

Inspection Panel

Uganda: North Eastern Road-corridor Asset Management Project (NERAMP) (P125590)

Investigation Plan (April 8, 2021)

I. Introduction

On October 1, 2020, the Inspection Panel (the “Panel”) received a Request for Inspection (the “Request”) of the North Eastern Road-corridor Asset Management Project (the “Project”) in Uganda. The Request was submitted by 10 community members representing eight families (the “Requesters”).

The Request pertains to four interlinked issues. Firstly, the Requesters claim that the Project planned to use the Oruja Rock (the “Rock”), a large rock located in their community, as a stone quarry for the rehabilitation of the Tororo-Kamdini Road, which is supported by the Project. They allege that the valuation of Oruja Rock was not done properly, and the compensation thereof is insufficient. Secondly, they allege that their crops, trees and structures were destroyed as part of an involuntary resettlement process in the buffer zone surrounding the Rock. According to the Requesters, this process had been initiated without prior notice or adequate compensation for their losses. Thirdly, the Requesters raise concerns about the non-disclosure of, and consultation about, Project-related information. Finally, the Requesters raise concerns about intimidation and reprisals in relation to the above issues. They allege that some community members were coerced into signing “*unfair*” lease agreements for the use of the Rock and the land surrounding it. The Requesters claim they were pressed subsequently to withdraw their related grievances raised through the Project’s Grievance Redress Committee.

The Panel registered the Request on November 9, 2020, and received the Management Response to the Request on December 11, 2020. On February 26, 2021, the Panel recommended that an investigation be carried out into the alleged issues of harm and related non-compliance. The Board approved the Panel’s recommendation to investigate on March 12, 2021.

II. The Panel’s Recommendation

The Panel noted in its Report and Recommendation that the Requesters and the Request meet the technical eligibility criteria set forth in the Panel Resolution.¹ The Panel further noted that the alleged harm is of a serious nature and there is a plausible link between the alleged harm and possible non-compliance by the Bank with its operational policies and procedures. In its Response, Management acknowledged some shortcomings in Bank policy application.

This document presents an outline of the investigation plan as required by the Panel’s Operating Procedures. It includes the key questions and issues to be addressed during the investigation, and a brief description of the investigation methodology. This outline is being made

¹ Inspection Panel Resolution, Resolution No. IDA 2020-0003, dated September 8, 2020, paras. 13-15 and 29.

publicly available on the Inspection Panel website. This investigation plan is a living document and will be adjusted as needed.

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

As explained above, the Requesters allege harm from four interlinked issues. First, in relation to the Rock, the Requesters allege they did not have the opportunity to negotiate the terms for these leases and the compensation received has been unfair. Furthermore, the Requesters allege they have lost the opportunity to commercialize the Rock as an economic resource because of the 10-year lease agreements they claim they are tied to against their will and the subsequent decision to exclude the Rock from the Project. Second, the Requesters claim that they lost assets and crops without adequate compensation, which adversely impacted their livelihoods. Third, they raise concerns about the alleged non-disclosure of Project-related information and safeguard documents. This they say resulted in them losing the opportunity to be consulted and to make informed decisions about their inclusion and the use of their assets as part of the Project. Lastly, the Requesters raise concerns about coercion, intimidation and reprisals in relation to the issues above, alleging that they, therefore, were forced into making decisions they may not have otherwise made. The Panel will investigate these alleged harms and the possible non-compliance by the Bank with its operational policies and procedures.

The Panel's investigation will include an analysis of the following:

A. Identification and Negotiations Regarding the Rock and Related Land Acquisition

- a. Did the identification and selection of the Rock as a quarry follow Bank policies? Was an adequate Environmental and Social Impact Assessment prepared? Were risks and impacts of the quarry use adequately assessed and mitigation measures designed and implemented? Was the affected community properly informed and consulted?
- b. Did the Project appropriately assess the impact of using the Rock as a quarry taking into consideration local values and customary practices? Did the Bank analyze the implications of excluding the Rock from the Project after it was leased? Was the community consulted on this decision?
- c. Was the buffer zone surrounding the Rock determined in accordance with Bank policies and was the community consulted in the process? Was a Resettlement Action Plan prepared for the buffer zone? Did it involve the participation of the affected community members? Was the community adequately informed of the valuation of assets and crops to be removed prior to displacement? Was adequate compensation paid prior to displacement?
- d. Were the above safeguard documents and other Project-related documents prepared in accordance with Bank policies? Were the environmental and social risks adequately identified and mitigated? Were the timing and sequencing of Project-related activities conducted in accordance with Bank policy requirements?

B. Allegation of Coercion and Intimidation

- a. Was the community adequately included in consultations and decision-making processes affecting them and their livelihoods? How were the views of the affected community collected and integrated into the Project? Was a safe space for consultations considered?
- b. Did the Project provide an effective and accessible grievance redress mechanism?
- c. Were adequate steps put in place to address the coercion and intimidation community members allegedly faced?
- d. Were adequate steps put in place to prevent future coercion and intimidation toward the community?

C. Bank Supervision

- a. Was the Bank supervision of the Project adequate and in accordance with Bank policies?
- b. Did the Bank ensure that an adequate monitoring and reporting system was in place to oversee the proper execution of the contractual arrangements?

IV. Methodology of Fact Finding

For the purposes of this investigation, the Panel will enlist the assistance of two expert consultants.

- An expert with an anthropological/ethnography background to assess whether:
 - a. adequate consideration was given to the socioeconomic impact of the Project implementation on the local community values, culture and social structures, norms and customary structures.
 - b. the community was adequately consulted in accordance with Bank policies.
- An expert with specific expertise on Bank operations to assess whether the Project's safeguard requirements and their implementation and monitoring is in compliance with Bank policies.

The investigation will be conducted in three phases: (i) investigation preparation and identification of expert consultants; (ii) review of documentation, staff interviews and a potential field visit taking into consideration travel restrictions related to the COVID-19 pandemic; and (iii) report drafting and finalization. The investigation will include interactions with the Requesters, other community members, Bank staff, implementing entities and contractors, development partners and other relevant stakeholders. The Panel will make every effort to conclude the investigation within nine months after this plan is disclosed, taking into account the travel restrictions mentioned above.

The Panel's Investigation Report and Management Response and Recommendation (including the Management Action Plan) addressing the Panel's findings, if any, will be made publicly available after the Board of Executive Directors meets to consider the Panel's findings and to discuss and approve the Management Action Plan.
