

IPN REQUEST RQ 14/07

September 28, 2015

NOTICE OF REGISTRATION

Request for Inspection

REPUBLIC OF UGANDA: Transport Sector Development Project - Additional Financing (P121097)

Request for Inspection

On December 19, 2014, the Inspection Panel (“the Panel”) received a Request for Inspection (“the Request”) of the Uganda Transport Sector Development Project - Additional Financing (the “Project”), sent by community members of the town of Bigodi in Uganda. At the time, World Bank Management was not informed about these concerns. The Panel therefore did not register the Request in order to provide Bank Management with an opportunity to address the concerns.

On September 11, 2015, the Panel received another Request for Inspection from three representatives of the Bigodi and Nyabubale-Nkingo communities in Uganda (“the Requesters”), raising similar concerns. The Request included, as an attachment, hand written notes from fifty-eight community members detailing adverse impacts allegedly caused by the Project. The Requesters asked to keep their identities confidential and appointed a local CSO, Joy for Children Uganda, to act on their behalf.

The Requesters state that they are not satisfied with Bank Management’s actions so far, and raise numerous serious allegations including underage sex and teenage pregnancy caused by road workers, increased sex work, the spread of HIV/AIDS, sexual harassment of female employees, child labor, school drop-outs, inadequate resettlement practices, fear of retaliation, lack of participation, poor labor practices, and lack of road safety.

The Project

The Project is an IDA Credit of US\$190 million equivalent approved by the Board of Executive Directors (“the Board”) in December 2009. The Additional Financing for the Project, in an amount of US\$75 million equivalent, was approved by the Board in June 2011, and is expected to close in December 2016.

The Project development objectives are “to improve the connectivity and efficiency of the transport sector through: (i) improved condition of national road network, (ii) improved capacity for road safety management; and (iii) improved transport sector and national road management.”¹

The original Project had five components: (a) Upgrading and Rehabilitation of National Roads, including the Gulu-Atiak and Vurra-Arua-Oraba roads (159 km); (b) Enhanced Road Safety, including the establishment of National Road Safety Authority (NRSA) and making the crash data base operational; (c) Preparation of the Kampala Urban Transport Project, and the legislation and establishment of the Metropolitan Area Transport Authority (MATA); (d) Support to the Ministry of Works and Transport (MoWT) to focus on its core function of policy setting, strategic planning, sector oversight and monitoring; and (e) Support to the Uganda National Roads Authority (UNRA) with technical assistance and capacity building activities.

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 UNRA.

According to the Project Paper, the World Bank is partnering with the African Development Bank (AfDB) to finance the entire 209 km road (Fort Portal-Nyakita). The AfDB is financing the first 143 km section (Kamwenge-Nyakita) and the World Bank is financing the remaining 66 km section (Kamwenge-Fort Portal), the focus of this Request.

The Project was assigned an Environmental Category B and triggered the following safeguard policies: OP/BP 4.01 Environmental Assessment; OP/BP 4.04 Natural Habitats; OP/BP 4.36 Forests; OP/BP 4.11 Physical Cultural Resources; and OP/BP 4.12 Involuntary Resettlement.² The Environmental and Social Impact Assessment and Resettlement Action Plan prepared for the Project were first commissioned by the AfDB and later updated to comply with World Bank safeguard policies.

Concerns Raised in the Request

The Requesters first note their appreciation that the World Bank is financing the upgrading of the Kamwenge – Fort Portal road. However, they raise several concerns, many of which they attribute to the behavior of the Project’s road construction workers, as follows:

A) Negative Impacts of a Sexual Nature (including child sexual abuse)

- Underage sex and teenage pregnancy: The Requesters claim that the road workers are engaging in underage sex with the community’s children and that teenage pregnancies are on the rise. According to them, seven girls from the Rwengobe

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

² Integrated Safeguards Data Sheet, Appraisal Stage, World Bank, May 9, 2011, p.3

Primary School became pregnant in 2014, and since 2013 two girls from the Bigodi School also became pregnant, all allegedly by construction workers.

- Increase in sex work: The Requesters allege that the influx of construction workers, coupled with the lack of labor camps, has contributed to the emergence of sex work, including underage sex work.
- Spread of Sexually Transmitted Diseases (STDs): The Requesters state that the “*absence of a workplace health policy and HIV/AIDS workplace policy*” have led to the spread of sexually transmitted diseases, especially HIV/AIDS.
- Sexual harassment: There is reported sexual harassment of female employees, who due to the fear of losing their jobs and lack of employment alternatives, remain in a vulnerable position.

B) Child Labor and School Drop-outs:

- Child labor: The Requesters maintain that there has been a rise in informal businesses along the road, which has attracted children to work as vendors and car washers. They allege that one child was employed in the construction of the road and when the school became aware the child was fired and given no support to go back to school.
- School drop-outs: The Requesters point out that there is a high degree of absenteeism and school drop-out rates due to teenage pregnancies and child labor. They allege that eight girls from Bigodi and Rwengobe Primary Schools were reported pregnant and have dropped out of school.

