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REPUBLIC OF UGANDA

Transport Sector Development Project – Additional Financing (P121097)

Investigation Report



August 4, 2016

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Abbreviations and Acronyms

| | |
|-------|--|
| AfDB | African Development Bank |
| AIDS | Acquired Immuno-Deficiency Syndrome |
| BIC | Bank Information Center |
| CAS | Country Assistance Strategy |
| CGV | Chief Government Valuer |
| CSO | Civil Society Organization |
| EA | Environmental Assessment |
| EBRD | European Bank for Reconstruction and Development |
| EHS | Environmental Health and Safety |
| EIA | Environmental Impact Assessment |
| ESIA | Environmental and Social Impact Assessment |
| ESIS | Environmental and Social Impact Statement |
| ESMP | Environmental and Social Management Plan |
| FGD | Focus Group Discussions |
| GBV | Gender-based Violence |
| GoU | Government of Uganda |
| GRC | Grievance Redress Committee |
| GRM | Grievance Redress Mechanism |
| HIV | Human Immunodeficiency Virus |
| HQ | Headquarters |
| IDA | International Development Association |
| IEC | Information, Education, and Communication |
| IFC | International Finance Corporation |
| JFCU | Joy for Children Uganda |
| MATA | Metropolitan Area Transport Authority |
| MGLSD | Ministry of Gender, Labour, and Social Development |
| MoF | Ministry of Finance |
| MoWT | Ministry of Works and Transport |
| NEMA | National Environment Management Agency |
| NGO | Nongovernmental Organizations |
| NRSA | National Road Safety Authority |
| OHS | Occupational Health and Safety |
| OMS | Operational Manual Statement |
| ORAF | Operational Risk Assessment Framework |
| PAPs | Project-Affected People |
| PPE | Personal Protective Equipment |
| RAP | Resettlement Action Plan |
| STIs | Sexually Transmitted Infections |
| TSDP | Transport Sector Development Project |
| UGX | Ugandan Shilling |
| UNRA | Ugandan National Roads Authority |
| WSS | WSS Services Ltd. |

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Executive Summary

Background

1. This Investigation Report responds to a Request for Inspection (the “Request”) of the Uganda Transport Sector Development Project–Additional Financing (TSDP–AF) (the “Project”) received from members of Bigodi and Nyabubale-Nkingo communities in Uganda (the “Requesters”). On December 19, 2014, the World Bank Inspection Panel (the “Panel”) received a Request from members of Bigodi Town concerning the upgrading and rehabilitation of the Kamwenge-Fort Portal (66 km) road to bitumen standard. Since these concerns had not been raised previously with World Bank Management (“Management”), and in accordance with its governing framework, the Panel did not register the Request to give Management an opportunity to address the Requesters’ concerns. On September 11, 2015, the Panel received an additional Request from members of the Bigodi and Nyabubale-Nkingo communities, re-stating earlier concerns and noting that Management actions to address their problems were unsatisfactory. Both requests received in December 2014 and September 2015 are collectively referred as the Request for Inspection. The Requesters asked for confidentiality and designated Joy for Children Uganda (JFCU) as their representative.

Project Context

2. The Transport Sector Development Project is an International Development Association (IDA) Credit of US\$190 million equivalent approved by the IDA Board of Executive Directors (“the Board”) in December 2009. The Additional Financing for this Project, the subject of this Investigation, was approved by the Board on June 16, 2011. On December 21, 2015, about three months after the Panel registered the Request, the Project was cancelled “*based on the fact that the Borrower had not been carrying out the Project in conformity with appropriate social standards and practices.*”¹

3. The development objectives of the Additional Financing were the same as the original Project: to improve the connectivity and efficiency of the transport sector. The Additional Financing was to provide funding for (i) upgrading and rehabilitation of the Kamwenge-Fort Portal (66 km) road to bitumen standard² and (ii) technical assistance to strengthen the internal audit functions of the Uganda National Roads Authority (UNRA).³ The Project was assigned an environmental category “B” and the Bank’s Policies on Environmental Assessment, Natural Habitats, Forests, Cultural Physical Resources, and Involuntary Resettlement were triggered.

Request for Inspection and Management Response

4. The Requesters raised several concerns related to the Project, including lack of participation, inadequate road and occupational health and safety measures, poor labor practices, inadequate compensation, fear of retaliation, sex with minors and teenage pregnancies by road

¹ Management Response to Request for Inspection Panel Review of the Uganda Transport Sector Development Project–Additional Financing, World Bank, December 17, 2015, p. ix.

² Bitumen consists of any mix of various natural substances, such as asphalt, maltha, or gilsonite.

³ The Uganda National Roads Authority (UNRA) is the Project’s implementing agency.

workers, increased sex work, the spread of sexually transmitted infections (STIs), sexual harassment of female employees, child labor, and school dropouts.

5. In its response Management explained that since works started in August 2013 it had repeatedly observed and flagged to UNRA instances of non-compliance with environmental and social requirements, especially concerning land acquisition. However, Management stated it only became aware of the concerns related to sexual misconduct by road workers in December 2014 through the complaint sent by the community to the Panel. In response Management informed the Government of Uganda (GoU) and conducted several supervision missions. Management explained the difficulties encountered in determining the factual basis of the allegations of sexual misconduct, in part due to the reluctance of community and government officials to discuss these issues. However, after hiring a specialized, social development consultant in April 2015 and working closely with JFCU during a May 2015 mission, Management concluded there was credible evidence of at least three cases of Project road workers engaging in sexual misconduct. On October 22, 2015, the Bank suspended the Project due to the Borrower's non-compliance with its obligation to implement the Project in conformity with environmental and social standards and practices, and on December 21, 2015, the Bank cancelled the Project. The Bank also suspended civil works in two other Projects implemented by UNRA pending a review of the organization's capacity.

Panel Findings

6. During its field visit interviews with Requesters, other members of the community, and Focus Group Discussions (FGD) the Panel confirmed many of the claims of harm included in the Request. Based on the above, the Panel's Investigation findings relate to (i) institutional capacity, consultation, and construction impacts, (ii) involuntary resettlement, and (iii) gender-based violence and child protection.

Institutional Capacity, Consultation, and Construction Impacts

7. **Institutional Analysis and Capacity Assessment.** The Panel notes that an adequate assessment of UNRA's capacity regarding environmental and social aspects was not conducted and, as a consequence, this led the technical assistance and capacity enhancement component of the Project to focus primarily on procurement. This resulted in negligible input to addressing the environmental and social risks of the Project. The Panel observes that had these capacity concerns been addressed more comprehensively the Project could have more effectively ensured proper implementation and supervision of social and environmental issues, as well as timely and adequate reaction to early warning signals of problems.

8. The Panel also notes that between the time the Contractor took possession of the site in July 2013 and March 2016 the Project had been behind schedule and serious implementation issues occurred. From its review of the Supervising Engineer's monthly reports and its interaction with the various parties the Panel detected poor Project governance, including tension and lack of collaboration among UNRA, the Supervising Engineer, and the Contractor. The Panel finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment due to the lack of effective institutional strengthening measures for UNRA's weak capacity in carrying out key

environmental and social functions. The Panel further finds Management in non-compliance with OMS 2.20 on Project Appraisal, for not having properly assessed the provisions for adequate cooperation between all entities involved in Project implementation.

9. **Community Consultations.** The Panel notes that when updating the 2008 Environmental and Social Impact Assessment (ESIA) for the 2011 Environmental and Social Impact Statement (ESIS) no consultations with community members were conducted, even though the interval between these documents was more than two years. Furthermore, consultations and participation during implementation was weak until Management received the complaint in December 2014. The Panel believes early and ongoing consultations with community members would have raised sufficient warnings to address the problems identified in the Request.

10. The Panel therefore finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment for not ensuring consultations with Project-affected communities in the updating of the environmental and social impact assessment despite the interval between the 2008 ESIA and its update in 2011. Furthermore, the Panel finds that Management did not ensure consultations throughout Project implementation until receipt of the Request for Inspection in December 2014, in non-compliance with OP/BP 4.01 on Environmental Assessment.

11. **Construction Impacts on the Community, including Human Health and Safety.** The Panel considers that access points and road drainage were insufficiently detailed on the engineering drawings of the road, and hence these were inadequately constructed, resulting in significant impacts on people's livelihoods, wellbeing, water quality, and health. The Panel also notes that the electric lines relocated within the road reserve and above affected peoples' structures caused significant risk to people and their houses. The Panel notes these issues still require serious and immediate attention.

12. The Panel found instances of harm related to water sources and the operation of quarries. Drainage and run-off water contaminated at least three water sources, flooded houses, and covered some agricultural land with sediments. Flying rocks from the quarries damaged several houses. The Panel notes that although the ESIS identified the potential for impacts on water sources and from the operation of quarries, no effective mitigation measures were put in place to minimize the harm suffered by the community, which in many instances remains ongoing. The Panel notes the need to ensure that mitigation measures are designed to reduce the severity of potential impacts, and are carried out as envisaged in the ESIS using good engineering practices.

13. The Panel also found cases of harm resulting from poor safety measures, including more than 25 occupational or road accidents, resulting in at least seven fatalities and many permanent injuries. The Panel notes the need to ensure the improvement of health and safety measures in accordance with OP/BP 4.01 on Environmental Assessment and the Bank's Environmental Health and Safety (EHS) Guidelines. The Panel observes that although Bank missions identified the lack of road safety and occupational health and safety measures as important issues, Management failed to ensure implementation of adequate and effective measures to address these shortcomings. The Panel finds Management did not ensure the design or implementation of appropriate mitigation measures to protect the community and workers against construction impacts, thus seriously

jeopardizing human health, safety, and livelihoods, and this is therefore in non-compliance with OP/BP 4.01 on Environmental Assessment.

14. **Project Supervision of Construction and Remedial Action.** Although Management was aware of the Project's implementation shortcomings from an early stage – specifically on issues of construction impacts and health and safety – and pressed UNRA on multiple occasions to seek remedies, it did not act proactively enough to ensure good project management and implementation. The Panel further notes that the Project proceeded without timely and appropriate corrective measures, and the problems escalated until Project cancellation.

15. The Panel finds that Project implementation continued despite the serious compliance failures and harm repeatedly identified in supervision reports, and in the absence of decisive action by Management. Consequently the Panel finds Management in non-compliance with OP/BP 10.00 on Investment Project Financing.

Involuntary Resettlement

16. **Identification of Project-Affected People, Vulnerability Assessment and Measures Targeting Vulnerable Groups.** The Panel corroborated instances of harm related to inadequate and untimely compensation. The Panel considers the inaccuracy of the data on which resettlement was based as the main source of many of the complaints regarding compensation. The Panel finds Management relied on verification sampling rather than a full census to identify Project-affected people, despite the recognized weakness of the original census under the Resettlement Action Plan (RAP) commissioned by the African Development Bank (AfDB). In addition, there was an interval of more than two years between the original census and the updated RAP. The Panel also finds the updated RAP contained an inadequate vulnerability assessment and did not properly identify necessary assistance programs targeting vulnerable groups. Consequently the Panel finds Management did not ensure the preparation and implementation of an updated RAP compliant with OP/BP 4.12 on Involuntary Resettlement.

17. **Adequacy of Compensation and Livelihoods Impacts.** Despite many outstanding claims road construction continued ahead of compensation and land acquisition, creating financial and material hardships, as well as genuine stress among Project-affected people. Complaints and challenges, however, related mainly to insufficient compensation payments that arose due to a failure to identify the full range of assets affected by the road construction, rather than valuing specific items or areas of land.

18. The Panel finds road construction commenced and continued before Project-affected people were compensated. Furthermore, the Panel notes compensation amounts were frequently insufficient due to failure to assess the full impact of the road on land-take, and lack of livelihoods restoration assistance as set out in the 2011 RAP. The Panel finds this is not in compliance with OP/BP 4.12 on Involuntary Resettlement.

19. **Bank Supervision of the Resettlement Action Plan.** The Panel finds Management inadequately supervised Project resettlement implementation leading to different instances of harm to communities along the road. This did not permit the Project to address harm in a timely and

appropriate manner, and therefore the Panel finds Management in non-compliance with OP/BP 4.12 on Involuntary Resettlement.

20. **Grievance Redress Mechanism (GRM).** The Panel finds the lack of a formal Grievance Redress Mechanism for the Project was not in compliance with OP/BP 4.12 on Involuntary Resettlement.

Gender-based Violence and Child Protection

21. The Panel corroborated harm to women and children resulting from the Project, including many cases of child sexual abuse and teenage pregnancies by road workers. The Panel also found that sexual harassment by road workers was a pervasive problem experienced by both female employees and women and girls in the community. In addition the Panel confirmed that child labor and school dropouts have occurred as a result of the Project.

22. **Assessment of Risks and Impacts related to Gender-based Violence (GBV) and Child Protection.** The Panel notes that the 2011 ESIS and the appraisal documents lacked required analysis of risks to women and children caused by the labor influx, in particular those risks related to sex with minors, teenage pregnancies, sexual harassment, child labor, and school dropouts. Management's approach failed to meet the standards of a systematic or holistic assessment of risks, which aims, among other objectives, to identify adequate risk management measures for affected communities. Therefore the Panel finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment and OMS 2.20 on Project Appraisal for not properly assessing risks and inadequately appraising human health and safety and social impacts of the Project related to gender-based violence and child protection.

23. **Mitigation Measures for Impacts related to GBV and Child Protection.** The Panel notes that the mitigation measures under the 2011 ESIS mainly focused on HIV/AIDS prevention and were inadequate to respond to the multidimensional problem of GBV and child protection. The Panel finds the lack of appropriate mitigation measures to address the social impacts related to GBV and child protection resulted in serious and long-term harm to the community, and this is in non-compliance with OP/BP 4.01 on Environmental Assessment.

24. **Project Supervision of Mitigation Measures related to GBV and Child Protection.** While the Bank undertook several supervision missions, the composition of supervision teams lacked the requisite expertise to address issues related to GBV and child protection. The Panel finds Management failure to detect the serious harm suffered by women and children of the community during supervision of Project implementation, or to propose measures for redressing such harm, in non-compliance with OP/BP 10.00 on Project Investment Financing. Effective supervision (including adequate understanding of the community) could have resulted in earlier detection of some problems caused by the Project and avoided instances of serious harm to women and children in the community.

Management's Actions in Response to Complaint

25. The Panel's analysis of Management's actions since receiving the Request (in December 2014) points to late recognition of the issues and delayed – and often inappropriate – responses due to a lack of requisite expertise and inadequate understanding of community dynamics.

26. The analysis also reveals poor clarity in the division of responsibilities among relevant Bank departments for approaching and addressing these issues. This led to ineffective action by key players within the Bank, lack of attention from Senior Management, and the resulting late response to a serious issue which required prompt action. Unfortunately additional cases of harm, including some of a sexual nature, continued to occur after the first receipt of the Request in December 2014 and even after registration of the Request in September 2015.

27. The Panel finds Management's overall supervision of the Project, including its actions in response to the Request received in December 2014, in non-compliance with Bank Policy on Investment Project Financing OP/BP 10.00. The Panel notes that after the registration of the Request by the Panel in September 2015, Management issued a Notice to Correct, followed by Project Suspension and eventual cancellation due to the Borrower's failure to implement the Project in conformity with appropriate social standards and practices.

Conclusions

28. Critical factors contributing to harm included poor Project governance, weak institutional capacity, and lack of collaboration among the main entities responsible for implementation. These entities did not act with common purpose to address the Projects' problems. This lack of collaboration, high staff turnover, and weak capacity led to frequent dereliction of responsibilities.

29. In parallel, Management's oversight was insufficiently robust and supervision missions did not result in effective problem-solving. The main issues faced by the Project – especially resettlement and compensation, health and safety, and GBV and child protection – received little or no attention until several months after receipt of the Request, despite warning signals detected as early as 2008 in the preparation documents.

30. The Request comes from a community in a region which relies economically on agriculture and tourism due to the proximity of the Kibale National Park and several wildlife sanctuaries. As in many parts of rural Uganda, this community is poor, with many vulnerable people, and is experiencing significant levels of GBV. These are important factors for understanding the community's ability to cope with Project-imposed changes.

31. Harm thus occurred in a community suffering from persistent poverty that led girls to seek alternative income sources, and from institutional weaknesses that do not encourage law enforcement to protect girls. A poorly managed influx of road construction workers aggravated these factors and further exposed girls to sexual exploitation.

32. The Panel notes Management's consistent failure to inform affected communities adequately, and to assess the negative impacts of construction on people – particularly the

vulnerable – and on their assets. These problems were compounded by both the failure to compensate PAPs fully and in a timely manner, and by the absence of a grievance mechanism to enable PAPs to voice concerns regarding Project-generated changes, thus increasing their vulnerability and susceptibility to harm. Poor design and low construction standards almost seemed to ignore the presence of people living close to the road. Meanwhile, as a consequence of construction and resettlement failures, affected people were forced to cope for extended periods with dangerous situations, including steep access to homes and fields, and children and women having to go further afield for water.

33. This Investigation has demonstrated the consequences of overlooking stakeholder engagement. Strong and inclusive consultation, combined with effective grievance redress mechanisms, are necessary not only to identify social risks, but also to play an instrumental role in bolstering community resilience to cope with such risks. This is especially relevant in cases of sensitive social issues, and in environments where people are uncomfortable speaking out.

34. The Panel identified several gaps in the Bank's implementation of its safeguards policies, particularly as they relate to environmental and social assessments, resettlement, and health and safety. Social issues in this Project received insufficient attention, partly due to the fact that social safeguard specialists were relatively few and overburdened. Adequate systems are required for the Bank to respond quickly to serious and urgent problems that arise during project implementation. Unfortunately, as mentioned above, serious harm continued to occur after the Request was received in December 2014, and Management was unable to respond effectively and remedy it.

35. The Panel emphasizes that in addition to known benefits, infrastructure projects have the potential to induce negative social consequences. Being aware of this, and having the requisite tools to anticipate, analyze adequately, and mitigate such negative impacts are key to achieving the successful development outcomes these projects are expected to deliver.

Chapter 1: Introduction and Background

A. Background to the Request

1. This Investigation Report presents the findings and analysis of the issues raised in the Request for Inspection (the “Request”)⁴ of the Uganda Transport Sector Development Project–Additional Financing (TSDP) (the “Project”).⁵ The Request concerned the upgrading and rehabilitation of the Kamwenge-Fort Portal (66 km) road Project.

2. On December 19, 2014, the Inspection Panel (“the Panel”) received a Request from community members of Bigodi Town in Uganda raising a number of issues, including lack of community participation, poor resettlement practices, rising criminality in the community, sexual violence against children by road workers, increased child labor, and school dropouts. The Panel conducted due diligence and determined the Request did not meet registration requirements because the issues in the Request had not been raised previously with World Bank Management (“Management”). In accordance with its governing framework, the Panel did not register the Request at the time to give Management an opportunity to address the concerns of the Requesters. The Panel issued a Notice of Receipt on January 21, 2015.

3. On September 11, 2015, the Panel received an additional Request from community members of the Bigodi and Nyabubale-Nkingo, who asked the Panel to keep their identities confidential, and who appointed Joy for Children Uganda (JFCU) to represent them. This Request included handwritten notes from 58 community members describing harm and problems allegedly caused by the Project. The Requesters expressed dissatisfaction with Management’s actions in response to their concerns. They re-stated allegations previously raised, including lack of participation, inadequate road and workplace health and safety measures, poor labor practices, inadequate compensation, fear of retaliation, sex with minors and teenage pregnancies by road workers, increased sex work, sexual harassment of female employees, the spread of sexually transmitted infections (STIs), child labor, and school dropouts.⁶ The signatories of both requests are collectively referred to as the Requesters. The Panel registered the Request on September 28, 2015.

B. Country Context, Project Rationale and Description

4. After the end of the armed conflict in 1986 the Government of Uganda (GoU) introduced several structural reforms and investments which boosted growth and reduced poverty. The

⁴ Request for Inspection of the Uganda Transport Sector Development Project Additional Financing. Available at: <http://ewebapps.worldbank.org/apps/ip/PanelCases/98-Request%20for%20Inspection.pdf>. The Request for Inspection consists of two documents; the first is dated December 6, 2014, and the second is dated August 21, 2015.

⁵ For the purposes of this Report the term “Project” refers to the activities and components under the Uganda Transport Sector Development Project and the Additional Financing to the Uganda Transport Sector Development Project that are relevant to the upgrading and rehabilitation of the Kamwenge-Fort Portal (66 km) road to bitumen standard. This includes the component to strengthen capacity of the Project implementing unit, the Uganda National Roads Authority (UNRA).

⁶ The Request is supported by a study conducted by JFCU and the Bank Information Center (BIC). The Impact of the World Bank Funded Kamwenge-Kabarole Road Construction Project. Available at: <http://www.bankinformationcenter.org/wp-content/uploads/2015/04/Kamwenge-Road-Final.pdf>.

resulting macro-economic stability led to high growth between 1987 and 2010. Within this enabling environment most of the progress in poverty reduction was attributable to higher agricultural incomes.⁷ However, almost three decades after instituting the reforms Uganda still faces many challenges. These include poor infrastructure, weak public service delivery, insufficient human capital, and underdeveloped institutions. Dependence on exogenous factors such as good weather and prices, rather than on productivity-enhancing factors such as technology, training, irrigation, and farm-to-market infrastructure, renders agricultural production vulnerable to shocks and raises concerns about sustainability. Several factors constrain growth in Uganda but studies repeatedly point to inadequate infrastructure, including both electricity and roads. In the road sector Uganda continues to suffer from poor transit and transport infrastructure which raises the cost of doing business. Because Uganda is landlocked its national road network is the most critical conduit to external markets.

5. Uganda's road infrastructure handles more than 90 percent of passenger and freight traffic. It also provides transit corridors linking the landlocked, neighboring countries of Rwanda, Burundi, South Sudan, and eastern parts of the Democratic Republic of Congo to the Indian Ocean ports of Mombasa and Dar-es-Salaam in Kenya and Tanzania respectively. Efficient and reliable transport services are essential to increased agricultural and industrial production, trade, tourism, and access to social services. The transport sector, especially roads, was identified as a priority under the National Development Plan⁸ (2010/2011- 2014/2015) due to its strong impact on rural agricultural production and hence poverty reduction. The Bank has been engaged in the transport sector in Uganda since its 1996 assistance to formulate the first 10-year Road Sector Development Program. It is within this country context that the TSDP project gains importance for Uganda and its local communities.

6. The Transport Sector Development Project is an International Development Association (IDA) Credit of US\$190 million equivalent approved by the IDA Board of Executive Directors in December 2009. Its development objectives were *"to improve the connectivity and efficiency of the transport sector through: (i) improved condition of national road network, (ii) improved capacity for road safety management; and (iii) improved transport sector and national road management."*⁹ The Project's five components include (a) upgrading and rehabilitation of national roads, including the Gulu-Atiak and Vurra-Arua-Oraba roads (159 km); (b) enhanced road safety, including establishment of a National Road Safety Authority (NRSA) and making the crash database operational; (c) preparation of the Kampala Urban Transport Project, and the legislation and establishment of the Metropolitan Area Transport Authority (MATA); (d) support to the Ministry of Works and Transport (MoWT) to focus on its core functions of policy-setting, strategic planning, sector oversight and monitoring, and (e) support to the Uganda National Roads Authority (UNRA) with technical assistance and capacity building activities.

⁷ Uganda – Boosting inclusive growth and accelerating poverty reduction: systematic country diagnostic, World Bank, December 2015, p. ix.

⁸ The National Development Plan prepared by the Government of Uganda articulates the country's medium-term strategic direction, development priorities and implementation strategies. See: <http://siteresources.worldbank.org/INTKNOWLEDGEFORCHANGE/Resources/UgandaNationalDev.pdf>.

⁹ Project Paper on a Proposed Additional Credit to the Republic of Uganda for a Transport Sector Development Project, World Bank, May 14, 2011, p. 1.

7. The Additional Financing in the amount of US\$75 million equivalent was approved by the Board on June 16, 2011, with the same development objectives as the original Project, and to provide Project scale-up within:

- Component A: Upgrading and rehabilitation of the Kamwenge-Fort Portal (66 km) road to bitumen standard.¹⁰ The Kamwenge-Fort Portal road is part of the national road Nyakahita-Kazo-Ibanda-Kamwenge-Fort Portal (209 km) which connects western Uganda to the Northern Corridor and the Trans-Africa Highway. The World Bank partnered with the African Development Bank (AfDB) to finance the entire 209 km road. The AfDB financed the first 143 km section (Kamwenge-Nyakita), while the World Bank financed the remaining 66 km section (Kamwenge-Fort Portal), and
- Component E: Technical assistance for strengthening the internal audit functions of UNRA.

8. The Borrower is the Republic of Uganda and the implementing unit is UNRA. The Project was assigned an environmental category “B” and the following safeguard policies were triggered: OP/BP 4.01 Environmental Assessment; OP/BP 4.04 Natural Habitats; OP/BP 4.36 Forests; OP/BP 4.11 Physical Cultural Resources, and OP/BP 4.12 Involuntary Resettlement.¹¹ The Environmental and Social Impact Assessment (ESIA) and Resettlement Action Plan (RAP) were first developed with financing from the AfDB in 2008 and subsequently reviewed by the World Bank to comply with the standards of its safeguard policies.¹²

9. The implementing unit, UNRA, contracted the civil works for upgrading and rehabilitation of the Kamwenge-Fort Portal to the China Railways Seventh Group (CRSG, “the Contractor”). The UNRA/CRSG contract was signed on July 11, 2013. The works commenced on August 1, 2013, with an original contract completion date of January 31, 2016. UNRA also recruited Gauff Ingenieure GmbH & Co. KG as the Project’s Supervising Engineer.¹³ The Supervising Engineer’s main responsibility was to ensure Contractor adherence to the terms of the civil works contract it had signed with UNRA.

10. In response to the allegations made in the Request and “*due to the Borrower’s non-compliance with its obligations to carry out the Project in conformity with appropriate environmental and social standards and practices,*” the Bank suspended the financing for the Project on October 22, 2015. On December 21, 2015, the Bank cancelled the Project “*based on (i) the Contractor’s failure to remedy the cited instances of non-compliance, and (ii) the lack of demonstrated willingness on the part of UNRA to address the identified social risks as well as overall project implementation seriously.*”¹⁴

¹⁰ Bitumen consists of any mix of various natural substances, such as asphalt, maltha, or gilsonite.

¹¹ Integrated Safeguards Data Sheet, Appraisal Stage, World Bank, May 9, 2011, p. 3.

¹² Project Paper on a Proposed Additional Credit to the Republic of Uganda for a Transport Sector Development Project, World Bank, May 14, 2011, p. 10.

¹³ Management Response, December 2015, p. 2, paras. 6 and 7.

¹⁴ Management Response to the Request for Inspection Panel Review of the Uganda Transport Sector Development Project–Additional Financing, World Bank, December 17, 2015, p. 21.

C. Request for Inspection and Management Response

11. **The Request** stated the community is grateful for the Bank's funding of the Kamwenge-Fort Portal road and recognized its positive influence on increased trade and access to markets. The Request was supported by a study conducted by JFCU and the Bank Information Center (BIC), two nongovernmental organizations (NGOs). The Request alleged several cases of harm caused by the Project as summarized below.

12. *Inadequate road and occupational health and safety measures.* The Requesters claimed accidents along the road have increased due to lack of safety measures and use of vehicles in poor mechanical condition. They claimed victims of these accidents were not compensated. They also mentioned the case of an injured worker whose "*leg was almost amputated*" and who received no compensation.

13. *Poor labor conditions.* The Requesters alleged high staff turnover and poor labor conditions, including long hours of work. They also state that the salary paid "*is not enough to match the cost of living.*" They claimed the Contractor provided no workers' camp for the Ugandan workforce, and as a consequence "*many wrongdoers pose as workers in the community.*"

14. *Inadequate resettlement practices.* The Requesters claimed many project-affected people along the road and in trading centers were not compensated, especially those affected by the realignment of the road. They alleged that some landowners' livelihoods suffered since they received no compensation for the taking of parts of their home gardens. They also contended many landowners had not been compensated in a manner that enabled them to "*procure an equivalent piece of land or put up a similar structure.*" They claimed the compensation varied even among landowners in the same location and that the process "*is corrupt.*" In addition they contended some properties either had their access to the road blocked by the road works or were negatively affected during construction.

15. *Fear of retaliation and lack of participation.* The Requesters claimed people did not complain about the Project due to fear of harassment and retaliation. They also stated there were no consultation meetings and that community members were "*shunned whenever they raise issues.*"

16. *Gender-based violence and child protection.* The Requesters contended the road workers engaged in sex with minors and, as a result, many of the community's children have become pregnant. They also alleged the influx of road workers from outside the community and the lack of a workers' camp have contributed to a rise in sex work, including underage sex work, and to the spread of sexually transmitted infections (STIs), especially HIV/AIDS. In addition they cited reported sexual harassment of female employees.

17. *Child labor and school dropouts.* The Requesters claimed the opportunities created by the road have increased informal businesses and attracted children to work as vendors and car washers. In addition they cited the case of one child who was employed by the Contractor. They also claimed there was a rise in school absenteeism and dropouts due to teenage pregnancies and child labor.

18. **The Management Response** explained that since works started in August 2013 Management had repeatedly observed and flagged to UNRA instances of non-compliance with environmental and social requirements, especially concerning land acquisition and physical effects of construction.

19. Nevertheless Management stated it only became aware of the concerns related to sexual misconduct of road workers in December 2014 through the complaint sent by the community to the Panel. In response the Bank informed the GoU and conducted several supervision missions. Management stated it had been extremely difficult to determine the factual basis of the allegations of sexual misconduct, in part due to the reluctance of community members and government officials to discuss these issues. However, after hiring a specialized, social development consultant in April 2015 and working closely with JFCU during a May 2015 mission, the Bank concluded there was credible evidence of at least three cases of Project road workers engaging in sexual misconduct, one of which resulted in a pregnancy.

20. Management explained that in June 2015 the Bank's Country Director wrote to the GoU and UNRA to urge due attention be given the allegations of sexual misconduct. The letter asked the law enforcement and child protection agencies to follow up urgently and reiterated the need to address the compensation and safety issues raised continuously by the community. In July 2015 the Bank and UNRA expanded an action plan prepared in February 2015 to address social and environmental impacts to include child protection measures. This action plan was discussed with members of the Bigodi community in August 2015 but its implementation has been "*slow and unsatisfactory*."¹⁵

21. In October 21, 2015, UNRA issued a Notice to Correct to the Contractor based on "*ongoing and repeated non-compliance with contractual requirements*." The notice mentioned 36 instances of non-compliance related to environmental and social requirements, including the conduct of workers. On October 22, 2015, the Bank suspended the Project "*due to the Borrower's non-compliance with its obligation to carry out the Project in conformity with appropriate environmental and social standards and practices*."

22. Management stated that by November 30, 2015 (the deadline given to the Contractor to correct the instances of non-compliance), the Contractor had addressed only one of the 36 instances fully and another one partially. Subsequently Management took the position with UNRA that the Contractor was unfit to implement the works in a manner that met the Bank's standards. On December 21, 2015, the Bank cancelled the Project. Following cancellation the Bank suspended two other projects¹⁶ and developed a matrix of follow-up actions that were supplementary to the Management Response. According to Management, these included actions to address the claims made in the Request.¹⁷

¹⁵ Management Response, December 2015, p. xi.

¹⁶ Two other projects implemented by UNRA were also suspended: the Albertine Region Sustainable Development Project and the North Eastern Road-Corridor Asset Management Project.

¹⁷ See Uganda Transport Sector Development Project (TSDP), Matrix of Follow-up Actions to Management Response, January 12, 2016.

23. During the Panel's Investigation visit in March-April 2016 the team observed road works were proceeding at a very rapid rate, which in turn was exacerbating some of the problems included in the Request such as construction without adequate compensation and inadequate safety measures on the road. UNRA informed the Panel they were looking at several options to ensure completion of the road with the "*least losses*."

24. In July 2016 Management informed the Panel that the GoU decided to continue with the Contractor considering it "*as the most viable option available (time and cost implications)*."¹⁸ This decision was also "*cognizant of the fact that the Contractor has advanced in a significant way with the works, and has also shown improved performance on the different contractual social and safeguards issues*."¹⁹ Management also informed the Panel that, as of May 2016, of the 36 actions in the Notice to Correct the Contractor was in compliance on 22, in partial compliance on 12, and in non-compliance on two.

25. The main events related to the Uganda TSDP Additional Financing, from Project approval until July 2016, are summarized in the Table below.

Chronology of Events: Uganda TSDP Additional Financing

| | Date | Event |
|---|--------------------|---|
| Phase I (January 2011- December 2014) | June 16, 2011 | Approval of the Additional Financing in the amount of US\$75 million equivalent. |
| | June 11-26, 2014 | Implementation Support Mission. The following concerns were noted: (i) Illegal operation of quarries with no environmental licenses and disregard for basic environmental, health, and safety requirements; (ii) Lack of consultation about land acquisition and compensation for PAPs. |
| | June 30, 2014 | The Supervising Engineer issued a letter to the Contractor suspending earthworks and quarry operations. |
| | August 28, 2014 | With approval from UNRA and without consulting the Bank the Supervising Engineer lifted the suspension on the earthworks on condition that the Contractor complies with the agreed actions. |
| | September 20, 2014 | The Bank received WSS Baseline Report For Awareness and Mitigation of HIV/AIDS, which cited the occurrence of sexual abuse by road workers. |
| Phase II (December 2014-May 2015) | December 17, 2014 | The Request dated December 6, 2014, was received by the Bank's country office on December 17, 2014, and forwarded to the Panel on December 19, 2014. |
| | January 6-9, 2015 | Field visit organized by the Ministry of Finance, Planning and Economic Development (MoFPED) and UNRA. World Bank safeguards specialists participated in the mission as observers. |

¹⁸ Implementation Support Mission of May 16-26, 2016 Aide-Mémoire, World Bank, p. 1.

¹⁹ Ibid.

| | | |
|---|------------------------|--|
| | February 4 and 5, 2015 | Fact Finding Mission to the Bigodi Community. A Bank team led by country office staff and joined by a communications staff from headquarters held meetings with the Bigodi community to ascertain the concerns raised. |
| | April 17-19, 2015 | Spring Meetings briefings prepared for Management provided information about the December 2014 complaint. |
| | April 27, 2015 | JFCU shared case study with the Bank. |
| | April 28, 2015 | The implementation support mission visited Bigodi to follow up on the complaint. |
| Phase III (May 2015 -September 2015) | May 25-28, 2015 | Joint World Bank, JFCU, and UNRA mission. First acknowledgement of child sexual abuse by road workers. |
| | June 5, 2015 | Findings related to the confirmation of child sexual abuse by road workers are conveyed to relevant Bank departments. |
| | June 18, 2015 | Letter sent from the Bank to MoFPED and UNRA urging the GoU to take appropriate actions to address the findings from the May mission. |
| | July 1, 2015 | Letter from the Bank to the Bigodi community informing them of the Bank's concerns and efforts to address them through the appropriate authorities. |
| | August 2015 | The Bank developed the "Action Plan to Address Bigodi and General Community Concerns." |
| | August 25 -28, 2015 | Interim Mission to the Kamwenge-Fort Portal road and meeting with Bigodi Community. |
| Phase IV (September 2015-July 2016) | September 11, 2015 | Inspection Panel received another Complaint letter dated August 28, 2015. |
| | September 28, 2015 | Inspection Panel registered the case. |
| | September 28, 2015 | Letter from the Bank to MoFPED and UNRA expressing grave concern regarding the allegations of child sexual abuse and asking after the actions taken by the GoU to address the issues. |
| | October 1, 2015 | Two child protection consultants hired by the Bank to work on the Project. |
| | October 5-23, 2015 | Implementation Support Mission noted: (i) Two cases of underage pregnancy linked to road workers. (ii) Female employees confirmed sexual harassment at workplace. (iii) Safeguards rating highly unsatisfactory. (iv) Bank noted the Contractor failed to meet its contractual social and environmental obligations. (v) Bank learned that WSS had not been paid for six months, which led to reduced services. |
| | October 21, 2015 | Letter from Supervising Engineer and cleared by UNRA sent to Contractor listing all remedial action needed. |
| | October 22, 2015 | Suspension letter from the Bank sent to MoFPED informing the authorities of the Bank's decision to suspend both the original and the additional financing credits to the Project. |

| | | |
|--|------------------------------|--|
| | November 16-24, 2015 | Social Development Support Mission for the Uganda Country Safeguards Portfolio Review, which included for the first time participation of senior social staff. |
| | November 30, 2015 | Emergency Child Protection Program prepared and discussed with the Ministry of Gender, Labour, and Social Development (MGLSD), and shared with UNRA. |
| | November 30-December 7, 2015 | Transport Sector Senior Management Mission to discuss Project implementation and to reach agreement with key counterparts on a way forward. |
| | December 21, 2015 | World Bank cancelled the Project. |
| | January 27-February 3, 2016 | Technical Mission to address outstanding environmental and social issues related to the Kamwenge-Fort Portal road and to discuss the lifting of the suspension of the Albertine Region Sustainable Development Project and the North Eastern Road-Corridor Asset Management Project. |
| | May 16-26, 2016 | Implementation Support Mission. The Bank contracted the CSO BRAC-Uganda to provide six months of life skills and livelihoods training to girls in the Busiriba County, which included the Bigodi community. |

D. The Panel's Investigation Process

26. **The Panel's Recommendation to Investigate.** The Panel made its determination on eligibility after reviewing the Request and the Management Response, and visiting the Project area in December 2015. On January 8, 2016, the Panel submitted its Report and Recommendation to the Bank's Board of Executive Directors confirming the eligibility of the Request for Inspection and recommending an investigation. The Board approved this recommendation on January 29, 2016. The Request, the Response, and the Panel's Report and Recommendation were made public shortly after the Board's approval and can be accessed on the Panel's website.²⁰ On February 1, 2016, the Panel published its Investigation Plan.²¹

27. Consistent with its mandate the Panel investigated the issues raised in the Request relating to the Bank's operational policies and procedures, with a focus on harm arising from instances of non-compliance.

28. The Panel's investigation team was led by Panel Member Zeinab Elbakri and included Senior Operations Officer Serge Selwan, Operations Officer Tamara Milsztajn, and four expert consultants: Richard Fuggle (environmental assessment specialist), Christopher McDowell (anthropologist specialized in involuntary resettlement), Jennifer McCleary-Sills (public health

²⁰ Inspection Panel Report and Recommendation on a Request for Inspection, Uganda: Transport Sector Development Project Additional Financing, January 8, 2016. Available at: <http://ewebapps.worldbank.org/apps/ip/PanelCases/98-Inspection%20Panel%20Report%20and%20Recommendation.pdf>.

²¹ Available at: <http://ewebapps.worldbank.org/apps/ip/PanelCases/98-Investigation%20Plan.pdf>.

expert specialized in gender-based violence and child protection), and Stella Mukasa (lawyer specialized in gender-based violence and child protection).²²

29. The Investigation assessed whether the Bank complied with the following of its Operational Policies and Procedures:

- Environmental Assessment (OP/BP 4.01),
- Involuntary Resettlement (OP/BP 4.12),
- Gender and Development (OP/BP 4.20),
- Project Appraisal (OMS 2.20),²³ and
- The supervision provisions of Investment Project Financing (OP/BP 10.00).

E. Focus, Design, and Methodology of the Investigation

30. The Investigation used several methods to gather the requisite information and data and included extensive examination of documentation obtained in both Washington and Uganda, a field visit and meetings with all stakeholders, and additional fact-finding through Bank staff interviews. A total of 22 staff interviews were carried out.

31. The field visit to Uganda took place from March 28 to April 7, 2016. In Kampala the investigation team met with UNRA, the Ministry of Works and Transport, the Ministry of Gender, Labour, and Social Development, the Chief Government Valuer, SURVECO (the resettlement consulting firm hired by UNRA), WSS Services Ltd. (HIV/AIDS service provider hired by the Contractor), JFCU, Gauff Ingenieure GmbH & Co. KG (the Supervising Engineer), Air, Water, Earth Ltd (the consulting firm hired to prepare the environmental and social assessments), First Insurance Company Limited (the company hired by the Contractor to provide workers' insurance), and staff in the World Bank's Country Office. The team also met with representatives of the AfDB and the United Kingdom Department for International Development.

32. Along the Kamwenge-Fort Portal road the team met with the Requesters and their representatives, members of the Grievance Redress Committee (GRC),²⁴ other affected community members, road construction workers, the child probation officer, the Kamwenge Regional Administration and staff from UNRA, China Railways Seventh Group, Gauff Supervising Engineer, WSS, Bigodi Health Clinic, Bigodi Police, and Bigodi and Rwengobe Schools.

33. The Panel traveled along the road several times in an effort to ascertain issues regarding construction impacts, including access and impacts of resettlement. The Panel conducted extensive

²² See Annex 3 for the biographies of the Panel Members and expert consultants.

²³ Operational Manual Statement 2.20 (OMS 2.20) on Project Appraisal was the policy in effect during this project's design and appraisal phase. OMS 2.20 was retired and replaced by the Investment Project Financing Policy (OP/BP 10.00) in April 2013.

²⁴ The Grievance Redress Committee (GRC) is an organized committee created by the community in the context of the road construction. It collects grievances and shares them with the Contractor and Supervising Engineer. It was not constituted by the Project and is not supported by it.

interviews and focus group discussions (FGD)²⁵ in different areas and villages along the road. Many of the interviews and meetings were conducted in people's houses to gain a better sense of the Project's resettlement impacts and to ensure a setting conducive to meaningful conversations.

