

Inspection Panel

Republic of Uganda: Transport Sector Development Project - Additional Financing (P121097)

Investigation Plan (February 1, 2016)

I. Introduction and Panel's Recommendation

On December 19, 2014, the Inspection Panel received a Request for Inspection from community members of the Bigodi town in Uganda raising concerns about the Uganda Transport Sector Development Project - Additional Financing. The Additional Financing is to provide funding for: (i) upgrading and rehabilitation of the Kamwenge-Fort Portal (66 km) road and (ii) technical assistance for strengthening the internal audit functions of the Uganda National Roads Authority (UNRA). At the time, the Panel conducted its due diligence and determined that World Bank Management was not aware of these concerns, one of the conditions for Registration of a request. In accordance with its governing framework, the Panel did not register the request to provide Management with an opportunity to address these concerns. The Panel issued a Notice of Receipt on January 21, 2015.

On September 11, 2015, the Panel received a new request from three representatives of the Bigodi and Nyabubale-Nkingo communities in Uganda, which restated the earlier concerns. The Requesters claimed they were dissatisfied with Bank actions in response to their concerns, asked to keep their identities confidential, and designated a local CSO, Joy for Children Uganda, to act on their behalf. The Requesters restated the allegations previously raised, including, sex with minors and teenage pregnancies by road workers, increased sex work, the spread of HIV/AIDS, sexual harassment of female employees, child labor, school dropouts, lack of or inadequate compensation, fear of retaliation, lack of participation, poor labor practices, and lack of adequate road and workplace health and safety measures. The Inspection Panel registered the Request on September 28, 2015.

On October 22, 2015, the Bank suspended the Project financing due to the Borrower's non-compliance with its obligations to implement the Project in conformity with appropriate environmental and social standards and practice. On December 21, 2015, the Bank cancelled the Project due to the Contractor's failure to remedy instances of non-compliance and the lack of demonstrated willingness from UNRA to address the identified social risks.

After two postponements succeeding Registration of the Request, Management issued its Response on December 18, 2015. On January 8, 2015, the Panel recommended that an investigation be carried out into the alleged issues of harm and related non-compliance. On January 29, 2015, the Board approved the Panel's recommendation.

This document presents a broad outline of the investigation plan as required by the Panel's Operating Procedures. It includes a summary of the key questions and issues to be addressed during the investigation, and an investigation timeline. This investigation plan is a living document and will be adjusted as needed.

II. Generic Questions for the Investigation

In line with its mandate and Operational Procedures the Panel will consider in its analysis the following:

1. Is there a violation of the Bank's applicable policies and procedures in the design, appraisal and implementation of the Project that may have contributed to the harm alleged in the Request, including:
 - a. Which of the issues of harm raised in the Request can be linked to the Bank-financed Project? Is the harm of a serious nature?
 - b. Can the issues of harm in question be attributed to non-compliance by the Bank with its relevant safeguard policies and procedures?
 - c. How were these issues addressed during design, appraisal and implementation of the Project? Were these actions sufficient to meet the requirements of the applicable policies?
2. Were any steps and actions taken by Management since the receipt of the Request to address the issues of compliance and the harms raised by the Requesters? Are these actions sufficient to meet the requirements of the applicable policies?

III. Scope of the Investigation: Issues of Harm and Compliance

The Request raises allegations of sexual abuse with minors and impregnation of teenagers by road workers, increased sex work and spread of HIV/AIDS, sexual harassment of female employees, poor labor practices, lack of adequate road and occupational health and safety measures, child labor, school dropouts, lack of or inadequate resettlement compensation, fear of retaliation, lack of consultation and participation.

During its field visit, the Panel observed many of the harms raised by the Requesters and further explained below. The Panel's investigation will address these alleged harms and non-compliance with World Bank Operational Policies and Procedures as they relate to environmental assessment, involuntary resettlement, gender, risk assessment, project design, appraisal and supervision.

