

IMRANA JALAL
Chair
The Inspection Panel

July 26, 2021

IPN REQUEST 21/01

NOTICE OF REGISTRATION

Request for Inspection

Uganda: Second Kampala Institutional and Infrastructure Development Project (KIIDP-2) (P133590)

Summary

1. On June 17, 2021, the Inspection Panel (the “Panel”) received a Request for Inspection (the “Request”) of the Second Kampala Institutional and Infrastructure Development Project (KIIDP-2) (the “Project”) in Uganda. The Request was submitted by Witness Radio Uganda, a not-for-profit and non-partisan registered advocacy organization for the protection and promotion of human rights in development, on behalf of 24 community members and representatives living in the project area in Kampala (the “Requesters”). The Requesters have asked the Panel to keep their identities confidential and authorized Witness Radio Uganda to represent them during the Panel process. Accountability Counsel also supports this Request. The Panel has further received seven signatures of local council leaders supporting the Request.

2. The Requesters raise concern about works on the Lubigi Primary Drainage Channel financed under KIIDP-2. They allege that some community members were evicted, and others were later part of a rushed, coercive and threatening resettlement process that did not follow due process. The Requesters also raise several concerns related to impact from the First Kampala Institutional and Infrastructure Development Project (KIIDP-1). According to the Requesters, community members had been informed that anything left unaddressed would be resolved under KIIDP-2, but they claim that this did not happen.

3. The Panel acknowledged receipt of the Request on its website on July 2, 2021. Following initial due diligence by the Panel and confirming that the Request meets the Panel’s admissibility criteria, I am notifying you that I have, on July 26, 2021, registered this Request.

The Project

4. The Second Kampala Institutional and Infrastructure Development Project (KIIDP-2) (P133590) was approved on March 20, 2014, for US\$175 million equivalent (IDA

Credit). The Borrower is providing US\$8.75 million and there are no other financiers. The expected closing date of the Project is November 30, 2021. It is a Category B project and triggered the following safeguard policies: Environmental Assessment (OP/BP 4.01); Natural Habitats (OP/BP 4.04); Physical Cultural Resources (OP/BP 4.11); and Involuntary Resettlement (OP/BP 4.12). The Project was 79.45 percent disbursed at the time of receipt of the Request.

5. The Project Development Objective (PDO) is “*enhanced infrastructure and institutional capacity of [the Kampala Capital City Authority] to improve urban mobility in Kampala.*”¹ The Project includes two components: Component 1 – City Wide Road Infrastructure and Associated Investments (US\$165 million); and Component 2 - Institutional and Systems Development Support (US\$10 million). The Request pertains to Component 1.

6. According to the Project Appraisal Document (PAD), Component 1 of KIIDP-2 has an indicative list of sub-projects that includes the design, construction and supervision of different works, including signals on road junctions, construction of a traffic control center, upgrading of 17.3 kilometers (km) of roads to a dual carriageway, reconstruction of 31.9 km of existing roads, upgrading of a proposed 36 km of existing gravel roads and improvements of primary drainage channels. The PAD explains that the final selection of the proposed list of sub-projects to be funded will be determined at a later stage based on available funding and estimated design costs, and selectivity.² The Panel understands that the rehabilitation of the Lubigi Primary Drainage Channel was then chosen as part of Component 1.

The Request

7. The Requesters are concerned about works on the Lubigi Primary Drainage Channel and allege that their community was excluded from the Project’s resettlement and compensation program. They explain that, under the World Bank’s reduced supervision during the COVID-19 lockdown, an attempt was made to forcefully evict Project-Affected Persons (PAPs) without compensation and in violation of the Bank’s safeguard policies. According to the Request, following interventions from PAPs’ advocates and the local council, the Requesters were then rushed through a resettlement process that did not follow due process. They also allege that this resettlement process was threatening and coercive. The Requesters explain that they are willing to move but require fair and adequate compensation and resettlement assistance to sustain their livelihoods.