34. The community-based investigation took special caution to avoid creating more harm and followed "*ethical principles governing human subjects*," namely, respect for persons, justice, and beneficence.²⁶ The Panel sought individual consent from community members for photographs to be taken. Particularly during the investigation of sexual and gender-based harm and all harm related to children the Panel was guided by global good practice for conducting research on violence against women.²⁷ This guidance prioritizes safety, anonymity, confidentiality, and protection from re-traumatization and stigmatization. More details on methodology are provided in Chapter 4.

35. This Report is structured in six chapters:

- Chapter 1 (this chapter) introduces the Report and briefly summarizes the Project and its context. It presents the issues raised in the Request and the Management Response, outlines the Panel's Investigation process and explains the design and focus of the Investigation, including the methodology utilized.
- Chapter 2 addresses issues of institutional capacity and stakeholder consultation. It also discusses issues related to construction impacts, road and occupational health and safety, and the supervision of the above issues.
- Chapter 3 reviews the claims related to involuntary resettlement. It examines the process of identifying PAPs, including data collection and valuation of assets, the mechanisms for compensation and supervision of RAP implementation, and the availability of grievance redress mechanisms.
- Chapter 4 reviews claims related to gender-based violence and child protection. Specifically, the chapter addresses the issues related to sex with minors and teenage pregnancies, increase of sex work, sexual harassment, the spread of STIs, child labor, and school dropouts.
- Chapter 5 discusses the World Bank's response and remedial measures undertaken since December 2014 when the first Request letter was sent to the Bank and the Panel.
- Chapter 6 presents the Panel's conclusions.

²⁵ Focus groups constitute a qualitative research method that entails a group of seven to 10 interacting individuals having some common characteristics, brought together by a moderator who uses the group and its interaction to collect data about a specific issue.

²⁶ National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Bethesda, MD (1978). The Belmont report: Ethical principles and guidelines for the protection of human subjects of research, available at: <http://www.hhs.gov/ohrp/regulations-and-policy/belmont-report/>.

²⁷ Ellsberg, M., Heise, L., & Shrader, E. (1999). Researching violence against women: A practical guide for researchers and advocates. *World Health Organization, Center for Health and Gender Equity: Washington, DC*.

Chapter 2: Institutional Capacity, Consultations, and Construction Impacts

A. Introduction

36. The upgrade of the existing 66 km road from Kamwenge to Fort Portal aims to improve traffic by widening the road, realigning parts (horizontally or vertically), enhancing drainage, and raising it from gravel to bituminous standard. This chapter examines the Bank's assessment of the institutional capacity of the implementing agency and the measures proposed to strengthen its capacity. It analyzes the consultation process with Project-affected communities, and the various construction impacts and related human health and safety concerns. It also discusses the Project's supervision of the above issues and remedial actions taken.

B. Institutional Analysis and Capacity Assessment

37. **The Request** stated that the Requesters “*appreciate and recognize such socio-economic infrastructure*” but that duties and responsibilities during Project implementation should be performed appropriately. They mentioned that they have raised their concerns with UNRA officials but have not received a response that addresses their needs. They “*appeal*” to the Inspection Panel to use “*all the expertise to discover all these unlawful practices and bring them to the attention of relevant authorities for redress.*”²⁸

38. **The Management Response** noted that Project preparation and implementation supervision failed to assess and make provision for UNRA's weak capacity.²⁹ It conceded that the “*Bank placed emphasis on UNRA's weaknesses in terms of handling procurement and technical aspects, and much less on its ability to handle broader development issues in Project implementation.*” Management further acknowledged “*over the course of the Project, Bank supervision failed to respond effectively to signs of increasing deterioration in UNRA's institutional capacity, which had further adverse impacts on conduct of Project implementation, including oversight of the Supervising Engineer and Contractor.*” Management added that UNRA is in the midst of “*an institutional restructuring and has reduced its staff substantially.*”³⁰

39. **Bank Policy** OP 4.01 on Environmental Assessment (EA) requires that an EA take into account institutional capabilities related to the environment and social aspects.³¹ Moreover, when a Borrower has inadequate capacity to carry out key EA-related functions, including monitoring of environmental aspects and management of mitigation measures, the project needs to include components to strengthen that capacity.³²

40. The Bank Operational Manual Statement (OMS) 2.20 requires that appraisal cover the entities that will implement and operate the project.³³ It outlines that appraisal of institutional

²⁸ Request for Inspection, document dated August 21, 2015, para. 19, pp. 5-6.

²⁹ A TSDP Implementation Support Mission in late November and early December upgraded the performance on “*addressing compensation payment delays*” from “*unsatisfactory*” to “*Moderately Unsatisfactory.*”

³⁰ Management Response, para. 19, p. 5.

³¹ OP 4.01, para. 3.

³² Ibid., para. 13.

³³ OMS 2.20, para. 7.

aspects needs to include “*project management and organizational arrangements, indicating (a) the responsibilities, authority and accountability of the implementing agency; (b) the role of other entities involved and the provisions for adequate cooperation; and (c) the workload, staffing levels and other resources required and the adequacy of incentives to assure their efficient utilization.*”³⁴

41. **Panel Observations and Analysis.** The Kamwenge to Fort Portal road upgrade is one of the five components of the Uganda Transport Sector Development Project–Additional Financing³⁵ and is being implemented by UNRA. The civil works contract was awarded to the China Railways Seventh Group, and Gauff Ingenieure GmbH & Co. KG was recruited by UNRA as the supervising engineer (“Supervising Engineer”) to oversee and report on the Contractor’s construction works and related activities, including the Project’s occupational health and safety.

42. The fifth component of the Project is specifically devoted to “*strengthening the capacity of the Uganda National Roads Authority (UNRA) to serve as a project implementing unit.*”³⁶ UNRA became operational in 2008 and with the support of many international donors it soon started receiving substantial financial and technical assistance and implementing many projects. According to Management, when the complaints about the Project were presented UNRA was in the midst of an institutional restructuring that reduced its staff significantly. It was also undergoing an investigation by authorities in Uganda into allegations of fraud and corruption.

43. The Project Appraisal Document (PAD) states that UNRA has broad experience with road improvements, adequate policies, and institutional framework for managing environmental aspects of road sector development. It adds that “*the implementation of both environmental and social safeguards, however, needs improvement*” and that UNRA’s “*adherence to environmental and social policies and guidelines in the past and ongoing projects has been sporadic, and the quality of environmental management is generally of poor quality.*”³⁷

44. The Project Paper for the Additional Financing identifies UNRA’s weak capacity as a risk. It states “*relevant environmental regulations and policies are largely in place but not adequately implemented. Capacity of the implementing agency for environmental management, including supervision of implementation of planned environmental mitigation measures is lacking.*” The Project Paper proposes that UNRA continues receiving capacity strengthening assistance, since its capacity “*to supervise major civil works contracts is highly constrained.*”³⁸ During its visit the Panel noted the general limited expertise of the Contractor, the Supervising Engineer, and UNRA in social and environmental issues.

45. The Panel notes that although the PAD and the Project Paper for the Additional Financing referred to UNRA’s weak institutional capacity, especially regarding the implementation of environmental and social measures, neither the 2008 ESIA nor the 2011 ESIS discuss or analyze UNRA’s capacity to carry out the responsibilities entrusted to it. The supervision documents

³⁴ Ibid., para. 33.

³⁵ Component A. Project Paper on a Proposed Additional Credit to the Republic of Uganda for a Transport Sector Development Project, May 14, 2011.

³⁶ Project Appraisal Document, November 12, 2009, and Project Paper on Additional credit, May 14, 2011.

³⁷ Project Appraisal Document, November 2009, Annex 10: Safeguards Policy Issues, para. 8, p. 86.

³⁸ Project Paper, May 2011, para. 16, p. 4.

recording the interactions between Bank staff and Ugandan authorities repeatedly stressed the need for technical assistance and strengthening of UNRA's capacity.³⁹ However, details of UNRA's specific shortcomings and the fields of expertise that require strengthening are more focused on procurement, project management, and communications. The supervision documents neither included critical appraisal of whether the technical assistance provided to UNRA was improving the unit's capacity nor an appreciation of UNRA's need for expertise in environment and social management. UNRA's shortcomings in these fields appears to have been addressed only following the Request.⁴⁰

46. In October 2013 a Bank mission reported that UNRA and the Supervising Engineer needed to recruit an assistant sociologist and an assistant environmentalist to ensure compliance with social and environmental safeguards under the contract. Bank missions have further commented on the need for UNRA to hire a compensation service provider to manage and expedite compensation of all PAPs.

47. The Panel notes that no serious assessment was made of UNRA's capacity to undertake the required environmental and social monitoring or evaluation of the effectiveness of the mitigation measures in the ESIA and ESIS documents. As a result, the technical assistance and capacity enhancement component of the Project made negligible input to the Kamwenge-Fort Portal component and was unable to address the road upgrade's environmental and social shortcomings.

48. **Compliance Finding.** The Panel notes that an adequate assessment of UNRA's capacity regarding environmental and social aspects was not conducted and, as a consequence, this led the technical assistance and capacity enhancement component of the Project to focus primarily on procurement. This resulted in negligible input to addressing the environmental and social risks of the Project. The Panel observes that had the capacity concerns been addressed more comprehensively the Project could have ensured proper implementation and better supervision of social and environmental issues, as well as timely and adequate reaction to early warning signals of problems.

49. The Panel also notes that between the time the Contractor took possession of the site in July 2013 and March 2016 the Project has been behind schedule. From its review of the Supervising Engineer's monthly reports as well as from its interaction with the parties, the Panel observed poor Project governance, tension and lack of collaboration among UNRA, the Supervising Engineer, and the Contractor.

50. **The Panel finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment due to the lack of effective institutional strengthening measures for UNRA's weak capacity in carrying out key environmental and social functions. The Panel further finds Management in non-compliance with OMS 2.20 on Project Appraisal, for not having properly assessed the provisions for adequate cooperation between all entities involved in Project implementation.**

³⁹ World Bank Aide-Mémoire for missions of February 9-20, 2009, §16; April 22 to May 10, 2013 §6; June 11 to 26, 2014 §7, and November 17-December 5, 2014, §4.

⁴⁰ Interviews with Bank staff, April 2016.

C. Community Consultations

51. **The Request** stated that community members were “*never consulted on any matters affecting the community in relation to the project.*” The Requesters alleged that no community meetings were held and their concerns “*have not been addressed despite [their] pleas.*”⁴¹ They also believed “*the affected are shunned whenever they raise their issues.*” They stated that only “*compromised*” community representatives are invited to meetings. Thus their attempts to raise their concerns with officials from UNRA and the World Bank have not led to a response that addressed their needs and “*the abuses continue.*”⁴²

52. **The Management Response** stated that for the 2008 ESIA preparation more than 50 community meetings and focus group discussions were carried out in the affected villages throughout the four districts of the Project. It added that no additional consultations were undertaken as part of the 2011 ESIS, apart from revisiting stakeholders whose concerns were indicated as inadequately addressed in the review of the 2008 ESIA report.⁴³ The Management Response further stated that, during the preparation of the 2011 RAP, consultations took place with Project-affected people and district officers “*to provide opportunity for people to know about Project opportunities and implications for them and their assets.*”⁴⁴

53. The Management Response indicated that since the Bank received complaints from the Bigodi community in December 2014 six consultations were held between January and October 2015. Each consultation included several meetings with the district leadership, the local police, health facilities, schools, as well as organized focus group discussions with communities along the Project road. These consultations were undertaken “*with the goal of addressing the compensation issues as well as the grave social issues raised in the complaint.*” Management further indicated that in October 2015, in order to ensure inclusive community representation, mobilization took place through announcements in a community newspaper, on local radio in the local language, and via a vehicle with a loudspeaker.⁴⁵

54. **Bank Policy** OP 4.01 on Environmental Assessment requires that for Category B projects (such as the present one) “*the Borrower consults project-affected groups and local nongovernmental organizations (NGOs) about the project's environmental aspects and takes their views into account*” during the EA process. Consultations need to occur as early as possible.⁴⁶ The Policy also requires that for meaningful consultations relevant material needs to be provided in a timely manner prior to consultation and in a form and language that are understandable and accessible to the groups being consulted.⁴⁷ It further requires the Bank to review any relevant EA the Borrower may have prepared prior to Bank engagement for consistency with Bank Policy. In

⁴¹ Request for Inspection, document dated December 6, 2014, para. 1, p. 1.

⁴² Request for Inspection, document dated August 21, 2015, para. 19, p. 5.

⁴³ *Viz.*, Makerere University Biological Field Station (MUBFS), Kibale National Park; IUCN; WWF; Nature Uganda, and Conservation nongovernmental organizations (NGOs) involved with Bigodi Wetlands.

⁴⁴ Management Response, Annex 2 §22.

⁴⁵ *Ibid.*

⁴⁶ OP 4.01, Environmental Assessment, para. 14.

⁴⁷ *Ibid.*, para. 15.

some cases the project may require additional EA work including public consultation and disclosure.⁴⁸

55. **Panel Observations and Analysis.** The Panel reviewed the consultation processes for both the ESIA and the ESIS.⁴⁹ The Panel notes that during the preparation of the 2008 ESIA a plan for stakeholder meetings was developed and 48 community meetings involving some 1,400 people were held using local languages (Luganda, Runyankore, and Rutoro).⁵⁰ The Panel also notes that in 2011, during the review and update of the 2008 ESIA which was submitted as the 2011 ESIS, no community-specific consultations were held although more than two years had elapsed since the 2008 ESIA consultations. Only consultations with Government authorities and selected environmental non-governmental organizations were undertaken.⁵¹

56. The Panel therefore observes that the environmental assessment process was based on weak stakeholder engagement, given that no community consultations took place during the updating of the ESIA into the ESIS and no consultations were undertaken during early Project implementation, in effect resulting in a five-year gap between the community consultations in 2008 and the start of construction in 2013. The Panel further observes (as noted in Chapters 3 and 4) that the Requesters' claims relate directly to absent or poor community participation. As elaborated throughout this report, weak community participation and lack of sensitization and preparation of the community to face the Project's potential social risks (especially to women and children) have resulted in adverse impacts on the community.

57. The Panel notes that continuous and meaningful consultations with communities during project design and implementation provide crucial information on potential impacts and provide a basis for the design of adequate mitigation measures. The Panel also notes, as stated in the Management Response, that following the Requesters' December 2014 letter the Bank conducted further missions (between January and October 2015) to consult with the community.⁵²

58. **Compliance Findings.** The Panel notes that while updating the 2008 ESIA into the 2011 ESIS no consultations with community members were undertaken even though the interval between these documents exceeded two years. Furthermore, consultations and participation during implementation was weak until Management received the complaint in December 2014. The Panel considers that early and ongoing consultations with community members would have raised sufficient warning signals to address the problems raised in the Request.

⁴⁸ Ibid., para. 5.

⁴⁹ CES India Private Limited/KOM Consult prepared the 2008 ESIA and AWE Environmental Engineers prepared the Environmental & Social Impact Statement (ESIS) Of Upgrading Kamwenge–Fort Portal Road (66.2 Km) To Bituminous Standards, June 2011.

⁵⁰ During 2007 and 2008, a total of 56 stakeholder meetings were held along the Nyakahita-Ibanda-Fort portal road, of which eight meetings included district and sub-county officials. All of the community meetings were held using local languages: Luganda, Runyankore, and Rutoro. Table 12 of the ESIS shows that community meetings were held in the villages of Katentebere, Ihani A, Bukabya, Bukwali, Kiko Kigarama, Kanyambeho A, Rweteera, Kasis, Rushenyi, and Rurama in the Kabarole district. Further meetings took place in the Kamwenge district and in the villages of Kyakanyemera, Rukunyu, Kahunge, Rugonjo, Bunyonyi, Bigaga 1, Busingye, Bigodi, Nyarurambi A, Nyamabare, Rwenjaza A, Rwenjaza, Kankyende, Masuli, Bugarama, and Lushaka.

⁵¹ ESIS, Appendix 9.

⁵² Management Response, Annex 2 §22.

59. **The Panel finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment for not ensuring consultations with Project-affected communities in the updating of the environmental and social impact assessment despite the interval between the 2008 ESIA and its update in 2011. Furthermore, the Panel finds that Management did not ensure consultations throughout Project implementation until receipt of the Request for Inspection in December 2014, in non-compliance with OP/BP 4.01 on Environmental Assessment.**

D. Construction Impacts on the Community, Including Human Health and Safety

60. The Requesters raised concerns about different types of impacts resulting from construction activities. These include (i) the lack of adequate access points between the road and houses or businesses and the repositioning of electric lines over or in close proximity to houses; (ii) the inappropriate water discharge from roadside drains (and its impact on community wells, springs, and houses), and (iii) the damage to buildings from quarry activities. They also raised concerns relating to the wellbeing and safety of community members and workers, including (i) occupational health and safety; (ii) road safety; (iii) compensation for accident victims; (iv) workers' wages and working conditions, and (v) the lack of a workers' camp. These concerns are analyzed below.

D.1. Access to the Road and Repositioning of Electric Lines

61. **The Request** alleged the Contractor failed to provide adequate access to the road. It asserted that roadside cuts or embankments are too steep for children to use and impede their access to school.⁵³ The Requesters claimed that some production centers (e.g. nurseries, tourist trails, and roadside workshops) have been denied access to the road. The Request further alleged that the road construction caused the electric lines to be moved above houses and commercial buildings in the trading centers of Bigodi and Nkingo and in Kamwenge town⁵⁴ affecting property values and rendering houses unfit for habitation.⁵⁵

62. **The Management Response** acknowledged that road access has been an issue of which Management was aware, adding that the situation improved significantly between May and August 2015. Nevertheless, it noted, *"there appears still to be a need for service access road provisions, especially for people where drains have been installed, and those affected by road embankments."*⁵⁶ Management also acknowledged that the electric lines in Bigodi and Kahunge were moved to accommodate road works and as a result ran above inhabited structures, creating a safety risk. Management stated it has asked UNRA to engage the Uganda Electricity Authority to undertake remedial action to ensure public safety.⁵⁷

⁵³ Request for Inspection, document dated August 21, 2015, para. 16, p. 5.

⁵⁴ Request for Inspection, document dated August 21, 2015, para. 13, pp. 4-5.

⁵⁵ Ibid., para. 14, p. 5.

⁵⁶ Management Response, Annex 2 §19.

⁵⁷ Ibid. §16.

63. **Panel Observations and Analysis.** The upgraded road in rural areas comprises two three-meter (m) lanes forming a six-meter-wide carriageway⁵⁸ and 1.5m shoulders on either side of the carriageway resulting in a roadway of nine meters. The roadway together with any drainage⁵⁹ infrastructure is set within a road reserve of 30m.⁶⁰ When passing through trading centers and urban areas the carriage way remains six meters with the shoulders widened to two meters.⁶¹ In such areas the roadway and associated drainage structures⁶² are in a road reserve reduced to 20m.⁶³ For the 13km section of road through the Kibale National Park the total width of the carriageway, shoulder, and drainage infrastructure is intended to be “*limited to the current road dimensions.*”⁶⁴

64. The detailed engineering drawings provided to the Panel team are dated between March and June 2014.⁶⁵ The drawings show the right-of-way, details of the carriageway, parking bays, bus bays, kerbs and channels, provision for access to minor roads, and buildings within the right-of-way. The drawings show a road reserve of 30m with no reduction in width for trading centers. They also show access for intersecting roads but not for commercial or domestic buildings. Based on the drawings the Panel notes the inadequate provision of appropriate access to the main road for roadside properties.

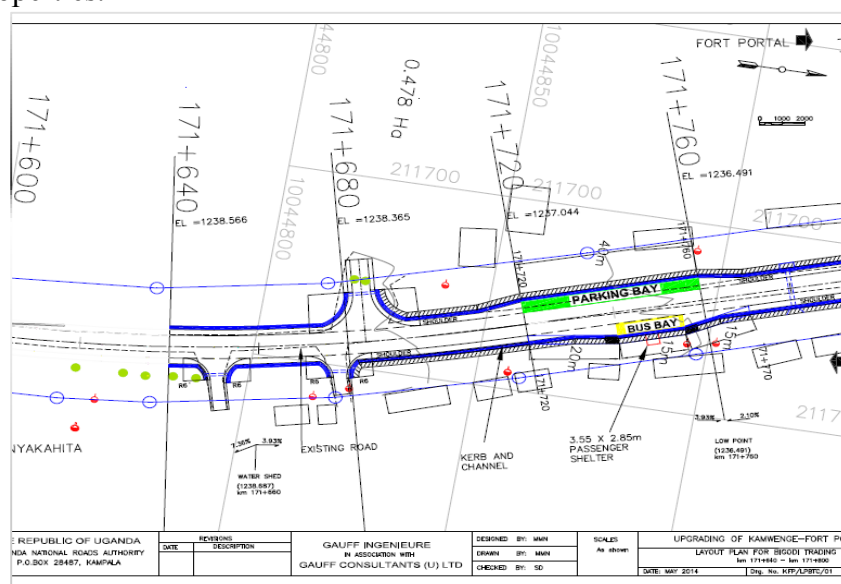


Figure 2.1: Illustrative Portion of Engineering Drawing for Bigodi Trading Center

65. During its visit the Panel team confirmed a range of outstanding issues relating to construction impacts with livelihood implications for PAPs, who incurred losses resulting from the failure to provide safe access to commercial properties and community-based facilities, such as tourist trails and seedling nurseries. This finding raises wider questions about the provision of

⁵⁸ In eight locations additional climbing lanes for heavy-duty vehicles are being provided. See ESIS, Table 2.1.

⁵⁹ Line-drains will be stone-pitched in cuts and in urban areas. See ESIS, §2.4.1.

⁶⁰ Road reserve usually refers to land already acquired for current road use and for future road upgrade or expansion.

⁶¹ The Special Provisions contained in A3.1 (b) of the Contract for Works make no provision for a two-meter shoulder.

⁶² In urban sections of the road covered concrete drains will be used. See ESIS, §2.3.5.

⁶³ ESIS, §2.3.

⁶⁴ Ibid. p. xiv.

⁶⁵ These drawings vary in horizontal scale, approximately 1:500 for rural areas and 1:250 for trading centers.

compensation for loss of business and employment.⁶⁶ In addition the Panel heard complaints about blocked accesses to churches and schools. The Panel's visit also revealed signs of possible construction damage from vibration which, however, requires examination and confirmation by structural engineers.

66. This loss of access was caused either by deep, unbridged roadside drains or by steep embankments preventing safe (if any) passage between the road and adjacent properties.⁶⁷ The Panel observed that in some instances access was provided through structures that bridged the nearby drain. Often, however, such structures were too narrow and in other cases the embankment above the drain was too steep to permit vehicle access to the affected properties. The Panel team also observed that some roadside properties have either filled the drains with rubble and murrum⁶⁸ or dug points of access through embankments to provide informal access.



Figure 2.2: Informal access to road across deep, stone-faced drain (left) and dangerous access to occupied properties (right)⁶⁹

67. The Panel notes the lack of access, among other factors, has heightened the risk of accidents, which will likely remain until road works are completed and full access is restored. During its visit the Panel team met a young boy who had recently fallen while trying to cross a temporary bridge providing access to his home, and needed medical treatment for a swollen leg. The Panel team reported the incident to the Contractor who sent a nurse to provide treatment. The Panel considers that lack of access requires urgent and prompt attention.⁷⁰

⁶⁶ Resettlement Action Plan (January 2011) 6.3.1.4 and 6.3.1.5. p. 47, AWE Engineers, Kampala.

⁶⁷ Small enterprises requiring heavy vehicle access to collect or deliver merchandise, such as brick-makers and grain millers, reported to the Panel that their livelihoods have been severely affected.

⁶⁸ A form of laterite (clayey material) used for road building in tropical Africa.

⁶⁹ Verbal consent was given for the use of the photographs included in this report.

⁷⁰ The Panel agrees with Management that this issue is a priority for attention by UNRA, the Contractor, and the Supervising Engineer. See Joint Action Plan To Address Outstanding Environmental And Social Issues (October 2015), §12 of Annex 4 to Management Response.

68. The Panel also notes that on October 21, 2015, based on the Contractor's "*ongoing and repeated noncompliance with contractual requirements*,"⁷¹ UNRA issued a Notice to Correct to the Contractor. Among the 36 cited instances of non-compliance with contractual provisions was the failure to assess and repair damage caused by construction work to people's homes and business premises, or to resolve the continued blockage of access to properties and community facilities and inundation by storm water resulting from poor culvert and channel construction. The Management Response reported that by November 30, 2015 (the deadline to correct), the Contractor had failed to address these instances of non-compliance and Management took the position with UNRA that the Contractor was unfit to implement the works in a manner meeting the Bank's standards.⁷²

69. During its visit the Panel team was informed on site by the Contractor that many access points were either not there originally, or were not visible and not reported to them. They added that they were only required to provide access points as shown on the engineering drawings, stating they would provide additional access points to houses only if authorized to do so by UNRA's resident engineer. The Panel team met with UNRA's newly appointed resident engineer who explained that his principle tasks are to liaise with the Contractor, work with the sociologists employed by the Supervising Engineer to ensure environmental and social compliance, and resolve the issues raised by the community including those in the Request. The Panel reiterates that loss of access due to road construction led to adverse impacts on the livelihoods of the Project-affected people and the community.



Figure 2.3: Elderly woman without road access due to construction

70. With regard to the repositioning of electric lines the Panel's expert notes it is common and good practice for both medium- and low-voltage power lines to be located within road reserves.

⁷¹ Management Response, para. 16, p. 5.

⁷² Management Response, para. 6, p. 2.

The Panel's expert considers that any power lines moved outside the road reserve should be repositioned in the road reserve. Management acknowledged that this had not been addressed by November 2015. During its field visit in April 2016 the Panel observed that this issue was still not fully addressed.

D.2. Community Wells and Springs, and Water Discharge from Roadside Drains

71. **The Request** did not clearly mention the issue of damage to property or wells from roadside drainage and uncontrolled water runoff. Community members, however, raised these matters during the Panel's visits and Management recorded them as a topic brought to its attention that needed to be addressed. The Requesters also raised concerns regarding contamination of some community water sources.

72. **The Management Response** recorded that during a site visit in October 2015⁷³ complaints were received regarding *"outfall channels directing water into people's houses."*⁷⁴ A similar issue includes runoff of water from the road during construction, for which the proposed solution is to *"ensure that contractor does not dig up the road and cause runoff water to drain into peoples' lands, houses and business premises."*⁷⁵ Management noted that this issue was also addressed during Bank missions.

73. **Panel Observations and Analysis.** The Panel observes that the engineering drawings do not detail road drainage or how and where runoff from the roadway will be channeled. These drawings are limited to activities that occur within the right-of-way. From the drawings and its interactions with the Contractor and the Supervising Engineer, the Panel team noted that road drainage has only been considered from the perspective of ensuring pavement integrity and that the consequences of how and where runoff water is discharged has received practically no attention.



Figure 2.4: Inappropriate location for discharge from covered roadside drain

⁷³ World Bank Aide-Mémoire for missions of June 11-26, 2014, §36, p. 11, and October 2015, Annex 2 §12.

⁷⁴ Management Response, Annex 2 §5 and §11.

⁷⁵ Management Response, Annex 4 §12.

74. The Panel team saw three community water sources that the Requesters claim have been adversely affected by the road construction: (i) a spring and distribution network allegedly suffering decreased water flow; (ii) a well polluted by contaminated runoff, and (iii) a well completely filled with sediment washed from an unconsolidated embankment. The Panel team also interviewed a commercial fishpond owner whose fishpond has been contaminated with runoff and sediment from the road, causing a loss of livelihood from this source. In all these cases the Panel notes there is evidence that road construction has affected the water sources and therefore PAPs' livelihoods.

75. In the case of the purported decreased spring discharge, the Panel team was unable to verify that water flow has been reduced or that the community has suffered harm, given that the road was realigned to avoid the spring and associated infrastructure. The Panel team found that water in one well was no longer potable at the time of the visit, as a stone-lined channel from the road directs road runoff in such a way that it enters the well. The Panel team found that the other well is no longer visible as it has been completely covered with sediment from the nearby unconsolidated embankment. In these instances the Panel notes that the Project has caused harm to the households formerly reliant on these wells for water.



Figure 2.5: Well contaminated by runoff that no longer provides potable water (left) and site of well covered by sediment from embankment erosion (right)

76. The 2011 ESIS clearly notes the Project's potential for harming community water supplies. The ESIS states "*availability of safe drinking water is a major challenge in communities along the road, characterized by long travel distances to springs or protected wells The main safe water sources include shallow wells, boreholes, gravity flow schemes, protected springs and valley tanks. Other sources used by communities include rivers/streams, rain water harvesting and surface ponds.*"⁷⁶

77. The ESIS further elaborates that application of good engineering practices in design and construction should ensure that road upgrade works do not affect water sources. It identifies the most likely source of watercourse contamination as loose soil washing into rivers and streams

⁷⁶ ESIS, §5.9.10.

during construction of drainage structures and bridges. It adds that this impact is not expected to be serious but, if considerable contamination is likely, the Engineer must instruct the Contractor to construct silt traps to avoid sediment entrainment in water.⁷⁷ The Executive Summary of the 2011 ESIS stipulates “*the contractor should ensure that alternative water sources are availed to the community before construction works begin.*”⁷⁸

78. No mention of the Project’s impact on water sources has been found in pre-2015 mission documents. However, once recognized, the problem was taken up in the Action Plan of the August 2015 mission, which required the Contractor not to dig up the road and cause runoff water to drain into peoples’ lands, houses and business premises.⁷⁹ Two months later a supervision mission recorded that “*although there were on-going assessments, the drainage continues to affect houses and water sources. If not attended to in time, this issue may result in additional compensation and damages (...). Remedial action on drainage and water sources is urgently needed by November 30, 2015 along the road to reduce possible impacts that include destruction of property, gardens and community water resources.*”⁸⁰

79. The Panel notes that the damage from water runoff and drainage are directly related to the road upgrading and that PAPs have suffered harm as a result. Drainage and runoff water contaminated at least three water sources, flooded houses, covered agricultural land in sediment, and eroded embankments. This affected PAPs’ livelihoods where significant portions of productive land were affected. According to the Panel’s expert properly engineered drains, stone-faced or covered as appropriate, could carry runoff away from built-up areas and slopes prone to erosion, and could prevent problems from water discharge worsening over time.

80. The 2011 ESIS recognized the potential for harm from erosion of embankments and associated siltations. As a mitigation measure it required the Contractor to “*re-grass all embankments to avoid erosion and siltation of storm-water drains.*”⁸¹ It also required good engineering practices in design and construction to ensure that water sources are not affected by road upgrade works and that the Engineer “*instruct the contractor to construct silt traps to avoid sediment entrainment in water.*”⁸²

81. The Panel notes the Contractor submitted a draft ESMP to the Supervising Engineer in June 2014, more than a year after start of construction. The Bank received the finalized ESMP from UNRA on July 20, 2015, about two years after construction started. The Panel observes that the recommended mitigation measures were not implemented at the time of the Panel’s Investigation visit: good engineering practices were not applied in design and construction, storm water was not channeled away from habitations, embankments were not grassed, and siltation traps were not constructed.

⁷⁷ Ibid. §7.2.2.6.

⁷⁸ Ibid. §20.

⁷⁹ BTOR for August mission, September 2015, Annex 2 Action Plan §12.

⁸⁰ World Bank Aide-Mémoire for mission of October 5-23, 2015, para. 15, p. 5.

⁸¹ ESIS, §7.2.2.16.

⁸² Ibid.

D.3. Impacts of Quarry Activities

82. **The Request** alleged that, at a quarry site and along the road, blasts and vibrations caused buildings to crack and that homeowners were not adequately compensated. Community members claimed that stones flying or rolling from blasting at the Busimba quarry have damaged several residents' homes and completely destroyed one house. The Request indicated some form of monetary settlement was offered to affected households, who were required to “*either accept what has been provided or (...) accept loss.*”

83. **The Management Response** indicated that the Bank has given some attention to the complaints regarding the opening and closure of the unauthorized Busimba-Bigodi quarry.⁸³ It stated that the Level 1 Local Council (LC1)⁸⁴ Chairperson of Busimba Village followed up on compensation for the quarry. Accordingly the LC1 Chairperson consistently stated in mission meetings that all affected people have been compensated, and confirmed this in writing to the Contractor on October 30, 2015. Management added that crushing of stones is now being undertaken at Kamwenge quarry/crusher, though the community still complains about dust from the quarry. Management further added that “*blasting protocol following warning requirements is reportedly observed though the community claims not to be given adequate warning time prior to stone blasts.*”⁸⁵

84. **Panel Observations and Analysis.** During its visit to the Busimba-Bigodi Quarry site the Panel was shown the damage caused to the roofs of four houses in the quarry vicinity by rocks ejected from the quarry during blasting operations. The Panel team was also shown the site of the wattle and daub⁸⁶ house severely damaged by a large boulder that rolled down a hill due to blasting in the quarry. Furthermore the team was shown cracks in houses that homeowners attribute to the opening of the quarry, as well as a spring at a 400-m distance from the quarry site that allegedly is flowing less since the quarry opened. A homestead and parcels of agricultural land flooded and affected by fine sediment washed from the quarry site were also visited.

85. Some affected households informed the Panel that they accepted the amounts offered by the Contractor “*in fear of losing it all.*” The Panel notes that PAPs affected by quarry operations claim the amounts paid in compensation for the damage incurred were inadequate. This was the case where a household's photovoltaic panel had been smashed. It was also the case at another house where an ejected boulder passed through a roof, ceiling, and bed but compensation was only sufficient to repair the roof (Figure 2.6).

⁸³ Management Response, Annex 2 §13.

⁸⁴ In Uganda Level 1 Local Councils (LC1) are the lowest – village – tier of local administration.

⁸⁵ Management Response, Annex 4 §11.

⁸⁶ Wattle and daub is a composite building material used for walls. It is composed of a woven lattice of wooden strips called wattle, which is daubed with sticky material (usually a combination of wet soil, clay, animal dung, and straw). Wattle and daub has been used for thousands of years in many parts of the world.



Figure 2.6: Roof repair (left) and unrepaired ceiling (right), both damaged by flying rock from the Busima-Bigodi quarry

86. The 2011 ESIS extensively documented the potential risks from stone quarrying.⁸⁷ It clearly stated that “road construction entails occupational hazards/risks and accidents especially (...) stone quarries.” The 2011 ESIS draws attention to “fly [sic] rock which damages crops, dwellings/structures or injures people and livestock.” To control this risk it requires that after each blasting incident, an inspection be conducted in communities around quarry sites to identify any damage to private property, which should be duly and equitably compensated.

87. The Panel notes a Bank supervision mission visited the site in October 2013 and observed several instances of non-compliance with environmental and social obligations including the Contractor’s opening of the stone quarry without the necessary clearance from the National Environment Management Agency (NEMA).⁸⁸ On July 1, 2014, the Supervising Engineer, with the concurrence of UNRA, suspended road works due to the Contractor’s continued non-compliance with environmental requirements. Specifically, quarry operations were suspended pending the preparation of environmental impact assessments for the proposed quarries and NEMA’s approval for their operation.⁸⁹

88. The Panel observes that since the Busimba-Bigodi quarry operated as an associated facility to the Project, the harm experienced by those living close to this facility is considered Project-related. The Panel also observes that because the quarry was an associated facility, its environmental and social impacts should have been assessed.⁹⁰ The Panel further observes that the now unused and discontinued quarry site has only been partially restored. However, additional work remains to secure the quarry site, to fill a deep trench, and to embank the site to prevent storm water runoff from washing spoil onto neighboring fields.

⁸⁷ ESIS, Executive Summary §07; Table ES3 §15; Main Report §7.2.2.4.

⁸⁸ Management Response, Annex 1 §ii.

⁸⁹ Supervising Engineer Progress Report No. 10, July 2014, §2.1.1.

⁹⁰ OP/BP 4.01, Annex A – Definitions, para. 6, states that the Project area of influence is “the area likely to be affected by the project, including all its ancillary aspects, such as (...) borrow and disposal areas, and construction camps, as well as unplanned developments induced by the project.” OP 4.01 para. 2 requires that an environmental assessment “evaluates a project’s potential environmental risks and impacts in its area of influence.”

89. The Panel notes there was no independent, third-party determination after each blasting incident to evaluate the extent of damage to property by quarrying operations. The lack of such assessment likely undermined the suitability of monetary compensation given to households whose property was damaged. The Panel notes that since there were no estimates of the cost of repair on record, for the most part affected parties were left to undertake repairs themselves.

90. Regarding the claim that a fourth spring located 400m from the quarry has a lower level of discharge, and based on the views of its expert consultant and the local geology, the Panel concludes that this change in discharge cannot be linked unequivocally to the quarry, and may be the result of seasonal rainfall fluctuation.

D.4. Occupational Health and Safety

91. **The Request** recorded an incident where a 34-year-old worker's leg was caught in a machine. The Request added that his leg was almost amputated and yet no compensation was given to him. He has become poor and "*incapacitated*."⁹¹

92. **The Management Response** noted that workplace accidents and five fatalities (occupational and road related) have occurred at the construction site. These included two electrocutions, one traffic fatality involving a Contractor vehicle, an alleged shooting of a thief by the Contractor's security guard, and the drowning of a child in an excavation pit. Management stated that while some of these incidents have been compensated, and others remain under investigation, they indicate a severe failure to adhere to, monitor, and document safety measures for both workers and the community.⁹²

93. **Panel Observations and Analysis.** The Panel notes that while only a single work-related injury is mentioned in the Request, several further incidents of workplace injuries were reported to the Panel during both its Eligibility and Investigation visits and are recorded in the Health and Safety Advisor's reports that have been appended to the monthly Supervising Engineer's reports since March 2015.

94. The Panel asked to review the Project's accident log, but neither the Contractor nor the Engineer produced a log detailing all accidents and only provided a record of selected accidents.⁹³ The Panel notes that all the Supervising Engineer's monthly reports between November 2013 and July 2015, with the exception of the July 2014 report,⁹⁴ state that: (i) accident records are kept by the Contractor; (ii) the Engineer's staff have carried out Occupational Health and Safety (OHS) inspections, and (iii) no incidents or accidents occurred during the reporting period. This

⁹¹ Request for Inspection, document dated August 21, 2015, para. 11, p. 4.

⁹² Management Response, para. viii, p. vi, and Annex 2 §13.

⁹³ The request was to see the accident log for April 6, 2014, on which date a 15-year-old youth drowned. Further details on that incident are described below under the Section on Compensation for Victims of Accidents. The Bank's May 2016 supervision mission reports "*this incident was reported by the Community during one of the meetings that was held last year October 2015 at Businge Church. The Police could follow-up [sic] on this case.*" See, World Bank Aide-Mémoire for mission of May 16-26, 2016, p. 8.

⁹⁴ Supervising Engineer Progress Report No. 10, July 2014, §7.4. The report states that "*An accident was reported to have occurred at Km 172+526 involving one of the Contractor's staff during the casting of the box culvert at this location.*" This accident is also shown in the Contractor's accident log.

demonstrates there was insufficient attention to OHS in the early phase of the Project. Nevertheless, the documents of accident victims shown to the Panel team, and the February 2016 version of an accident log,⁹⁵ show that deaths and accidents resulting in permanent disability did occur during this period. An accident log appended to the February 2016 report lists 23 accidents between January 2014 and February 2016, four of which led to fatalities. In addition the Supervising Engineer's report from April 2016 mentions three accidents were observed during the month of April, including two fatal ones.⁹⁶ One of the victims was a five-year-old child run over by the Contractor's truck and killed as she returned home from school.⁹⁷

95. The Panel observes that accident records were incomplete and the Supervising Engineer's reporting that no incidents or accidents occurred was inaccurate. This assertion created the false sense at UNRA and the Bank, until August 2015, that the Project was being managed and monitored appropriately with respect to OHS. The Panel notes no parties have followed the Contract for Works which reads: "*Photographs of each accident shall also be included in the report. The Engineer has the right to conduct any or all enquiries, either on the Site or elsewhere, as to the causes and consequences of any such accident.*"⁹⁸

96. Further indication of deficient OHS on the Project is that, despite frequent mention of inadequate Personal Protection Equipment (PPE) for workers in the Supervising Engineer's monthly reports⁹⁹ and the Bank supervision mission reports, the issue remained unaddressed. The June 2014 Aide-Mémoire stated "*the Mission noted non-provision of adequate and relevant PPE to most of the workers along the road, at the quarries and crushers, and at the equipment yard area. All workers must be provided with relevant and adequate PPE with immediate effect, and enforce their use.*"¹⁰⁰ However, a year later, a Bank supervision report stated there was a "[d]ecline in provision by the Contractor and use of PPE by most of the workers. There is no first aid service to the workers and the clinic at the camp is only meant to serve expatriate workers. With immediate effect, the Contractor is required to provide and enforce use of PPE, provide first aid kits and services to all workers without discrimination."¹⁰¹

97. During its visits the Panel observed inconsistent use of PPE. Most workers on the road were seen wearing high visibility vests and hard hats, but a significant number were not wearing these items. At the quarry high visibility vests and hard hats were also seen but workers were not wearing gloves or facemasks. In the concrete and bitumen batching plant not a single worker was equipped with visible PPE. The Panel asked the Contractor about its training program on safety

⁹⁵ Accident log attached to Supervising Engineer Progress Report of February 2016.