1. Harms of a sexual nature (including sex with minors and teenage pregnancies, spread of STIs, increased sex work and sexual harassment).

a. Sex with minors, sexual harassment and teenage pregnancies. The Requesters claim that the road workers are engaging in sex with minors and impregnating the community's children. They also claim that girls are harassed on their way to school. The Panel's investigation will include an analysis of the following questions:

- i. Did these harms occur? What is the extent of their occurrence? Were the risks of harms of a sexual nature properly identified, analyzed and assessed? Did the Project include preventive and mitigation measures? Were they adequate? Were they implemented?

- ii. What were the consequences of such harms (teenage pregnancies, early marriages, and school dropouts)? Were remedial actions put in place?

b. Spread of sexually transmitted infections (“STIs”) and sex work. The Requesters allege that the influx of workers from other parts of the country led to the spread of STIs, especially HIV/AIDS, in the absence of a workplace health and HIV/AIDS policy. The Requesters also claim that the influx of road workers, combined with the lack of a workers’ camp has contributed to the emergence of sex work, including underage sex work. The Panel’s investigation will include an analysis of the following questions:

- i. Is there any evidence that the incidence of STIs in the project area increased after the start of the Project? How does it compare to the rest of the country?
- ii. Were the prevalence of STIs and the risk of it spreading properly assessed by the Bank? What were the preventive and mitigation measures proposed by the Bank? Were they adequate? Were they implemented?
- iii. Is there any evidence that sex work has increased in the project area after the start of the Project? Was this risk assessed by the Bank? What were the preventive and mitigation measures proposed by the Bank? Were they adequate? Were they implemented?

c. Sexual harassment of female employees. The Requesters claim there is reported sexual harassment of female employees by males in decision-making positions. They allege that women are left in a vulnerable position due to the fear of losing their jobs and lack of employment alternatives. The Panel’s investigation will include an analysis of the following questions:

- i. Did these harms occur? What is the extent of their occurrence? Were the risks of sexual harassment properly identified, analyzed and assessed? Did the Project include preventive and mitigation measures? Were they adequate? Were they implemented?

2. Involuntary resettlement and compensation. The Requesters allege there were significant and continuous delays in the resettlement process and a lack of or inadequate compensation. They also claim there was a general lack of information and confusion regarding eligibility for compensation, valuation of assets, and lack of consultations with affected people. The Panel’s investigation will include an analysis of the following questions:

- a. Were project affected people properly identified? Was the baseline survey prepared by the AfDB in 2008 updated by the time of project approval in 2011? Did it reflect the new socio-economic reality of the project area? Was the survey updated after the realignment of the road?
- b. Were adequate and meaningful consultations conducted with the affected communities, specifically: i) Did they actively participate in the resettlement planning? ii) Were affected people informed about the eligibility for compensation and the process for valuation of assets and determination of compensation amounts? iii) Were they informed about the timeline for the resettlement process?
- c. Was the capacity of the implementing agency to undertake the resettlement process properly assessed? Did the Bank propose any measures to strengthen the capacity of the implementing agency?

- d. Was compensation paid in an appropriate and timely manner? Were the measures proposed in the Resettlement Action Plan (RAP) adequate? Were they properly implemented? Were livelihoods adversely affected and if so were there actions in place to restore them?

3. Road design, access and safety.

a. Road design and access. The Requesters claim that some properties, including houses, a seedling nursery and tourist trail had their access to the road blocked by the road design and works. They also claim that during construction stone quarries operated illegally and construction in the Kibale National Park started prior to the issuance of the required environmental permit. The Panel's investigation will include an analysis of the following questions:

- i. Was the road designed taking into account environmental, health and safety considerations? Were the environmental risks and impacts during construction and operation of the road properly assessed in the Environmental and Social Impact Assessment (ESIA)?
- ii. Was the Environmental and Social Management Plan (ESMP) prepared prior to the start of construction? Were the required environmental licenses obtained prior to construction? Were measures to avoid, mitigate and compensate impacts put in place? Was the ESMP properly implemented?
- iii. Were access to houses and productive activities hindered? Was access restored?

b. Road safety. The Requesters allege that accidents along the road have increased due to lack of safety measures, including speed bumps and road signs, and due to the Contractor's use of vehicles in poor mechanical condition. They claim that victims of these accidents have not been compensated. The Panel's investigation will include an analysis of the following questions:

- i. Were appropriate road safety measures planned and implemented under the ESMP?
- ii. Were there road accidents caused by the Project? Can the number be determined? Were the victims, if any, provided with support and/or compensation?