C) Poor Resettlement Practices

- Lack of compensation: The Requesters allege that many landowners along the road and in trading centers were not compensated, including 100 affected people in Burisiba. They also allege that some of the buildings along the road have suffered cracks due to vibrations and one building was completely destroyed, but the owners were not compensated. The Requesters explain that some properties have devalued due to a reduction in plot sizes and to power lines being shifted to the top of the buildings, and add that the owners were not compensated for these impacts. They mention cases in which the new stringing of power lines has made the houses unsafe for habitation.
- Inadequate compensation: The Requesters allege that many landowners have not been compensated in a manner that enables them to “procure an equivalent piece of land or put up a similar structure.” They state that the compensation varies even in the case of landowners in the same location and that the process is corrupt.

D) Fear of retaliation and lack of participation and access to recourse

- Fear of retaliation: The Requesters claim that people do not complain about the Project due to fear of harassment and retaliation.
- Lack of participation and access to recourse: The Requesters state that “there are no dialogue meetings where the affected could be allowed to air their views” and that only compromised (*sic*) community representatives are invited to meetings. They explain that UNRA and the contractor seem uninterested in their concerns, and responsible staff cannot be approached as they do not speak the local language. The Requesters also claim that complainants incur high expenses to follow-up on their cases and only wealthy landowners can afford court proceedings.

E) Poor Labor Conditions

- Lack of human resources policy and inadequate labor practices: The Requesters claim that the contractor lacks a human resources policy and the contractor fails to comply with the country's labor laws. According to them, "workers are forced to work for long hours" and the salary paid is "not enough to match the cost of living."
- Lack of labor camps: The Requesters point out that the contractor lacks a labor camp for the African workforce, and as a result, the labor force is able to mix with the community and "many wrongdoers pose as workers in the community."

F) Lack of Road Safety Measures

- Increased road accidents: The Requesters consider that "due to the lack of safety measures, such as humps and road signs" there has been an increased number of accidents along the road, some of them caused by the fact that the contractor's vehicles "move without lights at night." They allege that victims of the accidents go uncompensated.

Initial Due Diligence

The Panel has verified that the Request meets the requirements for registration: (i) the Request is not frivolous, absurd or anonymous, (ii) the Project appears to be supported, or is being considered for support, at least in part by the Bank, (iii) at least one component of the Project, which is the subject of the Request, can be plausibly linked to the alleged harm, (iv) Bank's financing for the Project is not closed, (v) the disbursement of the Bank's financing is less than 95%, (vi) the subject matter of the Request does not concern issues of procurement, and (vii) the Request is not the same as a previous Request on which the Panel has already made a recommendation.

The concerns raised in the Request were brought to World Bank Management's attention when the Request was first submitted to the Panel in December 2014. The Panel understands that the Bank undertook several missions after this date. In the Request received by the Panel on September 11, 2015, the Requesters claim that their attempts to raise concerns with the World Bank and the Uganda National Roads Authority "*have not led to a response that addresses their needs.*"

To better understand the Project and the issues raised in the Request, the Panel met with Bank Management on September 18, 2015. Bank Management informed the Panel about the Bank's missions to the communities along the road supported by the Project and the action plan prepared to address the concerns raised. Bank Management also noted that they have taken the allegation of child abuse seriously and are taking actions to tackle this problem, such as expanding the HIV services to include a focus on children in their sensitization campaigns, and preparing zero tolerance brochures.

Registration of the Request

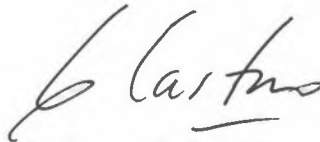
As provided in paragraph 17 of the IDA Resolution (“the Resolution”) that established the Panel, *“the Chairperson of the Panel shall inform the Executive Directors and the President of the Bank promptly upon receiving a request for inspection.”* With this notice, I am notifying you that I have, on September 28, 2015, which is also the date of this notice, registered this Request in the Inspection Panel Register. The Panel’s registration implies no judgment whatsoever concerning the merits of a Request for Inspection. As provided in paragraph 18 of the Resolution, and paragraphs 2 and 8 of the *“Conclusions of the Board’s Second Review of the Inspection Panel”* (the 1999 Clarification), Bank Management must provide the Panel, by October 28, 2015, 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 paragraphs 3 and 4 of the 1999 Clarification.

After receiving the Management Response, the Panel will, as outlined in the 1999 Clarification and as provided by paragraph 19 of the Resolution, *“determine whether the Request meets the eligibility criteria set out in paragraphs 12 to 14 [of the Resolution] and shall make a recommendation to the Executive Directors as to whether the matter should be investigated.”*

All communications in connection with the Request will be sent to the contact persons appointed by the Requesters.

The Request has been assigned IPN Request Number RQ 14/07.

Yours sincerely,



Gonzalo Castro de la Mata
Chairman

Attachments

Mr. Jim Yong Kim, President
International Development Association

The Executive Directors and Alternates
International Development Association

Mr. Ntenga Moses
Executive Director
Joy for Children Uganda, Kampala, Uganda