⁹⁶ Supervising Engineer Progress Report No. 31, April 2016, Appendix A-15 – Notice to Correct Compliance Matrix as at 30th April 2016.

⁹⁷ Accident log attached to the Supervising Engineer Progress Report from March 2016.

⁹⁸ Government of Uganda, Uganda National Road Authority, Transport Sector Development Project (TSDP) (Project Id No: P092837 & IDA Credit No: 46790), Civil Works for the Upgrading of the Kamwenge – Fort Portal Road, Contract for Works, July 2013, Part B2: Special Specifications Referring to the General Specifications, B1236 Safety.

⁹⁹ §7.15 of the June 2015 Supervising Engineer Progress Report states: As has been reported in all reports from March, 2015 construction workers lack PPE and are at high risk of getting occupational health problems especially those working at the crusher through inhalation of dust and exposure to excessive noise and injuries. Those working at drainage facilities and other steel works without protective wear are also at high risk of injuries.

¹⁰⁰ World Bank Aide-Mémoire for mission of June 11-26, 2014, Appendix 2.1 §04 (c).

¹⁰¹ World Bank Aide-Mémoire for mission of April 16 - May 6, 2015, §31.

measures and handling tools and machinery. The Contractor explained they provided on-the-job training, where new employees are paired with more experienced staff until they can accomplish the task themselves. The Contractor informed the Panel that they have a monthly safety meeting with their employees and showed the Panel pictures of one of those meetings.

98. Although Bank missions noted earlier shortcomings and recent improvements¹⁰² in the Project's OHS arrangements, Management's attempts to improve performance did not rely on a combination of ongoing monitoring and effective accountability, as recommended in Section 2 of the Bank's EHS Guidelines on OHS.¹⁰³ The Panel perceives a clear disconnect between claimed and actual implementation of OHS requirements. Although Management requested improved OHS standards since the June 2014 supervision mission, Management did not ensure the implementation of adequate and effective measures to address these shortcomings and, as a result, the Project's ability to prevent accidents was severely hampered.

D.5. Road Safety

99. **The Request** contended that due to the insufficient safety measures "*many people have been knocked along the road.*"¹⁰⁴ It stated the absence of speed humps and road signs¹⁰⁵ and the many vehicles moving without lights at night have been responsible for injuries to community members and road users.

100. **The Management Response** noted that safety issues remained a concern frequently raised by Bank missions. Safety issues, including safety of vehicles, were discussed during site visits and wrap-up meetings, at which remedy was requested. Management argued that "*this is recorded in the Aide Memoires, notably during Implementation Support Missions of May 14-16, 2014 (interim safeguards mission); June 11-26, 2014; September 19, 2014 (interim follow-up mission), November 17-December 5, 2014; April 16-May 6, 2015, and October 5-23, 2015.*"¹⁰⁶

101. Management indicated the Contractor failed to implement measures to address a number of safety issues.¹⁰⁷ Consequently, on October 21, 2015, the Supervising Engineer sent a Notice to Correct including among other issues the failure to prevent speeding, the failure to maintain roadworthy vehicles, and the lack of safety signage. According to Management, and by the date of its Response which was after the deadline of November 30, 2015, the Contractor had not rectified the issues.¹⁰⁸

¹⁰² The Bank supervision mission of May 2016 noted, "*there is general improvement in safety practices, signage and structures, especially by provision and use of PPE, permanent signage at completed road sections, and installation of speed control humps on the Kamwenge side.*" World Bank Aide-Mémoire for mission of May 16-26, 2016, p. 10.

¹⁰³ World Bank Group, Environmental, Health, and Safety General Guidelines, April 30, 2007, General Approach to the Management of EHS Issues at the Facility or Project Level, p. 2, "*Improving EHS performance through a combination of ongoing monitoring of facility performance and effective accountability.*"

¹⁰⁴ Request for Inspection, document dated August 21, 2015, para. 10, p. 4.

¹⁰⁵ Ibid., para. 18, p. 5.

¹⁰⁶ Management Response, footnote 26, p. 19.

¹⁰⁷ Ibid., para. 16, p. viii.

¹⁰⁸ Ibid., para. 76, p. 20.

102. **Panel Observations and Analysis.** The Panel notes from the minutes of the site meeting¹⁰⁹ dated January 16, 2014, that road safety has been a problem from early on in Project implementation. The Contractor was advised to improve traffic safety provisions by using more efficient signage at diversions, temporary roadblocks, and other measures. The Contractor was also asked to submit layout drawings for accommodation of traffic.¹¹⁰

103. In the ESMP submitted to the Bank in July 2015 the Contractor listed traffic disruption and road safety mitigation measures, the provision of clear signage along the working areas, temporary speed humps, traffic control measures (including the use of flagmen), and ensuring that delivery of construction equipment and goods takes place outside of peak hours.¹¹¹ It added that the Contractor would put up “a robust traffic management plan” and that the Project would “provide some provisional sum of money for road safety campaign programs.”¹¹²

104. During its site visit the Panel observed poor road safety measures on the section of the Kamwenge-Fort Portal road being upgraded by the Project. Although speed humps have been placed in trading centers and near schools, there are few signs specifying speed limits, and road signage is rudimentary. Furthermore, road hazards (excavations, narrow bridges and culverts, and single-lane traffic) are very poorly marked, usually with a single strand of red and white hazard tape supported by sticks or empty fuel drums. Similarly the Supervising Engineer noted that heavy vehicles were seen working after dark without lights and without reflective markings, with the road in use by public vehicles.¹¹³



Figure 2.7: Inappropriate hazard demarcation

105. The Panel notes the General Guidelines of the World Bank’s Environmental, Health, and Safety (EHS) indicate that road safety initiatives should include safe traffic control measures. Such measures comprise: (i) road signs and flag persons to warn of dangerous conditions; (ii) regular maintenance of vehicles, and (iii) minimizing pedestrian interaction with construction vehicles. The EHS Guidelines advises collaboration with local communities and authorities to improve

¹⁰⁹ Site meetings take place on a monthly basis between UNRA, the Supervising Engineer, and the Contractor.

¹¹⁰ Supervising Engineer Progress Report No. 4, January 2014. Appendix G, Minutes of Site Meeting No. 5, §5.04e.

¹¹¹ ESMP, p. 31.

¹¹² Ibid., p. 36.

¹¹³ This was also observed during Bank Missions. Management Response, para. 75, p. 20.

signage, visibility, and overall safety of roads, particularly near schools or other locations where children may be present.¹¹⁴

106. During its visit to the Project the Panel team met with several individuals incapacitated by road accidents which can be attributed to the Project's lack of road safety measures. The injured stated they have received no assistance or compensation from the Contractor or the Contractor's insurance company, as neither the Contractor nor the local police have recorded their accidents. Description of some accidents and resulting injuries are presented below (Section D.6., Compensation for Victims of Accidents).

107. The Panel observes that the most recent Bank supervision mission of May 2016 noted there was a general improvement in safety practices, such as permanent signage at completed road sections and installation of speed humps on the Kamwenge side.¹¹⁵ Notwithstanding, as explained in paragraph 129, road accidents occurred in April 2016, including fatal ones.

D.6. Compensation for Victims of Accidents

108. **The Request** made one mention of compensation not being paid to the victim of a workplace accident.¹¹⁶ The community also reported that locally hired laborers injured on duty had not been afforded adequate attention during hospitalization and recovery periods.

109. **The Management Response** stated that Management has reviewed the compensation provided by the Contractor's insurance policy for workman compensation. It explained that Management reviewed evidence showing compensation was paid for five workers who suffered injuries while on duty, including two deaths by electrocution.¹¹⁷ In the case of a casual worker whose foot was hit and cut by wire (running belt) from the concrete mixer, Management stated he received insurance compensation, adding that the insurance company determined the amount in accordance with the insurance policy cover the Contractor obtained.¹¹⁸ Concerning accidents involving the public, Management conveyed that most cases were reported to the police but, for the most part, were settled out of court between the Contractor and the affected people.¹¹⁹ Management added that the slow compensation process and low amounts of compensation were raised during a supervision mission that asked UNRA and the Supervising Engineer to closely follow up on all insurance claims.¹²⁰

110. **Panel Observations and Analysis.** The Panel notes that the Bank supervision mission of March 2015 reported that the community was complaining of accidents due to insufficient safety measures. In that regard the supervision missions conveyed several instances of poor

¹¹⁴ World Bank Group, Environmental, Health, and Safety General Guidelines, April 30, 2007, Section 3.4 Traffic Safety, p. 82.

¹¹⁵ World Bank Aide-Mémoire for mission of May 16-26, 2016, p. 10.

¹¹⁶ Request for Inspection, document dated August 21, 2015, para. 11, p. 4.

¹¹⁷ Management Response, Annex 2 §13.

¹¹⁸ Ibid. §14.

¹¹⁹ Ibid. §13.

¹²⁰ Ibid. §14.

communication between the Contractor and accident victims on aspects of insurance claims for compensation.

111. During its Investigation visit the Panel met with 10 victims of workplace or road accidents and with family members of two victims of fatal accidents. Most of the surviving individuals the Panel met had suffered incapacitating injuries attributed to the Project's inadequate safety measures.

112. In one case presented to the Panel Mrs. X was on a motorcycle taxi in August 2015 leaving Rukunyu when a Project driver lost control of a low-bed trailer and hit the motorcycle. Mrs. X was caught between the truck's wheels while the motorcycle driver rolled to the side. The motorcycle driver suffered injury to his left leg and left arm. He was noticed immediately and was taken to the hospital. However, Mrs. X was not noticed until later. Traffic police ordered that she be taken to the hospital (see Figure 2.8 below). Both victims told the Panel team they had received no compensation. To date Mrs. X remains confined to bed and said she constantly suffers head, chest, and leg pains. The motorcycle driver, on the other hand, was recovering, although he has not received compensation for the motorcycle which was his main source of income.



Figure 2.8: Evidence of injury suffered by the motorcycle taxi driver in a road accident (left) and his passenger who is confined to bed as a result (right)

113. The Panel also met with the father of a boy who drowned in an open, unfenced, roadside pit filled with rainwater on April 6, 2014. The pit, approximately 20 x 100 feet and more than six feet deep, was created to excavate clay for the nearby road construction. The father was herding cattle when his two boys went to play next to the pit. One of them stood on a rock which slid under him and fell with him into the water. The second boy ran to alert his father. As neither the boy nor his father could swim, the boy drowned. The father informed the Panel team that he went to the police and the LC1 to complain. Ultimately the Contractor paid him one million Ugandan Shillings (equivalent to US\$299.20).¹²¹

¹²¹ Exchange rate as of June 14, 2016.

114. The Panel's interaction with Project-related accident victims, both employees and community members, revealed they are often confused, resentful, and have a deep sense of inequitable and unfair treatment in the handling of insurance claims and compensation. This was particularly the case in instances of fatalities or permanently incapacitating disabilities including loss of functionality due to a crushed leg or the loss of an eye.

115. In most cases where compensation was made victims presented the Panel team with documents showing modest payments¹²² by both the Contractor¹²³ and the insurance company from which the Contractor purchased accident and workers' compensation policies. Oral evidence to the Panel suggested significantly different insurance payments to the two victims of electrocution. The family of one victim (time of death marked as January 1, 2014) informed the Panel they initially received four million Ugandan Shillings as burial expenses and an additional eight million as death benefit.¹²⁴ The family of the second victim (time of death marked as October 23, 2015) received substantially less (two million Ugandan Shillings). However, the Contractor's accident log states the "*compensation process [is] ongoing.*"

116. The Panel notes the gap between the insurance cover required for third-party accidents in the Contract for Works (US\$200,000 third-party insurance cover per occurrence¹²⁵ with unlimited occurrences)¹²⁶ and the amounts actually paid to accident victims. The Panel sought an explanation from the insurance company, which clarified that in Uganda worker's compensation is covered by the Workman's Compensation Act, and in the case of accidental death such compensation is limited to 60 times the worker's monthly wage at the time of death.¹²⁷ Disability compensation paid to an accident victim is determined by a district medical officer and not by the insurance company. The company further told the Panel that although Ugandan law limits worker's compensation insurance payments, no such limits would apply to an additional and separate death and disability insurance purchased to cover employment-related accidents.

117. The Management Response stated "*Management has reviewed the compensation provided by the Contractor's Insurance Policy for workman compensation with First Insurance Company Limited covering 258 workers.*" It is unclear to the Panel whether this review of compensation addressed the discrepancy between the insurance cover required by the Contract for Works and what is actually paid out under Ugandan law. The Panel notes that an August 2015 Bank supervision report suggested this matter may be receiving partial attention and considered there was need to confirm the exact provisions of the insurance policy obtained by the Contractor.¹²⁸ During the May 2016 supervision mission the Bank reviewed the compensation amounts paid to accident victims and determined that amounts presented in the accident log "*might be on the lower*

¹²² In the case of permanent loss of mobility the victim of an accident would receive UGX100,000 (approximately US\$29.90) for hospital expenses and UGX300,000 (approximately US\$89.70) as workman's compensation from the insurance company (exchange rate of June 14, 2016).

¹²³ Contractor payments relate to immediate hospitalization expenses that in some cases were later deducted from insurance payouts.

¹²⁴ UGX four million is US\$1,196.90 and UGX eight million is US\$2,393.80 (exchange rate of June 14, 2016).

¹²⁵ An occurrence is one incident or accident, which may involve several individuals.

¹²⁶ Particular Conditions: Part A - Contract data; Works Contract Volume 1. Sub clause 18.3.

¹²⁷ As the two victims of electrocution had been on different salary levels the death benefits paid were different.

¹²⁸ BTOR August 25-28 2015, §5

side. This is particularly evident for the case of the third party insurance payment.” The supervision mission report stated “UNRA and the Supervising Engineer should check that this minimum amount is paid appropriately for cases that fall in this category.” For all other cases the Supervising Engineer should ensure the payments are in accordance with the insurance policy.¹²⁹

D.7. Wages and Working Conditions

118. **The Request** contended high unemployment forces laborers to accept the work conditions they endure, including long hours. The Requesters stated “*to many cadres no transport allowance [is] allowed,*” and that salary paid “*is not enough to match the cost of living,*” which greatly affects the children who have basic needs like education, medical care, clothing, and shelter.

119. **The Management Response** stated there is no provision for minimum wage under Ugandan labor law. The Project’s general condition stipulated Contractor wages not be “*lower than the general level of wages and conditions observed locally by employers whose trade or industry is similar to that of the Contractor.*”¹³⁰

120. **Panel Observations and Analysis.** The Panel notes Management’s confirmation that contracts and wages on three similar road projects in the same region were found to be comparable to those in this Project. The Panel notes that Management reviewed the Contractor’s revised contracts and found them acceptable, although at first Management had been concerned that the Contractor engaged in “*highly problematic labor practices*” and “*repeatedly circumvented corrective actions required by the Bank.*”¹³¹

121. The Panel notes that Management reported in its October 2015 supervision mission that signed employee contracts it reviewed lacked a key page indicating the salary amount applicable to the specific worker. According to Management, interviews with some workers revealed that many signed the new contracts without being informed of their rights and obligations. The Contractor’s explanation was that the salary scales for all categories of workers were included in the annex to the contract and therefore specifying the category and amount applicable to each employee at contract signing was not required.¹³²

122. During its field visit the Panel team met with several workers who informed the Panel they did not know the basis for their salaries or the reasons for deductions made. They also stated they had received amounts less than what was stipulated in contracts they had signed, but they were not receiving responses to their queries about their salaries.

123. The Contractor presented the Panel team with several samples of contracts. The Panel noted they included no explanation of the deductions, which the Contractor described as paid on behalf of the workers. Furthermore, the contracts examined by the Panel team did not reflect conditions for overtime or dismissal processes, as mentioned in the Management Response. The

¹²⁹ World Bank Aide-Mémoire for mission of May 16-26, 2016, p. 5.

¹³⁰ Management Response, para. 62, p. 17.

¹³¹ Ibid., para. 63, p. 17.

¹³² Ibid., Annex 2 §1.

Panel notes that Management insisted on the need for immediate and appropriate contractual remedies as part of the Notice to Correct.¹³³

124. Of further concern are allegations reported by Management that employees have witnessed or suffered physical abuse at the workplace. The Panel team met with a laborer who had reported a spinal injury resulting from such abuses. The laborer informed the Panel team, with supporting documents, that after complaining to the district police commissioner and local authorities, it was agreed he would be paid compensation covering relevant receipts he would provide. The laborer said the amount ultimately paid was insufficient to cover the medical treatment he was receiving.

125. In relation to working conditions, the Panel notes that in July 2014 the Supervising Engineer reported that “*welfare of workers was lacking, as there was no drinking water, toilets not clean and inadequate. There was need for first aid for local personnel, prior to referral to medical facilities.*”¹³⁴ The Panel also learned that the Ugandan workers could not use the camp’s clinic and had to travel elsewhere to access medical services.

126. In March 2015 the occupational health annex to the Supervising Engineer’s report specified that first aid at the campsite and at the Project site was still lacking and “*welfare issues including appropriate toilets, wholesome drinking water, temporary shelters, etc. were still inadequate.*”¹³⁵ The same observation is made in the Supervising Engineer’s June 2015 report. In the December 2015 report the Supervising Engineer noted 17 social issues related to the Contractor’s personnel were still not compliant with Uganda’s labor laws and the conditions of the contract. Non-compliance included accommodation for personnel, welfare amenities, terms of employment, workplace registration, and safety and health. These five measures inspected were found to be non-compliant.¹³⁶

127. The Panel also learned there was a perception that the Contractor discriminated against the local workers and in favor of the expatriate staff, claiming Ugandan workers were neither allowed to eat in the camp’s cafeteria nor use the same health clinic or bathrooms as expatriate staff, who enjoyed much better facilities.

D.8. Provision of Workers’ Camp

128. **The Request** raised questions concerning the Contractor’s provision of a workers’ camp. The Request suggested that by not providing a workers’ camp specifically for the Ugandan laborers, the entire labor force mixed with the community at large and “*this has bred all cultures and sub cultures some of which are greatly disastrous.*” The Requesters claimed thieves posed as Project workers and consequently local residents had property and domestic animals stolen. The Requesters believed funds for establishing a workers’ camp were provided and such a camp should have reasonably accommodated many workers. They considered the absence of a workers’ camp discriminatory and believed it has led to the sexual harm experienced by the community.

¹³³ Ibid.

¹³⁴ Supervising Engineer Progress Report, July 2014, §10.8 a (ii).

¹³⁵ Supervising Engineer Progress Report, March 2015, §0.7 (vi) and (vii).

¹³⁶ Supervising Engineer Progress Report, December 2015, Appendix I, §2.6.

129. **Management Response** stated “*according to its ESMP, the Contractor was obliged to set up a workers’ camp for all employees.*”¹³⁷ It also indicated “*it is quite common for contractors to rely on host-community accommodation for local labor as this often provides advantages to the community.*”¹³⁸ Management added that according to the Contractor, Ugandan workers declined to live in a camp and preferred to be paid an allowance instead. However, Management added “*no evidence could be produced by the Contractor that such allowances have actually been paid.*”¹³⁹

130. The Response noted the absence of workers’ camp had effectively eroded one of the main measures prescribed in the Environmental Assessments and the Contractor’s ESMP to mitigate against community impacts stemming from the influx of labor. Specifically, the environmental assessment noted the need for the camp to “*maintain a realistic buffer distance from the community.*” Management acknowledged its supervision had not followed up on ensuring compliance with this provision in the Environmental Assessment.¹⁴⁰

131. **Panel Observations and Analysis.** The Panel considers whether various types of harm to the community can be attributed to the lack of appropriate risk identification and mitigation measures in the ESIS, the ESMP, or to the lack of a workers’ camp for Ugandan workers.

132. In this context the Panel notes the large influx of Ugandan workers from outside the community. There is wide agreement among the many stakeholders with whom the Panel met that about half the Project’s Ugandan workforce came from outside the district,¹⁴¹ many from other construction projects in which the Contractor had been involved. The workforce ranged between 250 at its lowest and 474 at its peak (in February 2016). The workers have not been accommodated in a separate workers’ camp, and nonlocal workers could not easily commute daily. Hence the influx of workers had to find shelter in the community. The Contractor informed the Panel that in Uganda “*no Contractor set up a camp for their Ugandan labor force.*”

133. Both the 2008 ESIA and the 2011 ESIS identified the potential for some social impacts arising from the Project. The 2008 ESIA assumed site workers might lure wives away from their husbands, causing the breakup of families.¹⁴² It explained that during construction many people would enter the area in search of employment and assumed that among them might be criminals who would defile and rape women, children, and disabled persons.¹⁴³ The 2011 ESIS stated that if the Contractor does not maintain a strict “*no fraternization*” policy, workers’ camps could be hotspots for prostitution or illicit sexual relationships, breaking marriages and causing disquiet in the adjoining community.¹⁴⁴ It adds that it was likely conflicts in the area would increase between the local community and the site workers. The 2011 ESIS stated a workers’ camp, machine maintenance workshop, and equipment yard have been proposed in the Bigodi area since the

¹³⁷ Management Response para. 69, p. 18.

¹³⁸ Management Response, footnote 24, p. 18.

¹³⁹ Ibid. para. 69, p. 18.

¹⁴⁰ Ibid. para. 70, p. 18.

¹⁴¹ Management Response, Annex 2, p. 30.

¹⁴² ESIA, July 2008, p. 58.

¹⁴³ Ibid., p. 62.

¹⁴⁴ ESIS, January 2011, §7.2.2.1.

trading center has reasonable infrastructure and commercial and worship areas that offer acceptable living conditions to construction workers.¹⁴⁵

134. Nevertheless, the Panel notes that neither the 2008 ESIA nor the 2011 ESIS recommended adequate mitigation measures for these risks. The 2011 ESIS requires “*that a strict no fraternization rule be applied.*”¹⁴⁶ Similarly, when identifying the social problems construction labor might cause, the ESIS makes no recommendation for mitigation by requiring workers to reside in a camp. Passing mention is made of the need for a buffer zone between camp and community¹⁴⁷ but there is no mention whether this is to separate workers from the community to prevent social interaction.¹⁴⁸

135. The Panel observes that the ESMP does not state whether the camp should accommodate all workers.¹⁴⁹ Similarly, when dealing with gender concerns the ESMP makes no mention of the need for a separate workers’ camp to mitigate possible social impacts.¹⁵⁰ The NEMA conditions of approval of the ESIS stipulates only that “*workers campsites must be managed in an environmentally sound manner.*” NEMA’s conditions of approval do not identify who the residents of the labor camp should be.¹⁵¹ The contract for works also omits mention of who should reside in workers’ accommodation. It states the Contractor shall make arrangements for the engagement of all staff and labor, local or otherwise, and when appropriate make housing available. The Contractor is encouraged, to the extent practical and reasonable, to employ staff with appropriate qualifications and experience from sources within the country.¹⁵²

136. The Panel notes that all Project documents it has reviewed are vague regarding the provision of workers accommodation. The Panel is unable to determine unequivocally that the problems that have arisen between Project workers and communities could have been prevented if all Project workers had been required to reside in a workers’ camp. The Panel considers that although it cannot establish in retrospect that a workers’ camp would have avoided some of the harm, the Panel notes there was no assessment of the availability of housing in the community or the risks associated with workers living in it, including the hike in rental prices and potential for sexual harm.

137. Additionally the Panel draws attention to the joint guidance note by the International Finance Corporation (IFC) and the European Bank for Reconstruction and Development (EBRD) – *Workers Accommodation: Processes and Standards* – which covers the provision of housing or accommodation for workers by employers and the issues that arise from the planning, construction, and management of such facilities. The Panel notes that many adverse impacts associated with the

¹⁴⁵ Ibid., §2.4.6.

¹⁴⁶ Ibid., §7.2.2.1.

¹⁴⁷ Ibid. Table 10.1, p. 16.

¹⁴⁸ The buffer distance recommendation is made in the context of levels of sanitation at the campsite and prevention of community exposure to hazardous substances.

¹⁴⁹ ESMP, pp. 9-10, 34-35.

¹⁵⁰ Ibid. §6.1.1.25.

¹⁵¹ National Environmental Management Authority, Certificate of Approval of Environmental Impact Statement No. 3698, dated 28 April 2011, p. 6.

¹⁵² Contract for Works §6.1.

Project workers' interactions with local communities may have been averted had this guidance been followed.¹⁵³

D.9. Panel Findings

138. **Bank Policy** OP/BP 4.01 on Environmental Assessment requires the assessment of a project's potential environmental risks and impacts. It also requires that, where avoidance of such impacts is infeasible, mitigation and compensation measures need to be applied. The Policy's objective is to enhance positive impacts.¹⁵⁴ OP 4.01 paragraph 3 requires consideration of "*human health and safety*."

139. The World Bank Group has published and adopted Environmental Health and Safety General Guidelines ("EHS Guidelines"). These require that when one or more members of the World Bank Group are involved in a project the EHS Guidelines are applied as required by their respective policies and standards.¹⁵⁵ The guidelines stipulate that when host country regulations differ from the levels and measures presented in the EHS Guidelines, projects are expected to achieve whichever is more stringent.

140. Section 3.4 of the EHS Guidelines state all project personnel should promote traffic safety during movement to and from the workplace, and during operation of project equipment on private or public roads, as traffic accidents have become one of the most significant causes of injuries and fatalities worldwide. Prevention and control of traffic-related injuries and fatalities should include the adoption of safety measures protective of project workers and of road users, including those who are most vulnerable to road traffic accidents.¹⁵⁶

141. The EHS Guidelines stipulate that PPE is considered to be a last resort that is above and beyond the other facility controls and provides the worker with an extra level of personal protection (plastic helmets, hearing protection, safety shoes and boots, gloves made of rubber or synthetic materials, and facemasks). Proper use and maintenance of PPE should be part of the recurrent training programs for employees.¹⁵⁷ The guidelines require the employer to ensure that workers, prior to the commencement of their assignments, receive adequate training and information covering matters such as (i) knowledge of materials, equipment, and tools; (ii) wearing and use of PPE clothing, and (iii) appropriate response to operation extremes, incidents, and accidents.¹⁵⁸

142. The EHS Guidelines stipulates that adequate lavatory facilities (toilets and washing areas) be provided for the number of people expected to work on site and allowances be made for segregated facilities according to gender, with signage to indicate whether toilet facilities are "*In*

¹⁵³ Guidance Note by the IFC and EBRD Workers Accommodation: processes and standards. See, http://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/learning+and+adapting/knowledge+products/publications/publications_gpn_workersaccommodation.

¹⁵⁴ OP 4.01, Environmental Assessment, para. 2.

¹⁵⁵ World Bank Group, Environmental, Health, and Safety General Guidelines, April 30, 2007, p. 1.

¹⁵⁶ Ibid. Section 3.4 Traffic Safety, p. 81.

¹⁵⁷ Ibid. Section 2.7 Personal Protective Equipment, p. 73.

¹⁵⁸ Ibid. Section 2.2 Communication and Training, p. 63.

Use” or “Vacant.” The EHS Guidelines also stipulates that potable water be supplied and that qualified first aid be provided at all times.¹⁵⁹

143. **Compliance Findings.** The Panel considers that access points and road drainage were insufficiently detailed on the engineering drawings of the road and hence were not adequately constructed, resulting in significant impacts on people’s livelihoods and wellbeing, water quality, and health. The Panel also notes that electric lines relocated within the road reserve and over affected peoples’ structures caused significant risk to people and their houses. The Panel notes these issues still required serious attention as of April 2016.

144. The Panel further considers that although the ESIS identified the potential for impacts on water sources and from the operation of quarries, no effective mitigation measures were put in place to minimize the harm suffered by the community, which in many instances remains ongoing. The Panel notes the need to ensure that mitigation measures are designed in a way to reduce the severity of potential impacts and are carried out, as envisaged in the ESIS, coupled with good engineering practices.

145. The Panel also notes the need to ensure the improvement of health and safety measures in accordance with OP/BP 4.01 and the Bank’s EHS Guidelines. The Panel considers that despite the fact that Bank missions identified the lack of road safety and occupational health and safety as important issues, Management failed to ensure the implementation of adequate and effective safety measures to protect workers, the community, and road users from road and occupational injuries and fatalities.

146. **The Panel finds Management did not ensure the design or implementation of appropriate mitigation measures to protect the community and workers against construction impacts, thus seriously jeopardizing human health, safety, and livelihoods, and this is therefore in non-compliance with OP/BP 4.01 on Environmental Assessment.**

E. Project Supervision of Construction and Remedial Action

147. **The Request** stated that community concerns “*have been forwarded to relevant stakeholders but no substantial progress has been registered.*”¹⁶⁰ Referring to poor supervision efforts the Requesters added, “*the negative impact on the said communities is due to the fact that the respective agencies have not fulfilled their obligations.*”¹⁶¹

148. **The Management Response** acknowledged “*supervision has been insufficient.*”¹⁶² Management added it “*failed to respond to UNRA’s and the Supervising Engineer’s omissions in managing the Contractor properly, as well as their failure to act on issues that were identified during previous Bank supervision missions. This included UNRA’s unilateral decision to lift a partial suspension of the Contractor’s activities in 2014, which was imposed in response to*

¹⁵⁹ World Bank Group, Environmental, Health, and Safety General Guidelines, April 30, 2007, Section 2.2 General Facility Design and Operation, p. 61.

¹⁶⁰ Request for Inspection, document dated August 21, 2015, p. 1.

¹⁶¹ Ibid p. 2.

¹⁶² Management Response para. 18, p. 5.

*noncompliant management of quarries, despite the fact that the conditions for lifting it had not been met.”*¹⁶³

149. Management stated that since road works commenced on August 1, 2013, Bank missions have repeatedly found instances of non-compliance with environmental and social requirements, particularly concerning land acquisition and various physical impacts of construction. It added that it had flagged these to UNRA as requiring remediation.¹⁶⁴ Management stated that, following the December 2014 Request, the Bank conducted 11 missions to the site to review the issues raised.¹⁶⁵

150. **Bank Policy** OP 10.00 on Investment Project Financing requires the Bank to provide *“implementation support to the Borrower or the member country by reviewing information on implementation progress, progress towards achievement of the Project’s development objectives and related results, and updates the risks and related management measures.”*¹⁶⁶ The Policy requires that when a project participant does not comply with its contractual obligations *“the Bank consults with the Borrower or the project participant and requires timely and appropriate corrective measures to be taken.”*¹⁶⁷ The Policy permits the Bank to use legal remedies including suspension of disbursements or cancellation of unwithdrawn amounts.

151. **Panel Observations and Analysis.** The contract for the Kamwenge-Fort Portal road works, which specified Project duration to last 30 months until early 2016, was awarded to the Contractor on July 2, 2013.¹⁶⁸ In the same month the Supervising Engineer recruited by UNRA was permanently on site to organize and manage both the design review and the supervision services.

152. On July 25, 2013, the Contractor divided the length of the road into 11 separate sections.¹⁶⁹ The scope of work involved, among other things:

- Setting-out road alignment and ancillary works;
- Maintaining free passage of traffic for the duration of the works;
- Earthworks for the six-meter wide carriageway and the two 1.5-meter-wide shoulders;
- Construction of pipe and box culverts, and
- Construction of surface water drainage works, including drainage channels, lined side drains, and protection works.¹⁷⁰

153. In September 2013, during its mobilization to initiate the works, the Contractor started limited site clearance, topsoil stripping, removal of trees, and excavation of cut slopes. During this

¹⁶³ Ibid., para. xiv, p. vii.

¹⁶⁴ Ibid., para. 12, p. 4.

¹⁶⁵ Ibid., para. 13, p. 4.

¹⁶⁶ OP 10.00, Investment Project Financing, para. 21.

¹⁶⁷ Ibid. para. 28.

¹⁶⁸ The Contractor is the China Railway Seventh Group. Contract for Works, Particular Conditions, Part A. Contract details. Sub Clause 1.1.3.3.

¹⁶⁹ Possession of the Site did not include a total of 2,600m of road frontage on the left-hand side and 785m on the right-hand side of the road.

¹⁷⁰ Supervising Engineer Progress Report No. 1, October 2013, §2.1 and §2.2.

period the Supervising Engineer noted the Contractor had undertaken unnecessary excavations and had been formally warned against such actions.¹⁷¹ In the same period (October 18, 2013) a Bank supervision mission visited the site and noted among the key issues that UNRA and the Supervising Engineer would ensure the work program had a health and safety plan.¹⁷²

154. In November 2013 the Supervising Engineer reported that the Contractor's equipment on the site had been transferred from an adjacent project and there was no indication whether this equipment was working, idle, broken down, or under maintenance.¹⁷³ Six months after project initiation the Supervising Engineer reported "*some of the old equipment was in very bad condition and has frequent breakdowns.*"¹⁷⁴ Following its supervision mission of June 2014 the Bank advised UNRA to urge the Contractor to mobilize new, appropriate equipment that would allow the works to be completed as planned. The Bank noted that were this not done the Supervising Engineer should proceed to recover the advance payment that has not been utilized as per the contract.¹⁷⁵ However, usage of old equipment continued and was recorded in Supervising Engineer reports in September 2014¹⁷⁶ and September 2015 noting "*Some of the old equipment are in very bad condition and has frequent breakdowns.*"¹⁷⁷ During the Panel team's visits the community repeatedly mentioned problems with the old equipment which caused several accidents resulting in serious injuries and fatalities.

155. The January 2014 Supervising Engineer's report indicated "*a review of the actual progress vis-à-vis the planned progress showed that the Contractor's progress of work had fallen behind schedule and did not conform to the approved program.*"¹⁷⁸ Site meeting minutes indicated:¹⁷⁹

- UNRA's Land Acquisition Officer was yet to come to the Project site to handle compensation issues;
- The Contractor was yet to recruit an experienced Environmental expert;
- The Contractor's equipment mobilized to date is far less than what was required for the works at hand, and
- The Contractor was advised to improve traffic safety provisions by using more efficient signage at diversions and temporary road blocks.

156. The Bank supervision mission of June 2014 observed serious non-compliance issues. Its Aide-Mémoire reported that the two stone quarries were operating "*with a total disregard of [sic] basic environmental, health and safety requirements, resulting in negative impacts on the surrounding communities, exhibited by the number of complaints registered against the project, including a recorded Police Case.*"¹⁸⁰

¹⁷¹ Ibid. §8.3.

¹⁷² World Bank Aide-Mémoire mission for September 30-October 30, 2013.

¹⁷³ Supervising Engineer Progress Report No. 2, November 2013, §2.10.

¹⁷⁴ Ibid. No. 6, March 2014, §2.4.3.

¹⁷⁵ World Bank Aide-Mémoire for mission of June 11-26, 2014, §22.

¹⁷⁶ Supervising Engineer Progress Report No. 12, September 2014, §2.4.3.

¹⁷⁷ Ibid. No. 24, September 2015, §2.3.3.

¹⁷⁸ Supervising Engineer Progress Report, No. 4, January 2014, §2.2.

¹⁷⁹ Ibid. Minutes of Site Meeting No. 5, §5.03(b), 5.03(c), 5.04(b), and 5.04(e).

¹⁸⁰ World Bank Aide-Mémoire for mission of June 11-26, 2014, §8.

157. The supervision mission also noted that (i) the quarries had grave safety lapses and most workers lacked Personal Protective Equipment (PPE); (ii) safety signage was grossly inadequate; (iii) Bigodi wetland was degraded in complete disregard of conditions stated in NEMA's Certificate, and (iv) soil spoil material was dumped in wetlands and by the roadsides, blocking house entrances. The Bank mission further noted that power distribution lines had shifted to pass directly over roofs posing electrocution risks to the residents in trading centers.¹⁸¹ The Panel reiterates that most issues raised by Bank staff in the Aide-Mémoire had not been addressed as of the time the Panel received the Request, and many were unaddressed as late as April 2016.

158. The supervision mission further reported the Supervising Engineer and the Contractor had environmental and safety officers with varying technical capacity, for whom UNRA's close follow-up and supervision support was recommended. The Bank team noted that the initial inspection on May 15, 2014, assessed and rated safeguards performance as unsatisfactory. During the June 19, 2014, visit the performance had worsened and community complaints had increased. The Bank team concluded that ***"because of: (i) the major shortcomings related to non-compliance with the policy requirements of the World Bank: (ii) the total negligence of the mitigation measures stated in the NEMA issued EIA certificate: and (iii) the lack of follow-up from UNRA to improve the implementation progress and resolution of non-compliances of basic environmental and social aspects of Kamwenge-Fort Portal road project activities, the overall Safeguards rating is Highly Unsatisfactory"*** (emphasis in original).¹⁸²

159. As a way forward, in June 2014 the Bank suggested UNRA prepare a decisive and acceptable corrective action plan or else Project activities would be halted until the identified environmental and social issues had been satisfactorily addressed. The Bank further suggested the illegal operation of stone quarries be suspended immediately until approved by NEMA and all outstanding community complaints be addressed to the satisfaction of the affected people. UNRA was urged (i) contractually to invoke punitive remedies for major deviations and non-consideration or deliberate disregard of environmental requirements during acquisition and operation of ancillary project facilities, and (ii) to have its environmental staff carry out monthly site visits, attend monthly progress meetings, and report actions being taken as part of the monthly progress reports.¹⁸³

160. On July 1, 2014, the Supervising Engineer, with the concurrence of UNRA, suspended road works due to the Contractor's continued non-compliance with environmental requirements. Project-related earthworks were also suspended until the Contractor remedied damage to wetlands and appointed staff with both experience and demonstrated ability to integrate socio-environmental requirements into operations.¹⁸⁴ In a later site meeting the Contractor committed to comply promptly and implement immediately any instruction by the Engineer.¹⁸⁵ The minutes of the meeting expressed concern at the poor workmanship in construction of earthworks and stated the Contractor was cautioned to attend to the Engineer's verbal instruction on site.¹⁸⁶

¹⁸¹ Ibid. §30.

¹⁸² Ibid. §31.

¹⁸³ Ibid. §31 bullet points.

¹⁸⁴ Supervising Engineer Progress Report No. 10, July 2014, §2.1.1.

¹⁸⁵ Minutes of Site meeting, July 14, 2014, §10.3 h.

¹⁸⁶ Ibid. §10.9 c.

161. With approval from UNRA and without the Bank's knowledge the Supervising Engineer lifted the suspension of earthworks on August 28, 2014, on condition that the Contractor comply with some agreed actions within a specified timeframe. However, in accordance with the Supervising Engineer's report and due to the Contractor's continued failure to achieve compliance, the earthworks suspension was reinstated on September 22, 2014.¹⁸⁷ In September 2014, the issue of the Contractor's indifference to the Engineer's instructions was reiterated and the Contractor again committed to comply with and immediately implement instructions from the Supervising Engineer.¹⁸⁸ The second suspension was lifted in November 2014 as the contractor started complying with the action agreed with the Supervising Engineer.¹⁸⁹

162. Throughout this period the Bank insisted on compliance with environmental and social requirements.¹⁹⁰ In the April-May 2015 supervision mission the Bank team recommended UNRA reinforce the management of its obligation to ensure and enforce compliance with the environmental and social requirements of Bank-financed projects. The mission also recommended that auxiliary activities – including operation of quarries, gravel borrow pits, and camp sites – be guided by the necessary environmental assessments and RAPs as per Bank policies and that the necessary instruments be prepared to address social issues retroactively. In October 2015 a Bank mission pointed out that improvements in the course of the Project had been negatively affected by the frequent changes of the Supervising Engineer, four turnovers in roughly two years since the Contractor took possession of the site.¹⁹¹

163. According to Management, during the course of implementation the resident engineer (which is the senior resident representative of the Supervising Engineer at the Project site) has been replaced three times. The latest replacement was based on the recommendation of the Bank to improve oversight of the Contractor. Furthermore, according to Management, the weak performance of the Supervising Engineer is a significant contributing factor to the challenges in Project implementation.¹⁹²

164. **Compliance Finding.** Although Management was aware of the above Project shortcomings from an early stage, specifically as they related to the issues raised in this chapter, and pressed UNRA on multiple occasions to seek remedies, it did not act proactively enough to ensure good project management and implementation. The Panel further notes that the Project proceeded without timely and appropriate corrective measures, with problems escalating until its cancellation in December 2015.

165. **The Panel finds that Project implementation continued despite the serious compliance failures and harm repeatedly identified in supervision reports, and in the absence of decisive**

¹⁸⁷ Supervising Engineer Progress Report No. 12, September 2014, §2.1.1.

¹⁸⁸ Ibid. §12.3 g ii.

¹⁸⁹ The Bank supervision mission acknowledged that actions were being taken to comply with the social and environmental requirements. See World Bank Aide-Mémoire for mission November 17- December 5, 2014.

¹⁹⁰ The Bank conducted further missions in November 17-December 5, 2014, January 9, 2015 (joining a Government mission as observer) and February 4-5, 2015.

¹⁹¹ Ibid. October 5-23, 2015, §43.

¹⁹² Management Response para. 7, p. 2.

action by Management. Consequently the Panel finds Management in non-compliance with OP/BP 10.00 on Investment Project Financing.

Chapter 3: Involuntary Resettlement

A. Introduction

166. This chapter considers the issues related to involuntary resettlement. The Requesters raised three main claims relating to: (i) the identification of Project-affected people, vulnerability assessment and measures targeting vulnerable groups; (ii) the compensation process, livelihood restoration, and supervision of RAP implementation, and (iii) the absence of an effective and coordinated Grievance Redress Mechanism. The Requesters also cited their concerns about retaliation and antagonism towards those who spoke publically about Project concerns.

