

Executive Secretary  
The Inspection Panel  
1818 H Street,  
NW Washington, DC 20433 USA  
Via Email: [ipanel@worldbank.org](mailto:ipanel@worldbank.org)

17th/June/2021.

Re: Request for Inspection by the World Bank Inspection Panel in Kampala  
Institutional and Infrastructure Development Project

World Bank Inspection Panel,

Reference is made to the subject matter;

This is a request that highlights the impunity, abuse of processes and the law, and unjustified failure, by the World Bank and its client, the Kampala Capital City Authority (KCCA), to include an entire community of Project Affected Persons (PAPs) in the project's resettlement and compensation program. Instead, in disregard of World Bank Policies and the national law, the project implementer issued eviction notices to PAPs under the Public Health Act Cap. 281 and took advantage of the World Bank's reduced supervision during the Covid-19 Lockdown to try to evict the Project Affected Persons without compensation, in clear violation of World Bank safeguards. When this forced eviction plan failed, following interventions from PAPs' advocates and the local council, the project implementer, with inadequate supervision from the World Bank, began to push requesters through a rushed and mismanaged resettlement process, prioritizing project timelines over considerations of accuracy, completeness, or the overall livelihoods and wellbeing of affected people.

This request is submitted by Witness Radio Uganda, not for profit and non-partisan registered advocates for the protection and promotion of human rights in development, who are authorized to act on behalf of requesters from Kawaala Zone II, Kasubi Parish, Lubaga Division, in Kampala Capital City. Accountability Counsel, an international non-profit legal organization that supports communities seeking redress for harm from internationally financed projects, also supports this request. **Annexed hereto are the representation agreements and signature pages (Annex A).**

Requesters are affected by a USD 175 million loan from the World Bank Group's International Development Association (IDA) for the Second Kampala Institutional and Infrastructure Development (KIIDP-2) project. The Requesters wish to request for concealment of their identities due to grave concerns about their security and that of their relatives. They further request that the annexed documents should be treated as confidential to protect individual identities. The text of this complaint, however, need not be treated as confidential and may be posted on the Inspection Panel website.

The requesters are project affected persons of the **Second Kampala Institutional and Infrastructure Development Project (P133590)**. This project entails, among others, the expansion and construction of **Lubigi Primary Drainage Channel** that forms part of the eight primary channels in Kampala, and is **2.5km** long.

The aforesaid project will cost a total of \$183,750,000, of which the World Bank has committed to provide a loan to cover **\$175,000,000.0 (One Hundred Seventy Five Million United States Dollars)** to cater for not only the construction, but also the compensation and resettlement of the persons to be displaced by the aforesaid project in line with World Bank Safeguards.

The requesters are willing to move, but doing so will present a significant economic hardship and they require a fair and effective compensation and resettlement assistance program to sustain their livelihoods through this transition.

## **1. Background and community concerns**

### **a) Background**

The requesters are community members living in Kawaala Zone II. There are low literacy rates among the community members. Many community members are using their land for subsistence farming, growing crops to feed their families and in some cases they sell these crops on the roadside to passing travelers to make some income. Most community members are *Kibanja* holders/ customary tenants on Mailo Land held by the Buganda Kingdom and managed by the Buganda Land Board. **Annexed hereto is a bundle of some of the sale of Bibanja (land) agreements (Annex B).** A *Kibanja* holder holds an equitable interest in mailo land. *Kibanja* holders have the right to assign, sublet, pledge, sub-divide, bequeath, or

create third party rights in the land, although they must seek consent from the registered landowner, which should not be denied on unreasonable grounds.<sup>1</sup> It is worth noting that *Kibanja* is a type of land holding that is peculiar to mailo land found mostly in Buganda (Central Uganda). Kibanja land holding status is not typically proven by an individual's ability to furnish particular documents.

### **b) Case narrative and community concerns**

The requesters have been living in the area for many years, some for even 20 years or more, and some have lived in their homes for their entire lives and have been paying Busulu (rent) to the Buganda Land Board. **Annexed hereto are copies of the receipts wherein the Kingdom of Buganda acknowledges payment of Busuulu by one of the community members (Annex C).**

However, instead of compensating the requesters and other similarly affected persons for their land, on *3<sup>rd</sup> December, 2020*, KCCA through its Building Inspector/Planner and other servants, and in alleged exercise of power under the Public Health Act Cap. 281, distributed notices to local residents residing on the west side of Kawaala bridge, requiring them to “remove all illegal structures” and “halt all ongoing construction works” within 28 days. Large red “X” marks were also placed on local buildings by the same officials.



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<sup>1</sup> The Land Act, Part II, section 34, <https://barefootlaw.org/wp-content/uploads/2018/08/The-Land-Act.pdf>. A 2010 amendment to the Land Act criminalizes the sale of land by a Kibanja holder without the land owner's consent and voids any such transaction. However, Section 1 of this amendment is currently subject to a legal challenge, *vide*, **Constitutional Petition No. 10 of 2020 Dr. Zahara Nampewo & Brian Kibirango v. the Attorney General (AG)**. The provisions voiding criminalizing sale of land made without a land owner's consent and voiding such transactions should not be enforced until this legal challenge is resolved.