4. Occupational health and safety and child labor.

a. Occupational health and safety. The Requesters allege that the Project lacks a workers' camp for the Ugandan migrant workforce, which has led to the negative impacts for the communities along the road. In addition, they claim that the working conditions are inadequate and raised issues, such as low wages, long hours and lack of protective gear. The Requesters claim there were several cases of workplace injuries and fatalities, and many of those were not adequately compensated. The Panel's investigation will include an analysis of the following questions:

- i. Did the Bank adequately assess the potential risks to the community associated with the influx of road workers? Was the establishment of a workers' camp envisioned in the ESIA and ESMP? Were other measures proposed by the Bank to prevent and mitigate these risks to the community? Were these implemented?
- ii. Were appropriate health and safety measures for the road workers planned and implemented?

- iii. Were there occupational accidents leading to injuries or fatalities? How many? Did the Project keep a log of these incidents? Were the victims or their families compensated and received medical support?
 - b. Child labor.** The Requesters claim an increase in informal businesses along the road construction, which has attracted children to work as vendors and car washers and led to a rise in school dropouts. They also allege that children were employed in the construction of the road. The Panel's investigation will include an analysis of the following questions:
 - i. Were children employed by the Project? Was the risk of child labor properly assessed by the Bank? Were preventive and remedial measures proposed by the Bank? Were they implemented?
 - ii. Was there an increase in children engaged in informal business as an indirect impact of the Project, which led to school dropouts or put children at risk?
- 5. Consultation and grievance redress.** Requesters claim there was a lack of consultation and information sharing with the community during project preparation and implementation. They also allege that the Project had no functioning grievance redress mechanism. In addition, they mention that people do not complain about the Project due to fear of harassment or retaliation. The Panel's investigation will include an analysis of the following questions:
- a. Were consultations undertaken during the update of the ESIA by the Bank in 2011 and its implementation (as necessary)?
 - b. Did the Project have a grievance redress mechanism? What was the process for receiving and responding to complaints? Was the grievance redress mechanism accessible to the community?
 - c. Did the community feel there was a safe space to share their concerns about the Project? Was the Bank aware of the fear of retaliation among community members? What measures did the Bank put in place to address this issue?
- 6. Supervision and Bank's response:** Bank Management acknowledges that its supervision has been insufficient, especially the attention devoted to addressing the risks to girls from the conduct of road workers. In addition, Management recognizes its failure to respond to UNRA's and the Supervising Engineer's omissions, or to respond to its failure to act on issues that were identified during previous Bank supervision missions. The Panel's investigation will include an analysis of the following questions, especially during the period between when the request was submitted in December 2014 and when the Requesters expressed their dissatisfaction in September 2015:
- a. Were the supervision efforts of the Bank adequate? Was staff with the appropriate skills deployed by the Bank to support the Project and address some of the issues raised?
 - b. Did the Bank put in place remedial measures to respond to the problems encountered during the supervision missions in a timely and adequate manner? What kind of support and capacity building measures did the Bank provide to the government and its implementing agency to address some of the identified shortcomings?

IV. Methodology of Fact Finding

For the purposes of this investigation, the Panel will enlist the assistance of three experts on: (i) child protection and gender issues, including experience dealing with children facing trauma (ii) involuntary resettlement, and (iii) environmental, health and safety, including road design and safety.

The investigation will be conducted in three phases: (i) investigation preparation and identification of expert consultants (January-February 2016); (ii) review of documentation, staff interviews and field visit (February – April 2016); and (iii) report drafting and review (April – July 2016). The investigation will include interactions with Requesters, Bank staff, implementing entities, development partners and other relevant stakeholders.

The Panel's Investigation Report and Management Response will be made publicly available after the Board of Executive Directors meets to discuss the Panel's findings and to consider Management's recommendations.