B. Identification of Project-Affected People, Vulnerability Assessment and Measures Targeting Vulnerable Groups

167. **The Request** aired concerns about irregular compensation payments to “landlords” who appeared to have no grounds to claim such compensation. The Requesters recorded names and details of land, property, and other assets acquired by UNRA for the Project and they sought Bank attention to resolve their disputes. They included 100 uncompensated but affected individuals identified in Busiriba.

168. **The Management Response** noted the challenges presented by the land acquisition process. It contended that supervision had “*helped to ensure that concerns voiced by affected people regarding entitlements and amounts of compensation were responded to,*”¹⁹³ albeit with delay. Management contended that the Project reviewed the surveys on many occasions and specifically referred to three revalidation exercises undertaken by UNRA at the Bank’s request since the 2011 Resettlement Action Plan (2011 RAP), which updated the AfDB RAP (original RAP or 2008 RAP).¹⁹⁴ Management’s response also mentioned a series of Supervision and Fact Finding Missions in 2014 and 2015 and the appointment of SURVECO, a consultancy firm, to settle outstanding compensation claims. Management did not specifically address the adequacy of asset valuation or compensation.

169. **Bank Policy** on Involuntary Resettlement, OP 4.12, requires that “[u]pon identification of the need for involuntary resettlement in a project, the borrower carries out a census to identify the persons who will be affected by the project.”¹⁹⁵ An accurate and timely census of populations to be affected by a project, and an inventory of their assets, are essential for identifying individuals eligible for resettlement entitlements, and for supplying an important part of the resettlement database used for project monitoring and supervision. OP 4.12 (Annex A) also requires the resettlement plan to include a methodology for valuing losses and determining their replacement cost.

¹⁹³ Management Response p. 47.

¹⁹⁴ Following multiple requests for the document made to UNRA, Bank staff, and African Development Bank staff the Panel was consistently told the document was only made available in hard copy, which staff could not find.

¹⁹⁵ OP 4.12, para. 14.

170. The Policy further requires that socio-economic analysis be conducted as soon as possible during project preparation to identify the “*social and cultural characteristics of displaced communities*” based on interviews and surveys designed to identify the risks that a project presents and which groups are vulnerable to them.¹⁹⁶ The Policy provides a non-exhaustive list of potentially vulnerable groups.¹⁹⁷ Bank Procedures BP 4.12 requires, as part of the Project Appraisal Document, a discussion of the risks associated with resettlement implementation and a summary of resettlement provisions covering, inter alia, basic information on affected populations, institutional arrangements, timetable, and budget, including performance monitoring indicators.¹⁹⁸

171. Paragraph 25 of the Policy requires a full Resettlement Action Plan at the time of appraisal whenever land acquisition in a project affects more than 200 people, takes more than 10 percent of any holding, or involves physical relocation of population.

B.1. Identification of Project-Affected People – Surveys and Valuation

172. **Panel Observations and Analysis.** A recurring concern raised by Requesters and residents when discussing resettlement implementation was the poor quality of the baseline survey data used to assess PAPs’ losses and apply a value to those losses.

173. The Project Paper¹⁹⁹ stated that the ESIA and the RAP for the Kamwenge - Fort Portal Road Project had previously been prepared with financing from the AfDB. Between October 21 and November 5, 2010, the Bank undertook a mission and confirmed that the “*data base and retrieval of information on Project Affected People*” within those project documents needed strengthening, and it was agreed that comments made during the mission “*would be incorporated before clearance and disclosure.*”²⁰⁰ The Project Paper states the safeguards documents were shortly thereafter reviewed. The Bank’s safeguard team concurred that the documents needed improvement in order to comply with the Bank’s safeguard policies and standards.²⁰¹ They noted that the socio-economic data and the proposed socio-economic studies were insufficient to provide a baseline against which affected people could be accurately identified, and against which monitoring could be conducted to ensure that the objectives of livelihood restoration or improvement would be achieved in implementation.²⁰²

174. UNRA received the Bank’s comments regarding the inadequacy of the baseline data for a resettlement plan in November 2010. UNRA submitted an updated RAP on January 2, 2011, which was accepted shortly thereafter and disclosed at the Bank’s InfoShop and in Uganda the following month without the necessary socio-economic data or adequate socio-economic studies. Despite this, the Integrated Safeguards Datasheet prepared for Project approval in March 2011 assessed that “*based on the EIA and the RAP and the mitigation measures prescribed therein, the potential adverse impacts are not anticipated to be large scale or irreversible.*”²⁰³

¹⁹⁶ OP 4.12., Annex A.

¹⁹⁷ Ibid. para. 8.

¹⁹⁸ BP 4.12, para. 11.

¹⁹⁹ Project Paper, TSDP, May 14, 2011, para. 40, p. 10.

²⁰⁰ World Bank Aide-Mémoire for mission of November 5, 2010.

²⁰¹ Letter from Bank staff to UNRA, dated November 8, 2010.

²⁰² Ibid.

²⁰³ Integrated Safeguards Datasheet, Appraisal Stage, updated September 5, 2011, para. 2A1.

175. The 2011 RAP disclosed explained it did not include a new socio-economic survey or census and considered data collected earlier to be valid due to the short interval (less than two years) between the earlier RAP and the updated version, since “*no significant socio-economic changes occurred at local or households levels.*”²⁰⁴ It elaborated that “*verification sampling along the road did not encounter changes in PAPs (names or numbers in a given sampled road stretch) or opportunistic developments targeting resettlement.*” The 2011 RAP further stated that concerning the sampling in communities along the road “*effort was made to verify existence of PAPs compiled in property surveys and valuation records and, [sic] it was established they existed.*”²⁰⁵ Such assurances of the data’s accuracy contradicted the Bank’s earlier findings, which concluded the socio-economic data and the proposed socio-economic studies were insufficient and, as a result, works proceeded in the absence of accurate socio-economic data or analysis.

176. Although UNRA at the time had institutional and capacity problems, the Project required processes be in place to guarantee community participation and to ensure meaningful and effective ongoing verification of the data. The reliance on a sample of property visits to verify the accuracy of the 2007/2008 survey with minimal updating, instead of a new, full survey, should have been noted in the earlier Bank supervision. Furthermore, preparations should have been made to ensure the data was accurate and up-to-date, particularly in relation to omissions, undervaluation, and accounting for the impact of additional land-take.

177. Despite repeated requests, the organizations involved in the Project could not locate either an electronic or a paper copy of the original RAP. The Project Paper assured that the “*original*” AfDB-financed RAP was “*disclosed in-country on January 15, 2010*” along with the 2008 ESIA. The Panel made direct enquiries with AfDB (which supported the original RAP), the consultant contracted to “*update*” that RAP in 2011, UNRA (which owned all of the documents), SURVECO (which would have seen the original RAP as part of their activities), and Bank staff in Washington, D.C. and in Kampala. All confirmed that no copies of the original RAP document could be located.

178. The inability to refer to the original RAP is unfortunate as it may contain the baseline data and information about the RAP preparation process (including consultation and participation of affected people) upon which the 2011 RAP was finalized. Furthermore, the core claims of the Requesters relate directly to the poor quality of the socio-economic and census data used to identify PAPs, the lack of community participation, and a fundamental underlying concern that the Project improperly considered or assessed the Project’s likely impact on those living along the road. The AfDB 2008 Final Report ESIA does not contain a RAP, instead stating “*information obtained during this study is not sufficient for working out compensation packages and identifying the eligible persons. Therefore there is need to prepare a stand-alone compensation and Resettlement Action Plan (RAP) including conducting detailed Socio-Economic Study of the status of the affected people for purposes of future monitoring.*”²⁰⁶

179. In the Panel’s view, if a stand-alone RAP had not previously been prepared or the census data available was of poor quality, the decision to “*update*” the data rather than preparing a

²⁰⁴ Updated Resettlement Action Plan, January 2011, p. viii.

²⁰⁵ Ibid.

²⁰⁶ ESIA, July 2008 Final Report, p. 4.

complete and policy-compliant RAP prior to Bank approval in early 2011 is inappropriate. Therefore the RAP which was cleared and disclosed by the Bank in 2011 was based on either a non-existent or inadequate 2008 RAP, and as a result it was not policy compliant.

180. Furthermore, in the absence of such a baseline survey the Panel could not determine the exact number of PAPs. The Management Response acknowledged that since the original RAP valuation in June 2010 it had been difficult to secure accurate numbers of PAPs, with numbers fluctuating from 2,530 persons in January 2011 to 2,027 identified in UNRA's implementation report update of October 2015. In conversations with the Supervising Engineer the Panel was told that PAPs estimates could be as high as 3,000 or more.

181. Uncertainty about the number of PAPs was thought by Bank staff to be linked to the non-enforcement of the original cut-off date for compensation entitlement in 2009, and the related failure to take full possession of the site. However, according to community members the movement of people in and out of the area between 2009 and the start of construction was "*natural*" and at levels that would have been foreseen, and not indicative of people encroaching in expectation of compensation.

182. During its visit the Panel team met with residents concerned that the assessment of their land and properties would result in compensation payments insufficient to purchase replacement land and build new dwellings in alternative locations. The Panel team had no access to data on the market value of land in locations beyond the immediate area affected by the road and, therefore, cannot comment on this claim. However, on this Project the valuation methodology for land appeared sound, fair, and reflective of prevailing local land market conditions at the time of assessment, which were recently updated. Overall the valuation methodology received relatively few challenges. The PAPs the Panel met with were generally satisfied with the values attached to land, crops, trees, etc., which they considered fair. Rather the complaints and challenges related mainly to insufficient compensation payments arising from failure to identify all assets impacted by the road construction, and to delays in receiving compensation payments.

183. Following each of the supplementary valuations, and through RAP implementation,²⁰⁷ the Management Response reported that issues of undervaluation, missing items, misclassified land, non-payment, impacts with livelihood consequences, and the impacts of design realignment were addressed. Moreover, it argued that affected people not identified in the original RAP were, through supervision, being properly assessed and valued, with a rising proportion of cases settled with each new revaluation exercise. The third and most recent revaluation referred to in the Response was sub-contracted by UNRA to SURVECO, a specialized consulting firm, to expedite settlement of compensation claims. However, the firm's contract was terminated by UNRA in October 2015 after only six months due to an assessment of poor performance.

184. Another key document for addressing resettlement claims is a Strip Map (a cadastral survey) with its associated valuation reports.²⁰⁸ The Panel reviewed the Strip Map updated by

²⁰⁷ See, for example, World Bank Aide-Mémoire for mission of April 23 to May 7, 2012.

²⁰⁸ A Consultant Land Surveyor produces strip maps with the purpose of identifying the extent of land required, location, ownership, and tenure where applicable in accordance with the survey standards of Uganda.

SURVECO (dated September 2012)²⁰⁹ but the precise locations and size of plots could not be accurately ascertained from it. Among other things, the Strip Map's chainages²¹⁰ were missing, which hindered identification of impact on land and properties. It lacked some village names, contained inconsistent naming, and had drawings which made determining accurate plot demarcation difficult. Furthermore, it failed to identify clearly the different types of structures that would be affected.

185. The Panel noted that the methodologies used by SURVECO for valuation and surveying were not disclosed, and the compensation rates used were not declared. The survey data could not therefore provide an accurate basis for reassessing, revaluing, and concluding outstanding claims or for assessing new issues that will arise along the length of the road. A fully revised and updated Strip Map was unavailable at the time of the Panel team's visit, three months after UNRA committed to settling all unresolved cases. With responsibility for compensation payments and data correction returning to UNRA, the Bank stated it was unlikely that outstanding claims (around one-third of the total according to UNRA) would be settled by the end of 2015.²¹¹ In its May 2016 supervision mission report Management emphasized it is *"urgent that UNRA prioritizes the completion of payments (...) to bring this long drawn out compensation exercise to a close before June 30, 2016."* It added that the latest update indicated that of a total number of 2,455 PAPs, 2,177 were compensated, 69 had payments in process, and 209 had outstanding claims that were being verified.²¹²

186. The Panel notes that the collection of data establishing ownership or length of residency helps ensure accurate determination of eligibility for entitlement, and it requires visits to all affected households. The process is time-consuming and requires particular skills and local knowledge. The establishment of baseline data is time-sensitive and the accuracy of census information declines over time. As stated in earlier sections, the main census for the Kamwenge-Fort Portal Road was conducted in 2007 and 2008 while actual land acquisition and works only commenced in 2013, resulting in an interval of five years between data collection and start of construction. Meanwhile, there were technical redesigns resulting in road realignments, new land-taking affecting households not identified in the original census, and affecting in new ways those previously identified. In addition, during this period there were some (though not extensive) demographic and property ownership changes.

187. Over this period the validity of the original data (the census, the socio-economic survey, and the ownership survey that informed the Strip Map) diminished. In 2010 the Bank found the socio-economic and census data and the proposed socio-economic studies to be unsatisfactory and insufficient to provide a baseline against which affected people could be accurately identified, and

²⁰⁹ UNRA, Consultancy Services for Land Acquisition, Lot 3 Kamwenge-Fort Portal Section, prepared by SURVECO, September 2012.

²¹⁰ "Chainage" is a surveying term referring to an imaginary line used to measure distance, often corresponding to the center of a straight road.

²¹¹ The Follow-Up Actions to the Management Response include Action Point 7. *"Ensure completion of compensation for land acquisition"* with expropriation completed *"100% over entire road stretch or on a section by section basis), prior to commencing any new works as UNRA moves forward to finalize Kamwenge to Fort Portal road project"* by a date to be confirmed. TSDP, Matrix of Follow-up Actions to Management Response, January 12, 2016.

²¹² World Bank Aide-Mémoire for mission of May 16-26, 2016, pp. 2 and 6.

against which monitoring could be conducted to ensure the objectives of livelihood restoration or improvement were being achieved during implementation.²¹³ Nevertheless, the decision was taken to use the data to form the basis of the RAP submitted for Project approval in 2011 and requiring mere updating through “*verification sampling*” without a new survey.

B.2. Vulnerability Assessment and Measures Targeting Vulnerable Groups

188. **Panel Observations and Analysis.** Bank experience shows involuntary resettlement can give rise to serious social, environmental, and economic risks including the risk of deepening impoverishment, the dismantling of production systems, weakened community level institutions and social networks, and loss of identity. These risks affect disproportionately vulnerable PAPs.

189. The ESIA prepared for the African Development Bank (AfDB) in July 2008 stated “*discussions with the communities (...) established that there are some of [sic] vulnerable households. These include child[ren], child-headed households, the elderly, female-headed households and people with disabilities. These groups face quite a number of problems which include; heavy workload on women, oppression of women by men, high levels of girl child school dropouts, early marriages for girls, low participation in decision making, lack of ownership of resources, discrimination of people with disabilities, low incomes and thus high levels of poverty, high levels of illiteracy etc.*”²¹⁴

190. The ESIS (or Updated ESIA) submitted to the Bank in 2011 omitted this original and rather comprehensive statement about vulnerability. Instead it explained that an assessment methodology was used and included a test of “*Impact Significance*” undertaken through a “*Stakeholder Analysis*” that sought ways “*to reduce negative impacts on vulnerable and disadvantaged groups.*” However, it defined such groups generically as being “*the elderly, women, or people who admitted [to] being terminally ill (especially of HIV/AIDS).*”²¹⁵

191. In comparison with the 2011 ESIS, the 2011 RAP provided a broader definition of vulnerable groups. It included “*People who may by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status get more adversely affected by resettlement than others; and who may have limited ability to claim or take advantage of resettlement assistance and related development benefits.*”²¹⁶ The 2011 RAP further elaborated that vulnerable groups included “*widows, orphans, disabled or seriously sick people, particularly people living with HIV/AIDS and other illnesses, second or third wives, particularly those where there is a risk that they will be abandoned by the husbands after compensation, the elderly, households whose heads are female and who live with limited resources, [and] households whose heads are orphans (child-headed households).*”²¹⁷

192. While the 2011 RAP provided a better definition of vulnerability, it appears the Project underestimated the potential for harm to vulnerable groups. Although the Bank’s Involuntary

²¹³ Letter from Bank staff to UNRA, dated November 8, 2010.

²¹⁴ ESIA, July 2008, Section 4.3.1.

²¹⁵ ESIS (updated ESIA), 2011, Section 3.6, p. 22.

²¹⁶ Updated Resettlement Action Plan, January 2011, p. III.

²¹⁷ Updated Resettlement Action Plan, January 2011, 6.3.1.1 Vulnerable People, p. 43

Resettlement Policy requires that appraisal include consideration and discussion of risks associated with resettlement implementation, no such discussion – particularly as the risk of impoverishment might relate to vulnerable groups – was included in the Project’s appraisal documents. This omission encouraged an underestimation of risk, vulnerability, and harm that permeated subsequent Project documents and characterized the Project as low-risk and having “*minor impact*.”

193. The Panel notes that, while resettlement may expose groups to impoverishment, social disintegration, or other sources of vulnerability, Bank Policy seeks to avoid recreating or exacerbating the poverty of any poor or vulnerable people affected by project resettlement operations. Identifying those most susceptible to such risks by performing thorough risk and vulnerability assessment is vital. OP 4.12 identifies vulnerable groups as indigenous people, ethnic minorities, the landless, children, and women (Annex A, para. 15). However, this list is not exhaustive and a context-specific vulnerability analysis is essential for identifying circumstances particular to the project area at the time of the intervention and throughout the course of the project.

194. OP/BP 4.12 (including Annex A) provides guidance for (i) identifying vulnerable households and individuals, (ii) describing how project activities affect them, and (iii) establishing additional measures that may be needed to address their specific vulnerabilities. The Policy further requires that affected people, including those deemed vulnerable, be consulted on relevant aspects of resettlement planning, and their capacity to manage any assistance programs be properly assessed.

195. The Panel found that the 2011 RAP did not set out a methodology for systematic collection of data relevant to vulnerable groups or to the risks they might face. The Project failed to produce a socio-economic baseline study sufficiently detailed and accurate to identify all vulnerable affected households and their specific needs. During its visit, the Panel met PAPs who should have been identified as vulnerable but were not adequately categorized and did not benefit from additional entitlements.

196. The following story portrays some of the impacts of resettlement on vulnerable households. This observation comes from a family living along the Kamwenge-Fort Portal road. Their house is located on land of which the Project will take a part, leaving insufficient space for a home to be built and kept safe. In addition, the road reserve will take part of the quarry, which is the source of the household’s livelihood. Living in that house is a young man who is severely mentally and physically handicapped following contracting cerebral malaria at the age of four. His caretakers, the grandparents, are struggling with UNRA over the assessment and valuation of their land and business, the road works encroach on their daily lives, and both he and his caretakers face discrimination as a result of his disability.

197. During field visits there appeared to be no awareness of the family’s extreme vulnerability either from within the community, by government authorities, or Management. The household is included in Government’s Chief Valuation Officer’s March 2016 “hotspot list” of urgent, unresolved compensation cases, not because of their vulnerability, but because they have a substantiated outstanding claim. This claim should have been settled at the earliest possible time and the family should have been relocated. The road construction and the failure to complete the

compensation process has made a vulnerable household much more susceptible to harm and their situation, which is not isolated, is illustrative of a possibly widespread problem.

198. The 2011 RAP provided some measures targeting the subset of 15 vulnerable PAPs identified in its Annex 3. Such measures included (i) replacement of land or structures with those of similar size, quality, and tenure (freehold or lease); no cash compensation would be provided for assets; (ii) transportation and labor assistance (for loading and unloading of property) for vulnerable PAPs, owners, and tenants of temporary structures affected by the Project, and (iii) a transitional and disturbance allowance to overcome any short-term changes in livelihood.

199. However, these measures were insufficient to mitigate the resettlement impact on the vulnerable households. Furthermore, the Panel found no evidence that the additional entitlements for vulnerable PAPs were implemented. The Panel notes the failure to establish an assistance program that aimed to prevent, mitigate, or compensate negative social impacts vulnerable PAPs might face.

200. The Panel also notes that Project supervision documents provide no evidence that identifying vulnerability and responding to the needs of vulnerable affected households was a Project priority. Only a single reference in the November-December 2014 supervision report mentioned interventions that were “*supporting isolated vulnerable persons with specific compensation alternatives such as compensation in kind rather than cash, such as the case at the quarry at Kamwenge.*”²¹⁸

201. **Compliance Finding.** The Panel observes that the poor quality of data, resulted from the absence of a complete and accurate census and socio-economic survey. Thus, the verification sampling and three revalidation exercises (while necessary) failed to capture the full impact of original road design, redesigns, and realignments.²¹⁹ The Panel considers the inaccurate data the source of many Requester complaints about compensation.

202. **The Panel finds Management relied on verification sampling rather than a full census to identify Project-affected people, despite the recognized weakness of the original census under the Resettlement Action Plan (RAP) commissioned by the AfDB. In addition, there was an interval of more than two years between the original census and the updated RAP. The Panel also finds the updated RAP contained an inadequate vulnerability assessment and did not properly identify necessary assistance programs targeting vulnerable groups. Consequently the Panel finds Management did not ensure the preparation and implementation of an updated RAP compliant with OP/BP 4.12 on Involuntary Resettlement.**

²¹⁸ World Bank Aide-Mémoire for mission of November 17 to December 5, 2014, p. v.

²¹⁹ It does not appear that the Bank considered the option of establishing a “*maximum corridor of impact*” for the entire length of the road, which could have identified all of those potentially eligible for entitlements. This census information may be useful in choosing precise sites and alignments to minimize negative impacts.

C. Compensation, Livelihoods, and RAP Supervision

203. **The Requesters** expressed particular concern about the impact of land-take and failure to compensate PAPs fully and in a timely manner. They stated this affected the entire household but “*impacted greatly on children*” particularly for households whose income and food security depended on their gardens and attached fields. They argued that OP 4.12’s requirement to restore the livelihoods of PAPs, and preferably improve it, was “*greatly compromised*.”

204. The Requesters believed the Project has a “*poor compensation mechanism*” resulting in an “*unfair situation*” wherein “*inadequate*” and “*un proportional*” compensation was given to land- and property-owners, including owners of commercial properties along the length of the road but particularly in Bigodi Town. The Requesters alleged certain households received no compensation. The Requesters also believed inadequate compensation to some households whose remaining land was too small to rebuild homes or restart gardens or businesses, meant they could not purchase replacement land equivalent in size and quality to the land acquired from them by the Project.

205. **The Management Response** acknowledged instances of non-compliance and failures to guard diligently against harm suffered by affected individuals, while recognizing that the circumstances were challenging.²²⁰ Management viewed Requesters’ claims regarding compensation as due largely to the slow payment process and insufficient understanding of the methodology used to calculate compensation. The Response also referred to minor changes in road alignment, which may have resulted in compensation being paid to some people who eventually did not suffer losses, leading to complaints of unfairness and lack of transparency.

206. The Management Response confirmed that the Borrower remains obligated to complete unfinished land acquisition and compensation processes beyond Project closure, and that “*the Bank will continue to follow up and to ensure that relevant policy obligations are met*.”²²¹ It further confirmed that in areas where “*compensation has not yet been made, the Supervising Engineer will not sanction works to continue until payment has been effected*.”²²² The Bank made recommendations to ensure that land acquisition for the road follows the compensation process outlined in the RAP. These included the following measures for UNRA to implement: (i) preparation of an updated and clear compensation status report and (ii) implementation of an action plan on pending complaints and outstanding compensation issues. Management also recommended that negotiated settlement payments require proof of written consent by communities and individuals involved. There was no direct response to the issue of replacement land as compensation.

207. The Management Response further confirmed that it recommended a RAP audit in May 2015 to ascertain the extent of compliance. However, during the October 2015 mission UNRA informed the Bank team that the Ugandan Auditor General had launched an audit of the RAPs for all roads built by UNRA and therefore it would be unable to undertake this additional parallel audit.

²²⁰ Management Response, para. vii, p. vi.

²²¹ Ibid. para. 52, p. 14.

²²² Ibid. p. 49.

208. **Bank Policy.** Bank Policy on Involuntary Resettlement (OP 4.12 paragraphs 6a, 10, and 12) requires the resettlement plan to include measures ensuring that displaced persons are provided prompt and effective compensation at full replacement cost for losses of assets attributable directly to the project, and that land and related assets may be taken only after compensation has been paid. The Policy further stipulates that cash compensation levels should be sufficient to replace lost land and other assets at full replacement cost in local markets.

209. **Panel Observations and Analysis.** As with any involuntary resettlement activity, the implementation of this Project faced land-related disputes in which rightful claimants could not be identified due to death and inheritance, the absence of owners, or boundary disputes. With a high proportion of land under customary ownership, such issues were to be expected. Furthermore, after approval of valuation reports and disclosure of compensation packages some affected people objected to low values or omissions by the assessor.

210. During the field visit residents who were not part of the original Request repeatedly presented the Panel team new evidence of similar problems. Hence, additional community members provided the Panel with written grievances from Nkingo Village (19 complainants), Nkingo Township (six), Bigodi Township (nine), Bigodi Village (three), Rwengobe (14), Kahunget Centre (23), Rwaetera Township (five), and Kyakakabale (three). The team heard numerous additional complaints and saw the related evidence of harm. In most cases those affected had not lodged formal complaints as they had no access to either a village committee or a formal Grievance Redress Mechanism, and many said they were simply unaware who was responsible, from whom they should seek redress, and what process to follow.

211. Such additional complaints included (i) omission of property and land from assessments; (ii) non-assessment for compensation of property affected by the right-of-way and road reserve, and (iii) delays in compensation payments. They also sought redress of harm resulting from the road design such as (i) loss of access due to land-take; (ii) drainage water inundating properties and compounds; (iii) construction damage to property and non-compensation, including for the dumping of soil on privately-owned land, and (iv) the dangers of electrocution from low hanging power cables above occupied houses (see chapter 2 for more details).

C.1. Adequacy of Compensation and Livelihood Impacts

212. **Adequacy of Compensation.** During its visit the Panel team confirmed the range of outstanding claims relating to land and asset acquisition and compensation. Some residents showed the Panel team paperwork which appeared to confirm that a number of properties – some marked with an ‘X’ and thus in the road reserve – had not yet been assessed or valued, or were valued but compensation remained unpaid.



Figure 3.1: Marked properties remaining in the road reserve

213. Other cases involved changes in road design that affected different residents' assets. Such residents had their assets assessed and received forms confirming the planned changes. However, in some places where the Project decided to return to the original design, the newly affected residents did not receive corrected, updated, and amended documents as was required, leaving the community with the impression that the change would still occur.

214. During its visit the Panel team observed many buildings for which compensation had been paid still standing in the road reserve; some were inhabited, and there appeared to be little effort underway to remove those properties despite a legal requirement to do so. In other cases, where there were disputes over the valuation, part of the compensation had been paid and part of the properties had been demolished; however, owners were instructed to vacate their properties, have the remainder demolished, and only then contest the valuation at a later date. Property owners were understandably reluctant to comply with such instructions, as they doubted the remaining compensation would be paid once the property was vacated.



Figure 3.2: Partially demolished properties and temporary access

215. The omission of properties from the survey of affected households, and the non-payment of compensation – particularly for additional land-take due to changes in road alignment – continued to create confusion among the residents and further discredited the compensation process. Despite many outstanding claims, road building was continuing ahead of compensation and land acquisition, creating financial and material hardships, as well as genuine stress among residents.

216. **Livelihood Impacts.** As noted in Chapter 2, the Panel team confirmed a range of outstanding issues relating to construction impacts on livelihoods. Most claims were for losses incurred due to failure of the Contractor and the Supervising Engineer, with UNRA oversight, to provide safe access to commercial properties and community-based facilities. This claim raises the wider issue of providing compensation for loss of business and employment.²²³

217. During the visit the Panel mainly heard livelihood related claims from business owners (particularly shopkeepers) who complained about loss of business. They linked such loss to reduced clientele, inability to deliver goods due to poor access, and the precariousness of nurseries now situated below the road and subject to flooding by water run-off and poor drainage facilities. Very few claimants came forward with issues related to crop losses.

218. Such complainants had little awareness of compensation in the form of rehabilitation assistance and no one had received such payments. The 2011 RAP stated that “*assistance*” would be administered by a RAP Implementation Unit based in the Project area, monitoring would include quarterly reporting and a RAP “*implementation Consultant*,” and that the process would be overseen by an UNRA-employed, local NGO to assist in monitoring RAP effectiveness. No such unit was established, monitoring reports of resettlement were sporadic, there was no external independent monitor, and there is no evidence of these payments being made. The RAP also

²²³ Resettlement Action Plan (January 2011) 6.3.1.4 and 6.3.1.5. p. 47, AWE Engineers, Kampala.

strongly recommended that UNRA include local authorities through “*community development*” activity to enhance the skills of PAPs. The Panel found no evidence of individuals or households receiving livelihood assistance or skills training.

219. **Compliance Finding.** Bank Policy OP 4.12 paragraph 10 requires that the implementation of resettlement activities be linked to the implementation of the Project to ensure that displacement or restriction of access does not occur before necessary resettlement measures are in place. Where needed, relocation and compensation must be completed prior to the beginning of construction. Although the Panel could not ascertain exact numbers, it can state that construction was preceding compensation in a significant number of cases.

220. **The Panel finds road construction commenced and continued before Project-affected people were compensated. Furthermore, the Panel notes compensation amounts were frequently insufficient due to failure to assess the full impact of the road on land-take, and lack of livelihoods restoration assistance as set out in the 2011 RAP. The Panel finds this is not in compliance with OP/BP 4.12 on Involuntary Resettlement.**

C.2. Bank Supervision of the RAP

221. The Panel notes that land acquisition and compensation for the Kamwenge-Fort Portal Road commenced following an exercise undertaken by AWE Consulting²²⁴ to verify the names of affected people included in the 2011 RAP. UNRA was required to submit RAP Implementation Progress Reports to the Bank; however, between December 30, 2011, and March 31, 2012, no reports were submitted,²²⁵ as acknowledged in several supervision reports from that period. UNRA was required to “*submit progress reports on the implementation of the RAP on a monthly basis*” as well as “*annual client satisfaction surveys*” it agreed to conduct.²²⁶ UNRA confirmed it would submit monthly reports on RAP implementation; however, no such reports were recorded as having been submitted throughout 2012.²²⁷

222. Throughout 2013 the Panel found little correspondence relating to RAP implementation in the available documents. Monthly updates of Project progress submitted by the Supervising Engineer to UNRA provide some information on RAP implementation. Compensation was not discussed in the Supervising Engineer’s 2013 reports. However, it was discussed throughout 2014, with the Supervising Engineer noting that “*UNRA’s Land Acquisition Officer was yet to come to the project site to handle compensation issues*”²²⁸ and “*copies of land agreements made by the Contractor with landowners were yet to be forwarded to the Engineer and UNRA for the records.*”²²⁹ The Supervising Engineer reported a continuing need to “*ensure that land*

²²⁴ AWE Environmental Engineers EIA partnership of AIR WATER EARTH (AWE) LTD Environmental, Civil Engineers & Project Management Consultants.

²²⁵ World Bank Aide-Mémoire for mission of April 23 to May 7, 2012, para. 58, p. 16.

²²⁶ Ibid. para. 70, p. 19.

²²⁷ Ibid. September 24, 2012-October 12, 2012, p. 22.

²²⁸ Consultancy Services for the Supervision of Construction of the Kamwenge-Fort Portal Road, Progress Reports No. 4, January 2014- No. 9 June 2014.

²²⁹ Supervising Engineer Reports No. 4 (January 2014), No. 5 (February 2014), No. 7 (April 2014), No. 8 (May 2014) and No. 9 (June 2014).

*compensation/acquisition were [sic] followed up; and that UNRA ensured that all hindrances are eliminated before commencement of construction works.”*²³⁰

223. In June 2014 a Bank supervision mission identified problematic issues including those raised by the Supervising Engineer related to compensation: (i) “*major shortcomings*” in terms of compliance with Bank’s policy requirements; (ii) “*the total negligence*” of the mitigation measures stated in the EIA certificate issued by the National Environment Management Authority (NEMA), and (iii) the lack of follow-up from UNRA “*to improve the implementation progress and resolution of non-compliance of basic environmental and social aspects.*”²³¹

224. The Bank conveyed “*its serious concerns to the Government of Uganda and requested follow-up on agreed actions*” and “*downgraded the overall Safeguards rating from Moderately Unsatisfactory to Highly Unsatisfactory, while implementation progress [dropped] from Moderately Satisfactory to Unsatisfactory.*” The actions agreed with UNRA included “*accelerated compensation payment for Project Affected Persons*” and the engagement of the Chief Government Valuer (CGV) and the Commissioner for Survey and Mapping to address issues regarding uncompensated persons and advise on the resettlement of persons in quarry areas.

225. A Bank supervision mission in September 2014 noted that some of the measures agreed in June 2014 had not been completed and requested UNRA and the Supervising Engineer to take further actions to improve the situation. A subsequent supervision mission in November-December 2014²³² noted improved performance on payments to some of the affected house occupants but also found outstanding issues yet to be resolved, including (i) finalizing the right-of-way, ensuring that all PAPs are captured and no others would be affected, and (ii) carrying out the pending valuations (in Kahunge and Kamwenge) so that affected people on the original approved valuation list and others subsequently deemed eligible would be compensated.

226. Following the Requesters December 2014 letter to the Panel the Bank conducted further missions (between January and October 2015) to “*consult with the community on the issues raised by them.*” The Back-to-Office Report (BTOR) of March 2015 described the methodology employed during the latter mission. The report noted “*various mitigation measures and actions*” since June 2014 had been proposed and agreed with the Government of Uganda, and “*were being implemented by the client.*”²³³ It stated the complainants raised the same concerns mentioned in the December letter and identified compensation as “*the biggest concern to the community.*” It described the mission team’s observation that throughout the community “*there was lack of understanding regarding the process of property valuation and compensation, including the criteria used to identify those who will be compensated, how the compensation amounts were calculated and so forth.*”²³⁴

²³⁰ Supervising Engineer Progress Reports No. 6 (March 2014), No. 7 (April 2014), No. 8 (May 2014) and No. 9 (June 2014).

²³¹ World Bank Aide-Mémoire for mission of June 2014, p. 10.

²³² Ibid. November 17-December 5, 2014.

²³³ BTOR, March 2015, p. 3.

²³⁴ Ibid. Para. 41, p. 7.

227. The Panel notes the systemic and institutional challenges during Project implementation that limited the effectiveness of measures established to ensure compliance. More precise actions and closer supervision by the Bank could have been designed to guarantee that social and environmental compliance would be ensured to help resolve community grievances.

228. The Panel notes that despite Management Response's assurance that "*in areas where compensation has not yet been made, the Supervising Engineer will not sanction works to continue until payment has been effected*,"²³⁵ construction works continued in places where payments were not made. The Panel also heard allegations that the Contractor was paying outstanding compensation claims. The Panel notes that Bank supervision covered specific sections of the road (such as the section crossing Kibale Forest or where the Request originated), but the issues raised by the Requesters also affect communities along the entire stretch of the Kamwenge-Fort Portal Road, and as work intensifies new issues arise due to failings of the process already described. The Bank's action in response insufficiently anticipated future risks and harm as construction continued.

229. The Management Response called for (i) preparation of an updated and clear compensation status report and (ii) implementation of an action plan on pending complaints and outstanding compensation issues. Management's May 2016 supervision mission reported that of 209 PAPs whose claims are being verified, only 42 PAPs contest the assessment values and "*67 PAPs are unidentified*."²³⁶ The Panel acknowledges that the Bank is now seeking to help UNRA finalize its communication plan with respect to the communities, and build its communication and citizen engagement capacity.²³⁷

230. The Panel observes that the quality of supervision was insufficient to ensure positive resettlement outcomes. The Panel also notes Management has acknowledged weaknesses in Bank supervision and a failure to follow up on ensuring compliance with certain provisions of the RAP.

231. Furthermore, the RAP made provisions for independent resettlement monitoring through the employment of a "*RAP Implementation Consultant*" acting as a facilitator and "*working through field offices*" along the length of the road in collaboration with a local NGO funded to monitor RAP effectiveness. Bank policy requires supervision to ensure that such independent resettlement monitoring is in place and is effective, given that the RAP provided for such monitoring. However, in this Project these requirements were not met and the monitoring system planned in the RAP was not put in place.

232. **Compliance Finding.** The Panel found that there were supervision missions between RAP approval (early 2011) and mid-2014 when the Supervising Engineer flagged community concerns and triggered supervision missions to the Project site. Furthermore, those missions focused mainly on environmental issues and issues related to technical performance, demonstrating an under-appreciation of social issues, including resettlement.

²³⁵ Management Response, p. 65.

²³⁶ World Bank Aide-Mémoire for mission of May 16-26, 2016, p. 6.

²³⁷ TSDP Matrix of Follow-up Actions to Management Response, January 12, 2016, Action 15.

233. The Panel finds Management inadequately supervised Project resettlement implementation leading to different instances of harm to communities along the road. This did not permit the Project to address harm in a timely and appropriate manner, and therefore the Panel finds Management in non-compliance with OP/BP 4.12 on Involuntary Resettlement.

D. Retaliation and Grievance Redress Mechanism

234. The Requesters raised concerns about retaliation, “*political interference*,” and “*antagonism [towards] those reporting*” the issues raised in the Request. They stated that they are “*voiceless*” and alleged community members were “*shunned*” (prevented) from attending meetings – including those with the World Bank – having the effect of silencing the community.

235. The Requesters claimed the Project had no functioning “*organ*” or mechanism to enable grievances to be heard and addressed. They stated community members were spending “*a lot of funds and other household resources*” to pursue their grievances. They informed the Panel there are no dialogue meetings where PAPs could air their views. They added that their attempts to raise concerns with officials from UNRA and the World Bank have not led to an effective response, and “*instead the abuses continue*.”²³⁸

236. The Management Response acknowledged the risk of retaliation. It noted that “*complaints about the road works [were] not welcome and may have been seen as jeopardizing the Project altogether*.”²³⁹ The Response stated Management raised with the Government at the highest levels the risk of retaliation against Requesters and emphasized there must be no retaliation whatsoever against communities or individuals who complain to police or approach the Bank to redress grievances. It also stated Management has advised UNRA to reach out to communities and leaders and ensure that retaliation is taken seriously and is monitored.

237. In response to the Requesters’ claim that there was no mechanism through which grievances could be heard or redressed, Management conceded “*there was no structured information sharing or feedback mechanism for community members*.”²⁴⁰ The Response referred to the Bigodi Grievance Redress Committee as a “RAP GRC” with the purpose of receiving and reviewing complaints relating to land acquisition. It stated complaints raised by the GRC were followed up in the October 2015 mission including a “*walk through*” of affected properties. The Response acknowledged the GRC “*requires strengthening, including systematic feedback to complainants from UNRA regarding the actions taken in response to their complaints, and (it) stressed the importance of addressing these weaknesses to UNRA*.”²⁴¹

238. Bank Policy OP 4.12 on Involuntary Resettlement requires establishment of mechanisms for the continued participation of affected people, as well as for redress of their grievances. Appropriate and accessible grievance mechanisms are part of procedures ensuring that affected

²³⁸ Letter of Request, August 21, 2015, p. 5.

²³⁹ Management Response, 2015, Annex 2, Claims and Responses, p. 57.

²⁴⁰ Ibid. Para. 49, p. 14.

²⁴¹ No specific actions were proposed in relation to the Grievance Redress Procedures for the Project in the follow-on actions, Matrix of Follow-up Actions to Management Response, January 12, 2016.

people are provided with timely and relevant information, that they are consulted on resettlement options, and offered opportunities to participate in planning, implementing, and monitoring resettlement.²⁴² The Policy states that such mechanisms should include “*institutionalized arrangements by which displaced people can communicate their concerns to project authorities throughout planning and implementation (...).*”²⁴³

D.1. Retaliation

239. During its visit the Panel team inquired about the issue of retaliation,²⁴⁴ but was not provided information on where actual retaliation occurred. The Panel, however, was informed about intimidation of members of the Bigodi GRC and perceived apprehension among community members, some of whom were too fearful to speak with the Panel.

240. The Panel commends Management for its advice to UNRA, and is comforted by UNRA’s outreach to communities conveying that the issue of retaliation is taken seriously and would be monitored. Community members confirmed to the Panel team that they had heard government officials on the radio and in person warn against retaliation. As Management noted, the Panel feared retaliation from within the community was also possible in reaction to cancellation of the Project and any ensuing job losses. However, this seems an unlikely scenario as works have continued throughout this investigation and have even accelerated recently.

241. The Management Response informed the Panel that UNRA would monitor any retaliation. In November 2015 UNRA drafted its own plan for preventing and mitigating retaliation²⁴⁵ (dated November 6, 2015).²⁴⁶ The Response described how Management, following an August 2015 mission, focused on direct engagement with community members.

242. The Panel is also comforted by Management’s effort to put in place a dedicated communication channel to allow Requesters to alert the Bank directly if they experience retaliation, and the Panel shared this information with the Requesters. Management informed the Panel that the Government of Uganda directed law enforcement agencies to pursue promptly any allegation of retaliation.

²⁴² OP 4.12, 13(a).

²⁴³ Ibid. 4.12, Annex A, para. 15.