*Figure 1 Properties marked for demolition by KCCA officials*

The notices cited Public Health Act Cap. 281 and claimed that they were based on violations of public health rules related to safe and sanitary housing. However, this is difficult to believe, as the notices were vague and did not state which specific buildings were at issue, nor were they based on any individualized inspection of houses or buildings. Instead, they were distributed broadly to residents and building owners throughout the area where the new drainage channel is to be routed. Many of the buildings in question had been in the area for many years, yet residents had never been previously notified of any issue related to public health rules. One resident reported that it had been over 26 years since his house was erected and he had never been contacted about any alleged violation of public health rules before this. This, coupled with the timing of the notices at a moment when KCCA was gearing up to expand the Lubigi drainage channel onto the same land, led residents to believe that clearing way for the channel was the real reason for the evictions, not the alleged violation of public health rules. Further, the notices included handwritten notations that residents read as threatening, such as: “remove all illegally constructed structures from the wetland area immediately or else KCCA shall remove them at your own cost.” **Attached in the annex to this request for inspection are examples of said notices (Annex D).**

Subsequently, the following day on **4<sup>th</sup> December, 2020**, the recipient of the World Bank financing, Kampala Capital City Authority (KCCA), together with employees of its contractor, **China Railway No.10 Engineering Group Ltd**, under the watchful protection of armed members of the **Uganda Police Force (UPF)**, forcefully began to evict the hapless and helpless requesters, in the guise of

enforcing the impugned notices that had barely lasted for 24 hours. These evictions began early in the morning, around 6am, when many families were still asleep. By the time the Local Leadership intervened some residents had their homes and crops destroyed in this process because KCCA had employed excavators to remove the said crops.<sup>2</sup>

Since this time, requesters have made some attempts to resolve the issue with KCCA, seeking help from the Local Council leadership and Witness Radio. These efforts are described in more detail below, but so far they have not resolved the issues. In January 2021, Witness Radio assisted 107 community members to file a case in the High Court of Uganda regarding this matter, requesting an injunction to halt the evictions. **Annexed to this complaint is one of the court filings, which also includes further detail regarding the events described here (Annex E).** However, to date, the eviction notices are still outstanding and have not been canceled, leaving the community at constant risk of sudden eviction should the court refuse their request for an injunction.

Further, in early 2021, KCCA has forcefully conducted a survey and evaluation exercise, without the participation of the Local Leadership and other stakeholders, and in the absence of any informed consultation process to explain its planned approach to local residents. As a result, not all community members were present at the time the survey was conducted. Despite warnings from the community and Witness Radio of the mistrust bred by the recent attempted eviction process, and despite multiple requests to halt the surveying process until after informed consultations were held, KCCA's Social Development Specialist for KIIDP went ahead and forcefully conducted a survey with the assistance of armed members of Uganda Police Force and in the presence of children and other vulnerable members of the community. At a certain point of time, Buganda Land Board advised KCCA to compensate the affected community before considering eviction. **Attached in the annex to this request is a letter dated 9<sup>th</sup> February 2021 from Witness Radio asking the KCCA to halt this process, but in vain (Annex F).**

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<sup>2</sup> This event affected residents living on the west side of Kawaala bridge along the planned drainage channel route. There is also one requester living on the east side of Kawaala bridge whose land was demarcated for demolition on 28 October 2020. Like other local residents, he was not offered any compensation prior in advance of this action to prepare his land for demolition. This event was particularly insulting as the requester's property had been badly damaged due to construction works for KIIDP-1. He has sent numerous letters to the KCCA and other government agencies to demand compensation for that damage, to which he has still not received a satisfactory response. **Annexed to this complaint are copies of correspondence regarding this requester's compensation claims (Annex I).**



Given the conditions of force and coercion under which the survey was conducted, requesters believe that the survey likely contains serious errors, misidentifying property holders and failing to identify some residents. To date, residents have not been provided with adequate information to determine whether their land holdings have been properly identified. For instance, one of the requesters was shocked to hear that KCCA had invited her to receive its valuation report related to her land, and yet she has never taken part in such a survey. Nonetheless, KCCA has persevered in its reliance on this forced survey as a basis for calculating resettlement entitlements. As of June 2021, KCCA has provided some community members with figures for how much compensation they will receive, but they have provided no information on how these individual entitlements were calculated. Given the KCCA's poor history of engagement in this community, the lack of information about compensation determinations has led to widespread mistrust of KCCA's calculations.

KCCA seems inclined to rush its resettlement process without following due process or the requirements of World Bank Safeguards. In a recent series of letters to the Local Council, *Ref: KIIDP2/KCCA/1311 and dated 20th May, 2021, 4th May, 2021 and 19th April, 2021*, the KCCA describes a rushed process that allows one week for answering questions and identifying right of way issues (May 10-14) and another week to verify ownership of land and disclose compensation values to PAPs (May 24-28). **Annexed hereto are the said letters (Annex G).** This plan itself demonstrates a shockingly accelerated resettlement plan for the residents of Kawaala Zone II. For reference, the project's Resettlement Action Plan lays out an implementation timeline that allots 4 months for the display of valuation lists and verification of PAPs, and a further 5 months for continuing to organize compensation payments.<sup>3</sup> KCCA appears dead-set on accelerating this process to span only a few weeks.

Additionally, community members remain largely unaware of these plans, indicating either widespread and ongoing communication failures or a stark difference between the plan laid out on paper and what KCCA is actually accomplishing in its resettlement implementation. Community members report very few opportunities to meet with the KCCA locally to ask questions and understand the process. Some have not been able to attend a single consultation meeting; others only attended one meeting that was held on *10<sup>th</sup> May, 2021 (Between 11:00am -2:00pm)* where KCCA asked the project affected persons to avail them with documents relating to ownership of land, financial status (bank

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<sup>3</sup> Resettlement Action Plan (RAP) for the proposed improvement of priority drainage systems in Kampala Capital City under KIIDP-2 Project, p. 156-157, [https://www.kcca.go.ug/media/docs/Final%20Drainage\\_RAP\\_Report.pdf](https://www.kcca.go.ug/media/docs/Final%20Drainage_RAP_Report.pdf).

statement) and identification. At this meeting, KCCA did not provide any detailed information about their resettlement process or their methodology for compensation valuations.

