declared the workshop closed.

08th November 2012

Opening Remarks in the half day Workshop held at Mbale Resort Hotel

Speaker: Mr. Ntimba Edmond (A-CAO)

Moderator: Rev. Watenga Abednego

Theme: The Roads and Access to Roads Act



Mr. Ntimba Saluted participants and informed them of salutations from the CAO whom he was representing. He appreciated the efforts of CROSS ROADS in supporting URSSI to discuss the legislation in issue.

He noted the usefulness of roads because they are

necessary for proper development and planning he said. He further noted that knowing the land tenure system obtaining in the country, it is important for there to be proper planning.

He urged participants to speak freely and make contributions towards the presentations being made by the team from CROSS ROADS and URSSI.

Mr. Ntimba proceeded to pronounce the workshop open.

Questions and Comments and views of participants from the presentation on the Roads and Access to Roads Act

Consultant: Joseph A. Manoba

Moderator: Rev. Watenga Abednego

Session at Mbale

Qn: How prepared is CROSS Roads prepared to address inconsistencies and or challenges noted?

Ans: one of the approaches of CROSS Roads is to apply the market theory as already discussed. In effect we will work with partners such as URSSI and others like UNRA, MoWT on the one hand and also through engagement with influential institutions like Parliament.

Qn: How do you deal with individuals who take over roads?

Ans by URSSI: there is need for technical people to be allowed to do their job and if the technocrats are frustrated they need to document their positions.



Observation from a participant: Politicians are not solely to blame but technicians are equally involved in causing problems for towns in like Kampala.

Comments and Questions:

Qn: The Minister under the Roads Act was given too much power. Does the

Minister consult before making a decision under the Act?

Ans: The Act does give the Minister powers but ordinarily he is expected to work with technical people but without regulations there is potential to abuse the powers conferred by the law.

Qn: What is acquiring as used in the Act? Does it imply getting land without compensation?

Ans: Acquiring as used in the Act implies a process of identifying land and making the requisite compensation as provided under law.

Qn: What is the relationship between NEMA and UNRA? It is expected that impact assessment reports are supposed to be made public.

Ans: The two entities can be said to be government agencies and one would expect these entities to consult with each other but this may not be the case. EIA' reports should be made public but when these are made, NEMA often does not make them public which is a disservice.

Qn: With these laws why would buildings be in the road reserves? The laws are also outdated and obsolete.

Ans: The problem is enforcement mainly.

Qn: We have noted there are interferences with road reserves. The law does not work retrospectively in the case of an amendment. Therefore how do we deal with the issue of interference with the road reserve?

Ans: The law in its present state can be enforced albeit with possible challenges but an amendment indeed cannot work retrospectively.

Qn; In Bugisu there is land shortage in some areas so how do we address the need for providing road reserves amidst these challenges?

Ans: If land is required in public interest in this case the construction of a road or its reserve then the existing laws must be employed and as was noted by the URSSI Director, if you are to have a proper and well organised urban area, you must plan in advance and get the needed land.

Qn: The Roads Act appears obsolete yet currently we have guidelines that provide gender concerns and disability rights. How do you reconcile these?

Ans: The Roads Act is an old legislation but it must be read together with the new legislation enacted. If it is however, inconsistent with the Constitution, then it could be challenged before the Constitutional Court.

- I. When one looks at the development of trading centres, there is no guidance on their development and this has effect on future developments for town councils etc.
- II. When opening roads in the districts there is no consideration of the need for road reserves. Musn't this be provided for.
- III. There is need for harmonisation of laws because on the one hand the constitution provides for ownership of land by the people but no consistency with other legislation.

Closing remarks of the Awareness and Consultation workshop on the Roads and Access to Roads Act held at Mbale

Speaker: Chief Administrative Officer, Boonah Chris Smart, Mbale District

Moderator: Rev. Watenga Abednego



The CAO appreciated the contributions and discussions made by all participants. He thanked all for attending and participating in the exercise and noted that he was grateful to URSSI for organising the workshop.

He further noted that the workshop has been very informative because the issues discussed related to key areas of work of all participants.

He observed that the workshop had noted that developments happen without proper planning and also the laws are outdated and these contribute to the challenges we face in the districts.

He further observed that politicians and technocrats ought to be working together and designing interventions which benefit the localities they work in as opposed to frustrating each other's work.

He called for engagement with the local communities because not doing so could easily breed conflict. There was need to devise strategies to engage people/beneficiaries of the programs in order to orient them to the same

thinking for the good of all. He cited an example in Oyam district where people were involved in the proposed plans of the district hence leading to the consent by communities for the town board to construct roads without compensation to persons whose lands may be affected by the development.

He advised participants to share the knowledge from the workshop with others so that all can work together for the better planning of the country road network. In the same breath he called for stringent laws that will promote compliance with existing laws.