²⁴⁴ The Inspection Panel has adopted guidelines to address cases where Requesters (or other persons associated with the Panel’s process) may face retaliation. Confidentiality is a key principle of the Panel process and Panel guidelines include the adoption of preventive measures to protect the identity of such individuals. If, despite these preventive measures, retaliation occurs, the Panel informs the appropriate levels of World Bank Management, including the President and the Board as necessary. The Panel’s guidelines on retaliation can be accessed at: <http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/2016%20Retaliation%20Guidelines.pdf>.

²⁴⁵ Proposed – Prevention and Mitigation of Retaliation on Kamwenge to Fort Portal Road Sensitization and Response Program Uganda Transport Sector Development Project, November 6, 2015, UNRA, Kampala.

²⁴⁶ In its follow-on actions the Bank has sought agreement from UNRA on an anti-retaliation plan satisfactory to the Bank, and it will follow-up its implementation; it further states that the “*plan needs to be implemented by UNRA before the Bank can consider supporting projects with similar risk.*” Matrix of Follow-up Actions to Management Response, January 12, 2016, Action 11.

243. The Panel is therefore reassured that measures taken by the Bank²⁴⁷ and the Government of Uganda²⁴⁸ were designed to assure residents that retaliation against those who speak openly about the problems associated with the Project will not be tolerated, and that individuals have the protection of the law and avenues to voice their complaints directly to the authorities responsible.

244. The Panel observes there is evidence that the situation has changed over the past 12 months. At the time of the Panel's Investigation visit there was more openness and willingness to speak about issues that were formerly considered too damaging or discomforting to air publicly. Nevertheless, the Panel believes it is prudent to remain cautious and vigilant, even though as of the drafting of this report the risk of retaliation seems to have decreased.

D.2. Grievance Redress Mechanism

245. The 2011 RAP set out a procedure for establishing a Grievance Redress Mechanism (GRM) for the Project. As noted above it included the employment of a RAP Implementation Consultant acting as facilitator, setting up "*field offices*" along the length of the road. Additionally the GRM should have had the active participation of UNRA, the District Land Office, and the Chief Administration Officer.

246. As previously stated UNRA was required to submit monthly RAP implementation reports including updates on the establishment and functioning of the Project's GRM. The Supervising Engineer reported in June 2014 that complaints were being sent directly to them and in the absence of UNRA's Land Acquisition Officer those complaints were forwarded directly to UNRA in Kampala for action.²⁴⁹ A Bank mission in the same month observed "*numerous complaints from the communities which have not been addressed, and their documentation [was] also lacking, implying that there [was] no operational Grievance Redress Mechanism*" in place.²⁵⁰ The Bank advised "*a grievance redress mechanism/committee must be set up with the guidance of UNRA in consultation with the local Authorities, to handle community complaints against the project. Community complaints must be handled and addressed in a timely manner, amicably and satisfactorily, including compensation issues.*"²⁵¹

247. In September 2014 another Bank mission found "*there was NO operational grievance redress mechanism/committee in place*" (*emphasis in original*). The Bank stated that unless the requirement was fully met the "*project works*" could not resume and would be suspended "*until outstanding issues had been resolved.*"²⁵² In November 2014 the Bank reported that a Grievance Redress Committee (GRC) for Kamwenge had been formed and held its first²⁵³ and second

²⁴⁷ Management Letter to Inspection Panel, October 29, 2015; Management Response, December 17, 201, Annex 2, Claims and Responses, p. 57.

²⁴⁸ Proposed – Prevention and Mitigation of Retaliation on Kamwenge to Fort Portal Road Sensitization and Response Program Uganda Transport Sector Development Project, November 6, 2015, UNRA, Kampala.

²⁴⁹ Consultancy Services for the Supervision of Construction of the Kamwenge-Fort Portal Road, Progress Report No. 9 (June 2014), 9.03, "*the Resident Engineer was to forward to the employer (UNRA) details of compensation complaints so far received for their response/action.*"

²⁵⁰ World Bank Aide-Mémoire for mission of November 17 to December 5, 2014, p. 26.

²⁵¹ Ibid.

²⁵² Ibid.

²⁵³ Minutes, GRC Meeting No.1, November 5, 2014, Kamwenge.

meetings on 5th and 26th November 2014 leading the Bank team to note “*improvements with social and environmental performance,*” in particular, “*improving access and participation of PAPs in a grievance committee.*”²⁵⁴

248. A BTOR from March 2015 described a functioning GRM operating at four levels. The first level was identified as a “*village/community specific GRCs involving the LC1/village leaders, affected persons’ representatives and an UNRA representative,*” which receive, register, and address site/community complaints. The second level was a “*District level GRC*” which brings together “*District and Local Council 3 leaders, specific site PAP/LC1 representatives, and UNRA*” to handle “*unresolved clarifications, issues and complaints.*” The third level was identified as a direct approach to UNRA regarding “*complaints previously forwarded to the District level GRC [that had not been] satisfactorily resolved*” and that allowed UNRA to forward those complaints to the Chief Government Valuer for revaluation and assessment. The fourth and final level are the Courts of Law when the “*three avenues fail to satisfy the affected person(s).*” The BTOR noted that “*so far no cases have been referred to court.*”²⁵⁵

249. The Panel team could find no evidence to support the existence of village specific GRCs or procedures that included an UNRA representative. The Panel team could also find no evidence of the RAP Implementation Consultant or its “field offices” along the length of the road. Furthermore, affected populations appeared unaware of their existence. The Bigodi community independently established a Grievance Redress Committee (GRC) to represent the interests of local affected residents. GRC members had no sense that their committee was part of a formally established mechanism or as part of Project structures, allowing complaints to be heard and redress to be sought. As testimony to the pro-activeness of the Bigodi GRC, another community committee was established in Rwaetera during the Panel team’s visit, but again without UNRA or District authority involvement.

250. In discussions with the District Administrator for Kamwenge the Panel confirmed he had attended two meetings with UNRA to discuss two outstanding compensation claims. He described them as significant, involving commercial land and property. However, he was unaware of a standing GRC at the District Level as described in the March 2015 supervision document.

²⁵⁴ World Bank Aide-Mémoire for mission of November 17 to December 5, 2014, p. 26.

²⁵⁵ BTOR, March 2015, para. 45.



Figure 3.3: Rwaetera Grievance Redress Committee

251. Later in 2015 UNRA established a Citizens Engagement/Outreach Program (undated) to “improve communication and information flow, solicit stakeholder support and encourage community participation” with the aim of “facilitating the smooth and quick implementation of project activities.” Communication and information flow, as described in the Engagement policy, would be achieved through radio shows, a toll-free hotline to UNRA, and quarterly engagements with the Contractor to address “social issues.” Management’s Response stated it was “not aware of a written stakeholder/community engagement plan having been prepared by UNRA.”²⁵⁶ However, UNRA drafted a Communications Plan in October 2015²⁵⁷ and a further Communications Strategy, and shared these with the Panel.²⁵⁸

252. The Panel observes that while GRMs are not the only way to ensure resettlement effectiveness, in this context a fully functioning and representative mechanism could have played a significant role in identifying problems early on, in providing a channel to improve communication, and in seeking redress. Such an organization plays a constructive role in verifying the accuracy of data that normally feed socio-economic surveys and Strip Maps used in the valuation/compensation processes. It would have also galvanized local action towards identifying the most vulnerable and played a wider social role bringing community concerns beyond the immediate issue of resettlement to the attention of the authorities.

253. **Compliance Finding.** As described above, Bank Policy OP 4.12 on Involuntary Resettlement requires institutionalized mechanisms for the continued participation of affected people, as well as for redress of their grievances. The Panel notes that although the RAP set out a procedure for establishing a GRM and included the employment of a RAP Implementation

²⁵⁶ Management Response, para. 49, p. 14.

²⁵⁷ Communications Plan for Project Activities and Sensitization along the Kamwenge-Fort Portal Road, October 2015, UNRA, Kampala.

²⁵⁸ Proposed – Communication Strategy for the Construction of Kamwenge – TSDP – Additional Financing (undated).

Consultant with field presence along the road in collaboration with a local NGO funded to monitor RAP effectiveness, this was never implemented. **The Panel finds the lack of a formal Grievance Redress Mechanism for the Project was not in compliance with OP/BP 4.12 on Involuntary Resettlement.**

Chapter 4: Gender-Based Violence and Child Protection

A. Introduction

254. This chapter analyzes incidents of harm related to gender-based violence and child protection. The Requesters claim the influx of labor has led to sex with minors and teenage pregnancies, an increase in sex work, a rise in sexually transmitted infections (STIs), sexual harassment of female employees, child labor, and school dropouts. This chapter also gives an overview of the situation of women and children in Uganda, and explains the potential social impacts of project-induced in-migration.

B. Context

B.1. Women and Children in Uganda

255. Uganda's legal framework includes a strong commitment to gender equality and children's rights. Uganda was among the first countries in sub-Saharan Africa to establish a ministry dedicated to gender equality – the Ministry of Gender, Labour, and Social Development (MGLSD).²⁵⁹ A Defilement Law was enacted as part of an effort to protect girls and establish punishments for engaging in sexual intercourse with a girl under 18 years of age. While reports of defilement increased after passage of the law, enforcement remains weak, and older men allegedly often bribe the police or the girl's family to settle cases out of court.

256. Progress enforcing these protections has been hindered by several barriers. According to a UNICEF report *“There are many factors that contribute to or hinder the implementation of [these] laws and policies, ranging from the adequacy of programs, to their level of funding, the human resources available, and decision makers’ knowledge and understanding of the barriers that need to be overcome to more effectively implement these actions.”*²⁶⁰

257. According to UNICEF, gender-based violence remains pervasive in Uganda.²⁶¹ One-in-seven women reports that her first sexual experience was coerced.²⁶² Uganda has a high prevalence of child marriage, with 40% of girls marrying before the age of 18.²⁶³ Defilement and domestic violence are on the rise, and were among the top 10 crimes registered by police in 2013.²⁶⁴

²⁵⁹ Here we use the current name of the Ministry, which was initially known as the Ministry of Women in Development.

²⁶⁰ Uganda Ministry of Gender, Labour, and Social Development and UNICEF, “Situation Analysis of Children in Uganda,” 2015, p. 89.

²⁶¹ Ibid. p. 26.

²⁶² Koenig MA, Lutalo T, Zhao F, Nalugoda F, Kiwanuka N, Wabwire-Mangen F, Kigozi G, Sewankambo N, Wagman J, Serwadda D, Wawer M, “Coercive Sex in Rural Uganda: Prevalence and Associated Risk Factors,” *Social Science & Medicine*, 58(4), 2004, 787-798.

²⁶³ UNICEF, “State of the World’s Children,” 2015. *Note:* the prevalence of child marriage is calculated as the proportion of women ages 20-24 who married before the age of 18.

²⁶⁴ Uganda Police Force, “Annual Crime and Traffic/ Road Safety Report 2013,” 2014.

According to this source “*nearly 78% of primary school children and 82% of secondary school students have experienced sexual abuse at school.*”²⁶⁵

258. Teenage pregnancy rates remain high, in part due to poor access to reproductive health services, with nearly one-in-four women becoming pregnant before adulthood. Uganda also has a high HIV prevalence rate of 7.3%²⁶⁶ and the Project is in a region with an even higher rate of 8.2%.²⁶⁷ These rates are higher among women and AIDS is a leading cause of mortality among adolescents in Uganda.²⁶⁸

259. Girls are also more likely to drop out of secondary school early, and their school retention rates are affected by issues that reflect underlying gender inequalities, including lack of amenities to address specific needs during menstruation, the heavy burden of domestic work, early marriages, violence, and family norms.²⁶⁹ Fees and other school-related expenses tend to be higher for secondary school, which increases the opportunity cost of sending children to school. Pregnant schoolgirls are often forced to leave school and frequently cannot register at or return to the same school after birth of the child.²⁷⁰

260. Many children in Uganda play key roles in contributing to household income, with almost half of children aged five to 17 engaged in some kind of work.²⁷¹ According to employment regulations the minimum age for work in Uganda is 14 years old.²⁷² The Children’s Act states “*no child shall be employed or engaged in any activity that may be harmful to his or her health, education, mental, physical or moral development.*”²⁷³ According to national regulations, “*hazardous work*” includes exposure to dangerous machinery, carrying heavy loads, exposure to harassment – including physical, psychological, and sexual abuse, and work under strenuous conditions for long hours.²⁷⁴ A recent survey reveals the Western region, where the Project is located, has one of the highest child employment rates at 40%.

²⁶⁵ UNICEF Uganda, “Assessing Child Protection, Safety and Security Issues For Children in Ugandan Primary and Secondary Schools,” Research Briefing Kampala, 2013, as cited in Uganda Ministry of Gender, Labour, and Social Development and UNICEF, “Situation Analysis of Children in Uganda, 2015, p. 68.

²⁶⁶ UNAIDS, “2014 Uganda HIV and AIDS Country Progress Report,” 2015. Available at http://www.unaids.org/sites/default/files/country/documents/UGA_narrative_report_2015.pdf.

²⁶⁷ AIDS Indicator Survey (AIS) 2011.

²⁶⁸ Uganda Ministry of Gender, Labour, and Social Development and UNICEF, “Situation Analysis of Children in Uganda,” 2015, p. 2.

²⁶⁹ Ibid. p. 14.

²⁷⁰ United Nations Economic and Social Council Mission to Uganda, June 26-July 2, 1999, para. 85, p. 24. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G99/145/99/PDF/G9914599.pdf?OpenElement>.

²⁷¹ United Nations Economic and Social Council Mission to Uganda, June 26-July 2, 1999, para. 85, p. 9.

²⁷² Employment (Employment of Children) Regulations, April 20, 2012. Children between 12 and 14 are permitted to perform “*light work*” under adult supervision if it does not interfere with the child’s education.

²⁷³ Children Act, 1997 (Cap. 59).

²⁷⁴ Employment (Employment of Children) Regulations, April 20, 2012. According to these regulations no child younger than 18 may be employed in hazardous work, defined as “*work which by its nature or circumstances in which it is performed, is likely to harm the health, safety or morals of a child.*” The national list of hazardous occupations and activities not permitted for employment of children include work in building and road construction, sand and stone quarries, and hotels, bars and restaurants.

B.2. Impacts Associated with Project-Induced In-Migration

261. While infrastructure projects and project-induced in-migration might bring potential economic benefits to host communities in the Project area of influence through employment, trade, and new business opportunities, they can also lead to unintended environmental, social, economic and health impacts.

262. So-called “*boomtown effects*” are well known.²⁷⁵ A sudden inflow of construction workers into small, often traditional, local communities causes social, health, economic and cultural problems, particularly at the community level. Although historically these impacts have been associated with large infrastructure projects, the risks are not simply an issue of magnitude of the influx. The rate of influx, overall footprint, sustainability of in-migration, resilience of the affected area, and potential severity of negative impacts determine the significance of in-migration for a particular project.²⁷⁶

263. The World Bank’s Hydropower Dams and Social Impact publication describes the potential impacts of a small dam in Kenya as including family breakdowns, teenage pregnancies, and school dropouts. This case study states that “*during the peak construction period many girls were lured out of school, became pregnant and dropped out of school*” and “[a]lthough some girls went back to school the damage was considerable, particularly for those who became pregnant or contracted sexually transmitted diseases.”²⁷⁷

264. The International Finance Corporation (IFC) Handbook for Addressing Project-Induced In-Migration identifies deterioration of the social context in which a project operates as one of the major potential impacts of population influx. It explains that migrants may cause an overall decline in the wellbeing of the resident population by diluting social cohesion and placing additional pressure on what may often be inadequate public infrastructure, services, and utilities.²⁷⁸ The Handbook identifies the following as potential social impacts:

- Changing relationships between groups;
- Possible marginalization of women and other vulnerable groups;
- Increased tension, disputes, and conflicts between locals and migrants over resources, employment opportunities, and other project benefits;
- Increased incidence of social ills including alcoholism, drug abuse, prostitution, and gambling;
- Increased domestic violence;
- Increased criminality, and
- Decreased law and order.

²⁷⁵ Cernea, Michael, Hydropower Dams and Social Impacts: A Sociological Perspective. The World Bank, 1999, pp. 2-3.

²⁷⁶ IFC, Projects and People: A Handbook for Addressing Project-Induced In-Migration. Available at: http://www.ifc.org/wps/wcm/connect/topics_ext_content/ifc_external_corporate_site/ifc+sustainability/learning+and+adapting/knowledge+products/publications/publications_handbook_inmigration_wci_1319576839994.

²⁷⁷ Cernea, Michael, Hydropower Dams and Social Impacts: A Sociological Perspective. The World Bank, 1999, p. 3.

²⁷⁸ IFC, Projects and People: A Handbook for Addressing Project-Induced In-Migration.

265. Many of these impacts observed in the literature were raised by the Requesters as will be explained in the sections below.

C. Investigation Methodology related to GBV

266. To examine gender-based violence (GBV) and child protection-related harm in addition to extensive review of Project documentation, the Panel based its investigations in the field on Focus Group Discussions (FGD)²⁷⁹ with the community, and in-depth interviews with victims. At the start of each interview or FGD the consultants explained the objectives of the discussion, how information would be recorded and used, and emphasized that participation was entirely voluntary. Participants were told they could decline any question or withdraw at any stage in the interview process without suffering any consequences. The Panel worked with local facilitators to arrange a convenient location and time for the interviews and focus groups, ensuring privacy and confidentiality during each session. This was particularly important in the context of adolescent girls divulging extremely sensitive information about their experiences with sexual abuse. Consultants maintained participants' privacy and confidentiality by not recording their names or linking their responses to their identities. The consultants framed the FGD in a general way by asking what happens in the community and not about individual experiences.

267. All individual interviews related to sexual violence were conducted by experts with significant prior experience collecting GBV data. As mentioned in Chapter 1, these interviews took special caution to avoid creating more harm and followed "ethical principles governing human subjects," namely, respect for persons, justice, and beneficence,²⁸⁰ and the Panel was guided by global good practice for conducting research on violence against women.²⁸¹ This guidance prioritizes safety, anonymity, confidentiality, and protection from re-traumatization and stigmatization.

268. As these interviews explicitly covered experiences of sexual harassment, coercive sex, rape, and pregnancy, adolescent girls were selected only from among the group already registered with the local Grievance Redress Committee as cases of defilement. No photographs were taken. These measures helped avoid introducing new stigma or other social risks to girls who may not yet have shared their stories. Furthermore, interviews were conducted in a place of the girl's choosing. The interview about sexual harassment in the workplace was conducted far from the respondent's home and work site, at a time and place requested by her. For minors, the consultants obtained verbal consent from a parent or guardian and from the adolescent participant. Guardians of minors who insisted on being present for the interview were permitted to do so in the child's best interest. Participants over the age of 18 were allowed to have their children (all under the age of two) present during the interview. The consultants also ensured that referrals to local social

²⁷⁹ Focus groups are a qualitative research method that entails assembling a group of seven to 10 interacting individuals with some common characteristics under the guidance of a moderator, who uses the group and its interaction to collect data about a specific issue.

²⁸⁰ National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research, Bethesda, MD (1978). The Belmont report: Ethical principles and guidelines for the protection of human subjects of research, available at: <http://www.hhs.gov/ohrp/regulations-and-policy/belmont-report/>.

²⁸¹ Ellsberg, M., Heise, L., & Shrader, E. (1999). Researching violence against women: A practical guide for researchers and advocates. *World Health Organization, Center for Health and Gender Equity: Washington, DC*.

service providers were available in the event the adolescent girls became distressed during the course of the interview or FGD.

D. Harm related to Gender-Based Violence and Child Protection

D.1. Sex with Minors and Teenage Pregnancies

269. **The Request** claimed girls were “*defiled*” by road workers in Bigodi and surrounding communities. This term refers to the act of “*having sexual intercourse with a girl below eighteen years of age, with or without her consent.*”²⁸² The Requesters also alleged that girls were being coerced or lured into sexual relationships with older men by the promise of monetary gain.²⁸³ They mentioned that road workers impregnated seven girls at Rwengobe Primary School in 2014 alone, and that many similar cases also took place in Bigodi School.²⁸⁴ They also claimed most of the girls leave school because of these pregnancies, and that these acts of defilement bring consequences that “*remain for generations.*”

270. The Request was supported by a study conducted by JFCU and the BIC²⁸⁵, which claims the influx of workers was associated with an increase in sexual abuse and assaults on girls. It states that between September and December 2014 nine girls became pregnant by road workers and dropped out of school, and three other girls engaged in sexual relations with workers without becoming pregnant. The study also alleges there has been a rise in children engaged in sex work and school dropouts have increased as a result of work opportunities brought by the road.

271. The Request explained the challenges of holding perpetrators accountable for these acts, noting that “*the men responsible usually dump the girls when they move on to another area*” and that the girls are unlikely to know the full name of the perpetrators, in part because road workers “*normally mix with the public at night after work.*”²⁸⁶ The Request cited several incidents of early marriage, elopement, and kidnapping and asked for greater adherence to the “*child protection policy*” to ensure that the Project does not violate children’s rights and that perpetrators of acts of defilement are held accountable. The Request suggested establishing a register to identify both casual and long-term workers.

272. **The Management Response** labeled allegations of sexual misconduct by road workers with minors as troubling. Management acknowledged “*the measures taken by the Bank and GoU to address the identified risks of sexual misconduct were insufficient, and that actions taken in response were inadequate and too slow given the gravity of the allegations and emerging*

²⁸² Uganda Law Reform Commission, “A Study Report on Rape, Defilement and Other Sexual Offences,” Publication No 1. Kampala, 2000.

²⁸³ Request for Inspection, December 2014, p. 2.

²⁸⁴ The December 2014 letter mentioned that a total of six girls were found pregnant in one term of the Bigodi School by road workers. The September 2015 letter mentioned that after the start of the road seven girls were impregnated in Rwengobe Primary School and since 2013 two girls have been registered impregnated by road workers in Bigodi Secondary School.

²⁸⁵ Bank Information Center and Joy for Children Uganda, The Impact of the World Bank Funded Kamwenge-Kabarole Road Construction Project, 2015. Available at: <http://www.bankinformationcenter.org/wp-content/uploads/2015/04/Kamwenge-Road-Final.pdf>

²⁸⁶ Request for Inspection, September 2015, p. 3.

evidence.”²⁸⁷ Management recognized that Project supervision was insufficient to address gender-related risks and did not take adequate steps to monitor the implementation of relevant mitigation measures identified in the ESIA. However, Management acknowledged that the mitigation measures set forth in both the ESIA and ESMP were insufficient and even had the ESMP measures been implemented, doing so would not “*constitute a robust mitigation plan commensurate with the risks identified prior to Project implementation and that subsequently materialized.*”²⁸⁸

273. The Management Response detailed the missions undertaken between receipt of the Request (in December 2014) and December 2015 to review “*allegations of sexual misconduct.*”²⁸⁹ However, it explained that only in the fourth mission (in May 2015) – after the Bank engaged specialized gender expertise – did the community acknowledge cases of defilement related to the road. Management concluded in December 2015 there was “*credible evidence of at least three cases of Project road workers engaging in sexual misconduct with minors, one of which has resulted in a pregnancy.*”²⁹⁰

274. **Panel Observations and Analysis.** The Panel found credible evidence of many cases of sex with minors and teenage pregnancies. During the Investigation visit the GRC gave the Panel a list of 21 pregnant girls, 13 of whom stated that their pregnancies were attributed to road workers. The Panel conducted private interviews with nine girls defiled and impregnated by men working on or directly linked to the road. Each girl asserted she knew other girls (not on the list provided to the Panel) who had been sexually involved with adult road workers, including some who had become pregnant. Each of the nine girls interviewed voluntarily shared their personal stories, which differed in terms of the exact circumstances of the defilement. However, all nine stories had in common the fact that these girls would not have encountered their perpetrators were it not for the Project. Their stories also show the impacts associated with the “*mobile man with money*” phenomenon, in which men from outside the community with cash in hand find themselves in a community with limited economic resources.

275. Many of the girls interviewed by the Panel said they were at first excited about having a tarmac road and acknowledged positive aspects of the Project such as living with less dust and mud, and enjoying easier transportation. However, most of them were now unhappy with the Project, since they attribute their pregnancies and their unfortunate situations to the road. Many of them said they faced constant harassment from road workers on their way to school, and this was how many encounters between workers and the girls from the community first happened. In other cases the girls met workers while working at restaurants or informal businesses such as video shacks and porridge stands which catered to road workers. While these new businesses brought economic opportunities to the communities, as explained below, they also put young girls at risk.

276. The nine girls met by the Panel explained that many of them were lured by offers of money and small gifts, including food, clothing, and support to pay for school fees, books, and beauty products. While some girls wanted to meet workers and entered relationships willingly, others did not want to be in such relationships. The assertion that girls agree to engage in sexual relationships

²⁸⁷ Management Response, December 2015, p. 6.

²⁸⁸ Ibid., p. 8.

²⁸⁹ Management Response, pp. 6-7.

²⁹⁰ Ibid. p. 32.

in order to obtain money for their basic needs was also raised in FGD that included other girls in the community. It is important to emphasize, as mentioned above, that in Uganda girls under the age of 18 cannot legally consent to sex, even if they purport to be willingly engaged in such relationships.

277. Many girls interviewed by the Panel said they were coerced to have sex and even those who agreed to engage sexually did not fully understand the implications of such acts. It was clear most had little or no knowledge of sexual health and reproduction and some of them were even unaware they could become pregnant. Most used no contraception and became pregnant as a result. This raises concerns about the spread of STIs in the community. One girl told the Panel she was born HIV positive and, while her son tested negative, she recently heard the father just tested HIV positive, and he now has other girlfriends.

278. The Panel heard cases that ran the range of experiences, including girls who willingly entered into transactional sexual relationships, some who were interested in a romantic relationship but who did not consent to sex, and some who wanted no form of romantic or physical relationship. In all cases the girls could not legally consent to sexually engage and did not fully understand the health and social implications of underage sex.

279. The Panel was told that in those cases in which girls willingly entered into a relationship, many were later abandoned by the road workers, often far from home, and subsequently had to live with their parents, uncles, or grandparents. The girls informed the Panel they received no financial support from the fathers. One girl was even asked by the father to get an abortion.

280. All nine girls met by the Panel dropped out of school due to their pregnancies. They believed they were not allowed to attend school while pregnant. Those who had already delivered said they could not afford to return to school. All of them expressed a strong desire to go to school or enter a vocational training program. These cases call attention to the integral link between defilement, early pregnancy, and school dropout, which is covered in more detail below.

281. The Panel also heard about obstacles to holding perpetrators accountable. Parents often avoid the police due to the stigma associated with reporting rape, the bureaucratic hurdles, the costs, and distrust of the judicial system. The Panel visited the Bigodi Police and learned a rape victim must show proof of age, which is a challenge as many people in Uganda lack birth certificates. The victim is also expected to pay for photocopying the police form and sometimes even pay the costs of police transportation used to search for perpetrators. Often the government health center is out of reach and under-resourced, and victims must pay for testing at a private health service provider. During FGD the Panel also heard that workers often save money to pay for bail for themselves and their colleagues in case they are caught having sex with a minor.

282. There was only one case identified by the Panel in which the perpetrator was held accountable for his actions. The girl was 15 years old and had been coerced into having sex with a road worker. Due to the mother's diligent pursuit of the case the perpetrator was arrested. In early April 2016 he was sentenced to four years in prison.

283. On June 24, 2016, the Panel received two additional lists, prepared by the Kamwenge District Local Government Office of the Probation and Social Welfare in March and April 2016, with 53 names of allegedly abused girls, 20 of whom said they were impregnated by road workers. This demonstrated that the number of reported cases continues to rise and new cases have occurred even after registration of the Request. The lists provided by the Kamwenge local government and the GRC had some overlapping information, but after duplications were accounted for they nevertheless added 24 cases of girls allegedly impregnated by road workers. However, the Panel notes it is impossible to confirm the exact number of girls abused by road workers and, more importantly, that focusing on counting cases actually detracts attention from addressing the root cause of the problem and providing support to all girls in the community to prevent new cases.

284. The 2008 ESIA recognized the particular vulnerability of women in the Project area, and identified specific types of harm that might occur as a result of the Project, including “[e]xploitation of vulnerable people in [the] form of defilement, rape, corruption in [the] form of sexual harassment especially those in search of jobs, theft and robberies. During construction, many people will come to the area in search of employment. Among these people there might be criminals who could defile and rape women, children and disabled persons.”²⁹¹ The ESIA concluded such impacts would be “medium negative” and could be prevented by the following mitigation measures:

- The developer and Contractor should make sure women are not marginalized during the employment process;
- The developer and Contractor should ensure that persons below 18 years of age are not employed by the Project;
- Workers should be sensitized about sexual harassment, and
- Women should be encouraged to seek employment in the Project.²⁹²

285. The 2008 ESIA also cited – as particular impacts of labor influx – “it is likely that there will be increase in conflicts in the area between the local community and the site workers. This might be due to the fact that site workers might lure away wives from their husbands causing break up of families.”²⁹³ The ESIA therefore included requirements to ensure there are clear rules and regulations for workers and that priority is given to hiring members of the local community.

286. The 2011 ESIS approved by the Bank stated “the influx of workers, typically young males seeking road construction jobs will be associated with a series of social challenges such as crime, alcoholism/illicit drug abuse and prostitution.”²⁹⁴ It also mentioned that “socially, if the contractor does not maintain a strict no fraternization policy, workers camps could be hotspots for prostitution or illicit sexual relationships, breaking marriages and causing disquiet in adjoining community.”²⁹⁵ However, the identification of risks in the 2011 ESIS was weak and the proposed solutions to these risks were quite vague and even weaker than those described in the 2008 ESIA. The proposed mitigation measures only related to HIV/AIDS sensitization and the hiring of

²⁹¹ ESIA, July 2008, p. 62.

²⁹² Ibid. p. 62.

²⁹³ Ibid. p.58.

²⁹⁴ ESIS, January 2011, p. 83.

²⁹⁵ Ibid. p. 81.

workers without criminal records. The ESIS mentioned in passing that “*the Contractor will develop a gender management plan*,”²⁹⁶ although this was not identified as one of the mitigation measures and no details were given about such a plan. The ESIS also proposed establishment of a workers’ camp.²⁹⁷ However, it did not specify who should live in the camp and, as mentioned above, accommodation in the camp was only provided to expatriate staff.

287. The WSS HIV/AIDS Baseline Report from September 2014 identified adverse Project impacts on women and children that were already materializing, including the occurrence of sex with minors by road workers. This report stated “*it was disturbing to learn that already the current construction workers especially working on one of the quarries were luring young girls into sex for money, also drink in rural bars and sleep with peoples’ wives and as a consequence some marriages were reported to have broken up and also unwanted pregnancies among school girls was cited*.”²⁹⁸ Despite this finding no specific measures were proposed in the report to address the harm already suffered, or to prevent the risk of girls being lured into transactional sexual acts. This report seems to have been overlooked by the Bank, and there was no mention of the instances of harm identified by it in any supervision reports until 2015. As already stated, Management claimed the first time it heard about the issue of sex with minors and teenage pregnancies was when it received the December 2014 Request.

288. The ESMP received by the Bank in July 2015 noted that “*potential negative impacts on women include exposure to HIV/AIDS and STIs and potential increased sexual exploitation of young girls which will likely also lead to unwanted pregnancies, [and] drop-out from school*.”²⁹⁹ The ESMP proposed to mitigate risks for women and other vulnerable groups by having “*gender sensitization in the project*” and by employing a Specialist (Environmental/Social) to oversee relevant issues in the Project. No details were provided about how gender sensitization would be delivered and to whom. The ESMP similarly committed to monthly monitoring of gender mainstreaming activities, and identified monitoring indicators such as having a “*gender service provider in place*” and “*reports on gender mainstreaming in place*.”³⁰⁰ But no further details were provided about the gender service provider, its intended services, or how quality assurance would be ensured during the Project. The ESMP also required the Contractor to appoint a community liaison officer, and to provide work camp accommodation and separate toilets for men and women.

289. Management has acknowledged that the mitigation measures identified in the ESMP to address the risks to women and girls were insufficient and were not implemented. Management has also recognized that many workers lacked proper identification and, therefore, could not be easily identified by the community and tracked. The Panel understands from interviews with Bank staff and discussions with the community that the recommendations related to gender sensitization were never implemented and the Contractor effectively lacked a code of conduct for the workers. The enforcement of a code of conduct could have functioned as one of the mitigation measures to help protect the community from the sexual harm that occurred.

²⁹⁶ Ibid. p. 86.

²⁹⁷ ESIS, January 2011, p. 84.

²⁹⁸ WSS Services Ltd., Baseline Report for Awareness and Mitigation of HIV/AIDS on Kamwenge-Fort Portal Road, p. 5.

²⁹⁹ ESMP, November 2014, p. 36.

³⁰⁰ Ibid. November 2014, p. 54.

290. The Panel notes that until January 2015 the Bank's Aide-Mémoire and Back-to-Office reports inadequately reported on implementation of the ESIS measures outlined above, including those related to HIV/AIDS. The Supervising Engineer also failed to report properly on these issues and, until February 2015, these reports only addressed the need for the Contractor to provide toilets separated by gender (mentioned once, in the May 2014 report) and to implement some of the measures related to HIV/AIDS. The Supervising Engineer's May 2015 report was the first to mention cases of sex with minors when summarizing the main issues raised in community meetings as part of the World Bank mission. According to that report "*in Businge, the team was led to one of the underage girls (16 years old) who had dropped out of school in [the] second term of P.6 (2014) and started having sexual relations with a security guard (22 years old) at the nearby quarry, since [sic] December 2013.*"³⁰¹ It also stated that meetings with the Bigodi community revealed "*some of the issues of sexual engagement of under-age girls existed.*"³⁰² However, as a way forward, the proposed measures were to sensitize parents and children "*about the value of education and sexual abstinence for underage children*", but there is no mention about the need to sensitize the workers.³⁰³ It was only from May 2015 onwards that the Supervising Engineer's monthly reports covered – sporadically and inadequately – issues related to gender and child protection, except those related to the lack of gender-separated toilets, the low number of female employees, and the status of the HIV/AIDS service provider procurement, which were reported almost every month. However, from May until December 2015 the monthly reports incorrectly stated there were no new, emerging, or confirmed cases/reports of child labor and sexual abuse.

291. The Panel notes that while Management claimed it only learned about the issues related to gender-based violence after receipt of the December 2014 letter, it was only in April 2015 that the Bank recruited specialized expertise for the team to assess issues of sex with minors and teenage pregnancies. As a result of the change in approach to community consultations suggested by the Bank's specialized expert, Management confirmed there was credible evidence of at least three cases of Project road workers engaging sexually with minors. Despite this shift the Panel notes that the Bank's focus remained for a long time on identifying and confirming the number of girls defiled and impregnated by road workers, rather than on understanding the context and patterns of this risk and addressing its root causes, especially as related to the country context described at the beginning of this chapter. The Panel also notes that new cases of pregnancies and defilement continued to occur after the registration of the Request.

D.2. Increase of Sex Work

292. **The Request** claimed there had been an increase of sex work in the Project area as a result of the influx of road workers. The Request said the payment received for consensual sex depended on the age of the woman/girl and whether a condom was used. It stated that sex with a condom cost UGX 50,000 (US\$15), sex without a condom cost UGX 80,000 (US\$24), and sex with school girls cost as little as UGX 10,000 (US\$3). The Request further claimed the increase in sex work was directly linked to an increase in school dropout, as girls leave school to take up employment

³⁰¹ Supervising Engineer Progress Report No. 20, May 2015, Appendix I, p. 2.

³⁰² Ibid, p. 3.

³⁰³ Ibid, p. 4.

in “canteens, make shift hotels, and road side businesses”³⁰⁴ that serve local men and the road workers. The claim linked the disco halls to the rise in defilement and lawlessness in the community, as these venues offered “ladies’ night” specials with free drinks to female patrons, increasing the number of women and girls interacting with men in such venues. The Request claimed the Contractor sent “agents to look for girls and women for sex for the Chinese staff”³⁰⁵ and that “Chinese vehicles are seen in villages collecting girls.”³⁰⁶

293. **The Management Response** reflected the findings of a Bank mission conducted in October 2015. While not stated explicitly, Management appeared to find no credible evidence to support the above claims, citing that during these October 2015 consultations “there was no mention of Chinese expatriate staff involvement with sex workers, even after probing by the moderators.” It also noted that “mention of involvement of Chinese expatriate employees in local prostitution has not been raised prior to the Request.” Management reported the Contractor’s claims of having “an official policy that bars Chinese workers from engaging in inappropriate behavior with locals, including sexual relations”, but also noted it was unclear how well this policy was enforced.

294. The Management response did not address the issue of Ugandan road worker involvement with sex workers. It noted only that the mitigation measures planned in the ESIS and ESMP should apply to all affected populations. It also highlighted the Bank team’s recommendation following the October 2015 mission that a “specific delivery of a minimum package of HIV/AIDS interventions targeting sex workers and their partners” be implemented in the Project area.³⁰⁷

295. **Panel Observations and Analysis.** The Panel heard from members of the community and staff interviews that sex work appears to have increased in the Project area. They said they observed a rise in the number of bars and night clubs, where girls work or frequently visit and might be at risk of exploitative interactions with male clients. The Panel heard these establishments might be hotspots for prostitution. However, the Panel was unable to speak with any women or girls identified as sex workers. Since there are no reliable baseline data on the number of sex workers in Project communities, it is impossible to conclude whether the practice has increased, decreased, or remained stable since road construction began.

296. However, it is also important to note that the increase in sex work is a well-known social impact of project-induced in-migration and particularly of transport projects. The IFC Handbook for Addressing Project-Induced In-Migration specifically identifies as potential impacts “increased incidence of social ills, including alcoholism, drug abuse, prostitution, and gambling.” The Handbook also states that the “establishment and expansion of a local commercial sex industry raises the incidence of sexually transmitted infections (STIs) and introduces the need for health programming interventions for this group.”³⁰⁸ Studies in the transport sector have recognized that “men who have disposable incomes and who travel or migrate for work—‘mobile men with money’ such as construction workers, project managers, and truck drivers—provide most of the demand

³⁰⁴ Request for Inspection, December 2014, p. 2.

³⁰⁵ Request for Inspection, September 2015, p. 3.

³⁰⁶ Ibid, p. 3.

³⁰⁷ Management Response, December 2015, pp. 43-44.

³⁰⁸ Projects and People: A Handbook for Addressing Project-Induced In-Migration, Chapter 1, p. 1.

*for commercial sex and are likely to engage in risky behavior, such as unprotected sex with casual partners and sex workers. A large influx of males for a construction project, especially if they are far from home, increases the demand for sex in an area.”*³⁰⁹

297. With respect to the risk of increased sex work in the Project area, the 2008 ESIA noted only that “*prostitutes may be attracted to the area by the presence of many workers whom they expect to have money for spending.*” The ESIA also identified the potential impact of the influx of people seeking work, but linked this to the risk of pressure on health facilities and other resources. One of the mitigation measures proposed to respond to this risk was to initiate/strengthen awareness “*on the spread of sexually transmitted diseases like HIV/AIDS, syphilis, gonorrhea, etc. among local communities, workers and camp followers using the ABC strategy (Abstinence, Be Faithful, Use a Condom).*”³¹⁰ The Panel notes there were no mitigation measures proposed in the 2008 ESIA specifically to address the risk of increased sex work in the Project area.

298. The 2011 ESIS stated “*the influx of workers, typically young males seeking road construction jobs will be associated with a series of social challenges such as crime, alcoholism/illicit drug abuse and prostitution.*” However, the document seemed to link this risk of prostitution mainly to the spread of STIs. The ESIS recognized that while road projects can bring benefits to the community, they can also promote the spread of HIV and prostitution “*associated with long distance truck drivers and road construction works.*”³¹¹ It also stated that “*socially, if the contractor does not maintain a strict ‘no fraternization’ policy, workers’ camps could be hotspots for prostitution or illicit sexual relationships, breaking marriages and causing disquiet in adjoining community.*”³¹² Due to the limited scope of the risks identified in the ESIS there were no specific measures planned in either the 2011 ESIS or the ESMP to mitigate the risk of sex work spreading at the Project sites. The Panel notes that even though sex work is a well-known social impact of infrastructure projects, as of the Panel’s Investigation visit no specific mitigation measures targeting sex workers had been put in place by the Project.

299. Management claimed that during the October 2015 mission it had suggested HIV/AIDS interventions targeting sex workers.³¹³ However, based on field observations and interviews with staff at the Service Provider WSS, including the local clinic, the Panel found no evidence that WSS had implemented tailored outreach or interventions targeting sex workers or their clients or partners. The Panel heard of an initiative being implemented in and around Bigodi by the clinical staff of the Bigodi health clinic (HC3). At the time of the Panel’s visit WSS had sought neither advice from nor partnership with the HC3 to guide their work going forward.

³⁰⁹ For example, see Asian Development Bank, *Intersections Gender, HIV, and Infrastructure Operations Lessons from Selected ADB-Financed Transport Projects*, 2009, p. 9.

³¹⁰ ESIA, July 2008, p. 66.

³¹¹ ESIS, January 2011, p. 30.

³¹² Ibid., p. 81.

³¹³ Management Response, December 2015, p. 44.

D.3. Sexual Harassment

300. **The Request** claimed that girls from the community were sexually harassed by road workers and stated girls were being “*trapped when coming from school*” and being “*defiled in the nearby bushes.*”

301. The Request also claimed female employees were harassed at work and stated “*given the lack of job security it becomes an alternative between losing the job and consolidating it with sex offers.*”³¹⁴ The Request underscored that this issue was not openly discussed by the women “*because they fear losing their jobs.*”³¹⁵ It also noted very few women worked for the Contractor in any capacity due to the fear of harassment.