Further, when they received word on *May 25* of KCCA's plan to spend a week verifying individuals' land holding status from *May 24-28*, the Local Council and affected people interpreted this to mean that *May 28* would be *the cut-off date* for submitting documents. This caused extreme stress and confusion among residents, as the short timeline did not give them enough time to reasonably collect their documents. Whether or not this was KCCA's intention, this is an example of the deep flaws in its current communication with affected people. By relying primarily on letters sent to the Local Council and conversations with affected people who choose to travel to the KCCA office, KCCA has left wide gaps in its communications and information dissemination. **Included in the annex is the letter to the Local Council explaining KCCA's plan for verification of documents, stamped as received on May 25 (Annex G).**

These problems together have added up to a confusing, inequitable, and inaccessible process. Additional problems include:

1. KCCA has asked community members to sign documents and forms that are written in English, which illiterate and semi-literate community members do not understand. KCCA has not explained these documents at the time of signing and their purpose and contents remain equivocal to the mostly illiterate community members. Some, but not all, community members have been provided with copies of these documents to take home with them. We helped community members to review some of these documents and note that they include a clause that states the signatory has agreed to resettle from their land in exchange for accepting a stated compensation amount. Some community members had already signed these documents, at the request of KCCA, without having their contents or meaning explained to them first. On all of the documents that we have reviewed, there is a space for an agreed date of eviction, which is left blank. Some of the documents are also missing critical elements, such as the signature of a Local Council member or any other witness. In other words, KCCA has allowed and even encouraged community members to sign away their land holding rights and accept a stated amount of compensation without ensuring that community members even understand what they are signing. **Annexed hereto are some of the individual compensation documents (Annex H).**

2. KCCA has failed and/or refused to disclose and explain to communities in an accessible form and manner the valuation rates and methodology employed to arrive at individual compensation figures. In the absence of any clear explanation, and in light of the problematic survey that the figures are based upon, many community members fear that the KCCA has undervalued their property or misidentified their property.

3. KCCA has excluded the Local Council from participating in critical aspects of the resettlement process. The lack of participation of the Local Council in KCCA's surveying and other activities means that these processes are not adequately informed or reliable. Only after we began raising concerns about the deep flaws in the resettlement process, KCCA sent a number of letters to the Local Council, to keep them informed to some degree in KCCA's alleged activities. Yet, they have still refused/and or failed to involve the Local Council in critical resettlement activities, degrading the validity of these activities and the trust of local people.

4. Community members have a number of concerns related to impacts from KIIDP-1 that were never addressed, including damage to structures and crops that had been forcibly taken over by KCCA under KIIDP-1. KCCA had informed community members KIIDP-1 that anything left unaddressed would be addressed under KIIDP-2. Given that the two projects are highly connected and essentially two phases of the same project, community members believed these assurances. However, now KCCA has reversed its position and insists that it will not address any problems related to KIIDP-1, despite those earlier assurances.

5. KCCA has failed and/or refused to institute a Grievance Redress Committee. In January 2021, KCCA suddenly imposed on the requesters and the rest of the affected community a "Grievance Redress Committee" of members hand-selected by KCCA who do not have the trust and support of the community. Contrary to the process described in the project's Resettlement Action Plan, this committee does not include any members of local leadership and was not constituted at the start of the project, nor was the committee established through an election by the affected people. This was brought to the attention of KCCA by Witness Radio in a letter dated 29th January, 2021 and Ref: LEGAL/L&L/2021/02. **Attached in the annex to this request for inspection is the said letter (Annex G).** Nonetheless, KCCA did not take any action to address the matter and continued to rely on



the committee as a primary conduit for communications with local PAPs. The committee was disbanded by an official vote of the Local Council on April 1. Even before this date, the Committee had not in practice provided any grievance handling services for the local community, leaving residents without any project-level mechanism for resolving their complaints.

On a number of occasions, the resettlement process has involved tactics that can only be described as threatening and coercive. These unacceptable actions are in clear violation of the World Bank Safeguards and include:

1. Using the presence of armed security forces to forcefully push forward resettlement activities, including the evictions of December 2020 and the forced survey process.
2. Soliciting bribes from affected community members during the surveying process, offering to record their property holdings in a favorable way so that they would receive more compensation. Requesters have also heard that project proponents accepted bribes from people who do not live in the area, in exchange for fraudulently recording them as holding land within the resettlement area. They personally witnessed individuals from outside the community coming in to participate in the survey, including taking photos on property that is not theirs.
3. On 29<sup>th</sup> January, 2021, in a meeting with Witness Radio and some PAPs present: KCCA told community members that the Government of Uganda ran out of money, and therefore the residents need to leave first and allow the Project to move forward, and they will receive compensation later. They also told PAPs that in some other areas, affected people had agreed to leave for free in support of government projects. They encouraged PAPs to do the same.
4. Making threatening remarks, such as threatening community members with eviction if they do not comply with KCCA's demands and implying that attempts to raise concerns about the resettlement process will be met with force.
5. Coercing Project Affected Persons to sign documents whose contents and purpose they do not understand and are not made clear to them. Multiple community members report that KCCA has a practice of instructing individuals to come to their office to receive their compensation valuations,

at which point KCCA insists that they must sign various forms as a precondition for receiving their compensation valuations. The purpose and contents of the forms was not explained to them, but some semi-illiterate persons describe them as attendance forms – with a list of names and the words “attendance form” at the top. Community members fear that KCCA may use these signed forms to claim that they have attended non-existent meetings, or for other reasons unknown to community members.<sup>4</sup>

6. Charging Project Affected Persons exorbitant fees for confirmation of their Kibanja interest. Shortly after the KCCA’s forced surveying process, representatives from the Buganda Land Board came to the community and began demanding exorbitant registration fees of as much as Ugx. 250,000 (Uganda Shillings Two Hundred Thousand only). Approximately 71 United States Dollars. This is highly unusual, as the Buganda Land Board is only supposed to charge Kibanja holders a nominal annual fee for Busulu (rent), which many community members have already paid and been paying for years.<sup>5</sup> Requesters believe that KCCA was behind this sudden demand for exorbitant fees and see it as an attempt to scare or pressure them.