Finally he encouraged URSSI to continue to engage and share information with the community and with those remarks he declared the workshop closed.

09th November 2012

Opening Remarks in the half day Workshop held at Kakanyero Hotel

Speaker: Mr. Atube Omach Anthony Louis, District Chairperson Amuru

Moderator: Azuma Geoffrey

Theme: The Roads and Access to Roads Act



Mr. Atubu welcomed participants to the workshop and anticipated that all would participate actively to contribute ideas to measures that may mitigate current menaces on the roads.

He observed from the opening remarks of the

URSSI Director that the laws are pretty old because a mathematical calculation will show a number of years have passed by since the laws came into force and yet the population density, number of motor vehicles etc today have changed from what it was when the laws were enacted.

He decried the notoriety of Uganda being known to enact laws but shelve them making enforceability a challenge.

He called for penalties for people who abuse or disrespect other road users for example trailer drivers who abuse the road and force others off the road because of the size of their vehicles. He proposed a possible diversion for big trucks to alternative routes that are distant from community settlements given the reckless and bad attitude of the truck drivers.

He also observed that there was need to make provision for road reserves and as there are plans to amend the laws, there is need for people to ensure enforcement of the law when it finally comes in force.

Mr. Atubu invited participants to actively participate because it is important for views to be incorporated so that roads in the region are well made and protected.

Finally he thanked URSSI for organising the workshop and requested that feedback be given to the participants so that consulted persons know and are informed of the developments that have happened. With these remarks he declared the workshop open.

Questions and Comments and views of participants from the presentation on the Roads and Access to Roads Act

Consultant: Joseph A. Manoba

Moderator: Azuma Geoffrey

Session at Gulu

- I. There is definite need to look at a long term plan to ensure that provision is made for district roads to graduate to trunk roads.
- II. Plotting of road reserves should be physically done as opposed to using an imaginary line.
- III. The minister's power under the Roads Act should be given to an authority.
- IV. The technical people also participate in frustrating the enforcement of the law e.g. the construction of UCHUMI building.
- V. Government appears not to see the importance of planning however there is need for any new law to take into account the classification road designs.
- VI. There is need for the width of the road to be as wide as 40meters to allow for manoeuvring in the event of an incident requiring avoiding an accident.
- VII. There is need to consider fast lanes and slow lanes to cater for M/V's running fast and those moving slowly.
- VIII. Uganda is known to be a corrupt country and usually the problem is accountability. There is thus need to implement existing laws.
- IX. There is need to define points or lines from which construction may commence.

- X. At national level government talks about vision 2040 when talking about the national roads. What is there to consider projecting developments in 100years? Why can't we copy from developed countries?
- XI. As discussions on roads is concerned there is need to consider creating space in the centre of the road to provide for trams or trains.
- XII. A road reserve should be a function of the geometric design.
- XIII. Additionally the road reserve should not be from the centre point but from the edge of the road.
- XIV. Roads whether private, institutional or public may need to be considered as public since they are beneficial to all users.
- XV. Uganda suffers from challenges of implementation of existing laws. The question is what can be done to ensure enforcement?
- XVI. There is need to bring other stakeholders like traffic police to engage and discuss these same issues.
- XVII. URSSI has had engagements with the Parliamentary Committee on Infrastructure Development and will continue to raise and discuss issues of concern. Other engagements have been with UNRA to encourage them to consult with people where roads being constructed are located.
- XVIII. There is need to engage with Ministry of Lands and advocate for funding and uplifting of the Ministry to facilitate proper planning.
- XIX. Roads are important for human beings because of their need for movement however because of weak institutions led by weak leaders we experience these continuous challenges. There is therefore need to respect institutions.
- XX. Fines are supposed to deter but the existing fine of U.shs.1000/= is unrealistic and outdated and needs to be revised.
- XXI. Developments in the road reserves need to be demolished but engineers who sanction such constructions need to be punished.

- XXII. There are many classifications of roads but the planners don't seem to reflect these in the plans.
- XXIII. The Roads Act is silent on how community roads can graduate to district roads and from a district road to a national road. If the law provided for this, it may go a long way in assisting the amendment process.

Closing remarks of the Awareness and Consultation workshop on the Roads and Access to Roads Act held at Gulu

Speaker: Mr. Nyeko Kenneth Gulu District Chairperson

Moderator: Azuma Geoffrey

Mr. Nyeko re-echoed the welcome remarks and thanked URSSI for organising the workshop and the participants for honouring the invitation to the workshop.

He noted the importance of the meeting because it is helpful to remind ourselves, technocrats, and politicians of the importance of road reserves.

Finally he called upon politicians to be good role models for their people in enforcing and adhering to the laws and with these remarks declared the workshop closed.

Annex 1.