302. **The Management Response** explained that the ESIS, while clearly identifying these risks, proposed broad mitigation measures, such as implementation of an anti-sexual harassment policy. Management claimed it had heard no complaints about sexual harassment of female employees until receipt of the Request. In October 2015 the Bank interviewed 12 female employees who confirmed that sexual harassment was common within the workers’ camp. The harassment included “*unwanted sexual advances, sexual relations with superiors due to fear of losing a job, inappropriate sexual comments, and being coerced to do work outside scheduled hours.*”³¹⁶ The workers also revealed they lacked adequate privacy, due in part to the existence of only one toilet on site for both men and women. In addition they said these incidents are generally unreported due to distrust of the judicial system and the absence of a redress mechanism.

303. Management noted that this harassment, if true, would contravene the Contractor’s obligations to institute and enforce a sexual harassment policy, as well as run afoul of national law. In response to these allegations, the Bank made several strong recommendations including (i) asking UNRA to request both the police and the MGLSD to investigate these complaints and take appropriate action; (ii) encouraging employees to report any cases of harassment; (iii) urging GoU to ensure appropriate police and legal actions are taken in response to these allegations, and (iv) measures to ensure that people who do complain are adequately protected from retaliation.

304. **Panel Observations and Analysis.** Participants of FGD and interviews informed the Panel that sexual harassment was commonly experienced by women and girls in the community. They said they constantly faced sexual advances from road workers on the street and they were concerned about walking near construction sites for fear of being verbally accosted, experiencing unwanted touching, or being chased and defiled. This was also confirmed by the October 2015 Supervising Engineer’s monthly report which stated that “*information received from Kiko community meeting however, indicated that some security guards have a tendency to harass young girls within the community and the general workers have a habit of speaking obscenely and rudely to community members.*”³¹⁷

³¹⁴ Request for Inspection, September 2015, p. 3.

³¹⁵ Ibid., p. 3.

³¹⁶ Management Response, December 2015, p. 10.

³¹⁷ Supervising Engineer Progress Report No. 25, October 2015, Annex on Occupational Health Safety, HIV/AIDS and Gender Report, p. 5.

305. The Panel heard about a girl who lives next to a quarry and has experienced constant harassment by road workers at her home since work began at the quarry. She told the Panel she was afraid to be at home by herself and that workers even entered her house garden uninvited. They had offered her money in exchange for sex and had threatened her. This girl's story shows that women and girls continue to experience sexual harassment by road workers and new cases of teenage pregnancies and defilement might yet emerge. However, such cases of harassment might not be captured by the current efforts by the Bank to document and count victims, which have prioritized pregnant girls.

306. The Panel also learned about sexual harassment of boys who were not affiliated with the road. Boys in the FGD described their experiences with the workers as threatening, and they related several incidents of male youth being physically assaulted while walking by the construction sites. They added that the laborers used confrontational language and mocked their masculinity.

307. When exploring sexual harassment of female employees the Panel could only conduct one interview with a former female employee of the Contractor. The Panel attempted to interview other former and current employees, all of whom refused, citing concerns about backlash if someone from the company learned that they had provided information about their employment situation. The former worker interviewed spoke reluctantly, and agreed to do so only after multiple assurances of anonymity and an agreement to conduct the interview at a location far from both her residence and her current place of work.

308. This former worker told the Panel she had to pay UGX 50,000 (US\$15) to a recruiter to get a job with the Contractor. She said her supervisors constantly harassed her and demanded sex, which she refused. When she complained about this to human resources personnel, they told her "this was the culture of the company and if she was unhappy, she could get a job somewhere else." According to her, sexual harassment was a common practice and women who wanted to work there had to accept it. The former worker explained that men did not use contraceptives and many of them suffered from STIs. The former worker literally expressed fear for her life, saying she did not want her employer to know she had shared this information. She believed other current and former female employees shared this fear, even long after they have worked elsewhere. She also confirmed instances of harm previously noted in Bank missions, including concerns related to shared toilets and high turnover rates.

309. She estimated that eight other women worked at the camp during her time there, and that three of them were underage and were also sexually harassed. She also said frequent changes in female personnel was common. The Panel notes that the numbers of female staff reported by the Contractor conflict with those reported by this female worker and other community members interviewed by the Panel.

310. The Panel observes that while, as explained above, sexual harassment of women in the community was identified as a risk in the 2008 ESIA, the measures proposed therein to mitigate these risks were inadequate. While the document mentions the need to sensitize workers, no further details are provided and this measure is not included as part of the mitigation plan. In addition, the

plan suggests sensitizing the potential victims of sexual harassment, “*women and young girls*”, as a means of preventing sexual harms.³¹⁸

311. The Panel notes that identification of the risk of female employees experiencing sexual harassment was inadequate in both the 2008 ESIA and 2011 ESIS, and that subsequently no attention was given to this matter in the ESMP. The 2008 ESIA broadly addressed concerns about employment, recommending workers be recruited from the local communities, and that “*proper consideration should be made to ensure that some manual work is given to women such as work in the traditionally female areas (sic) of cooking and market activities.*”³¹⁹ Elsewhere in the ESIA women were identified as a vulnerable group (rather than as an employee category), and the mitigation measures suggested were to set an employment quota (30% female employees) and to provide worker sensitization about sexual harassment.³²⁰ The link between female employees and sexual harassment was not explicitly made.

312. The 2011 ESIS proposed as a mitigation measure that the Contractor institute and enforce a sexual harassment policy to protect vulnerable groups. However, there was no mention of risks related to sexual harassment of female employees, nor measures proposed specifically to mitigate this risk.³²¹ The ESIS considered resentment against male employees as a possible consequence “*if preference is given to men who are perceived to be stronger and more resilient*”, and suggests that “*positive discrimination in job allocation*” will help mitigate these impacts.³²² This would entail giving women “*tasks they would do best, based on their potential*”, though no guidance on this point is provided. The ESIS also suggested gender impacts can be reduced by ensuring the workplace environment, including tools and fixtures, is “*gender-friendly.*”³²³ In addition, it proposed having a quota for female employees of 30%, and added a commitment to “*gender sensitivity in the allocation of tasks to encourage women involvement in the project.*”³²⁴

313. The 2011 ESIS also acknowledged sexual harassment is defined and covered under the Employment Act of 2006 (Part II, Section 7), which established employees’ rights to lodge complaints and the requirement for an employer with more than 25 employees to put measures in place to prevent sexual harassment on the job, but the ESIS did not propose any specific or detailed mitigation measures tailored to the local context. Relevant requirements in the ESMP stipulated that the Contractor prepare a gender action plan which includes gender sensitization, retain an environmental/social specialist on site, and provide separate toilet facilities. From the Panel’s field observations and discussions with the community it appears none of these measures were completed or implemented satisfactorily.

³¹⁸ ESIA, July 2008, p. 69.

³¹⁹ Ibid. p. 89.

³²⁰ Ibid. p. 62.

³²¹ ESIS, January 2011, p. 121.

³²² Ibid. p. 98.

³²³ Ibid. p. 99.

³²⁴ ESMP, November 2014, p. 42.

D.4. Sexually Transmitted Infections

314. **The Request** claimed local health centers were reporting increased incidence of sexually transmitted infections (STI),³²⁵ noting that gonorrhea³²⁶ in particular was on the rise. The claim also suggested pregnancies among girls in the community were “*a clear indication of unprotected sexual intercourse,*” which supported their concerns over a rise in STIs.³²⁷ The Requesters suggested the claims of the Project health and safety officer distributing condoms 20 times per month in the community were untrue and that local community members “*have never seen or heard of this initiative.*”³²⁸ The Request underscored concerns about the spread of HIV/AIDS,³²⁹ and highlighted the absence of a workplace HIV/AIDS policy in particular, noting that the interventions in place to address STIs were for expatriate staff only.

315. **The Management Response** claimed the Bigodi health clinic (HC3) had not observed a noticeable increase in HIV/AIDS cases since inception of the Project. Management also stated there was a high prevalence of HIV/AIDS in adolescents in Uganda and particularly high rates among the general population in the Project area. Management stated the ESIA considered the influx of male workers would increase the risk of HIV/AIDS transmission and recommended mitigation measures, including provision of condoms and awareness posters. Management claimed the Contractor hired an HIV/AIDS Service Provider to provide testing and to develop HIV/AIDS education and sensitization campaigns. However, Management acknowledged WSS was not paid for several months and, as a result, reduced their service delivery.

316. **Panel Observations and Analysis.** Both the 2008 ESIA and 2011 ESIS identified some of the risks related to the spread of HIV/AIDS and other STIs. The 2008 ESIA noted the Project was “*likely to increase the risk of STDs including HIV/AIDS to both workers and the communities.*”³³⁰ The magnitude of this impact was deemed “*medium negative,*” and several specific mitigation measures were proposed. These included:

- Awareness campaigns to be set up and strengthened regarding the spread of STDs such as HIV/AIDS, syphilis, gonorrhea, etc. among local communities, workers, and camp followers using the ABC strategy (Abstain, Be faithful, use Condom strategy);
- Additional HIV Counseling and Testing support for the workers and their families (since Health Clinics offering these were likely to be overwhelmed);
- Provision of a first line of treatment for the workers and their families, and

³²⁵ STIs and STDs are normally used interchangeably. In this report the Panel refers to STIs, since this term is used by experts more recently as many infected individuals have no signs or symptoms. The report uses STDs only when quoting the Management Response or its documents for accuracy purposes.

³²⁶ Gonorrhea is a sexually transmitted disease (STD) that can infect both men and women. It can cause infections in the genitals, rectum, and throat. It is a common infection, especially among young people aged 15 to 24 years (<http://www.cdc.gov/std/gonorrhea/stdfact-gonorrhea.htm>).

³²⁷ Request for Inspection, December 2014, p. 2.

³²⁸ Ibid.

³²⁹ HIV is Human Immunodeficiency Virus, which can lead to Acquired Immuno-Deficiency Syndrome (AIDS) (<http://www.cdc.gov/hiv/basics/whatishiv.html>). HIV is transmitted through specific activities, including sexual behaviors and needle or syringe use. In extremely rare cases, oral sex, blood transfusions, or organ/tissue transplants already contaminated with HIV can transmit it. HIV does not spread through saliva (see <http://www.cdc.gov/hiv/basics/transmission.html>).

³³⁰ ESIA, July 2008, p. 59.

- Distribution of condoms to workers.³³¹

317. Likewise, the 2011 ESIS noted the “*influx of workers, typically young males seeking road construction jobs will be associated with a series of social challenges (...) these are often related to the spread of sexually transmitted diseases including HIV/AIDS.*”³³² The ESIS specifically stated that the HIV/AIDS risk might increase “*if [the] workers camp stimulated prostitution.*”³³³ In order to achieve the desired outcome of “*no infections of HIV,*” the ESIS suggested several mitigation measures be implemented, including:

- Design of an HIV/AIDS policy and strategies for awareness, counseling, and support;
- Provision of counseling and testing services;
- Distribution of condoms and an HIV/AIDS poster to workers in convenient and private places such as toilets/latrines in camp;
- Procurement of a service provider for professional HIV/AIDS activities, and
- Establishment of workplace committees to oversee implementation of HIV/AIDS control activities.³³⁴

318. The 2011 ESIS further suggested that semi-skilled and unskilled labor should be sourced from the local communities. It noted UNRA’s obligation to procure “*a specialist agency on HIV/AIDS tasked with day-to-day implementation of sensitization and control,*” and suggested stakeholder engagement should include NGOs already involved in HIV/AIDS awareness activities.³³⁵ To implement these mitigation measures WSS was contracted to provide HIV testing, counseling, and treatment, and to conduct community-based HIV/AIDS education and sensitization campaigns and develop Information, Education, and Communication (IEC) materials.

319. The ESMP included broad mitigation measures to address the risk of HIV/AIDS infections, such as providing camp accommodation for workers, preparing a gender action plan which included gender sensitization, and retaining an environmental/social specialist on site. With respect to reducing the risk of HIV, the ESMP included a commitment to hire an HIV/AIDS service provider, and to conduct monthly monitoring of community-based sensitization activities.³³⁶

320. The Panel was unable to ascertain exact figures for changes in the prevalence or incidence of HIV/AIDS or other STIs during the Project implementation period. No baseline data was available, thereby limiting ability to infer whether the prevalence and incidence had in fact changed. The Panel conducted interviews with staff at the WSS-supported clinic, which revealed important weaknesses in the mitigation measures. While the staff suggested their HIV prevention efforts had reduced the incidence of HIV within the local community, no available data could support this assertion. Nevertheless, the data from their own registers suggested a fluctuating rate during each month of testing, which also reflected the uneven targeting of clients for testing. The

³³¹ Ibid. p. 59.

³³² ESIS, January 2011, p. 83.

³³³ Ibid. p. ix.

³³⁴ Ibid. p. 84, 121.

³³⁵ Ibid. p. xxxiii.

³³⁶ Contractor’s Environmental and Social Management and Monitoring Plan (ESMP), November 2014, pp. 53-55.

clinic's own information system had no baseline levels and no effort was being made to document whether a given client was taking a first, second, or subsequent test.

321. The Panel noted that clinic staff conducted specific outreach and testing with workers at the work camp. Results from these tests indicated a HIV prevalence of 1.5% to 5.5% within a given group tested on a given day. Unfortunately, and since no baseline data were available, these results cannot be taken as representative of all workers or an indication of incidence rates among this population. The Panel found that recordkeeping via the health management information system was stronger at the public health center in Bigodi (HC3). Yet data from this clinic also could not definitively establish a change in the prevalence or incidence of HIV since the Project started. Furthermore, clinic staff reported they had noticed no significant increase in new HIV infections during the period of road construction.

322. The Panel found evidence of gaps in both quality and quantity of HIV prevention efforts undertaken by the Contractor. WSS was hired to conduct a baseline survey on HIV/AIDS awareness in the communities along the road, and to provide counseling, testing, condom distribution, and awareness-raising services. The baseline study identified some hot spots in which risky sexual behavior was more likely, particularly where these related to the planned road works. These included growing trading centers in Bigodi and Nkingo, where there is high concentration of bars, associated alcohol and drug use, late night dances, and high mobility of people.³³⁷ The study also noted the need for HIV prevention interventions in local primary, secondary, and tertiary level schools. The study identified sex workers, youth, and students in school as among the groups most at risk.

323. The Panel observed that WSS made efforts to raise awareness among students, reaching out to 12 schools since October 2015. They also conducted outreach directly to road workers every three months regarding HIV testing. Despite being identified as high-risk groups, neither sex workers nor out of school youth were targeted by WSS for outreach. The firm also failed to coordinate its messaging or service provision with local health officials and CSOs with established expertise in outreach and messaging on HIV prevention or on service provision. Instead, awareness-raising activities were conducted in a silo and without evidence-based messaging. As shown in the photograph below, the billboards WSS placed along the road have a clear and fear-based main message: "*AIDS Kills. HIV has no cure.*"

³³⁷ WSS Services Ltd., Baseline Report for Awareness and Mitigation of HIV/AIDS on Kamwenge-Fort Portal Road, pp. 5-6.



Figure 4.1: HIV/AIDS poster along the road

324. The full message on this billboard says, in local language, “Go together for HIV test. Use condoms. Go for treatment. Protect yourself by abstaining.” The Panel observed this messaging reveals a significant disconnect between the findings of the baseline report and the resulting campaign, as well as poor understanding of the social dynamics of infection, especially in cases of defilement. It also provides no details about where to go for condoms, tests, or treatment. The Panel noted that such implementation weaknesses reflect failures to respond to the concerns identified in the ESIS and deliver on the commitments made in the ESMP. Proper mitigation of this health risk required a better structured HIV prevention program to address the heightened threat of infection due to social disruption caused by the roadwork and later by development along the road.

325. The Panel noted WSS was hired a year after construction started, but only set up its clinic in April 2015 and their services were reduced due to non-payment for six months by the Contractor. Bank mission reports revealed flaws in the provision of services, such as distribution of condoms that were not used by the community. Another important shortcoming took the form of the Contractor’s decision to prevent WSS from providing services or conducting sensitization activities at the camp. Rather, WSS had to establish a relationship with an independent clinic in Rukunyu, some 20 kilometers from the camp and 15 kilometers from Bigodi. The WSS monthly report from January 2016 recognized that “the workers complained of lack of time to go to Rukunyu clinic for HIV counselling and testing.”³³⁸ It is also important to note that WSS is recognized for its expertise in engineering rather than in public health or health service provision. Despite this weak capacity, the Bank gave the “no-objection” to expand WSS services to include a focus on child protection in October 2015 after it had recognized the occurrence of child-related, sexual harm.

³³⁸ WSS HIV/AIDS Intervention Activities Monthly Report, January 2016, p. 9.

D.5. Child Labor

326. **The Request** described situations in which children were engaged in child labor resulting in school absenteeism and dropping out of school. The Request mentioned a specific example of a 17-year-old employed in the construction of the road and referred to girls exposed to risks while working in disco halls. Girls were reportedly employed in canteens, makeshift hotels, and roadside businesses. The Requesters claimed that, due to the rapid growth of petty business along the road, children were employed to wash cars and fetch water.

327. **The Management Response** acknowledged the case of a 17-year-old working as a flag boy, indicating Project recruitment did not follow the measures set out in the ESIS regarding the prohibition of employment of minors. Management recognized that although proof of age could be difficult in rural areas in Uganda, the Supervising Engineer failed to identify and address this case. The Supervising Engineer was asked to carry out strict monitoring to prevent similar occurrences in the future.

328. Management also confirmed children *“are often working during or after school hours”* and noted that the practice of roadside vending *“stems from the presence of the road itself but has likely increased due to demand from road workers.”* Management further attributed the increase in demand for roadside vending to tourism at nearby Kibale Forest National Park. However, the Management Response did not specifically address the issue of child labor exposing girls to risks when working in makeshift hotels and disco halls.

329. Management explained the Action Plan – first developed in February 2015 to address social and environmental impacts and expanded in August to include child protection issues – also specified, inter alia, the need to ensure that no underage person was hired for the Contractor’s workforce. On a broader level, Management responded by recommending a specific focus on sexual misconduct involving minors and child labor in its review of the entire Uganda portfolio.

330. **Panel Observations and Analysis.** The harm observed must be understood in the context of a community trapped in chronic poverty. This community is largely dependent on subsistence agriculture and suffers from under-resourced government institutions, weak law enforcement, tolerance of violence against women and girls, lack of access to appropriate sexual and reproductive health knowledge and services for adolescents, and high prevalence of HIV/AIDS.

331. The Panel’s meetings with members of the community confirmed the prevalence of child labor to supplement family incomes, consistent with the situation in the rest of the country. Absenteeism and ultimately school dropout occurred when children, especially boys, took up work opportunities in road construction, and when boys and girls worked in informal businesses to support family incomes. As described above, such work exposed the girls to risk of defilement.

332. The meetings with the community revealed there was an increase in businesses and a proliferation in roadside vending. This was in response to growth in the population residing in the town centers along the road, which triggered a rise in demand for services from small residential properties, eateries, and entertainment venues. A number of community members, including children, sought to benefit from such income earning opportunities. Various community members

reported that children were involved in car washing, crushing stones for sale, and selling cooked food.



Figure 4.2: Small businesses that developed along the road

333. FGD with women and men indicated that children had been hired in the early phases of the Project to work on road construction during school hours (7:00 AM to 1:00 PM), resulting in absenteeism and dropouts. The hiring of children eventually stopped after schools complained to UNRA and the Contractor instituted a procedure involving proof of age.

334. School administrators and teachers met by the Panel reported having many needy students and said their students would do everything to put themselves through school, with no support whatsoever. They explained that some students worked during the weekend and spent five days a week in school. Opportunities that emerged as a result of the Project were quite attractive to these students. Community members reported that, at a certain point in the term, schools send students home if they have not paid school fees. Many students were therefore eager to find work opportunities generated by the Project in order to pay their school fees. As indicated above, many girls who dropped out of school due to pregnancy met their sexual partners while selling food to construction workers by the roadside.

335. The Panel observed a lack of engagement and coordination to address some of the issues between the Ministry of Gender, Labour, and Social Development at the national level and their representatives at the community level, e.g. probation officers and community development officers. One stakeholder described the situation prior to the Bank's response as "*a missing link between the Contractor and the technical offices at district level.*"

336. Weak community participation and engagement were also critical factors linked to harm resulting from the Project. The Panel observed a lack of sensitization and preparation of the community for the disruptions associated with the Project. The planned road construction was announced by political leaders in the district through the radio, at community meetings, and in churches. Beyond that, there was no clear communication of timelines and no sensitization on the

potential social risks related to the Project. During FGD community members told the Panel they first learned about the Project either when people came to survey their lands or mark their houses with an X in red paint. They also explained had they known about Project risks, they would have been better prepared to confront them.

337. The Panel observed some public awareness efforts and guidance on potential social risks to women and children, but these may be recent initiatives. According to the community, posters like the one below, were put up a week before the Panel's visit, but the Panel could not confirm this.



Figure 4.3: Posters in the Workers' Camp in Bigodi

338. Both the 2008 ESIA and 2011 ESIS identified the risk of construction workers employing children below 18 years old. The mitigation measures proposed by the 2008 ESIA to address the risk of child labor included two specific recommendations. The first urged local and school authorities to work with contractors to discourage students from seeking employment on the Project; the second urged both the developer and the Contractor to guard against employing persons younger than 18. The 2011 ESIS is weaker in this respect, since it only included as a mitigation measure that “*children below 18 years should not be recruited*” and the only monitoring/performance indicator selected was “*complaints from vulnerable people*.”³³⁹ The ESMP lacked specific attention to child labor issues.

339. The Bank's Aide-Mémoire and Back-to-Office Reports lacked any mention of child labor issues until January 2015. The Supervising Engineer's reports were also silent on this matter until April 2015, when the report mentioned that the community refuted child labor was taking place. It was only in May 2015 that the Engineer acknowledged during meetings with the Kitonzi and Kyabyoma communities “*it was reported that the issues were mostly child labour and child work*”

³³⁹ ESIS, p. 121.

indirectly encouraged by the project.”³⁴⁰ The proposed way forward according to the Supervising Engineer’s report was for the “*contractor to engage local leaders in working towards totally eliminating or avoiding possibilities of child labour.*”³⁴¹ However, subsequent reports from the Supervising Engineer (until February 2016) declared there were no new cases of child labor, and reported the only measures implemented were awareness-raising on child rights undertaken by WSS.

D.6. School Dropouts

340. **The Request** alleged an increase in the rate of school dropouts as children took up employment or supported their families by means of the petty trade and businesses that emerged along the strip of road under construction. The Requesters claimed the increase in child labor has resulted in poorer school enrolment and completion rates, with a retention rate as low as 19%. The Request attributed some of the increase in school dropouts to teenage pregnancies and underage girls being lured into sexual relations by road workers.

341. **The Management Response** noted that school dropout is a “*pervasive and systemic problem in Uganda.*” The need to contribute to family labor and income, as well as harassment by teachers, were among the factors cited by community members and noted by Management as contributing to non-enrolment and school dropouts. Management recognized that in Uganda teenage pregnancies frequently lead to dismissal of affected girls from school. However, Management stated that, although they engaged with a number of local schools to discuss claims that the Project had aggravated the problem of school dropouts, there was insufficient information to determine whether rates had increased since the road construction started.

342. **Panel Observations and Analysis.** As indicated in the previous section, the Panel confirmed a surge in economic activities – including roadside vending, eateries, bars and video shows, car washing, and stone crushing – as a result of the road construction. Such activities contributed to what community members described as an increase in school dropouts. While lack of resources to pay school fees and the pursuit of work opportunities were reported as the key factors behind school dropouts among boys, sexual harassment, distraction, pregnancy, and hostile school environments were the key factors reported for girls.

343. In one of the schools visited by the Panel the administrators reported that two boys had dropped out of school because they were absent while working for three months, and returned for the next term with tuition. Eventually they were unable to cope with school. One teacher said sexual harassment in the form of verbal insults contributed to absenteeism for girls. She complained about workers’ behavior and mentioned that all women walking by the road suffer harassment, including the teachers. She reported that in the early days of the Project there were high levels of absenteeism and they started following up on these cases by visiting students’ homes. While girls missed school because they did not want to face abuse and humiliation from road workers, boys were absent because they were working to earn money for school fees.

³⁴⁰ Supervising Engineer Progress Report No. 20, May 2015, Appendix I, p. 3.

³⁴¹ Ibid. p. 4.

344. The Panel observed that most of the pregnant girls in the community had dropped out of school, reflecting the challenges of keeping pregnant girls in school experienced countrywide in Uganda, where students and teachers often oppose having pregnant girls in schools, considering them a “bad influence” or claiming the schools cannot accommodate them.³⁴² Records from the Probation Officer showed that of the 10 cases of defilement they had investigated, seven girls were formerly in school; as of the Panel’s visit six of these girls had delivered and four were expecting. While all the girls were keen to return to formal schooling, through the Emergency Child Protection Response (ECPR) program Management was able to facilitate the return to school of only one pregnant girl.

345. Community members and some of the girls interviewed said that after paying school fees of about UGX 450,000 (US\$150) per year parents cannot provide school supplies and other personal items, especially those needed by adolescent girls. Such situations leave girls vulnerable to risky relationships, as were experienced by a number of the girls the Panel met. One girl told the Panel she agreed to sexually engage with a worker because he helped her get books and shoes.

346. In addition to the pressure to secure immediate needs, weak parenting and peer pressure also encouraged early pregnancy and school dropout. School administrators reported that some parents were aware their girls were missing school to spend time with boyfriends but did not seem to mind. One woman from the community told the Panel girls traveled by themselves late at night in Bigodi Center, escaped from home in search of entertainment, and were lured by small amounts of money from workers (UGX 20-30,000, approx. US\$9). In addition to reports of sexual harassment along the school routes and within schools, the Panel observed that hostile school environments also led to dropping out in some cases.

347. The 2008 ESIA identified the risk of “*increase in girl child school dropouts as site workers might lure them with money and others will forego school and settle for marriage.*”³⁴³ It also mentioned that the community said “*most people in the project area feared that the contractors might employ underage children thus making them miss school and thus affecting their education and future.*”³⁴⁴ Nevertheless, the 2011 ESIS was silent on the risks of school dropouts. It is noteworthy that under the sub-heading on impacts on schools and the learning process the ESMP only highlighted safety from accidents and shielding schools from dust.

348. Since the ESIS omits reference to the risk of school dropout, it offers no explicit mitigation measures linked to this problem. There are only broad recommendations, such as for contractors to institute and enforce a sexual harassment policy.

E. Panel Findings

349. **Bank Policies.** The Bank Policy on Environmental Assessment OP/BP 4.01 requires the Project EA to assess the human health and safety and social impacts of a project and to propose

³⁴² A report commissioned by the Ugandan Ministry of Education and Sports showed that 77% of teachers opposed the idea that pregnant girls should remain in school. For more information, please see: http://www.unicef.org/uganda/Re-entry_of_pregnant_girls_-_briefing_-_20_10_2014.pdf

³⁴³ ESIA, p. 60.

³⁴⁴ Ibid. p. 87.

measures to avoid, mitigate, and compensate for adverse impacts. The EA should also describe relevant baseline data, including socioeconomic conditions.

350. The Bank's Environmental Assessment Sourcebook 1999 provides guidance on how to apply OP 4.01 with respect to social issues. It states "*the social assessment should include identification of project impacts on different individuals within households. Men, women, and children play different economic roles, have different access to resources, and projects may have different impacts on them as a result.*" The Sourcebook also recommends project design and monitoring to consider impacts from induced development and increased population size, including "*the breakdown of traditional methods of social control and discipline and social disorientation of the local population, resulting from the rise in social problems, [and] changes in the values of children and adolescents.*" The Sourcebook specifically mentions the need to understand the social impacts related to the "*boom town cycle*" when planning measures for mitigating negative impacts.³⁴⁵

351. The World Bank EHS Guidelines is an important technical reference with examples of Good International Industry Practice and measures generally considered achievable by existing technology at reasonable cost. According to these guidelines, when one or more members of the World Bank Group are involved in a project, the guidelines are applied as required by their respective policies and standards.³⁴⁶ The guidelines highlight the need to consider the risks associated with communicable diseases caused by infrastructure projects. It states that "*communicable diseases of most concern during the construction phase due to labor mobility are sexually-transmitted diseases (STDs), such as HIV/AIDS.*"³⁴⁷ The guidelines recommend measures such as (i) providing surveillance and active screening and treatment of workers; (ii) preventing illness among workers in local communities by undertaking health awareness and education initiatives; (iii) ensuring ready access to medical treatment, confidentiality, and appropriate care, particularly with respect to migrant workers, and (iv) promoting collaboration with local authorities to enhance access of the community to public health services.

352. The Bank's Operational Manual Statement on Appraisal (OMS 2.20) states "*the appraisal should verify that project design has taken into account socio-cultural and demographic characteristics, i.e., the size and social structure of the population in the project area, its density and stratification patterns.*" It requires an understanding of the receptivity of existing patterns of population settlement and community organization to the proposed arrangements for supplying inputs, collecting outputs, facilitating access to education, health, or other social services. OMS 2.20 also highlights the importance of taking the gender-differentiated impacts of the project into account in the appraisal. It states "*women are sometimes a particularly important group of project participants and beneficiaries. Appraisal should therefore examine whether the project design takes into account adequately (a) the local circumstances that impede or encourage the participation of women; (b) the contribution that women could make to achieving the project's objectives; (c) the changes which the project will introduce that might be disadvantageous to women; and (d) whether the implications for women are included in the provisions for monitoring*

³⁴⁵ EA Sourcebook 1999, Chapter 3: Social and Cultural Issues in Environmental Review.

³⁴⁶ World Bank Group, Environmental, Health, and Safety General Guidelines, April 30, 2007, p. 1.

³⁴⁷ Ibid. p. 86.

the impact of the project.” In addition, OMS 2.20 requires as part of project appraisal an assessment of whether the project is highly risky in social terms.

353. The project level approach of OMS 2.20 is complemented by the strategic country level approach of the Bank’s Gender and Development Policy OP/BP 4.20, which aims to assist member countries to reduce poverty and enhance economic growth by addressing the gender disparities and inequalities that are barriers to development. The Policy requires gender analysis in the Country Assistance Strategy (CAS) and Bank support to clients to collect gender-disaggregated data. BP 4.20 notes the need for Bank task teams to ensure that project design addresses the ways in which the project might disadvantage one gender relative to the other in sectors and thematic areas where the CAS has identified the need for gender-responsive interventions. The Uganda FY 11-15 CAS includes analysis of gender inequalities in the country and proposes to address gender concerns by focusing on four key areas: agriculture, girls’ education, the private sector, and reproductive health. The CAS does not identify transport as a priority sector for mainstreaming gender in Uganda.

354. The Operational Risk Assessment Guidance Note, which provides guidance to staff on how to assess project risks, highlights the importance of treating risk as a dynamic process and assessing it not only in appraisal, but throughout the project cycle. The Operational Risk Assessment Framework (ORAF) establishes 10 key risk areas, including environmental and social risks. The Panel notes that the TSDP–AF Project Paper is silent on the risks to women and children and mentions no risks associated with the influx of workers. The only social risk identified in the Project Paper is the weak reporting of the implementation of the RAPs and the proposed mitigation measure is to hire an additional sociologist for UNRA.

355. The Bank Operational Policy on Investment Project Financing OP/BP 10.00 requires the Bank to monitor the Borrower’s compliance with agreed mitigation measures and to provide implementation support to the Borrower.

356. **Compliance Findings.** As analyzed in this chapter, the Panel notes that many of the potential social impacts identified in the 2008 ESIA commissioned by the AfDB were not carried forward into the 2011 ESIS approved by the Bank, despite the fact that the Bank had stated that the reason for the update was that the 2011 ESIA was not up to standard. The 2011 ESIS and appraisal documents lacked the required analysis of the risks to women and children caused by the labor influx, in particular those risks related to sex with minors and teenage pregnancies, sexual harassment, child labor, and school dropouts. Management’s approach failed to meet the standards of a systematic or holistic assessment of risks, which aims among other objectives to identify adequate risk management measures for affected communities. **The Panel finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment and OMS 2.20 on Project appraisal for not properly assessing the risks and inadequately appraising human health and safety and social impacts of the Project related to gender-based violence and child protection.**

357. The Panel also notes that mitigation measures under the 2011 ESIS mainly focused on HIV/AIDS prevention and were inadequate to respond to the multidimensional problem of gender-based violence and child protection. Even when risks were identified, as was the case with the risk of the spread of STIs, the proposed mitigation measures were insufficient. The Bank only received

the finalized ESMP in July 2015, two years after construction started, and it lacked appropriate mitigation measures. **The Panel finds the lack of appropriate mitigation measures to address the social impacts related to gender-based violence and child protection resulted in serious harm to the community, and this is in non-compliance with OP/BP 4.01 on Environmental Assessment.**

358. The Panel notes the numerous supervision missions conducted by the Bank for the TSDP. The Bank undertook 16 supervision missions since the works began in October 2013, 11 of them after the complaint was received in December 2014.³⁴⁸ However, the Panel notes that supervision did not properly monitor the implementation of the HIV/AIDS mitigation measures proposed in the ESIS. Given the high prevalence of HIV/AIDS in the Project area and the well-known impacts related to the spread of STIs caused by the influx of workers, the Bank should have been more attentive to this issue. The Panel also finds the composition of these supervision teams lacked the requisite expertise to address issues related to gender-based violence and child protection. As a result, the Bank missed important warning signs raised in the WSS HIV/AIDS Baseline Report, which flagged sex with minors occurring as early as September 2014. It was only in May 2015 – after the inclusion of specialized expertise – that a supervision mission was able to confirm the sexually-related harm described in the Request. Effective supervision (including adequate understanding of the community) could have resulted in earlier detection of some of the problems caused by the Project. **The Panel finds Management failure to detect the serious harm suffered by women and children of the community during supervision of Project implementation, or to propose measures for redressing such harm, in non-compliance with OP/BP 10.00 on Project Investment Financing.**

359. Given the systemic problem of gender-based violence in Uganda and the well-known potential impacts of project-induced in-migration, the Bank should have identified the risks to women and children and proposed adequate mitigation measures. However, the lack of staff with appropriate expertise, combined with weak stakeholder engagement, led Management to omit these important tasks during the design and implementation phases of the Project. The Panel notes that while the Bank has intensified supervision missions since December 2014, it did not deploy the appropriate expertise to address the issues raised in the Request until much later, and it did not conduct supervision in a manner that enabled an independent assessment of the facts. As a result, it focused on confirming the exact number of cases of defilement, rather than on understanding the underlying causes and providing comprehensive solutions. The Panel also notes, as it will be explained in Chapter 5, that while the Bank has developed an Emergency Child Protection Response program, only one girl has received support to return to school, and most of the Project-affected girls' pressing needs remain unmet.

³⁴⁸ The 11 missions undertaken by the Bank since the receipt of the December 2014 complaint include the January 2015 mission organized by the GoU, in which the Bank participated as an observer.

Chapter 5: Management's Actions in Response to Complaint

360. This chapter examines the Bank's overall supervision of the Project, complementing the more specific sections on supervision above. It also reviews the Bank's response to the complaint from when it was received in December 2014 through July 2016. It traces the sequence of events and examines the Bank's reactions at various points in the life of the Project, thereby revealing some gaps in the Bank's response. The chapter is divided into four sections which mirror the history of the Project: (i) Pre-request (January 2011-December 2014); (ii) Receipt of first Request (December 2014-May 2015); (iii) Actions after recognition of Requesters' Claims (May 2015-September 2015), and (iv) Actions after registration of the Request (September 2015-July 2016).

A. Phase I – January 2011-December 2014

361. Project implementation continued despite the serious compliance failures and construction-generated harm repeatedly identified in supervision reports and without decisive action by Management. Inadequate supervision of Project resettlement allowed various types of resettlement-related harm to occur in communities along the road without timely or appropriate Management response. Management also failed to detect the serious harm suffered by women and children of the community during Project implementation or to propose appropriate measures to redress such harms.

362. In this phase Management recognized serious issues with safeguards application and non-compliance with Bank policies, especially those relating to environmental, health, and safety issues and, to a lesser extent, to resettlement and compensation. The issues identified were quite serious and included operating quarries without environmental licenses as required by NEMA and in disregard of basic environmental, social, and health and safety requirements, and the absence of progress reports on RAP implementation. There was a clear lack of consultation and information-sharing with communities, especially regarding land acquisition, compensation, and the establishment of a formal Grievance Redress Mechanism. As noted in Chapter 2, Management identified serious issues during supervision and encouraged UNRA to have the Contractor introduce corrective actions, including the suspension of works by the Supervising Engineer. Despite identification of these implementation issues, the Bank was insufficiently proactive in ensuring that timely and appropriate corrective measures were taken to address the resulting harm.

363. This period also witnessed inappropriate monitoring of implementation of the HIV/AIDS measures identified in the ESIS, and Management missed warning signs in the HIV/AIDS baseline report prepared by WSS and received by the Bank in September 2014, which indicated young girls were being lured into sex for money by construction workers, resulting in unwanted pregnancies.³⁴⁹ Staff interviews revealed that in some situations sound advice regarding safeguards was sidelined, as when Management decided to conduct a verification sampling of PAPs instead of a full census against the recommendation of Bank social development expertise, and despite the fact that more than two years had elapsed since the initial survey was carried out and sampling therefore risked producing incomplete information.

³⁴⁹ Baseline Report for Awareness and Mitigation of HIV/AIDS on Fort Portal Kamwenge Road, WSS Services and UNRA, August 2014, p. 5.

B. Phase II – December 2014-May 2015

364. The World Bank Country Office in Kampala received the Request for Inspection (dated December 6, 2014) on December 17, 2014. Management shared the Request with the Inspection Panel on December 19, 2014. However, as the issues alleged in the Request had not been previously raised with Bank Management, and in accordance with its governing framework, the Panel did not register the Request to give Management an opportunity to address the concerns. Management also informed the Government and UNRA of the complaint. Although the Request described grave and sensitive harm, Management unfortunately disclosed the names of Requesters, which may have exposed them to retaliation and potential social stigma.

365. The Government announced they would send a fact finding mission and on January 6, 2015, convened a meeting at which the Bank emphasized the importance of preventing any retaliation that might result from the Request. The Bank also indicated it would send its own fact finding mission shortly thereafter.³⁵⁰

366. The Government's fact finding mission took place on January 9, 2015, and included two Bank staff participating as observers. At this mission the community denied sexual abuse allegations and focused discussion on compensation and safety issues. The police in attendance confirmed the absence of recorded, underage, sexual abuse.

367. Internal exchanges on possible Bank responses at this time concentrated on procurement – notably the hiring of consultants with expertise in handling perceived contractor mismanagement – as well as preparing for the Panel process, and circulated a draft of the required contents of the Management Response.³⁵¹ Senior Management learned of the complaint at the same time as other, relevant Bank departments in late December 2014. The complaint was also raised as an issue in the briefings for the 2015 Spring Meetings (in April of that year). Exchanges during this time period reviewed by the Panel emphasized the communications and reputational risks of the Request to the Bank.

368. The Panel also saw several exchanges regarding JFCU's involvement in the Request.³⁵² These describe the issues identified in the Request as tallying with JFCU's focus (as presented on their webpage), and this was thought to explain why none of the child-related issues had been raised by the community before or after the Request was received, and implied these issues were part of JFCU's agenda, rather than genuine concerns of the community.

369. On January 13, 2015, Management sent a letter to the Bigodi community reassuring them the Bank took the complaints seriously and informing them of an upcoming Bank field mission. Bank Management decided there was no need to send high level social expertise from Bank Headquarters (HQ), and that the issues could be dealt with locally; only a communications specialist was deployed from HQ for the Bank mission.

³⁵⁰ Communication dated January 5, 2015.

³⁵¹ Communication dated December 25, 2014.

³⁵² Communication dated January 9, 2015.

370. The first Bank mission in this phase visited Bigodi February 4-9, 2015. The mission was coordinated by local authorities and included community meetings and engagements with health sector officials, school administrators, and local authorities. No information on sexual harm was uncovered. The need to amend the Supervision Engineer's contract to include full-time Social and Environmental Specialists was stressed again. The mission did not meet with JFCU (despite their involvement in submission of the Request) on the grounds that, since the community did not mention JFCU, it would be inappropriate to confer with them.

371. The community was given the option of splitting into groups to discuss some of the more sensitive issues. However, Management indicated the community unanimously preferred to discuss matters as one group. The discussion was guided by a matrix listing all the harms raised in the Request to ensure comprehensive coverage of them. While the community felt the discussions should only focus on their most crucial concern – the issue of compensation – and the rest was irrelevant to them, the Bank team reiterated the need to address all the issues mentioned in the Request.