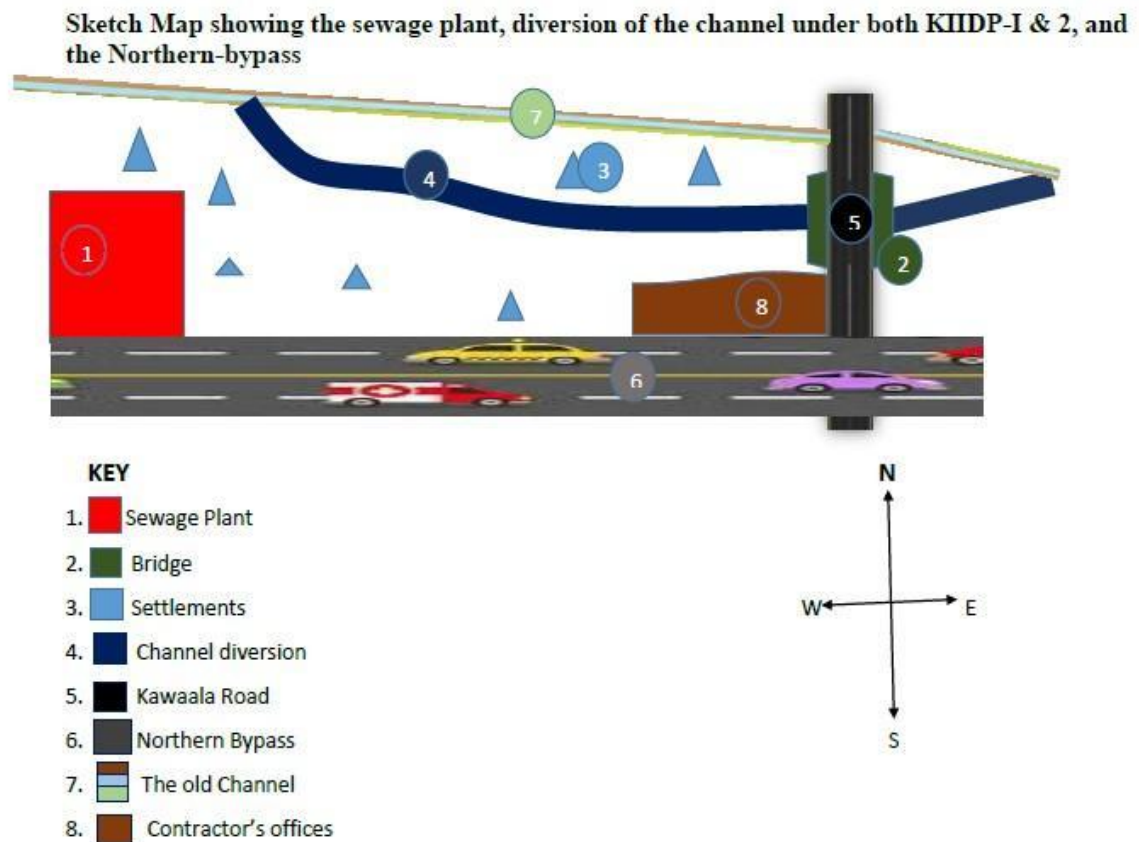
Based on the events described above, requesters believe that KCCA is trying to push through a rushed resettlement process at the expense of affected people whose livelihoods hang in the balance. We are aware that the KIIDP-2 project is nearing its closing date, which has already been extended twice, and this may be a strong motivation to expedite a resettlement process. Yet, the KCCA’s failure to include the Kawaala Zone II community in the Project’s original resettlement process is not the fault of the affected people and they should not be disadvantaged by KCCA’s rushed attempts to correct their own error. Requesters demand a fair and complete resettlement program that fully adheres to the World Bank’s operational policies and procedures.

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<sup>4</sup> See Sections 2 & 3 of the Illiterates Protection Act (Cap 78) required that the contents of the documents to PAPs are translated to them in a language they understand.

<sup>5</sup> The Buganda Land Board’s website lists a chart of ground rent amounts based on the location of the land, with the highest category being Ugx 50,000 annually: <https://www.bugandalandboard.or.ug/products/busuulu>

## A. History of infrastructure development in Kawaala Zone II



**Figure 2 Sketch map showing the developments in the community, including the channel diversion passing under the Kawaala Road**

The drainage channel being constructed as part of the KIIDP 2 project is the latest in a series of public infrastructure projects that have had ongoing and cumulative impacts on requesters' land. In 2010, under KIIDP 1, a section of the original drainage channel was diverted from its natural course to a route approximately 300 meters away. The requesters and other PAPs were told by KCCA officials that it was a temporary diversion. It was not until the implementation of KIIDP-2 that it dawned on the requesters that the diversion would become permanent. The new planned construction under KIIDP-2 will expand on the section of drainage channel that was diverted under KIIDP 1, creating a new path for the drainage channel through land that has been used by the local community for their residences and crops for many years. Additionally, the Kampala Northern Bypass

Highway funded by the European Union, European Investment Bank and the Government of Uganda,<sup>6</sup> and the Lubigi Sewage Treatment Plant, funded by the European Union and German Government,<sup>7</sup> were constructed in the immediate vicinity in recent years as well, surrounding the requesters on multiple sides by government-sponsored infrastructure projects.



*Figure 3 the natural course and the diversion of the channel*

#### KEY



*The red arrow indicates the natural course of the channel that has since dried up*



*The Blue arrow indicates the diversion that empties its water in to the Kawaala Zone II community but was constructed during the implementation of KIIDP- I.*



*The Yellow arrow shows the expansion and construction of the diversion under KIIDP-2. It extends towards the Northern Bypass.*

<sup>6</sup> Accessed from [http://www.self.gutenberg.org/articles/Kampala\\_Northern\\_Bypass\\_Highway](http://www.self.gutenberg.org/articles/Kampala_Northern_Bypass_Highway) on 6.5.2021

<sup>7</sup> According to news reports:

<https://www.monitor.co.ug/uganda/news/national/uganda-s-largest-waste-water-treatment-plant-to-pump-sewerage-into-electricity-1763744>




 *The purple arrow shows the expanded diversion flowing towards the Kawaala community.*



Figure 4 disturbed earth left from the construction of the channel diversion under KIIDP-1 (photo taken early 2021)

KEY



The red arrow shows the diversion under KIIDP-1 slithering through Kawaala II.