LIST OF PARTICIPANTS

Eastern Region

MBALE:

1. Deputy Mayor; Mbale Municipality
2. Clerk to Council; Mbale municipality
3. CDO/Gender; Mbale Municipality
4. Secretary Gender; Mbale Municipality
5. Secretary Works; Mbale Municipality
6. CAO; Mbale municipal council
7. Speaker Mbale Municipal Council
8. Physical Planner Mbale Municipal Council
9. District Community Development Officer; Mbale Municipality
10. District Engineer; Mbale Municipal council
11. Secretary; Education and Sports Mbale
12. Open Gate 103.2fm station representative
13. Vision Group; Mbale.
14. Step TV, Step radio Mbale.
15. Elgon Flyers service Mbale.

BUDAKA:

16. CSO rep; Budaka
17. District Community Development Officer; Budaka

SIRONKO:

18. CSO rep; Sironko
19. District Community Development Officer; Sironko

- 20. District Community Development Officer; Bulambuli**
- 21. District Community Development Officer; Butaleja**
- 22. District Community Development Officer; Bududa**
- 23. District Community Development Officer; Kibuku**

Note: Including 15 female and 35male

Annex 2.

LIST OF PARTICIPANTS:

Northern Region

Gulu District Local Government

1. Communications Development Officer Gulu District.
2. Physical Planner; Gulu Municipal Council.
3. Town Clerk Gulu Municipal Council.
4. Local council chairman II; Gulu District local government.
5. Local Council chairman V; Gulu District Local government.
6. Deputy Speaker; Gulu District Local government.
7. Local Council V youth chairperson; Gulu District Local government.
8. Mechanical Engineer; Gulu Municipality

Nwooya District Local Government

9. Probations and Welfare Officer Nwooya District local government.
10. Roads Engineer Nwooya District local government.
11. Gender Office Nwooya District local government.
12. Senior Environment Office Nwooya District local government.
13. District Information's officer Nwooya District local government.
14. Senior Accounts Assistant, Nwooya District local government.

Amuru District Local Government

15. District Community Development Officer; Amuru District Local Government.
16. Environmental Officer; Amuru District Local Government.
17. CAO; Amuru District Local Government.
18. Senior District Engineer; Amuru District Local Government.
19. RDC; Amuru District Local Government.
20. Senior Engineer; Amuru District Local Government.
21. Secretary Works; Amuru District Local Government.

22. LC5 Amuru District Local Government.

Note: Including 12female and 33male

Annex 3.

LIST OF PARTICIPANTS

Western Region

MBARARA:

1. Chairman Land Board Mbarara District.
2. Town Clerk Mbarara.
3. District Engineer Mbarara.
4. Station Engineer UNRA/ Mbarara
5. Regional Planner Mbarara Municipality.
6. Local Chairman III. Mbarara District Local Government.
7. District Physical Planner Mbarara District Local Government.
8. District Community Development Officer Mbarara.
9. Sub-County chief Biharwe Mbarara.
10. Chairman Local council 5 Mbarara District Local Government.
11. Senior Land Management Officer Mbarara District.
12. District Wetlands Officer Mbarara District.

BUSHENYI

13. District Physical Planner Bushenyi
14. Chief Senior Planner Bushenyi – Ishaka.
15. Administrative Officer Bushenyi.

MITOOMA

16. District Engineer Mitooma District.
17. Town Engineer Mitooma Town Council
- 18. Chairman Nyamutanga Division.**
- 19. Physical Planner Kabale Municipality.**

Annex 4.

Central Region

MASAKA:

1. Physical planner Masaka District
2. Physical planner Masaka Municipal Council
3. RDC Masaka
4. District Speaker Masaka District
5. District Community Development Officer Masaka District Local Government
6. Secretary for Gender Masaka district
7. Ag. DPC Masaka
8. District Engineer Masaka
9. Vice Chairperson Local Council 5 Masaka
10. Masaka District Chair person Local council III
11. Vision Group Masaka
12. Vice Chairperson Local Council 5 Masaka District Local Government
13. Mayor Masaka
14. Town Clerk Masaka Municipal Council

KALUNGU

15. Agricultural Information Officer Kalungu District Local Government.
16. District Planner Kalungu District Local Government
17. DCP Kalungu
18. District Community Development Officer Kalungu
19. RDC. Kalungu

LWENGO

20. District Chairperson Lwengo
21. District Environmental Officer Lwengo
22. District Engineer Lwengo
23. Environmental Officer Lwengo
24. District Informations officer Lwengo District
25. CAO Lwengo

BUKOMANSIMBI

26. District Chairperson Bukomansimbi
27. Ag. District Engineer Bukomansimbi
28. CAO Bukomansimbi
29. Population Officer Masaka District Local Government

30. Physical Planner Lukaya
31. District Environment Officer Bukomansimbi
- 32. LCIII Chairperson Buwunga**