372. During the visit the mission team conducted a roll call of the signatories to the Request, unfortunately exposing their identities. In interviews with the Panel Bank staff voiced their perception that the community was unaware of the letter sent to the Bank and some staff questioned whether the complaint was legitimate. Therefore the Project team felt the need for confirmation. The key conclusion of the mission was that allegations relating to children and sexual harm were not substantiated by anyone; rather, the concerns raised were those the Bank already knew, namely insufficient consultation, safety issues, and compensation. The BTOR of this mission asserts “[i]n conclusion, the allegations made in the Request (...) were neither observed by the mission team, nor substantiated or confirmed by any of the stakeholders consulted during the mission.”³⁵³

373. Questions were raised by Management concerning JFCU involvement in the Request, and the mission concluded JFCU may have tried to air their own grievances through the complaint letter from the community. Management also viewed the fact that JFCU did not initially appear on the Request as “uncommon,” since the issues in the Request conformed to JFCU's agenda.³⁵⁴ Several observations linked JFCU to the Bank's Safeguards Review process, which was ongoing at that time, and during which JFCU had taken policy-related positions in favor of child protection. As late as May 13, 2015, internal communications indicate “[t]he issues that had been raised in the first complaints letter to the Bank were project related impacts but have now evolved into Safeguard policy review issues, where the NGO [JFCU] is seeking to pitch child rights issues high on the agenda of the Safeguards review process. The latter is unrelated to the initial complaint. It is also clear now that the project related allegations are being used to influence the Safeguards review process.”³⁵⁵

374. The second supervision mission took place April 27-29, 2015. Once again the meetings were coordinated with the help of local authorities and, as in the previous mission, no evidence of sexual harm was found. The Bank team noted some progress on environmental issues due to the

³⁵³ Fact Finding Mission Report Bigodi Community Complaints on Kamwenge to Fort-Portal Roads, March 2015, p. 6.

³⁵⁴ Communication dated February 26, 2015.

³⁵⁵ Communication dated May 13, 2015.

recruitment by the Supervising Engineer of an environmental specialist in February 2015. The mission also pointed to several failures on health and safety issues, and inconsistent information regarding the status of resettlement compensations.

375. In April 2015 JFCU issued a case study report entitled “*The Impact of the World Bank funded Kamwenge-Kabarole Road Construction Project on Children*.”³⁵⁶ The specific objectives of the study were (i) to establish the impact of the road construction on children; (ii) to distinguish between impacts on different groups of children; (iii) to identify gaps in the World Bank safeguards and Ugandan laws relating to child protection, and (iv) to make recommendations to reduce negative impacts on children in similar future projects.

376. A first meeting was held between JFCU and Management on April 23, 2015. JFCU informed Management it had undertaken this case study and shared a copy with them. Initially questions arose within Management concerning “*the professionalism of how the study was conducted including the methodology used, the lack of involvement of key stakeholders like UNRA and the conclusions made that are not backed up by verifiable data.*” According to the Bank “*no single case contained in the Complaint Letter and/or case study report has been encountered. The study also made several recommendations most of which related to the ongoing Safeguards Policy review by the Bank. Out of seven only one recommendation related directly to the Kamwenge-Fort Portal road.*”³⁵⁷ Management observed that JFCU “*appeared not to be conversant with the contents of their own study report.*”³⁵⁸

377. The Panel notes the clear failure to involve the appropriate expertise on gender-based violence and child protection to deal with this type of complaint. Thus, instead of recognizing the importance of acquiring such specialized expertise immediately, Management concentrated on how to handle the issue from a communications perspective, and ways to involve communications expertise to manage reputational risks. This prolonged the time it took Management to identify the problem and develop a timely and appropriate response to it.

378. The lack of adequate expertise also influenced the gathering of information from the community. Raising the sensitive issues stated in the Request in a large group hampered identification and discussion of the problem. Instead of starting by asking about broader issues as a way of introducing more sensitive social matters, the Bank missions focused on discussing specific allegations made in the Request, notably questions of child sexual abuse. This limited the type of responses Management heard. The Panel emphasizes that issue-related expertise, such as experts on gender-based violence and child protection, could have played a crucial role from receipt of this Request. As elaborated below, gathering data from communities on such sensitive topics is a skill practiced by specialized social scientists. In addition and related to this, the roll call of the signatories of the Request exposed complainants to potential retaliation or shame, should they admit the community’s children were facing sexual abuse. This unfortunate decision therefore influenced the type of information community members were willing to share in such a setting.

³⁵⁶ Available at: <http://www.bankinformationcenter.org/wp-content/uploads/2015/04/Kamwenge-Road-Final.pdf>

³⁵⁷ Communication dated June 4, 2015.

³⁵⁸ Ibid.

379. The restricted characterization of the problem as one of “child sexual abuse” limited how responses developed and handicapped Management’s identification of the problem. This narrow initial focus steered responses toward specific solutions and remediation, despite the wide range of options available to prevent and mitigate sexual violence and exploitation of women and children.³⁵⁹ “Child sexual abuse” pointed toward legal solutions, law enforcement, and mitigation of individual cases, since it is a criminal act. While important and necessary, these are not comprehensive solutions. Furthermore, reducing the issues to “child sexual abuse” tends to locate the problem closer to the misbehavior of individuals rather than in the wider social context of endemic problems that must be addressed by the government and specialized services. This focus could also explain Management’s initial quest for hard evidence on the exact numbers of cases, rather than seeking to understand the social dynamics which produce such cases regardless of their frequency.

380. The Panel also detected the absence of a clear division of responsibilities on safeguards oversight among the relevant Bank departments during this phase. The Panel observed that this may have further complicated decisions on how to proceed and who should act to correct the safeguards problems encountered in this Project.

381. The Bank recruited child protection and gender-based violence expertise in mid-April 2015. However, relevant headquarters expertise (apart from communications help) was only involved much later in the evolution of the case. In addition, adequate, high-ranking attention to the issues came only in November 2015 when the first high level mission from Headquarters was deployed.

382. Finally, the Panel observed insufficient understanding by Management of the community and its internal dynamics. The dependence of the Bank on local authorities for organizing the various missions probably discouraged many community members from active participation. Community members were initially reluctant to speak up in the presence of local authorities for fear of being branded as opposing the Project. The Panel also observed Management’s difficulty engaging with JFCU, a CSO specialized in child protection, despite the fact that JFCU supported the Request and contributed by undertaking a specialized study on the impacts of the road on the community. As mentioned above, even after the Bank started working with JFCU, it continued to doubt their professionalism and competence.

383. The Panel notes that Management’s delayed response led to the continuation of the problems. As explained in Chapter 4, new defilements and teenage pregnancies continued occurring during this period.

C. Phase III – May 2015-September 2015

384. As mentioned above, a specialized social development consultant was recruited in April 2015 and joined the third supervision mission (May 25-28, 2015). This was also the first time the Bank visited the community together with JFCU. Unlike during the three previous missions, this time the Bigodi leadership and community members acknowledged child sexual abuse as an issue

³⁵⁹ Synthesis report, Margaret Greene, draft from March 2016.

in their community. The team reported it was impossible to meet any victims referred to in the JFCU case study or in the Request during this mission. However, the mission confirmed two previously unreported cases of sexual abuse. Other issues raised in previous missions were reiterated by the community. The mission team proposed discussing with Bank Management child protection actions including (i) expanding the scope and strengthening the actions of the HIV Service Provider; (ii) having the Contractor highlight child sexual abuse issues with his staff and the criminality and unacceptability of such acts, and (iii) asking the GoU to follow up on child sexual violation in accordance with national laws and to prepare zero tolerance materials on child sexual abuse for display in the Contractor's office premises.³⁶⁰

385. In June 2015 Management decided to inform the GoU of the May mission findings, develop an Action Plan to address the issues revealed, and seek Government intervention in investigation and follow up. Management later decided to expand the scope of the HIV service provider to include raising awareness of child rights, and to recruit a social specialist in Kampala with knowledge of the issues being confronted.

386. Several meetings took place at this time between Management and various Government offices, including the Ministry of Works and UNRA, emphasizing the need for the Government to take appropriate actions on complaints relating to the road. Management informed JFCU of the Bank's recommendations to the Government. Management also addressed a letter to the Bigodi Community in July 2015 informing them about the Bank's serious concerns and efforts to address the types of harm discussed. The letter emphasized the community should air their views without fear of retaliation.

387. The Bank developed an "*Action Plan to Address Bigodi and general Community Concerns*" in August 2015 to address a wide spectrum of community concerns including a timeline for the various actions. This Action Plan was discussed and agreed with Bigodi community members on August 26, 2015, shared with UNRA, and was expected to be monitored through monthly progress updates.

388. The Panel observes that at the beginning of this phase, despite the acknowledgment for the first time of the existence of sexual harm, Management's initial reaction was limited to expanding the mandate of the HIV/AIDs service provider to cover child protection issues. This was a provider with demonstrated, weak performance and who operated from a clinic situated far from the community and the workers camp. This decision indicated Management's underestimation of the seriousness of the problem and inadequate analysis of the provider's capacity. Furthermore, after recognizing the sexual harm in May, it was only in August that an Action Plan was developed in response.

D. Phase IV – September 2015-July 2016

389. On September 11, 2015, the Requesters wrote to the Panel and conveyed their dissatisfaction with the implementation of previously suggested measures. The Panel registered the Request on September 28. That same day Management wrote to the GoU and UNRA

³⁶⁰ Communication dated July 13, 2015.

expressing yet again Management's grave concerns about the allegations of child abuse and seeking to know the actions taken to address such issues.

390. On October 1, 2015, the Bank hired two child protection social specialists to assist Management in identifying and preparing an Action Plan with effective implementation initiatives and targets to address child protection issues. In October 2015, the issues raised in the Request were included in the Annual Meeting Brief to Senior Management who urged “[i]mplementation of the Action Matrix as agreed with the roads Authority and the communities is of utmost priority and needs to be fast tracked. GoU needs to internalize the seriousness of the case and take action.”³⁶¹

391. A Bank supervision mission took place October 12-14, 2015, and identified several new cases of teenage pregnancies. The Action Plan was updated to list full actions needed on 12 fronts including child protection, compensation, and road safety. On October 21, 2015, UNRA sent a Notice to Correct to the Contractor through the Supervising Engineer including 36 remedial actions with different deadlines, the last of these dated November 30, 2015. On October 22 Management suspended disbursement citing the lack of compliance with the Financing Agreement requirement to carry out the Project in conformity with appropriate social standards and practices. During the month of October Management held several meetings with the GoU and UNRA to explain the Bank's decision to suspend disbursement and again urged no retaliatory action be taken against the Requesters.

392. In November 2015, for the first time, Senior Management from headquarters travelled to Uganda, which resulted in the preparation and discussion of the Emergency Child Protection Response program with the MGLSD, district child committee members, and UNRA. This program aimed at strengthening community structures to address more effectively the needs of girls at risk through improved prevention, mitigation, and capacity building interventions. While the Plan envisioned support for reintegrating victims into schools or in economic programs through partnerships with CSOs, as mentioned above, during its visit the Panel observed that only one victim had received support to return to school. The Panel also noted the risks of limiting such opportunities to the girls impregnated by road workers, as opposed to developing a holistic, community-based approach to benefit all girls in the community.

393. On December 21, 2015, the Bank cancelled the Project. Management also committed itself to reviewing the entire Uganda portfolio with specific focus on sexual misconduct involving minors and child labor, and to undertake a global review of the Bank's approach to the mitigation of risks associated with labor influx issues, with the objective of developing staff guidance.

394. From January 27 to February 3, 2016, Management undertook a mission to address outstanding environmental and social issues and to discuss with UNRA the lifting of the suspension of the Albertine Region Sustainable Development Project and the North Eastern Road-Corridor Asset Management Project. In February 2016 a Bank team conducted a mission to Uganda to discuss with the GoU development of an integrated system to prevent sexual and

³⁶¹ World Bank Group and International Monetary Fund Annual Meeting, Brief to Senior Management, October 2015.

gender-based violence in the transport sector and response measures targeting survivors, and to assess national and local capacity for future interventions.

395. The Panel observes that registration of the Request triggered a more robust response by Management, in accordance with the Bank's supervision obligations, including the introduction of warranted remedies. Since then, Management has intensified its efforts to address issues raised and to understand the root causes of problems. Specialized social expertise has been deployed, and Management took a much more comprehensive approach to sexual issues rather than focusing on counting individual cases. They began to perceive the problem as a social issue partly caused by influx of workers to the community and requiring a multipronged approach. Another important shift was the involvement of local authorities and specialized Government Ministries, notably the MGLSD. This was also a time of intensive dialogue between the Bank and the GoU.

396. In July 2016 Management provided an update to the Panel regarding its child protection and remediation efforts.³⁶² Management informed the Panel that as part of its Emergency Child Protection Response program it has been working closely with the MGLSD, UNRA, and local government to strengthen the capacity of child protection structures at national, district, and community levels. These efforts include supporting awareness-raising on child protection with road workers, youth, and other community members. However, Management also acknowledged the WSS HIV/AIDS and child protection services need significant improvements, especially with respect to targeting the incidence of early sexual involvement and improving its messaging.

397. Regarding remediation efforts for survivors of child sexual abuse, Management shared that 10 girls are receiving services such as psychosocial support, legal redress, reintegration into schools, material support, and vocational training. The Panel heard during its Investigation visit that some of these efforts were supported with funds from World Vision. Management recognized that more must be done in terms of remediation. As of this writing only one girl has returned to school. The Bank-supported ECPR provides in most cases monthly support of UGX 100,000 (US\$30 dollars). Management also stated the Bank recently contracted the CSO BRAC Uganda to provide life skills and livelihoods training for a period of six months to girls in Busiriba County, which includes the Bigodi community. Management mentioned that sustainability of this program is an issue due to lack of resources beyond a six-month period. The Panel received the Bank's case management report, which lists one survivor of a road accident and 30 victims of sexual abuse, out of which 10 are acknowledged to be linked to road workers. In addition, Management explained it has recently received a list from the GRC with 46 additional names of girls allegedly defiled, which is being analyzed by the Bank. While the Panel notes it is positive that community members are more comfortable reporting such cases, it is disturbing that victim numbers keep rising and that new cases have occurred since the registration of the Request. Finally, Management informed the Panel it is currently discussing with the MGLSD a possible IDA credit in FY17 to support strengthening sexual and gender-based violence strategies and systems in the country.

398. Although the Panel welcomes these developments and recognizes the need for tackling gender-based violence at the systemic level, the Panel notes that the current efforts to support prevention and remediation efforts may be insufficient and under-resourced. The Panel hopes the

³⁶² World Bank Aide-Mémoire for mission of May 16-26, 2016.

proposed IDA credit will ensure a holistic and long-term vision to support such efforts in Uganda, including in the communities along the road.

399. The analysis in this chapter of the Bank's response since receiving the Request in December 2014 points to numerous weaknesses that resulted in late diagnosis of issues and delayed and often inappropriate responses. Specifically, the Bank took too long to recognize the existence of the sexual harm. This was partly due to the absence of the appropriate expertise in the Project, but also due to a lack of understanding of community dynamics and the best ways to handle such sensitive social issues.

400. The chapter also points to lack of clarity in the division of responsibilities on safeguard oversight among relevant Bank departments. This resulted in inefficient, initial decision-making by key actors within the Bank, insufficient attention by Senior Management, and a delayed response to a serious issue which required prompt action. Unfortunately, as mentioned above, additional harm of a sexual nature continued during this time.

401. The Panel finds Management's overall supervision of the Project, including its actions in response to the Request received in December 2014, in non-compliance with Bank Policy on Investment Project Financing OP/BP 10.00.

402. The Panel notes that after the Panel registered the Request in September 2015, Management issued a Notice to Correct, followed by Project suspension and eventual cancellation due to Borrower's failure to carry out the Project in conformity with appropriate social standards and practices.

Chapter 6: Conclusion

403. The improvement of roads in Uganda is of major national interest because of their economic importance as internal and external transport links. Against this background this chapter presents the main conclusions about the Bank's compliance with its operational policies and procedures and about related harm in the Kamwenge-Fort Portal road Project.

404. A critical aspect of the Project that contributed to harm was its poor governance. The main actors – namely UNRA, the Contractor, and the Supervising Engineer – did not proceed with a common purpose to address Project problems. In addition, during the Project's implementation, all three entities experienced management turnover and suffered from a lack of capacity, especially regarding the requisite social expertise. They were thus unable to respond adequately to environmental and social issues occurring in the Project. These three factors (lack of collaboration, high turnover, and weak capacity) led to frequent dereliction of responsibilities. In parallel, the Bank's response was insufficiently robust, and although supervision missions took place, they did not produce effective problem-solving. The shortcomings faced by the Project – especially those related to resettlement and compensation, human health and safety, and gender-based violence and child protection – received scant attention until several months after receipt of the December 2014 request, despite warning signals included in documents as early as 2008 and the appearance of serious issues as soon as construction began.

405. The Request was submitted by a community situated in a region which economically relies on agriculture and tourism due to its proximity to Kibale National Park and several wildlife sanctuaries. As in many parts of rural Uganda, this community is poor, home to many vulnerable people, and experiences significant levels of gender-based violence. These are important factors for understanding the ability of the community to cope with changes imposed by the Project.

406. The Kamwenge-Fort Portal road construction has encouraged a significant influx of labor from outside of the community. These workers have for the most part come from other construction projects in which the Contractor was involved, and they have not been accommodated in a separate workers' camp but instead have lived within the community. The road has increased economic opportunities in the area, as seen in the flourishing of roadside businesses. However, not everyone benefited from such opportunities, in some cases higher incomes have led to inflation in rental prices and to an increase in transactional sex.

407. The Panel observes that the issues confronted in this Project, while serious, are not unique and therefore have the potential for recurring in other infrastructure projects involving significant influx of workers into a project area, thereby inducing social change in communities.

A. The Panel's Findings and their Significance

408. This Project illustrates the confluence of various project dimensions. The Investigation reveals how the social change induced by the road – including failed resettlement, gender-based violence, child labor, and school dropouts – can intensify impoverishment, marginalization, and physical and psychological vulnerability, with people becoming less able to cope with risk and harm.

409. The particulars of this Project demonstrate how a combination of poor planning, weak risk analysis and accompanying mitigation measures, coupled with lack of understanding of the community and its dynamics, led to the serious harm analyzed in this Report. Thus, weak resettlement planning and data gathering were compounded by poor implementation of flawed safeguards documents and delayed and inadequate compensation, which in turn built frustration and anxiety among affected populations. Construction works were prioritized and proceeded with minimal concern for the welfare of communities living along the road.

410. Serious shortcomings in supervision – in which the social aspects of the Project were subordinated to engineering, managerial, and environmental priorities – exacerbated problems. Damages from construction activities, resettlement issues, and failure to establish a grievance redress mechanism that would have enabled affected households to voice their concerns and seek solutions were consistently overlooked.

411. Project-related harm occurred in a community suffering from persistent poverty, forcing children (and girls in particular) to seek alternative income sources and institutional weaknesses that do not encourage law enforcement to protect the community's girls. These factors were aggravated by the road, which introduced young men with cash in hand to the community and further exposed girls to sexual exploitation, especially since this influx of labor was improperly managed. There was no assessment of housing availability or of risks associated with workers living within the community, and no proper identification of workers. In addition, sensitization on sexual harassment and gender issues was lacking. In the absence of adequate mitigation measures and enforcement of a strong code of conduct for the workers, abuses not only materialized but continued unabated.

412. The Panel notes the Project's consistent failures to inform affected communities adequately and to assess the negative impacts of the construction on people (particularly the vulnerable) and on their assets. The absence of a grievance mechanism to enable PAPs to voice their concerns regarding the imposed changes compounded these problems, thus increasing PAPs' vulnerability and susceptibility to harm. Poor road design and low construction standards at times almost seemed to ignore the presence of people living along the road. Meanwhile, as a consequence of construction and resettlement failures, affected people were forced to cope for extended periods with dangerous situations. These included, among others, (i) steep access to homes, fields, and churches; (ii) substandard temporary bridges; (iii) tensions between neighboring households over access rights; (iv) low hanging power lines and the threat of electrocution, and (v) water drainage that inundated houses and latrines and often seeped into annexes constructed behind homes as sleeping quarters, particularly for children.

413. Beyond the physical effects, the communities faced serious livelihood impacts, which only exacerbated local poverty. Construction activities affected the community access to water sources, seedling nurseries, and tourism trails. Living without compensation or with only partial compensation intensified the impoverishment of many people. Contrary to Bank policy requirements, the Project implemented no livelihood restoration activities.

414. Increased vulnerability to physical and livelihood harm is connected to another important area of risk – that of sexual harm and exploitation. The Panel observed that declining household income due to negative, Project-related effects on livelihoods – such as lack of access to shops and other sources of income – increased the likelihood that some girls and women would engage in transactional sex. Longer walks, whether to school or to collect water, via detours imposed by construction exposed children – and girls in particular – to workers along the road. The Panel observed that, between the Eligibility and Investigation visits, there were new reports of girls who had fallen prey to gender-based violence. These girls have had to drop out of school, often facing the added burden of raising a child, thus further jeopardizing household incomes.

415. The intersection of risk and harm arising from social change triggered by the Project is a reminder that building a road is never just about land acquisition, monetary compensation, and construction. It is also about coping with difficult, social, structural changes. Overall the Panel found little evidence to confirm the assertion in the Management Response that the resettlement and construction issues raised in the Request were being successfully addressed, especially as the pace of work on the road intensified after Project cancellation.

B. Looking Ahead

416. This Investigation has identified several gaps in the Bank's implementation of its safeguards policies, particularly as they relate to environmental and social assessment, resettlement, and health and safety. In a situation where social safeguard specialists are relatively few and handle heavy workloads, social issues in this Project received insufficient attention. Road infrastructure is known for exacerbating the risk of HIV/AIDS and creating opportunity for an increase in sexual interactions. The Bank needs to be prepared to anticipate, identify, and act upon social risks that may arise during such infrastructure projects. In addition, many of the countries where the Bank operates have weak protections against gender-based violence and experience widespread gender inequality, and the Bank should consider the ways in which its projects might inadvertently exacerbate existing vulnerabilities. Assessing and mitigating such social risks may necessitate additional, specialized social expertise. It also requires effective supervision, notably in situations of weak capacity.

417. This Investigation has also demonstrated what happens in the absence of a robust stakeholder engagement process. Strong and inclusive consultation, combined with effective grievance redress mechanisms, are necessary not only to identify social risks, but also to bolster community resilience to cope with such risks. This is especially relevant in cases of sensitive social issues, and in environments where retaliation is a possibility and where people are uncomfortable (as happened in this case) speaking in the presence of local authorities.

418. Finally, the Investigation highlights the need to have adequate response systems in place to respond quickly and effectively to serious problems that might arise during project implementation. In this case, even after the Bank acknowledged the existence of gender-based violence related to the Project, action to support victims was slow and not always appropriate. Many instances of harm claimed by the communities and confirmed by the Panel in this Investigation remain unaddressed.

419. The Panel would like to emphasize that any infrastructure project has the potential for inducing change which might entail negative, social consequences. Being aware of this, and having the requisite tools to anticipate, analyze adequately, and mitigate such negative impacts, are key elements for achieving the successful development outcomes the project is meant to deliver.

Annex 1: Table of Findings

| Issue | Panel Findings and Key Observations |
|---|--|
| 1. Institutional Analysis and Capacity Assessment | <p>The Panel finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment due to the lack of effective institutional strengthening measures for UNRA’s weak capacity in carrying out key Environmental and Social functions. The Panel further finds Management in non-compliance with OMS 2.20 on Project Appraisal, for not having properly assessed the provisions for adequate cooperation between all entities involved in Project implementation.</p> <p>The Panel notes adequate assessment of UNRA’s environmental and social capacity was not conducted; consequently Project technical assistance and capacity enhancement components focused primarily on procurement and did not properly address environmental and social risks of the Project. The Panel observes that greater attention paid to capacity concerns could have ensured correct implementation and supervision of social and environmental impacts, and appropriate reaction to early warning signals of problems.</p> <p>The Panel also notes the weak Project governance, including tension and poor collaboration among UNRA, the Supervising Engineer, and the Contractor. The Bank did not coordinate roles and responsibilities of these parties to address Project problems.</p> |
| 2. Community Consultations | <p>The Panel finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment for not ensuring consultations with Project-affected communities in the updating of the environmental and social impact assessment despite the interval between the 2008 ESIA and its update in 2011. Furthermore, the Panel finds that Management did not ensure consultations throughout Project implementation until receipt of the Request for Inspection in December 2014, in non-compliance with OP/BP 4.01 on Environmental Assessment.</p> <p>The Panel believes early and ongoing consultations with community members would have raised sufficient warning signals to address the problems raised in the Request.</p> |
| 3. Construction Impacts on the Community, including Human Health and Safety | <p>The Panel finds Management did not ensure the design or implementation of appropriate mitigation measures to protect the community and workers against construction impacts, thus seriously jeopardizing human health, safety, and livelihoods, and this is therefore in non-compliance with OP/BP 4.01 on Environmental Assessment.</p> <p>The Panel considers access points and road drainage inadequately constructed, causing significant impact on people’s livelihoods. The Panel also notes electric lines relocated within the road reserve and over affected peoples’ structures created substantial risk to people and their houses. The Panel further considers that, although the Environmental and Social Impact Statement (ESIS) identified potential harm to water sources and from operating quarries, no effective mitigation measures were established to minimize these, and many such threats continue unabated.</p> <p>The Panel also notes the need to improve safety in accordance with OP/BP 4.01 on Environmental Assessment and the Bank’s Environmental Health and Safety Guidelines.</p> |

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| | <p>The Panel believes that, although Bank missions identified inadequate road safety and occupational health and safety as important issues, Management failed to ensure implementation of suitable and effective safety measures.</p> |
| 4. Project Supervision of Construction and Remedial Action | <p>The Panel finds that Project implementation continued despite the serious compliance failures and harm repeatedly identified in supervision reports, and in the absence of decisive action by Management. Consequently the Panel finds Management in non-compliance with OP/BP 10.00 on Investment Project Financing.</p> <p>Although Management was aware of Project shortcomings early on, specifically regarding construction impacts and health and safety, it did not act proactively enough to ensure good project implementation. The Panel further notes the Project proceeded without timely and appropriate corrective measures, with problems escalating until its cancellation.</p> |
| 5. Identification of Project-Affected People, Vulnerability Assessment and Measures Targeting Vulnerable Groups | <p>The Panel finds Management relied on verification sampling rather than a full census to identify Project-affected people, despite the recognized weakness of the original census under the Resettlement Action Plan (RAP) commissioned by the African Development Bank. In addition, there was an interval of more than two years between the original census and the updated RAP. The Panel also finds the updated RAP contained an inadequate vulnerability assessment and did not properly identify necessary assistance programs targeting vulnerable groups. Consequently the Panel finds Management did not ensure the preparation and implementation of an updated RAP compliant with OP/BP 4.12 on Involuntary Resettlement.</p> <p>The poor quality of data, resulted from the absence of a complete and accurate census and socio-economic survey. Thus, the verification sampling and three revalidation exercises (while necessary) failed to capture the full impact of original road design, redesigns, and realignments. The Panel considers the inaccurate data the source of many Requester complaints about compensation.</p> |
| 6. Adequacy of Compensation and Livelihoods Impacts | <p>The Panel finds road construction commenced and continued before Project-affected people were compensated. Furthermore, the Panel notes compensation amounts were frequently insufficient due to failure to assess the full impact of the road on land-take, and lack of livelihoods restoration assistance as set out in the 2011 RAP. The Panel finds this is not in compliance with OP/BP 4.12 on Involuntary Resettlement.</p> <p>Despite numerous outstanding claims, road building outpaced compensation and land acquisition, thereby creating financial and material hardships and genuine stress among PAPs. Complaints and challenges, however, related mainly to insufficient compensation payments arising from failure to identify all assets affected by road construction, rather than the valuing of specific items or areas of land.</p> <p>Regarding livelihood restoration, there was apparently little awareness of compensation in the form of rehabilitation assistance and no one received such payments.</p> |

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| 7. Bank Supervision of the RAP | <p>The Panel finds Management inadequately supervised Project resettlement implementation leading to different instances of harm to communities along the road. This did not permit the Project to address harm in a timely and appropriate manner, and therefore the Panel finds Management in non-compliance with OP/BP 4.12 on Involuntary Resettlement.</p> <p>Bank supervision failed to ensure the Borrower complied with its obligation to report monthly on RAP implementation. Early detection of problems by the Bank would have permitted interventions to address known concerns and prevented compensation problems from escalating.</p> |
| 8. Grievance Redress Mechanism | <p>The Panel finds the lack of a formal Grievance Redress Mechanism (GRM) for the Project was not in compliance with OP/BP 4.12 on Involuntary Resettlement.</p> <p>Bank Policy OP 4.12 on Involuntary Resettlement requires institutionalized mechanisms for the continued participation of affected persons and redress of their grievances. The RAP set out a procedure for establishing a GRM that included employing a RAP Implementation Consultant with field presence along the road in collaboration with a local NGO funded to monitor RAP effectiveness. This was not implemented.</p> |
| 9. Assessment of Risks and Impacts related to Gender-based Violence and Child Protection | <p>The Panel finds Management in non-compliance with OP/BP 4.01 on Environmental Assessment and OMS 2.20 on Project Appraisal for not properly assessing the risks and inadequately appraising human health and safety and social impacts of the Project related to gender-based violence and child protection.</p> <p>The 2011 ESIS and appraisal documents lacked required analysis of risks to women and children caused by labor influx, in particular those risks related to sex with minors, teenage pregnancies, sexual harassment, child labor, and school dropouts. Management's approach failed to meet the standards of systematic or holistic assessment of risks which aims, among other objectives, to identify adequate risk management measures for affected communities.</p> |
| 10. Mitigation Measures for Impacts related to Gender-based Violence and Child Protection | <p>The Panel finds the lack of appropriate mitigation measures to address social impacts related to gender-based violence and child protection resulted in serious and long-term harm to the community, and this is in non-compliance with OP/BP 4.01 on Environmental Assessment.</p> <p>The mitigation measures under the 2011 ESIS mainly focused on HIV/AIDS prevention and were inadequate to respond to the multidimensional problem of gender-based violence and child protection.</p> |
| 11. Project Supervision of Mitigation Measures related to Gender-based Violence and Child Protection | <p>The Panel finds Management failure to detect the serious harm suffered by women and children of the community during supervision of Project implementation, or to propose measures for redressing such harm, in non-compliance with OP/BP 10.00 on Project Investment Financing.</p> <p>The Bank undertook several supervision missions. However, the Panel finds the composition of these supervision teams lacked the requisite expertise to address issues related to gender-based violence and child protection. Effective supervision (including adequate understanding of the community) could have resulted in earlier detection of some problems caused by the Project.</p> |
| 12. Management's Actions in Response to Complaint | <p>The Panel finds Management's overall supervision of the Project, including its actions in response to the Request received in December 2014, in non-compliance with Bank Policy on Investment Project Financing OP/BP 10.00.</p> |

Annex 2: Good Practice on Assessing Risks, Designing, and Implementing Measures against Gender-Based Violence and Violence against Children in Infrastructure Projects

By Stella Mukasa³⁶³

1. This Annex was prepared by the specialized consultant in the area of gender engaged by the Panel in this Investigation, and it reflects her expert opinion. It presents good practice on the assessment of risks and integration of gender issues and issues related to gender-based violence (GBV) and violence against children (VAC) in infrastructure and more specifically road projects, in addition to a checklist which follows the different stages of the project cycle. The aim is to identify best practices in the process of mainstreaming gender and child-related risks and impacts encountered in projects such as the Uganda TSDP, subject of this investigation.

Why Consider GBV and VAC Risks in Infrastructure Projects?

2. Well-designed road networks and transport infrastructure can have significant benefits through improved access to critical social services and improved health, such as decrease in respiratory tract infections due to less dust. Community members can reach district health services in nearby towns or neighboring villages more readily, children can travel to schools more easily, mothers can access maternal care services more regularly, and social networks with other villages and towns can be strengthened. In addition, a myriad of new economic and employment opportunities open up for villagers as petty traders, laborers, commercial agriculturalists, and food and drink vendors to cater for the influx of workers to the area or increasing passing traffic.

3. At the same time, large infrastructure projects may result in potentially significant social changes and increases in risks such as the spread of HIV and other infectious diseases from the influx of migrant workforce. While these social impacts affect both men and women, the consequences can be more pronounced for women given existing gender inequalities and vulnerabilities. For example, improved connectivity and mobility can trigger higher levels of HIV transmission and/or increase the risks of female trafficking and unsafe migration in the region. In the absence of specific preventive measures, infrastructure projects present a risk of child labor for boys. Girls may face acute risks of sexual abuse when brought into in to work at the labor camps. Improved road infrastructure brings heavier traffic levels, which can lead to more road crashes and increased care burden for women. Transport improvements may also adversely impact the logistical advantages of existing businesses. These social risks associated with transport infrastructure need to be identified, managed, and mitigated.

4. An effective assessment of risks requires that a gender and child protection perspective be integrated or mainstreamed into the process that precedes the design and implementation of a road project. Specific attention needs to be given to the identification and mitigation of the risks related

³⁶³ With contributions from Jennifer McCleary-Sills.

to GBV and VAC, which because of their sensitive nature, are normally hidden. This calls for the development of approaches and tools to bring these issues to the surface and to address them.

Assessment of risks related to GBV and VAC in infrastructure projects

5. Gender-based violence (GBV): Refers to any harm perpetrated against a person's will on the basis of gender as the socially ascribed differences between males and females. It is based on unequal power relations between men, women, boys and girls. Given that gender confers a higher status, with more opportunities and privileges to men, women and girls are often the targets of gender-based violence. Under Article 1 of the United Nations Declaration on Elimination of Violence Against Women GBV includes physical, sexual and psychological abuse of women and girls in the home, community and in schools; trafficking; traditional practices such as female genital cutting, forced marriage, and honor crimes; and widespread sexual violence and exploitation regardless of the context in which these acts occur.

6. Violence against children (VAC): Article 19 of the Convention on the Rights of the Child prescribes VAC to include all forms of physical or mental violence, injury and abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. In addition to the various forms of child maltreatment, the World Health Organization (WHO) places emphasis on the reality that adolescent girls face specific forms of gender-based violence and harmful practices that are rooted in gender inequality and discrimination. These include female genital mutilation, child early and forced marriage, child sexual abuse or trafficking, and adolescent girls in relationships experiencing intimate partner violence.³⁶⁴

7. Research has shown that projects such as roads, dams, and railways have at a macro level led to economic development, but at a micro level negatively impacted the communities in which these projects are implemented. Infrastructure projects can expose communities living around the construction sites to many negative impacts associated with displacement and in-migration.³⁶⁵

8. The IFC Handbook for Addressing Project Induced In-Migration indicates that this most commonly occurs in response to direct and indirect employment and economic opportunities presented by the project.³⁶⁶ While the potential benefits have been acknowledged, in-migration is usually associated with negative environmental, social, and health impacts. Typically, opportunistic migrants in search of employment and entrepreneurial opportunities form the largest group of spontaneous in-migrants, and should be the main target of management approaches.³⁶⁷ The rapid influx of workers with or without their families inevitably disrupts the socio-economic and cultural setting of the community affected by the infrastructure project. This could negatively impact values, norms, and traditions including those related to gender equality, gender-based violence and child protection.

³⁶⁴ Draft Global Plan of Action on Violence: report by the Director General, WHO, January 2016. Available at: http://apps.who.int/gb/ebwha/pdf_files/EB138/B138_9-en.pdf

³⁶⁵ Dominguez, K., Arango, D., McCleary-Sills, J., and Alves, B. (2015). Transport sector brief. Violence Against Women and Girls Resource Guide. World Bank Group, Inter-American Development Bank, Global Women's Institute, International Center for Research on Women.

³⁶⁶ The IFC Handbook for Addressing Project-Induced In-Migration.

³⁶⁷ Ibid. p 16-24.

9. According to the IFC Handbook influx populations may hasten the introduction and/or increased expression of vices such as prostitution, gambling, alcoholism, and drug use, which can have significant negative social impacts and consequences. Increased criminality, conflict, and violence and declining law and order may also present additional social challenges for both local communities and the project. Coming against a backdrop of gender inequality and limited attention to child protection, women and girls become more vulnerable to sexual abuse and sexual exploitation. Both prospective and current employers on the road project or operating as entrepreneurs are in a position to demand sex in exchange for a job offer; or for female employees to retain their jobs or receive their full salaries. In the absence of sensitization programs and youth-friendly sexual and reproductive health services, young girls in or out of school are vulnerable to sexual exploitation. They are normally coerced into sex in order to receive/maintain financial and material support they have or expect to receive from the perpetrator such as road workers or entrepreneurs living within the community. In these situations, the survivor may believe that she/he has no other option than to comply so that even if “consent” is given, it is manipulated or coerced. Distraction from school, early pregnancy and school dropout are likely consequences. Early and forced marriage is an imminent risk in order to reduce the financial burden of young pregnant girls who have dropped out of school.

10. The Handbook further identifies risks related to a rise in the “four Ms”: men, money, movement (influx), and mixing (i.e., the interaction between high and low disease prevalence groups). Once again examples of risks include girl-child sexual exploitation, transactional sex, rape, marital breakdown, domestic violence, increase in commercial sex work, and an increase in the spread of STI’s including HIV/AIDS. The latter is particularly true in the case of commercial sex workers who, as the in-migrants, perceive the project location as an opportunity to secure clients.

11. The creation of new business opportunities has implications for both adults and young people in the host community of a road project. There are risks related to teenage girls providing cheap labor in the small-medium size enterprises or family business opportunities resulting in inappropriate relationships, rape, sexual exploitation, early pregnancy, school drop-outs, early or forced marriage. The risks are not isolated to teenage girls alone. Teenage boys provide cheap labor on the road, and are exposed to hazardous work with a risk of accidents, effects on their health, and school dropout due to distraction from school. Young boys working to support family incomes are also at risk of child labor and being distracted and ultimately dropping out of school.

12. An increase in the earning capacity of both women and men may impact gender power relations risking an increase in marital breakdown and domestic violence. Gender power relations could be challenged when women earn more than their husbands or want to make decisions about their incomes.³⁶⁸

13. The above-mentioned analysis underscores the importance of understanding the social, economic and cultural setting where a road project is to be hosted, assess the risks highlighted, and

³⁶⁸ Carolina Mejia, Abby Cannon, Susannah Zietz, Jennet Arcara, Afeefa Abdur-Rahman. (2014). Perspectives on Gender-Based Violence and Women’s Economic Empowerment in Sub-Saharan Africa: Challenges and Opportunities. USAID, MEASURE Evaluation.

develop measures for mitigating them. An assessment of potential GBV and VAC risks should always be done as a standard measure (alongside the ESIA). GBV and VAC related risks need to be addressed however minimal. Project preparation should therefore work with the assumption that infrastructure projects will inevitably disrupt the socio-economic and cultural setting of the community. The first step is to conduct a preliminary evaluation to determine whether a proposed project is likely to pose any significant risks women and children should be conducted. This evaluation should assess the probability of project induced in-migration based on the existence of a mobile population in the project area, the characteristic of the project and the capacity of the area to meet project needs. Normally, projects that involve significant in-migration in areas with low assimilative capacity pose significant risks to women and children and would require a more in-depth analysis. In addition, this initial screening should also look at the country-level situation of women and children and assess whether GBV and VAC is a systemic issue and whether Project's activities could potentially aggravate these problems.

14. If after the initial screening it is deemed that the risks to women and children are moderate to high, a scoping of risks related to GBV and VAC in an infrastructure should be undertaken. Information should be collected on the following areas of inquiry:³⁶⁹

- 1- General socio-economic characteristics of the population
- 2- Community profile on Gender, GBV and VAC
- 3- Potential negative social impacts of the road project
- 4- Capacity of response services and prevention programs
- 5- Responsiveness of the project to risks related to GBV and VAC

See Appendix 1 of this Annex for more information of specific areas and risks to look at while assessing the risks to women and children in infrastructure projects.

Mitigation measures

15. The analysis of information generated from the assessment should be the basis for planning and instituting mitigation measures. For each area of inquiry the assessment should summarize the information as follows:

- Comments on whether there are current or potential risks/impacts related to GBV and VAC;
- The probability of the risks occurring (Low/Medium/High);
- The likely time frame in which the risk is likely to occur (Short/Medium/Long term);
- The likely severity of the impact from the occurrence of the risk.

16. The following mitigation measures against risks related to GBV and VAC should be considered subject to their suitability to the outcomes of the assessment:

³⁶⁹ This Guide is based on an adaptation of *GBV Assessment and Situation Analysis Tools*. Prepared for the training course Managing Gender-based Violence Programmes in Emergencies Phase Two Workshop Nairobi Kenya February (2012). UNFPA, International Medical Corps, Global Protection Cluster – GBV Prevention and Response, Australian Government –Aid Program.

- i. Sensitize and prepare the host community for the impending infrastructure project. Build the capacity of community members (women and men, girls and boys) to participate in and benefit from the project. Ensure meaningful participation of stakeholders and beneficiaries especially those that are traditionally excluded and marginalized such as women, girls, persons with disabilities and the very poor.
- ii. Ensure coordination among relevant government agencies – responsible for child protection, gender/women, youth, health and justice at both the national and local levels.
- iii. Establish social programs to provide the necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of VAC and, as appropriate, for judicial involvement.
- iv. Support programs for response and prevention of GBV and VAC in collaboration with Community-Based Organizations and Non-Governmental Organizations having the requisite capacity at community level.
- v. Institute a comprehensive HIV/AIDS program that targets the community in general, schools and all workers involved in the road project and implement targeted initiatives for at risk groups, including sex workers and out of school children.
- vi. Support government health services in the provision of youth-friendly and gender responsive sexual and reproductive health services throughout the host community.
- vii. Support the set-up of a community-based complaints mechanism with community participation and ownership.
- viii. Institutionalize gender responsiveness through recruitment of women in strategic positions such as community mobilization, social scientists, gender/GBV specialists and engineers.
- ix. Provide task managers and implementation teams with effective guidance to mainstream gender, GBV and VAC in infrastructure projects including checklists and other tools. Examples include terms of reference for gender specialists, guidance for gender analysis at project identification stage, checklist for issues to be included in the project appraisal documents and guidance for gender-sensitive project monitoring.
- x. Ensure that any Environmental and Social Management Plan is responsive to gender concerns, GBV and VAC and has appropriate budget for implementation of the related measures it has outlined.