The upper left of the photo, marked by the blue arrow, shows the area from which some persons were evicted in early December 2020 to pave way for the expansion and construction of the diversion. This place is now flooded with water. This worsens when it rains.

Far from improving the flooding problems that plague the area, community members have observed that flooding has actually increased in Kawaala Zone II since these multiple infrastructure projects began. The Local Leadership brought this to the attention of KCCA's (former) Executive Director and its Project Coordinator for KIIDP, but all in vain. **Annexed hereto is a letter Ref: File Copy dated 27 June, 2018 (Annex G).**

Ever-worsening flood impacts, combined with lacking or inadequate resettlement planning, have caused a host of impacts for local residents:

- a) The KIIDP-1 drainage channel presents a serious safety hazard to the people but most especially children because when it rains the water levels increase and someone can easily drown or be taken by water. Local residents explained that recently a Boda-Boda man drowned in the channel. KCCA ought to act as fast as possible so that residents can adequately be compensated and move elsewhere to avoid such risks from KIIDP-1, which will only be made worse by KIIDP-2.
- b) Pedestrians, especially children and cyclists are now forced to access the Northern By-pass and Hoima Road through informal foot-paths which are barely a meter wide and lack any guardrails. These footpaths, which hang above the diversion from the East and West of the Kawaala Bridge and are adjacent to the bridge on either side, are the only convenient access both to the Northern By-pass and Hoima Road. In April 2021 a cyclist who was trying to access Northern By-pass through the foot path on the East of the Kawaala Road drowned in the diversion. Instead of taking corrective measures, KCCA kept a deaf ear. Affected persons downstream cannot easily access schools and water because KCCA destroyed a make-shift bridge that they used to cross over Wakiso to access water and schools. Neither KCCA nor its contractor has taken any initiative to improvise access points to address these problems.
- a) Inadequate resettlement programming has led to great losses for remaining residents. In one case, due to the construction and expansion of the water channel under KIIDP-1, which diverted it from its natural course into the requesters' land, one affected person's piece of land with food crops has been wholly submerged thus depriving her of the right to food. Because the channel diversion under KIIDP-1 was considered temporary, the individual never received resettlement compensation. Others have been forced to abandon their plantations and gardens due to threats by KCCA.
- d) Another man who was forcibly relocated for the KIIDP-1 Project never received compensation, causing him to become homeless and take shelter in the culverts under the Kawaala Bridge. Lacking money for health care, he eventually died there. He was buried on the same piece of land that KCCA now seeks to take for the KIIDP-2 channel expansion. KCCA's narrative of having compensated the affected persons under KIIDP-1 contradicts their perfunctory attempts to compensate the same persons under KIIDP-1.





*Figure 5 some of the gardens with yams, banana plantations and cassava that lie in the path of the drainage channel expansion and have since been abandoned and have been outgrown with bush because of the threats by KCCA to arrest anyone found in the gardens.*





*Figure 6 the blue arrows illustrate how water flows into the Kawaala community when it rains because there is an improper drainage system along the Northern By-Pass. The red arrow shows the direction of the diversion.*





*Figure 7 the black arrows show how untreated sewage and water is unleashed from the sewage plant that stands at an elevated height into the affected community. This is coupled with a strong and very unpleasant smell. The said projects, including the KIIDP Projects, have sandwiched the community, exacerbating flooding in the area and making a once peaceful, self-sustaining and model urban village uninhabitable.*





*Figure 8 Pedestrians trying to access Kawaala Road through a footpath – at the West of the Kawaala Bridge. Note: The footpath on the East of channel is worse.*

- e) The construction of the sewage plant and the Northern By-Pass also involved some forced displacement of local residents: homes were destroyed and residents were involuntarily resettled. Due to weaknesses in the resettlement and compensation processes, and with limited resources available to them, some residents were forced to remain in the nearby area and now face eviction a second time due to the KIIDP-2 channel expansion.

The overlapping impacts from these previous projects have rendered the local area virtually uninhabitable. Because flooding impacts have significantly intensified for local residents since the construction of the KIIDP-1 channel diversion, residents are highly skeptical that the KIIDP-2 channel expansion will actually fix these flooding issues, rather than making them worse. Some residents fear that they may suffer new impacts from the channel expansion but will not be provided with resettlement compensation, leaving them once again facing the same pattern of ever-worsening standards of living for local people due to government-sponsored infrastructure projects billed as being “for the good of the people.” Affected community members are willing to move but doing so will present a significant

economic hardship and they require a fair and effective compensation and resettlement assistance program to sustain their livelihoods through this transition.



*Figure 9 State of construction of the channel which is a risk for community members.*

## B. History of engagement with the KCCA

It is remarkable that the KCCA attempted to evict the community in Kawaala Zone II in this manner, while other communities affected by the same KIIDP-2 project were consulted and provided with resettlement assistance. According to the World Bank's website, the KIIDP-2 project was approved in 2014. A Resettlement Action Plan specific to the drainage systems works (not available on the World Bank website but located on the KCCA website) is dated May 2017 and details a resettlement program and implementation schedule set to take place over a period



of about one year following the approval of the RAP.<sup>8</sup> Yet, the community in Kawaala Zone II was not included in this planned resettlement process, nor were they engaged in any deep or ongoing consultation process about the project.

In or around August of 2013, a delegation of KCCA representatives first came to the Kawaala Zone II community and informed community members about the project to expand and construct the Kawaala drainage channel. Since then, the requesters barely received any information about the project. They recall just one other meeting about the KIIDP-2, in October 2020, when a representative of KCCA held a meeting with Kawaala Zone II community members and informed them that the second phase of the project (KIIDP 2) was due to take place. She did not inform them of any planned eviction. After this, community members received no further information about the project until December 3, 2020 when KCCA representatives began marking homes for demolition and distributing 28-day eviction notices.