8. The Requesters further raise several concerns related to impact from KIIDP-1, which closed in December 2013. This includes damage to structures and crops that had been taken by force, increased flooding, and health and safety issues. According to the Requesters, community members had been informed that anything left unaddressed would be resolved under KIIDP-2, but they claim that this did not happen. The Request describes several areas of alleged actual and expected harm – including physical displacement, loss and disruption of family remains including burial sites, a risk of food shortages, an increase in the number

¹ Project Appraisal Document (PAD), p. ii.

² See PAD, pp. 37-38 and Annex 2.

of school dropouts, and impact on children's safety and welfare, and on women. The Requesters also allege inadequate information disclosure, a lack of meaningful consultation and participation and the failure to establish an adequate grievance redress mechanism. The Request includes several community demands focusing on the resolution of the above-described issues.

Initial Due Diligence

1. After receipt of the Request, the Panel conducted its initial due diligence and verified that the Request meets the admissibility criteria for registration. The Request is not frivolous, absurd or anonymous, and was submitted by Witness Radio Uganda on behalf of 24 community members and representatives living in the project area in Kampala who claim to be affected by the Lubigi Primary Drainage Channel financed under KIIDP-2. The Panel received earlier correspondence between the Requesters' representatives and the Bank and learned that they had met on these issues. The Panel is therefore satisfied that the issues have been brought to the attention of the Bank prior to the submission of the Request for Inspection. The Panel also verified that the subject matter of the Request does not concern issues of procurement and, at the time of receipt of the Request, the Project was 79.45 percent disbursed and its closing date was November 30, 2021. The Panel has not previously made a recommendation on the issues raised in this Request.

2. During its review of the Request, the Panel spoke with the Requesters and their representatives on July 1, 2021, to better understand their concerns, seek clarifications and to inform them about the Panel's process and mandate. As part of its due diligence, the Panel also spoke with Bank Management on July 22, 2021. Management explained no evictions took place as part of the Project. According to Management, after it learned about eviction notices that people in the vicinity of the Lubigi Primary Drainage Channel had received for reasons unrelated to the Project, it asked the government to hold off on its enforcement. Management further explained that, during project preparation, the area in question was an uninhabited wetland and that people came to the area after the cut-off date for resettlement and started building structures and using the land for crops. According to Management, a supplemental Resettlement Action Plan has been prepared for these people and is currently being implemented. Management also updated the Panel about its supervision activities over the past year.

Registration of the Request

3. As provided in paragraph 18 of the Panel's Resolution (the "Resolution"), *"the Chairperson of the Panel shall inform the Executive Directors and the President of the Bank promptly upon receiving a request for inspection."*³ With this notice, I am notifying you that I have, on July 26, 2021, registered the above-mentioned Request.

³ The World Bank Inspection Panel, Resolution No. IBRD 2020-0004 and Resolution No. IDA 2020-0003, dated September 8, 2020, para. 18.

<https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/documents/InspectionPanelResolution.pdf>

4. The Panel’s registration implies no judgment whatsoever concerning the merits of a Request for Inspection. As provided in paragraph 19 of the Resolution⁴, Bank Management must provide the Panel within 21 business days (by August 24, 2021) a response to the issues raised in the Request for Inspection. The subject matter that Management must deal with in the response to the Request is set out in paragraph 20 of the Resolution.

5. After receiving the Management Response, the Panel will “*determine whether the request meets the eligibility criteria set out in paragraphs 13 to 15 (...) and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.*”⁵ This Request has been assigned IPN Request Number 21/01.

Yours sincerely,



Imrana Jalal
Chair

Attachments

Mr. David Malpass, President
International Development Association

The Executive Directors and Alternates
International Development Association

Witness Radio Uganda

Accountability Counsel

Requesters (confidential)

⁴ The World Bank Inspection Panel, Resolution No. IBRD 2020-0004 and Resolution No. IDA 2020-0003, dated September 8, 2020, para. 19.

<https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/documents/InspectionPanelResolution.pdf>

⁵ The World Bank Inspection Panel, Resolution No. IBRD 2020-0004 and Resolution No. IDA 2020-0003, dated September 8, 2020, para. 22.

<https://www.inspectionpanel.org/sites/www.inspectionpanel.org/files/documents/InspectionPanelResolution.pdf>