Design and Implementation of Measures against Gender-Based Violence and Violence against Children in Infrastructure Projects

17. The mitigation of risks related to GBV and VAC requires development actors, in this case within road projects, to address the root causes and risk factors for gender-based violence and violence against children. Based on the outcomes of an assessment of risks, a gender and child protection perspective must be integrated or mainstreamed into all stages of an infrastructure project, commensurate with the risks, in order to respond to the implications for men and women, boys and girls, in the design and implementation of the project.

18. Below is an adaptation of the principles for gender mainstreaming³⁷⁰ to ensure GBV and VAC are effectively addressed:

³⁷⁰ Cited in <http://www.ilo.org/public/english/bureau/gender/newsite2002/about/defin.htm>.

- i. Recognize the intersectionality between project-induced in-migration and vulnerability of women and children.
- ii. Integration of GBV and VAC prevention and response into infrastructure projects should take place during design and follow through implementation. Based on the outcomes of the assessment, the project must have clear objectives and activities for addressing these issues.
- iii. Responsibility for gender mainstreaming and child protection must reside with the decision-making organs of the project. The responsible personnel need to understand GBV and VAC to be part of their mandate.
- iv. Adequate accountability mechanisms for monitoring progress need to be established. Such accountability mechanisms must pay specific attention to GBV and VAC.
- v. The initial assessment and identification of issues and problems across all areas of activity should be such that gender differences and disparities as well as child protection concerns can be diagnosed.
- vi. Clear political will and allocation of adequate resources for addressing GBV and VAC, including additional financial and human resources if necessary, are important for an effective response.

The attached checklist (Appendix 2) provides guidance for designing and implementing measures against GBV and VAC in infrastructure projects.

Additional Resources

- O'Neil, Daniel, Danielle Renzi, Alyssa McDermott, and Anelia Atanassova. 2015. *Building a Safer World: Toolkit for Integrating GBV Prevention and Response into USAID Energy and Infrastructure Projects*. Rockville, MD: USAID's Advancing the Agenda of Gender Equality (ADVANTAGE), Task Order 3.
<https://www.usaid.gov/documents/1865/building-safer-world-toolkit-integrating-gbv-prevention-and-response>

This toolkit was designed as a guide for technical and program officers working in energy and infrastructure sectors to integrate gender-based violence (GBV) prevention and response into various points of the program cycle. It suggests strategies to integrate GBV prevention and response into energy and infrastructure projects during design and implementation with a focus on: (i) Gender inclusive design; (ii) Preventing sexual harassment in a transportation project, this means conducting a safety audit, and (iii) Response mechanisms for reporting GBV, e.g. safe spaces. It includes sections on how to integrate GBV prevention and response into energy and infrastructure projects; Monitoring, Evaluation, Learning and Adapting; Gender Analysis Questions for Project Design, Safety Audit Tool, Community Mapping Tool; reference List of USAID-Department of State GBV Strategy Foreign Assistance Indicators; and GBV Integration Strategies and Indicators for Energy and Infrastructure Projects by Subsector. (See Transportation projects, p. 28).

- Dominguez, K., Arango, D., McCleary-Sills, J., and Alves, B. (2015). Transport sector brief. Violence Against Women and Girls Resource Guide. World Bank Group, Inter-American Development Bank, Global Women's Institute, International Center for Research on Women
http://www.vawgresourceguide.org/sites/default/files/briefs/vawg_resource_guide_transport_brief

The transport brief is one of seven sector briefs that have so far been developed under the Violence against Women and Girls Resource Guide. The purpose of the guide is to provide the reader with basic information on the characteristics and consequences of VAWG, including the operational implications that VAWG can have in several priority sectors of the IDB and WBG. It also offers guidance on how to integrate VAWG prevention and provide quality services to violence survivors across a range of development projects. Lastly, it recommends strategies for integrating VAWG prevention and response into policies and legislation, as well as sector programs and projects. The primary audiences for the guide are IDB and WBG staff and member countries, as well as other development professionals who do not yet have experience addressing VAWG.

The transport brief considers transport to include any system in urban or rural settings enabling people to move, connect with markets and gain access to such essential services as health care and education and economic opportunities, such as jobs. Important highlights related to prevention and response to GBV and VAC include:

- Associated safety concerns for girls and women living around the construction areas or working on the construction sites that, if left ignored, can result in serious consequences such as physical and sexual violence, exploitive sex, and increased HIV transmission (page 4).
- Safety and ethical recommendations for VAWGs interventions: Any interventions to prevent or address VAWG should include precautions above and beyond routine risk assessment to guarantee no harm is caused. This includes following ethical guidelines related to: respect for persons, non-maleficence (minimizing harm), beneficence (maximizing benefits), and justice to protect the safety of both service providers and the survivors of violence.
- Interventions should: Assess whether the intervention may increase VAWG; Minimize harm to women and girls; Prevent re-victimization; Consider the implications of mandatory reporting of suspected VAWG cases; Be aware of the co-occurrence of child abuse; Minimize harm to staff working with survivors; Provide referrals for care and support for survivors.
- Key questions that should be asked during the design of transport programs to understand gendered needs and address VAWG (page 5).
- Key areas for integrating VAWG in transport projects (page 6).
- Recommended resources for integrating VAWG into transport projects (page 14).

- Resources on Violence Against Children
<http://www.togetherforgirls.org/knowledge-center/sdgs/>

- Asian Development Bank (ADB), 2013. *Gender Tool Kit: Transport, Maximizing the Benefits of Improved Mobility for All*
<http://www.adb.org/documents/gender-tool-kit-transport-maximizing-benefits-improved-mobility-all>

The purpose of the tool kit is to assist staff and consultants of the Asian Development Bank (ADB) and government partner executing agencies in developing gender responsive transport sector projects. It draws attention to the gender dimensions of transport, and how to mainstream gender equality issues into transport project design, implementation, and policy engagement. It is divided

into key subsectors of ADB's transport sector investments. Important highlights include: guidance for assigning gender mainstreaming categories to projects depending on the degree of seriousness in addressing gender within the project concept note (page 10); key actions for gender mainstreaming in the Project Cycle (Page 11); and Chapter 5 addressing road safety and mitigation of social risks with a specific focus on Women's and Girls' Vulnerability to Human Trafficking and Unsafe Migration (page 51). The tool kit provides tips to designing the Gender Action Plan (GAP) and identifying appropriate gender targets and indicators relevant to the specific subsector. It also includes guidelines for preparing consultant terms of reference for detailed gender analysis and GAP preparation. It includes case studies from ADB's project portfolio to illustrate good practices and promising approaches in mainstreaming gender in transport sector projects.

- Gender Action on GBV projects by international financial institutions (2013)
http://www.genderaction.org/publications/IFI-Watcher_Toolkit.pdf

Gender Action promotes women's rights and gender equality and ensures women and men equally participate in and benefit from International Financial Institution (IFI) investments in developing countries. Gender Action pressures the IFIs to address GBV in their investments. Gender Action initiatives include case studies and campaigns to end IFI exacerbation of GBV.

- World Bank. 2011. *A companion note for gender and infrastructure tools*. Washington, DC. World Bank.
<http://documents.worldbank.org/curated/en/2011/04/16281214/companion-note-gender-infrastructure-tools>.

Using case studies and existing research this report provides information that demonstrates why women often suffer disproportionately from inadequately designed infrastructure services and provide examples of good practices on how to foster social inclusion, gender equality and women's economic empowerment in the design, supervision and evaluation of infrastructure policies and investments so they may prove effective and equitable in the long-term.

- World Bank. 2010, *Mainstreaming Gender in Road Transport: Operational Guidance for World Bank Staff*.
<http://documents.worldbank.org/curated/en/2010/03/12840716/mainstreaming-gender-road-transport-operational-guidance-world-bank-staff>

This paper provides guidance for both transport and gender specialists on how to mainstream gender-related considerations into road transport projects to improve development effectiveness, sustainability and to reduce gender inequality. It points out the importance of mainstreaming gender in transport projects, including the importance of consideration of gender specific needs and priorities in transport both in rural and urban settings; it encourages, disaggregation of data for user needs and access constraints for both men and women. It advocates for policy considerations in transport projects, to be based on the understanding that men and women have different needs and experiences in cities and rural areas. It also includes examples of data and indicators needed to create baselines for measuring progress and results achieved through gender mainstreaming policies.

- World Bank. 2010. *Social Development & Infrastructure: Making Transport Work for Women and Men - Tools for Task Teams*:
http://siteresources.worldbank.org/EXTSOCIALDEVELOPMENT/Resources/244362-1265299949041/6766328-1270752196897/Making_Transport_Work_for_Women_and_Men.pdf

This paper aims to guide World Bank task teams and their country counterparts in addressing gender issues in transport policies and projects. It highlights gender issues and provides the rationale and practical tools for addressing gender in transport policies and projects. It contains 12 tools on different approaches to integrate gender in transport sector operations including two rural and two urban transport good practice cases that illustrate the use of effective approaches for mainstreaming gender and other social dimensions, and improving project effectiveness and sustainability. The Tool can serve as a resource for dialogues with clients as well as transport colleagues that attending to gender can reduce risks and enhance benefits to marginalized groups and steps needed for gender integration.

- African Development Bank Group. 2009. *Checklist for Gender Mainstreaming in the Infrastructure Sector*
<http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/Checklist%20for%20Gender%20Mainstreaming%20in%20the%20Infrastructure%20Sector.pdf>

The objective of this checklist is to provide a tool for effective mainstreaming of gender in infrastructure programs and projects to: (i) guide task managers and implementation teams to plan, design, implement, monitor and evaluate gender-sensitive and responsive infrastructure projects; and (ii) assist RMC projects implementers to become both agents for ensuring effective gender analysis and mainstreaming of gender in Bank supported infrastructure development interventions. Important highlights include key points for gender analysis at project identification stage, examples of gender indicators for an infrastructure project cycle, some key considerations to guide a gender-sensitive infrastructure project monitoring/supervision and a gender checklist for an infrastructure project appraisal report. The checklist can be an effective tool for assessing risks related to GBV and VAC by ensuring specific attention to the following issues within the gender mainstreaming activities: personal safety of women and girls from domestic violence, sexual violence and abuse, early pregnancy, school drop-out, transactional sex and sexual exploitation among others.

- Gregory Gajewski Miho Ihara Francesco Tornier, 2007. *Socially Inclusive and Gender-Responsive Transport Projects: A Case Study of the Timor-Leste Road Sector Improvement Project*. Asian Development Bank (ADB), 2007 <http://ppp.worldbank.org/public-private-partnership/library/socially-inclusive-and-gender-responsive-transport-projects-case-study-timor-leste-road-sect>

This case study highlights the innovative design features of the Timor-Leste Road Sector Improvement Project, approved in 2005. The project was designed specifically to engender sustainability, and include stakeholders and beneficiaries that have been ignored in typical road improvement projects. The project was designed to specifically include socially and culturally

acceptable interventions so that traditionally excluded and disadvantaged groups such as women and the poor would be key agents and beneficiaries.

- Tanzarn Nite Baza. *Integrating Gender into World Bank Financed Transport Programs, Case Study: Uganda: Road Sector Programme Support (RSPS)* World Bank 2003.
<http://siteresources.worldbank.org/INTGENDERTRANSPORT/Resources/Uganda.pdf>

This is a case study of the Uganda Road Sector Program Support, supported by DANIDA. It is one of the ten case studies commissioned by the World Bank to document best practices in the integration of gender into transport policies and projects. The study was to “assist the World Bank and other development agencies to improve the efficiency and equity of transport policies and programs through ensuring that projects respond to women as well as men’s needs”. The study findings cover the following areas:

- How gender dimensions were included in the preparation of the programme;
- Documentation of gender mainstreaming experiences of implementation;
- Specific gendered outcomes of the project; and
- Lessons learned in respect of gender inclusion and where appropriate, suggested good practices.

- Bop, Codou. 2003. *Integrating gender into World Bank-financed transport programs: Case study - Senegal The National Rural Infrastructure Project (NRIP)*. Integrating gender into World Bank financed transport programs case study. Washington, DC: World Bank.
<http://documents.worldbank.org/curated/en/2003/06/6454726/integrating-gender-world-bank-financed-transport-programs-case-study-senegal-national-rural-infrastructure-project-nrip>.

This document provides a case study of Senegal’s National Rural Infrastructure Project (NRIP). While the NRIP includes some gender sensitive language and a commitment to improve women’s living conditions, the analysis of implemented actions suggested that true transformations for women, such as the ability to control resources and make decisions within the family and community, were not planned for. The report cites inadequate representation of women, gender insensitive trainings, few opportunities for women to access labor and non-gendered budgets as the reasons why the NRIP did not benefit women.

Appendix 1: Areas of Inquiry in a Risk Assessment of GBV and VAC

| Issues | Source |
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| 1- General Socio-economic Characteristics of the Population (to be assessed from document review and national data) | |
| Issues to probe while conducting a situation analysis and the ESIA: | National poverty status report. |
| a. Characteristics of the population in the area of influence of the road project (number of villages, number of women, men, girls and boys, number of persons with disabilities by sex, number of female-headed households, number of orphaned and/or abandoned children). Include the poverty levels and main socio-economic indicators. | The planning department at local government level. |
| b. The legal framework and other policies on GBV and VAC and the structures and status of enforcement at national and local government levels. | Ministry responsible for gender equality and child protection at national level. |
| c. The prevalence and types of gender-based violence in the country and region. | Demographic & Health Survey data at regional/district level. Research previously conducted on the community by UN, NGOs, academic research etc. |
| d. The prevalence and types of VAC in the community. | Violence Against Children Survey data at a regional or district level. Research previously conducted on the community from above mentioned sources. |
| e. The school enrollment and retention rates for girls and boys at the primary and secondary levels. | Statistics at the national and regional/district levels. The Education department at local government level. |
| f. The HIV prevalence and the knowledge and attitudes among women, men, girl and boys. | Statistics at the national and regional/district levels. The Health department/service providers at local government level. |
| g. The prevalence of child labor in the region. | Statistics at the national and regional/district levels. |
| 2- Community Profile on Gender, GBV and VAC (based on community consultations) | |
| Issues to probe while conducting a situation analysis and the ESIA: | |
| a. Norms around age and gender: | |

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| <ul style="list-style-type: none"> - Roles and opportunities for women and men generally and in relation to the project (probe further for young women and men). - Status of women at the household and community levels, (participation in decision-making, rights and entitlements, property rights, incidence of domestic violence, etc.). | <p>Separate focus group discussions with women, men, girls and boys.</p> |
| <p>b. Status of children in the household and community:</p> <ul style="list-style-type: none"> - Children's expression of their needs and concerns. - School attendance (boys and girls). - Access to vocational training (adolescents).³⁷¹ - Children's nutrition and access to potable water. - Children's access to basic needs. - Children's contribution to household incomes and to household chores. - Children's ability to identify a caregiver. - Commonly accepted age of consent to sex (boys and girls). - Commonly accepted age of marriage (boys and girls). - Children working on the road project or opportunities related to it (boys and girls). - Risk factors for school drop-out (boys and girls) including proximity to road workers, child labor, children working on the road project or opportunities related to it. | <p>Key informant interviews with:</p> <ul style="list-style-type: none"> - Community development officers (responsible for gender equality and child welfare at local government level), - Community based groups and non-government organizations working on gender equality and child protection, - School officials, - Police officials. |

³⁷¹ Development of the SAFE Checklist Tool for Assessing Site-Level Threats to Child Protection: Use of Delphi Methods and Application to Two Sites in India, Theresa S. Betancourt, November 2015.

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| <p>c. Types of GBV and community attitudes</p> <ul style="list-style-type: none"> - The types of GBV that are occurring in the community. Use examples to probe. - How the community perceives each type; words used to describe these acts. - Attitudes and behavior toward survivors/suspected survivors and perpetrators/suspected perpetrators of GBV - Traditional/religious beliefs and practices related to GBV - Practices for disclosure and help seeking by survivors of GBV. - Community perceptions on the vulnerability of women and young girls to the GBV and VAC related risks posed by the project. - Community-based protection structures for handling GBV reports. - Types of VAC and community attitudes. Use examples to probe. - Types of VAC that are occurring in the community. Use examples to probe. - Whether children suffer violence in the household and/or in schools. - The safety of children as they travel to and from school. - How the community perceives each type; words used to describe these acts. - Community attitudes and behavior toward children who have experienced violence and perpetrators/suspected perpetrators of VAC. - Traditional/religious beliefs and practices related to VAC. - Practices for disclosure and help seeking by or on behalf of children experiencing violence. - Community perceptions on the vulnerability of children especially young girls to the GBV and VAC related risks posed by the project. - Availability of community-based protection structures for handling VAC reports. | |
| 3- Potential Negative Social Impacts of the Road Project | |
| <p>Issues to probe while conducting a situation analysis and the ESIA:</p> <p>a. Whether the project is likely to cause high levels of in-migration:</p> <ul style="list-style-type: none"> - Nature of likely in-migrants e.g. skilled and semi-skilled workers, transitory migrants, single men or families, small-medium entrepreneurs. Subject to the size and duration of the project, the likely areas for in-migrants to settle – villages or towns. - Estimation of the rate and magnitude of in-migrant population (including family members of the workers, entrepreneurs, potential providers of goods and services). - Number of project workers by category, by sex. Distribution of workers between those from within the community and workers from elsewhere, by sex. | <p>Task teams should probe for these issues during risk assessments of project-induced in-migration, as they review the ESIA, the ESMP and the Influx Management Plan.</p> |

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| <ul style="list-style-type: none"> - Assessment of housing options for workers (including availability of decent housing in the community and risks associated with workers living within the community versus living in a workers' camp). b. Risks related to a rise in the “four Ms” men, money, movement (influx), and mixing (i.e., the interaction between high and low disease prevalence groups (e.g. girl-child sexual exploitation, transactional sex, rape, marital breakdown, domestic violence, increase in commercial sex work, increase in the spread of STIs including HIV/AIDS. c. Effect of an increase in the earning capacity of women on gender power relations.. d. Risks related to teenage girls providing cheap labor in the small-medium size enterprises or family business opportunities resulting in inappropriate relationships, rape, sexual exploitation, early pregnancy, school drop-outs, early or forced marriage. e. Risk of young boys working to support family incomes and being distracted from school. Teenage boys providing cheap labor on the road, exposure to hazardous work with a risk of accidents, effects on health, and school dropout due to distraction from school. f. Risk factors related to changes in social activities e.g. opening of bars, video shows, disco halls, eateries and lodges. g. Levels of alcohol consumption/abuse. h. Increase in crime rate e.g. rape, sexual abuse and exploitation, child abuse. | |
| 4 - Capacity of Response Services and Prevention Programs | |
| <p>Issues to probe while conducting a situation analysis, the ESIA and review of the ESMP:</p> <ul style="list-style-type: none"> a. Availability, accessibility, and quality of: <ul style="list-style-type: none"> - Health care (including HIV/AIDS services), psychosocial support, legal justice services for survivors of GBV and VAC, including estimated impact of in-migration in the service delivery capacity. - Youth-friendly sexual and reproductive health services including HIV/AIDS services. - Capacity of responsible institutions (infrastructure, logistics, number of male and female staff). - Sensitivity, awareness, knowledge and attitudes of service provider staff. - Programs for prevention of GBV and VAC at community level including schools. - Access to social services, including child welfare. | <p>In-depth interviews with representatives from Community development Office, Police, Health services, HIV/AIDS service providers, NGOs.</p> |
| 5 - Responsiveness of the Project to Risks Related to GBV and VAC | |
| <p>Issues to probe while conducting a situation analysis, the ESIA and review of the ESMP:</p> <ul style="list-style-type: none"> a. The degree of responsiveness to risks related to GBV and VAC. | <p>Key informant interview with relevant staff from the national implementing agency of the project.</p> |

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| <ul style="list-style-type: none"> - Knowledge and attitudes on GBV and VAC at management level (Contractor and supervising engineer). - Knowledge and attitudes on GBV and VAC among all categories of workers on the project (technical, operational and laborers). - Policies and a staff code of conduct on GBV, sexual harassment, and VAC for the project. - Procedures for handling reports on GBV, sexual harassment, and VAC under the project. - Availability of a transparent, accessible and responsive grievance redress mechanism. - A comprehensive and resourced plan for mitigation of GBV and VAC related risks including collaboration with service providers. | <p>Consultations with the Contractor and Supervising Engineer's project teams.</p> <p>Separate Focus Group discussions with male and female laborers working on the project.</p> |
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Appendix 2: Checklist for Considering Risks Related to GBV and VAC in Project Design and Implementation

| Phase in the project cycle | Potential risks | Mitigation measures |
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| A robust analysis of gender inequality at the national level and a clear commitment to gender equality and empowerment of women and girls in the country partnership documents. | | |
| Identification | <ul style="list-style-type: none"> • Lack of an explicit commitment to gender integration in line with the Bank's Gender Strategy and the laws and policies of the Borrower. • Failure to recognize the intersectionality between project-induced in-migration and vulnerability of women and girls to GBV and VAC. • Failure to pay specific attention to gender issues, GBV and VAC related risks in the identification stage. | <ul style="list-style-type: none"> • Undertake an initial scoping of the relevant project risks to disadvantaged or vulnerable groups such as women, adolescent girls, children, persons with disability, and ethnic, sexual and other minorities. • Refer to national statistics or surveys on VAWG and VAC. • Utilize the guidance provided by the ADB Gender Tool kit³⁷² to assign gender-mainstreaming categories to projects depending on the degree of seriousness in addressing gender within project documents at this stage. Include GBV and VAC among the issues to consider in the assessment. • Terms of reference for the environmental and social assessment documents should include analysis of potential risks related to GBV and VAC to be conducted, as relevant. |
| Preparation and design | <ul style="list-style-type: none"> • Failure to include gender concerns including GBV and VAC within the project design, activities and inputs, and to define gender equitable outputs and outcomes. • Failure to identify properly the potential risks of the Project to women and children and to design appropriate mitigation measures. | <ul style="list-style-type: none"> • The skills mix of the team responsible for preparing the environmental and social assessment documents should include gender/GBV expertise, as relevant. • As part of the environmental and social assessment documents commission a baseline study to produce gender disaggregated data and data on the types and prevalence of GBV and VAC in the community. <ul style="list-style-type: none"> • All the quantifiable and none quantifiable, gender and social related direct and indirect benefits should be defined realistically (such as access to employment opportunities, training programs, joint land ownership). • Ensure there is information about local norms and attitudes including those related to gender equality, |

³⁷² Asian Development Bank (ADB), 2013. Gender Tool Kit: Transport, Maximizing the Benefits of Improved Mobility for All: <http://www.adb.org/documents/gender-tool-kit-transport-maximizing-benefits-improved-mobility-all>.

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| | | <p>GBV and VAC; stakeholder consultation; participation and ownership by beneficiaries (women and men, boys and girls); gender equity; and targeting of support at vulnerable groups.</p> <ul style="list-style-type: none"> • Ensure that women and children are included in the project's consultations and that consultations are undertaken in a gender-sensitive manner throughout the project cycle. • Strengthen the capacity of community members to identify GBV and child abuse and encourage them to appropriately report incidents. • Determine whether a gender equality approach in the proposed project would not add to the burden of work for women, or would it help distribute responsibilities fairly between women and men. Equally important is to determine whether the project would not increase the vulnerability of women and girls to GBV and VAC. • Refer to national statistics or surveys on GBV and VAC to understand prevalence, drivers and risk factors that the project should take into account. • Define gender-responsive objectives and a strategy for mainstreaming gender and child protection measures in the project. • Engage the partner government agency and other government institutions that hold the mandate for gender, GBV and VAC, health and education to set up the framework for gender mainstreaming in the project. The framework should define responsibilities for each agency at national level and within the community where the project is located. • Ensure the Log frame including specific indicators on GBV and VAC. • Define activities to address the gender disparities in access and use of infrastructure including the inputs (who, when, how much) and outputs reflect access and control over resources. |
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| | | <ul style="list-style-type: none"> • Define activities for mitigation against GBV and VAC throughout all stages of the project. • Examine if gender issues including GBV and VAC are properly identified and addressed in the project design. • Ensure that gender/GBV expertise is included on the project preparation team, as relevant. • Ensure that the project objectives and specific components effectively address gender issues including GBV and VAC based on the gender analysis conducted in the preceding stage. • Establish gender disaggregated indicators and determine that monitoring tools include realistic gender-responsive indicators. • Determine whether the possible inter-sectoral (e.g. improved access to health services, markets, education) have been clearly defined and addressed in the project. • Ensure that adequate resources are included in the project budget for integration of gender, GBV and VAC. |
| Appraisal | <ul style="list-style-type: none"> • Lack of attention to gender, GBV and VAC during appraisal. • Failure to ensure that adequate resources are allocated to implement the agreed measures to mitigate the risks of GBV and VAC. | <ul style="list-style-type: none"> • Ensure that the appraisal documents spell out the risks to women and children and explains the proposed mitigation measures. • Use the Gender Checklist for Infrastructure Project Appraisal Report provided in the African Development Bank Group's <i>Checklist for Gender Mainstreaming in the Infrastructure Sector</i> 2009 (page 6).³⁷³ • Determine during appraisal that there are good quality environmental and social assessment documents that seriously address the wide spectrum of social risks and potential harms and which propose appropriate mitigation measures. • Determine that the project design: |

³⁷³ African Development Bank Group. 2009. Checklist for Gender Mainstreaming in the Infrastructure Sector <http://www.afdb.org/fileadmin/uploads/afdb/Documents/Policy-Documents/Checklist%20for%20Gender%20Mainstreaming%20in%20the%20Infrastructure%20Sector.pdf>.

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| | | <ul style="list-style-type: none"> ○ Defines the different transport needs and priorities of women and men, boys and girls ○ Identifies means of ensuring that the needs especially of women and girls, as well as their safety, will be taken into account both along the corridors and at checking points and border posts. ● Assess whether there are any mitigation measures related to gender, GBV and VAC in the proposed infrastructure project that need to be clearly outlined as part of the Borrower's responsibilities. |
| Negotiation and approval The Bank's Board should be satisfied that project documents have paid adequate attention to gender, GBV and VAC. The commitments agreed with the Borrower related to these issues should be reflected in project documents. | | |
| Implementation and supervision | <ul style="list-style-type: none"> ● Lack of capacity to identify and address gender issues, GBV and VAC on the teams of the supervising engineer and contractor. ● Lack of appropriate and accessible Sexual and Reproductive Health services. ● Lack of coordination among stakeholders. ● Communities living in poverty that mainly depend on subsistence farming suddenly handling cash as laborers or from compensation. ● Resettlement and compensation resulting in sudden liquidity, without guidance on investment or saving. This risks disrupting families and has potential for increasing domestic violence. | <ul style="list-style-type: none"> ● <i>Implementing agency:</i> Designate a gender specialist within the project management team/unit to oversee gender mainstreaming, as relevant. ● The environmental and social assessment documents should be matched by a good quality and concrete site-specific mitigation plans that respond to the GBV and VAC related risks, including sensitization and preparation of the community before the construction begins.³⁷⁴ ● The procurement process should include contractual requirements for the contractors to carry out the project in accordance with the measures agreed to mitigate the risks of GBV and VAC. ● Establish a coordination mechanism for stakeholders at community level including schools, health service providers, labor, probation and welfare, and social development, police. ● Community development officer should prepare the community for the changes likely to emerge due to the project construction through sensitization programs. ● Specifically target schools and out of school youth with appropriate sensitization on sexual and reproductive health |

³⁷⁴ In some cases, the environmental and social mitigation plan is prepared during the project preparation stage. This is the case in Guarantee projects.

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| | <ul style="list-style-type: none"> • Non-compliance with the mitigation plan, especially the social mitigation measures. • Lack of reporting and attention to incidents of GBV and VAC in the work place and within the community. • Women who access employment opportunities within road construction may be at risk of sexual harassment, rape or sexual exploitation from both employers and fellow workers. • Adolescent girls lacking or with limited sexual and reproductive health knowledge. • Women and their adolescent daughters are likely to engage in the sale of food in the urban centers along the road under construction where majority of laborers are male. • Girls using routes to and from schools in the vicinity of the road construction site are at risk of being distracted, engaging in unhealthy relationships and being coerced into unsafe sex. • Increased social activity risks a surge in social ills, alcoholism, sexual exploitation and violence. • Failure to detect the occurrence of GBV and VAC. • Community attitudes that are accepting of violence and gender inequality (perpetration and experience) | <p>knowledge and accessible services and other groups at risk, such as sex workers.</p> <ul style="list-style-type: none"> • Ensure community participation in the establishment and implementation of a grievance redress mechanism and ensure that women are represented in such mechanism. • Establish legal aid services within the community or link the community to existing ones. • <i>The Bank's task team</i> and the project coordination team should collaborate with local leaders and relevant government agencies to dialogue with project beneficiaries, specifically women, to ensure that project objectives and activities are clearly communicated to them. • Collaborate with local stakeholders, including women's groups, religious leaders, local politicians, health service providers and judicial systems to identify forms of GBV in the local context. • Support civil society organizations to implement programs for prevention and response to GBV and VAC within the communities directly impacted by the project. All interventions for prevention and response to GBV and VAC must comply with ethical guidelines for Violence against Women and Children (VAWG) programming. • Supervision should assess, among others, whether gender, GBV and VAC issues were being effectively addressed, as well as the degree of progress in realizing the gender-related objectives and outcomes. Changes to improve these outcomes should be suggested. • <i>Contractor and sub-contractors:</i> should conduct gender sensitization for workers before commencement of their work. • Ensure that its workforce has appropriate housing arrangement as set out in the mitigation plan and bidding documents. |
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| | | <ul style="list-style-type: none"> • Adopt policies that prohibit discrimination, exploitation, harassment, and GBV. • Establish a Code of Conduct for their workers covering their conduct inside the camp (where there's one), along the construction site/route and the quarry sites. GBV and sexual abuse should be included among the issues covered by the code. • Establish written human resources management procedures so that workers can report incidences of sexual harassment without fear of reprisal, and educate workers about such policies and procedures. • Establish sensitization programs on GBV, VAC and sexual and reproductive health to its workers at a convenient location and time. • Provide opportunities for women to be trained as technicians or providing other economic opportunities for women, such as including them in the value chain, whenever possible, by sourcing locally from women's businesses. • Set-up separate gender-specific latrines for men and women at the construction site. • <u>Supervising engineer or entities fulfilling that role:</u> Recruit a full-time gender specialist (as relevant) to advise, develop and conduct training in practical methods, developing monitoring indicators and assisting in the gender awareness-raising process with project staff and at community level. • Work in partnership with the civil society organizations to monitor the incidence and response to GBV and VAC as well as progress in the programs for prevention. • Include in monthly reports a specific section to report on gender issues (including GBV and VAC) during implementation of the project including issues identified and remedial actions undertaken in collaboration with mandated institutions at community level. |
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| Evaluation | <ul style="list-style-type: none"> • Failure to assess the impact of the project on gender, GBV and VAC on the evaluation. • Failure to capture lessons on the effectiveness of interventions to address gender inequality, GBV and VAC within the project. | <ul style="list-style-type: none"> • The evaluation should assess, among others, the degree of progress in realizing the objectives and outcomes related to gender, GBV and VAC issues. • The evaluation should draw lessons learnt on achievements related to the gender equality objectives of the project as well as institutional capacities, strengths and weaknesses. • The following issues must be taken into consideration while undertaking the evaluation: <ul style="list-style-type: none"> ○ Include or consult with gender expertise. ○ Assess the degree to which the gender related recommendations from the supervision reports have been implemented. • Assess gender-differentiated impact as per goals and objectives. • Establish whether gender mainstreaming including GBV and VAC received attention at all stages of the cycle, especially during the environmental and social assessment documents and reflected in the mitigation plan, as other cross-cutting issues. • Assess whether both men and women engaged in equal measure and how they directly benefitted from the project. |
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Annex 3: Inspection Panel Members and Expert Consultants Biographies

Panel Members

Gonzalo Castro de la Mata was appointed to the Inspection Panel of the World Bank on December 16, 2013, and became its Chairman on November 1, 2014. He is an American and Peruvian national who brings the Panel more than 20 years of international development experience. His career includes key roles in the private and public sectors and multiple areas of development work, demonstrating his broad interests, authority, experience, and flexibility. He has been involved in highly visible and complex international projects, including as the Chair of an Independent Panel for the Export-Import Bank of the US for the Camisea Project in Peru, and as a member of a United Nations Review Panel of the Barro Blanco Dam in Panama.

In 2009 he founded Ecosystem Services LLC, a company specializing in market-based approaches to conservation and renewable energy. Previously he was the Managing Director of Sustainable Forestry Management (SFM) for the Americas, where he was responsible for seminal investments that generated the first carbon credits from native plantations and forest conservation. Before SFM he was the Head of the Biodiversity Unit at the Global Environment Facility (GEF), Principal Environmental Specialist at the World Bank, Director and Vice-President of WWF's Latin American and Caribbean Program in Washington, and founder and CEO of Wetlands for the Americas, among other roles. He earned a Ph.D. in Ecology and Population Biology from the University of Pennsylvania and received his M.A. and B.A. from Cayetano Heredia University in Lima, Peru. He has served on numerous, international, private and non-profit boards.

Zeinab Bashir El Bakri was appointed to the Inspection Panel in September 2012. A national of Sudan, she brings to the Panel more than 20 years of development experience. Dr. El Bakri built a broad career at the African Development Bank (AfDB), where her last position was Vice President of Operations from 2006-2009. In addition, between 1991 and 2005, she served in a number of positions at AfDB spanning multiple regions of Africa, and focusing on portfolios including social development, gender, agriculture and agro-industry, climate change, and governance, where she gained expertise in both policy development and operations.

After leaving AfDB she was appointed Director of the Delivery Unit for the Office of His Highness the Prime Minister of Kuwait, responsible for ensuring delivery of reform initiatives. Ms. El Bakri's time at the African Development Bank was preceded by an academic career at the University of Khartoum, where she was Senior Lecturer in Anthropology and Sociology and she managed the Women and Development Programme of the Development Studies and Research Center. Her early career included a number of consultancies within the UN System, philanthropy, and international NGOs. Throughout her career Dr. El Bakri has worked on evaluation issues based on meticulous attention to facts. Her work at AfDB included serving on the Board Committee on Development Effectiveness and providing Management responses to Independent Evaluations within her sectors. She was also responsible for establishing AfDB's Governance, Economic, and Financial Reforms Department. Dr. El Bakri holds a Ph.D. in Sociology & Anthropology from Hull University and received her M.A. and B.A. in Sociology from the American University in Cairo.

Jan Mattsson was appointed Member of the Inspection Panel in November 2014. A Swedish national, he brings to the Panel more than three decades of experience in the public and private sectors as well as academia. Dr. Mattsson's prior career has included operational field work, policy advice, program management, and leadership roles in the United Nations where he established robust systems for results-based management, transparency, and accountability. Throughout his career he has demonstrated the ability to engage and build trust with multiple stakeholders around complex issues, risk management, and innovation. He is passionate about social justice and behavioral ethics.

Dr. Mattsson held responsibilities in several UN agencies over the years, including UNDP, UNIDO, UNFPA, WFP and UNODC. In his most recent UN assignment he was UN Undersecretary-General and Executive Director of UNOPS, an organization specializing in implementation of development, humanitarian, and peace-building operations on behalf of multiple partners. After leaving the UN he founded M-Trust Leadership, an advisory firm promoting socially responsible investments and partnerships among business, government, and civil society in pursuit of sustainable development. Dr. Mattsson earned his Ph.D. in Engineering from the University of Linköping, Sweden, with a multi-disciplinary thesis on management of technological change.

Expert Consultants

Richard Fuggle undertook graduate studies at Louisiana State University and obtained his Ph.D. from McGill University, Canada, in 1971 for a thesis dealing with the warming and cooling of urban atmosphere. A South Africa national, Dr. Fuggle is a Member of the Academy of Science of South Africa, a Registered Natural Scientist, and a Certified Environmental Impact Assessment Practitioner. He is a past President of the International Association for Impact Assessment. He also held the Shell Chair of Environmental Studies at the University of Cape Town from 1973 until his retirement in 2006.

With Andre Rabie he produced two iconic books on environmental management in South Africa. He has published many academic papers on aspects of environmental management and, as a consultant, has written numerous environmental impact reports and reviews. He has wide international experience, having been involved with the World Bank's Inspection Panel in environmental reviews in Albania, Argentina, China, Colombia, Ghana, India, Kenya, Nigeria, Uganda, and Paraguay. He was also Environmental Advisor to the Caspian Development Panel and reviewed and inspected the environmental and social impact components of the Baku- Tbilisi-Ceyhan pipeline in Azerbaijan, Georgia, and Turkey. He has also served on international advisory panels for projects in Israel, Jordan, Palestine, Tanzania, and Tajikistan.

Dr. Fuggle was closely involved with the establishment of the South African Institute of Ecologists and Environmental Scientists and served on their Boards. He was also instrumental in the formation of the South African affiliate of the International Association for Impact Assessment. He chaired the committee of the Council for the Environment that pioneered Integrated

Environmental Management in South Africa and was responsible for the team that produced the first set of guideline documents for IEM. Dr. Fuggle has also served on several South African Commissions of Enquiry.

Jennifer McCleary-Sills, Director of Gender Violence and Rights at the International Center for Research on Women (ICRW), leads the portfolio exploring the gender dimensions of violence and deprivations of rights. These include experiences of all forms of gender-based violence (GBV), exclusion based on sexual orientation and gender identity, controls on access to justice, and violations of property and land rights. Her own research contributes to the evidence base about the social causes and consequences of violence and what works to prevent it. She has 15 years of experience as an international development professional and researcher on gender issues, with a specific expertise in GBV, sexual and reproductive health (SRH), and healthy transitions to adulthood.

Dr. McCleary-Sills led the development of a [participatory research and action project](#) (*Vitu Newala*), which identified risks of sexual violence faced by young girls in Tanzania, and fostered the development of a community-based pilot program to reduce these risks. Dr. McCleary-Sills has extensive experience working with a wide range of donors and partners, including the United States Agency for International Development (USAID); the U.S. Department of Labor (DOL); the World Bank; United Nations Development Programme (UNDP); United Nations Population Fund (UNFPA); EngenderHealth, Marie Stopes International, and many others.

Prior to joining ICRW in 2015, Dr. McCleary-Sills was the senior, gender-based violence and development specialist at the World Bank Group, where she co-authored the flagship publication “*Voice & Agency: Empowering Women and Girls for Shared Prosperity*.” She was also the Bank’s lead on the multi-sectoral Violence Against Women and Girls Resource Guide. Dr. McCleary-Sills holds honors degrees from Yale University (BA) and the Boston University School of Public Health (MPH), and a Ph.D. from the Johns Hopkins Bloomberg School of Public Health.

Christopher McDowell is a social anthropologist and social development consultant with expertise in social impact assessment, involuntary resettlement, and humanitarian evaluations. Dr. McDowell has a Ph.D. from the Ethnologisches Seminar at Zurich University and a Master’s Degree in Social Anthropology from the University of Cape Town. He has published widely on development-created population displacement and resettlement, including *Understanding Impoverishment* (Berghahn, 1996), *Risks and Reconstruction* (World Bank, 2000), *Non-Conflict Displacement* (Berghahn, 2010) and *Displaced: The Human Cost of Development and Resettlement* (Palgrave Macmillan, 2013). Dr. McDowell has acted as an international resettlement specialist for the Asian Development Bank in India, China, and Cambodia, and for the Inspection Panel of The World Bank in Ghana and Nepal. He has managed aid programs in Africa and advised the Government of The Netherlands (on asylum return), the Norwegian Government and the Internal Displacement Monitoring Centre (on programmatic responses to non-conflict displacement), and UNOCHA and AusAID (on the humanitarian response to the East Timor crisis). He is currently a Reader in Political Anthropology and the Chair of the Department of International Politics at City University London.

Stella Mukasa, Director of the International Center for Research on Women (ICRW)'s Africa Regional office in Kampala, Uganda, leads ICRW's local and regional efforts to conduct applied research, provide technical support, strengthen capacity, and engage in policy dialogue on ICRW's thematic areas of focus. She is a lawyer with more than 20 years of experience in gender, governance, and human rights. Ms. Mukasa's work encompasses program development and evaluation, strategic advice, training, and policy engagement with specific expertise in women's access to justice, gender-based violence, political participation, and leadership development.

Ms. Mukasa's background in law, gender and development, and governance combines with years of work in the government and non-government sectors to make her well-qualified to assess programs and identify strategic entry points to promote gender equality. She is skilled in conducting participatory qualitative research on violence against women, political participation, and access to justice. She has extensive experience in advising governments, national and international nongovernmental organizations, and development agencies on strengthening program strategies and formulating gender-responsive policies. She leads a program for strengthening the capacity of partner organizations, working on women's land and property rights and gender-based violence in Kenya, Tanzania, and Uganda.