In **January, 2021**, the KCCA's Engineering Project Management Specialist for KIIDP2 sent a letter to the Local Council Leadership, simultaneously claiming that the community members were already compensated for their crops under KIIDP-1, that they built structures on the land after 2010, when the land was allegedly acquired for the channel right of way, and that the said affected community members were illegal occupants of the said land based on a 2018 NEMA directive canceling land titles in the wetland. **Annexed hereto is the said KCCA letter (Annex G).**

These claims are patently false. First, requesters do not dispute that some community members received payments under KIIDP-1, but this is not the case for all affected people. Even those who did receive some payment under KIIDP-1 received only small amounts that were described to them as payments for a temporary disturbance, not compensation for permanent land takings. They were further told that the channel diversion built under KIIDP-1 would be temporary. They did not realize that the channel diversion would be permanent, and would be further expanded under KIIDP-2, until the KCCA arrived in late 2020 with excavators and eviction notices.

In one instance, a requester has been engaged in a years-long dispute with the KCCA and its contractors dating back to 2013 to seek compensation for significant damage to his residential property from the drainage channel construction works.

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<sup>8</sup> Resettlement Action Plan at 156-157, [https://www.kcca.go.ug/media/docs/Final%20Drainage\\_RAP\\_Report.pdf](https://www.kcca.go.ug/media/docs/Final%20Drainage_RAP_Report.pdf).



**Annexed hereto are documents relating to this claim (Annex I).** The documents explain that a service lane used for channel construction works went through his property, very close to his house, and that a lack of care by contractors led to significant and unnecessary damage to buildings on his property. These documents substantiate that as of 2013 (during implementation of KIIDP-1) he continued to own his property and that the payments he had received were for the temporary use of his land “to provide enough working space to the contractors,” not for permanent taking of his property. Other requesters shared a similar understanding – that their land would be used on a temporary basis and then returned to them.

Second, this is a community of long-term local residents, not opportunistic encroachers as the KCCA’s letter implies. Some residents have lived on the said land for over four decades. For example, one of the residents, whose banana plantation and other crops were destroyed to pave way for the diverted course of the channel, still possesses an approved architectural residential house plan issued by KCCA’s predecessor in 1940. Their home was built shortly thereafter and continued to stand until it was destroyed to make way for the channel diversion under KIIDP-1. **Annexed hereto is the said plan.** Many other community members have documents confirming their tenancy registration and showing their payments of Busulu (rent) to the Buganda Land Board pre-dating 2010.

Third, KCCA’s argument that the right of way for the drainage channel was acquired under KIIDP-1 is not supported by KCCA’s actions over the past 10 years. Community members were never put on notice of this alleged “acquisition.” For a land acquisition to be effective, especially in an area of mailo land where citizens are entitled to kibanja land rights, the KCCA would have had to provide ongoing notice to would-be residents of said acquisition and of the planned expansion of the drainage channel along the diversion route. This simply has not happened. Further, A KCCA fact sheet that was provided in early 2021 states that the drainage channel corridor that was allegedly “acquired” under KIIDP-1 was only 40 meters, whereas the planned channel expansion under KIIDP-2 was planned as a 90 meter wide corridor (the same document states that the plan has since been changed to a 70 meter wide corridor). Even if KCCA tries to argue that a corridor was originally acquired, this does not explain how they intended to justify their eviction of residents on the additional 50 meter wide stretch of land in December 2020. **Annexed hereto is the fact sheet (Annex J).**

Finally, requesters dispute the claim that the land where they reside is a protected wetland on which land titles are invalid. Community members believe that the

2018 NEMA directive canceling land titles in wetlands does not apply to the land on which they reside in Kawaala Zone II. Community members report that they never received any notice or invitation regarding cancelation of their land titles in the past, which would be required under due process. Further, over the past few months, KCCA has been actively working with the Buganda Land Board to confirm the land title status of individual PAPs, which directly contradicts their argument that all land titles in the area are invalid. It is also worth noting that the KCCA's claims about the protected wetland status of the area seem to contradict their actual treatment of the area in recent years. As discussed above, residents living directly between the Kampala Northern Bypass Highway, Lubigi Sewage Treatment Plant and the KIIDP-1 drainage channel diversion, all of which were constructed in the past 10 years. The KCCA is at once attempting to evict residents on the grounds that the area is a protected wetland while at the same time building multiple infrastructure projects that would themselves significantly degrade any wetland environment.

## **2. Prior attempts to raise concerns with World Bank Management**

Witness Radio first tried to submit a letter to the World Bank country office alerting them of Requesters' concerns on December 18th 2020 but were informed that their office was closed for a holiday. When they had not re-opened yet by late January, we realized that the office closure may be longer-term, possibly due to the COVID-19 pandemic. We conducted a careful search of Project documents to locate email addresses for World Bank personnel working on this Project and sent the letter to them via electronic mail on 21 January 2021. We never received any reply despite sending a reminder to the said offices. **Attached in the annex is the said letter and emails sent respectively (Annex K).**

When the same was brought to the attention of the World Bank Uganda country office by Accountability Counsel on 22 February 2021, the World Bank team did reply, and eventually agreed to a meeting on 4 March, 2021, in which the World Bank project team, KCCA, representatives of the affected community, a team from Witness Radio and Accountability Counsel took part, as well as the KCCA's self-appointed Grievance Redress Committee, whose authority was highly contested by the community and was later formally disbanded through an official vote. We discussed the community's primary concerns as outlined in this complaint, including the need for a fair and comprehensive resettlement plan for Kawaala Zone II and the many problems with the KCCA's forced survey process.

The World Bank offered some recommendations to remedy KCCA failings, including that:

1. KCCA should re-engage communities to disclose scope of works and land acquisition process,
2. KCCA should carry out identification of Project Affected Persons (PAPs) in an open, inclusive and consultative manner,
3. KCCA should strengthen Stakeholder Engagement/ Communications/ Grievance Management, including issuance of project FAQs pamphlet in local language,
4. KCCA should update the 2017 Drainage RAP to reflect the increased project's scope and complete OP 4.12 disclosure requirements, and
5. The Grievance Redress Committee (GRC) should be fully constituted with a clear appeal process and levels.

**Attached in the annex to this request are recommendations communicated by the World Bank and KCCA's letter dated 5<sup>th</sup> March, 2021 to the Local Leadership (Annex K).**

Requesters found many of the recommendations useful and had high hopes following this meeting for a fair resolution. However, little progress has been made on these action items since the meeting. The KCCA appears to be focusing its efforts on letter writing to the Local Council regarding actions they promise to take, which have not materialized. In short, the KCCA appears more focused on creating a paper trail to claim that it is making progress, without actually disclosing the information or hosting the consultation meetings that are desperately needed to explain the resettlement process, answer questions and address requesters' concerns. As of the time of filing this complaint, residents are still lacking information about the land acquisition process and the forced surveying exercise conducted by the KCCA has not been corrected or improved and still forms the basis of the KCCA's resettlement planning.

This meeting with the World Bank team took place during the week of their "virtual implementation support mission" with KCCA management. Although we requested World Bank officials to follow this issue closely and to host follow up meetings to check on progress, they declined. Affected people are not aware of World Bank officials making any trips to Kawaala Zone II to hear from affected people as part of their supervision of this Project. To the extent that this is due to the COVID-19 pandemic and related Bank travel restrictions and office closures,

we note that these policies lead to inequities: PAPs are still subject to forced resettlement due to the continued implementation of KIIDP-2 even while the resettlement process suffers from reduced bank supervision.

We continue to believe that improved supervision of this Project by the World Bank, specifically in-person visits to the Project site to speak with PAPs and monitor the resettlement process, would have a significant impact to improve the implementation of resettlement activities. We are confident that the KCCA would not be so bold as to use the same coercive tactics to advance its agenda if this Project were subject to close, ground-level supervision by the World Bank.

### **3. Statement of harm or (expected) harm –**

- a) Physical displacement. The construction and expansion of the drainage channel will require forced eviction of many community members from a large area of land on either side of the diverted channel's route. Some of the members of the community have already lost property as a result of the eviction conducted by KCCA in late 2020 and others risk to face the same. While the execution of the eviction notices is currently on hold due to an ongoing court case, the eviction notices still have not been canceled. Meanwhile, community members have not yet been compensated or received any form of assistance to address the serious livelihood impacts that will inevitably result from this forced and sudden displacement. Based on the extensive issues with KCCA's resettlement process to date, community members fear that they will not receive adequate and effective compensation and assistance to restore or maintain their livelihoods.
- b) Loss and disruption of family remains. Some of the Requesters risk losing the remains of their loved ones that are buried on the said piece of land. The diversion built under KIIDP-1 already floods the burial site, risking having the remains of the dead washed away. KCCA's attempts to excavate the said land has whittled away the surviving relatives' right to dispose of their loved ones in a dignified and respectful manner, appropriate to their religious and Ganda cultural traditions and bearing in mind the wishes of the surviving relatives. The continued trespass of KCCA's employees on sacred and private burial grounds is an affront to the peace of the dead, the survivor's autonomy to mourn in seclusion and the broader ideal of the survivor's right to privacy. KCCA's constant intrusions have denied the surviving relatives the opportunity to quietly heal from the wounds of losing a loved one. This

matter has been raised with KCCA but Requesters are not aware of any efforts made to resolve the issue to date.



*Figure 10 some of the graves that are sometimes flooded with water from the channel diversion. The red arrows point to the diversion*

- c) Risk of food shortage. There is a likelihood of food shortage within the community since some community members lost their crops when KCCA officials began tearing them out as part of their forced eviction process in late 2020. The fear and uncertainty caused by this incident has led other community members to abandon their perennial and other crops and deterred them from planting new crops in recent months. KCCA has taken no action to remedy this situation.
- d) School dropouts. In case of any eviction or relocation without adequate compensation, Requesters fear that the children in the said community risk dropping out of schools since the houses built and the crops grown on the said land are their sole sources of income to cater for their fees and tuition.
- e) Children's safety and welfare. Following the construction of the channel diversion under KIIDP-1, the local area has become unsafe for children to

play outside due to a constant risk of drowning, which is especially heightened during rainy periods. In case of forced eviction without adequate compensation, community members with limited resources may be forced to resettle their families in the nearby area that will be subject to the same risks. This will lead to ongoing and increased risks to children's safety and welfare, especially their cognitive, physical, social, and emotional well-being, since the parents will be left with no option but to restrict children to play in unfavorable confined areas for fear of them drowning.

- f) Some women in Kawaala have been compelled to engage in transactional sexual relationships to ensure that their children's basic needs are met ever since KCCA coerced them into abandoning their gardens to pave way for the expansion and construction of the channel under KIIDP-1. This is indicative of the limited options and resources available to community members who lost their homes and cropland to KIIDP-1. Requesters fear that this pattern will be intensified if community members are not provided with fair and complete compensation to address the full extent of economic impacts from another forced resettlement.



## 5. World Bank Policy Violations

The issues and concerns listed above violate numerous World Bank policies, including:

a) OP 4.01 - Environmental Assessment:

- i. The Project has been devoid of active and inclusive engagement with project-affected people. Requesters were never consulted during the project's design and environmental assessment process, nor did they benefit from regular consultations during Project implementation.
- ii. Community members were never informed of the project's expected impacts and planned mitigation measures. The proposed route of the channel expansion has not been clearly demarcated all along the route and community members are still uncertain of its exact parameters.<sup>9</sup>
- iii. Requesters have not received information or materials about the project in a timely manner prior to consultation (which itself has been lacking). What little documents have been made available to them were not presented in an understandable form or manner for the mostly semi-literate local residents, but in writing only and mostly in English. When informed that residents could not understand documents, KCCA made no attempt to explain them.
- iv. Requesters assert inadequacies in identifying impacts and/or developing mitigation measures in the design phase. For example, cumulative impacts from nearby infrastructure projects are covered only briefly, in broad terms, without addressing cumulative *social* impacts (from flooding, health and safety concerns), and without identifying adequate mitigation measures.

b) OP 4.12 - Involuntary Resettlement:

- i. KCCA failed to identify the requesters as directly affected and in need of resettlement benefits during the original resettlement process for KIIDP-2.

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<sup>9</sup> This Contravenes Objective X of the Constitution of the Republic of Uganda that requires the participation of the people, saying the State shall take all necessary steps to involve the people in the formulation and implementation of development plans and programmes which affect them.

- ii. KCCA began forcibly evicting requesters without adequate notice and before any compensation had been provided to them.<sup>10</sup>
- iii. Even since KCCA has begun a resettlement process for the requesters, it has not hosted any true consultation meetings to explain the project, the resettlement process, or the compensation valuation methodology.
- iv. Requesters have not been provided with opportunities to participate in the planning or implementation of the resettlement program.
- v. Requesters have not been provided with opportunities to participate in the development or implementation of procedures for determining eligibility for compensation benefits and resettlement assistance
- vi. Requesters were not provided an opportunity to participate in establishing an appropriate and accessible local grievance mechanism; instead, a grievance committee hand-selected by KCCA was imposed on them.
- vii. The KCCA failed to pay particular attention to the needs of vulnerable groups among those displaced, despite OP 4.12 specifically requiring this. This is evidenced, for example, by the lack of any provisions to explain or assist illiterate and semi-literate individuals to understand documents pertaining to the project and their compensation entitlements. Requesters fear that this failure to pay particular attention to the needs of vulnerable groups will be borne out in the determination of compensation entitlements as well, preventing vulnerable groups from restoring their livelihoods post-resettlement.
- viii. Requesters fear that the KCCA's rushed, mismanaged and poorly communicated compensation process will lead to inadequate compensation valuations or some requesters being left out of the compensation process entirely, preventing requesters from maintaining or restoring their livelihoods.

c) OP 4.11 - Physical Cultural Resources:

- i. Impacts on grave sites that sit in the path of the channel were not identified or taken into account in the project design.
- ii. No efforts were made to mitigate or otherwise address impacts to grave sites that lie in the path of the planned channel expansion.

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<sup>10</sup> This also violates Requesters' right to adequate housing and right to an adequate standard of living under the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Uganda is a party.

## 6. Community demands

Community members seek an opportunity to consult with World Bank and KCCA officials to jointly devise solutions for each of the above issues. Major minimum requirements for any fair solution include:

- a) The project should be investigated and evictions halted until affected people are informed about the project and consulted about its impacts and needed mitigation measures, and consulted on the formation of a resettlement action plan that addresses the concerns of local residents.
  - i. Information disclosure and consultation must be done in a form and manner that is understandable to affected people, including providing detailed verbal explanations to illiterate or semi-literate people and providing documents in Luganda.
  - ii. Affected people should be consulted on the project's design so that anyone who is not offered resettlement compensation can understand the expected impacts to the area and participate in discussions to decide the needed mitigation measures.
  - iii. Information on compensation rates must be disclosed in a form and manner understandable to local people *before* they are invited to sign their consent to a given individual compensation amount.
  - iv. The land to be taken for the channel expansion should be clearly demarcated so that all local people are aware of the parameters of the project.
- b) KCCA should formally withdraw all eviction notices served to community members. No evictions should take place until after full compensation has been provided to all impacted households.
- c) The requesters must be provided with sufficient compensation and resettlement assistance to restore their livelihoods to the level they enjoyed before the KIIDP-1 project was initiated. To accomplish this, the KCCA must conduct a new survey that includes all affected people and follows proper protocols.
- d) A new grievance redress committee should be established through a fair election by affected people, overseen by the Local Council.

- d) Resettlement assistance should be designed in consultation with local people to avoid the mistakes made in past resettlement programs that fell short of restoring livelihoods. For example:
  - i. Compensation processes should be aimed at ensuring that families are included and able to share in the benefits, rather than being provided to the head of household only, which can contribute to conflicts. For example, the KCCA should encourage both spouses to sign compensation documents and attend related meetings and it should provide compensation funds into jointly owned bank accounts.
  - ii. Affected people should be provided with livelihood support during the transition period after they are relocated and until they are able to establish an alternative livelihood, including scholarships for their children.
  - iii. Affected people should be provided with effective compensation at full replacement cost for loss of assets.
  - i. The needs of vulnerable groups within the community, including elderly households, should be given particular consideration and incorporated into resettlement assistance offerings.
  - ii. Any resettlement assistance should include social support programs such as stress management, anger management and domestic violence sensitization programming to reduce common social problems that can accompany physical displacement.
  - iii. Any resettlement assistance should include support to start up a Women's Savings Co-operative.
- b) The Entire community should be resettled since the area immediately surrounding the drainage channel is likely to be rendered uninhabitable due to increased flooding and health and safety issues.
- f) The World Bank and KCCA should use the KIIDP-2 resettlement process as an opportunity to address the outstanding issues from KIIDP-1 that were never resolved. As a first step, the World Bank should hire a reputable international organization to conduct an audit of the KIIDP-1 resettlement process for Kawaala Zone II residents to identify the full extent of the problems.
- g) The World Bank must improve its supervision of this Project to ensure that the above conditions are met, including incorporating site visits and meetings to hear directly from affected people, rather than relying on KCCA as its sole source of information.

- h) To the extent that the COVID pandemic is preventing the KCCA from carrying out, and preventing the World Bank from effectively supervising, a fair and safe resettlement process in line with the above minimum requirements, the drainage channel construction should be halted until such time as the risk level has decreased.

The construction of the Lubigi drainage channel expansion under KIIDP-2 should only move forward once the above demands are addressed. For the reasons above, we request that the World Bank Inspection Panel conduct an investigation into the matter.

Please send correspondence in both the English and Luganda languages via electronic email to all stakeholders.

**Submitted by Witness Radio – Uganda**  
**For Kawaala Zone II victims.**  
**Supported by Accountability Counsel**